

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, OCTOBER 15, 2013

SESSION OF 2013 197TH OF THE GENERAL ASSEMBLY

No. 59

SENATE

TUESDAY, October 15, 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 WILLIAM KRENZ, Pastor Emeritus of Halifax Lutheran Parish, Halifax, offered the following prayer:

Let us pray.

God of grace and glory, move us again to reflect Your vision of shalom for every resident of this Commonwealth. Creator God, renew our vocation as stewards of Penn's Woods, water, air, and beauty. God of justice and mercy, give us eyes to see sisters and brothers who are in need, neighbors who long for adequate homes, affordable healthcare, excellence in education, meaningful work, and nutritional meals.

God, the source of wisdom, help us to reflect the curiosity and courage of Columbus, Henry the Navigator, da Gama, Dias, Magellan, while avoiding their cultural arrogance. Help us to discover new ways to work with every Member of this Senate for the common good, and help us to explore wise ways to serve Pennsylvania with humility, thanksgiving, and joy. Amen.

The PRESIDENT. The Chair thanks Reverend Krenz, who is the guest today of Senator Teplitz.

PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE BOARD OF
TRUSTEES OF SELINGSGROVE CENTER

October 3, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nancy L. Hanselman, RN, 158 Oak Drive, Selingsgrove 17870, Snyder County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January 2019, and until her successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE BOARD OF
TRUSTEES OF SELINGSGROVE CENTER

October 3, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ann I. Shadel Sierer, 1200 Leese Hollow Road, Mt. Pleasant Mills 17583, Snyder County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January 2019, and until her successor is appointed and qualified.

TOM CORBETT
Governor

MAGISTERIAL DISTRICT JUDGE

October 4, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Lehigh, Magisterial District 31-3-03, to serve until the first Monday of January 2014, vice The Honorable David B. Harding, resigned.

TOM CORBETT
Governor

COMMONWEALTH TRUSTEE OF THE
UNIVERSITY OF PITTSBURGH OF
THE COMMONWEALTH SYSTEM OF
HIGHER EDUCATION

October 7, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sy Holzer, 545 Miranda Drive, Pitts-

burgh 15241, Allegheny County, Thirty-seventh Senatorial District, for reappointment as Commonwealth Trustee of the University of Pittsburgh of the Commonwealth System of Higher Education, to serve until October 5, 2017, and until his successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF LINCOLN UNIVERSITY

October 8, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Lincoln University, to serve until August 31, 2017, and until her successor is appointed and qualified, vice Robert F. Powelson, Kennett Square, resigned.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

October 9, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Colleen A. Sheehan, 805 Brower Road, Wayne 19087, Chester County, Seventeenth Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 2019, or until her successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE STATE CHARTER
SCHOOL APPEAL BOARD

October 11, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Laurie H. Henry, 6547 Baywood Drive, Harrisburg 17111, Dauphin County, Fifteenth District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2014, or until her successor is appointed and qualified, vice Angela Marks, Merion Station, resigned.

TOM CORBETT
Governor

MEMBER OF THE STATE CHARTER
SCHOOL APPEAL BOARD

October 11, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lee Ann Munger, 232 Ingram Avenue, Pittsburgh 15205, Allegheny County, Forty-second Senator District, for reappointment as a member of the State Charter School Appeal Board, to serve until June 14, 2017, or until her successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE PENNSYLVANIA
TURNPIKE COMMISSION

October 11, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Pasquale T. Deon, Sr., 1655 Carlene Court, Langhorne, 19047, Bucks County, Sixth Senatorial District, for reappointment as a member of the Pennsylvania Turnpike Commission, to serve for a term of four years or until his successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE STATE HORSE
RACING COMMISSION

October 15, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jonathan H. Newman, Esquire, 1079 Baron Drive, Bryn Mawr 19010, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Horse Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, vice Ray Hamm, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE HORSE
RACING COMMISSION

October 15, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Corinne R. Sweeney, D.V.M., 112 Barnview Drive, Kennett Square 19348, Chester County, Ninth Senatorial District, for reappointment as a member of the State Horse Racing Commission, to serve for a term of three years and until her successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE COUNCIL OF TRUSTEES
OF MANSFIELD UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

October 15, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, for appointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until January 20, 2015, and until his successor is appointed and qualified, vice Charles R. Ike, Clarks Summit, resigned.

TOM CORBETT
Governor

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:

October 7, 2013

Senators FARNESE, BREWSTER, HUGHES, BOSCOLA and STACK presented to the Chair **SB 1095**, entitled:

An Act amending Titles 27 (Environmental Resources) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in costs and fees, further providing for participation in environmental law or regulation; repealing provisions relating to participation in environmental law or regulation; and, in particular rights and immunities, providing for participation in law or regulation related to an issue in the public interest.

Which was committed to the Committee on JUDICIARY, October 7, 2013.

Senators HUTCHINSON, ALLOWAY, ARGALL, BRUBAKER, COSTA, ROBBINS and WHITE presented to the Chair **SB 1119**, entitled:

An Act amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, further providing for inspection and production of materials, witnesses, depositions and rights of entry.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 7, 2013.

Senator ARGALL presented to the Chair **SB 1124**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in prothonotary, clerks of court, clerk of orphan's court, register of wills and recorder of deeds, further providing for how offices to be held.

Which was committed to the Committee on LOCAL GOVERNMENT, October 7, 2013.

October 9, 2013

Senators ROBBINS, PILEGGI, SOLOBAY, STACK, ALLOWAY, BRUBAKER, ERICKSON, FONTANA,

MENSCH, RAFFERTY, TEPLITZ, VULAKOVICH, WHITE and YUDICHAK presented to the Chair **SB 1115**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in educational assistance program, further providing for definitions and for amount of grants.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, October 9, 2013.

Senators DINNIMAN, FONTANA, FERLO, RAFFERTY, STACK, VULAKOVICH, SOLOBAY, YUDICHAK, HUGHES, BREWSTER, COSTA and BRUBAKER presented to the Chair **SB 1117**, entitled:

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, in senior citizens property tax and rent rebate assistance, further providing for filing of claim.

Which was committed to the Committee on FINANCE, October 9, 2013.

Senators BRUBAKER, WHITE, WOZNIAK, BOSCOLA and MENSCH presented to the Chair **SB 1118**, entitled:

An Act amending the act of February 18, 1998 (P.L.146, No.22), known as the Check Casher Licensing Act, further providing for definitions, for authority of the department, for conditions for licensing and for fees and charges; and providing for recovery of losses due to fraudulent misrepresentation.

Which was committed to the Committee on BANKING AND INSURANCE, October 9, 2013.

Senators TEPLITZ, GREENLEAF, FOLMER, VULAKOVICH, SCHWANK, COSTA, BRUBAKER and VANCE presented to the Chair **SB 1128**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for residual funds.

Which was committed to the Committee on STATE GOVERNMENT, October 9, 2013.

October 10, 2013

Senators FERLO, STACK, FONTANA, HUGHES and SOLOBAY presented to the Chair **SB 1120**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in preliminary provisions, further providing for definitions; in rules of the road in general, providing for solid waste collection vehicles; in miscellaneous provisions, further providing for the offense of homicide by vehicle and for the offense of aggravated assault by vehicle; and in lighting equipment, further providing for use and display of illuminated signs.

Which was committed to the Committee on TRANSPORTATION, October 10, 2013.

Senators MENSCH, RAFFERTY, WAUGH, YUDICHAK, WHITE, FOLMER, CORMAN, ARGALL and ALLOWAY presented to the Chair **SB 1121**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in powers and duties, further providing for assessment for regulatory expenses upon public utilities; in restructuring of electric utility industry, further providing for duties of electric distri-

bution companies and providing for next generation default service; and making a related repeal.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, October 10, 2013.

Senators SOLOBAY, COSTA, YUDICHAK, BRUBAKER, VULAKOVICH, RAFFERTY and BREWSTER presented to the Chair **SB 1122**, entitled:

An Act amending the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, further providing for legal advice and civil matters.

Which was committed to the Committee on JUDICIARY, October 10, 2013.

Senators FOLMER, SMITH, FONTANA, VULAKOVICH, ERICKSON, RAFFERTY, YUDICHAK, WOZNAK, WHITE, GREENLEAF, PILEGGI, BAKER, MENSCH and WILEY presented to the Chair **SB 1123**, entitled:

An Act establishing the Pennsylvania Long-term Care Council; providing for its powers and duties; and repealing related provisions of the Public Welfare Code.

Which was committed to the Committee on AGING AND YOUTH, October 10, 2013.

Senators DINNIMAN, ALLOWAY, ERICKSON, VOGEL, GREENLEAF and WOZNAK presented to the Chair **SB 1126**, entitled:

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for definitions, for issuance of dog licenses, for kennels, for revocation or refusal of kennel licenses, for additional duties of the department, for seizure and detention of dogs, for provisions relating to dog bites, for disposition of fines and penalties and for reports to General Assembly.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, October 10, 2013.

Senators FERLO and FONTANA presented to the Chair **SB 1127**, entitled:

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

Which was committed to the Committee on FINANCE, October 10, 2013.

October 15, 2013

Senator TEPLITZ presented to the Chair **SB 906**, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, providing for emergency services reimbursement.

Which was committed to the Committee on LOCAL GOVERNMENT, October 15, 2013.

Senators WARD, WHITE, ERICKSON and HUTCHINSON presented to the Chair **SB 1130**, entitled:

An Act amending the act of July 11, 1996 (2nd Sp.Sess., P.L.1879, No.10), known as the Flood Insurance Education and Information Act, further providing for flood insurance education and information.

Which was committed to the Committee on BANKING AND INSURANCE, October 15, 2013.

Senators ARGALL, ERICKSON, RAFFERTY, ALLOWAY, WHITE, KASUNIC and BRUBAKER presented to the Chair **SB 1131**, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, in weights and measures, further providing for potatoes.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, October 15, 2013.

RESOLUTIONS INTRODUCED AND REFERRED

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

October 15, 2013

Senators FOLMER, WHITE, ALLOWAY and SMUCKER presented to the Chair **SR 207**, entitled:

A Resolution directing the Joint State Government Commission to conduct a comprehensive study of the costs and efficiencies of the requirements under Pennsylvania's public construction laws.

Which was committed to the Committee on STATE GOVERNMENT, October 15, 2013.

Senators TEPLITZ, STACK, KASUNIC, WASHINGTON, ARGALL, SMITH, SCHWANK, BREWSTER, FARNESE, HUGHES, FERLO, COSTA, SOLOBAY, BLAKE, LEACH, TARTAGLIONE, YUDICHAK, FONTANA, BOSCOLA, WILEY and KITCHEN presented to the Chair **SR 225**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to conduct an evaluation of the Department of Public Welfare's Human Services Block Grant Pilot Program.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, October 15, 2013.

HOUSE MESSAGE

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:

October 10, 2013

HB 28 -- Committee on Law and Justice.

HB 111 and **974** -- Committee on Education.

HB 612 -- Committee on Consumer Protection and Professional Licensure.

HB 1090, **1504** and **1594** -- Committee on Judiciary.

HB 1189 and **1216**-- Committee on Finance.

HB 1523 -- Committee on Local Government.

GENERAL COMMUNICATIONS

**2014-15 BUDGET REQUEST
OF THE OFFICE OF CONSUMER ADVOCATE**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA
Office of Consumer Advocate
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923

October 2, 2013

Hon. Thomas W. Corbett, Jr.
Governor of Pennsylvania
Commonwealth of Pennsylvania
Room 225, Main Capitol Bldg.
Harrisburg, PA 17120

Hon. Joseph B. Scarnati, III
President Pro Tempore
Senate of Pennsylvania
Room 292, Main Capitol Bldg.
Harrisburg, PA 17120

Hon. Samuel H. Smith
Speaker
House of Representatives
Room 139, Main Capitol Bldg.
Harrisburg, PA 17120

Dear Gentlemen:

Enclosed with this letter is the Budget Request of the Office of Consumer Advocate (OCA) for Fiscal Year 2014-2015.

The present budget request is submitted pursuant to Act No. 25 of July 20, 1983. *The OCA budget is not derived from the General Fund*, but is funded through a direct assessment on the companies that are under the jurisdiction of the Pennsylvania Public Utility Commission (PUC).

Please contact me if you have any questions about the OCA's budget request or about the Office of Consumer Advocate.

Sincerely,

TANYA J. McCLOSKEY
Acting Consumer Advocate

The PRESIDENT. This report will be filed in the Library.

**PENNSYLVANIA CLIMATE IMPACTS
ASSESSMENT UPDATE**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA
Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063

October 7, 2013

Megan Totino Consedine
Secretary of the Senate
462 Main Capitol
Harrisburg, PA 17120-3053

To the General Assembly:

Enclosed please find the "Pennsylvania Climate Impacts Assessment Update." The report, prepared by the Environmental & Natural Resources Institute at Penn State University, is required under Section

3 of the Pennsylvania Climate Change Act (Act 70 of 2008) and evaluates the economic opportunities and potential impacts of climate change on the Commonwealth. In accordance with Section 3 of Act 70, the report addresses the following:

- (1) Scientific predictions regarding changes in temperature and precipitation patterns and amounts in Pennsylvania that could result from climate change. Such predictions reflect the diversity of views within the scientific community.
- (2) The potential impact of climate change on human health, the economy and management of economic risk, forests, wildlife, fisheries, recreation, agriculture and tourism in Pennsylvania and any significant uncertainties about the impact of climate change.
- (3) Economic opportunities created by the potential need for alternative sources of energy, climate-related technologies, services and strategies; carbon sequestration technologies; capture and utilization of fugitive greenhouse gas emissions from any source; and other mitigation strategies.

While the report contains valuable information, it is important to note that significant changes to the energy and environmental landscape have occurred since its compilation. Such changes include the actual or announced deactivation or permanent shutdown of many major coal-fired power plants as well as an increase in electricity generated by natural gas-fired units. Additionally, significant regulatory changes have been and continue to be made by the Department of Environmental Protection (DEP) under the direction of Governor Tom Corbett that reduce the impacts of climate change.

Governor Corbett's administration has taken significant steps to ensure the responsible development, transmission and use of natural gas. Notably, DEP recently finalized a revised general permit for Natural Gas Compression and/or Processing Facilities that established best available technology requirements that will significantly lower allowable emissions from equipment located at these facilities. DEP also finalized stringent air quality criteria for well drilling and associated development processes. These state initiatives will require leak detection and repair programs to be implemented, further minimizing fugitive emissions of methane and volatile organic compounds, and improving Pennsylvania's air quality.

We thank the authors of the report for their assistance in identifying and documenting the potential impacts of climate change in Pennsylvania. We look forward to building upon the recommendations it contained, as well as strengthening an effective regulatory program that continues to foster economic growth in the state while improving air quality and protecting the environment.

Sincerely,

E. CHRISTOPHER ABRUZZO
Acting Secretary

The PRESIDENT. This report will be filed in the Library.

STATE ETHICS COMMISSION RULINGS

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA
State Ethics Commission Rulings
P.O. Box 11470
Harrisburg, PA 17108

TO: Director or Administrator
FROM: Robert Caruso, Executive Director
State Ethics Commission
DATE: October 11, 2013
RE: Distribution of State Ethics Commission Rulings

On June 26, 1989, the revised Public Official and Employee Ethics Law was enacted which re-authorized the State Ethics Commission. The State Ethics Commission is responsible for issuing various types of rulings on matters within its mandated jurisdiction. Pursuant to the law,

the Commission is mandated to forward, quarterly, a copy of every Opinion, Advice of Counsel, and Order issued to one law library in each county, one public library in each county, the State Library, the State Senate Library, each authority appointing a Commission member, the Pennsylvania Association of County Commissioners, the Pennsylvania Association of Boroughs, the Pennsylvania State Association of Township Supervisors, the Pennsylvania State Association of Township Commissioners, the Pennsylvania State School Boards Association, and the Pennsylvania League of Cities. Your agency is either specifically identified in the above requirement or has been selected as a library to which this mailing will be made pursuant to the above authority. As such, enclosed please find decisions of the State Ethics Commission from July 1, 2013 to September 30, 2013. Due to budgetary restraints, a CD containing said rulings will replace paper copies that were previously sent.

For your information, the Commission generally issues these types of decisions as follows:

Commission Opinions - Opinions are advisory rulings issued by the State Ethics Commission regarding the duties and responsibilities of public officials and employees under the Public Official and Employee Ethics Law. Opinions are cataloged by year of issuance followed by the sequential number of the opinion during that year. As such, opinions relating to 2013 will begin with the number 13-001 and proceed there from as decisions are rendered.

Advice of Counsel - The Commission's Chief Counsel is authorized to issue similar advisory letters. Such letters are issued generally when there is prior precedent for counsel to rely upon in issuing a decision or when the provisions of the State Ethics Act directly provide the answer to the question posed. Advice of Counsel letters are numbered with the year and a 500 series number that progresses in order therefrom as rulings are issued. If more than 100 such letters are issued, a 600 series number will then be used.

Orders - Commission orders are issued at the end of an investigation and are determinations as to whether or not there has been a violation of the State Ethics Act. Commission orders are categorized numerically from the date of the first order in 1979. That is, the first Order issued was Order No. 1. All orders proceed there from.

It is recommended that Opinions, Advices of Counsel and Orders be maintained separately (in numerical order) so as to afford better retrievability.

The enclosed items are being forwarded for retention, cataloging and for the purpose of being publicly available for review by citizens of the Commonwealth of Pennsylvania who may have an interest therein. Additional mailings will be made on a quarterly basis henceforth. If you have any questions in relation to your receipt of these documents and future distribution, please contact me at 717-783-1610 or 800-932-0936. For your information, all Commission rulings are available on-line at www.ethics.state.pa.us.

The PRESIDENT. This report will be filed in the Library.

APPOINTMENT BY THE MINORITY LEADER

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointment:

Mr. Edward J. Litchko as a member of the Insurance Fraud Prevention Authority.

BILLS REPORTED FROM COMMITTEE

Senator RAFFERTY, from the Committee on Transportation, reported the following bills:

SB 1108 (Pr. No. 1472) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for special plates for individuals in the service of the United States Merchant Marine.

HB 1060 (Pr. No. 2014)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for display of registration plate.

HB 1263 (Pr. No. 2021)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions; and providing for transfer of ownership of vehicles used for human habitation.

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 McIlhinney, and a legislative leave for Senator Tomlinson.

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

Senator COSTA. Mr. President, I request a temporary Capitol leave for Senator Stack.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator McIlhinney, and a legislative leave for Senator Tomlinson.

Senator Costa requests a temporary Capitol leave for Senator Stack.

Without objection, the leaves will be granted.

SENATE CONCURRENT RESOLUTION

WEEKLY RECESS

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

In the Senate, October 15, 2013

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, October 21, 2013, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, October 21, 2013, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

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

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

GUESTS OF SENATOR ELISABETH J. BAKER PRESENTED TO THE SENATE

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

Senator BAKER. Mr. President, I rise today to introduce John Gower, who is here shadowing me today. He is a senior at Crestwood High School in Mountain Top. He is visiting the Capitol with his parents, Ed and Joan Gower, and they live in White Haven, Luzerne County. John is very active in sports, school, and church. He has played varsity baseball and has also participated on an American Legion baseball team. Next month, he will be playing the lead role in the school musical "Annie Get Your Gun." He is a peer mediator and is involved in the International Student Leadership Institute, a program of the Diocese of Scranton that helps to build character, values, and leadership among our youth. He plans to attend college and pursue a degree in political science and economics, and he is hoping to attend law school.

So, I ask you all to join me in welcoming John Gower and his family, who are visiting today from Luzerne County.

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

(Applause.)

Senator BAKER. Mr. President, I would also like to introduce two other guests who are here today, Lauren Williams, who is the director of Military and Veteran Services at Marywood University, and Joseph DeLaurentis, who is a student veteran at Marywood University studying for his bachelor's degree in business management. Joseph served two deployments in Iraq, where he was an international drug enforcement officer. They are here today to appear on a television program highlighting the need for educational services for our returning veterans who are transitioning from combat to college.

So, I ask you to join me in giving a warm welcome to Joseph and Lauren and our friends from Marywood University.

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

(Applause.)

GUESTS OF SENATOR JAY COSTA PRESENTED TO THE SENATE

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

Senator COSTA. Mr. President, it is my great pleasure to again welcome to the Senate students from the Western Pennsylvania School for the Deaf. The school is located in my Senate district, and I have been a welcomed visitor to this school on

many, many occasions over the years. WPSD is located on a 21-acre campus that is readily accessible to all students who come from all corners of Pennsylvania. The energy of the students, the power on the campus, they make it a center for learning and for growth. The school and its students, its faculty, and administration are open and warm and a real asset to not only southwestern Pennsylvania, but our entire Commonwealth. The WPSD is fully accredited and the largest center of deaf education in Pennsylvania. WPSD students live in dorms on campus and others commute to campus, and they have all been an integral part of the fabric of education in western Pennsylvania for many, many years. The school, under the excellent leadership of Dr. Don Rhoten, and the students are exceptional. They are active in sports and they are active in the arts. They are involved and they are dynamic. They are enthusiastic about learning and learning experiences, and they experience new things and take advantage of many, many opportunities.

I think I can speak for all of the Senators in this Chamber when I say that we are pleased that the WPSD students are here and visiting with us today. It is truly our pleasure to have them here and to share the Senate operations with them. I would like to introduce all of the students who traveled here today and which Senator's district they actually live and reside in. Mr. President, the fifth-graders we have here with us are: Olivia Larson, from Senator Vogel's district; Jenna D'Amore, from Senator Vulakovich's district; Tori Pryor, from Senator Brewster's district; and Ayesha Austin, from Senator Fontana's community. The sixth-graders here today are: James Carr and Xiaoli Carr, both from Senator Brewster's district; Danielle Fisher, who resides in the 43rd Senatorial District, my district; Derek Forrester, from Senator Eichelberger's district; Lara Geary, from Senator Vulakovich's district; Emily Oesterling, from Senator White's district; Summer Olszewski, from Senator Kasunic's district; Rosie Santucci, from Senator Fontana's district; and Dylan Zurawski, from Senator Vulakovich's district.

Mr. President, again, I welcome the students, teachers, and administrators who all came to Harrisburg to visit the Senate. I ask my colleagues in the Senate to give the WPSD its usual warm welcome, which we can do through the use of "jazz hands." So I ask that all of the Senators now on the floor turn and face the students in the gallery and raise your hands to your shoulder level and fan your hands out and wave your hands in this fashion.

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

("Jazz hands" sign language applause.)

Senator COSTA. Mr. President, thank you very much. Thank you, to my colleagues.

GUESTS OF SENATOR ROBERT F. TEPLITZ PRESENTED TO THE SENATE

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

Senator TEPLITZ. Mr. President, I have two guests today. Reverend William Krenz is our Chaplain of the Senate today. He is the Pastor Emeritus of Halifax Lutheran Parish, and he is here with us on the floor. His wife, Rosemary, is up in the gallery. Both of them are very active members of the Halifax community and have been very welcoming to me as their new Senator up in

that part of my district in northern Dauphin County. I would appreciate it if the Senate could give Reverend Krenz and Mrs. Krenz our usual warm welcome.

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

GUESTS OF SENATOR JUDY SCHWANK PRESENTED TO THE SENATE

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

Senator SCHWANK. Mr. President, I am delighted this afternoon to welcome a group of women from all around Pennsylvania who are members of the Pennsylvania Federation of Democratic Women. These are women who are making a difference, not only on the political scene, but also in their communities, working on policies and other issues that matter to their communities. The following are with us here today: Michelle Selitto, Susan Rutt, Olga Gonzalez, Susan Stoltzfus, Mildred Dixon, and Leslie Altieri. Mr. President, I ask my colleagues to welcome these ladies to our Senate. Thank you.

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

(Applause.)

LEGISLATIVE LEAVE CANCELLED

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

RECESS

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

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

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

Senator COSTA. Mr. President, at the conclusion of the meeting of the Committee on Appropriations, the Senate Democrats will meet in our caucus room at the rear of the Chamber.

The PRESIDENT. For purposes of a meeting of the Committee on Appropriations, to be followed by Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request temporary Capitol leaves for Senator Folmer and Senator White.

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

Senator COSTA. Mr. President, I request temporary Capitol leaves for Senator Kitchen, Senator Washington, and Senator Williams.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Folmer and Senator White.

Senator Costa requests temporary Capitol leaves for Senator Kitchen, Senator Washington, and Senator Williams.

Without objection, the leaves will be granted.

LEGISLATIVE LEAVE CANCELLED

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS AMENDED

SB 28 (Pr. No. 1421) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, further providing for the offense of simple assault and for the offense of aggravated assault; and, in falsification and intimidation, providing for the offense of false reports of child abuse and for the offense of intimidation or retaliation in child abuse cases.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BROWNE offered the following amendment No. A3862:

Amend Bill, page 8, line 27, by striking out "6303(b)" and inserting:

6303(b.1)

Amend Bill, page 11, lines 29 and 30, by striking out "JANUARY 1, 2014, or" in line 29 and all of line 30 and inserting:

as follows:

(1) The amendments of sections 2701 and 2702 and this section shall take effect immediately.

(2) The remainder of this act shall take effect January 1, 2014.

On the question,

Will the Senate agree to the amendment?

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Tomlinson has returned, and his legislative leave is cancelled.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

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

SB 31 (Pr. No. 1430) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing

for definitions, for persons required to report suspected child abuse and for reporting procedure; and repealing provisions relating to definitions, school employees, administration, investigation, responsibilities of county agency for child protective services and report information.

On the question,

Will the Senate agree to the bill on third consideration?

Senator FONTANA offered the following amendment No. A3868:

Amend Bill, page 2, lines 6 through 21, by striking out all of said lines

Amend Bill, page 4, line 17, by inserting after "and ":
restricts visitation to include supervised custody or

Amend Bill, page 6, by inserting between lines 11 and 12:
"Independent contractor." An individual who provides a program, activity or service to an agency, institution, organization or other entity, including a school or regularly established religious organization, that is responsible for the care, supervision, guidance or control of children. The term does not include an individual who has no direct contact with children.

Amend Bill, page 8, lines 4 through 8, by striking out "that" in line 4, all of lines 5 through 7 and "the child" in line 8 and inserting:
[and employees]

Amend Bill, page 15, lines 6 and 7, by striking out all of said lines and inserting:

report of suspected child abuse to the department via the Statewide toll-free telephone number under section 6332 (relating to establishment of Statewide toll-free telephone number) or a written report using electronic technologies under section 6304 (relating to electronic reporting).

Amend Bill, page 15, line 18, by inserting after "notify":
immediately thereafter

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL OVER IN ORDER TEMPORARILY

HB 79 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILLS OVER IN ORDER

HB 88, HB 89, SB 391 and HB 421 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL AMENDED

HB 493 (Pr. No. 771) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, in capital facilities, further providing for definitions and for legislative procedures, for reports related to redevelopment assistance capital projects and for appropriations and limitations on projects; providing for review of proposals; and further providing for funding and administration of projects.

On the question,

Will the Senate agree to the bill on third consideration?

Senator PILEGGI, on behalf of Senator CORMAN, offered the following amendment No. A3897:

Amend Bill, page 1, line 5, by striking out the comma after "facilities" and inserting a colon

Amend Bill, page 1, line 6, by striking out the comma after "definitions" and inserting:

and

Amend Bill, page 1, line 6, by striking out the comma after "procedures" and inserting:

; providing for procedures for capital budget and for capital project itemization bill; and further providing

Amend Bill, page 3, line 9, by inserting a bracket before "designated"

Amend Bill, page 3, line 9, by inserting after "designated":

[itemized

Amend Bill, page 3, by inserting between lines 21 and 22:

"Community asset project." A project which provides significant benefit or improvement to a community. The term includes a cultural, recreational and historical project and any other project of civic significance.

* * *

Amend Bill, page 4, line 13, by inserting a bracket before "projects"

Amend Bill, page 4, lines 13 through 15, by striking out "AND" in line 13, all of line 14 and "ACTIVITY" in line 15 and inserting:

l:

(i) a community asset project; and

(ii) a housing project that will support and generate economic

activity

Amend Bill, page 6, lines 3 through 30; page 7, lines 1 through 30; page 8, lines 1 through 14, by striking out all of said lines on said pages and inserting:

Section 2. Section 303 of the act, amended December 22, 2005 (P.L.454, No.87), is repealed:

[Section 303. Procedures for capital budget bill and debt-authorizing legislation.

(a) Legislative process.--A capital budget prepared in accordance with this chapter shall be submitted for each fiscal year by the Governor to the General Assembly and shall be considered in the form of a bill as provided in Article III of the Constitution of Pennsylvania.

(b) Itemization.--

(1) Except as set forth in paragraph (2), the capital budget bill must specifically itemize, by brief identifying description and estimated financial cost, the capital projects to be financed from the proceeds of obligations of the Commonwealth.

(2) Paragraph (1) does not apply if the itemization is:

(i) contained in or approved by prior legislation referred to in the capital budget bill; or

(ii) included in one or more supplemental capital budget bills.

(3) Projects must be listed in separate categories as well as according to the fund to be charged with the repayment of the obligations to be incurred.

(4) The capital budget bill must state the maximum amount of such obligations which may be incurred in the ensuing fiscal year to provide funds for and towards the financial costs of each category of capital projects, which shall be by the issue of general obligations of the Commonwealth.

(c) Timing.--Each year the Governor shall submit a capital budget bill for the ensuing fiscal year.

(d) Additional bills.--At the time the Governor submits the capital budget or a supplement, the Governor shall, to the extent the debt to be incurred is not within the limits of legislation then in force authorizing the incurring of debt, submit additional bills for each category of capital projects, authorizing the incurring of debt to provide funds for and towards the payment of the financial costs of capital projects in such category which have been specifically itemized in a capital budget for the same or any prior year.

(e) Categories.--Each debt-authorizing bill must do all of the following:

(1) State the category of capital projects to be financed by the debt so authorized but need not enumerate the capital projects to be financed.

(2) Authorize the incurring of debt in not less than the amount of the financial cost of all capital projects in such category not covered by a previous debt authorization, including any overall allowance for

contingencies.

(3) State the estimated useful lives of the capital projects to be financed in such detail as may be requisite if capital projects of varying useful lives are to be combined for financing purposes.

(4) State the maximum term of the debt to be incurred.]

Section 2.1. The act is amended by adding sections to read: Section 303.1. Procedures for capital budget.

(a) Legislative process.--

(1) A capital budget prepared in accordance with this chapter shall be submitted for each fiscal year by the Governor to the General Assembly and shall be considered in the form of a bill as provided in Article III of the Constitution of Pennsylvania.

(2) A capital budget bill under paragraph (1) must state the maximum amount of the obligations which may be incurred in the ensuing fiscal year to provide funds for and towards the financial costs of each category of capital projects, which shall be by the issue of general obligations of the Commonwealth.

(b) Categories.--Each capital budget bill must do all of the following:

(1) State the category of capital projects to be financed by the authorized debt. A capital budget bill shall not have to enumerate the capital projects to be financed.

(2) Authorize the incurring of debt in not less than the amount of the financial cost of all capital projects in the category not covered by a previous debt authorization, including any overall allowance for contingencies.

(3) State the estimated useful lives of the capital projects to be financed in the detail as may be requisite if capital projects of varying useful lives are to be combined for financing purposes.

(4) State the maximum term of the debt to be incurred.

Section 303.2. Capital project itemization bill.

(a) Requirement.--

(1) Except as set forth in paragraph (2), the capital project itemization bill must specifically itemize the capital projects to be financed from the proceeds of obligations of the Commonwealth. Capital project itemization must include all of the following:

(i) A description of the capital project, including the municipality or county in which the capital project is located.

(ii) The estimated financial cost of the capital project.

(2) Paragraph (1) shall not apply if the itemization is: (i) contained in or approved by prior legislation referred to in the capital budget bill or capital project itemization bill; or (ii) included in one or more supplemental capital budget bills or capital project itemization bills.

(3) Capital projects must be listed in separate categories as well as according to the fund to be charged with the repayment of the obligations to be incurred.

(b) (Reserved).

Section 2.2. Section 313.1 of the act, amended December 22, 2005 (P.L.454, No.87), is amended to read:

Amend Bill, page 9, line 26, by striking out "(Reserved)." and inserting:

Limitation.--A redevelopment assistance capital project may not receive funds unless the project was itemized in a capital project itemization bill or a capital budget bill, enacted within ten years of the date the project was approved under this section.

Amend Bill, page 10, line 5, by striking out "an engineer or other" and inserting:

^a Amend Bill, page 11, lines 21 and 22, by striking out all of line 21 and "less" in line 22

Amend Bill, page 13, line 7, by inserting after "process.":

The criteria shall reflect population and geographic distinctions of various communities throughout this Commonwealth.

Amend Bill, page 13, lines 15 through 18, by striking out all of said lines

Amend Bill, page 13, line 19, by striking out "6" and inserting:

5

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

SB 894 and SB 895 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1024 (Pr. No. 1235) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for possession of firearm or other dangerous weapon in court facility, for arson and related offenses and for sentences for second and subsequent offenses; and providing for sentencing for arson offenses.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

Senator RAFFERTY. Mr. President, very briefly on Senate Bill No. 1024, this is the culmination of work entered into with the district attorney of Chester County, Tom Hogan, and his predecessor, Joe Carroll, as well as Greg Rowe from the District Attorneys Association, Senator Pileggi's office, Senator Dinniman's office, Senator Greenleaf's office, and of course my office. This was in response to the terrible and horrendous arson fires in the city of Coatesville and would add a crime of aggravated arson to the law. I ask for an affirmative vote.

And the question recurring,

Shall the bill pass finally?

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

YEA-50

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.

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

SB 1042 (Pr. No. 1432) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of September 26, 1951 (P.L.1539, No.389), known as The Clinical Laboratory Act, further providing for definitions, for inspection, for unlawful conduct and for penalty.

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

On the question,
Shall the bill pass finally?

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

YEA-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.

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

BILLS OVER IN ORDER

SB 1046, SB 1066 and SB 1097 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1481 (Pr. No. 2160) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for electronic delivery of information and posting of policies and endorsements and for risk management and own risk solvency assessment.

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

On the question,
Shall the bill pass finally?

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

YEA-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.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 164, SB 703, SB 704, HB 798, SB 863, SB 1035, SB 1051, SB 1068, SB 1081, SB 1082, HB 1193 and HB 1337 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SENATE RESOLUTION No. 161, ADOPTED

Senator PILEGGI, without objection, called up from page 5 of the Calendar, **Senate Resolution No. 161**, entitled:

A Resolution urging the Congress of the United States to commend Korean-American veterans of the Vietnam Conflict for their valor and loyal service to the United States.

On the question,
Will the Senate adopt the resolution?
A voice vote having been taken, the question was determined in the affirmative.

THIRD CONSIDERATION CALENDAR RESUMED

HB 79 CALLED UP

HB 79 (Pr. No. 58) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator PILEGGI.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 79 (Pr. No. 58) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for compensation and retirement of justices, judges and justices of the peace.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator BOSCOLA. Mr. President, I was pleased to be able to support House Bill No. 79 in the Committee on Judiciary and am happy to support it again on final passage. Years ago, I introduced a companion bill to this legislation in the Senate, Senate Bill No. 368. I did that because I believe that a mandatory retirement age of 70 years old is simply too young in this day and age. One of our most competent jurists in Northampton County, Judge Zito, is leaving the bench and being forced into retirement this year. He has one of the best reputations on the county court. He has been such a committed, strong, hardworking judge. If you look at him, you would think he was 55, and maybe that is because he did aerobics when he was younger, not quite sure about that, but he is definitely, in the Bar Association's mind and also with the county at large and the constituency that he represents, he is known as a remarkable, caring, fair jurist and one of the best we have, and he should not have to be forced into retirement just because he turned 70 years old. The average life expectancy at the time the mandatory retirement provision was written, which was 1968, was 70 years old. Today, life expectancy is 78 years old. By giving judges more time on the bench, it will better serve the Commonwealth and our citizens by giving them more knowledge, experience, and result in a more tempered and seasoned jurist. In addition, forcing a judge into retirement only causes them to be rehired as senior judges. This is costly for the Commonwealth, and I would also like to point out that there is no public input through the election process of individuals who are serving as senior judges.

Finally, mandatory retirement is generally illegal in the United States. Many States, as well as the Federal judiciary, have no mandatory retirement age. We should follow suit in Pennsylvania. I would also like to point out that because it is a constitutional change, it has to pass two consecutive Sessions of the legislature. This would be the first Session. Hopefully, next year, we get the second, and then by that time, this would appear on the ballot and the voters would decide. So, I am hoping and urging for an affirmative vote on House Bill No. 79. Thank you.

And the question recurring,
Shall the bill pass finally?

POINT OF ORDER

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

Senator STACK. Mr. President, I rise to request a ruling pursuant to Senate Rule 20.

The PRESIDENT. The Chair thanks the gentleman for his inquiry. It is the Chair's understanding that this is in regard to a conflict of interest?

Senator STACK. Mr. President, yes, regarding conflict of interest. My mother serves as a senior judge in the Philadelphia Municipal Court, and my question is whether I am permitted to vote on this bill pursuant to Article III, Section 12, of the Pennsylvania Constitution?

The PRESIDENT. In regard to the factual situation that the gentleman just shared, the Chair would rule that in the situation just described, that there is indeed no conflict of interest, that in accordance with Senate Rule 20(c), you, Senator Stack, must vote on House Bill No. 79. The Chair finds that there is nothing particularly personal to you in this bill. Your mother is a member of a class of judges who may or may not be affected by passage of this legislation. Further, the Chair does not find that any votes you may cast would be particularly personal to you or privately affect you alone. Therefore, it would be the ruling of the Chair that you, sir, be required to vote on House Bill No. 79 today.

Senator STACK. Mr. President, thank you.

POINT OF ORDER

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

Senator WILLIAMS. Mr. President, I rise to request a ruling from the Chair pursuant to Senate Rule 20(c).

The PRESIDENT. The gentleman will explain his conflict of interest.

Senator WILLIAMS. Mr. President, my brother-in-law serves as a judge in the Philadelphia Court of Common Pleas. Am I permitted to vote on House Bill No. 79 under the provisions of the Pennsylvania Constitution and the Rules of the Senate?

The PRESIDENT. With the conflict of interest and the factual situation that you have just given, the Chair would rule that in such a situation, there is no conflict of interest and in accordance with Senate Rule 20(c), you, Senator Williams, must vote on House Bill No. 79. The Chair finds that there is nothing particularly personal to you in this bill. Your brother-in-law is a member of a class of judges who may or may not be affected by passage of this legislation. Further, the Chair does not find that any votes you may cast would be particularly personal to you or privately affect you alone. Therefore, it would be the ruling of the Chair that you be required to vote on House Bill No. 79 today.

Senator WILLIAMS. Mr. President, thank you.

POINT OF ORDER

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Mr. President, I rise to request a ruling of the Chair pursuant to Senate Rule 20(c).

The PRESIDENT. The gentleman will state his conflict of interest.

Senator KASUNIC. Mr. President, my son is a candidate for district justice and is on the November ballot. Am I permitted to vote on House Bill No. 79 under the Constitution of Pennsylvania and the Rules of the Senate?

The PRESIDENT. On the factual situation just given, the Chair would rule, as he did in the previous two requests, that there is no conflict of interest in accordance with Senate Rule 20(c). You, Senator Kasunic, must vote on House Bill No. 79. The Chair finds that there is nothing particularly personal to you in this bill. Your son could be a member of a class of judges who may or may not be affected by passage of this legislation. Further, the Chair does not find that any vote you may cast would be particularly personal to you or privately affect you alone. Therefore, it would be the ruling of the Chair that you, sir, be required to vote on House Bill No. 79.

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-44

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

NAY-6

Ferlo	McIlhinney	Ward	Wozniak
Hutchinson	Robbins		

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS REPORTED FROM COMMITTEE

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

SB 24 (Pr. No. 1473) (Amended) (Rereported)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions; providing for electronic reporting; further providing for mandatory reporting and post mortem investigation of deaths; providing for responsibility for investigation, for access to reports, for disposition of initial reports, for disposition of reports, for cooperation with county agency and for access to information in Statewide database; further providing for information in Statewide central register, for confidentiality of reports and for release of information in confidential reports; and providing for background checks.

SB 29 (Pr. No. 1474) (Amended) (Rereported)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions and for mandatory reporting of infants.

SB 497 (Pr. No. 1293) (Rereported)

An Act reenacting and amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code.

SB 1090 (Pr. No. 1423) (Rereported)

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

SB 1102 (Pr. No. 1424) (Rereported)

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for disabled veterans and former prisoners of war.

SB 1116 (Pr. No. 1475) (Amended) (Rereported)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for services for prevention, investigation and treatment of child abuse and for investigation of reports.

HB 388 (Pr. No. 1794) (Rereported)

An Act amending the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, further providing for municipal and tax claims and liens.

HB 391 (Pr. No. 2491) (Amended) (Rereported)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in assessments of persons and property, providing for installment payments and further providing for limitations; and, in payment and collection of taxes, providing for cities and counties of the first class.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1**

BILLS ON SECOND CONSIDERATION

SB 24 (Pr. No. 1473) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions; providing for electronic reporting; further providing for mandatory reporting and post mortem investigation of deaths; providing for responsibility for investigation, for access to reports, for disposition of initial reports, for disposition of reports, for cooperation with county agency and for access to information in Statewide database; further providing for information in Statewide central register, for confidentiality of reports and for release of information in confidential reports; and providing for background checks.

Considered the second time and agreed to,

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

SB 29 (Pr. No. 1474) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions and for mandatory reporting of infants.

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

SB 901 AND HB 925 TAKEN FROM THE TABLE

Senator PILEGGI. Mr. President, I move that Senate Bill No. 901, Printer's No. 1181, and House Bill No. 925, Printer's No. 2190, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators PILEGGI, FERLO, WOZNIAK, KITCHEN, DINNIMAN, TEPLITZ, WASHINGTON, GREENLEAF, RAFFERTY, FARNESE, SMITH, FONTANA, ERICKSON, YAW, WHITE, BAKER, VULAKOVICH, ALLOWAY, SCHWANK, WILLIAMS, HUGHES, COSTA, BRUBAKER and KASUNIC, by unanimous consent, offered **Senate Resolution No. 227**, entitled:

A Resolution designating the week of October 20 through 26, 2013, as "Pro Bono Week" in Pennsylvania.

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

Senators ARGALL, YUDICHAK, FERLO, ERICKSON, RAFFERTY, STACK, KITCHEN, BROWNE, TEPLITZ, SMITH, WASHINGTON, DINNIMAN, GREENLEAF, WOZNIAK, BREWSTER, COSTA, SCHWANK, ALLOWAY, FONTANA, KASUNIC and HUGHES, by unanimous consent, offered **Senate Resolution No. 228**, entitled:

A Resolution designating October 17, 2013, as "Lights on Afterschool! Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Argall.

Senator ARGALL. Mr. President, this resolution marks the 14th annual national commemoration of "Lights on Afterschool! Day," a national event that recognizes the importance of afternoon programs in the lives of our children.

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

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

Senators TARTAGLIONE, KASUNIC, WOZNIAK, KITCHEN, WASHINGTON, GREENLEAF, BAKER, MENSCH, TEPLITZ, FONTANA, FERLO, FARNESE, DINNIMAN, ERICKSON, BROWNE, VOGEL, WAUGH, RAFFERTY, SMITH, WHITE, STACK, SCHWANK, WILLIAMS, ALLOWAY, BRUBAKER, COSTA, VULAKOVICH and HUGHES, by unanimous consent, offered **Senate Resolution No. 229**, entitled:

A Resolution recognizing the month of October 2013 as "Breast Cancer Awareness Month" 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, I am here to talk about a disease that affects too many people and claims too many lives each year. The disease I am referring to today is breast cancer. My own sister lost her battle with breast cancer after an 11-year fight, and I am sure most of you know someone whose life has been touched by this disease, too. Breast cancer is the most frequently diagnosed cancer among women, yet studies show many women are not receiving mammograms early enough or frequently enough.

Although we still do not know exactly what causes breast cancer, we do know that screening tests, maintaining a healthy weight, exercising regularly, and limiting alcohol intake can help reduce the risk of developing this disease. This year, more than 230,000 new cases will be diagnosed in women across the nation, and nearly 40,000 women and 400 men will die from it. In Pennsylvania, breast cancer is the leading cause of cancer deaths among 25- to 54-year-old women and 60- to 70-year-old men, but there is good news. Despite these grim statistics, most forms of breast cancer are treatable. Thanks to medical research and early detection, the 5-year survival rate for breast cancer--treated in its earliest stage--has reached 100 percent. Today, there are more than 2 million breast cancer survivors in the United States.

Mr. President, in honor of the many individuals who have lost their lives to breast cancer, and in recognition and support of those who are living with it and have survived the disease, Senator Kasunic and I are introducing this resolution recognizing the month of October as "Breast Cancer Awareness Month." We encourage everyone to become aware of the risk of breast cancer and to take advantage of the early prevention services available to them. I ask all of my colleagues for an affirmative vote on this resolution.

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 TARTAGLIONE, WOZNIAK, WASHINGTON, DINNIMAN, KITCHEN, FERLO, ARGALL, GREENLEAF, STACK, MENSCH, TEPLITZ, FONTANA, ERICKSON, BROWNE, YUDICHAK, RAFFERTY, WHITE, PILEGGI, SMITH, GORDNER, ALLOWAY, BRUBAKER, VANCE, COSTA and HUGHES, by unanimous consent, offered **Senate Resolution No. 230**, entitled:

A Resolution designating October 2013 as "National Physical Therapy Month" 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, mobility is the key ingredient to living a healthy, happy, and productive life. We depend on our bodies to carry out our day-to-day tasks. But as we age or become affected by ailments and injuries, our bodies lose their physical capabilities and we realize the importance of maintaining physical health and mobility in our lives. Thanks to physical therapists, mobility loss is treatable and usually preventable through the use of effective and proven treatment methods. Physical therapists are highly educated and well-trained professionals who have the experience to work with individuals of all ages and physical conditions. They understand and work with the body's major systems to provide personalized treatment plans that strengthen and improve mobility and restore function to many muscles, tendons, and ligaments. Treatments are designed in a way that patients can live, work, and remain active while their bodies are being repaired and reconditioned. In many instances, physical therapists are able to improve the quality of life for people without requiring surgery or prescription drugs.

For many people, physical therapists have been lifesavers. Mr. President, I know in my own life, they play a very important role. Some days, I cannot even get out of bed for a half-hour until I can get my muscles put in place. The therapy that I have 3 days a week has given me encouragement, because--it was 10 years in August--with my braces, I have started to walk up steps, and I can finally see the light at the end of the tunnel. So, physical therapists are high in my book, and I ask for an affirmative vote on this resolution.

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 GREENLEAF, FERLO, WOZNIAK, WASHINGTON, DINNIMAN, ERICKSON, STACK, TEPLITZ, COSTA, RAFFERTY, ALLOWAY, FONTANA and HUGHES, by unanimous consent, offered **Senate Resolution No. 231**, entitled:

A Resolution designating October 17, 2013, as "Conflict Resolution Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator GREENLEAF. Mr. President, I ask the Senate to adopt this resolution designating October 17, 2013, as "Conflict Resolution Day." I think it is important for us to know how important this is in our judicial system and how we resolve disputes. We spend an awful lot of money in courts and for lawyers resolving these disputes, and when we can, we should use these facilities of conflict resolution because they are certainly less expensive and less traumatic on the litigants who are involved in these types of conflicts.

These methods are mediation, arbitration, conciliation, and other creative peaceful means of resolving conflict, and to pro-

mote the use of conflict resolution in schools, families, businesses, communities, governments, and legal systems. By doing that, we can loosen up our court system to such a degree that only the most difficult cases end up in the court system and/or in front of a judge and jury.

So, the American Bar Association and the Pennsylvania Bar Association Alternative Dispute Resolution Committee have also authorized this. The American Bar Association has an ABA mediation week, and this will place Pennsylvania among other States that have adopted similar resolutions. I ask for its adoption.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators GREENLEAF, DINNIMAN, FERLO, ERICKSON, WOZNIAK, WASHINGTON, STACK, TEPLITZ, COSTA, MENSCH, RAFFERTY, ALLOWAY, FONTANA and FARNESE, by unanimous consent, offered **Senate Resolution No. 232**, entitled:

A Resolution recognizing October 21, 2013, as "Biomedical Research Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator GREENLEAF. Mr. President, I rise to recognize an industry that is very, very important to Pennsylvania, its future economic growth and prosperity, as well as that of the United States. This is an industry that has tremendous potential and really serves as incubators for future large employers in technology and health in the cures of all types of diseases. It is something that the United States has an edge on. It is intellectual property, it is something that other nations have difficulty in competing with us. Other nations have them, but I think the United States and Pennsylvania should be promoting and encouraging this industry. They deal with health and the treatment of diseases. They are working diligently toward the cures of diseases such as Alzheimer's, arthritis, AIDS, cancer, diabetes, epilepsy, heart and lung diseases, mental illnesses, multiple sclerosis, and countless other diseases. I ask the Senate to adopt this resolution designating October 21, 2013, as "Biomedical Research Day."

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 Saint Patrick School by Senator Dinniman.

Congratulations of the Senate were extended to Dr. Frank Meloy, Addison Hayes and to Tyler Gill by Senator Eichelberger.

Congratulations of the Senate were extended to HomeCare Associates by Senator Farnese.

Congratulations of the Senate were extended to Evelyn Barnetta Turner by Senator Hughes.

Congratulations of the Senate were extended to Sobriety Through OutPatient, Inc., by Senator Kitchen.

Congratulations of the Senate were extended to Dr. Timothy A. Block, Pamela Bowen, Sherri Law, Shanna Law, Vineyards Community and to the SKF USA, Inc., by Senator Mensch.

Congratulations of the Senate were extended to the Reverend Daniel G. Gambet by Senator Mensch and others.

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

Congratulations of the Senate were extended to Mr. and Mrs. Keithe Bancroft and to the citizens of the Borough of Greenville by Senator Robbins.

Congratulations of the Senate were extended to Ryan Perrin and to Nicholas Perrin by Senator Scarnati.

Congratulations of the Senate were extended to Kenneth Michael Kirchoff by Senator Smucker.

Congratulations of the Senate were extended to Nicholas Linder by Senator Vulakovich.

Congratulations of the Senate were extended to Shane Patrick Harvey by Senator White.

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 Dr. Donald J. Adler, to the family of the late Joseph Francis Matejik and to the family of the late Timothy G. Durbin by Senator McIlhinney.

Condolences of the Senate were extended to the family of the late John C. Ferguson, Jr., by Senator Smith.

Condolences of the Senate were extended to the family of the late George F. Uremovich, to the family of the late Gabriel Bernadino Brova and to the family of the late Byron T. Smialek by Senator Solobay.

Condolences of the Senate were extended to the family of the late Vera Lee Swans Blair by Senator Williams.

POSTHUMOUS CITATION

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

A posthumous citation honoring the late Linda Poydence was extended to the family by Senator White.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 1108, HB 1060 and HB 1263.

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, OCTOBER 16, 2013

9:30 A.M. EDUCATION (to consider Senate Bills No. 847, 873, 874 and 1085; and House Bill No. 1424) Room 8E-B East Wing

10:15 A.M. URBAN AFFAIRS AND HOUSING (public hearing on results of PA Downtown Location Law (Act 32 of 2000) Hrg. Rm. 1 North Off.

FRIDAY, OCTOBER 18, 2013

9:00 A.M. GAME AND FISHERIES (joint hearing with the House Game and Fisheries Committee to gather information about expanding the use of the funds brought in from the Lake Erie Permit and PA Fish and Boat Commission fee expansions) Erie Yacht Club, 1 Ravine Dr., Erie, PA
C A N C E L L E D

MONDAY, OCTOBER 21, 2013

10:00 A.M. STATE GOVERNMENT (to consider Senate Bill No. 444, Right to Know legislation; and the executive nomination of Joel Frank to State Athletic Commission) Hrg. Rm. 1 North Off.

WEDNESDAY, OCTOBER 23, 2013

9:30 A.M. URBAN AFFAIRS AND HOUSING (public hearing to consider Senate Bill No. 48) Room 461 Main Capitol

FRIDAY, OCTOBER 25, 2013

10:00 A.M. VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS and MAJORITY POLICY COMMITTEE (public hearing Adams Co. Emergency Serv. Facility Gettysburg, PA focusing on challenges facing firefighters)

TUESDAY, OCTOBER 29, 2013

1:00 P.M. JUDICIARY (public hearing to discuss the following topic: Civil legal representation of the indigent: Have we achieved equal access to justice?) Koppers Bldg. Pittsburgh, PA

PETITIONS AND REMONSTRANCES

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

Senator FERLO. Mr. President, today, we took an earlier vote to begin a process that involves two consecutive Sessions of the legislature regarding a constitutional amendment on the issue of judges throughout the Commonwealth - Supreme Court, Superior, Commonwealth Court, Court of Common Pleas, and magisterial district justices, from top to bottom, so to speak. The Sen-

ate's intent is to seek approval of a constitutional amendment by the voters to raise the age of retirement for all of these respective judges from the age of 70 currently, to the age of 75. I voted "no" on that bill and moving that process forward, but I want to clarify my concern.

I am actually very supportive of the bill. I do believe that the age of retirement for all these judges should move prospectively to age 75, and I would hope that in the next legislative Session, assuming this bill gets through the House as well, that that would be the final outcome, but I do have a number of reservations and I really felt strongly that there really was not much opportunity to amend or try to separate out a number of issues. I believe, as has been advised, at least to me, that when we amend the Constitution that it should be, significantly, a single subject and not be combined with any number of issues, even if they are tangential or related to the broad judiciary, that the constitutional question on the ballot should be very clear and basic for obvious reasons for the electorate to best understand the intent. It is something I certainly respect as well.

But, I think that whether it is by a way of constitutional amendment or other constitutional amendments that could be parallel, I think there should be more of a comprehensive approach to look at reforms of the judiciary. My particular concern, and clearly, we have very distinguished members of the judiciary who may be well into their 90s who are capable, whether it be mentally, physically, energy wise, very capable of sitting on the bench. We can look into our own United States Supreme Court in that same respect. So, I think it is very reasonable in this day and age, certainly with healthcare and with the age 70 really being the new 50 or 60 years old, I think it is reasonable to suggest that judges can well endure their obligations under the law and the intent of our constitutional provisions to be fully functioning, 100 percent, at the age of 75. So I really support that.

But I believe, seriously, that we have a financial concern here. I would have preferred voting for this and I would have voted "yes" if it began somehow, legally, to grapple also with the high cost for so-called senior judges. If we are going to move the age to 75, I am very concerned that we will do that and, yet, we will still have a very large, a plethora of judges who will remain in the senior judge status. I do not want to get on to the financial economics of that. But, let me just say, a senior judge for a very few hours on a given day or week can earn a significant amount of money, as well as continuing to enhance their pension, I believe, and I would prefer that if we are going to raise the judicial age of retirement from age 70 to 75, that we also grapple with the very significant costs at the county level for the so-called senior judge status. I think we should do one and tag the other with the reduction. In Allegheny County, that is a significant number, both cost wise as well as the number of judges who have moved to senior judge status at every level of the court, Court of Common Pleas, as well as magisterial district justice.

Secondly, a good number of years ago, just a couple of years into my term here, about 10 years ago, I believe, I probably was the only one in the Senate to vote "no," but we added two more judges in Allegheny County. And at that time, each judge basically cost about a million dollars for the operation of their office. The basic problem -- and this was at a time, we added two judges in Allegheny County to the total number of judges at a time that we actually had vacancies, which made no sense to me whatsoever. Now, I believe the county and even the county executive is

asking us to address exactly how many judges do we really need in Allegheny County. I am not going to get into pejorative statements about the work ethic of any number of judges, but the fact of the matter is for some of the judges in Allegheny County, and it has been pointed out in criticisms by pundits and media alike, questioning the time spent in the courtroom or delivering their opinions and developing their legal decisionmaking, it can best be described as maybe not a full week of obligations fulfilled. I will leave that to others to make those pundit decisions and comments. The fact of the matter is, I have a concern about the tremendous costs at the Allegheny County level associated with operating the court system. Again, this is a reform that I think could have been or should be addressed, even if it has to be by way of constitutional amendment.

Secondly, another significant issue, and I do not want to recall or recount the horrific response from the electorate on the so-called pay grab of just a few years back. But in that pay grab, which was resoundingly rejected by the Pennsylvania electorate, actually causing a number of judges to not be retained under retention, the legislature in its wisdom--this is something that I did not support or vote for, the so-called pay raise, but it was rejected and the legislature decided to reverse that decision. However, the executive branch got reversed, the Senate and the House got reversed, but the judiciary did not get reversed. They kept the pay raise. They kept the pay raise. They kept the pay raise. I do not know how many times I need to keep saying that. I know there is a retention vote coming up for various members of the judiciary, but I wish the public would be equal-opportunity critics when they look at this issue and be mindful of the fact that the judiciary basically claimed itself its own domain and is not accountable to the electorate's elected officials, the House and Senate, through a combined formal democratic vote and signature of a Governor. So, they basically divorced themselves from the legislative process on the budgetary issue of how they operate, when they operate, what their budget is, what their salary increase, cost of living, et cetera, is. They define their own little fiefdom. I think that is wrong.

I think judges should be well paid. I very much supported the need for increasing the salary level of judges at that time. I do not know what the specific amount could or should be, but it should have been increased. I agreed, at the time, with Justice Cappy and others who raised that concern. When you look at the ability of judges to earn compensation in the private marketplace, I mean, it has to be something commensurate in terms of their obligations to fill their judicial role. But the fact of the matter is, they ignored the will of the electorate and certainly set themselves aside and gave themselves exclusive domain when it comes to what their budget is and what their salary status needs to be. I think that should be addressed, even if it has to be addressed appropriately prospectively, but I am very concerned about what the growing rate and cost is of the judiciary, especially at the county government level, not just Allegheny County but throughout the State.

Another concern that really irks me, and I am sorry the Chamber is empty now and most of our legal colleagues have left the Chamber for other important meetings, and God knows we have a lot of lawyers in the legislature, and I applaud them because they are very helpful to us in trying to better understand the law and define the appropriateness of our legislation. But the issue of nepotism, I could point to Allegheny County, but it is across the

board in all 67 counties. I think it is wrong for judges to elect, select, appoint, hire, or give compensation to their immediate family members. Now, I believe members of the judiciary have a certain element of concern that is legitimate about privacy and not having their business out in the street while they are rendering important decisions, but I really question how fair it is that a judge can hire his or her wife, or spouse, or the brother, the sister, the immediate family members and, yet, I think there are over 10 judges in Allegheny County who have immediate spouses and family members on their payroll. I just think that is wrong. I think that is a clear violation, it is clear nepotism, and I do not see any leadership coming from the Pennsylvania Supreme Court. In fact, I gave a lengthy speech several months back, which was ignored by the media, criticizing both Democrats and Republicans on the Supreme Court for some of their outrageous behavior that I think borders on illegal activity.

So, I will not repeat that speech here today, it is a matter of public record. Maybe it is being investigated, I do not know. But the fact of the matter is I am for raising the retirement age of judges from 70 to 75, but I voted "no" because I am not happy about the fact that we have not isolated and addressed the related issues of nepotism, the related issues of the pay grab that they continue to grab, the pay raise issue including the pension compensation and the multiplier that they get as opposed to rest of the elected branch, as well as the executive branch. I am not happy about the amount of money, despite moving the age to 75, if the electorate votes for that, that we continue to have a plethora of senior judges who have eaten up a big part of the budget for running the judiciary.

Again, I just wanted to clarify--and the reason why I am saying this now in the Senate Chamber is when this bill goes to the House, if there is any ability or way legally, constitutionally, to look at these tangential issues that I have raised, but which are important to the success and the credibility of our judiciary. I hope that my comments will fall on the ears of some of the more progressive Members of the House, be they Democrat or Republican, this should be a bipartisan/nonpartisan issue, and I hope and pray that some of these other issues continue to be addressed in the future. I hope I do not have to go before the bench anytime soon, Mr. President. Thank you.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 108** and **HB 1483**.

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:

October 15, 2013

HB 618 -- Committee on Education.

HB 1215 -- Committee on Community, Economic and Recreational Development.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Jim Cawley) in the presence of the Senate signed the following bills:

HB 108 and **HB 1483**.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Eichelberger.

Senator EICHELBERGER. Mr. President, I move that the Senate do now recess until Wednesday, October 16, 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 5:22 p.m., Eastern Daylight Saving Time.