

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, DECEMBER 12, 2007

2007

FIRST SPECIAL SESSION

No. 24

SENATE

WEDNESDAY, December 12, 2007

The Senate met at 2:40 p.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Catherine Baker Knoll) in the Chair.

PRAYER AND PLEDGE DISPENSED WITH

The PRESIDENT. Without objection, we will dispense with the prayer and the Pledge of Allegiance for today's Session.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Madam President, I request a legislative leave for Senator Punt, and temporary Capitol leaves for Senator Baker and Senator Wonderling.

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Punt, and temporary Capitol leaves for Senator Baker and Senator Wonderling.

The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Madam President, I request a legislative leave for Senator Stout, and a temporary Capitol leave for Senator Kitchen.

The PRESIDENT. Senator O'Pake requests a legislative leave for Senator Stout, and a temporary Capitol leave for Senator Kitchen.

Without objection, the leaves will be granted.

LEAVE OF ABSENCE

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

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION BY AMENDING SAID RESOLUTION

SENATE CONCURS IN HOUSE AMENDMENTS

The Clerk of the House of Representatives informed the Senate that the House has concurred in the resolution from the Senate by amending said resolution as follows:

In the Senate, December 10, 2007

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when Special Session No. 1 of the Senate recesses this week, it reconvene on Monday, January 14, 2008, 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 Special Session No. 1 of the House of Representatives recesses this week, it reconvene on Monday, December 17, 2007, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when Special Session No. 1 of the House of Representatives recesses the week of December 17th, it reconvene on Monday, January 14, 2008, unless sooner recalled by the Speaker of the House of Representatives.

THE HOUSE AMENDS THE RESOLUTION BY STRIKING OUT THE FOLLOWING LINES:

it reconvene on Monday, December 17, 2007, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when Special Session No. 1 of the House of Representatives recesses the week of December 17th,

On the question,

Will the Senate concur in the amendments made by the House to the Senate Concurrent Resolution?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to the Senate Concurrent Resolution.

On the question,

Will the Senate agree to the motion?

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Madam President, I request temporary Capitol leaves for Senator Piccola and Senator Earll.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Piccola and Senator Earll. Without objection, the leaves will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS OUT OF ORDER

Without objection, the following bills on today's Calendar were called out of order by Senator PILEGGI, as Special Orders of Business.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1 (Pr. No. 48) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for development of alternative sources of energy.

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-44

Armstrong	Fumo	Musto	Tartaglione
Baker	Gordner	O'Pake	Tomlinson
Boscola	Greenleaf	Orie	Vance
Browne	Hughes	Pileggi	Washington
Brubaker	Kasunic	Punt	Waugh
Corman	Kitchen	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dinniman	Logan	Robbins	Williams, Anthony H.
Earll	Madigan	Scarnati	Williams, Constance
Erickson	McIlhinney	Stack	Wonderling
Fontana	Mellow	Stout	Wozniak

NAY-5

Eichelberger	Folmer	Piccola	Regola
Ferlo			

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 36 (Pr. No. 32) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the study and mandated content of biodiesel fuel.

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-42

Armstrong	Gordner	O'Pake	Vance
Boscola	Greenleaf	Orie	Washington
Browne	Hughes	Pileggi	Waugh
Brubaker	Kasunic	Punt	White, Donald
Corman	Kitchen	Rhoades	White, Mary Jo
Costa	LaValle	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Stack	Wonderling
Ferlo	McIlhinney	Stout	Wozniak
Fontana	Mellow	Tartaglione	
Fumo	Musto	Tomlinson	

NAY-7

Baker	Eichelberger	Piccola	Regola
Dinniman	Folmer	Rafferty	

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

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

BILL REREPORTED FROM COMMITTEE
AS AMENDED ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 22 (Pr. No. 47) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 29, 2004 (P.L.1376, No.178), known as the Alternative Fuels Incentive Act, further providing for definitions and for the Alternative Fuels Incentive Fund; and providing for biodiesel production incentives.

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

On the question,
Shall the bill pass finally?

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

Senator BOSCOLA. Madam President, I rise in support of Senate Bill No. 22. The reason I am here is because I wanted to thank, especially thank, Senator Tomlinson and Senator Mary Jo White for the hard work that they put into this bill, and Patrick Henderson for working with me and my staff on nitrogen language that was included in this bill. If anyone wants to know why nitrogen keeps tires inflated longer and reduces emissions and provides better fuel efficiency, just ask Senator Erickson, because Senator Erickson said to me that it has to do with the size of the molecules. So if you want to know more about it, Senator Erickson can explain it.

Now, this bill is not magically going to guarantee energy independence and energy security for Pennsylvania. It will not. But this bill is a piece of the puzzle that we need to put together piece by piece to develop a real market for alternative fuels in our Commonwealth. That is critical to a forward-looking energy policy, an energy policy that will pay off in terms of long-term benefits for our environment and our economy, and I look forward to continue working with Senator White and Senator Tomlinson on an even bigger piece of this puzzle when, in 2010, rate caps begin to expire.

As one of my constituents said to me the other day, food, gasoline, and property taxes keep taking bigger and bigger bites out of our income. Please, Senator, do not let high utility rates get what is left of our paychecks. So, as we move forward on energy policy and rate cap exploration, I hope we keep our constituents in mind, and their families.

Thank you, Madam President.

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

Senator DINNIMAN. Madam President, I just wanted to rise and thank both sides of the aisle and the Majority Leader for allowing everyone to come together. While there are disagreements on certain parts of this bill, we have created a major accomplishment here and are getting the best that we can to move this forward.

We thank Senator Pileggi and everyone on both sides of the aisle for working this out.

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

Senator TOMLINSON. Madam President, I was the original sponsor of the Alternative Fuels Incentives Act several years ago, and this is actually the third form of that act. With this act, I want to thank Senator Dinniman, Senator Boscola, particularly we mentioned Pat Henderson, and I want to mention Fran Cleaver and the rest of our staff, Kathy Eakin, for the hard work that they have done, and shuttling back and forth in the offices, trying to get everybody's best interests in here.

I think it is important to note that this is a big step in trying to make Pennsylvania a little bit cleaner with renewable energy. It is a big step in trying to encourage people to use vehicles that use alternative fuels and vehicles that are much more fuel-efficient. Senator Dinniman is amending it to make it \$750 where I had it at \$500. But we are also asking the department to do a little bit of educational outreach. We are asking them to administer this program a little bit better, so that the car dealers and the public know that there is an incentive to go out and buy a hybrid car and to buy a car that uses alternative fuels. I do not think we have done the best we could have done in the past. We put an extra percent in there to make sure that the public is aware that they can get a rebate, get a credit, or get money back for buying a hybrid car or an alternative fuel car.

Many of our school districts have already taken advantage of this program and changed many of their buses to the biodiesels. We want to encourage more school districts to do that. Because we passed Senate Bill No. 1, we will have \$15 million more over 3 years to fund this program for these increased incentives.

So I ask for an affirmative vote on Senate Bill No. 22 and thank my colleagues for the work that we did on the other bills

we passed today, especially Senator Mary Jo White's bill, Senate Bill No. 1. These were very collaborative efforts in this Caucus, and these are not easy issues. The energy issues are very, very difficult issues. They have a lot of different facets to them. There are a lot of moving parts in this, but I am firmly convinced that we have to invest in the future, in the quality of life, in the air quality, and in the energy efficiency of this Commonwealth. I think it is a must.

I know a lot of people are not too happy with some of the borrowing we might do. They might not be happy with the money that we are going to spend. When you realize that Senate Bill No. 1 is going to spend about \$650 million over 10 years to help all these new energy efficiencies and these new technologies and the new fuels, when you think about spending that kind of money, it is for our children. We are borrowing the money to make this a better place to live, so I thank you for the votes that we had on Senate Bill No. 1. I now ask you to vote on Senate Bill No. 22.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Tomlinson, Senator Dinniman, and Senator Boscola, for your additional clarification of Senate Bill No. 22.

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-40

Armstrong	Gordner	Musto	Tomlinson
Baker	Greenleaf	O'Pake	Vance
Boscola	Hughes	Pileggi	Washington
Brubaker	Kasunic	Punt	Waugh
Corman	Kitchen	Rhoades	White, Donald
Costa	LaValle	Robbins	White, Mary Jo
Dinniman	Logan	Scarnati	Williams, Anthony H.
Ferlo	Madigan	Stack	Williams, Constance
Fontana	McIlhinney	Stout	Wonderling
Fumo	Mellow	Tartaglione	Wozniak

NAY-9

Browne	Erickson	Orie	Rafferty
Earl	Folmer	Piccola	Regola
Eichelberger			

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.

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Madam President, I saved my comments for after the vote on Senate Bill No. 22 so that people who have to get on the road to miss the storm and get home can leave, but I would be remiss if I did not thank all of the people who were so helpful in this Special Session.

As chair of the Special Session Committee on Energy Policies, I am very proud of the fact that, I believe, we as a body have met our commitment to the Governor to move the funding piece and the fuels pieces out of this Senate with good bipartisan support, sound bills, a lot of input, and a great deal of cooperation. I particularly want to thank Senator Tomlinson and Senator Pileggi and Senator Pileggi's staff, Kathy Eakin, Erik Arneson, and Vicki Wilken, Fran Cleaver of Senator Tomlinson's staff, Casey Long of Senator Scarnati's staff, and my workhorse and right-hand man, Patrick Henderson, who just did a wonderful job pulling this whole thing together.

We still have a lot of work to do in our Special Session on energy. We have work to do on conservation. We have work to do on electric rates. Much of that will be done in Senator Tomlinson's committee, some in Regular Session and some in Special Session, but this is a wonderful start, and it is a great way to end our calendar year with what I think is a great success under our belt.

I thank everyone on both sides of the aisle who helped make this happen. Thank you, and happy holidays to everyone.

RECESS

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

Senator PILEGGI. Madam President, I move that the Special Session of the Senate do now recess until Monday, January 14, 2008, immediately following the recess of the Regular Session, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Special Session of the Senate recessed at 3 p.m., Eastern Standard Time.