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SESSION OF 2012 196TH OF THE GENERAL ASSEMBLY

No. 3

SENATE

WEDNESDAY, January 18, 2012

The Senate met at 11 a.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend TIMOTHY KIELLEY, Pastor of New Hope Faith Community, Littlestown, offered the following prayer:

Let us pray.

O Lord, our God, how majestic is Your name in all of the earth. All Your peoples praise You, O God, all Your peoples praise You. We pray this day, O Lord, for the blessing of Your hand to rest upon our Commonwealth and all of her people. We pray, O Lord, for Your hand to rest upon this gathered Assembly, men and women whom You have called forth to be Your servants in this place. O Lord God, equip them with every good gift to do the work that You have set before them. Grant them the wisdom of Solomon, that they may discern what is good and true. Give them the courage of Joshua, that they may lead courageously. Give them the faith of Hannah, that they may trust in You, and the vision of Amos, of justice for all Your people.

O Lord God, bless them as they do the work. Remind them, O Lord, that they are Your servants, and grant them, O Lord, a vision of a place where all Your people may live in peace and harmony, and truth and justice may prevail for all Your people. O Lord God, remind them that the work they do is for Your honor and Your glory. Guide them, O Lord, with Your hand, and may Your presence lead them in their conversations and in their deliberations and all of their decisions. This we pray, O Lord God, in that name that is holy and precious, the name above all names, our Lord and Savior, Jesus Christ. Amen.

The PRESIDENT. The Chair thanks Pastor Kielley, who is the guest today of Senator Alloway.

PLEDGE OF ALLEGIANCE

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

BILL REPORTED FROM COMMITTEE

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

HB 1702 (Pr. No. 2962) (Amended)

An Act reenacting and amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code.

LEGISLATIVE LEAVE

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

Senator PILEGGI. Mr. President, I request a legislative leave for Senator Alloway.

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Alloway. Without objection, the leave will be granted.

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of December 5, 2011, is now in print.

The Clerk proceeded to read the Journal of the Session of December 5, 2011.

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

On the question,

Will the Senate agree to the motion?

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

YEA-50

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earll	McIlhinney	Tartaglione	
Eichelberger	Mensch	Tomlinson	

NAY-0

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

The PRESIDENT. The Journal is approved.

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR MICHAEL L. WAUGH
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, I have the distinct honor today to make an introduction to the Members. We have a guest Page with us today, serving on the floor with our other regular Pages. His name is Ty Faulkner, and he hails from Mount Wolf, which is in York County. Ty is a ninth-grade student at North-eastern High School, and is a member of the student senate there. He plays football and volleyball on the school teams, and enjoys recreational skiing and mountain climbing.

I must add that Ty took it upon himself to call our office. He heard about the Page opportunities, called to see what it was all about, followed up, and here he is today. In addition, Ty would like to attend the U.S. Naval Academy for mechanical engineering and someday become a pilot in our United States military forces. Ty, we wish you the best, and thank you for being here and joining us as a guest Page.

Thank you, Mr. President.

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

**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, it is a privilege for me to introduce special guests who are visiting today from Milford in Pike County. With us is Kevin Stroyan, the Pike County coroner, who is also involved with the statewide association, and he is joined by his brother-in-law, Paul Kaubli, and Beth Heron. So I ask my colleagues to give a warm welcome to my very special guests from Pike County.

Thank you, Mr. President.

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

RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for purposes of a meeting of the Committee on Appropriations to be held in the Rules room immediately, to be followed by a Republican caucus 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, Senate Democrats will meet 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 Piccola and Senator Browne, and legislative leaves for Senator Earll, Senator Orié, and Senator Corman.

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

Senator FONTANA. Mr. President, I request a temporary Capitol leave for Senator Hughes.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Piccola and Senator Browne, and legislative leaves for Senator Earll, Senator Orié, and Senator Corman.

Senator Fontana requests a temporary Capitol leave for Senator Hughes.

Without objection, the leaves will be granted.

CALENDAR

**BILL WHICH HOUSE HAS NONCONCURRED
IN SENATE AMENDMENTS**

BILL OVER IN ORDER

HB 1950 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

**BILL ON CONCURRENCE IN HOUSE
AMENDMENTS AS AMENDED**

SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED

SB 818 (Pr. No. 1895) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, further providing for disposition of delinquent child.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 818?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 818.

On the question,

Will the Senate agree to the motion?

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

Senator BAKER. Mr. President, Senate Bill No. 818 is familiar to us. The Senate unanimously passed it in June. It is a simple bill with an important purpose. It requires juvenile court judges

to put on the record their reasoning for the decisions they make in respect to the placement of juveniles who come before them. It is one of the several measures designed to prevent juvenile corruption that affected the juvenile justice system in Luzerne County.

If sentences are being handed out disproportionate to the offenses, this record will help reviewers in detecting seemingly imbalanced or possible misconduct. So why do we need to vote this measure again? Because the bill was sent back to us not on its merits, but in its attempt to leverage other legislation. Ask just about anyone in Luzerne County and they will tell you that reform legislation is needed and demanded. People rightfully expect branches of State government to put into place every reasonable remedy possible to prevent a repetition of what occurred in our community.

The problem is the thinking inside State government does not always match community sentiment. Some people here in Harrisburg seem convinced that juvenile rulemaking by itself is sufficient. Certainly, juvenile rulemaking has an important constitutional role in our system, yet the unavoidable truth is juvenile rules did not discourage horrific judicial misdeeds over an extended period of time. Nor did judicial rules provide the sanctions that brought the corrupt judges to justice in Luzerne County. There are legislators who are only reluctant to move juvenile justice bills if they can use them to gain passage of other issues. They really should read the report and the recommendations of the Interbranch Commission to be reminded of how serious this is.

Three years after the corruption came into public light, political game playing with reform that this bill encountered is impossible to explain or justify. There are two other bills, including the most consequential of all, for mandatory counsel, that the House should send to the Governor without the delay. I urge an affirmative vote.

Thank you, Mr. President.

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

Senator YUDICHAK. Mr. President, I rise to support my colleague from Luzerne County, and the passage of Senate Bill No. 818. The legislation will, in a direct and meaningful way, address a key shortcoming of the juvenile justice system that allowed two corrupt judges to violate the constitutional rights of thousands of children in what has become infamously known as the "Kids for Cash" scandal.

My colleague and friend from Luzerne County and I have worked together in a bipartisan way as partners to advance the juvenile justice reforms, and today we are getting one piece of that juvenile justice reform package to the Senate floor and to the Governor's desk. I encourage the Senate to approve this measure today, but I also want to call on my friends and colleagues in the House of Representatives to approve the additional reform measures, so that we could insure that scandals like the "Kids For Cash" scandal do not happen in Luzerne County or anywhere in Pennsylvania.

We need more than court rules, we need good laws to end corruption in our court system. Let us put an end to this ugly chapter in the juvenile justice system in Pennsylvania. Let us advance Senate Bill No. 818 and the other measures that the gentlewoman from Luzerne County has advanced in a bipartisan

way, unanimously I might add, through this Chamber and to the Governor's desk.

Thank you, Mr. President.

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

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

YEA-50

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earll	McIlhinney	Tartaglione	
Eichelberger	Mensch	Tomlinson	

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 inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 995 (Pr. No. 1844) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in Commonwealth services, requiring that the operator of each permitted unconventional wells within Pennsylvania post certain 911 response information at the entrance to each unconventional well site.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 995?

Senator WAUGH. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 995.

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

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

Senator BAKER. Mr. President, I have remarks I would like to submit for the record, but I would like to say a few words about the importance of this bill.

There are many different views and disagreements over policy regarding gas drilling in the Marcellus Shale, but there is one

thing on which there is broad consensus - the necessity of being prepared to react and respond when something goes wrong. Whether it involves where the wells are being drilled or the facilities are operating, this bill provides for emergency preparedness required to protect the health and safety of our communities and to safeguard the environment against trouble turning into catastrophe. I urge a unanimous vote on Senate Bill No. 995.

Thank you, Mr. President.

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

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

Mr. President, just last week, an article ran in the Pittsburgh Post-Gazette under the headline, "DEP's Marcellus Shale drilling numbers do not add up." This article underscored what emergency management officials have been worrying about: no one knows exactly how many Marcellus Shale wells have been drilled in Pennsylvania, or where they all are. This most basic information is essential in an emergency.

Senate Bill No. 995 requires drillers to implement the most basic rules of public safety: to plan for disaster, to share their emergency plans with the people who will implement them, and to have 911 information at their fingertips. Senate Bill No. 995 requires drillers to inform State and local officials of wellpad locations and access roads. In this way, the Commonwealth better protects the health and safety of first responders and the public. Any first responder will tell you that the best weapon against injury, environmental damage, property destruction, and death is not the most state-of-the-art fire truck, radio, or protective gear, it is information.

Senate Bill No. 995 fills a gaping information hole. When something goes wrong, having emergency information posted at the site, and a plan that is shared with key emergency personnel, are vital parts of a risk reduction plan. When tragedy strikes, every second counts. Firefighters cannot waste time searching for a wellpad or access road. If we plan for tragedy before it strikes, we can reduce the risk to people, property, and the environment.

As the pace of drilling picks up, the emergency response must ramp up as well. Senate Bill No. 995 is a reasonable, realistic, and responsible approach to insuring wellsite safety in Pennsylvania.

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

Senator COSTA. Mr. President, I rise on behalf of my Senate Democratic colleagues here and also to ask for an affirmative vote on Senate Bill No. 995 on concurrence. We recognize how important it is, particularly to our emergency responders, to know exactly what they are getting into. Irrespective of the policy issues as it relates to Marcellus Shale, one thing is very clear: we want to make certain that we can respond to these types of situations in an appropriate manner. I congratulate the gentlewoman on the work she has done on this bill, and look forward to when we get this to the Governor's desk.

Thank you, Mr. President.

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

Senator FERLO. Mr. President, obviously, I am supportive of the initial effort by the Senate to pass this legislation. I certainly want to vote in the affirmative on concurrence, but I will point out that in a recent survey in an article in the Post-Gazette a few weeks ago, it was clear that our own so-called Department of Environmental Protection and our so-called Secretary of that department was not even aware of where 500-plus Marcellus Shale wells even existed or have been recorded in existence in our Commonwealth.

So obviously, I support the legislation, but I would suggest that that illustrious Secretary go back and do his math and outreach, and find out where the heck all these wells are and then, obviously, I support the legislation to give them a GPS mapping point. But, let us get a department that can do their homework and be accountable to the public, which they are not currently.

Thank you.

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

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

YEA-50

Alloway	Erickson	Oric	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earll	McIlhinney	Tartaglione	
Eichelberger	Mensch	Tomlinson	

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 inform the House of Representatives accordingly.

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 169 (Pr. No. 2961) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1988 (P.L.1262, No.156), entitled, as amended, "An act providing for the licensing of eligible organizations to conduct games of chance, for the licensing of persons to distribute games of chance, for the registration of manufacturers of games of chance, and for suspensions and revocations of licenses and permits; requiring records; providing for local referendum by electorate; and prescribing penalties," further providing for legislative intent, for definitions, for games of chance permitted, for prize limits, for limits on sales, for distributor licenses, for regulations, for licensing of eligible organizations and for special permits; providing for club licensees; further providing for revocation of licenses, for enforcement, for local option, for advertising and for prohibited persons; providing for civil penalties; further providing for penalties; and making editorial changes.

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

Alloway	Eichelberger	Piccola	Vance
Argall	Erickson	Pileggi	Vogel
Baker	Farnese	Pippy	Ward
Blake	Ferlo	Rafferty	Washington
Boscola	Folmer	Robbins	Waugh
Brewster	Fontana	Scarnati	White Donald
Browne	Hughes	Schwank	White Mary Jo
Corman	Kasunic	Solobay	Williams
Costa	Kitchen	Stack	Wozniak
Dinniman	Leach	Tartaglione	Yaw
Earll	Orie	Tomlinson	Yudichak

NAY-6

Brubaker	Greenleaf	Mensch	Smucker
Gordner	McIlhinney		

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.

BILLS OVER IN ORDER

HB 170 and **SB 371** -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 398 (Pr. No. 2633) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for registration of appraisal management companies, for powers of the State Board of Certified Real Estate Appraisers with respect to appraisal management companies, for the responsibilities and duties of appraisal management companies, for prohibited activities, for discipline and for penalties.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-50

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams

Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earll	McIlhinney	Tartaglione	
Eichelberger	Mensch	Tomlinson	

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.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, I request a recess of the Senate for the purpose of a meeting of the Committee on Consumer Protection and Professional Licensure, to be followed by a meeting of the Committee on Rules and Executive Nominations, to be held in the Rules room.

The PRESIDENT. For the purpose of a meeting of the Committee on Consumer Protection and Professional Licensure, to be followed by a meeting of the Committee on Rules and Executive Nominations, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDING OFFICER (Senator John C. Rafferty, Jr.) in the Chair.

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

LEGISLATIVE LEAVE

The PRESIDING OFFICER. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, I request a temporary Capitol leave for Senator Baker.

The PRESIDING OFFICER. Senator Waugh requests a temporary Capitol leave for Senator Baker. Without objection, the leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 1252 and **SB 1301** -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 52, HB 98 and **HB 149** -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILLS REREFERRED

SB 540 (Pr. No. 546) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for the Pennsylvania State Police; and repealing an act relating to limitation on complement of the Pennsylvania State Police.

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

SB 562 (Pr. No. 1866) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the imposition of the personal income tax and authorizing the offsetting of gains and losses among the various classes of income.

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

SB 657 (Pr. No. 671) -- The Senate proceeded to consideration of the bill, entitled:

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

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

SB 884 (Pr. No. 938) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, in Title 15, making extensive revisions, additions and deletions to preliminary material on general provisions; to corporation material on general provisions, on incorporation, on corporate powers, duties and safeguards, on officers, directors and shareholders, on fundamental changes, on registered corporations, on insurance corporations, on foreign business corporations, on incorporation and on foreign nonprofit corporations and to material on business trusts; in Title 54, further providing for general provisions and for corporate and other association names; and making related repeals.

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

SB 903 (Pr. No. 1832) -- 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.

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

BILL AMENDED

SB 968 (Pr. No. 1059) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in riot, disorderly conduct and related offenses, further providing for the offense of cruelty to animals.

On the question,
Will the Senate agree to the bill on second consideration?
Senator COSTA offered the following amendment No. A7478:

Amend Bill, page 1, lines 2 and 3, by striking out "in riot, disorderly conduct and " in line 2 and "related offenses," in line 3

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

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Costa.
Senator COSTA. Mr. President, this is a technical amendment, and it is my understanding that it has been agreed to.

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 WAUGH.

BILL ON SECOND CONSIDERATION

SB 1019 (Pr. No. 1300) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, defining "corrections manager"; and, in general administration, providing for salary of corrections managers.

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

BILLS OVER IN ORDER

SB 1049, SB 1067, SB 1089, SB 1092, SB 1169 and SB 1254 -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILL REREFERRED

SB 1298 (Pr. No. 1864) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for definitions and for appeals.

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

BILLS OVER IN ORDER

SB 1302 and **SB 1329** -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILL REREFERRED

SB 1354 (Pr. No. 1867) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, providing for carryforward of losses by individual taxpayers; and further providing for limitation of pass-thru of losses to shareholders.

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

BILLS OVER IN ORDER

HB 1827 and **HB 1886** -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

**UNFINISHED BUSINESS
BILLS REPORTED FROM COMMITTEES**

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

SB 1375 (Pr. No. 1889) (Rereported)

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for definitions.

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

HB 1294 (Pr. No. 2975) (Amended)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for Law Bureau, other bureaus, offices and positions, for the burden of proof, for the recovery of the costs of distribution system improvement projects and for civil penalties for violations.

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

BILL ON SECOND CONSIDERATION

SB 1375 (Pr. No. 1889) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for definitions.

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

SENATE RESOLUTIONS ADOPTED

Senator SOLOBAY, by unanimous consent, offered **Senate Resolution No. 242**, entitled:

A Resolution honoring the life of fallen Police Officer John David Dryer who died in the line of duty on December 19, 2011, in East Washington Borough, Washington County.

On the question,
Will the Senate adopt the resolution?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Washington, Senator Solobay.

Senator SOLOBAY. Mr. President, on December 19, 2011, the most tragic of situations occurred: A police officer was tragically struck down in the line of duty. This heartbreaking incident occurred on Interstate 70 in South Strabane Township in Washington County. What began as a routine traffic stop at the very end of Officer Dryer's shift escalated to two officers being shot, one with the likelihood of a career-ending injury, Officer Robert Caldwell, and the other officer, John David Dryer, was mortally wounded. Officer Dryer was not only a police officer but a father, a friend to many, and a veterinarian. He did not have to be a police officer to put food on his table. It was not just a convenient, casual career choice. He did it out of his desire to serve, this honorable calling of an individual that one can have.

Officer Dryer served the East Washington Borough Police Department. This was the pinnacle of his ambitious lifelong quest to help others. As previously mentioned, Officer Dryer was a veterinarian. He was certified in K-9 training and tracking with bloodhounds. He had years of experience in the equine community, and even worked with the world-renowned Heinz Hitch Team, a magnificent show horse team which was stabled on the family farm. He also owned and practiced in his own veterinary clinic in Washington. Officer Dryer was also a volunteer firefighter and an EMT with an impressive list of credentials. He was also a deputy game protector. This is yet another example of how this fallen officer used his skills and experience to aid others.

During Officer Dryer's teen years, his father traveled a great deal due to his vocation, and in his absence, this young man also ran the family farm. So as you can see, helping others was simply a way that Officer Dryer lived his extraordinary life. To Officer John David Dryer's family, friends, and community he served, Godspeed.

Mr. President, may we please observe a moment of silence and unanimously pass this resolution honoring the late Officer John David Dryer.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Officer JOHN DAVID DRYER.)

The PRESIDING OFFICER. The resolution is adopted.

Senator ARGALL, by unanimous consent, offered **Senate Resolution No. 243**, entitled:

A Resolution designating January 2012 as "Learn to Ski and Snowboard Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Schuylkill, Senator Argall.

Senator ARGALL. Mr. President, I have been asked to offer a resolution designating January as "Learn to Ski and Snowboard Month" in Pennsylvania. I do this not only because it is my favorite sport, but also in recognition of the considerable number of jobs that are provided by this industry, not just in my district, but throughout all of Pennsylvania.

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 Trinity Presbyterian Church of Dallas by Senator Baker.

Congratulations of the Senate were extended to Dr. Wayne L. Weston and to John Joseph DeLeo by Senator Blake.

Congratulations of the Senate were extended to Patrick C. Hughes, Kevin G. Weber, Robert J. Bishop, Dennis S. Sell, Matthew N. Gutterman and to Theodor M. Swanson by Senator Browne.

Congratulations of the Senate were extended to Ernest W. Huston by Senator Brubaker.

Congratulations of the Senate were extended to Brandon Casto, Amanda Goodingand to West Caln Sportsmen's Club by Senator Dinniman.

Congratulations of the Senate were extended to Main Line Chinese Culture Center, Inc., by Senators Dinniman and Leach.

Congratulations of the Senate were extended to Joseph Nathan Colyer and to the Warrior Run High School Girls' Soccer Team by Senator Gordner.

Congratulations of the Senate were extended to the Honorable John S. Murray III by Senators Greenleaf and Rafferty.

Congratulations of the Senate were extended to North Light Community Center of Philadelphia by Senator Hughes.

Congratulations of the Senate were extended to Jim Hammaker and to Tom Kendi by Senator Kasunic.

Congratulations of the Senate were extended to George Stockburger VI and to the Charitable Foundation of the HBA of Bucks and Montgomery Counties by Senator McIlhinney.

Congratulations of the Senate were extended to Adam Earl Talbot by Senator Orie.

Congratulations of the Senate were extended to Robert E. Carlson, Holman W. Jenkins and to Mattie Dennis by Senator Pileggi.

Congratulations of the Senate were extended to Spring-Ford Chamber of Commerce by Senator Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. William H. Suddoth, Larry D. Reichard, Carol A. Stainbrook and to Johnny Mack Johnston by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. James Reasinger, Mr. and Mrs. Morey Levy by Senator Scarnati.

Congratulations of the Senate were extended to Bradley Schappell and to Bradley Clark Angstadt by Senator Schwank.

Congratulations of the Senate were extended to Donora Lumber by Senator Solobay.

Congratulations of the Senate were extended to Corporal Gary L. Strock and to Jeffery Cosgrove by Senator Smucker.

Congratulations of the Senate were extended to Aaron James Fajerski, Rebecca Haynes, Helen Kinder and to Dominic Bellotti by Senator Solobay.

Congratulations of the Senate were extended to Sergeant First Class Rodney Jacobs, Jonathan Smith and to David Hirsh by Senator Tartaglione.

Congratulations of the Senate were extended to Joseph Longmore, John Sandle, Ken Myerson, Francis Drummond, Jr., Edgar H. Denson American Legion Post 79, and First National Bank of Newton by Senator Tomlinson.

Congratulations of the Senate were extended to Fairless Hills Volunteer Fire Department by Senators Tomlinson and McIlhinney.

Congratulations of the Senate were extended to Mr. and Mrs. John Zerance and to the Carlisle Thundering Herd Pony Football Team by Senator Vance.

Congratulations of the Senate were extended to Neal Kurtiak, Sr., by Senator Ward.

Congratulations of the Senate were extended to Mr. and Mrs. Ted Valeski, Mr. and Mrs. Homer Fennell, Mr. and Mrs. Byron Kelsey and to Evan Paul Citeroni by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Stephen Stitt by Senator M.J. White.

Congratulations of the Senate were extended to Jacqueline Slaughter by Senator Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Bird by Senator Yaw.

Congratulations of the Senate were extended to Knights of Lithuania, Chapter 143, Pittston by Senator Yudichak.

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 Marilyn Talmon Haines by Senator McIlhinney.

Condolences of the Senate were extended to the family of the late Alfred D. Bachetti family of the late Donald L. "Snakey" Snyder by Senator Schwank.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

HB 1294 and HB 1702.

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

BILL REREFERRED

Upon motion of Senator WAUGH, and agreed to by voice vote, the following bill, which was read for the first time today, was rereferred to the Committee on Appropriations:

HB 1294.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY, FEBRUARY 13, 2012

9:30 A.M.	APPROPRIATIONS (budget hearing - Governor's Budget Office/Executive Offices/Office of the Governor)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (budget hearing - Independent Fiscal Office -- Economic Outlook and Revenue Overview)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (budget hearing - Treasury Department)	Hrg. Rm. 1 North Off.

TUESDAY, FEBRUARY 14, 2012

9:30 A.M.	APPROPRIATIONS (budget hearing - Department of General Services)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (budget hearing - Public Utility Commission)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (budget hearing - Department of Insurance)	Hrg. Rm. 1 North Off.

WEDNESDAY, FEBRUARY 15, 2012

9:30 A.M.	APPROPRIATIONS (budget hearing - Office of the Auditor General)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (budget hearing - Office of Attorney General)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (budget hearing - Department of Military & Veterans Affairs)	Hrg. Rm. 1 North Off.

THURSDAY, FEBRUARY 16, 2012

9:30 A.M.	APPROPRIATIONS (budget hearing - Liquor Control Board)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (budget hearing - State Police/Homeland Security)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (budget hearing - Department of Conservation & Natural Resources)	Hrg. Rm. 1 North Off.

TUESDAY, FEBRUARY 21, 2012

9:30 A.M.	APPROPRIATIONS (budget hearing - Department of Revenue)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (budget hearing - Department of Health)	Hrg. Rm. 1 North Off.

3:00 P.M.	APPROPRIATIONS (budget hearing - Department of Aging)	Hrg. Rm. 1 North Off.
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WEDNESDAY, FEBRUARY 22, 2012

9:30 A.M.	APPROPRIATIONS (budget hearing - Department of Environmental Protection)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (budget hearing - Department of Transportation)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (budget hearing - Department of Banking)	Hrg. Rm. 1 North Off.

THURSDAY, FEBRUARY 23, 2012

9:30 A.M.	APPROPRIATIONS (budget hearing - SERS/PSERS)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (budget hearing - Judiciary)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (budget hearing - Department of Labor & Industry)	Hrg. Rm. 1 North Off.

MONDAY, FEBRUARY 27, 2012

9:30 A.M.	APPROPRIATIONS (budget hearing - Department of Education)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (budget hearing - Department of Corrections/Office of Probation and Parole)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (budget hearing - Department of Community & Economic Development/PA Housing Finance Agency)	Hrg. Rm. 1 North Off.

TUESDAY, FEBRUARY 28, 2012

9:30 A.M.	APPROPRIATIONS (budget hearing - Department of Public Welfare)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (budget hearing - Department of Agriculture)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (budget hearing - Gaming Control Board)	Hrg. Rm. 1 North Off.

WEDNESDAY, FEBRUARY 29, 2012

9:30 A.M.	APPROPRIATIONS (budget hearing - PEMA)	Hrg. Rm. 1 North Off.
11:00 A.M.	APPROPRIATIONS (budget hearing - Department of State)	Hrg. Rm. 1 North Off.

PETITIONS AND REMONSTRANCES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Ferlo.

Senator FERLO. Mr. President, first of all, I would like to thank my colleague, Senator Solobay, for offering a memorial resolution for the fallen officer and note that he, Senator Stack, the Chair, and I, all too often, too many of us in this Chamber have had to come to the podium to talk about police officers at various levels of government being killed tragically on duty, and I think it is important, obviously, that we always pay tribute and respect and have a moment of silence. But I know we are consis-

tent, and I think we need to continue to struggle with the issue of how to improve the resources that our local and State police jurisdictions have. One issue is the ability in the future, maybe, for more police cars to have video and audio cameras on the vehicle. I think that is something that maybe we can take up statewide as a matter of policy and defining appropriate resources, together with local jurisdictions.

But, Mr. President, I rise very quickly today, I know my colleague, the Majority chair of the Senate Committee on Appropriations, spoke eloquently based on what his own beliefs, concerns, and experiences were and are relative to his hometown community of Penn State relative to Mr. Paterno. I am not going to make any comment about that today. His comments speak for themselves, and my interest is not in any way beginning to address that complicated mix of issues. I am concerned, however, and I want to publicly state and note for the record, as the Minority vice chair of the Committee on Appropriations on the Democratic side, that I am very upset and I ask that the chairman respectfully reconsider his actions as it relates to cancelling, or not scheduling, what I appropriately consider the budget hearings.

Following the Budget Address of the Governor in February, the first week, we would traditionally begin a series of oversight hearings with the Committee on Appropriations overall for the budget. We know that hundreds of millions of dollars are spent, earmarked, or targeted for the so-called nonpreferreds, in this case, Pitt, Penn State, Temple, and Lincoln. I think it is very critical that we continue to have those officers, the board, the chancellors, the presidents of those universities appear before the Senate and the Committee on Appropriations in the appropriations process. I do not think it is appropriate at all that we defer, for whatever reason, perception or otherwise, that we are not going to take up the task of scrutinizing, and maybe even more so this year than in the past, these nonpreferred allocations totaling millions of dollars. I think it is important that the principals at Penn State, the president, the chancellor of the University of Pittsburgh, the representatives from Lincoln and Temple, continue to appear at the level of the Committee on Appropriations.

I am very upset and very disappointed. I do not want to use too many adjectives of how harshly and how strongly I disagree with the actions of the chairman of the Committee on Appropriations, but I ask that he please reconsider his actions. I think it is completely appropriate and timely and part of our fiduciary role and our trust that we have with the electorate that we conduct meetings of the Committee on Appropriations following the Governor's Budget Address and that the hundreds of millions of dollars that are allocated to these four State-related institutions continue to come under scrutiny, and it is our role to advise and consent and eventually approve the budget. How we can negate, for whatever perception or reality of any reasoning the chairman might have, I think it is extremely important that we continue to have these fine institutions appear before us in the Senate Committee on Appropriations.

So respectfully, Mr. President, through the body, I would prevail upon the Majority chairman of the Committee on Appropriations to reconsider his actions and appropriately schedule formal public hearings of the Committee on Appropriations, including, either individually or separately, these four institutions. There may be a different set of questions that may arise this year. There are concerns about what is spent by way of the public dollars on lawsuits or payments that may or may not come

up in the future. I mean, those are all legitimate questions. They can be done in a sensitive, appropriate, and nonsubjective nature. So, I ask again, through the body here today, Mr. President, for the reconsideration by the chairman of the Committee on Appropriations of the schedule that will be forthcoming following the Governor's Budget Address.

The other issue is, if there is a radical change based on the ideology of Mr. Corbett and this administration--there are rumors about, once again, a significant cut to these nonpreferreds. There are also rumors that, and I think it is an ideological belief of the Commonwealth Foundation as well as the Governor, not to do actual appropriations to the institution, but as their rhetoric says, make the public tax dollar follow the student. I guess appropriate a certain amount of money that any Pennsylvania student would have to go to any of these institutions, and that would, I guess, be through the PHEAA system. You know, maybe that is a legitimate debate that we need to have, if that is what the Governor may or may not be offering in his Budget Address. But even that issue would still necessitate our review and discussion with these university representatives. There are many other issues I could bring up, including issues that have arisen legislatively now about open records. What is an open record via Penn State and other universities?

For those reasons and many more, Mr. President, I respectfully ask that we continue to ask that these institutions appear during the appropriations process. Thank you very much.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Kitchen.

Senator KITCHEN. Mr. President, I rise to express my concern over the recent policy change regarding the food stamp program. Mr. President, this decision will largely affect people who have worked not 2 or 3 years, but people who have worked for many years. It will affect senior citizens, the disabled, and children who largely depend on this program.

Mr. President, there are several questions that should be answered, whether the Department of Public Welfare engaged in a cost-benefit analysis prior to submitting the request to the Food Stamp Nutritional Program for reinstatement of the asset program. That is what I am talking about, the asset program, applying this test when 35 States do not have an asset test at all, and reinstating this is going to cause a hardship for the people I just noted. I would like to know, since this program is funded with Federal dollars and we contribute very, very little, how much money does the department plan to save by reinstating the asset test?

Really, what is the purpose of it? Since this will rely on people's assets, when they have worked years to accumulate \$3,200 or \$2,000 in the bank, and we know nowadays as hard as times are, and the fact that we have to help family members, and those who have been able to save \$2,000 to keep them from being homeless, to keep them from being on the street, I think it is unfair to use that to say that they cannot get help when they are down at a point where they probably never have been all of their lives.

Mr. President, there will be more--I have gotten so many calls. I think that we should take another look at that. I ask that the Secretary take another look because, Mr. President, I think this is an issue that is not going to go away.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, just very quickly in response to comments earlier from the gentleman on the other side of the aisle regarding hearings of the Committee on Appropriations. I think it is important to note that we are actually a step ahead of the game this year when it comes to the proactiveness of the Majority chairman of the Committee on Appropriations in assessing the needs and requests of our State-relateds, and in fact also our State System of Higher Education.

You may recall, there were five hearings that were held over the course of the break this fall, and they were held on-site, which is a little bit untraditional but, in fact, proved to be very successful. There were folks from academia and the business and local communities who actually came out to the sites. One was held at the University of Pittsburgh, one at Lincoln University, one at Temple University, one at Penn State, and then one at Millersville for the State System. Those were hearings held by the chairman of the Committee on Appropriations, with the full committee invited and able to attend. It is my understanding, in talking with Chairman Corman, that the input was very well received and helpful as we proceed into our hearings of the Committee on Appropriations over the course of the next several weeks. I just wanted to put that on the record as a reminder.

Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I just want to respond to the comments of both of my colleagues who spoke about the issue of the State-relateds not having a time set for hearings of the Committee on Appropriations, but more specifically, to the comments of the gentleman who referenced hearings and meetings which took place over the course of the summer.

Mr. President, while I think it was appropriate last summer to have a conversation about where we needed to go with regard to our funding and some of the issues and things that are going on in our State-related universities, those meetings, in my opinion, and I think in the opinion of the Members on this side of the Chamber, were in response to the Draconian cuts that took place to higher education during last year's budget. You will recall, the Governor proposed a 50-percent budget reduction to our State-related schools. At one point, there was legislation introduced by the chairman of the Committee on Education to make it 15 percent. We ultimately settled, I believe, with a 19-percent cut. In response to that, I believe it is one of the reasons why we had meetings along those lines.

Mr. President, they were not substantive meetings, and they were not meetings and hearings that you typically have when you have a meeting of the Committee on Appropriations. In the case of the one that I attended at the University of Pittsburgh, we were fortunate to have the chancellor of the university, Mark Nordenberg, as well as a few other folks who were at the meeting, who gave compelling testimony about the benefits of the University of Pittsburgh, the Pittsburgh region in this Commonwealth, and the work they do, particularly along the lines of research. It was far different than the conversation that needs to take place in this building during the process of the hearings of the Committee on Appropriations.

There was no discussion at any of those meetings about the upcoming fiscal year 2012-13 budget concerning the funding for

higher education. Since that meeting we have now learned, particularly as it relates to the University of Pittsburgh, where the chancellor has already indicated that given the track record, given the budgetary reserve dollars that have impacted the university currently, they are already talking about a tuition increase and layoffs that will take place. I have no doubt that those similar-type conversations are now taking place at the other three State-related institutions.

So to suggest that the meetings that took place in August and September should serve as a replacement for the traditional, typical budget hearings that we have, where Members ask very probative questions about a lot of aspects of the university's funding, and what we do along those lines, is something we just simply cannot accept. We believe there needs to be hearings. Senator Ferlo has asked for it, Senator Hughes has talked about it, and Senator Farnese is talking about it. To suggest that the meetings that took place in August and September were meant to replace those is wholly unacceptable to this side of the Chamber. We believe that those meetings need to take place, and we think we need to do them sooner than later, particularly this year.

I know folks are skirting around the issue of Penn State, but the fact of the matter is, we need to have a conversation about that. We have a commission that is going to be doing, I presume, good work. Senate Democrats have put together a series of bills that we want to see addressed as we go forward, which might allow us the opportunity to have even more in-depth and probative questions and comments about work being done at these universities, but we have not been given the opportunity for you to respond to the series of bills that we put together. Senator Fontana has had a bill that has languished for 6 years that has not been talked about in this Chamber. To us, that is outrageous. If that is the only way we can get some of these bills to move forward, by having a conversation with the State-related universities, that is what we are going to have to do.

Senator Blake has been talking about right-to-know legislation. We think that needs to be part of this conversation as we move forward. But at the end of the day, we believe there needs to be a Senate hearing of the Committee on Appropriations specifically talking about the four State-related universities, and not to cop out and say that we already did hearings in August and September. That is not acceptable to us. We need to have a real dialogue in this Commonwealth.

This administration and Chamber has talked a lot about transparency, so let us talk about transparency. Let us bring these folks in, allow the Members of the committee, Democratic and Republican, whom I know, in talking with all of you in this room, have questions about what is taking place at these universities. We are not looking to bash anybody, but we think that they should not be shielded from the opportunity for Members to ask probative questions as it relates to how we move forward, whether or not we are going to get on this path.

Senator Ferlo talked about a couple of things, one, the money following the kid. Are we going to do away with funding for the State-relateds and the State System and let the money follow the kid? That is a question we need to ask. There was a little conversation at some of the meetings along those lines, but the fact of the matter is, it was not enjoyed by all of the Members of the committee. At a lot of those committee meetings, there were only a couple of Members of the Committee on Appropriations who reside in those communities, who had the chance to talk and ask

the questions that were necessary. There needs to be a conversation by the full Committee on Appropriations to discuss these matters that are very important to our Caucus, but more importantly, they are important to the people of Pennsylvania, who want to know how we are spending our dollars and what is taking place at our State-related universities. We owe it to those parents, schools, and alumni to be able to ask probative questions about what is going on with these universities, and we think this Chamber should be leading the charge in that effect. I know the Senate Democratic Caucus will be, and we will continue to pursue this issue.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

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

PETITIONS AND REMONSTRANCES (Continued)

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Mr. President, I appreciate this opportunity to speak. I rise to speak on what still remains the number-one issue for everyone in this Commonwealth and is still clearly the overriding issue for everyone in this country - one of work and jobs and putting Pennsylvania citizens back to work. We still sit here in the context of an extremely high unemployment rate, still tracking the national average and, unfortunately, the comment on which I rise to speak is the fact that those numbers are clearly getting closer with respect to where we are as Pennsylvania citizens and the national unemployment rate.

It relates, to some extent, to the comments that my colleague, Senator Costa, has made on this issue with respect to investing in higher education, because no community can move forward without appropriate investments in higher education, investments in our university community. They always have the capacity to push forward innovation, and innovation is what puts folks to work at a significant level. But what I need to raise in the context of this issue of employment is an alarming statistic that we all need to pay attention to and which I think should be in the business of driving public and employment policy in the Commonwealth of Pennsylvania.

A year ago, our unemployment numbers were 1 1/2 percent better than the national rate. We clearly were proud that we were in an environment--although an alarmingly high unemployment statistic, we were still 1 1/2 percent below the national trend. That was a great thing. That was the end of the Rendell administration and leading into the Corbett administration, and we could say, without any hesitation, that we were in a better position with respect to unemployment numbers than the Federal level, 1 1/2 points below. The unfortunate problem that exists right now is that trend is changing. Now we are about a point below. There is about a one-point difference between our unemployment rate than the Fed's, and that is a problem. We are trending in the wrong direction. We are getting closer to the national average. We are not keeping ahead of the national average as we were previously, Mr. President.

That calls for really stopping and changing on a dime and making sure that we change public policy in the Commonwealth

of Pennsylvania to put Pennsylvania citizens back to work, appropriately invest in the things that we know make a difference, invest in our education community, invest in our higher education community, invest in job creation programs, revitalize neighborhoods, revitalize our water and sewer infrastructure, and significantly invest in our transportation initiatives. There has been no program, at this point, to call for an investment in our transportation community. That is unacceptable. Our roads, bridges, and highways are falling apart. They are crumbling. We have some of the worst-performing roads, bridges, and highways in the nation. The Governor's transportation commission has already reported on that. Our public schools and buildings are falling apart. All of these infrastructure issues are crumbling right in front of our eyes. We should be investing in them to the extent that we can put Pennsylvania's people back to work.

We have been doing extremely well with respect to where we are with respect to our unemployment statistics compared to the national average. A year ago, we were doing great. There was a great difference, but now that difference is closing. We are trending the national average and the national average was higher than our own State. We need to pay attention to this, Mr. President, we need to pay attention to this now. We cannot wait any longer with respect to putting Pennsylvania's people back to work. That is the number-one issue, and so far, the policies that we have adopted in this Commonwealth have not shown well, have not boded well for putting Pennsylvania's people back to work.

Mr. President, I rise at this moment to make sure we pay attention to this, do not lose sight of it, make sure we focus on it, and make sure we focus in on transportation issues, which I know is a particular interest of the Chair. We need to make sure we focus in on revitalizing our communities, make sure that we spend the dollars that already exist. There are hundreds of millions of dollars that exist right now in the Commonwealth Financing Authority to be reinvested in our communities. It is not happening. We need to be proactive about that.

Pennsylvania's people are tired of waiting for someone to step up for them to get them back to work. We have resources available right now. We will not have to raise taxes to get this work done, but we need to get this work done now. We need to be in the business of putting Pennsylvania's people back to work, and we need to do it now. I ask for action by this body to make sure that we do not lose sight of the fact that Pennsylvania's people need to be put first in this conversation, and they need to be put back to work.

Thank you, Mr. President.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, I move that the Senate do now recess until Monday, January 23, 2012, at 1 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 2:53 p.m., Eastern Standard Time.