

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, JANUARY 24, 2012

SESSION OF 2012 196TH OF THE GENERAL ASSEMBLY

No. 5

SENATE

TUESDAY, January 24, 2012

The Senate met at 1 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend CHRISTOPHER WALSH, of Saint Raymond of Penafort Catholic Church, Philadelphia, offered the following prayer:

Let us pray.

Loving God, we praise and bless Your holy name as we gather for the business of this Senate today. We rejoice in the gift of our nation and Commonwealth. We rejoice in the gift of democracy and freedom. We rejoice in the privilege of serving the people of Pennsylvania.

Loving God, we pray that You bless the men and women who serve in this Senate and work to make it effective. Give each of them wisdom, understanding, courage, and zeal. As they come to their work today, allow them to be mindful of the needs of those they serve, especially the poor, the marginalized, the unemployed, and the frail. May we remain mindful of Your gifts and of Your plan, and ever humble as You use us as Your instruments for the good of others. We make our prayer with grateful hearts from You, who are the source of all love and wisdom. Amen.

The PRESIDENT. The Chair thanks Father Walsh, who is a constituent of Senator Washington and is the guest today of the Chair.

PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS FROM THE GOVERNOR

JOINT SESSION

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

COMMONWEALTH OF PENNSYLVANIA
Office of the Governor
Harrisburg

January 9, 2012

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

If it meets with the approval of the General Assembly, I am respectfully requesting a Joint Session of the General Assembly on Tuesday, February 7, 2012, at 11:30 a.m. for the purpose of addressing Members for the annual budget address.

Thank you for your consideration of this request.

Sincerely,

TOM CORBETT
Governor

NOMINATION REFERRED TO COMMITTEE

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

**MEMBER OF THE STATE BOARD
OF MASSAGE THERAPY**

January 24, 2012

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, Becky D. Lesik, LMT, 110 E. Washington Street, Corry 16407, Erie County, Twenty-first Senatorial District, for appointment as a member of the State Board of Massage Therapy, to serve until October 9, 2013, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Joanne Smutko, Monroeville, resigned.

TOM CORBETT
Governor

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 398** and **HB 1630**.

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 726**, with the information the House has passed the same without amendments.

APPOINTMENT OF MEMBERS PURSUANT TO SENATE RESOLUTION No. 6 OF 2011

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

Senator Stewart J. Greenleaf and Senator Mary Jo White as members of the task force to study the death penalty established by Senate Resolution No. 6 of 2011.

BILLS SIGNED

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

SB 726, HB 398 and HB 1630.

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 Piccola, and a legislative leave for Senator Greenleaf.

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

Senator COSTA. Mr. President, I request a legislative leave for Senator Tartaglione, and temporary Capitol leaves for Senator Dinniman, Senator Solobay, and Senator Williams, who are attending a meeting of the Committee on Education.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Piccola, and a legislative leave for Senator Greenleaf.

Senator Costa requests a legislative leave for Senator Tartaglione, and temporary Capitol leaves for Senator Dinniman, Senator Solobay, and Senator Williams.

Without objection, the leaves will be granted.

SENATE CONCURRENT RESOLUTION JOINT SESSION

Senator PILEGGI, by unanimous consent, offered the following resolution, which was as follows:

In the Senate, January 24, 2012

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session on Tuesday, February 7, 2012, at 11:30 a.m., in the Hall of the House of Representatives for the purpose of hearing an address by His Excellency, Governor Tom Corbett; and be it further

RESOLVED, That a committee of three, on the part of the Senate, be appointed to act with a similar committee on the part of the House of Representatives, to escort His Excellency, the Governor of the Commonwealth of Pennsylvania, to the Hall of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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.

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

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR ELISABETH J. BAKER AND SENATOR GENE YAW PRESENTED TO THE SENATE

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

Senator BAKER. Mr. President, I am honored today to introduce special guests from Susquehanna County. My colleague, Senator Yaw, and I are very pleased to have Tommy Krupinski and his dad, Tom, Sr., visiting with us from Montrose. Tom is a junior at Montrose Area High School. He is involved with the golf team, student council, FBLA, and Key Club, and he hopes to follow in his mother's footsteps and go to college and law school to become a lawyer. His mom, Marion, is an assistant district attorney in Susquehanna County. They are very active in the community. So it is a privilege for us to have Tom, Sr., and Tommy visiting the Capitol today and seeing government in action.

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.)

GUESTS OF SENATOR MICHAEL BRUBAKER PRESENTED TO THE SENATE

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

Senator BRUBAKER. Mr. President, it is indeed an honor for me to introduce guests in the gallery today. With us are Julia Jackson, Abigail Reiter, Erynn Mullins, and Juliana Anderson. These are four students from the 36th Senatorial District who won an essay contest where they were asked to expound upon the significance of agriculture in our great Commonwealth and country. The incoming essays were evaluated by retired teachers, and they selected this group of four students to be the winners. It is my privilege to introduce them on the floor today.

The PRESIDENT. Would the guests of Senator Brubaker 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 Rules and Executive Nominations 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 Rules and Executive Nominations, Senate Democrats will meet in the rear of the Chamber.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations, 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 a temporary Capitol leave for Senator Don White.

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

Senator FONTANA. Mr. President, I request a legislative leave for Senator Farnese, and a temporary Capitol leave for Senator Washington.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Don White.

Senator Fontana requests a legislative leave for Senator Farnese, and a temporary Capitol leave for Senator Washington.

Without objection, the leaves will be granted.

LEGISLATIVE LEAVE CANCELLED

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

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.

THIRD CONSIDERATION CALENDAR

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 52 (Pr. No. 1896) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in preliminary provisions, further providing for definitions; in special vehicles and pedestrians, providing for regulation and operation of neighborhood electric vehicles; and, in inspection of vehicles, further providing for operation of vehicle without official certificate of inspection.

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-41

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

NAY-9

Blake	Fontana	Kitchen	Schwank
Brewster	Kasunic	Robbins	Stack
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.

HB 170 (Pr. No. 114) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving on right side of roadway, for overtaking vehicle on the left, for no-passing zones, for required position and method of turning and for minimum speed regulation.

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, on House Bill No. 170, I had correspondence from local bicycling coalitions. I am a cyclist myself, and they said that this language can actually undermine a lot of cycling safety efforts, so because of that, I am going to cast a "no" vote on House Bill No. 170. Thank you.

LEGISLATIVE LEAVE CANCELLED

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

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-45

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

NAY-5

Boscola	Ferlo	Kitchen	Stack
Earll			

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.

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 third time and agreed to,

On the question,
Shall the bill pass finally?

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 Scarnati.

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

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

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

Senator Costa requests a temporary Capitol leave for Senator Leach.

Without objection, the leaves will be granted.

And the question recurring,
Shall the bill pass finally?

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

Senator FERLO. Mr. President, very quickly, I just want to stand, and in a quick summary, express my opposition to this bill. I am only speaking to make it clear that I am totally sympathetic and support the fact that there should be some corrective action at the payroll anomaly, not only for this group of State employees, specifically corrections managers in the Department of Corrections, but other classifications of white-collar, mid-management and upper management throughout all of our departments under the State government budget.

I disagree with the manner in which this bill has moved through the Senate and the type of action that we are taking as a legislative remedy. I think our job should be to, through the appropriations process and the vote on the annual operating budget, confirm what each department has. And as matter of budgetary principle and legislative prerogative versus the executive branch of government, I think it is important that we decide what the budget should be. I think we should decide what our role and function is in terms of the annual budget for the appropriations as well as other departments. I think we should prevail upon the executive branch, whether it is the previous administration or this current administration, that they have glaring discrepancies in the payroll of mid-managers and upper management white-collar workers, creating a situation where those individuals who have the benefit of the collective bargaining process have gained important wage and benefit increases, only to see those individuals supervising them lag way behind.

This happens every day in local municipal governments, something I had to struggle with in my 12 years on Pittsburgh City Council. The way to correct it is for the executive branch, together with this legislature, to appropriate the amount of money and take corrective action as a matter of the executive branch dealing with its workforce. I do not think we should be picking and choosing winners in this system. If we are going to do it, then at least consider it as an across-the-board reform to take corrective action.

Obviously, the morale issue among these classifications of workers is probably longstanding, if not a significant and growing concern. That is important, whether it is in the Department of Corrections or any other department within the State government. I stand to support the need and the moral imperative for these individuals to be given consideration, I just disagree with the process. We should not be intervening in this manner and at this level of corrective action. Our action should be to appropriate the amount of money into the department and urge the Governor and his Secretaries, through the executive arm of government, to take corrective action and defend the interests, well-being, and concerns that these officers, in this case, have addressed to successive administrations. Thank you very much.

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

Senator ARGALL. Mr. President, the previous speaker has mentioned many of the reasons why this bill has been introduced. He is absolutely correct. It has been a problem during this administration, it has been a problem during the previous administration, and I suspect if we check our history and our budget

books, it may even pre-date back. This is a problem of fundamental fairness, it is a problem of equity, it is a serious problem of public safety, and I think we can all agree that it is a problem of common sense when the sergeants are making more than the lieutenants and they are closing in on the captains. We have a choice. We can complain about it, or we can try to do something about it, and many of us, I hope, will join me today in trying to solve this problem once and for all.

I have worked with Senator Logan and the previous Senate. This bill has been vetted by the Committee on Appropriations and the Committee on Judiciary, and I really think that we need to move ahead with this rather than simply delay, and delay, and delay. During the hearings of the Committee on Appropriations last year, the Secretary of the Department of Corrections identified this problem as one of the single-most pressing issues facing the department, this pay disparity between managers and subordinates. We are now hearing evidence that while many experienced officers will not take the job, many of the junior officers will. We should stop and think, is that really a good idea? Is that what we want going on inside the fences?

I understand that this is not just an issue with the Department of Corrections. I understand it is certainly not just an issue within the two facilities located within the boundaries of Schuylkill County, and I certainly offer to any Senator today who wants to solve that problem within the other departments that I would be willing to roll up my sleeves and work with them as well. I do, however, believe that the Department of Corrections does present a special case. I do not think any of us want to risk a catastrophe within that fence. Let us solve this problem once and for all before it gets that far.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman from Cumberland, Senator Vance.

Senator VANCE. Mr. President, I agree with many of the statements of the previous speaker. Salaries should be based on areas of responsibility and fairness. I also have a State prison in my senatorial district, and although I was not a Member of the legislature, I remember the horror of the riots at the Camp Hill Prison, the fires, the terrible loss of property, and the injuries to people.

I also believe that we have many management people in all areas of State government who have been treated unfairly. I was hopeful that the newly negotiated contract would resolve that. Unfortunately, it has not. I will support this for the prison workers, but I want to say very loudly that the other management people across the Commonwealth in positions of responsibility should be considered as well. And I repeat again, salaries should be based on areas of responsibility and fairness, and at this time, that is not happening.

Thank you, Mr. President.

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

Senator FERLO. Mr. President, just to be clear, I think a lot of us have prison facilities in our districts. That alone, in and of itself, should be something we should be sensitive to, but I just want to point out what is very upsetting. We had a press conference today around the budget priorities, the horrendous actions of this administration and the Department of Welfare cutting back and redetermining the food stamp eligibility in terms of the asset means test.

Again, this past year in this budget, we significantly increased, to the tune of millions of dollars, the DOC budget, and that has happened even in the past under the previous administration. I just believe the Corbett administration, the Governor in particular, should intervene through the leadership of the Secretaries, and they should take immediate corrective actions to deal fairly and uniformly with this class of managers known as the corrections officers, and I think they should give consideration to other critical departments that are equally having morale and lack of fairness issues. I am not going to stand here and debate that one job classification is more arduous than the others. There is no doubt, working in corrections is a very difficult task, much like a police officer or a firefighter. Years ago, we would usually say, maybe a conservation officer would not have the kind of burden and job classification and duties that they presently have, and yet we have seen horrendous public safety situations arise out in the field now. So it is a changing environment.

Again, I just want to explain, in principle, why I am voting "no." I hope they get the raise, but I think the Governor should act regardless of the legislative action here, and I hope that he, through his departments and through the Secretaries, would do it in a more uniform way. If they have to do a reevaluation of the job duties, the classification, and what the pay scale should be, I just want to take to this podium and defend every other department and every other mid- and upper-management white collar who is never given consideration, as opposed to the collective bargaining process of unions and others in the system. Thank you.

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-45

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

NAY-5

Boscola	Smucker	Washington	Waugh
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.

BILLS OVER IN ORDER

SB 1301 and SB 1329 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 98, SB 117, HB 149, SB 968, SB 1049, SB 1089, SB 1092 and SB 1141 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION, AMENDED

SB 1147 (Pr. No. 1346) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in size, weight and load, further providing for permit for movement during course of manufacture.

On the question,

Will the Senate agree to the bill on second consideration?

Senator BRUBAKER offered the following amendment No. A8255:

Amend Bill, page 1, line 2, by inserting after "Statutes,": in fees, further providing for annual hauling permits; and,

Amend Bill, page 1, line 2, by inserting after "providing": for conditions and security and

Amend Bill, page 1, line 3, by inserting after "manufacture": and providing for egg movement permits

Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting:

Section 1. Section 1943 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read: § 1943. Annual hauling permits.

(g.1) Eggs.--The annual fee for movement of each vehicle hauling eggs as provided for in section 4976.2 (relating to permit for movement of eggs) shall be \$400.

Section 2. Section 4962(f) of Title 75 is amended to read: § 4962. Conditions of permits and security for damages.

(f) When loads permitted.--Only vehicles and combinations permitted under the following provisions shall be authorized to carry or haul loads while operating under the permit:

Section 4961(a)(2), (3) and (6) (relating to authority to issue permits).

Section 4965 (relating to single permits for multiple highway crossings).

Section 4968 (relating to permit for movement during course of manufacture).

Section 4974 (relating to permit for movement of containerized cargo).

Section 4975 (relating to permit for movement of special mobile equipment).

Section 4976 (relating to permit for movement of domestic animal feed).

Section 4976.1 (relating to permit for movement of live do-

mestic animals).

Section 4976.2 (relating to permit for movement of eggs).

Section 4977 (relating to permit for movement of wooden structures).

Section 4978 (relating to permit for movement of building structural components).

Section 4979 (relating to permit for movement of particleboard or fiberboard used in the manufacture of ready-to-assemble furniture).

Section 4979.1 (relating to permit for movement of bulk refined oil).

Section 4979.2 (relating to permit for movement of waste coal and beneficial combustion ash).

Section 4979.3 (relating to permit for movement of float glass or flat glass for use in construction and other end uses).

Section 4979.4 (relating to permit for movement of self-propelled cranes).

Section 4979.5 (relating to permit for movement of nonhazardous liquid glue).

Section 4979.6 (relating to permit for movement of waste tires).

Section 3. Section 4968(a.1)(3) of Title 75 is amended and the subsection (a.2) is amended by adding a paragraph to read:

Amend Bill, page 2, by inserting between lines 13 and 14:

Section 4. Title 75 is amended by adding a section to read:

§ 4976.2 Permit for movement of eggs.

(a) Authorization.--Except as set forth in subsection (b), all of the following apply:

(1) An annual permit may be issued authorizing the movement on highways to haul eggs to or from a processor by a combination of vehicles which exceeds the maximum vehicle gross weight specified in Subchapter C (relating to maximum weights of vehicles).

(2) On a vehicle permitted under this section:

(i) overall gross weight may not exceed 95,000 pounds;

and

(ii) weight on a nonsteering axle may not exceed 21,000

pounds.

(b) Exception.--No permit may be issued for this type of movement upon an interstate highway.

Amend Bill, page 2, line 14, by striking out "2" and inserting:

5

On the question,

Will the Senate agree to the amendment?

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

Senator BRUBAKER. Mr. President, this amendment simply increases the gross weight of trucks for egg transportation, making it equal to that currently permitted by law for grain and milk transportation. Our egg industry is in need of this to increase our efficiency to make sure that our cost for consumer eggs is as low as possible.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

BILLS OVER IN ORDER

SB 1169 and **SB 1254** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION, AMENDED

HB 1294 (Pr. No. 2998) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate agree to the bill on second consideration?

Senator BOSCOLA offered the following amendment No. A8277:

Amend Bill, page 7, line 12, by inserting after "DATA.":
Notwithstanding section 1315 (relating to limitation on consideration of certain costs for electric utilities), the commission may permit facilities which are projected to be in service during the fully projected future test year to be included in the rate base.

Amend Bill, page 21, line 14, by inserting after "REVENUE":
, consistently with subsection (a)

On the question,

Will the Senate agree to the amendment?

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

Senator BOSCOLA. Mr. President, I offer this amendment on behalf of myself and Senator Tomlinson. It is my understanding that this is an agreed-to amendment and is technical in nature.

And the question recurring,

Will the Senate agree to the amendment?

LEGISLATIVE LEAVE

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

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

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

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

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

Senator M.J. WHITE. Mr. President, I have a brief statement on the bill as currently amended, and then I would like to ask if

the maker of the bill, Senator Tomlinson, will stand for brief interrogation.

The PRESIDENT. The gentleman indicates he will.

Senator M.J. WHITE. Mr President, the bill authorizes a Distribution System Improvement Charge, called a "DSIC," of up to 5 percent of a gas or electric distribution charge to be added to a ratepayer's bill for certain infrastructure improvements. This would allow quicker recovery by the utility of certain infrastructure investments and avoid the so-called regulatory lag when these costs are handled in a rate case. I support this concept; however, I believe the ratepayer should be getting something for this surcharge over and above what the utilities are already obligated to provide. I want to be sure that not every repair, improvement, or replacement is eligible for the DSIC.

Under Section 1352 of the bill as it currently stands, in order to be eligible, the improvement must be included in a long-term infrastructure improvement plan that must be approved by the Public Utility Commission. Among other things, the bill now requires that the plan describe, quote, "The manner in which the replacement of aging infrastructure will be accelerated and how the repair, improvement or replacement will ensure and maintain adequate, efficient, safe, reliable and reasonable service," unquote.

Now to my question. Mr. President, is it correct that the Public Utility Commission can reject a plan that does not accelerate infrastructure improvement?

Senator TOMLINSON. Mr. President, yes, the Senator is correct. The utility company is required to come in, it is required to give its long-range plans, it is required to go over that. The PUC definitely has the authority to change that plan, make that plan meet the increase in infrastructure change.

Senator M.J. WHITE. Mr. President, is it also true, then, that the DSIC does not replace the ratemaking process and that investments beyond the percentage limit, and all other investments in infrastructure, will continue to be viewed for prudence in the company's next general rate case?

Senator TOMLINSON. Mr. President, that is absolutely correct. In fact, I would say that in instances where utilities have not come in for a rate case and they do want to avail themselves of the advantages of the DSIC, they will have to come in and get a rate case if they want to participate in DSIC.

Senator M.J. WHITE. Mr. President, in light of the gentleman's responses, I will not offer my amendment. Thank you.

And the question recurring,

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

It was agreed to.

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

BILLS ON SECOND CONSIDERATION

SB 1302 (Pr. No. 1831) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 26, 1953 (P.L.1476, No.433), referred to as the Philadelphia City-County Consolidation Act, further providing for powers of the council.

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

HB 1582 (Pr. No. 2999) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILLS OVER IN ORDER

HB 1702, HB 1827 and HB 1886 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SENATE RESOLUTION No. 216, AMENDED

Senator PILEGGI, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 216**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to conduct an economic impact study of the brewery industry in this Commonwealth.

On the question,
Will the Senate adopt the resolution?

Senator ARGALL offered the following amendment No. A8218:

Amend Resolution, page 1, lines 1 through 18; page 2, lines 1 through 30; page 3, lines 1 through 15, by striking out all of said lines on said pages and inserting:

Directing the Legislative Budget and Finance Committee to conduct an economic impact study of the brewery industry in this Commonwealth.

WHEREAS, Pennsylvania has numerous breweries located in this Commonwealth; and

WHEREAS, The brewery industry in Pennsylvania has contributed to the economic development of this Commonwealth; and

WHEREAS, The brewery industry in Pennsylvania contributes to philanthropic and civic endeavors within communities of this Commonwealth; and

WHEREAS, The act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, provides the statutory framework for the conduct of the brewery industry; and

WHEREAS, The brewery industry in Pennsylvania, the nation and internationally has changed significantly in the last 15 years; and

WHEREAS, The continued growth of the brewery industry provides a significant impact to the economic health of this Commonwealth; therefore be it

RESOLVED, That the Senate direct the Legislative Budget and Finance Committee to conduct an economic impact study of the brewery industry; and be it further

RESOLVED, That the economic impact study include:

(1) An explanation of the three-tier malt and brewed beverage system established in the Liquor Code.

(2) The current economic impact of the brewery industry in this Commonwealth.

(3) The impact of the brewery industry on Pennsylvania tourism.

(4) The impact of the brewery industry on other industries located in this Commonwealth.

(5) The identification of any legislative changes, including, but not limited to, changes to the Liquor Code and the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, that will continue to promote the growth of the brewery industry in this Commonwealth;

and be it further

RESOLVED, That the committee submit its study to the Senate no later than one year from adoption of this resolution.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**COMMUNICATIONS FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

[Data missing] COUNCIL OF TRUSTEES OF
CHEYNEY UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

January 23, 2012

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 13, 2011, for the appointment of Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until his successor is appointed and qualified, vice Dongkyu Bak, Media, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

TOM CORBETT
Governor

SECRETARY OF DRUG AND ALCOHOL PROGRAMS

January 23, 2012

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 29, 2011, for the appointment of Melanie DePalma, 1024 N. Waterford Way, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as Secretary of Drug and Alcohol Programs, to serve until the third Tuesday of January 2015, and until her successor is appointed and qualified, vice new position.

I respectfully request the return to me of the official message of nomination on the premises.

TOM CORBETT
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

January 23, 2012

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 28, 2011 for the appointment of Christopher J. Delozier, 1331 Sconsett Way, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

TOM CORBETT
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

January 23, 2012

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 28, 2011, for the appointment of The Honorable Robert "Bo" Fean, 117 Sawkill Avenue, Milford 18337, Pike County, Twentieth Senatorial District, as a member of the Municipal Police Officers' Education and Training Commission, to serve until August 12, 2012, and until his successor is appointed and qualified, vice William J. Goldsworthy, Jr., West Pittston, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

TOM CORBETT
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

January 23, 2012

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 28, 2011, for the appointment of Hugh J. Murray, Sr., 1148 S. Ashbrooke Drive, West Chester 19380, Chester County, Nineteenth Senatorial District, as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF OPTOMETRY

January 23, 2012

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 17, 2011, for the appointment of Richard T. Hawley, O.D., 3512 Margo Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, as a member of the State Board of Optometry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

TOM CORBETT
Governor

MEMBER OF THE PROFESSIONAL
STANDARDS AND PRACTICES COMMISSION

January 23, 2012

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 14, 2011, for the appointment of Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2014, and until her successor is appointed and qualified, vice Frank Vecchio, Harrisburg, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS

January 23, 2012

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 14, 2011, for the appointment of Ellen Melrose (Public Member), 1452 Beechwood Boulevard, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph Steward, Philadelphia, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

TOM CORBETT
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator ROBBINS. Mr. President, I request that the nominations just read by the Clerk be returned to His Excellency, the Governor.

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

The PRESIDENT. The nominations will be returned to the Governor.

**REPORT FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE PENNSYLVANIA
CANCER CONTROL, PREVENTION
AND RESEARCH ADVISORY BOARD**

November 16, 2011

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, Ada Rivera, 422 Butz Lane, Scotrun 18355, Monroe County, Fourteenth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified, vice Robert F. Durkin, Bensalem, whose term expired.

TOM CORBETT
Governor

**MEMBER OF THE ERIE COUNTY
CONVENTION CENTER AUTHORITY**

November 10, 2011

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, Susan N. Sutto, 3112 Madeira Drive, Erie 16506, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Erie County Convention Center Authority, to serve for a term of four years and until her successor is appointed and qualified.

TOM CORBETT
Governor

**MEMBER OF THE STATE HARNESS
RACING COMMISSION**

December 2, 2011

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, The Honorable Noah W. Wenger, 1325 Wollups Hill Road, Stevens 17578, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the State Harness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, vice Arthur Manuel, Peckville, resigned.

TOM CORBETT
Governor

**MEMBER OF THE BOARD OF DIRECTORS
OF THE PENNSYLVANIA HIGHER
EDUCATION ASSISTANCE AGENCY**

October 25, 2011

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, Timothy R. Thyreen, 51 West College Street, Waynesburg 15370, Greene County, Forty-sixth Senatorial District, for reappointment as a member of the Board of Directors of the Pennsylvania Higher Education Assistance Agency, to serve until June 30, 2017, and until his successor is appointed and qualified.

TOM CORBETT
Governor

**MEMBER OF THE PENNSYLVANIA
HUMAN RELATIONS COMMISSION**

November 1, 2011

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, The Honorable Terence Farrell, 345 West Chestnut Street, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the Pennsylvania Human Relations Commission, to serve for a term of five years or until his successor is appointed and qualified, vice Daniel L. Woodall, Jr., Pottstown, whose term expired.

TOM CORBETT
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION**

September 28, 2011

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, Bart Burne, Ed.D., 37 Old Mill Road, Laflin 18702, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until his successor is appointed and qualified.

TOM CORBETT
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION**

September 28, 2011

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, Richard Walter Long, Esquire, 216 Beaver Drive, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Municipal Po-

lice Officers' Education and Training Commission, to serve for a term of three years and until his successor is appointed and qualified, vice John J. McGeehan, Bethlehem, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

September 28, 2011

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, Todd Edward Naylor, 3159 Churchview Avenue, Pittsburgh 15227, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until September 9, 2012, and until his successor is appointed and qualified, vice John R. McGrody, Philadelphia, resigned.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF
PHYSICAL THERAPY

November 17, 2011

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, Jeffrey R. Elliott, Esquire (Public Member), 331 Daniel Street, Wernersville 19565, Berks County, Forty-eighth Senatorial District, for appointment as a member of the State Board of Physical Therapy, to serve until October 2, 2012, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice John O'Brien, Pittsburgh, resigned.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD
OF PHYSICAL THERAPY

December, 23 2011

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, Timothy M. Schell, P.T., 201B Erie Street, Grove City 16127, Mercer County, Fiftieth Senatorial District, for reappointment as a member of the State Board of Physical Therapy, to serve until October 2, 2013, and until his successor is appointed and qualified, but no longer than six months beyond that period.

TOM CORBETT
Governor

NOMINATIONS LAID ON THE TABLE

Senator ROBBINS. Mr. President, I request that the nominations just read by the Clerk be laid on the table.
The PRESIDENT. The nominations will be laid on the table.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,
That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to by voice vote.

NOMINATION TAKEN FROM THE TABLE

Senator ROBBINS. Mr. President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

September 28, 2011

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, Richard Walter Long, Esquire, 216 Beaver Drive, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until his successor is appointed and qualified, vice John J. McGeehan, Bethlehem, whose term expired.

TOM CORBETT
Governor

On the question,
Will the Senate advise and consent to the nomination?

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

YEA-49

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

NAY-1

Greenleaf

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.
Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROBBINS. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

**MEMBER OF THE PENNSYLVANIA
CANCER CONTROL, PREVENTION
AND RESEARCH ADVISORY BOARD**

November 16, 2011

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, Ada Rivera, 422 Butz Lane, Scotrun 18355, Monroe County, Fourteenth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified, vice Robert F. Durkin, Bensalem, whose term expired.

TOM CORBETT
Governor

**MEMBER OF THE ERIE COUNTY
CONVENTION CENTER AUTHORITY**

November 10, 2011

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of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Susan N. Sutto, 3112 Madeira Drive, Erie 16506, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Erie County Convention Center Authority, to serve for a term of four years and until her successor is appointed and qualified.

TOM CORBETT
Governor

**MEMBER OF THE STATE HARNESS
RACING COMMISSION**

December 2, 2011

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of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Noah W. Wenger, 1325 Wollups Hill Road, Stevens 17578, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the State Harness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, vice Arthur Manuel, Peckville, resigned.

TOM CORBETT
Governor

**MEMBER OF THE BOARD OF DIRECTORS
OF THE PENNSYLVANIA HIGHER
EDUCATION ASSISTANCE AGENCY**

October 25, 2011

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, Timothy R. Thyreen, 51 West College Street, Waynesburg 15370, Greene County, Forty-sixth Senatorial District, for reappointment as a member of the Board of Directors of the Pennsylvania Higher Education Assistance Agency, to serve until June 30, 2017, and until his successor is appointed and qualified.

TOM CORBETT
Governor

**MEMBER OF THE PENNSYLVANIA
HUMAN RELATIONS COMMISSION**

November 1, 2011

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, The Honorable Terence Farrell, 345 West Chestnut Street, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the Pennsylvania Human Relations Commission, to serve for a term of five years or until his successor is appointed and qualified, vice Daniel L. Woodall, Jr., Pottstown, whose term expired.

TOM CORBETT
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION**

September 28, 2011

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, Bart Burne, Ed.D., 37 Old Mill Road, Laflin 18702, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until his successor is appointed and qualified.

TOM CORBETT
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION**

September 28, 2011

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

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TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF
PHYSICAL THERAPY

November 17, 2011

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, Jeffrey R. Elliott, Esquire (Public Member), 331 Daniel Street, Wernersville 19565, Berks County, Forty-eighth Senatorial District, for appointment as a member of the State Board of Physical Therapy, to serve until October 2, 2012, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice John O'Brien, Pittsburgh, resigned.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD
OF PHYSICAL THERAPY

December, 23 2011

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, Timothy M. Schell, P.T., 201B Erie Street, Grove City 16127, Mercer County, Fiftieth Senatorial District, for reappointment as a member of the State Board of Physical Therapy, to serve until October 2, 2013, and until his successor is appointed and qualified, but no longer than six months beyond that period.

TOM CORBETT
Governor

On the question,
Will the Senate advise and consent to the nominations?

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

Senator COSTA. Mr. President, may we go at ease for a moment?

The PRESIDENT. Without objection, the Senate will be at ease.

(The Senate was at ease.)

NOMINATIONS RETURNED TO THE TABLE

Senator ROBBINS. Mr. President, I ask that the nominations be returned to the table.

On the question,
Will the Senate agree to the motion?
A voice vote having been taken, the question was determined in the affirmative.

The PRESIDENT. The nominations will be laid on the table.

EXECUTIVE SESSION RISES

Senator ROBBINS. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

SB 405 TAKEN FROM THE TABLE

Senator PILEGGI. Mr. President, I move that Senate Bill No. 405, Printer's No. 1534, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

**UNFINISHED BUSINESS
SENATE RESOLUTIONS ADOPTED**

Senators FONTANA, FARNESE, TARTAGLIONE, KITCHEN, WASHINGTON, STACK, TOMLINSON, HUGHES, WILLIAMS, PILEGGI, McILHINNEY, SCHWANK, GREENLEAF, SMUCKER, YUDICHAK, PICCOLA, BROWNE, BRUBAKER, PIPPY, FERLO, WARD, ORIE, D. WHITE, COSTA, RAFFERTY, BREWSTER, SOLOBAY, VOGEL, FOLMER, EARLL, LEACH, BOSCOLA, DINNIMAN, BAKER, M.J. WHITE, BLAKE, YAW, MENSCH, SCARNATI, ERICKSON, GORDNER, WAUGH, ARGALL, EICHELBERGER, VANCE, KASUNIC, ALLOWAY, CORMAN, WOZNIAK and ROBBINS, by unanimous consent, offered **Senate Resolution No. 247**, entitled:

A Resolution designating Friday, January 27, 2012, as "Earned Income Tax Credit (EITC) Awareness Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator FONTANA. Mr. President, my resolution designates Friday, January 27, 2012, as "Earned Income Tax Credit (EITC) Awareness Day" in Pennsylvania. The Earned Income Tax Credit is a refundable Federal income tax credit for low- to moderate-income working individuals and families. The program, Mr. President, was created in 1975 to help offset the burden of Social Security taxes and to provide an incentive to work.

Today, EITC has developed into one of the country's largest antipoverty programs, lifting 6.6 million people out of poverty each year, half of whom are children. Working families with children that have annual incomes below \$36,000 and up to \$49,000 may be eligible for a tax credit. In addition, individuals without children who have incomes below \$14,000 and up to \$19,000 for a married couple can apply for EITC.

Mr. President, an employee can receive from the IRS under the Earned Income Tax Credit over \$5,000, depending on income, marital status, and their number of children. Most receivers of EITC use the money to pay utility bills or buy groceries in the community, therefore helping to stimulate our economy. Each year, Mr. President, millions of people miss out on the Earned Income Tax Credit because they do not realize that it is available. Hopefully, through awareness campaigns and this resolution, we can help insure that eligible workers receive the credits they have earned.

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 ORIE, TARTAGLIONE, ALLOWAY, ARGALL, BAKER, BLAKE, BOSCOLA, BREWSTER, BROWNE, COSTA, DINNIMAN, ERICKSON, FARNESE, FERLO, FONTANA, GORDNER, GREENLEAF, KASUNIC, KITCHEN, McILHINNEY, PILEGGI, PIPPY, RAFFERTY, ROBBINS, SCARNATI, SCHWANK, SOLOBAY, STACK, VANCE, WARD, WASHINGTON, WAUGH, D. WHITE, M.J. WHITE, YAW, HUGHES and BRUBAKER, by unanimous consent, offered **Senate Resolution No. 248**, entitled:

A Resolution recognizing the month of February 2012 as "American Heart Month" in Pennsylvania and urging all Pennsylvanians to recognize the critical importance of the tools and skills that will increase survival rates from cardiac arrest.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Orie.

Senator ORIE. Mr. President, today is bittersweet for me as I offer a resolution designating February as "American Heart Month" in Pennsylvania. For years, I have supported the American Heart Association and offered this resolution with Senator Tartaglione, raising awareness of heart disease through the Go Red For Women campaign.

Sadly, heart disease struck my family in November, taking the life of my sister, Dr. Judy Orie. What makes this particularly painful is the dedication my sister had to stamp out this deadly disease. She practiced nuclear cardiology and internal medicine at both UPMC Passavant as well as Allegheny General Hospital. She established the Nuclear Cardiology Department at Allegheny General Hospital and made an international presentation that received accolades in regard to "Women's Heart Day." My sister did so much with medical outreach in the community on raising awareness of heart disease not only with women but with men and children, and through her dedication and selflessness, she offered free medical services to those who were less fortunate.

She followed in the footsteps of my father in the health field and, in fact, practiced alongside of him in her cardiology clinic. My mother also died in 1989 of heart disease, and she would have been proud to see the legacy that my sister left. It is with a heavy heart that--as you look at the circumstances in my family, and I am sure those who are listening have similar personal stories of family members they have lost to this devastating disease, and that is why it is with a heavy heart that we need to move forward in defeating this disease, funding research, educating the public, and helping build healthier lives.

We can and must do more for this next generation. We cannot sit by silently, as cardiovascular disease can touch any family at any time as it knows neither cultural bounds nor social bounds. An estimated 785,000 people in the United States have had new coronary attacks. An estimated 470,000 people nationwide have had recurring attacks. And an additional 195,000 have been victims to silent coronary attacks that go undiagnosed year after year.

Mr. President, I know I and Senator Tartaglione have brought to each of the Members a "Go Red" pin in the shape of a dress, and both of us are asking each and every one of our colleagues, as well as the people in the audience, to wear red throughout February, but, more importantly, on February 3. Mr. President,

I ask for an affirmative vote on this important resolution, and urge all of my colleagues on February 3 to wear this pin to increase outreach and awareness of this devastating disease.

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, FONTANA, BROWNE, ORIE, KASUNIC, ROBBINS, HUGHES, DINNIMAN, VOGEL, M. WHITE, VANCE, KITCHEN, ERICKSON, TOMLINSON, COSTA, D. WHITE, BRUBAKER, RAFFERTY, BOSCOLA, WARD, WAUGH, WILLIAMS, SCHWANK, STACK, BLAKE, FARNESE, BAKER, PIPPY, FERLO, BREWSTER, ALLOWAY and PILEGGI, by unanimous consent, offered **Senate Resolution No. 249**, entitled:

A Resolution designating Friday, February 3, 2012, as "National Wear Red Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator COSTA. Mr. President, I ask that my colleagues support this resolution offered by Senator Tartaglione which designates February 3 as "National Wear Red Day," a very important day which coincides with the effort that my colleague, Senator Orie, just spoke about. We think it is very important that we continue to have these conversations and make folks aware of the importance of dealing with heart disease and recognizing those who suffer from heart disease. To that end, I have remarks that were prepared by Senator Tartaglione that I would like to offer on her behalf.

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 gentleman from Allegheny, Senator COSTA, on behalf of the gentlewoman from Philadelphia, Senator TARTAGLIONE:)

Mr. President, today, more than 42 million women in the United States suffer from heart disease. Most of these women do not know they have this condition. Heart disease is responsible for more than 432,000 deaths among women over the age of 20. It is the number-one killer among the female population in this country. Yet, too often, we find that women are taking care of their families, but they are not taking care of themselves by seeking appropriate medical treatment following a heart attack.

Five times as many women die from heart attacks than from breast cancer. These are senseless, preventable deaths. We must work to educate individuals and broaden awareness of this issue so that we may reduce the risk of heart disease among women. It is a matter of life and death. That is why I am honored to join the American Heart Association, along with colleagues from both sides of the aisle today, in supporting the goals of National Wear Red Day in Pennsylvania. Slowly, we are changing attitudes about heart disease and empowering women to take control of their health by understanding their bodies.

Thanks to the American Heart Association and the efforts of individuals across this State and nation, more than 2 million women have learned their personal risk of developing heart disease by taking the Go Red Heart Check-Up. Ninety-one percent of women involved in Go Red for Women visited their doctor in the last 12 months, compared to 73 percent of all women. More than half of Go Red women participate in a regular exercise program and 90 percent have had their blood pressure checked in the past year. That is progress, and that is why we are here today. I am proud to perpetuate this momentum toward helping women understand the dangers of heart disease. I will continue this momentum until all women have become knowledgeable and proactive in preserving and saving their own lives. Thank you.

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

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 Evan Jonathan Freeman by Senator Argall.

Congratulations of the Senate were extended to Rose Sharp by Senator Brewster.

Congratulations of the Senate were extended to William G. Drury by Senators Costa and Solobay.

Congratulations of the Senate were extended to Chester County Art Association by Senator Dinniman. Congratulations of the Senate were extended to Ed Barnes by Senators Dinniman and Rafferty.

Congratulations of the Senate were extended to Raymond Blohm III by Senator Erickson.

Congratulations of the Senate were extended to Marsha Dworkin by Senator Pileggi.

Congratulations of the Senate were extended to Tom Leete by Senator Scarnati.

Congratulations of the Senate were extended to Kutztown University Football Team by Senator Schwank.

Congratulations of the Senate were extended to Daniel Anthony Tosiano and to Monaghan Township Volunteer Fire Company by Senator Vance.

Congratulations of the Senate were extended to Phillip Hoffman by Senator Vogel.

Congratulations of the Senate were extended to Marty Altenbaugh by Senator Ward.

Congratulations of the Senate were extended to Oscar P. Vance, Jr., by Senator Washington and others.

Congratulations of the Senate were extended to Kyle Anthony Citeroni by Senator D. White.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JANUARY 25, 2012

Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider House Bill	Rules Cmte. Conf. Rm.
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No. 1458; and certain executive nominations)	Off the Floor	TRANSPORTATION (to consider Senate Bills No. 1372 and 1382; and House Bill No. 1091)	Rules Cmte. Conf. Rm.
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WEDNESDAY, FEBRUARY 8, 2012

10:00 A.M.	EDUCATION (public hearing on Senate Bill No. 1381)	Hrg. Rm. 1 North Off.
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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.
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1:00 P.M.	APPROPRIATIONS (budget hearing - Independent Fiscal Office -- Economic Outlook and Revenue Overview)	Hrg. Rm. 1 North Off.
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3:00 P.M.	APPROPRIATIONS (budget hearing - Treasury Department)	Hrg. Rm. 1 North Off.
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TUESDAY, FEBRUARY 14, 2012

9:30 A.M.	APPROPRIATIONS (budget hearing - Department of General Services)	Hrg. Rm. 1 North Off.
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1:00 P.M.	APPROPRIATIONS (budget hearing - Public Utility Commission)	Hrg. Rm. 1 North Off.
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3:00 P.M.	APPROPRIATIONS (budget hearing - Department of Insurance)	Hrg. Rm. 1 North Off.
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WEDNESDAY, FEBRUARY 15, 2012

9:30 A.M.	APPROPRIATIONS (budget hearing - Office of the Auditor General)	Hrg. Rm. 1 North Off.
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1:00 P.M.	APPROPRIATIONS (budget hearing - Office of Attorney General)	Hrg. Rm. 1 North Off.
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3:00 P.M.	APPROPRIATIONS (budget hearing - Department of Military & Veterans Affairs)	Hrg. Rm. 1 North Off.
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THURSDAY, FEBRUARY 16, 2012

9:30 A.M.	APPROPRIATIONS (budget hearing - Liquor Control Board)	Hrg. Rm. 1 North Off.
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1:00 P.M.	APPROPRIATIONS (budget hearing - State Police/Homeland Security)	Hrg. Rm. 1 North Off.
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3:00 P.M.	APPROPRIATIONS (budget hearing - Department of Conservation & Natural Resources)	Hrg. Rm. 1 North Off.
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TUESDAY, FEBRUARY 21, 2012

9:30 A.M.	APPROPRIATIONS (budget hearing - Department of Revenue)	Hrg. Rm. 1 North Off.
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1:00 P.M.	APPROPRIATIONS (budget hearing - Department of Health)	Hrg. Rm. 1 North Off.
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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.
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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 and 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 PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Kitchen.

Senator KITCHEN. Mr. President, I am just here again to talk about what we talked about earlier, and that is people who have worked, because if we look at the context of the proposal regarding the food stamp program, we know that a family must have been employed at one time to be able to accumulate \$2,000, which we know is not a lot of money, but if they were unemployed for a length of time or on some other program, they could not possibly save \$2,000.

But, Mr. President, this proposal, this policy, if it is enacted May 1, will really be a knockout punch for the working people and middle-class people of Pennsylvania. Now, these folks have worked and they have done exactly what we asked them to do, save their pennies, save their dollars for a rainy day. But the rainy day that has come is not just raining, it is a storm, it is a tornado. They are down to their last cent, and not only just the people in my district, Mr. President, but what about the people

who live in districts where there is not a good transportation system? How would they get around if their car has to be valued at less than \$4,800 if it is in a breakdown condition? I do not think it is fair for us to impose these kinds of policies which are really punishing in nature, and it is punishing the very people who have worked and played by the rules.

I just really think that we need to think over this proposal. Also, I want to further add that as people all across the State who are concerned about this policy, I am hearing about rally after rally and press conferences. It is not too late for us to think about the working people of Pennsylvania who have collected their last unemployment check or have lost their jobs. It is not fair. It is unconscionable for us to treat people in this cruel manner when we are really not saving any money. By the way, I would like to know how much money is being saved by this proposal, because the program is federally funded and our contribution to the administration of this program is minimal.

So, I just want to say to the Governor, if he could just think this over, reconsider, and just think of these working people who, on the backs of this State, have made this State the great State that it is.

Thank you, Mr. President.

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

Senator STACK. Mr. President, I am sure people think that the adultBasic issue, the adultBasic program is dead. Governor Corbett put it out of his mind the moment he decided to cut off 41,000 working Pennsylvanians from this crucial healthcare plan. March 1 is going to mark the 1-year anniversary since the adultBasic program was callously ended. This State-run program, as you know, Mr. President, provided basic health coverage and was a lifeline for so many individuals. Since that time, few have successfully sought low-cost healthcare alternatives, just statistically, 4 out of 10.

In my district, Nazareth Hospital's ER has been overrun with many more uninsured, specifically, former adultBasic recipients. Meanwhile, folks are forgoing important doctor's appointments, putting off surgery, and fighting their way through illness and pain. Monday's Philadelphia Inquirer detailed a story about one such family, the LoBiondos of Drexel Hill. Mike and Dolores LoBiondo were adultBasic recipients until the program ended last year. Since then, Mike, a barber, has put off surgery for his painful, already-diagnosed diverticulitis. His wife, Dolores, forgoes recommended regular check-ups for a lump in her chest. Fortunately, they found a way for some kind of temporary coverage through the Medical Assistance for Workers with Disabilities program, but they worry that, at any time, their coverage could be taken away.

Back in December, the Inquirer reported that thousands of Pennsylvanians were being kicked off Medicaid without explanation. We are talking about children with disabilities being denied coverage. There are many families out there like the LoBiondos, families who are stuck in the middle, and they, Mr. President, are scared out of their minds. They make too much money for Medicaid, but they cannot afford private insurance. No one should have to live with that kind of anxiety of wondering when they will be cut off. No one deserves that constant pain, Mr. President. No one. Yet, this administration continues to cut away at the very safety net that far too many citizens rely on to live.

You just heard from my friend and colleague, Senator Kitchen. Earlier today, Senate Democrats, under the leadership of Senator Kitchen, blasted the administration for its plan to reinstate an asset test on recipients of the Supplemental Nutrition Assistance Program, or SNAP. Pennsylvania, at one time, had an asset test for recipients of SNAP, which is another way of saying, as Senator Kitchen pointed out, food stamps. But we stopped doing it several years ago when the economy tanked, and also because the test was actually not very effective at determining someone's economic stability.

Well, the economy, as we all know, has not really recovered. People are still out of work or they are underemployed. An asset test, at this time, will only further the burden of struggling Pennsylvanians, Mr. President. Many of the other States that are similar to Pennsylvania have discarded their asset test and have no intention of bringing it back. Make no mistake, Mr. President, the SNAP program or food stamp program that we have here in Pennsylvania is not just for unemployed and impoverished. Thirty percent of SNAP recipients have a job. These are people who are saving every last nickel and dime so that they can work their way toward a better life. Yet for some reason, this administration wants to knock them back down. This administration wants to take away from them an opportunity to find a way out of poverty.

Governor Corbett's relentless effort to punish hardworking Pennsylvanians is an outrage. It is something that all Pennsylvanians should stand up and take notice of. What does the Governor have against the poor and the middle class in this State? Many of these people do not want government assistance, but the economy has left them with no choice. Please, let us end the assault on the working poor and, instead, let us support their path up and out toward economic self-sufficiency down the road.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I want to talk about a couple of things, but first and foremost, I want to echo the eloquent comments of my colleagues on two very important issues, specifically the SNAP program, which was evidenced today at a press conference that Senate Democrats held. We think this is a very, very important issue that needs to be vetted, and the public needs to know exactly what is taking place here in Harrisburg as it relates to reducing the continued attack on the middle class and our poor as it relates to legitimate benefits to which they are entitled.

Mr. President, under the guise of reducing or eliminating fraud, the way you go about doing that is not in the SNAP program. There are many other ways in which we could examine that, and we have undertaken that process as part of last year's budget. We believe that while those numbers may not be anywhere near what some people believe, and we agree that there should not be fraud, waste, and abuse in any part of our government, but at the end of the day, when you start to think that this particular program will be one that has those things running rampant in it, I think it is unwise to put into place an asset test that was removed 4 years ago by this Commonwealth, and 35 other States have removed it or do not have one. I think it is a bad choice for this administration, a bad policy decision, and something that we certainly hope that the Governor will reject as we

go forward. I want to compliment Senator Kitchen, who has been at the forefront of that process.

Mr. President, my colleague talked a little about adultBasic. We are approaching the 1-year anniversary of when we kicked 40,000 folks off of adultBasic, and as evidenced by his comments, we have not been able to recover those folks. Again, working families, working individuals who had an opportunity to purchase low-cost insurance at a monthly premium no longer have that available to them at a low-cost and reasonable price. For those who were able to access other programs, they have that, but they have seen that cost triple. We need to take steps to try to continue to talk about the need for healthcare in this Commonwealth.

In Allegheny County, in southwestern Pennsylvania, we are dealing with that very specific issue. We have a tremendous crisis going on with respect to UPMC and Highmark, and the battle between these two large entities in not being able to figure out where we want to go with respect to having access to quality healthcare at reasonable prices. Fortunately, we have been given a 1-year reprieve as it relates to the doctors being part of that program. I know the Governor was a big part of that as well, and kudos should go out to him. But also, a number of us here in this Chamber have been advancing legislation that we think needs to come forward and be considered by this General Assembly sooner rather than later so we can put at ease the minds of so many western Pennsylvanians who have Highmark and want to continue to have access to some of the best doctors we have in the region and to continue that contract for a number of years.

Mr. President, I rise today for a separate reason as well. Last week, we had a conversation on this floor about our hearings of the Committee on Appropriations, specifically our nonpreferreds, the universities of Penn State, Pitt, Temple, and Lincoln, and the fact that they have been intentionally excluded from the appropriations hearing process. As I said last week, I think that is a major mistake, and the people of this Commonwealth, quite frankly, should be outraged that this is the only Chamber that is not going to have the State-relateds come before it for a conversation about how they spend money and what amount of money they should be receiving from this Commonwealth. Just today, at a very lengthy hearing of the Committee on Education--and I was not present, I did not see it--I was told that the Secretary of Education indicated that it is the proposed policy of this Commonwealth that we allow the dollars to follow the students. And we know, particularly in hearings we had, which were referenced last week, as a substitute for our hearings of the Committee on Appropriations over the course of last August and September, there was a conversation at the State-related level that, in fact, we would no longer fund our State-related entities and that we would simply have the dollars follow the students at those universities.

Mr. President, that is something that I think needs to be talked about. If, in fact, the Governor's Budget Address reflects that policy or that policy change, a longstanding policy in place would be changed along those lines, that, in and of itself, is a significant reason as to why we should have hearings of the Committee on Appropriations addressing a number of the questions to the State-related universities as to what the impact would be. What happens if you no longer receive State funding? What does that mean with respect to your status as a State-related university? What is the impact going to be on State System schools?

Would there continue to be a State System of Higher Education if, in fact, we strip away from them the State resources and allow the dollars to follow the students? I am certain that the Secretary and the administration has an understanding in their minds how they want to see that rolled out. But at the end of the day, we do not know what that is, and that opportunity, through the appropriations process, is our opportunity to ask those very, very important questions about how our State resources are being spent.

So we are here again today asking for the opportunity and asking the other side of the aisle to please schedule a hearing of the Senate Committee on Appropriations that includes in the hearing schedule the nonpreferreds, which, in and of themselves, are significant. If the other side of the aisle wants to do hearings of the Committee on Appropriations on the other agencies of government, they can do it. They have the ability to provide a sufficient number of votes to get whatever the budget says in that process because they only need 26 votes to pass a budget that incorporates all of those other entities that will be before the Committee on Appropriations. But the nonpreferreds are unique and different because they require a two-thirds vote here in the Senate.

Quite frankly, Mr. President, we think we must have and should be given the opportunity to be able to ask very probative questions about the universities and how they use these resources, how they want to use them, and what the administration's vision and view of how we drive out resources to those universities would be impacted there.

So we are again asking that the Senate Committee on Appropriations schedule the nonpreferreds for hearings as part of the appropriations process.

Thank you, Mr. President.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 159** and **SB 923**, with the information the House has passed the same without amendments.

**HOUSE CONCURS IN SENATE AMENDMENTS
BY AMENDING SAID AMENDMENTS
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 1458**, in which concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIII, section 6, this bill will be referred to the Committee on Rules and Executive Nominations.

BILLS SIGNED

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

SB 159 and **SB 923**.

RECESS

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

Senator BROWNE. Mr. President, I move that the Senate do now recess until Wednesday, January 25, 2012, at 11 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 5:25 p.m., Eastern Standard Time.