

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

WEDNESDAY, JANUARY 25, 2012

SESSION OF 2012 196TH OF THE GENERAL ASSEMBLY

No. 6

**SENATE**

WEDNESDAY, January 25, 2012

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

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

**PRAYER**

The Chaplain, the Very Reverend WILLIAM C. FORREY, of Saint Patrick Catholic Church, Carlisle, offered the following prayer:

Let us pray.

Almighty and ever-living God, we do well always and everywhere to give You thanks. As You pour out Your graces and Your blessings upon us this day, we pray that Your spirit will be upon the Members of the Senate Chamber, giving to them the blessings of Your truth and knowledge.

May our elected officials and all of the Commonwealth employees who work and collaborate with them be evermore committed in their resolve to make Pennsylvania a better place to live, work, and recreate. May the power of Your truth and our faith in Your divine providence give to the Members of this venerable Chamber the confidence to accomplish the required work needed to better serve our citizens.

Give to all the Senators strength of purpose and clarity of mind, to do those things that bring justice and mercy to people, to maintain freedom and liberty for our land. May all that is done this day be for Your greater honor and glory. Amen.

The PRESIDENT. The Chair thanks Father Forrey, who is the guest today of Senator Vance.

**PLEDGE OF ALLEGIANCE**

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

**HOUSE MESSAGE**

**HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in the resolution from the Senate, entitled:

**Joint Session.**

**GENERAL COMMUNICATION**

**SMALL BUSINESS ENVIRONMENTAL  
ASSISTANCE PROGRAMS ANNUAL REPORT**

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

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

January 12, 2012

Mr. Mark R. Corrigan  
Secretary of the Senate  
Senate Post Office Box 203053  
Harrisburg, PA 17120-3053

Dear Mr. Corrigan:

The Department of Environmental Protection (DEP) is pleased to present to you its 2010/2011 Small Business Environmental Assistance Programs Annual Report. This report summarizes the accomplishments of our small business programs, which help Pennsylvania small businesses comply with environmental laws and implement pollution prevention and energy efficient projects. Small businesses are assisted through three different, but interconnected components.

First, DEP's Office of the Small Business Ombudsman (SBO) provides confidential assistance to small businesses. In addition, the Ombudsman's office administers funding programs to help small businesses implement pollution prevention and energy efficient projects.

Next, technical assistance is provided to small businesses through the Environmental Management Assistance Program (EMAP). EMAP is a program of the Pennsylvania Small Business Development Centers and partners with DEP to provide free, confidential environmental assistance to small businesses.

Finally, the Small Business Compliance Advisory Committee takes up issues that impact the small business community, which includes reviewing environmental regulations as well as small business technical and financial assistance programs.

The report can also be found online at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), keyword: "Ombudsman." Click on "Small Business Ombudsman." Once you enter the site, click on "Publications." Should you desire a hard copy, please contact DEP's SBO at 717.783.0909.

Thank you for your interest in this report and for continuing to partner with DEP to promote a clean environment and safer communities for all Pennsylvanians.

Sincerely,

MICHAEL L. KRANCER  
Secretary

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

**LEGISLATIVE LEAVES**

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

Senator PILEGGI. Mr. President, I request temporary Capitol leaves for Senator McIlhinney and Senator Piccola, and legislative leaves for Senator Corman and Senator Greenleaf.

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

Senator COSTA. Mr. President, I request a legislative leave for Senator Farnese, and temporary Capitol leaves for Senator Hughes and Senator Williams.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator McIlhinney and Senator Piccola, and legislative leaves for Senator Corman and Senator Greenleaf.

Senator Costa requests a legislative leave for Senator Farnese, and temporary Capitol leaves for Senator Hughes and Senator Williams.

Without objection, the leaves will be granted.

**LEAVE OF ABSENCE**

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

**JOURNALS APPROVED**

The PRESIDENT. The Journals of the Sessions of December 6, 2011, and December 7, 2011, are now in print.

The Clerk proceeded to read the Journals of the Sessions of December 6, 2011, and December 7, 2011

Senator PILEGGI. Mr. President, I move that further reading of the Journals be dispensed with and that the Journals 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-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	Greenleaf	Schwank	Williams
Brubaker	Hughes	Smucker	Wozniak
Corman	Kasunic	Solobay	Yaw
Costa	Kitchen	Stack	Yudichak
Dinniman	McIlhinney	Tartaglione	
Earl	Mensch	Tomlinson	
Eichelberger	Orie	Vance	

**NAY-0**

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

The PRESIDENT. The Journals are approved.

**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, to be followed by a meeting of the Committee on Transportation also to be held in the Rules room.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations, to be followed by a meeting of the Committee on Transportation, without objection, the Senate stands in recess.

**AFTER RECESS**

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

**LEGISLATIVE LEAVE**

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

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

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

**LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT. Senator Piccola and Senator Williams have returned, and their temporary Capitol leaves are cancelled.

**BILLS REPORTED FROM COMMITTEES**

Senator PILEGGI, from the Committee on Rules and Executive Nominations, reported the following bill:

**HB 1458 (Pr. No. 2996) (Rereported) (Concurrence)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in drivers' licenses, further providing for judicial review and for cancellation; in commercial drivers, further providing for definitions and for requirement, providing for certification requirements, for medical certification and for noncompliance and further providing for license and for disqualification; and, in State and local administration, further providing for nonreciprocity of operational limitations.

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

**SB 1372 (Pr. No. 1885)**

An Act designating a bridge on that portion of U.S. Route 202 Parkway over Pennsylvania Route 309, Montgomery Township, Montgomery County as the Dr. Robert R. Kuhn Bridge.

**SB 1382 (Pr. No. 1891)**

An Act designating an interchange at the intersection of Routes 136 and I-70, Washington County, as the Officer John David Dryer Memorial Interchange.

**HB 1091 (Pr. No. 1188)**

An Act designating a portion of State Route 955 in Lawrence Park Township, Erie County, as the Michael D. Crotty Memorial Parkway.

**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 OVER IN ORDER**

**SB 405** and **SB 1147** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1294 (Pr. No. 3007)** -- 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.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

Senator TOMLINSON. Mr. President, I ask for an affirmative vote on House Bill No. 1294 sponsored by Representative Godshall. I want to commend, congratulate, and acknowledge the hard work that Representative Godshall did in the House as chairman of the Committee on Consumer Affairs to bring this bill forward. I really want to thank the Senate Minority chairwoman of the Committee on Consumer Protection and Professional Licensure, Senator Boscola, for her hard work and cooperation on this. We never get to thank our staffs enough here, the hard work of our staffs has been extremely important in this process. I would like to thank from my committee, Fran Cleaver; from our staff, Kathy Eakin; and from Senator Boscola's staff, Steve DeFrank and Gladys Brown, for their hard work, cooperation, and the many hours they put in negotiating and working with the different parties. Our Caucus has worked very hard together on this to come up with some improvements, we think, to the bill. Senator Boscola and I both offered an amendment in our meeting of the Committee on Consumer Protection and Profes-

sional Licensure to add some consumer protection to this bill, not to change it a lot from Representative Godshall's bill, but to improve upon it.

The underlying purpose of this bill still stands, Mr. President. We are going to accelerate the replacement of the aging natural gas, electric, and wastewater systems in the Commonwealth of Pennsylvania, which date back to 1940s. They have become very, very old and very dangerous to the environment with wastewater seeping into the ground and gas lines exploding. In fact, Senator Boscola and I held a hearing in Allentown for Senator Browne after an incident in Allentown, to learn the importance of what a DSIC could do and to learn the importance of the safety that this bill could bring about.

The importance of this right now is that if a utility wants to do infrastructure changes, it needs to go to a rate case. That costs millions of dollars, many months, a lot of delays, and the financial markets that lend these utilities the money will rate these at a different rate. They rate them on the fact they do not know how much return the utility will get or when they will get that return so, therefore, these ratings are not that great. With this DSIC bill, these companies will be rated higher, interest rates will be lower, that means savings to the consumer for something that is vitally needed.

This is not a question of whether or not we should do it, it is not something we think we might have to do, it is something we absolutely have to do. These gas lines have to be replaced. In the city of Philadelphia, there are 1,500 miles of old cast iron pipe. Right now today, they are replacing about 18 miles a year. When we pass this bill, they will add an additional 12 miles a year, and that is important because this is all in inner city, these are all in neighborhoods and under streets. This takes a lot of hard work and a lot of money, and is extremely important to do.

We need to bring this infrastructure up to current standards, we need to make it safer, and we need to make it better for the environment. By doing a DSIC, which is a distribution system improvement charge process, we make it easier to borrow money and easier to do. But, thanks to Senator Boscola and many Members of our committee, we put in several safeguards. We did not want to just let this go off without the PUC being involved, so we added several changes to this. One is we added a cap, a 5-percent cap that you could go back and get up to a 7.5-percent cap, but that cap is of the distribution charges to the utility, not the total bill, but whatever it takes that utility to distribute that gas or electricity or to send that pipe out for the wastewater. We capped it at that, but that will cost a lot of money. That will give these companies access to capital markets, and we think that is very, very important.

We also made these companies come before the PUC to propose their long-range plan to make sure that they are going to invest in this and accelerate this infrastructure change. So they are going to come to the PUC, which will approve the plan and work with those companies and audit those plans to make sure that this money is spent there. The PUC will certify the rate-base case and certify that these companies--and some people were concerned, and rightfully so, that they will not file rate-base cases. This legislation now requires them within 5 years to file a rate-base case, which will bring them back in before the PUC. But remember, we are also requiring them to bring the long-range plan and the plan to change infrastructure before the PUC.

Also, we increased the fines on the violations of these companies to bring them up to the Federal standard. We went from \$1 million to \$2 million for a violation. Prospectively, when things happen in the future now with these new changes, they are going to have to pay more money for the violations. That is a prospective change we made in this legislation.

Mr. President, once again, I thank my colleague, Senator Boscola, for her hard work on this because we had a lot of questions. We had great caucuses, and a lot of Members of my Caucus who were not Members of the Committee on Consumer Protection and Professional Licensure had great questions on it, because a DSIC is not necessarily something that everybody deals with every day. They did not really know what the acronym meant, but I am convinced that passage of this bill is extremely important for all of our consumers. They will benefit from a modern utility infrastructure that is safer and more efficient. I ask for an affirmative vote.

Thank you, Mr. President.

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

Senator BOSCOLA. Mr. President, I rise to support House Bill No. 1294. I believe this legislation strikes a balance, a balance that enables our utilities to rebuild our aging infrastructure at an accelerated pace while protecting our ratepayers from massive charges. The distribution system improvement charge, or DSIC, provided for in this legislation imposes strong, strong consumer protection standards to insure utility responsiveness and accountability, as well as an accelerated rebuilding of our distribution infrastructure.

Mr. President, we have seen two deadly utility line explosions in Pennsylvania in the past 13 months, so we need to deal with our crumbling utility infrastructure, and we needed to do it yesterday. Through the amendments made to this House bill by Senator Tomlinson and me, we are giving utilities the means to cut through bureaucratic regulatory lag time to get this work underway and underway quickly. Replacing aging pipes and power lines will improve efficiency, safety, and reliability for our ratepayers, and as an added bonus, the public works initiative will spur economic development and help get people back to work, truly a win-win.

It is important to note that utilities already recover the cost of infrastructure upgrades through rate cases. In other words, we are already paying for these costs. This bill merely enables our utilities to save money, which in turn saves our ratepayers money by avoiding lengthy and expensive rate cases. Currently, utility infrastructure rebuilding efforts are being stalled by prohibitive regulatory lag time, so it is imperative that we do all we can to remove these unnecessary and costly delays.

Mr. President, along with streamlining the process for utilities, I am confident that this bipartisan proposal strongly imposes the consumer protections that we fight for continuously in the Committee on Consumer Protection and Professional Licensure. Senator Tomlinson and I sometimes play good cop/bad cop, and we do a really good job at that. I thank him so much for allowing me to express some of the concerns that came over from the House that I did not think was best for the bill, but I think we made it a pretty good bill.

One of the key components of the bill is the consumer protection part that puts a 5-percent cap on the DSIC. Now, not only does this cap protect ratepayers from exorbitant utility bills, but

it insures that the DSIC provided for in this legislation does not replace rate cases in Pennsylvania. It was never intended to do that. Some of the other important safeguards include: applying the cap to the distribution part of the bill in cases of deregulated utilities, requiring utilities to detail their long infrastructure plans and requiring them to live up to those plans, requiring the PUC to annually review a company's progress and adherence to their stated work plans, empowering the PUC to reject faulty plans or penalize utilities for not following through on their work, and requiring the repayment of customers with interest in cases of overcharges.

Mr. President, we can blame utility managers who decided to put off these infrastructure improvements for decades, and I will tell you what, I was one of them. But we still face the fact that our aging utility infrastructure is rapidly going from bad to dangerously worse. We must also face the fact that we need to help fund the kind of extension improvements that will stave off breakdowns, lengthy power outages, deadly explosions, and widespread infrastructure failure. We cannot continue to look the other way while utilities put off this infrastructure work. The problem is far too serious, far too dangerous, far too deadly and, unfortunately, becoming all too common. This is a balanced proposal, and utilities can rebuild sooner than later while protecting the interest of consumers.

Mr. President, I would also like to thank so many people in this room today for months and months of hard work, hours and hours of creating this proposal that is before us today. Specifically, Senator Tomlinson--mostly the good cop, I am usually the bad cop--Senator Pileggi, and Senator Costa. They have helped move this process along. I would also like to thank the staff, Fran Cleaver, from Senator Tomlinson's office, is so special and works so hard; Steve DeFrank from my office; Kathy Eakin from Senator Pileggi's office; and Gladys Brown from Senator Costa's office. This was great teamwork and something that I and this Chamber can be so proud of when Democrats and Republicans work together for the common good.

Thank you, Mr. President.

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

Senator FERLO. Mr. President, I want to speak briefly, but importantly, on this legislation. Obviously, I will not go into length, but I want to thank the chairmen involved, both of whom have eloquently stated and explained the importance of this legislation, which the leadership, and certainly the staff, worked tirelessly to transform. I think the chairman is being very tactful and diplomatic on his characterization of the House legislation. This is a good transformation of a meaningful bill, and I think it is important that we just amplify a few points because this legislation will affect not only the utility industries of water, sewage, electric, and natural gas, registered and authorized under the Public Utility Code, but it will affect ratepayers, who I think have to hear clearly what this bill is all about and how it will affect their pocketbooks, hopefully in a good way.

But, as has been stated very clearly here today, I do not need to reiterate the fact that--this is certainly known for most individuals who have to deal with municipal authorities--over long periods of time, they do not make appropriate investments in water and sewage systems. Now, this legislation does not cover those public authorities that oftentimes dictate and determine what ratepayers will pay in local jurisdictions for water and sewer. I

was working to try to influence this piece of legislation, in its final form, to somehow include some consumer protection and ratepayer notification. It was suggested that maybe we look, rather, to the Municipality Authorities Act to try to put some of those reforms in. So obviously, I did not in any way want to impede the progress of this piece of legislation. We badly need to see this infrastructure improvement in the four areas that I mentioned.

Consumers need to understand that, eventually, they are going to pay. We are all going to pay, whether we like it or not. I would rather pay cheaper bond rates on the part of the private utility companies in Pennsylvania. I would rather pay and see that investment, that infrastructure, that job creation, and those improvements that are so badly needed. You know, a number of horror stories have been mentioned about gas explosions in residential neighborhoods. So, I would rather just "get 'er done." Let us move ahead. Let us recognize that we can have some cost savings here, and hopefully pass that on to utility customers, whether they are manufacturers, commercial, or the homeowner at the residential level, and hopefully do that investment at a cheaper rate over the next decade or more.

So, this legislation is an important change in the methodology and the process by which utility companies come to the Public Utility Commission. It has been previously stated--as an activist from the 1970s on, I can remember packing Public Utility Commission hearings and writing in and participating in evidentiary rate hearings and the like. It is a very lengthy, arduous, contentious process that eats up a lot of time. It is a good make-work effort for, in all due respect, lawyers and consultants, but if there is a way to just get to the bottom line, we are going to have to fix the darn lines one way or the other, so let us do it in the most effective, efficient, and cost-effective manner. I think that makes sense.

So, I want to thank everybody involved with this legislation. I think it is important also, however, that another area I was seeking to amend in this legislation was my continued opposition and, I will not say anger, but frustration with previous utility legislation that stripped and wiped out years of protections that we had in the PUC Code known as the Chapter 14 provisions. You know, throughout the Commonwealth, we have over 17,000 homeowners who today, right now, in the dead of winter do not have gas and light and home heating because of utility terminations. We had in place, in law, a ban on winter shutoffs, and we have seen a number of horrific incidents, and they go by unnoticed. I am standing next to our fire chief here today in the Senate, and he can probably account for individual fires where kerosene lamps and other inappropriate, bad, or outdated heaters are being utilized, only to see fires erupt as a result of various kinds of efforts by homeowners to heat their homes in the dead of winter.

I would have liked to have amended into this legislation a replenishment of some of those Public Utility Commission Chapter 14 provisions that we had in place, but just as municipal authorities are not included in this bill, we will live to fight another day on those needed reforms. But I think it is a moral imperative. I think we should all hang our heads in shame that we have so many Pennsylvania families and individuals who do not even have the ability to pay basic heat, gas, and light. That is something on which we should take corrective action. I just think it is unfair for somebody to freeze to death in the dead of winter.

There is enough money and profits made by the private utility corporations. There is a way to address appropriate payment of debts. There is an obligation of all consumers, regardless of income, to wrestle and pay their bills. But I do think-- again, I am critical that this was done because of the bankrupt nature of the Philadelphia Gas Works, and under that excuse we wiped away a whole lot of provisions that were in place.

So, as this bill progresses back to the House, I hope that the House leadership and the Members of that committee will seriously view the reform changes that were made in this final language on which we are about to vote. I would also hope that the Governor would recognize that at some point we have to spend money, we have to make investments, we have to progress, and if we want to keep jobs, industry, and commerce going in this State, we have to pay. We have to pay the piper. Let us move ahead, and I would hope that this new administration would appreciate the seriousness of this reform bill and be a partner with us in moving our communities forward. Thank you.

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

Senator M.J. WHITE. Mr. President, I, too, want to thank the people who put this bill together. When it came over from the House, it really lacked a lot of the necessary consumer protections that need to be in here, and that have been put in here. I do not think this is meant to be an indictment of our public utilities. I think, for the most part, they are diligent in attempting to meet their obligations. I think what we have to recognize is that the age and size of the infrastructure problem is a very, very large one, and to try to meet it through rate cases and increases in people's utility bills coming in big clumps is a very, very difficult thing to do.

The DSIC is a wonderful concept. It enables us to put a small surcharge on an electric bill that is used to go out to the bond market, particularly in these times of relatively cheap money, and come up with a lot of extra cash to put into the infrastructure right now, not wait for another rate case. It is a wonderful idea, if sufficient consumer protections are in there, and I believe that they are.

My big concern with this bill that gave me major heartburn was that I wanted to be sure that when the consumer is paying an extra little fee on their bill every month, what they are getting is over and above what the utility is supposed to be doing anyway. I wanted to insert "accelerated" in here everywhere that we talked about it. I want accelerated improvement, not business as usual. I interrogated Senator Tomlinson yesterday, when he kindly stood for interrogation, and he has reassured me that, in fact, the PUC, in approving these plans, the DSIC has to be in a plan, and you have to have had a rate case within a certain period of time to qualify for it, they will be looking at accelerated improvement of infrastructure repair.

Also, I think it is important to note that this is not replacing rate cases. Rate cases will still go on, and the beauty of a rate case, it may be cumbersome, it may take time, but it looks at the entire universe of a utility's financial picture, and that is part of the obligation of our PUC. These are regulated utilities. They have a guaranteed rate of return, and in exchange, they submit to a complete review of their business operations periodically.

So, this is not replacing rate cases. I think with those protections and with the other things that the Senate put into this

bill when it came over here and all of the people who worked on it, this is a good bill, and I am happy to support it. Thank you.

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

Senator SOLOBAY. Mr. President, we have heard consumer protection, reliability, safety, and another special area, jobs and opportunities, that this bill is going to create. From my years over in the House, and now here in the Senate, we have been working on this very process, and I am very glad today to see that happen.

One last item that is important, especially to several of us in this room who have to deal with the bad effects of what is going on when these lines and some of these situations have gone bad and awry, as one of the previous speakers has spoken. On the emergency services side of this world, we are also very happy to see this bill pass, and I ask for its unanimous adoption.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,  
Shall the bill pass finally?

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

Senator COSTA. Mr. President, would the chairman of the committee stand for interrogation, please?

The PRESIDENT. The gentleman indicates that he will. You may proceed.

Senator COSTA. Mr. President, can the gentleman confirm for me that nothing in this legislation changes the current ownership rights of utility consumers with respect to service lines, risers, and meter bars? Further, Mr. President, can the gentleman confirm that nothing in this legislation permits the utility to replace, and then own, or otherwise put into its rate base, the service lines that are currently owned by the customer?

Senator TOMLINSON. Mr. President, yes, I can. It is not the intent of this legislation to permit a change in ownership, the rights of utilities, or the customer. It certainly is not the intent of this legislation to allow a utility to come in and place a line that is not their line, that they do not own, that is owned by a customer, and then try to claim that line in their rate. So, the speaker, Mr. President, is absolutely right. It is not the intent to change ownership, to replace, and then try to change ownership at all in this bill.

Senator COSTA. Mr. President, I thank the gentleman for his answer.

Mr. President, I, too, rise in support of this legislation. I think, as was articulated by both chairs of the committee, and a number of other speakers, this is a very important piece of legislation as it relates to making certain that we go above and beyond what is currently done. I think it is important for folks to recognize in terms of currently going above and beyond what our utilities are doing in terms of replacement. This is a very serious matter, and I applaud my colleague, Senator Boscola, from the Democratic side of the aisle, and Senator Tomlinson, for the work that they and their staffs did.

Mr. President, this is a process that is supposed to happen here all the time, and I want to thank those gentlemen and

women from both sides of the aisle for the work that they did to allow the appropriate democratic process to play out in the manner in which it did today. This is a very important piece of legislation, and I ask for an affirmative vote.

Thank you, Mr. President.

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

Senator TOMLINSON. Mr. President, again, I want to thank all of my colleagues. Senator Solobay made a very, very important point here that I failed to mention, and that is the jobs. The jobs that are created are really good jobs. They are welders, they are operating engineers, they are people who work with heavy equipment. These are labor and construction jobs. They are really good jobs, particularly in the areas where I come from. So it plays another part by accelerating, and that is why we think it is important to do what Senator Mary Jo White says and accelerate this. It not only employs the people who are currently there, but private companies do a lot of this work, along with utilities.

We have also made sure that there is an inspector from that utility there when there is a private contractor, another one of the safeguards we put in. But I want to emphasize Senator Mary Jo White's point again, that this is to accelerate that. We have done this before. In 1996, we did this for water, and we have had a 200-percent increase. That is an acceleration, Mr. President, a 200-percent increase in the change in infrastructure. So I believe, with the additions that we put in here, we are going to see again that we will make this a safer place to live, with a better infrastructure for our utility.

Again, I want to thank my leaders, Senator Pileggi, and Kathy Eakin of his staff, and I want to thank Senator Costa and Gladys Brown. They did a great job. I almost feel like part of the family, and I want to thank them so much for their hard work. I ask for an affirmative vote.

Thank you, Mr. President.

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-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	Greenleaf	Schwank	Williams
Brubaker	Hughes	Smucker	Wozniak
Corman	Kasunic	Solobay	Yaw
Costa	Kitchen	Stack	Yudichak
Dinniman	McIlhinney	Tartaglione	
Earll	Mensch	Tomlinson	
Eichelberger	Orie	Vance	

NAY-0

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

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

BILLS OVER IN ORDER

**SB 1301 and SB 1302** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

**SB 1329 (Pr. No. 1865)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 1983 (P.L.303, No.83), referred to as the Animal Destruction Method Authorization Law, adding definitions; further providing for prohibited means of destroying animals, for methods of destruction of animals, for exclusions, for use of carbon monoxide systems and for use of drugs by humane societies and animal shelters; providing for enforcement; further providing for penalties; and making editorial changes.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**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 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-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	Greenleaf	Schwank	Williams
Brubaker	Hughes	Smucker	Wozniak
Corman	Kasunic	Solobay	Yaw
Costa	Kitchen	Stack	Yudichak
Dinniman	McIlhinney	Tartaglione	
Earll	Mensch	Tomlinson	
Eichelberger	Orie	Vance	

NAY-0

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

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

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

**HB 98** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

**SB 117 (Pr. No. 1908)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of carrying a false identification card.

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

BILL OVER IN ORDER

**HB 149** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL LAID ON THE TABLE

**SB 968 (Pr. No. 1901)** -- The Senate proceeded to consideration of the bill, entitled:

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

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill was laid on the table.

SB 968 TAKEN FROM THE TABLE

Senator PILEGGI. Mr. President, I move that Senate Bill No. 968, Printer's No. 1901, 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.

BILL OVER IN ORDER

**SB 1049** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL REREFERRED

**SB 1089 (Pr. No. 1269)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for form of ballots, printing ballots, stubs and numbers, for form of ballot labels on voting machines and for forms.

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

BILLS OVER IN ORDER

SB 1092 and SB 1141 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

SB 1169 (Pr. No. 1863) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 1987 (P.L.412, No.86), known as the Pennsylvania Fair Dealership Law, further providing for definitions, for termination of dealer agreement and for death or incapacitation of dealer; repealing provisions relating to coercion; and providing for unlawful acts by supplier, for remedies and enforcement and for waiver.

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

BILL OVER IN ORDER

SB 1254 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 1702 (Pr. No. 2962) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILLS OVER IN ORDER

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, ADOPTED

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL ON CONCURRENCE IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

HB 1458 (Pr. No. 2996) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in drivers' licenses, further providing for judicial review and for cancellation; in commercial drivers, further providing for definitions and for requirement, providing for certification requirements, for medical certification and for noncompliance and further providing for license and for disqualification; and, in State and local administration, further providing for nonreciprocity of operational limitations.

On the question, Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 1458?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 1458.

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-48

Table with 4 columns listing names: Alloway, Argall, Baker, Blake, Boscola, Brewster, Browne, Brubaker, Corman, Costa, Dinniman, Eichelberger, Erickson, Farnese, Ferlo, Folmer, Fontana, Gordner, Greenleaf, Hughes, Kasunic, Kitchen, McIlhinney, Mensch, Orie, Piccola, Pileggi, Pippy, Rafferty, Robbins, Scarnati, Schwank, Smucker, Solobay, Stack, Tartaglione, Tomlinson, Vance, Vogel, Ward, Washington, Waugh, White Donald, White Mary Jo, Williams, Wozniak, Yaw, Yudichak

NAY-1

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 inform the House of Representatives accordingly.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator PILEGGI, 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 PILEGGI. 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 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

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

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

Senator COSTA. Mr. President, I ask my colleagues to join me in a negative vote on this particular nominee.

Thank you, Mr. President.

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

Senator PILEGGI. Mr. President, I ask for an affirmative vote on this nomination.

And the question recurring,  
Will the Senate advise and consent to the nomination?

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

YEA-30

Alloway	Erickson	Pileggi	Vogel
Argall	Folmer	Pippy	Ward
Baker	Gordner	Rafferty	Waugh
Browne	Greenleaf	Robbins	White Donald
Brubaker	McIlhinney	Scarnati	White Mary Jo
Corman	Mensch	Smucker	Yaw
Earll	Orie	Tomlinson	
Eichelberger	Piccola	Vance	

NAY-19

Blake	Farnese	Kitchen	Washington
Boscola	Ferlo	Schwank	Williams
Brewster	Fontana	Solobay	Wozniak
Costa	Hughes	Stack	Yudichak
Dinniman	Kasunic	Tartaglione	

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

Ordered, That the Governor be informed accordingly.

PERMISSION TO ADDRESS

The PRESIDENT. Under unanimous consent, the Chair recognizes the gentlewoman from Philadelphia, Senator Washington.

Senator WASHINGTON. Mr. President, I just want to stand up for Daniel L. Woodall, who was formerly on the Human Relations Commission and served on that commission under two Governors. He is secretary of the Laborers' International Union of North America, Local 135, and has worked for human rights and human relations throughout this region for many, many years. I am sorry to see that he has been removed from that commission. He will be sadly missed.

Thank you, Mr. President.

**NOMINATIONS TAKEN FROM THE TABLE**

Senator PILEGGI. 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

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 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, 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 not longer than six months beyond that period.

TOM CORBETT  
Governor

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

The yeas and nays were required by Senator PILEGGI 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	Greenleaf	Schwank	Williams
Brubaker	Hughes	Smucker	Wozniak
Corman	Kasunic	Solobay	Yaw
Costa	Kitchen	Stack	Yudichak
Dinniman	McIlhinney	Tartaglione	
Earll	Mensch	Tomlinson	
Eichelberger	Orie	Vance	

NAY-0

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

Ordered, That the Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

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

The motion was agreed to by voice vote.

**UNFINISHED BUSINESS  
SENATE RESOLUTION ADOPTED**

Senators KITCHEN, COSTA, WASHINGTON, STACK, FONTANA, FARNESE, BROWNE, FERLO, RAFFERTY, ERICKSON, WAUGH, PILEGGI, HUGHES, SCHWANK, GREENLEAF, PIPPY, SOLOBAY, BREWSTER, ARGALL, WOZNIAK, ALLOWAY, TARTAGLIONE, ORIE, YUDICHAK, DINNIMAN, McIHINNEY and BOSCOLA, by unanimous consent, offered **Senate Resolution No. 251**, entitled:

A Resolution designating the month of February 2012 as "Black History Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator KITCHEN. Mr. President, I would like to submit my remarks for the record.

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 Philadelphia, Senator KITCHEN:)*

Mr. President, I rise today to seek unanimous support of a resolution honoring February as Black History Month in Pennsylvania. This commemorative celebration dates back nearly nine decades in this country and was expanded over the years. During Black History Month, we commemorate the struggles and victories of African Americans in our history and their contributions to society. We also express our gratitude for the trailblazers, the peacemakers, the heroes, and the ordinary citizens who did extraordinary things to promote equality in this great nation. Again, I ask for my colleagues' support for this resolution, and I encourage all Pennsylvanians to mark Black History Month.

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.

**LEGISLATIVE LEAVE CANCELLED**

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

**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 Technical Sergeant Dorothy Leigh Picking by Senator Alloway.

Congratulations of the Senate were extended to Chief David C. Vale and to Les Brown Centennial Festival Committee by Senator Argall.

Congratulations of the Senate were extended to Margaret Caroline Eshenbach Butz by Senators Argall and others.

Congratulations of the Senate were extended to Presbyterian Church of Mountain Top by Senator Baker.

Congratulations of the Senate were extended to LeRoy Sutton, Alan M. Molder, Jane Moyer and to Adam S. Molder by Senator Boscola.

Congratulations of the Senate were extended to David Peter Weinman, Daniel Paul Trempel and to DeSales Free Clinic of Allentown by Senator Browne.

Congratulations of the Senate were extended to Gerald Gornish by Senators Browne and Farnese.

Congratulations of the Senate were extended to Destiny Zeiders, Sal Buonocore, Nick Fried, Sarah Carl, Kendra Seaman, Tessa Ruhle, A. J. Siegel, Anne Morrow, Jessie Kiner and to Jared Eugene Dailey by Senator Corman.

Congratulations of the Senate were extended to Paul Wintruba and to Emma Kubasak Senkewitz by Senator Costa.

Congratulations of the Senate were extended to Chief Andrew W. Chambers, Detective Sergeant John R. Bailey, Mary Bigham, James E. Watson, Brigid McNulty, Anthony J. Giorno, Thomas H. Sinshemer, William H. Sprake IV and to Faunbrook Bed and Breakfast of West Chester by Senator Dinniman.

Congratulations of the Senate were extended to Art-Reach of Philadelphia by Senators Dinniman and Farnese.

Congratulations of the Senate were extended to Larry N. Reece by Senators Dinniman and Folmer.

Congratulations of the Senate were extended to Dr. Robert G. Duncan and to the Greater Deliverance Church of Coatesville by Senators Dinniman and Rafferty.

Congratulations of the Senate were extended to Erik David VonKaenel by Senator Earll.

Congratulations of the Senate were extended to Lieutenant Colonel Ricky L. Miller and to Bishop Guilfoyle Catholic High School by Senator Eichelberger.

Congratulations of the Senate were extended to Delaware County Memorial Hospital's Emergency Medical Services Department by Senator Erickson.

Congratulations of the Senate were extended to Colonel Anthony J. Carrelli by Senators Erickson, Pippy and Solobay.

Congratulations of the Senate were extended to General Federation of Women's Clubs Delaware County by Senator Erickson and others.

Congratulations of the Senate were extended to Cheryl McClenney-Brooker by Senator Farnese.

Congratulations of the Senate were extended to Barbara Franco by Senator Ferlo.

Congratulations of the Senate were extended to Dennis Naughton, Jen Jacobs, Daren DiMichele, Joe Panucci, Larry Dianni, Eugene Dellemonache, Jessica Buranovsky, Andy Bednar, Kerry Connolly, Rossi Ficarri, Sr., Tony Magnelli, Jr., Craig Rippole, Ed Pastin, Glenn Preininger, Joe Shazer, John Solomon, Marvin Thomas, Danny Vete and to Steve Wargo by Senator Fontana.

Congratulations of the Senate were extended to Brigadier General Roy E. Uptegraff III by Senators Fontana, Pippy and Solobay.

Congratulations of the Senate were extended to Alec K. Engleman and to Stella Narke by Senator Gordner.

Congratulations of the Senate were extended to Ray Gerhart and to Elizabeth MacVey Bye by Senator Greenleaf.

Congratulations of the Senate were extended to Mary Evelyn Webb Calhoun and to Cheryl Hammond Hopewell by Senator Hughes.

Congratulations of the Senate were extended to the Reverend Canon Thomas Wilson Stearly Logan, Sr., by Senators Hughes and Farnese.

Congratulations of the Senate were extended to Bettie F. Arrington by Senators Hughes and Kitchen.

Congratulations of the Senate were extended to Austin Wivell, Jacob Diamond and to the members and coach of the Albert Gallatin High School Zero Robotics Team by Senator Kasunic.

Congratulations of the Senate were extended to Frank Meszaros and to Robert John Van Pelt by Senator McIlhinney.

Congratulations of the Senate were extended to Mr. and Mrs. James Wahl, Chief Jeffrey Gally, Rich Brooks, Rodger Blystone, Richard Ebel, Andrew Huerbin, Don Schell, Rob Ashmore, Scott Jones, Tim Tabisz, Kimberly Blystone, Connie Metz, Raymie Blystone, Frank Matis, Robert H. Gourley, James E. Phelan, Michael W. Markley, William C. Greenlee and to the citizens of the Cranberry Township by Senator Orie.

Congratulations of the Senate were extended to Mr. and Mrs. Willie Phillips by Senator Piccola.

Congratulations of the Senate were extended to Bishop Richard Franklin Norris, Harry Ersek, Anna Iacono, Katherine S. Moore, Kenneth Crosson, Mark J. Koninckx, Edward C. Broge, Jessica R. Nussdorfer, George N. Emmons, Dorothea A. Sassaman, Cleo Waples, Frederick F. Shahadi and to Rose Tree Media School District Board of Directors by Senator Pileggi.

Congratulations of the Senate were extended to Kevin M. Rutledge by Senators Pileggi and Brubaker.

Congratulations of the Senate were extended to Shane William Fogarty, Eric Paul Carnivale, Daniel Joseph Wiegmann and to Robert Walter Ralston by Senator Pippy.

Congratulations of the Senate were extended to Mr. and Mrs. John J. Joyner, Zachary S. Wiegand, Matthew R. Hepp, Daniel James Harpold and to Clay Henery by Senator Rafferty.

Congratulations of the Senate were extended to Frank Chrastina, Fred Palmiter, Elizabeth Williams, James E. Gibbons, Wanda Braymer, Patrick W. McHenry, Christopher Alexander Davis, Christian Maher, Acutec Precision Machining, Inc., and to Bush Investment Group by Senator Robbins.

Congratulations of the Senate were extended to the Dr. M. Javed Akhtar, Kyle S. Johnston, Zenaide Schaffner Still, Brady Street Florist, Elk County Visitor Center and to Johnson Motors of DuBois by Senator Scarnati.

Congratulations of the Senate were extended to Vincent Elia by Senator Schwank.

Congratulations of the Senate were extended to H. Louis Moore by Senators Schwank and Corman.

Congratulations of the Senate were extended to Drew An Brubaker and to Michael T. Smith by Senator Smucker.

Congratulations of the Senate were extended to the Reverend and Mrs. Giard Sayre, Mr. and Mrs. William Mitchell, Mr. and Mrs. Gerald Miller, Mr. and Mrs. Robert Hartzog, Mr. and Mrs. Jim Tranquill, Lieutenant Junior Grade Tyler Haught, Mary C. Parish, Margaret Moninger, Leslie R. Fonda, Donora Lumber,

Trinity Middle School and to Elaine's Styling Salon of Monongahela by Senator Solobay.

Congratulations of the Senate were extended to Lloyd Ayers, Fredrick A. Clark, David W. Brown, Thomas Butler, Samuel Staten, Jr., All-Star Labor Classic and to Congreso de Latinos Unidos, Inc., by Senator Tartaglione.

Congratulations of the Senate were extended to Chief Ron Doster, Deputy Chief Martin J. Joyce, Eric H. Hernandez, Donna Pasqualone, Joseph Ruggiero, Jr., Gerald C. Sauter, Jr., Ted Betker, Jeff Diegel, Chris Russell, John Fowler, Chris Stein, John Diegel, Joe Renson, Rob Lombardo, Mark Wert, Jr., Timothy Doster, Susan Feehan, Thomas Brotherton II, Daniel Powell and to Marianne Seborowski by Senator Tomlinson.

Congratulations of the Senate were extended to Nathaniel E. Shover, Raymond K.T. Chun, Larry E. Foote and to Alex J. Milletics by Senator Vance.

Congratulations of the Senate were extended to Robert Cammarata by Senator Ward.

Congratulations of the Senate were extended to Mr. and Mrs. Maurice Stiglitz, Timothy Eric Dennis, George Frederick Asche, Jr., Johnathan Robert Gissendaner, Joshua Thomas Burd, Thomas George Robbins, Louis R. Kraft, Sam Eakin, Matthew Edmondson and to Andrew James Fredley by Senator M.J. White.

Congratulations of the Senate were extended to Troop 82 of the Boy Scouts of America by Senators Yudichak and Argall.

## 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 Walter Norman Platts by Senator Alloway and others.

Condolences of the Senate were extended to the family of the late Dr. Joseph Mattioli, to the family of the late Alvin S. Rothstein and to the family of the late Alan James Finlay by Senator Baker.

Condolences of the Senate were extended to the family of the late Yvonne Monroe and to the family of the late Marlene Evette Hargrave by Senator Kitchen.

Condolences of the Senate were extended to the family of the late Jessie Margaret Ada Mutch by Senator Leach.

Condolences of the Senate were extended to the family of the late Howard C. Ewan by Senator McIlhinney.

Condolences of the Senate were extended to the family of the late Thomas R. Zurick by Senator Orie.

Condolences of the Senate were extended to the family of the late Donald L. Snyder by Senator Schwank.

Condolences of the Senate were extended to the family of the late Shirley Ann Moore by Senator Solobay.

Condolences of the Senate were extended to the family of the late Fatimah Ali by Senator Washington.

Condolences of the Senate were extended to the family of the late Michael L. Morreale by Senator Yudichak.

## BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

**SB 1372, SB 1382 and HB 1091.**

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

**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY, FEBRUARY 6, 2012

9:30 A.M. VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (public hearing on preventing homelessness among veteran population) Hrg. Rm. 1 North Off.

10:00 A.M. MAJORITY POLICY COMMITTEE (public hearing on the Impact of Oil Refinery Closings on Supplies) Sen. Maj. Caucus Rm.

Off the Floor RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations) Rules Cmte. Conf. Rm.

TUESDAY, FEBRUARY 7, 2012

9:30 A.M. ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 1324, 1386 and 1398; and House Bill No. 1813) Rm. 8E-B East Wing

WEDNESDAY, FEBRUARY 8, 2012

10:00 A.M. EDUCATION (public hearing on Senate Bill No. 1381) Hrg. Rm. 1 North Off.

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.

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

Senator STACK. Mr. President, in this Chamber, we talk a lot about the economy. Most of it, as we have all heard, has been very bad news, but I have some good news to share. The Philadelphia Inquirer reported on Sunday that business is picking up along Pennsylvania's Delaware River ports. Over the last few years, the recession has been devastating for shipping, but imports have picked up recently. Specifically, cargo volume at the Port of Philadelphia was up 10 percent in 2011. From cars to cocoa beans, our ports in Philadelphia and the Philadelphia region are bustling again.

Last year, Philadelphia ports handled nearly 4 million metric tons of goods. That is the equivalent in weight of 12 Empire State Buildings, and that is a lot of goods being exchanged along the Delaware River, Mr. President. Specifically, with regard to cocoa bean imports, they are up 15 percent. That is very good news for our local chocolate processing and manufacturing plants, which sell their confection to Pennsylvania-based household names like Hershey, Mars, Tasty Baking, and in my district, Kraft Foods and Goldenburg Peanut Chews. So everyone who likes chocolate, like me, Mr. President, should be happy. This all shows that global trade is on the rise again. It means port-related jobs, from longshoremen, to truckers, to folks running our chocolate factories, are holding steady and may be increasing. It means our economy is starting to pick up again.

With the State Budget Address just weeks away, Mr. President, we must keep port investments in our minds as we negotiate a State spending plan. I stood with Governor Corbett when he announced a substantial multimillion-dollar investment in the dredging project on the Delaware River. I believe the Governor really gets it with regard to investments in our ports. Our ports sustain and create jobs. In this economy, we have to keep that momentum going along the river. When we talk about our fiscal future, let us invest in our ports. It is an investment that can only help move Pennsylvania forward.

Thank you, Mr. President.

**BILL SIGNED**

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

**HB 170.**

**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 Monday, February 6, 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 12:35 p.m., Eastern Standard Time.