

COMMONWEALTH OF PENNSYLVANIA
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WEDNESDAY, JANUARY 21, 2009

SESSION OF 2009 193RD OF THE GENERAL ASSEMBLY

No. 3

SENATE

WEDNESDAY, January 21, 2009

The Senate met at 9:30 a.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Joseph B. Scarnati III) in the Chair.

PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Let us pray.

Eternal God, who has created everything that exists and sustains it with faithful love and continual blessing, as we begin another day in the service of Your people, we pray that You would refresh our hearts and our minds. Help us to properly exercise the power entrusted to us to build and to lead, that You and the people of God may be ennobled by our efforts. Amen.

PLEDGE OF ALLEGIANCE

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

**UNFINISHED BUSINESS
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 Mr. and Mrs. William E. Theobald by Senator Baker.

Congratulations of the Senate were extended to the Elk Lake Junior-Senior High School Boys' Cross Country Team by Senators Baker and Yaw.

Congratulations of the Senate were extended to Jose Manuel Carlos and to the Bethlehem Branch of the NAACP by Senator Boscola.

Congratulations of the Senate were extended to Charles J. Keenhold, Zachary Dawson Galloway, John Barr, Tim Dimond and to Dan Johnson by Senator Browne.

Congratulations of the Senate were extended to Mr. and Mrs. R. Leroy Kauffman by Senator Corman.

Congratulations of the Senate were extended to Dr. Owen Owens, Brenda H. McFarland, Charles Marshall, Jim Nelson, Pete Goodman and to the West Chester Area Senior Center by Senator Dinniman.

Congratulations of the Senate were extended to Brandon David Koelle by Senator Eichelberger.

Congratulations of the Senate were extended to the University of Pittsburgh Medical Center's Canterbury Place by Senator Ferlo.

Congratulations of the Senate were extended to Donna Dencler by Senator Folmer.

Congratulations of the Senate were extended to Sean R. Capecea by Senator Fontana.

Congratulations of the Senate were extended to Mr. and Mrs. Sam Schickley by Senator Gordner.

Congratulations of the Senate were extended to Edward Distler, Sr., by Senator Greenleaf.

Congratulations of the Senate were extended to Jarred Scott Barnes and to Clairton Area Chapter 1612 of the American Association of Retired Persons by Senator Logan.

Congratulations of the Senate were extended to Matthew Kline by Senator McIlhinney.

Congratulations of the Senate were extended to the North Allegheny Senior High School Marching Band by Senator Orié.

Congratulations of the Senate were extended to Freeda M. Prunty and to George Caldwell by Senator Piccola.

Congratulations of the Senate were extended to Crystal Smith by Senator Pileggi.

Congratulations of the Senate were extended to Nathan Stafford by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Lloyd McGraw, KTH Architects, Inc., of DuBois, and to Carriage House Creations of Reynoldsville by Senator Scarnati.

Congratulations of the Senate were extended to Wesley B. Thurston by Senators Scarnati and Wozniak.

Congratulations of the Senate were extended to Stacey Vigliotti by Senator Stout.

Congratulations of the Senate were extended to the Honorable Mario J. Civera, Jr., the Honorable Ronald R. Donatucci and to Gina F. Rubel by Senator Tartaglione.

Congratulations of the Senate were extended to Bernadette Bernacki by Senator Tomlinson.

Congratulations of the Senate were extended to Chief Donald D. Good, Edward P. Kurimcak, David M. Caschera and to Anthony DePrimio by Senator Ward.

Congratulations of the Senate were extended to Amy Brinton by Senator Wonderling.

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 Neil McAloon by Senator Dinniman.

Condolences of the Senate were extended to the family of the late Reverend Thomas Jefferson Ritter by Senator Kitchen.

Condolences of the Senate were extended to the family of the late John Kuklinski by Senator McIlhinney.

PETITIONS AND REMONSTRANCES

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

Senator O'PAKE. Mr. President, during the last political election, automated robocalls reared their disturbing heads once again, and I want to commend the distinguished Majority Leader for introducing Senate Bill No. 34, which seeks, once again, to ban political automated robocalls. These are definitely an invasion and an intrusion into the privacy of homeowners as they are sitting at home, trying to enjoy dinner, and they get this automated political robocall. There is no opportunity to discuss political issues because it is very one-sided, since it is automated.

I know last year we did pass this in the Senate, and I would be hopeful that, in a bipartisan spirit, we can act quickly and send this to the House and hopefully have it await a more favorable conclusion. So I commend Senator Pileggi, and we promise to work with him to end this very obnoxious, intrusive practice, which unfortunately seems to be gaining steam not only here but throughout the country.

Thank you, Senator Pileggi.

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

Senator FONTANA. Mr. President, I would like to welcome all the new Members to our Chamber in anticipation of a hard-negotiating budget season coming up, and I know if we are all working together, we can build a consensus and pass a budget on time.

Thank you, Mr. President.

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

Senator LOGAN. Mr. President, I am back from my leave.

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

Senator PILEGGI. Mr. President, I would like to thank the gentleman from Berks County for his remarks, and I look forward to working with him for swift passage of the bill that I have sponsored, which has many cosponsors in this Chamber, that would ban political robocalls.

Thank you, Mr. President.

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

Senator FARNESE. Mr. President, last night, as we all know, our new President made the ball circuit, but he also had the opportunity to point out the men and women who are serving across this great land in uniform. And of course, I want to join in again--and actually, last night, I received many well wishes from my district to the men and women serving from the First Senatorial District--and congratulate them and share in the inauguration of our new President.

Thank you, Mr. President.

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

Senator FERLO. Mr. President, I just want to recall some of the final debate and discussion from the last Session before we reconvened, and it was on the critical issue of utility reform.

Just very briefly, Mr. President, I want to reiterate my concern and my clarion call for restoring the consumer protections under the Chapter 14 provisions of the Public Utility Code. I think it is very critical in recognizing these cold winter months and the economic hardships that so many people are severely facing throughout our Commonwealth. And yet we continue to have folks who are basically freezing to death in their own homes because their gas and light has been shut off.

I believe we need to restore some of the balance between the rights and the prerogatives of the utility companies to run a profitable business at a fair rate of return, but at the same time, I think our common call and our common sense of humanity needs to recognize how critical it is right now during these hard economic times. We need to restore the ban on winter shutoffs that have led to the deaths of a significant number of Pennsylvanians, and it is morally repugnant, as far as I am concerned, and I hope and pray that this great Senate would take up this call as we continue to move toward debate on utility rate relief, rate caps, Public Utility Commission consumer protections, and the like.

Thank you very much, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, shortly, we are going to be reconvening for voting Sessions. In February, we are going to hear the Governor's discussion of the state of the State and his Budget Address, and I just want to reiterate that although these times are very difficult, please keep an open mind.

I know it is so easy to say no to everything, but we have a structural situation in our budget that is going to be very, very difficult to correct. It is going to take cooperation, it is going to take collaboration, and it might make some very tough decisions for some Members, but I am hoping that on February 2--I believe that is the day--we will have an opportunity to see what the Governor lays before us and what path we will have to take. And I know that this Senate will persevere and do well over the next few months.

Thank you, Mr. President.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, JANUARY 27, 2009

9:00 A.M.	TRANSPORTATION (public hearing on transportation project delivery improvements)	Hrg. Rm. 1 North Off.
10:30 A.M.	JUDICIARY (public hearing on the issue of parole and violent offenders)	Room 8E-B East Wing

WEDNESDAY, JANUARY 28, 2009

9:00 A.M.	EDUCATION (public hearing on School Violence; to gather information relevant to Senate Bills No. 55 and 56)	Hrg. Rm. 1 North Off.
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TUESDAY, FEBRUARY 10, 2009

10:00 A.M. PUBLIC HEALTH AND WELFARE Hrg. Rm. 1
(public hearing on overview of drug North Off.
and alcohol funding and service
delivery system)

RECESS

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

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Monday, January 26, 2009, at 1 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate recessed at 9:47 a.m., Eastern Standard Time.