

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, JUNE 18, 2013

SESSION OF 2013 197TH OF THE GENERAL ASSEMBLY

No. 41

SENATE

TUESDAY, June 18, 2013

The Senate met at 1 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend DAVID J. ARSENEAULT, Pastor of Most Holy Trinity Church, Huntingdon, offered the following prayer:

Let us pray.

Almighty and eternal God, You arrange all things in wondrous order and You govern in marvelous ways. Look with favor upon this distinguished legislative assembly. Mercifully pour out upon them the spirit of Your wisdom so that every decision may be made for the well-being and common good of all of the citizens of the Commonwealth of Pennsylvania. We ask Your special blessing upon the Members of this Senate. They face difficult decisions in difficult times, with many forces and interests demanding their attention. May they execute their responsibilities with honesty, integrity, and transparency. May the Members of this Senate be filled with gratitude at the opportunity they have to serve the people of Pennsylvania in this distinguished place. We thank You for the talents and the abilities they have to do their work. May they use their resources as good stewards of Your many gifts, and may they be true servants of justice and partners in peace. All these things we ask in Your name, You who are God forever and ever. Amen.

The PRESIDENT. The Chair thanks Father Arseneault, who is the guest today of Senator Eichelberger.

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 371**, with the information the House has passed the same without amendments.

**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 293** and **HB 492**.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 583**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule 13(c)(2)(i), the 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 371, HB 293 and HB 492.

GENERAL COMMUNICATION

**INDEPENDENT FISCAL OFFICE'S
FISCAL YEAR 2013-14 REVENUE ESTIMATES**

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

COMMONWEALTH OF PENNSYLVANIA
Independent Fiscal Office
Second Floor, Rachel Carson State Office Building
Harrisburg, PA 17105

June 17, 2013

The Honorable Joseph B. Scarnati, III
President Pro Tempore
Senate of Pennsylvania
291 Main Capitol Building
Harrisburg, PA 17120

The Honorable Samuel H. Smith
Speaker
Pennsylvania House of Representatives
139 Main Capitol Building
Harrisburg, PA 17120

Dear Sirs:

Enclosed please find a copy of the Independent Fiscal Office's official revenue estimate for FY 2013-2014, produced in accordance with 71 Pa.C.S. §4105.

Sincerely,

MATTHEW J. KNITTEL
Director

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

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENTS BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Transportation to meet during today's Session in the Rules room to consider Senate Bill No. 332, Senate Bill No. 676, Senate Bill No. 984, and Senate Bill No. 1010.

BILLS REPORTED FROM COMMITTEES

Senator YAW, from the Committee on Environmental Resources and Energy, reported the following bills:

SB 946 (Pr. No. 1086)

An Act amending the act of January 24, 1966 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities Act, further providing for definitions, for official plans and for permits.

HB 34 (Pr. No. 613)

An Act requiring the design, construction and renovation of certain State-owned or State-leased buildings to comply with specified energy and environmental building standards; and providing for the powers and duties of the Department of General Services.

HB 1325 (Pr. No. 1706)

An Act amending the act of January 24, 1966 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities Act, further providing for definitions, for official plans and for permits.

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

SB 931 (Pr. No. 1117)

An Act amending the act of May 27, 1953 (P.L.249, No.35), entitled "An act providing that the town councils of incorporated towns shall have the right to declare vacant the seats of councilmen or presidents of town councils for failure to qualify and for failure to attend meetings or vote upon questions before the council," further providing for removal of town officers and for vacancies.

HB 1223 (Pr. No. 1555)

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in general provisions relating to township officers, further providing for failure of officer to perform duties.

HB 1225 (Pr. No. 1832)

An Act amending Title 45 (Legal Notices) of the Pennsylvania Consolidated Statutes, in codification and publication of documents, providing for electronic publication of municipal codes; and making an inconsistent repeal.

HB 1229 (Pr. No. 1561)

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in township officers generally, further providing for removal for failure to perform duties.

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

HB 22 (Pr. No. 115)

An Act amending Title 13 (Commercial Code) of the Pennsylvania Consolidated Statutes, in transfers of funds, further providing for exclusion of consumer transactions governed by Federal law; and making an editorial change.

HB 513 (Pr. No. 556)

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for settlement of small estates on petition and for estates not exceeding \$25,000.

HB 1217 (Pr. No. 1580)

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for schedules of controlled substances.

LEGISLATIVE LEAVE

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

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

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

LEAVE OF ABSENCE

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

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of May 6, 2013, is now in print.

The Clerk proceeded to read the Journal of the Session May 6, 2013.

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

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

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

YEA-49

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Ward
Blake	Fontana	Scarnati	Washington
Boscola	Gordner	Schwank	White
Brewster	Greenleaf	Smith	Wiley
Browne	Hughes	Smucker	Williams
Brubaker	Hutchinson	Solobay	Wozniak
Corman	Kasunic	Stack	Yaw

Costa	Kitchen	Tartaglione	Yudichak
Dinniman	Leach	Teplitz	
Eichelberger	McIlhinney	Tomlinson	
Erickson	Mensch	Vance	

NAY-0

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

The PRESIDENT. The Journal is approved.

LEGISLATIVE LEAVE CANCELLED

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

GUESTS OF SENATOR ELISABETH J. BAKER PRESENTED TO THE SENATE

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

Senator BAKER. Mr. President, it is my privilege this afternoon to introduce friends from Luzerne County who are here today for a milestone. They are here for the signing of the Victim Testimony Bill, which the Governor will hold at 2 p.m., in the Governor's Reception Room. I want to thank each Member of the Senate for their support of this legislation that helps to give a fair and balanced approach and full consideration of the views of crime victims and their survivors. So on behalf of my colleague from Luzerne County, Senator Yudichak, we are pleased to welcome Susan Hooper; her fiance, Glen Grady; her mother, Mary Curly; her brother, David Curly; and David's friend, Cathy Prushinski; as well as Carol Lavery, the Victim Advocate who was instrumental in seeking this legislative change and making it a reality for victims and their representatives. I ask my colleagues to please extend our usual warm welcome to our very special guests.

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 DAYLIN LEACH PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Leach.

Senator LEACH. Mr. President, this morning, I have the pleasure of introducing two interns who are here today to be exposed to government, to learn how we do business, and to see what makes Harrisburg tick. We are hoping not to disillusion them and make them cynical and twisted. Brandon Schembs and Matt Heck, please stand.

The PRESIDENT. Would the Senate join me in welcoming Senator Leach's guests.

(Applause.)

GUESTS OF SENATOR DAVID G. ARGALL PRESENTED TO THE SENATE

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

Senator ARGALL. Mr. President, I have three residents of Schuylkill County joining us today. The first is Damian Munoz. He is the senior class president at my alma mater, Tamaqua High School. He is job-shadowing me for the day. We are also joined by Dr. Stephen R. Couch, from Penn State Schuylkill Campus, and a special guest, his granddaughter, Stephanie Hartz, who is a fourth-grade student at Blue Mountain Elementary East. Mr. President, would the Senate please give them our customary warm welcome.

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

(Applause.)

GUEST OF SENATOR JOHN P. BLAKE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, I am delighted to rise to introduce someone who is here to be a guest Page and intern for the day, Siena Cardamone. She is a resident of Mayfield, a senior at Lakeland High School, home of the Lakeland Chiefs, treasurer of her student council, member of the National Honor Society, vice president of Students Against Drunk Driving, a graduate of the Leadership Lackawanna Executive Program, and a member of the Future Business Leaders of America. Mr. President, she is studying at the University of Scranton and is considering becoming a lawyer, notwithstanding the dissent of her parents. I think she will be a great one if she chooses that. She has an interest, obviously, in legislative and political issues. She has already joined me on some very important public policy considerations this morning. I am very honored to welcome Siena Cardamone, and I ask that the Senate give her a warm welcome.

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

(Applause.)

GUEST OF SENATOR JOHN EICHELBERGER PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Eichelberger.

Senator EICHELBERGER. Mr. President, it is my pleasure today to bring with me the Chaplain for the Senate, Father David Arseneault, Pastor of Most Holy Trinity Church in Huntingdon, Pennsylvania. Father David was born in York, Nebraska, grew up in Washington, D.C., three blocks from the Capitol, and then moved to the Maryland suburbs. He graduated from Saint Mary's College and received his master's degree from Indiana University. Father David worked at Lock Haven University 5 years before entering the Saint Francis Seminary in Loretto. He earned his Master of Divinity degree from Saint Mary's Seminary. Father David has served in various campus ministries over the years at Juniata College, Senator White's alma mater, and Penn State University, my alma mater, and was the diocesan director of campus ministry for the Diocese of Altoona and Johnstown. He is currently the Catholic contract chaplain at SCI Smithfield, and we appreciate that very much. In April 2010, he was presented the Monsignor William M. Griffin Humanitarian Award by Catholic Charities for his commitment and support of relief efforts and economic development in Haiti, and I know he is

very active in that mission work. Mr. President, I ask for the Senate's warm welcome today for Father David Arseneault.

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

(Applause.)

GUESTS OF SENATOR VINCENT J. HUGHES PRESENTED TO THE SENATE

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

Senator HUGHES. Mr. President, Senator Williams, Senator Washington, and I were blessed with the opportunity to spend about 90 minutes or so with the 2013 Lindback Award recipients. The Lindback Award recognizes outstanding teachers and school administrators all around Philadelphia and throughout the region. These are some of our best and brightest educators, ones who are, in fact, providing the opportunity for young people to realize their dreams through what we all know as state-of-the-craft education. They are in the gallery. I will provide the names of all Lindback Award recipients for the record so that they can be recorded in the annals of the Senate of Pennsylvania. I would appreciate it right now, Mr. President, that the 2013 Lindback Award recipients be recognized. They are present in our gallery at this moment.

The Lindback Award recipients are: James Esposito, Paula Miller, Christian Pedone, Denise Masters, Mike DesiDero, Dan Ueda, Amy Barford, Kia Hall, Aisha Madhi, Dawn McDonald, David Huzzard, Jessica Way, Lee Silverman, Thomas Juhas, Catherine Michini, Kathleen Flaherty, Meenu Bhutani, Thomas Emerson, Doreen Coleman, Gillian Smith, Drew Knasiak, Brent Gray, Joshua Kleiman, Melissa Stubblefield, Nicholas Niedosik, Mark Morales, Amelia Butler, Ryan Baxter, Melika Komrokian, Aaron Gerwer, Timothy Snyder, Alva Edwards, Maureen Boland, Andrea Siegel, Richard Lee Daniels, Cordelia Luke, Steven DiGiovanni, Joseph Marchetti, Addie Mair, Theresa Higgins, Deborah Matthews, Joshua Levenson, Sharon Jackson, Donna Widmann, Erika McFadden, John Zak, Tim Best, Roberta Emmanuel, Kathleen Radebaugh, Angela Garabedian, Wanda Miller, Maria Neilio, Andrew Schiera, Julie Steiner, Carolyn Conlon, Kathy Leonard, Elizabeth Curry, Maeve O'Hara, and Carol Heinsdorf.

The PRESIDENT. Would the guests of Senator Hughes 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 meeting of the Committee on Transportation also to be held in the Rules room, 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 two meetings referenced by the Majority Leader, Senate Democrats will meet in the rear of the Chamber for a caucus as well.

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, 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.

LEAVES OF ABSENCE

Senator PILEGGI asked and obtained leaves of absence for Senator GORDNER and Senator WHITE, for today's Session, for personal reasons.

LEGISLATIVE LEAVES

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

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

The PRESIDENT. Senator Costa requests a temporary Capitol leave for Senator Leach, and a legislative leave for Senator Teplitz. Without objection, the leaves will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 137 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 150 (Pr. No. 1243) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, in DNA data and testing, further providing for policy, for definitions, for powers and duties of State Police, for State DNA Data Base, for State DNA Data Bank, for State Police recommendation of additional offenses, for procedural compatibility with FBI and for DNA sample required upon conviction, delinquency adjudication and certain ARD cases; providing for collection from persons accepted from other jurisdictions; further providing for procedures for withdrawal, collection and transmission of DNA samples, for procedures for conduct, disposition and use of DNA analysis; providing for request for modified DNA search; and further providing for DNA data base exchange, for expungement and for mandatory cost.

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 Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, Senate Bill No. 150 will make dramatic improvements in how Pennsylvania uses DNA technology to fight crime, to get violent criminals off our streets, and to make our communities safer. This legislation will require DNA samples from anyone arrested for a serious crime, establish new privacy standards and a process for expungement, require labs to be accredited, and technicians to undergo continuing education.

On June 3, the Supreme Court of the United States upheld a similar Maryland statute. In that case, the majority opinion found that, "DNA identification is an advanced technique superior to fingerprinting in many ways, so much so that to insist on fingerprints as the norm would make little sense to either the forensic expert or a layperson." The Supreme Court also noted that the experience in other States proves that collecting DNA samples from individuals arrested for serious crime works.

Mr. President, more than half of the States and the Federal government have already enacted laws to require post-arrest DNA samples. Several studies have demonstrated the incredible impact this can have. For example, in Washington State, Anthony Casper Dias was arrested for a felony hit-and-run and his DNA was not collected. One month after the hit-and-run, he raped a 19-year-old woman in her bedroom. If a DNA sample had been collected after his first arrest, the police would have known who committed the rape and could have focused their resources on arresting him. Instead, over the next 3 months, Mr. Dias went on to commit seven more rapes, including a 13-year-old and a 15-year-old, before he was caught.

In Chicago, researchers detailed eight different cases in which post-arrest DNA collection would have prevented dozens of terrible crimes, primarily murder and rape. In one of those cases, Geoffrey Griffin was arrested on a felony drug charge but no DNA sample was collected. Three years later, he raped and murdered a woman. The police recovered DNA evidence, but there was no match in the database. Griffin went on to murder seven more women over 2 years before he was finally caught. If his DNA had been collected at the time of his first felony arrest, those seven killings could have been prevented. After reviewing the Chicago study in 2011, the State of Illinois passed a law to require DNA collection from those arrested for serious crimes.

We also have tragic examples right here in Pennsylvania of how this law will save lives. In June of 2010, Antonio Rodriguez was arrested on felony drug charges in Philadelphia. No DNA sample was taken. Later that year, three women were found raped and strangled to death. Numerous others were sexually assaulted but managed to escape. Philadelphia police spent thousands of hours working to solve the case. Eventually, the case was solved by a simple DNA swab. Four months after the felony drug arrest, he pleaded guilty to those drug charges. At that point, his DNA was collected. When it was processed, the investigators found the match they were looking for. Since then, Rodriguez, known as the "Kensington Strangler," has been convicted of the three murders and other numerous crimes. He was sentenced to three consecutive life sentences. It is a needless tragedy that so many of his crimes could have been prevented if Pennsylvania had this law in place.

Mr. President, the evidence is clear, we see it in study after study, case after case, needless victim after needless victim. The

time to act is now. Mr. President, this bill is supported by the Pennsylvania Coalition Against Rape, the Pennsylvania District Attorneys Association, the Pennsylvania Chiefs of Police Association, the Pennsylvania State Troopers Association, the Pennsylvania State Lodge of the Fraternal Order of Police, and the national organization DNA Saves. Mr. President, I urge an affirmative vote on Senate Bill No. 150.

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

Senator WILLIAMS. Mr. President, I ask the gentleman from Delaware for a brief period of interrogation.

The PRESIDENT. The gentleman indicates he will stand for interrogation. Senator Williams, you may continue.

Senator WILLIAMS. Mr. President, for the benefit of the record and those who may be listening, first of all, what is the cost to do a DNA test?

Senator PILEGGI. Mr. President, the cost is nominal. It is a Q-tip type swab that is applied to the inside of the cheek and the sample is collected. The DNA is collected from that. If you have further questions, I can get an exact cost for whatever it costs to process that one sample.

Senator WILLIAMS. Mr. President, I think it would be important, because if there is a cost associated with it, is there a necessity for a fiscal note to be attached to this?

Senator PILEGGI. Mr. President, could the gentleman repeat the question?

Senator WILLIAMS. Mr. President, if there is a cost associated with this, I would think that there would be a fiscal note attached to this.

Senator PILEGGI. Mr. President, we do have a fiscal note. I am certain it was provided to all the Members. I am getting a copy of it and I am happy to read from it as soon as it gets in front of me.

Senator WILLIAMS. Mr. President, that would be helpful. Before I conclude, I would appreciate if we could know what the fiscal note reads.

Senator PILEGGI. Mr. President, I have the fiscal note prepared for this bill by the Senate Committee on Appropriations. I am looking for the date it was prepared, but it was some time ago. The fiscal note says, for Fiscal Year 2013-14, \$2.1 million; for Fiscal Year 2014-15, after the start-up costs, \$385,000.

Senator WILLIAMS. Mr. President, is this the costs associated with the State or costs associated with the county delivering the service?

Senator PILEGGI. Mr. President, I believe the fiscal note is dealing with the cost for the Pennsylvania State Police, for the DNA searches, the laboratory expansion, the testing of arrestees in the years 2013-14, 2014-15, and the file review and new DNA samples from the Pennsylvania Board of Probation and Parole.

Senator WILLIAMS. Mr. President, maybe I am reading this incorrectly, but as I see it, it suggests that the costs of this, the cost that we are reading may not be the actual cost because it is absorbed in the existing budget, and what we are reviewing is overtime. Is that correct?

Senator PILEGGI. Mr. President, I am looking at the date on this fiscal note. It was prepared in February of this year by the Senate Committee on Appropriations. As I said, it is certainly available to the general public and to every Member on the floor. It is three pages. I am happy to introduce the fiscal note into the

record. If there is a specific question, I will try to answer it. I do not want to read three pages, unless that is the intent.

Senator WILLIAMS. Mr. President, no, that concludes my question. I was just trying to get to a bottom-line number, but we can resolve that later. As I read it, this is to be absorbed by the Pennsylvania State Police, but in fact the swabbing would happen at a local level along with a State level, is that correct?

Senator PILEGGI. Mr. President, yes. The bill intends that the collection of the sample be done at the same time that the person who is arrested has his or her fingerprints taken and his or her photograph taken. So that booking process is traditionally done by whoever the arresting officers are. In most cases, they are not the State Police but municipal police officers.

Senator WILLIAMS. Mr. President, so there are a number of counties which, of course, do not have local police and some that do. While we consider it a nominal cost, there will be a cost associated with it, but I will make reference to that in my closing comments. There is a cost associated with it.

I have not been privy to the committee meetings, but I have heard, and for the benefit of the record, who is it that the gentleman expects to cover this nominal cost, if it is indeed nominal or whatever the number is, who is going to pay for this?

Senator PILEGGI. Mr. President, certainly the costs associated with State Police would be part of general government operations of the Commonwealth of Pennsylvania, as they are for other State Police activity.

Senator WILLIAMS. Mr. President, thank you very much. That concludes my period of interrogation. I would like to provide comments.

The PRESIDENT. The gentleman is in order.

Senator WILLIAMS. Mr. President, while I certainly think that the motivation is appropriate, the concern is appropriate, and certainly there are a number of cases to which my friend has alluded that can be solved by new DNA technology, and it is quite clear that it is needed. But I also think that it needs to be done in a balanced and appropriate way. Three things. One, while we may consider this a nominal cost of a small amount, for local governments who are struggling to balance their books, this is now indeed an unfunded mandate that they will be required to carry out. There are a number of local municipalities that have DNA samples, swabs if you will, that have been collected but have not been processed because they do not have the money to move that process forward. The second part is the ability to execute this, additional staff will be necessary on local governments as well as local law enforcement.

Finally, liberty is something that many of us in this Chamber talk about quite frequently, and frankly, I am not sure that we put it in the context of the things that we actually do and execute when we move a piece of legislation like this forward. There is no doubt that we could talk about, and I have been a Member of this distinguished body as we move legislation forward that protects children and we certainly use all sorts of means and mechanisms and methods to protect those children. DNA and the ability to use DNA swabs is certainly part of that, and I agree with that. I draw concern and pause though when it comes to the cost, the unfunded mandate, and most importantly, the method by which they are doing this. The day before I specifically talked about the U.S. Supreme Court drawing a distinction with the ability to swab and draw blood, and for some reason, we looked past that, and it still exists within this bill.

So, for anyone who expects that this will move quickly to the Governor and will be signed into law, in fact it will not. It will actually, at some point in time, be challenged in court--and by the way, it will be challenged by a criminal, potentially one of those persons who indeed DNA would capture and prevent him from perpetrating crimes, but because we chose to move forward in the manner that we are moving forward, knowing full well what the U.S. Supreme Court has in fact told us, that we will have a law on the books that will, unfortunately, probably be defective. My hope is that the desire, the passion, can be constrained by some level of logic and rationale and deliberation. That is why we are here, that is what the Senate is supposed to do, that is what a legislative body is supposed to do.

So I respect the work and indeed the tenacity that has been required to bring this legislation forward, and I certainly respect the individual and the motivation, and certainly the desire of this Chamber to remove from society those who have been protected by nothing more or nothing less than a piece of cotton tip and a swab and to use that ability to protect society. But that said, there is something to the fact that we have a Constitution, there is something to the fact that we are Americans, there is something to the fact that now in the times we live, Big Brother is more around us than we have ever felt before. Understand this, while some may think it is going to be a criminal on some darkened street corner in some place that they do not know, in fact it is going to be somebody's son who may be home from college, driving a little too fast, pulled over and locked up. He will be swabbed when he is detained, she will be swabbed when she is detained. A child being reckless on a college campus on any given night, they too will be a part of the process if they are arrested. All these areas are part of the conversation. So, my hope is that while we want to move forward quite quickly and quite rapidly, I would say that we should be cautious in our overreach of this particular science, and our particular motivation.

Thank you, Mr. President.

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

Senator FERLO. Mr. President, obviously, I share, and I think everybody in this room shares, the information that was provided by the Majority Leader as it relates to the motivation, philosophy, and the intent of what this bill purports to cover and tries to address. Everybody in this room could probably spend days and weeks in this Chamber outlining horrific criminal acts against individuals, some of which have been described appropriately by Senator Pileggi here today. The fact of the matter is our society is getting meaner. In many respects, crimes are becoming more violent. And, obviously, it is certainly natural that we would want to react to that and find every tool at our disposal to try to deal with criminal acts, especially with respect to victims and families of victims. But I have a growing concern about what is happening in this country.

Ben Franklin once said, "they that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety." I am concerned about a trend over the last 20 or 30 years about a continual diminishing of the important Fourth Amendment in the Bill of Rights and Constitution regarding illegal search and seizures. We have seen case law come before the U.S. Supreme Court, as well as our own Pennsylvania Supreme Court, that has further weakened those protections, at least in my view

and in my opinion. Will a swab now become a blood test tomorrow? I am not sure about that based on the way this bill is written.

I am also concerned, and I recall an extensive expose on the "60 Minutes" show, which I think has a high degree of accountability and accuracy in many of the stories that they take on. They showed the lockerrooms in many courthouses across the country, and even in our own Commonwealth, where the information and evidence in rape cases was locked away in lockers and wasting away on shelves only because local police jurisdictions did not have the resources or the ability to actually go out and get formal DNA testing. Oftentimes, that involves the swabs of obvious things that I do not need to outline here. I think all of us are aware of what is taken in those horrific cases against women.

So I am very concerned about this bill. I am going to be voting "no," respectfully. Again, continued reduction in security and in our personage of our homes, in our vehicles, and eroding the Fourth Amendment. I am concerned that even our own State Police, my sense from them here in the Commonwealth is they are not thrilled about this bill, and that they are already overwhelmed with the obligations they have on evidence collection. And my sense is that they do not have the administrative capability, notwithstanding this \$2 million that would have to be appropriated to make this bill come into reality. I am concerned about local county governments that bear the costs for judicial systems. So, respectfully, for all those reasons and more, I would have voted for the bill had we added the protections that we suggested by way of an amendment yesterday, that was not supported by the Majority. So again, I understand the motivation and I appreciate the hard work done on this bill by the Leader, but I am going to have to respectfully vote "no."

Thank you, Mr. President.

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

Senator DINNIMAN. Mr. President, I actually rise on this side of the aisle to support the bill. I supported it the first time last year, and rise to support it again. DNA is a very useful tool for us to prosecute and to find those who break the law. Why would we not want to use this tool that is available to us? I understand the civil liberties questions, and I understand the issue of liberty. But what we have to remind ourselves is when we talk about liberty, liberty is two ways. Liberty is not only to make sure that everyone is treated properly and is respected, but liberty is also the right to be safe. Liberty is also the response of governments to insure that each and every one of us can safely walk the streets. So you have to balance out what liberty means on both sides.

I just believe that we should utilize a tool that is available. Let me remind the Members of this body that tool not only catches those who are criminals, but that DNA tool also can assure the innocence of someone who is accused of a crime. So with all due respect to the good arguments that my colleagues are making, and in all due respect to what I know is the sincerity of their feelings and their issues, I believe that we should utilize this DNA. I believe there is no threat to civil liberties, and I believe that through the use of DNA we can keep people safe in terms of future crimes and also we can free those who have been wrongly accused of those crimes.

Finally, Mr. President, this matter of keeping records and DNA, I can remember that I was in elementary school, and many of the other Members might have gone through this experience, none of us protested when we walked over to the local police station to see how the police did their work and we all did our fingerprints. Maybe some of you in this body are too young to remember that, but that was not thought about as an invasion of our civil liberties. Our parents did not object, it was a way to keep us safe because if something happened to us, they could find us and identify us. So this notion of using the latest technology, the means that we have, and I predict that 5 years from now we will probably be here arguing and debating the use of our retina as a means of identification to identify people of crime. This is just one step in new technology. It is useful, we should respect it and we should protect our citizens at the same time we are protecting liberty through this new technology.

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-39

Alloway	Dinniman	Rafferty	Vance
Argall	Eichelberger	Robbins	Vogel
Baker	Erickson	Scarnati	Vulakovich
Blake	Farnese	Schwank	Ward
Boscola	Greenleaf	Smith	Washington
Brewster	Hutchinson	Smucker	Wiley
Browne	Kasunic	Solobay	Wozniak
Brubaker	McIlhinney	Stack	Yaw
Corman	Mensch	Teplitz	Yudichak
Costa	Pileggi	Tomlinson	

NAY-8

Ferlo	Fontana	Kitchen	Tartaglione
Folmer	Hughes	Leach	Williams

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

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

BILL OVER IN ORDER

SB 303 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 305 (Pr. No. 1187) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in other criminal provisions, further providing for supervisory relationship to offenders; and, in Pennsylvania Board of Probation and Parole, further providing for supervisory relationship to offenders.

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-47

Alloway	Erickson	Mensch	Tomlinson
Argall	Farnese	Pileggi	Vance
Baker	Ferlo	Rafferty	Vogel
Blake	Folmer	Robbins	Vulakovich
Boscola	Fontana	Scarnati	Ward
Brewster	Greenleaf	Schwank	Washington
Browne	Hughes	Smith	Wiley
Brubaker	Hutchinson	Smucker	Williams
Corman	Kasunic	Solobay	Wozniak
Costa	Kitchen	Stack	Yaw
Dinniman	Leach	Tartaglione	Yudichak
Eichelberger	McIlhinney	Teplitz	

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 present said bill to the House of Representatives for concurrence.

SB 358 (Pr. No. 281) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring the notification of breast density to patients who receive a mammogram.

Considered the third time and agreed to,

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-47

Alloway	Erickson	Mensch	Tomlinson
Argall	Farnese	Pileggi	Vance
Baker	Ferlo	Rafferty	Vogel
Blake	Folmer	Robbins	Vulakovich
Boscola	Fontana	Scarnati	Ward
Brewster	Greenleaf	Schwank	Washington
Browne	Hughes	Smith	Wiley
Brubaker	Hutchinson	Smucker	Williams
Corman	Kasunic	Solobay	Wozniak
Costa	Kitchen	Stack	Yaw
Dinniman	Leach	Tartaglione	Yudichak
Eichelberger	McIlhinney	Teplitz	

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 present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

SB 379, SB 401, SB 546 and HB 571 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 700 (Pr. No. 1244) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 6, 1956 (1955 P.L.1414, No.465), known as the Second Class County Port Authority Act, further providing for membership of the authority; and providing for Department of Transportation Regionalization and Privatization Study.

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 Allegheny, Senator FERLO.

Senator FERLO. Mr. President, this piece of legislation offered by one of my colleagues is a piece of legislation that has support on this side of the aisle as well. This involves the Port Authority Board of Directors and its composition, expanding it to include some representation from State government, both at the gubernatorial level as well as the House and the Senate. I support that wholeheartedly, and have supported it in the past. I want to recall that Senator Fontana, my colleague from Allegheny County, at least several years ago, I believe, introduced legislation to specifically expand the board's composition. I think we both agreed that the State government and the State budget contributes in excess of 50 percent of the Port Authority's budget. There is every reason to suggest, not only the rightful representation of the State on the board, but I also think it would be helpful politically, because many of the issues being dealt with by the Port Authority at some point involve politics, involve the rapport and the support of State government. I think that was a good decision by my colleague to first introduce a bill which did not make it--as you know, we do not get to move bills, being in the Minority. So I am pleased to see that as a result of some of the controversies that have emanated from the operations of the Port Authority and the pending transportation bill, which I do not know if it is ever going to happen, but certainly all of us on this side of the aisle are united in our concern that any transportation bill, just like the Governor, to his credit, and the Secretary of Transportation have clearly articulated, need to have a comprehensive approach from rail, ports, and intermodal, to bridges, to roads, to mass transit, and public transit. So, I really appreciate the leadership they have demonstrated. Certainly Senator Rafferty, to his credit, and all of us who voted for a major transportation bill, understand the interrelationship of all means of transportation.

I support the intent of the bill. However, the problem is there is a particular part of this bill that I find inappropriate, counter-

productive, and really reprehensible, and that is the ideology that seems to guide some of the actions in the Senate. Not common-sense and what is good for transit riders, just downright ideology. A lot of this emanates from the Commonwealth Foundation. The ideology that is expressed in this bill is the notion that the Port Authority Transit needs to consider privatization. It makes no sense whatsoever. The heart of the bill is to change and increase the composition of the board so that the State can have some representation as well as the State government executive leadership. That makes sense.

The bill requires something that our county chief executive, Mr. Fitzgerald, has already campaigned on, and he is an active participant in encouraging consideration of the consolidation of transit and the opportunities for dealing with legacy costs and efficiencies and maximizing the transportation routes by looking at consolidation just as a possibility, just to go through the due diligence of looking at the possibility of consolidation of a number of transit authorities that serve the greater Pittsburgh/Allegheny County region. That makes sense. That is something that he has already stated and has already taken the leadership on, to his credit. That is in this bill and that is good. That is an indication that the State government, and certainly the Governor, to his credit, wants that to be considered, to go through the due diligence. It is a difficult issue politically and financially. A lot of study would have to be given to it, but it is worth the time and effort because we could possibly gain some efficiencies and make more sense of the routes, for all the other reasons that are obviously common sense and can be enumerated at length here today, so I support that.

What is ideologically wrong in this bill, and it is all about ideology and placating the Commonwealth Foundation, is this notion that we should spend a lot of time, money, and energy wasted on so-called privatization. I am very disappointed that that is in this bill. It should have come out by amendment that was not going to be supported. With all due respect, I am going to be voting "no" on this bill today because of that issue. It is diversionary, it is counterproductive, and it is a waste of human energy.

I want to point out that prior to the passage of Act 61 of 2012, which was passed last June, Senator Tomlinson was nice enough to come to Pittsburgh. We had a public hearing about the operations of the Port Authority. I think many on that committee were pleased to learn about how they have dealt with legacy costs, to the extent that they could within collective bargaining and the letter of the law, and if you remember, we passed that bill. But prior to that passage, the Port Authority had jurisdiction over the permitting of private fixed routes and paratransit services in and around Allegheny County. Essentially, the Port Authority, prior to that act, acted as the Public Utility Commission in Allegheny County for all these types of services, not counting taxicabs. Historically, the Port Authority did not receive many permit applications from private carriers. From 2004 to when it lost jurisdiction over these carriers last year, the Port Authority's records indicate that they only received nine formal applications to provide private fixed route or paratransit services in Allegheny County. They received nine applications from for-profit, private companies. All nine of these permit applications were processed and approved by the Port Authority's board. But three of these permit holders opted not to maintain their operating permits due to low ridership, with the most recent being Lenzner Coach

Lines, discontinuing its Franklin Park service--that is Representative Turzai's home district, by the way. I think he chose not to ride that bus into town because it was too expensive. That Franklin Park service was discontinued in November of 2011. In fact, some of his own constituents, because they could not afford and did not see the merit and common sense of paying a very large fee to ride a private Lenzner bus, they actually got back on a public bus and went up to Butler County. They found it cheaper and more efficient to head north to Butler County on public transit, and then take Butler County transit back down to downtown and into Oakland.

So again, I am all for gaining efficiencies. The Port Authority union, to their credit, have given back, given back, and given back. Why the Commonwealth Foundation has so much control in this Chamber among the Republican Majority and the Governor's Office, I just do not understand. They are about killing the middle class, they are about denying and not supporting family-sustaining jobs. We see this in the State Store system, and now we see this in the Port Authority. This part of the bill should have come out. It is not germane, really. When I say germane, I am not talking about the legal sense of the word, it is not the heart of the bill.

I applaud the President pro tempore, Senator Scarnati, for wanting to see the State have some representation. I have no problem with that. The county executive, many of us on this side obviously support a systematic review of the potential consolidation with other public transits. But the notion that you are going to get rid of a public authority that has tax-exempt status, that is the recipient of Federal tax dollars for transportation, none of which would be available to the private sector, it is just illogical. It is about wrong ideology, and respectfully, Mr. President, I will be voting "no" on this bill. Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Mr. President, truth be known, my colleague who just spoke, he and I have a lot in common on this bill. We agree on much of what is in Senate Bill No. 700. Clearly, I understand his concerns and I clearly understand the issues that he is raising. But the bottom line is that currently the State provides almost half, if not more than half, of the funding for the Port Authority. Clearly, we need more accountability and we should have a similar say in the Port Authority as we do with SEPTA. His concern about a study on privatization is, I think, a little bit too far. Clearly, I am a lot of things, but I am not an ideologue and I do not run bills nor sponsor bills because of an ideology. I am only doing this, my dear friend, because we need more accountability on the State side.

I voted, several weeks ago, for Senate Bill No. 1, providing tens of millions of more dollars for mass transit. That is not coming to my district. That is going to other places across the Commonwealth. But I understand that mass transit does need funding and that it is part of our transportation. But as part of that, we have to make sure that we are looking at all aspects and all avenues of how to do it better and what our options are. I very much look forward to, when the reports come back from this bill, to work with Senator Ferlo and anybody else on what those recommendations are and clearly, I think we will improve mass transit through this process with the Port Authority. So, I ask for a positive vote on this, and I appreciate your support.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I just want to provide some brief remarks as well. I rise to support Senate Bill No. 700 and provide comments relative to both my colleagues who indicated the need for greater accountability with respect to the State's role as it relates to transit resources and dollars that make their way, in this particular case, to the Port Authority of Allegheny County. I also want to thank the gentleman, Senator Vulakovich, as well as our Democratic colleagues on this side, for the cooperative nature of the work that was done in the early stages of this legislation that led us here today. The adoption of Senator Vulakovich's amendment yesterday provided greater input from the Allegheny County executive which we thought was missing in the version from the Committee on Appropriations, but yet, it was contained in the amendment offered by Senator Vulakovich, which we think was extremely important.

Mr. President, like my friend and colleague, Senator Ferlo, I too am concerned about the privatization language that exists in this legislation. I recognize, however, that it is merely a study that needs to be addressed, along with a study on the issue of regionalization, which I think many of my colleagues support. At the end of the day, Mr. President, I support this measure because I think what is important at this juncture with respect to the composition of the new board in Allegheny County will be one which I think is far better for the county executive because at the end of the day, it is the county executive in Allegheny County and the Port Authority system who are ultimately responsible for how that system operates. I think the composition of this board which provides additional selections for that individual, the county executive, is something we think is appropriate at this point in time given where we are. So for those reasons, I support the measure to be voting on Senate Bill No. 700, and I thank my colleagues for their support and their efforts in the process that led us here today.

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-28

Alloway	Costa	Mensch	Tomlinson
Argall	Eichelberger	Pileggi	Vance
Baker	Erickson	Rafferty	Vogel
Blake	Folmer	Robbins	Vulakovich
Browne	Greenleaf	Scarnati	Ward
Brubaker	Hutchinson	Smucker	Wozniak
Corman	McIlhinney	Solobay	Yaw

NAY-19

Boscola	Fontana	Schwank	Washington
Brewster	Hughes	Smith	Wiley
Dinniman	Kasunic	Stack	Williams
Farnese	Kitchen	Tartaglione	Yudichak
Ferlo	Leach	Teplitz	

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

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

BILL OVER IN ORDER

HB 891 -- Without objection, the bill was passed over in its order at the request of Senator BROWNE.

RECONSIDERATION OF SB 150

BILL ON FINAL PASSAGE

SB 150 (Pr. No. 1243) -- Senator COSTA. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 150, Printer's No. 1243, passed finally.

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

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-38

Alloway	Dinniman	Rafferty	Vance
Argall	Eichelberger	Robbins	Vogel
Baker	Erickson	Scarnati	Vulakovich
Blake	Farnese	Schwank	Ward
Boscola	Greenleaf	Smith	Wiley
Brewster	Hutchinson	Smucker	Wozniak
Browne	Kasunic	Solobay	Yaw
Brubaker	McIlhinney	Stack	Yudichak
Corman	Mensch	Teplitz	
Costa	Pileggi	Tomlinson	

NAY-9

Ferlo	Hughes	Leach	Washington
Folmer	Kitchen	Tartaglione	Williams
Fontana			

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.

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION AND RECOMMENDED

HB 1437 (Pr. No. 2003) -- The Senate proceeded to consideration of the bill, entitled:

An Act to provide from the General Fund for the expenses of the Executive and Judicial Departments, the State Government Support Agencies and the General Assembly of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2013, to June 30, 2014, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2013; to provide appropriations from the State Lottery Fund, the Tobacco Settlement Fund, the Aviation Restricted Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk

Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Account Guaranteed Savings Program Fund, the Banking Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Oil and Gas Lease Fund, the Home Improvement Account, the Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund, the Energy Conservation and Assistance Fund, the Insurance Regulation and Oversight Fund and the Pennsylvania Racehorse Development Restricted Receipt Account, to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2013, to June 30, 2014; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2013, to June 30, 2014, for the proper operation of several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2013; and to provide for the additional appropriation of Federal and State funds from the General Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2012, to June 30, 2013, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2013.

Considered the second time and agreed to,

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

Upon motion of Senator BROWNE, and agreed to by voice vote, the bill just considered was recommitted to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 31 -- Without objection, the bill was passed over in its order at the request of Senator BROWNE.

BILL ON SECOND CONSIDERATION

SB 57 (Pr. No. 26) -- 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 exceptions to prohibition of interception and disclosure of communications.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 126, SB 128, HB 252, HB 326, SB 391, HB 421 and SB 428 -- Without objection, the bills were passed over in their order at the request of Senator BROWNE.

BILL ON SECOND CONSIDERATION

SB 437 (Pr. No. 1241) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in teacher certification, providing for military science certificates.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 488, HB 493 and HB 515 -- Without objection, the bills were passed over in their order at the request of Senator BROWNE.

BILL ON SECOND CONSIDERATION

SB 601 (Pr. No. 1188) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 44 (Law and Justice) and 45 (Legal Notices) of the Pennsylvania Consolidated Statutes, modernizing publication of Commonwealth legal materials; providing for uniformity in electronic legal materials in the areas of designation, authentication, preservation and access; conferring powers and duties on various Commonwealth agencies; and, in publication and effectiveness of Commonwealth documents, further providing for definitions, for the Joint Committee on Documents, for general administration, for payment for documents, for distribution of publication expenses, for effect of future legislation, for publication of official codification, for deposit of documents required, for processing of deposited documents, for preliminary publication in Pennsylvania Bulletin, for permanent supplements to Pennsylvania Code, for pricing and distribution of published documents, for automatic subscriptions, for required contractual arrangements, for official text of published documents, for effective date of documents and for presumptions created.

Considered the second time and agreed to,

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

BILLS REREFERRED

HB 602 (Pr. No. 2020) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for definitions and for prohibited acts and penalties; and providing for ephedrine and pseudoephedrine and electronic tracking.

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

SB 606 (Pr. No. 1207) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school health services, further providing for automatic external defibrillators.

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

BILLS OVER IN ORDER

SB 622, SB 699, SB 860 and SB 862 -- Without objection, the bills were passed over in their order at the request of Senator BROWNE.

BILL LAID ON THE TABLE

SB 869 (Pr. No. 966) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, further providing for the definition of "comparative market analysis," for continuing education, for qualifications for license and for comparative market analysis disclosure.

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

BILLS OVER IN ORDER

SB 878, SB 883, SB 886, SB 899, HB 925, SB 975, SB 976, SB 994, SB 995 and SB 996 -- Without objection, the bills were passed over in their order at the request of Senator BROWNE.

BILL ON SECOND CONSIDERATION

SB 1002 (Pr. No. 1178) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 2013-2014.

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

BILLS OVER IN ORDER

SB 1003 and HB 1124 -- Without objection, the bills were passed over in their order at the request of Senator BROWNE.

UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEES

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

SB 332 (Pr. No. 1248) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in inspection of vehicles, further providing for requirement for periodic inspection of vehicles and for prohibition on expenditures for emission inspection program.

SB 984 (Pr. No. 1142)

An Act designating a portion of Pennsylvania Route 662 in Ruscombmanor Township, Berks County, as the Chief Warrant Officer 2 Jarett M. Yoder Highway.

SB 1010 (Pr. No. 1225)

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

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

SB 526 (Pr. No. 1156) (Rereported) (*Concurrence*)

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for definitions and for sanitation standards.

SENATE RESOLUTION ADOPTED

Senator WILEY, by unanimous consent, offered **Senate Resolution No. 164**, entitled:

A Resolution commemorating the 200th anniversary of the Battle of Lake Erie, one of the biggest naval battles of the War of 1812.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Erie, Senator Wiley.

Senator WILEY. Mr. President, the Battle of Lake Erie and the War of 1812 are events that would forever change Erie, Pennsylvania, and the United States. In June of 1812, the War of 1812 was underway and the quiet lakefront town of Erie, Pennsylvania, turned quickly into one that was bustling with activity on the frontlines of an international war. Erie resident and sailor Daniel Dobbins recommended Erie's Presque Isle Bay as the perfect location to build his fleet which would take on the British Navy on the Great Lakes. That fleet would set sail on September 10, 1813. Commodore Oliver Hazard Perry and his crew aboard the U.S. Brig Lawrence were successful in assuming command of the U.S. Brig Niagara. Perry maneuvered through British gunfire and forced the enemies to surrender, marking victory for the U.S. commodore.

This was a major turning point in the War of 1812, as the momentum of the conflict was no longer favoring the British. Commodore Perry's victory solidified American control of Lake Erie until the end of the War of 1812. The Battle of Lake Erie was one of the biggest naval battles of the War of 1812. It marked the beginning of what would become a peaceful accord between the United States and Great Britain and, subsequently, Canada. To this very day, the Brig Niagara calls Erie, Pennsylvania, home, and continues to sail the Great Lakes.

In Erie County, an 18-month long celebration known as Perry 200 is well underway, commemorating the events of the War of 1812 and the Battle of Lake Erie. Mr. President, I request that my colleagues recognize the sacrifices made by the residents of northwest Pennsylvania during this pivotal moment in U.S. history and that the Senate unanimously adopt this resolution.

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 Richard Scaife by Senator Brewster.

Congratulations of the Senate were extended to Saint Joseph Parish by Senator Dinniman.

Congratulations of the Senate were extended to Chief Jeffrey C. Harbin by Senator Fontana.

Congratulations of the Senate were extended to Caleb Stahl by Senator Gordner.

Congratulations of the Senate were extended to Unami Fish and Game Protective Association, Inc., by Senator Mensch.

Congratulations of the Senate were extended to Wendell Butler, Jr., by Senator Pileggi.

Congratulations of the Senate were extended to Marcia L. Taylor by Senator Smith.

Congratulations of the Senate were extended to Daniel Stephen Skroly and to the Lancaster Chapter of SCORE by Senator Smucker.

Congratulations of the Senate were extended to Matthew Kelly McCloskey, Jacob William Pato and to Josephine Calabro by Senator Solobay.

Congratulations of the Senate were extended to Sherry Pacella by Senators Solobay and Smith.

Congratulations of the Senate were extended to Saint Katharine Drexel Parish by Senator Vance.

Congratulations of the Senate were extended to Florence Helen Campbell Ball by Senator Vulakovich.

Congratulations of the Senate were extended to Debra M. Stock by Senator Waugh.

Congratulations of the Senate were extended to Sonya Bowers, Cynthia Perpich and to Beatrice Peace by Senator White.

Congratulations of the Senate were extended to Mike Lovegreen by Senator Yaw.

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 Ralph Vincent Pallesco, to the family of the late Gerald E. Spinnenweber, Jr., and to the family of the late Joan Lee Stoskel Allen by Senator Solobay.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 332, SB 931, SB 946, SB 984, SB 1010, HB 22, HB 34, HB 513, HB 1217, HB 1223, HB 1225, HB 1229 and HB 1325.

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

WEDNESDAY, JUNE 19, 2013

9:00 A.M.	EDUCATION (to consider Senate Bills No. 871 and 1030; and House Bill No. 1141)	Senate Maj. Caucus Rm.
9:30 A.M.	FINANCE (to consider Senate Bills No. 456 and 922; and House Bills No. 1172 and 1359)	Room 8E-A East Wing
9:30 A.M.	URBAN AFFAIRS AND HOUSING (to consider House Bills No. 1122, 1319 and 1363)	Room 461 Main Capitol
10:00 A.M.	PUBLIC HEALTH AND WELFARE (public hearing to consider the nomination of Dr. Carrie DeLone as Physician General; and a meeting to consider House Bills No. 1075 and 1190)	Senate Maj. Caucus Rm.
Off the Floor	COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (to consider Senate Bills No. 643 and 1013; and House Bills No. 290, 927 and 1098)	Rules Cmte. Conf. Rm.

FRIDAY, JUNE 21, 2013

10:00 A.M.	URBAN AFFAIRS AND HOUSING (public hearing on the Future of PA's Cities, Large and Small)	Reading Chamber of Commerce & Industry Wyomissing
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TUESDAY, JUNE 25, 2013

11:15 A.M.	JUDICIARY (public hearing to discuss Senate Bill No. 848, antitrust)	Room 8E-B East Wing
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FRIDAY, SEPTEMBER 13, 2013

2:00 P.M.	GAME AND FISHERIES (public hearing to gather information about: overview of elk herd in PA; elk viewing and economic development; overview of Keystone Elk County Alliance; and 100th Anniversary of the Reintroduction of the Elk Program in PA)	Elk County Visitors Ctr. Benezette,
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PETITIONS AND REMONSTRANCES

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

Senator STACK. Mr. President, another day, another State passes us by. Yesterday, the Republican Governor of Arizona, Jan Brewer, whom I have seen many times on Fox News, signed a law to expand Medicaid in Arizona. Governor Brewer is a vocal opponent of President Obama and has been a huge detractor of the Federal Healthcare Act. But she changed course and put partisan politics aside to do what is best for her State. According to an article in Reuters, she said, "the \$1.6 billion expansion drawing on Federal funds under the Affordable Health Care Act was the right move for her State." She said, "I knew I had not chosen the easy path. But I learned a long time ago that what is easy and what is right are rarely the same. Well, today, I know in my heart that we have made the right choice."

With the signing, Mr. President, Arizona became the 24th State to move ahead with the expansion. Under the Affordable Care Act, the Federal government agreed to increase Medicaid eligibility and cover 100 percent of the cost for 3 years, after which, it will cover 90 percent. Governor Brewer has battled Obama for years on issues such as immigration reform, but on Monday, she thanked coalition lawmakers for mustering the courage to pass this monumental legislation. She said further, "You put people before politics and you stayed strong in the face of personal attacks." One can only wish that Governor Corbett would put personal issues aside and allow Pennsylvania to become the 25th State to opt in. As more States opt into Medicaid expansion in the Federal Affordable Care Act, the Governor's decision to reject this Medicaid expansion plan, I think, is a bad prescription for Pennsylvania. We are the sixth-largest State and we have the fourth-largest population of citizens age 65 and older with all their medical issues and needs, and, yet, we are not part of the increasing number of States that are accepting a Medicaid expansion.

The Medicaid expansion, most experts agree, is a great way to get healthcare coverage to 650,000 uninsured Pennsylvanians. In the meantime, all the medical illnesses and bills that they incur, we, those who are insured, are going to have to pay through increased premiums. There is no reasonable benefit to rejecting Medicaid expansion. In fact, what we should be doing here in Pennsylvania is embracing the plan. It is an unprecedented opportunity, Mr. President, to help so many folks in desperate need of healthcare and at the same time, create jobs and receive Federal funding.

Now, I am not the only one talking about this, and I am one of these legislators who tries to be thoughtful and read all the information out there, but three different Medicaid studies came to the same conclusion: Medicaid expansion is good for our economy and the residents of Pennsylvania. The first study was by the Independent Fiscal Office, and that study indicated that between 2016 and 2021, Medicaid expansion will produce \$430 million more annually on average for Pennsylvania's State budget. God knows, we could sure use the money. That includes State budget savings and tax revenue growth from new medical jobs and businesses created to treat the 400,000 uninsured adults and children who are going to be eligible for this health coverage. All told, expansion is projected to add about, Mr. President, \$3 billion annually to Pennsylvania's economy between 2016 and 2021, and that is according to the IFO study. Another study by the Pennsylvania Economy League and the Pennsylvania Health Funders Collaborative finds that the expansion of Medicaid will support 35,000 jobs by 2016, and 40,000 jobs by 2022. That is consistent with another study from the Hospital and Health System Association of Pennsylvania, which found that the expansion of Medicaid will add between 35,000 and 39,000 jobs over the next 7 years. What an opportunity, Mr. President.

Multiple studies show that the economic and State budget benefits of expanding healthcare to hundreds of thousands who currently lack the security of knowing that they can see a doctor when they are sick, knowing that they can seek treatment when they are ill, Mr. President, there should be no question that is the right course for Pennsylvanians to take. Everyone should have access to affordable care. Healthy citizens are more productive, they contribute more to our economy, and they substantially reduce our uncompensated care costs that, Mr. President, I know

you hear from the healthcare executives and the hospital associations, those are a huge and growing expense. They are a huge job killer.

So that is my take on Medicaid expansion. But on the issue of education funding, specifically for Philadelphia, I had a great meeting today with the Governor's nominee for Secretary of Education, William Harner, who is a retired lieutenant colonel in the military, was an assistant to Paul Vallas in Philadelphia when he was superintendent of schools, and I feel that the Secretary nominee really gets it. We cannot let the Philadelphia School District and our public school students and families fail. It seems that most people are starting to get that here. I think the Governor understands that issue well. The bottom line is, it is not all about funding. It is about spending wisely, and we have to avoid coming back here year after year after year. This year is different because so many school districts are having a fiscal crisis that not all the blame can be put on Philadelphia. But, we have to determine how we can best provide a quality public educational product for the best possible price, and we have not been spending well over the years, Mr. President.

We have to find a way to maybe do some tough-love things. But the bottom line is, blaming it on the teachers and the teachers' unions solely is not the way to solve these problems. Blaming it on kids is not the way to solve these problems. We have to take a pluralistic approach to this. But at the end of the day, we need great teachers who are really great public servants and we need the best ones in the classroom teaching our kids and we need to support the public education system because if we are going to grow jobs and we are going to expand the economy, businesses, time after time, cite the public education system as a reason for locating in a particular area. We have said, for many years, that Philadelphia can truly be one of the top world class cities. But we are not going to be able to do it with one fiscal crisis after another.

So we have to fund education and we have to fund education at a substantial level, but we have to be smart in the way that we spend the money as well. So I am looking forward to hopefully solving this crisis, doing the right thing as part of this whole budget process, and if we cannot solve this problem in a way that is going to mean that we can turn out kids who truly have the skills to take on the jobs, the responsibilities that they are going to need in the future, then we should stay here all summer long. We should not worry about passing a budget and going home. We should stay here as long as it takes to accomplish that mission.

So, Mr. President, I know that you would support that and you have my commitment standing here on this floor that I will. Democrats and Republicans should work together to solve this problem and make sure that it is something that we do not have to revisit year after year after year, that we do not put a Band-Aid on, that we really solve the problem. That is, after all, what the taxpayers and the people have sent us here to do: solve the problem.

Thank you, Mr. President.

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

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

Senator FARNESE. Mr. President, it is always good to see the chairman of the Committee on Transportation with the gavel in his hand. Good to see you up there.

Mr. President, here we are again. It is June 18 and only a few days left to negotiate and pass a budget. As we know, Mr. President, it is one of the only real obligations that we have to do as legislators. We have to get a budget passed by June 30, something that we are constitutionally mandated to do. Here I am, my fifth year now, with the honor and privilege of representing the people of the First Senatorial District of Philadelphia. Every year, and in all fairness, no matter whether it is a Republican or Democratic administration, here we are as the days get shorter and shorter, moving to June 30, closing in on a date. As we know, people around the State are getting nervous and getting concerned. What are going to be the cuts? Are they going to be able to make it? What is going to be the final number? Where will they be once the legislature is done on June 30? And it brings about a level of concern and angst and frustration that we, as legislators, have an ability, and, actually, have the capacity to change.

Unfortunately, I have said this before and it is true, budgets are about priorities. There is no way to get around that. The administration begins shaping its budget priorities and it releases those in February and we begin to take a look at it. There is just no other way to look at it. It is what this administration chooses to prioritize in terms of funding in the next fiscal year. Many times we see other issues that are not necessarily line items in a budget, Mr. President, but there are issues that will not only be beneficial to the people of Pennsylvania, but specifically be beneficial in helping solve that year's budgetary problems. This year, as my colleague from Philadelphia spoke about, Medicaid expansion is one of those issues that we as Senate Democrats have embraced, but for some reason this administration continues to dig its feet in and give excuse after excuse after excuse on reasons why Pennsylvania cannot sign on to Medicaid expansion. While we all know other legislatures in other States around the country, Republican-led States around the country, early on solved the benefits to this Medicaid expansion. This is not an issue of Democrat or Republican. This is an issue of whether or not signing on to the Medicaid expansion is going to make people's lives better. That is exactly why I always believe the central role, the critical role of government is to make people's lives better. It does not matter whether you are a Democrat, whether you are a Republican, or whether you are an Independent.

It looks like early on, Mr. President, with Medicaid expansion, when we began to hear the rebuttals and the opposition, we as Senate Democrats saw the writing on the wall. We recently introduced Senate Bill No. 12 to legislatively compel Pennsylvania. Consider this, we have gotten to the point right now where we are taking legislative action to compel a decision that other States around the country have signed on to relatively quickly, and like I said before, Republican-led administrations. Despite a discharge resolution that is currently moving in the Senate Chamber which would compel a vote on this bill, Republican Leadership, Mr. President, has refused to move it. Also in the Committee on Appropriations last week, my good friend and colleague, Senator Hughes, the Democratic chairman, was going to offer Medicaid expansion as an amendment to another public welfare bill. However, rather than put up a vote on it, which would have been the right thing to do, the type of thing that the

people in this building and this Chamber who support reform, who support open government and working together to get things done, that is the kind of vote that people should have supported. However, the bill, just like many, many, many other bills and other opportunities, was pulled from the agenda and there was no vote. Not only is that a missed vote, but it is a missed opportunity. A missed opportunity for the people of Pennsylvania to have their say, to be heard, to try to move forward and actually embrace an issue, Medicaid expansion, something that is going to help people make their lives better.

So often, Mr. President, we are forced--and I use the word "forced," I intend to use that word--forced to take votes on issues that our Members have serious reservations about or are just completely opposed to. They are not always easy votes to make, either from a political or policy standpoint. But we are nonetheless forced to make them. And that occurs, Mr. President, on both sides of the aisle. That is not just something that the Democrats own. We see that on both sides of the aisle. That is what our job is and what we are here to do, to make tough decisions for the benefit of the constituents whom we are sent here to represent. Why then we cannot move forward with open debate and a vote on the issue of Medicaid expansion is sincerely a mystery to me. Why we cannot move an issue like this to the Senate floor and allow open debate so that the millions and millions of people whom we are sent here to represent have a voice to be heard, take a vote "yes" or "no," legislatively, we have the ability to do that. We have the ability to allow those folks to have their voice heard.

Quite frankly, Mr. President, it is not just Medicaid expansion, it happens day after day, month after month, year after year with good, sound, prudently designed and written bills that never see the light of day. Not because they are not good bills for the Pennsylvanians whom we represent, not because they are not going to help make people's lives better, but purely for political reasons, because they do not want to put up those votes and they do not want to see what the results will be. I can no longer, Mr. President, sit back and just accept what has become obvious stall tactics this administration uses as it relates to Medicaid expansion. As we all know, and I have said it before, both Democrat and Republican governors from across the United States are taking advantage of Medicaid expansion under the Affordable Care Act. In fact, 26 other States, I think you heard it earlier, 26 other States have rolled up their sleeves and figured out how to take advantage of the act's benefits, since the Supreme Court issued its landmark ruling in June of last year. You have to think about, what we are hearing is a lot of pushback. We are not getting answers. We need to do certain things here so that we comply with current law here in the Commonwealth. Let us just get it done. Let us just roll up our sleeves and get it done. If you do not want to do it, be clear about it. Come out and say, we are not going to do it. Move on. At least let us be frank with the people whom we are sent here to represent.

As of May, Mr. President, all but one bordering State has accepted the Affordable Care Act Medicaid expansion provisions, and New York is considering accepting it currently. With three independent studies now showing the positive impact Medicaid expansion would have on Pennsylvania - the Independent Office, RAND Corporation, and Pennsylvania Economy League - not only from a public health standpoint, but from an economic and jobs perspective. We need to move forward with

the opt-in and get this money into our economy for the coming fiscal year. We have schools that are woefully underfunded, Mr. President, essentially, public services have been cut to the bone in the past couple of years. These issues could be properly funded by opting in to Medicaid expansion before we leave here in the next few days and the following week to come.

So, Mr. President, I simply do not understand why our Governor is not taking advantage of Medicaid expansion. This drum will continue to be beat through the budget process and, of course, into the summer because there is no reason why we cannot get an answer, we cannot move forward on something that will clearly benefit Pennsylvanians and make their lives better. It will create jobs, it will help our schools, it will help our economy, and, yes, Mr. President, it will save lives. When the Department of Welfare's Acting Secretary testified months ago before the Senate Committee on Appropriations, she restated the Governor's position and said that this decision, quote, is not easy. She has continued to make this statement during discussions since then. Well, Mr. President, no one ever said it would be easy. No one ever said this job would come with an instruction manual, or a way to get around tough votes, or to make issues that are very complex more simple. It just does not exist. Sometimes you have to roll up your sleeves and just do what you know is right. Put politics aside, put people's lives aside, and begin to do what is right. Because at the end of the day, Mr. President, as long as we, who are sent here to represent the people of Pennsylvania, as long as we can get up and look at ourselves in the mirror and say that today I am going to do my job and I am going to make people's lives better, then, Mr. President, and only then, have we done our job and have we done it in the way that we are supposed to do it when we put our hand on the Bible and recited our oath to the Constitution.

Thank you, Mr. President.

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 304**, **SB 419** and **SB 644**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDING OFFICER. Pursuant to Senate Rule 13(c)(2)(i), the bills will be referred to the Committee on Rules and Executive Nominations.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Mr. President, I move that the Senate do now recess until Wednesday, June 19, 2013, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 6:20 p.m., Eastern Daylight Saving Time.