

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal

TUESDAY, FEBRUARY 7, 2017

SESSION OF 2017 201ST OF THE GENERAL ASSEMBLY

No. 9

## SENATE

TUESDAY, February 7, 2017

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

The PRESIDENT (Lieutenant Governor Mike Stack) in the Chair.

## PRAYER

The Chaplain, Reverend NORMAN LEVE, Pastor of New Life Christian Church, Newtown, offered the following prayer:

I come here today proud of my faith, proud of my country, and after I have toured our facility, I am also proud to be a Pennsylvanian.

Let us pray.

Dear Heavenly Father, we come into Your presence today with grateful hearts. We are mindful of the fact that we are blessed people living in the United States of America. As we begin our Session today, we first of all want to pray for our country. We would be naive to say that we are presently united, but we pray for this land. May our hatred, bitterness, and divisions dissipate. We may have differences of opinion, God, but may we deal with them maturely and in a godly fashion.

We pray for those gathered in this room this morning, our Senate of the Commonwealth of Pennsylvania. We thank You, Father, for their commitment and for their willingness to carry the important burden to help continue the intentions of the Founding Fathers of our Commonwealth. Give them wisdom, God, guide them as they carry on the work of our government. As they look at the bills, as they review our finances, give them the wisdom of Solomon. May every word that is spoken in this building today be said in kindness, compassion, and ultimately be for the good of the people of Pennsylvania. There may be differences of opinion but may there be no malice or hard feelings. May there be unity in this building today.

So, Father, we thank You for Your presence in this place. We thank You for our great country, our Commonwealth of Pennsylvania, and each one of our elected officials who work for the good of the people of Pennsylvania. And all of God's people said, amen.

The PRESIDENT. The Chair thanks Pastor Leve, who is the guest today of Senator McIlhinney. Thank you for a great prayer, Pastor.

## PLEDGE OF ALLEGIANCE

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

## BILLS REPORTED FROM COMMITTEE

Senator HUTCHINSON, from the Committee on Finance, reported the following bills:

### SB 7 (Pr. No. 89)

An Act amending Titles 24 (Education), 71 (State Government) and 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, in retirement for school employees as to membership, contributions and benefits, further providing for actuarial cost method; in administration and miscellaneous provisions, further providing for administrative duties of board; in retirement for State employees and officers as to contributions, further providing for actuarial cost method; in administration, funds, accounts, general provisions, further providing for administrative duties of board; providing for taxpayer protection and establishing the Taxpayer Protection Fund; and repealing certain provisions of the Fiscal Code.

### SB 173 (Pr. No. 165)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, in taxation and finance, providing for spending limitations.

### SB 201 (Pr. No. 278)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, further providing for classes of income.

### SB 202 (Pr. No. 279)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, further providing for classes of income.

### SB 203 (Pr. No. 280)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, further providing for classes of income.

## LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I request a temporary Capitol leave for Senator Brooks.

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

Senator COSTA. Mr. President, I request a legislative leave for Senator Tartaglione.

The PRESIDENT. Senator Corman requests a temporary Capitol leave for Senator Brooks.

Senator Costa requests a legislative leave for Senator Tartaglione.

Without objection, the leaves will be granted.

### JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of January 23, 2017, is now in print.

The Clerk proceeded to read the Journal of the Session of January 23, 2017.

Senator CORMAN. 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 CORMAN and were as follows, viz:

#### YEA-50

Alloway	DiSanto	Leach	Street
Argall	Eichelberger	Martin	Tartaglione
Aument	Farnese	McGarrigle	Tomlinson
Baker	Folmer	McIlhinney	Vogel
Bartolotta	Fontana	Mensch	Vulakovich
Blake	Gordner	Rafferty	Wagner
Boscola	Greenleaf	Regan	Ward
Brewster	Haywood	Reschenthaler	White
Brooks	Hughes	Sabatina	Williams
Browne	Hutchinson	Scarnati	Yaw
Corman	Killion	Scavello	Yudichak
Costa	Langerholc	Schwank	
Dinniman	Laughlin	Stefano	

#### NAY-0

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

The PRESIDENT. The Journal is approved.

### ANNOUNCEMENT BY THE PRESIDENT

The PRESIDENT. All Members should recognize that it is a special day today being that it is Senator Rafferty's birthday. Please wish him a happy birthday.

Happy birthday, Senator.  
(Applause.)

### GUESTS OF SENATOR ROBERT B. MENSCH PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes someone who will always do you a good turn, even when you are not looking out for yourself, that is why we call him Senator Mensch.

Senator MENSCH. Mr. President, today it is my pleasure to introduce France Krazalkovich from the 24th Senatorial District. France is a veteran of the United States Air Force, having served during Operation Desert Shield as well as Desert Storm. He is

currently serving his first term as township commissioner in Upper Pottsgrove Township, Montgomery County, and is a member of the Pennsylvania State Association of Township Commissioners Executive Committee. France is joined by his girlfriend, Kristen Casey. Please join me, Mr. President, in welcoming France Krazalkovich and Kristen Casey.

The PRESIDENT. Would the guests of Senator Mensch, France and Kristen, please rise so that we may welcome you to the Pennsylvania State Senate.

(Applause.)

### GUEST OF SENATOR CHARLES McILHINNEY PRESENTED TO THE SENATE

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

Senator McILHINNEY. Mr. President, I extend my thanks to my constituent, Dr. Norman J. Leve, senior pastor at New Life Christian Church in Newtown, for serving as guest Chaplain today and for offering the opening prayer for Session. Dr. Leve is a native of Bucks County, born and raised. In 1993, with a flock of 200 people, Dr. Leve started New Life Christian Church in a warehouse on Walker Lane in Newtown. In 1996, the church moved to its present location under Dr. Leve's vision and leadership. Please join me in giving him a warm Senate welcome.

The PRESIDENT. Would the guest of Senator McIlhinney, today's pastor, Reverend Dr. Norman Leve, please rise so that we may welcome you to the Pennsylvania State Senate.

(Applause.)

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Brooks has returned, and her temporary Capitol leave is cancelled.

### RECESS

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I ask the Members of the Republican Caucus to join me at the rostrum, please.

The PRESIDENT. For the purpose of a Republican meeting at the Leader's rostrum, without objection, the Senate stands in recess.

### AFTER RECESS

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

### COMMITTEE APPOINTED TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE

The PRESIDENT. The time has come in our order of business to assemble in the hall of the House of Representatives for a Joint Session. The President pro tempore has appointed the following Senators to act as a committee on the part of the Senate to escort the Governor to the Joint Session: the gentleman from Monroe County, Senator Scavello, chair; the gentleman from Delaware County, Senator McGarrigle; and the gentleman from Allegheny County, Senator Brewster. The committee will leave immediately to discharge its duties.

## SENATE PROCEEDS TO HOUSE TO HEAR GOVERNOR'S MESSAGE

The PRESIDENT. The Members of the Senate will please form a line in the center aisle immediately behind the Sergeant-at-Arms in order that we may proceed to the Joint Session.

### RECESS

The PRESIDENT. The Chair now declares a recess of the Senate.

### AFTER RECESS

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

### LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I request a legislative leave for Senator Greenleaf.

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

### LEAVE CHANGED

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

Senator FONTANA. Mr. President, I request that Senator Tartaglione's leave be changed from a legislative leave to a personal leave.

The PRESIDENT. Senator Fontana requests Senator Tartaglione's legislative leave be changed from a legislative leave to a personal leave. Without objection, the leave will be changed.

### CALENDAR

#### THIRD CONSIDERATION CALENDAR

##### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 10 (Pr. No. 295)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in matters affecting government units, further providing for exceptions to governmental immunity; and, in preemptions, providing for municipality of refuge.

On the question,  
Will the Senate agree to the bill on third consideration?

#### HUGHES AMENDMENT A0162 OFFERED

Senator HUGHES offered the following amendment No. A0162:

Amend Bill, page 3, by inserting after line 30:  
(e) Reimbursement of expenses.--The Commonwealth shall reim-

burse a municipality for the expense of any costs, fines, fees, damages or judgment ordered to be paid by a municipality in a civil action brought by or on behalf of an individual aggrieved by the acts of a municipality, taken in good faith, under this section.

Amend Bill, page 4, line 1, by striking out "(E)" and inserting:  
(f)

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

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

Senator HUGHES. Mr. President, we are addressing the issue that is in Senate Bill No. 10, commonly known as sanctuary cities. As we have said in a number of committee meetings, as the body walks down this path of addressing the issue of sanctuary cities, as the body walks down this path, the body needs to be very careful in these not-so-enlightened times about the potential for trampling on the civil liberties of citizens of the Commonwealth of Pennsylvania and the citizens of the nation.

We have come across a number of cases where individuals have been improperly detained, improperly arrested and held, and as I said, improperly, and those individuals have sued--and sued successfully--their local jurisdiction and have been awarded varying amounts of dollars. If we choose to go down this path, Mr. President, it is in amendment No. A0162 that the State would be required to reimburse local municipalities if those local municipalities are unsuccessful and that individual is victorious in a suit. We are very concerned about Senate Bill No. 10. We are very concerned about this path, we are very concerned about this direction, and we are very concerned about, as I said, the civil liberties of individuals across the Commonwealth. We have found in numerous cases where those individuals who had been unfairly stopped, unfairly and inappropriately detained for numerous hours, they have been successful in suing the local municipality. We believe that in this area the State needs to be in the business of responding to the needs of the local municipality and reimbursing those local municipalities for any lost amounts that they may have experienced as a result of a suit by an individual who was inappropriately stopped and detained.

Thank you, Mr. President.

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

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

#### YEA-13

Blake	Farnese	Leach	Street
Brewster	Fontana	Sabatina	Williams
Costa	Haywood	Schwank	
Dinniman	Hughes		

#### NAY-36

Alloway	DiSanto	Martin	Stefano
Argall	Eichelberger	McGarrigle	Tomlinson
Aument	Folmer	McIlhinney	Vogel
Baker	Gordner	Mensch	Vulakovich
Bartolotta	Greenleaf	Rafferty	Wagner
Boscola	Hutchinson	Regan	Ward

Brooks	Killion	Reschenthaler	White
Browne	Langerholc	Scarnati	Yaw
Corman	Laughlin	Scavello	Yudichak

Less than a majority of the Senators having voted "aye" the question was determined in the negative.

#### ANNOUNCEMENT BY THE PRESIDENT

The PRESIDENT. The Chair takes note of the presence on the floor of Senator Farnese, who we did not formally welcome back who underwent some challenges and is back here on the floor. Welcome back, Senator Farnese.

(Applause.)

And the question recurring,  
Will the Senate agree to the bill on third consideration?

#### BLAKE AMENDMENT A0165 OFFERED

Senator BLAKE offered the following amendment No. A0165:

Amend Bill, page 1, line 4, by inserting after "immunity":  
and for limitations on damages

Amend Bill, page 1, lines 12 through 17; page 2, lines 1 through 8;  
by striking out all of said lines on said pages and inserting:

(a.1) Liability imposed on municipality of refuge.--

(1) Notwithstanding subsection (a), a municipality of refuge shall be liable for damages on account of an injury to a person or damage to property within the limits set forth in this subchapter if:

(i) The injury to a person or damage to property was caused by the act of an individual who was in the custody of the law enforcement agency of the municipality of refuge.

(ii) The individual was released from custody, notwithstanding the existence of a United States Immigration and Customs Enforcement civil immigration detainer request for the individual.

(iii) The act causing the injury to a person or damage to property occurred within 24 hours of the release of the individual.

(2) The following words and phrases as used in this subsection shall have the meaning given to them in this paragraph, unless the context clearly indicates otherwise:

"Injury to a person." Death or serious bodily injury.

"Municipality of refuge." The term shall have the same meaning as given to the term in 53 Pa.C.S. § 305 (relating to municipality of refuge).

\*\*\*

Section 2. Section 8553(b) of Title 42 is amended to read:  
§ 8553. Limitations on damages.

\*\*\*

(b) Amounts recoverable.--Damages arising from the same cause of action or transaction or occurrence or series of causes of action or transactions or occurrences shall not exceed \$500,000 in the aggregate[.] or, for a cause of action under section 8542(a.1) (relating to exceptions to governmental immunity) involving damages to property only, shall not exceed \$1,000 in the aggregate.

\*\*\*

Amend Bill, page 2, line 9, by striking out "2" and inserting:

3

Amend Bill, page 4, line 15, by striking out "3" and inserting:

4

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

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

Senator BLAKE. Mr. President, as the Minority chairman of the Committee on Local Government, I try to keep an ear to the

ground to listen to local government officials and concerns that they express about public policy issues that we are attending to here in the Senate. With respect to Senate Bill No. 10, there are some concerns which I expressed in committee and that I echo here. Number one, I point out that I understand the motives and intentions of Senate Bill No. 10. I understand the public safety motivations for it and I believe they are laudable, but I am concerned, Mr. President, that the issue, as the bill is currently written, does leave an open-ended liability in section 1 of the bill. If a local government releases an individual who is subject to a detainer request, regardless of whether or not it does so within the 48-hour window offered by the bill, it remains liable for any future damage caused by that individual who is the subject of an enforcement action. This language, in reality, opens a dangerous precedent by imposing liability on municipalities and their taxpayers for unforeseen acts by an individual or for errors in judicial judgment regardless of the bill's intent on the timing of the release. So there has been a request, and I am trying to honor it here in my amendment, to try to limit the liability of municipalities in this circumstance and also counties that might be caught between a rock and a hard place in being involved in the enforcement of Federal immigration laws. So, all my bill does is deal with limits of liability in the case of future damages that would have to be rather serious in order for liability to be imposed upon a municipality.

Thank you, Mr. President.

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

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

#### YEA-13

Blake	Farnese	Leach	Williams
Brewster	Fontana	Sabatina	
Costa	Haywood	Schwank	
Dinniman	Hughes	Street	

#### NAY-36

Alloway	DiSanto	Martin	Stefano
Argall	Eichelberger	McGarrigle	Tomlinson
Aument	Folmer	McIlhinney	Vogel
Baker	Gordner	Mensch	Vulakovich
Bartolotta	Greenleaf	Rafferty	Wagner
Boscola	Hutchinson	Regan	Ward
Brooks	Killion	Reschenthaler	White
Browne	Langerholc	Scarnati	Yaw
Corman	Laughlin	Scavello	Yudichak

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,  
Will the Senate agree to the bill on third consideration?

#### SABATINA AMENDMENT A0170 OFFERED

Senator SABATINA offered the following amendment No. A0170:



Amend Bill, page 3, line 5, by inserting after "GRANT":

, except for grants to law enforcement agencies

Amend Bill, page 3, line 27, by inserting after "GRANTS":

, except for grants to law enforcement agencies,

On the question,

Will the Senate agree to the amendment?

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

Senator SABATINA. Mr. President, this amendment prohibits law enforcement agencies located within a municipality of refuge from losing State grants. Our police officers deserve access to all of the tools at their disposal, and this legislation threatens that ability by stripping away key enforcement investments for the police. Currently, these State grants provide vital support to law enforcement agencies in areas such as drug task force, firearms task force, probation services, and equipment. Basically, the point of this legislation is to make our communities safer, and this legislation would act in the opposite way, because if you stripped the funding of the police, you obviously cannot make our municipalities safer. If police do not have the tools and the ability to fight crime, our communities are therefore not safer. So I ask you to please consider my amendment. Thank you.

And the question recurring,

Will the Senate agree to the amendment?

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

#### YEA-15

Blake	Dinniman	Hughes	Street
Boscola	Farnese	Leach	Williams
Brewster	Fontana	Sabatina	Yudichak
Costa	Haywood	Schwank	

#### NAY-34

Alloway	Eichelberger	McGarrigle	Tomlinson
Argall	Folmer	McIlhinney	Vogel
Aument	Gordner	Mensch	Vulakovich
Baker	Greenleaf	Rafferty	Wagner
Bartolotta	Hutchinson	Regan	Ward
Brooks	Killion	Reschenthaler	White
Browne	Langerholc	Scarnati	Yaw
Corman	Laughlin	Scavello	
DiSanto	Martin	Stefano	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration?

#### HUGHES AMENDMENT A0163 OFFERED

Senator HUGHES offered the following amendment No. A0163:

Amend Bill, page 1, lines 8 and 9, by striking out all of said lines and inserting:

Section 1. Section 8542(b) of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a paragraph and the section is

amended by adding a subsection to read:

Amend Bill, page 2, line 8, by striking out all of said line and inserting:

(b) Acts which may impose liability.--The following acts by a local agency or any of its employees may result in the imposition of liability on a local agency:

\*\*\*

(9) Racial profiling.--A stop, search or detention of an individual by a local agency or employee thereof that is to any degree based on the individual's actual or perceived race, ethnicity, national origin, religion, gender, gender identity or sexual orientation, except when there is trustworthy information relevant to the locality and time frame that links a person with a particular characteristic described in this paragraph to an identified criminal incident or scheme.

\*\*\*

On the question,

Will the Senate agree to the amendment?

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

Senator HUGHES. Mr. President, unfortunately in this State and in this nation we have a condition that still remains that needs to be addressed, which is the excessive stops based on race and based on color. That is happening far too often in the Commonwealth and happening far too often in the nation. It is an unfortunate national phenomenon that has been going on for far too long. Amendment No. A0163, which is under consideration in front of us at this moment, creates the opportunity for those individuals who have been stopped as a result of racial profiling, in the context of this issue, would be allowed to process a legal claim against a local municipality for such.

We are trying to, Mr. President, get some level of order with respect to the issue of justice for all citizens of this Commonwealth and all citizens of this nation. We know that in this very hot and very intense issue around undocumented citizens, and especially in the case where cities or municipalities--and let us be clear, about half the counties in the Commonwealth of Pennsylvania consider themselves in some fashion a sanctuary place--that we also need to be mindful of the fact that racial profiling is used much too often in the pursuit of some level of justice. This provides, again, Mr. President, an opportunity for those individuals who have been determined to have been stopped in the context of racial profiling, allows them to pursue a legal action against a local municipality where they were stopped.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

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

#### YEA-15

Blake	Dinniman	Hughes	Street
Boscola	Farnese	Leach	Williams
Brewster	Fontana	Sabatina	Yudichak
Costa	Haywood	Schwank	

#### NAY-34

Alloway	Eichelberger	McGarrigle	Tomlinson
Argall	Folmer	McIlhinney	Vogel
Aument	Gordner	Mensch	Vulakovich

Baker	Greenleaf	Rafferty	Wagner
Bartolotta	Hutchinson	Regan	Ward
Brooks	Killion	Reschenthaler	White
Browne	Langerholc	Scarnati	Yaw
Corman	Laughlin	Scavello	
DiSanto	Martin	Stefano	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,  
Will the Senate agree to the bill on third consideration?

#### HUGHES AMENDMENT A0161 OFFERED

Senator HUGHES offered the following amendment No. A0161:

Amend Bill, page 1, line 4, by inserting after "for":  
exceptions to sovereign immunity and for

Amend Bill, page 1, lines 8 and 9, by striking out all of said lines and inserting:

Section 1. Section 8522(b) of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a paragraph to read:  
§ 8522. Exceptions to sovereign immunity.

\*\*\*

(b) Acts which may impose liability.--The following acts by a Commonwealth party may result in the imposition of liability on the Commonwealth and the defense of sovereign immunity shall not be raised to claims for damages caused by:

\*\*\*

(10) The detention of any individual under any of the following conditions:

(i) The detention of any individual by a Commonwealth party pursuant to a United States Immigration and Customs civil immigration detainer request.

(ii) The detention of an individual by a local agency or employee thereof, in good faith, pursuant to the provisions of 53 Pa.C.S. § 305 (relating to municipalities of refuge).

Section 2. Section 8542 of Title 42 is amended by adding a subsection to read:

Amend Bill, page 2, line 9, by striking out "2" and inserting:

3

Amend Bill, page 4, line 15, by striking out "3" and inserting:

4

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

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

Senator HUGHES. Mr. President, again, in the pursuit of justice, because we want to make sure that any individual who is stopped inappropriately and detained inappropriately has the right to redress. We are very concerned about the civil liberties of any and all individuals and we want to make sure that they have an opportunity for redress. This allows individuals who are stopped inappropriately to file a legal action at the State court level. Again, I ask that all Members be very mindful that we need to be very careful about how the civil liberties of any individual are taken away from them. We need to be very mindful that we are protective and thoughtful about those civil liberties. We need to be very mindful that we do not get more aggressive than necessary in the pursuit of justice, if you will, and that those individuals have some level of protection and some level of redress when they are inappropriately stopped and held.

Let us be clear, when you are stopped, you are stopped. When you are detained, you are detained, and any detention, if you will, for any period of time, even 48 hours, is more than an inconvenience and can have serious negative impacts on the quality of life for that individual who is stopped and detained inappropriately. Amendment No. A0161 allows for that individual to go after redress at the State court level. Right now they can go after redress at the local and Federal level, this allows them to go at the State court level.

Thank you, Mr. President.

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

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

#### YEA-13

Blake	Farnese	Leach	Williams
Brewster	Fontana	Sabatina	
Costa	Haywood	Schwank	
Dinniman	Hughes	Street	

#### NAY-36

Alloway	DiSanto	Martin	Stefano
Argall	Eichelberger	McGarrigle	Tomlinson
Aument	Folmer	McIlhinney	Vogel
Baker	Gordner	Mensch	Vulakovich
Bartolotta	Greenleaf	Rafferty	Wagner
Boscola	Hutchinson	Regan	Ward
Brooks	Killion	Reschenthaler	White
Browne	Langerholc	Scarnati	Yaw
Corman	Laughlin	Scavello	Yudichak

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,  
Will the Senate agree to the bill on third consideration?  
It was 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 Reschenthaler.

Senator RESCHENTHALER. Mr. President, I rise today in support of Senate Bill No. 10, the Municipal Sanctuary and Federal Enforcement Act, otherwise known as the SAFE Act. Mr. President, Senate Bill No. 10 will bring an end to the dangerous, egregious, and indefensible policies of sanctuary cities. As President Barack Obama said in 2014, "Even as we are a nation of immigrants, we're also a nation of laws....If you're a criminal, you'll be deported." I repeat the words of President Obama, "If you're a criminal, you'll be deported." But those words uttered by our 44th President do not ring true in sanctuary cities like Philadelphia and New York. Those words were rejected in San Francisco.

San Francisco, one of America's flagship sanctuary cities, also happens to be the place where 32-year-old Kate Steinle uttered her last words, "Help me, Dad." Help me, Dad, is the last thing Kate's father heard from his daughter, bleeding to death of a gunshot wound in his arms, on a sunny day on a San Francisco pier. Mr. President, Kate Steinle's killer was an undocumented immigrant with a violent criminal record who had been in the custody of local law enforcement just a couple of months earlier. Mr. President, Kate's killer should not have been in San Francisco that day except for the fact that in an effort to score cheap political points, San Francisco declared itself a sanctuary city. Like Philadelphia, San Francisco refuses to coordinate with Federal immigration officers regarding individuals with ICE detainers. Like Philadelphia, San Francisco and cities all across America have experienced horrific crimes because of sanctuary cities. The radical policies of sanctuary cities led to the release of over 8,000 undocumented immigrants over an 8-month period in 2014. One thousand eight hundred illegals went on to be arrested for new crimes, often horrific crimes, and that is 1,800 crimes just in an 8-month time span with over 120 murders in recent years, including the murder of 32-year-old Kate Steinle.

Kate Steinle's murder cannot be undone, but it could have been prevented. That is why I introduce Senate Bill No. 10. Senate Bill No. 10 compels municipalities and law enforcement agencies to coordinate with ICE when an individual in their custody has an immigration detainer. This only pertains to undocumented immigrants who are in police custody pursuant to a lawful arrest. Victims, witnesses, and individuals reporting crimes are not affected by Senate Bill No. 10. While this bill distinguishes between criminal illegal aliens and law-abiding immigrants who are here just trying to pursue the American dream, the violent, convicted, undocumented felons released by sanctuary cities do not discriminate. Often, the very immigrant communities that opponents of this bill allege to protect are the ones that are harmed.

Mr. President, sanctuary cities put Pennsylvanians at grave risk, and I ask my colleagues to support Senate Bill No. 10 to end this dangerous and foolish practice.

Thank you, Mr. President.

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

Senator HAYWOOD. Mr. President, I rise to oppose Senate Bill No. 10 for a number of reasons, principally related to the freedom of Americans. I agree that we must do all that we can to protect the public, and that public safety is of the highest order and concern by this body and by governments all around this nation, I would hope. I know that the recidivism that has been discussed is a challenge for people of all nationalities, and there have been victims of recidivism from my neighborhood who share my same nationality. I am not even certain that ICE has the capacity to pick up every person who is detained subject to what has been proposed, or that they really do have the capacity to reach into every local government across this nation. I am not aware of that capacity.

I want to clarify that the ICE detainer applies to more than undocumented immigrants. The ICE detainers are not based upon probable cause, and at the meeting of the Committee on Appropriations yesterday we learned that ICE detainers are sometimes issued to citizens. We learned that not just from the statements of the sponsor of this bill, but from litigation. There has been

quite a bit of litigation from American citizens who have been subject to these detainers, and, of course, held without due process, and therefore have sued to recover from the wrongful detention. So it is not just unlawful immigrants who are detained.

What we are doing here is saying that American citizens can be detained without probable cause by local governments because ICE has made a request without probable cause to detain. So this is not really a sanctuary city issue, this is a Fourth Amendment question. Are Americans protected from detention when they should have the protection of probable cause? So what we are doing here is essentially eliminating the probable cause standard for detaining American citizens for this 48-hour period. Of course, this is not the direction which our nation should take to undermine the Fourth Amendment protection that every citizen has. So, I ask my colleagues this afternoon to stand up for the freedom of every American citizen and to stand up for the freedom that is protected by the Fourth Amendment that does not permit detention without probable cause.

A vote "no" is a vote for freedom. Protect our freedom. Vote "no." Thank you.

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

Senator HUGHES. Mr. President, I request a "no" vote on Senate Bill No. 10. I would just like to clarify a few issues. The maker of the legislation, in his comments, and it was done yesterday in the meeting of the Committee on Appropriations, and it was done today on the floor, continually referred to the city of Philadelphia in his comments, and while we like to make sure we accommodate all of our colleagues in our fine city of the first class, the only city of the first class in the Commonwealth of Pennsylvania, make sure that they come to our city and enjoy the wonderful things that occur in our city, we need to be clear, however, Mr. President, that Philadelphia is not the only municipality in the Commonwealth of Pennsylvania that does not honor ICE detainers. It is not the only municipality. In fact, research indicates that approximately 32 counties in the State of Pennsylvania have a policy in place not to honor ICE detainers unless an actual warrant is produced by Federal authority. So about half the counties in the Commonwealth of Pennsylvania, and this is all across Pennsylvania - southeast, northeast, central Pennsylvania, southwest Pennsylvania, northwest Pennsylvania, and the central part of the Commonwealth of Pennsylvania - counties all across the Commonwealth do not honor ICE detainer requests. They do not. It is not just a Philadelphia issue. It is a statewide issue. In fact, it is a national problem largely because the Federal government has not put together a comprehensive program to provide direction to the States and local municipalities with respect to how to deal with issues of this nature.

Many of us have great concerns, increased concerns, as Senator Haywood spoke earlier, about how potential alarmist policies can be put in place that have the possibility of impacting the civil liberties of American citizens. We are concerned about that. We should be extremely concerned about that given the national debate that is in front of us right now. Let us be clear that this is not just a Philadelphia issue. I believe also the city of Pittsburgh finds itself in this category. As I said, our research indicates that there are about 32 counties that have a policy in place not to honor ICE detainers unless an actual warrant is produced by Federal authority.



That leads me to my next point. You can be on an ICE list, and let us be clear, ICE stands for Immigration and Customs Enforcement. You can be on an ICE list, but you should be clear that an ICE list is not a list that is determined by a neutral or third party. There is no judge that sits in place, no third-party individual who sits in place and says that this person should be on and this person should not be on. It can be -- who knows who makes up this list. Someone makes up this list and dispenses it to people. While we are concerned about the health and safety of the citizens of the Commonwealth and the citizens of the nation, we should also be concerned about, as was stated earlier, the civil liberties, the right to move to and fro in what we are trying to maintain as a free society in this State and in this nation.

There are cases, as you are well aware, Mr. President, it has been talked about at the committee level and it has been talked about in the public, where individuals who have been inappropriately detained have filed a legal claim against a local municipality, have been found positive in favor and have received cash awards for that suit and for that illegal detaining. There is a gentleman in the Lehigh Valley, it was discussed in committee yesterday, who, I believe, received about a \$90,000 award because he was inappropriately detained, Mr. President.

So we need to be very careful because we do not want situations to occur like the situation of Rennison Castillo. Rennison Castillo was an Army veteran, Mr. President. Rennison Castillo was an Army veteran and he was detained. It took him 7 months while he was detained, and let us be clear, detained does not mean you are just sitting around. Detained means that you are incarcerated, in prison. Because it took him 7 months to be able to put all the documents together to prove that he was an American citizen, and as I said, Mr. President, an Army veteran.

So, let us be clear about this path that we are walking down, this path that is being pursued as it relates very simply to the civil liberties that we all enjoy, the right to move to and fro, the right to have third parties make a determination on whether we should be detained or not. This is something that is very important that all of us should be very thoughtful about as we apparently move down this path. It was mentioned earlier about 8,000 declined detainer requests and it was inferred that was just a Pennsylvania reality. Just for the facts, those 8,000 that were referred to, that was in over 43 different States and the District of Columbia. It is not just a Pennsylvania issue and certainly not just a Philadelphia issue. That was in 276 counties in 43 states, including the District of Columbia, Washington, D.C., our nation's capital, and that was also over a period of a number of years.

So, Mr. President, I strongly encourage that we be very thoughtful about moving down this path where there are great potentials for some very serious abuses around some of our most important and basic freedoms. Some of these freedoms we seem to take for granted, Mr. President. It was casually bandied around in committee the other day that, well, you know, it does not matter, they will be held for 2 days, they will be held for 48 hours. You know, if it is a holiday weekend and the judges are not around and folks are not around, who knows, that could extend to 3 or 4 days. We do not need to be worried about that. You can withstand being held for 2 days or 3 days or 4 days, or you could be Rennison Castillo, an Army veteran, a person who served this nation, an Army veteran who was held inappropriately for 7 months. That was not an easy time for him, I am sure. We need

to be very careful, Mr. President. We need to respect the rights of our local municipalities to put in place--almost half of our counties in Pennsylvania see that it is appropriate for them to not honor ICE detainers unless an actual warrant is produced. We need to understand that, we need to listen closely, we need to listen to the fears and concerns of average Pennsylvania citizens.

We need to vote "no," Mr. President. I thank you very much.

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

Senator FARNESE. Mr. President, briefly, within the course of this discussion, a lot of times we talk about phrases like "due process," "civil liberties," "rights," and "access to the courts." A lot of folks sometimes get sort of caught up in the legal minutia of what really lies at the heart of the argument. I think for me when I think about this, whether your freedoms are wrongfully deprived for an hour, a day, a month, at the end of the day, it is what we hold, like the former speaker said, is our most cherished rights as citizens and arguably as human beings to be able to exercise our freedoms. I think we need to take extremely seriously the decisions that infringe upon, at any level, basic human rights of denying someone their freedom. I understand the arguments made by some of the speakers on the other side, which are extremely articulate and they make a lot of sense, that there is a need to protect the citizens of Pennsylvania, and that is one of the most important roles of government. I think one speaker even made the point that, had legislation like this been in place, maybe someone's life would have been saved. Well, that certainly is a valid reason, Mr. President, for looking into this type of legislation, because if the opportunity to save a life is there, then this body should take it very seriously.

If that is the course that we are going to take in this body, then I offer to you that before today there have been many bills, Mr. President, that if they were enacted, not one, but hundreds of lives would most likely have been saved, starting with the lives of some of those men and women in uniform whom we all love to stand and rise for, but we will not put a vote up for a responsible gun bill. So, the next time we talk about if we get this bill enacted, it would save a life, remember that argument because there are many, many bills, Mr. President, that come within this Chamber, that for whatever reason do not even get an argument, do not even get an opportunity to be debated, but clearly, by the criteria used today by at least one speaker, quote, they certainly could have saved a life.

Thank you, Mr. President. I will be voting "no."

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

Senator COSTA. Mr. President, I have a few questions for the maker of the legislation to establish some clarity about the timeline that we have talked about. I know we had extensive conversations yesterday in both the Committee on Appropriations and, I believe, in the meeting of the Committee on Rules and Executive Nominations, but I still have some questions that our folks have been asking me.

So, to that end, I guess my fundamental question is there has been a lot of conversation about this 48-hour period of time--

The PRESIDENT. Senator Costa, to interrupt you a second, under our rules, we have to make an offer and an agreement, and as an attorney, you know that.

Senator COSTA. Mr. President, yes, I apologize.



The PRESIDENT. Senator Costa requests that Senator Reschenthaler stand for interrogation on Senate Bill No. 10. Senator Reschenthaler, do you agree to the interrogation by Senator Costa?

Senator RESCHENTHALER. Yes, Mr. President.

The PRESIDENT. Senator Costa, he agrees. Please proceed.

Senator COSTA. Mr. President, I apologize for not following the proper formal protocol.

The PRESIDENT. It is no problem at all. I fell asleep at the wheel.

Senator COSTA. My question relates to the issue of the 48 hours. As we discussed yesterday, Mr. President, the question becomes what a municipality must do within 48 hours in order to avoid some of the things that are outlined in the enforcement or eligibility section of this legislation. My fundamental question is, when does the 48 hours begin? Does it begin at the time that the individual is arrested and handcuffed for a DUI on the scene? Does the 48 hours start as it relates to when they would need to contact ICE and report back their findings to see if a retainer is there?

Senator RESCHENTHALER. Mr. President, the 48 hours runs once the illegal immigrant comes into custody, as is customary practice when a defendant enters a jail. There is a background check run, fingerprints are taken, those fingerprints are sent to the FBI, and ICE would then be alerted. If there is a detainer, that is when the 48 hours begins to run.

Senator COSTA. Mr. President, if I heard the gentleman correctly, I heard it is when the individual is taken into custody, and then later I heard through the process that it is when he is booked, fingerprinted, and the like. I can envision a scenario in my home community where somebody in Forest Hills is picked up for a DUI at 11 o'clock at night, they are arrested, and put into a holding cell until the following morning. I am trying to get clarity whether or not the actual arrest, taking into custody, and placing into a holding cell for driving under the influence, does that start the clock? Or do we wait until that person basically gets downtown into the county jail processing system, and at that point in time when they do the background checks and everything else, is that when the clock starts with respect to the 48 hours in terms of notification? What the gentleman described to me, what I understood to be, was a lengthier period of time. I am trying to focus in on that because it will lead to where I need to go with my later questioning, Mr. President.

Senator RESCHENTHALER. Mr. President, we are weighing what might amount to 1 or 2 hours versus 121 deaths, 1,800 crimes, numerous violent crimes are taking place, again, for an argument that might, at best, be 1 or 2 hours. It is customary to have these detainees run, and the bill is written with that in mind.

Senator COSTA. Mr. President, if I could respond to the gentleman's comments, the purpose of my remarks is not necessarily to address the rhetoric.

#### POINT OF ORDER

Senator CORMAN. Mr. President, point of order.

The PRESIDENT. The gentleman will state his point.

Senator CORMAN. Mr. President, if the gentleman asks for an interrogation, the interrogation would be questions and an-

swers, and if he wants to end the interrogation, that is fine, but I do not think speeches in the middle of an interrogation are appropriate.

The PRESIDENT. Senator Costa, in the form of a question, you are totally within the protocol. So, the Chair would only direct that you have a question at the end of whatever remarks you are making presently.

Senator COSTA. Mr. President, I asked a question, I agree, and I began to get an answer, but I was not the one who began the conversation about annotating the answer with rhetoric about the number of deaths in the Commonwealth and in this country. I did not get on that path, but I would like the opportunity to respond to that because that was not my question. My question was -- and the gentleman indicated it was 1 or 2 hours. I do not necessarily agree with that issue. I think it is sometimes 8, 9, or 10 hours. That was my question: When does the actual time start? I did not get an answer to that particular question, and that is what I am searching for. Does it start at the time of the arrest when placed in lockup in Forest Hills Borough, or is it when they are transported downtown to Allegheny County and begin that process? It is a very important question not just for me, but we are going to instruct our police officers and municipal officials that they need to deal with this as they go forward. We are stating a law here and we have to have the opportunity--and I know Senator Corman is going to bang me out of order here, and I appreciate that, but I want to rephrase my question and ask for an answer.

The PRESIDENT. Thank you, Senator Costa.

How about, Senator Reschenthaler, you take one more crack at it and if Senator Costa wants to suspend the interrogation and then go into his speech, we will all be happy to see that. Give it one more shot.

Senator RESCHENTHALER. Mr. President, it is 48 hours from the time the detainer is run.

Thank you, Mr. President.

The PRESIDENT. Senator Reschenthaler, would you repeat your answer one more time?

Senator RESCHENTHALER. Mr. President, it is 48 hours from when the detainer is run and noticed by the municipality.

Senator COSTA. Mr. President, so that changes my -- so my question is, it would not be the point in time when the person is arrested and put into lockup, but rather 48 hours from the time that that municipal official contacts the ICE folks, at that point in time, is that when the clock starts? Again, this is not for my benefit. I think we need to provide clarity to our municipal officials about what their obligations are, because there are significant and harmful penalties that could be imposed along those lines, and that is why I am trying to generate this clarity.

Senator RESCHENTHALER. Mr. President, asked and answered.

Senator COSTA. Mr. President, it is obvious that folks do not want to answer this question, and I understand that, but at the end of the day, here is my follow-up question. Regardless of when the 48 hours begins, and I think it is important that we establish for the record exactly what our intentions are, because there is no question, there is a lot of ambiguity in this language as it relates to the starting of this clock and how important it is and the consequences to the communities if they do not follow through.

## POINT OF ORDER

Senator CORMAN. Mr. President, point of order.

Senator COSTA. Mr. President, I apologize.

Senator CORMAN. Mr. President, point of order.

The PRESIDENT. Suspend one second, Senator Costa.

Senator Corman, state your point.

Senator CORMAN. Mr. President, if the interrogation is over, we are fine with that.

The PRESIDENT. I have a suggestion, if it works for Senator Costa.

Senator COSTA. Mr. President, no, my interrogation is not over. I respectfully ask for the opportunity to ask another follow-up question.

The PRESIDENT. Please.

Senator COSTA. Mr. President, regardless of when the 48 hours begins, what occurs when that 48 hours is concluded? What are municipalities potentially held liable for with respect to that individual who has been held in lawful custody, ICE has been contacted, and they have taken the necessary steps? At the end of 48 hours, what is the obligation, if any, as it relates to that individual who is being held, assuming that is the only detainer that they may have? Would that person then be permitted to be released by that local municipality and then shifting the responsibility and the liability from the local municipality to the Federal government for the failure to come and pick up this individual or make arrangements for that individual to be transported?

Senator RESCHENTHALER. Mr. President, after the 48-hour window, the bill is not applicable. So the only thing the municipality has to do is, once an illegal immigrant comes into custody from a lawful arrest, that municipality has to inform ICE that there is a detainer and they have an illegal immigrant in their custody, and they have to hold the individual for up to 48 hours. A detainer from ICE lasts for up to 48 hours, anyhow. So there is that 48-hour window. After that 48-hour window we are outside of the parameters of Senate Bill No. 10 and the illegal immigrant can be released without the risk of losing sovereign immunity.

Senator COSTA. Mr. President, I appreciate that answer. Now I go back, again I apologize, this is for clarity purposes for this legislation.

The PRESIDENT. You do not have to apologize, Senator, feel free.

Senator COSTA. Mr. President, my question is, ICE is contacted within that window, is there a period of time that ICE must respond to the municipality and indicate to them that they will be issuing or there is a detainer to be issued? How much time do we -- because what I am hearing, I believe, is it is 48 hours from the time the detainer is issued, which could be many, many, many hours after the lawful custody and it could be many hours after the notification to ICE about an individual and they are seeking to determine whether or not there is a detainer being placed on them. So is there a period of time, are there any time limitations along those lines?

Senator RESCHENTHALER. Mr. President, again, it is 48 hours.

Senator COSTA. Mr. President, again, I think I am beating a dead horse here, but at the end of the day the bottom line is there is still a lot of uncertainty about that. I will conclude my ques-

tions, and I appreciate the gentleman from Allegheny County providing responses to my questions.

The PRESIDENT. Thank you, Senator Costa, and thank you, Senator Reschenthaler.

Now to make remarks, the Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I rise to oppose the legislation. I think that there remains a significant number of unanswered questions. There has been a lot of rhetoric that has been associated with this and the harmful impact it may have as we go forward, but I think as a body we have to be certain that we provide clarity to our municipal officials, and law enforcement people in particular, because there is a lot at stake in terms of what they do or what they may be doing to harm their local communities with respect to resources they would receive. I am concerned about a community that tries to act lawfully and that would do something in accordance with this particular legislation, but at the end of the day, this holds folks unnecessarily and violates their civil liberties and their rights with respect to being held because of the delay or the fact that folks may not even bother to come from the Feds to pick them up. So I am going to vote "no" on the legislation until I feel we have more clarity with respect to some of these issues.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, I would like to interrogate.

The PRESIDENT. Senator Hughes, we want to have Senator Scarnati, who has not spoken on the bill yet, get a chance to get on the record.

The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

Senator SCARNATI. Mr. President, I rise today in support of law and order; I rise today in support of Senate Bill No. 10. This legislation before us today has nothing to do with politics. It has nothing to do with the color of someone's skin, what language they speak, or what country they were born in. Mr. President, the legislation before us today is about one thing and one thing only: upholding the rule of law in the Commonwealth of Pennsylvania and holding those who do not follow or enforce those laws accountable. Mr. President, there has been a troubling trend of late across our great nation - sanctuary cities, places which harbor criminal illegal aliens and refuse to cooperate with Federal immigration authorities to protect our citizens.

Mr. President, the consequences of sanctuary cities in our country have been horrifying. We have already heard today the tragic story of Kate Steinle, who lost her life at the hands of a criminal illegal alien in San Francisco. Unfortunately, Mr. President, sanctuary city policies have come at a great cost closer to home as well. One of the most infamous sanctuary cities in our country, unfortunately, is the city of Philadelphia. Mr. President, the former Democratic mayor of Philadelphia had ended the sanctuary city policy at the urging of the Obama administration. Yet, the new mayor, immediately upon election, reversed course. That decision has predictably not turned out well for the city of Philadelphia or its law-abiding citizens.

In March of 2014, a 45-year-old Honduran national, Ramon Aguirre-Ochoa, was arrested in Philadelphia and charged with domestic aggravated assault. This individual was previously deported in May of 2009, so his mere return to the United States

constitutes a felony under Federal law. In 2015, Immigration and Customs Enforcement filed a detainer with Philadelphia authorities ordering them to hold this dangerous criminal until Federal agents could retrieve him and begin deportation proceedings. The most recent attempt to deport this individual was at least the second time ICE attempted to take him into custody by placing an immigration detainer with Philadelphia officials against him. None of these facts mattered in the sanctuary city of Philadelphia, Mr. President. This criminal illegal alien was released from local custody when Philadelphia authorities failed to honor the ICE detainer. The subject remained at large, of course, until his most recent arrest for raping a 12-year-old child.

Mr. President, whether we are talking about the tragic murder of a 26-year-old in San Francisco or the rape of a 12-year-old child in Philadelphia, these are real-life consequences when law and order is recklessly disregarded. Mr. President, these are real-life consequences of sanctuary cities. Even the Obama administration understood this cold, hard fact. This is why the Federal Department of Justice last year announced a policy which will cut off Federal law enforcement funding for sanctuary cities. The city of Philadelphia stands to lose millions of dollars under former President Obama's policy. This is the exact same thing we are attempting to do today in Pennsylvania by passing Senate Bill No. 10.

Mr. President, we stand here today with a chance to put an end to this dangerous lawlessness in the Commonwealth of Pennsylvania, and I join my colleagues, and I join Senator Reschenthaler, in asking for an affirmative vote on Senate Bill No. 10.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, would the maker stand for a brief period of interrogation.

The PRESIDENT. Senator Reschenthaler, do you agree to an interrogation from Senator Hughes?

Senator RESCHENTHALER. Yes, Mr. President.

Senator HUGHES. Mr. President, in comments on the floor today and comments in the meeting of the Committee on Appropriations, I believe it was yesterday, the issue was raised regarding illegal immigrants. What I need to understand is, and this may be just a process issue for me, when is it determined that a person is an illegal immigrant? Is it determined at the point of the stop, at the point of the arrest? When is that determined?

Thank you, Mr. President.

Senator RESCHENTHALER. Mr. President, the determination is not made by the State. It is made by ICE, and ICE is the agency that puts a detainer on an individual.

Senator HUGHES. Mr. President, so essentially, just so I can understand, the determination of an illegal immigrant is essentially at the tail end of the process. It is when the person's information is sent into the computer database and it is picked up by the ICE folks that this is someone who they are to detain. Is that correct?

Senator RESCHENTHALER. Mr. President, a background check is run. If there is an ICE detainer, then the local municipality has to inform ICE and hold the individual for up to 48 hours.

Senator HUGHES. Okay, Mr. President, again, just trying to understand, so if the illegal immigrant status is not determined until the tail end of the process, as I understand what the gentle-

man is saying, then when a person is stopped and then their name is put into a system, I guess that is at a point of they are stopped, they are arrested, or whatever, when is it put into the system it is then determined that they are an illegal immigrant. So effectively, anyone who is stopped, their name can be put into the system in some kind of check. Is that correct?

Senator RESCHENTHALER. Mr. President, I am not exactly sure what my colleague is asking, but I can say that a background check is run when someone is put into lawful custody, and if there is an ICE detainer, then the municipality has to hold them for up to 48 hours.

Senator HUGHES. Mr. President, I had a criminal justice professor say very clearly, and they were also an attorney, that as soon as someone is stopped, that is kind of like an arrest. My lawyer friends, there is probably a fine detail there that I missed. So, anyone is stopped, when is the determination made that someone is in legal custody?

Senator RESCHENTHALER. Mr. President, we are not making that determination in this bill. This bill starts when there is a background check run, when somebody is in legal custody and, again, that check is run.

Senator HUGHES. Mr. President, I think I am close to ending up here. So, effectively, anyone who is arrested, when they get to the point of an arrest, their name is put into the system, and whatever pops up pops up, and in this case, it could or could not be an ICE detainer. So, determining that a person is an illegal immigrant or an undocumented citizen really happens not at the front end but closer toward—not at the front end, which is at the stop, Mr. President, all right? I think you understand what I am saying, not at the front end but more further down the process. Am I correct in that?

Senator RESCHENTHALER. Mr. President, I question the relevance of that question.

Senator HUGHES. Mr. President, wait a minute. Any question that I ask on the floor of this Senate is relevant. Let us be real clear on that. Any question that I ask is relevant.

Senator CORMAN. Mr. President, point of order.

Senator HUGHES. Mr. President, no. No. No comments on the issue of relevance. Any question that I ask is relevant.

Senator CORMAN. Mr. President, point of order.

The PRESIDENT. Senator Hughes.

Senator HUGHES. Mr. President, could those remarks be stricken from the record? Any question that I ask on the floor of the Senate of the Commonwealth of Pennsylvania is absolutely relevant.

Senator CORMAN. Mr. President, point of order.

Senator HUGHES. The 255,000 people who sent me up here said that any question that I ask is relevant.

Senator CORMAN. Mr. President.

The PRESIDENT. Listen. We have decorum, and all gentlemen are going to respect the decorum or we will go at ease and we will stop the debate. So, I understand, gentlemen want to find out the answers to their questions. We have to keep the decorum respectful. Senator Hughes, I understand. Senator Corman and Senator Reschenthaler, let us keep the debate civil.

The issue of whether a question is relevant is up to the Chair. You can bring it to my attention and the Chair will make a ruling. Let us have an even-handed debate, let us keep the tone respectful, let us do our best.



I think we can proceed, Senator Hughes, if you feel you are ready to ask your question again.

Senator HUGHES. Mr. President, for comment. I am done with interrogation.

The PRESIDENT. Thank you, Senator Reschenthaler, on the interrogation.

The Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Mr. President, I went down that series of questions because a lot of comments have been thrown around in this conversation addressing all kinds of issues and there is a lack of clarity. Some of us like to pay attention to those kinds of issues. They want to make sure that when people are stopped and detained, given the fact that there is an abundance of documented history that a number of people are being inappropriately stopped and detained, that we are exactly clear on when this issue is moved through the process. I reject wholeheartedly any question about the relevancy of any question that I bring on the floor of the Senate of the Commonwealth of Pennsylvania. My 255,000 constituents sent me here just as much as anyone else on this floor. If they say they need a question asked, then damn it, they need that question asked and they deserve an answer. So do not ever, ever ask me when I ask a question whether it is relevant or not.

#### POINT OF ORDER

Senator CORMAN. Mr. President, point of order.

The PRESIDENT. Point of order, Senator Corman.

Senator CORMAN. Mr. President, I do not believe it is within our rules for one Member to address another Member directly. I think all questions and all statements are made to the Chair.

The PRESIDENT. Point well-taken, Senator Corman.

Senator Hughes, I believe that you are aware of the decorum and I understand where you are coming from. So, keep your remarks directed toward the Chair, even though as we know in the functional understanding of how we do things when we are speaking to another Senator, we do it through the Chair. Do your best, Senator. Please proceed.

Senator HUGHES. Mr. President, I am very aware of the decorum. I have served in this body since November 21, 1994. I am very clear about the decorum. I would just hope that the President would ask the previous gentleman if he is aware of the appropriate procedures and protocol of this body. Any question that is asked by any Senator on this floor, any Senator - Democrat or Republican, east or west, north or south - is a relevant question and deserves to be answered, and none of those questions should be judged on the relevancy or not. Either answer them or do not answer them. That is it, Mr. President. I am clear on the decorum, protocol, and procedures of this body. Very clear. I hope the other Members are clear as well.

The PRESIDENT. The Chair is aware of the Senator's long-standing career of service, knows that he is aware of the rules, and the gentleman is accurate that Senators are entitled to ask questions which they believe are appropriate for purposes of their constituency or personally, so long as the decorum is followed, Senator, you are in order.

Senator HUGHES. Mr. President, again, we ask those specific questions because we need to be very clear about the procedures and the process in this area of this particular bill. Many individu-

als are very concerned about the illegal, unwarranted, and unnecessary stopping and detaining of them. They are very concerned. So they want to know specifically, Mr. President, about the process and the procedures, especially when there is some inconsistency within the statements made and the actual answers and, quite frankly, what is actually in the bill. So we ask those questions for purposes of clarity. It is important, as Senator Costa said earlier, that we need to be clear on those processes and procedures because if someone is detained inappropriately, if someone is stopped inappropriately, not in accordance with the law, and they file suit against a local municipality and/or the Federal government and they win, they can be awarded a certain monetary amount. We have seen that documented. So, we need to be exactly clear, we need to be mindful of the process and the procedures, and I said it earlier, our local municipalities and local police forces need to understand clearly what they can and cannot do. We want to make sure that every citizen of this State and every citizen of the nation is secure, we want to make sure that their civil liberties are protected also. That is why we went down this particular path. It is completely relevant and necessary for all of us to know and to be mindful.

I ask, Mr. President, very respectfully for a "no" vote on Senate Bill No. 10. We think, as I have said previously, that this is an area that is not ready yet by this Commonwealth to pursue and does not take into consideration all of the issues that we attempted to amend both in the committee and on the floor. We suggest a "no" vote, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, these are difficult issues at times, and I certainly understand the emotion and the passion behind the issues. The debate is always instructive and productive as we go through these difficult issues, but I think this is a pretty simple issue we can understand, and maybe we have not done a very good job of articulating it. It is pretty simple how it works: if law enforcement, for whatever reason, we certainly do not determine that reason here at the State, if they decide to pull someone over or arrest someone for whatever reason, and they have them in custody, I think it is pretty normal, and I know we have some law enforcement individuals here, a pretty normal process that once they are in custody they do a background check. Once that background check is done, there is a chance, possibly, that this detainer from ICE would pop up in the background check. At that point in time it triggers this law.

Nothing before that would trigger this law, nothing is telling law enforcement to pull anyone over, and no one is telling law enforcement to do a background check if they do not think they need to do it, that is up to them. I am sure there are probably cases when they pull someone over and do not go through the whole process if they think it is something minor like a traffic stop or something of that nature. But, for whatever reason, and I am not an expert, if law enforcement decides they are going to do a background check and this pops up, then this law gets triggered. At that point in time I would think, when a Federal agency says, we have a detainer on someone, we think this person could be a problem, not definitely, but could be, we ought to, as citizens of the country, cooperate with our Federal government agency and say, all right, we will hold them for 48 hours, because we do not want to hold them forever because that puts costs on our municipalities to detain someone while ICE figures

out whether they want to go there or not. So there is a timeframe here where the Federal agency has to react to their detainer and then we will determine what should be done next at the Federal government level.

So, I think we get a little anxious on these type of issues. I think it is fairly basic at the end of the day. I think it is reasonable to ask our municipalities and our law enforcement that, if there is, for whatever reason, a request by the Federal government, we should listen. I imagine if someone was being arrested on drug charges, and this is a completely different issue, I am not trying to compare the two, but if someone was arrested and DEA had a flag on this person, we would probably cooperate with the DEA and say, hey, we got this guy or woman and we have them so they would know. I think that is all that we are asking for here as well. If ICE has a detainer, for whatever reason, we notify them and they need to come and do what their job is at that point in time. So, we are not asking them to do anything until they have already made the determination, for whatever reason, to detain this person and to put them into custody and do a background check. Once that background check is done, then it triggers this law, which I think is fairly simple.

So, Mr. President, I ask for an affirmative vote, and let us get this bill over to the House so we can move it through the process.

#### LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I request temporary Capitol leaves for Senator Ward and Senator DiSanto.

The PRESIDENT. Senator Corman requests temporary Capitol leaves for Senator Ward and Senator DiSanto. Without objection, the leaves will be granted.

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-37

Alloway	DiSanto	McGarrigle	Vogel
Argall	Eichelberger	McIlhinney	Vulakovich
Aument	Folmer	Mensch	Wagner
Baker	Gordner	Rafferty	Ward
Bartolotta	Greenleaf	Regan	White
Boscola	Hutchinson	Resenthaler	Yaw
Brooks	Killion	Scarnati	Yudichak
Browne	Langerholc	Scavello	
Corman	Laughlin	Stefano	
Dinniman	Martin	Tomlinson	

#### NAY-12

Blake	Farnese	Hughes	Schwank
Brewster	Fontana	Leach	Street
Costa	Haywood	Sabatina	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.

#### BILLS OVER IN ORDER

**SB 137, SB 166, SB 167 and SB 169** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

#### BILL AMENDED

**SB 241 (Pr. No. 281)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 17, 1959 (P.L.1913, No.694), known as the Equal Pay Law, further providing for wage rates.

On the question,

Will the Senate agree to the bill on third consideration?

#### WILLIAMS AMENDMENT 0127 OFFERED

Senator WILLIAMS offered the following amendment No. A0127:

Amend Bill, page 2, line 4, by inserting after "a":

bona fide

Amend Bill, page 2, by inserting between lines 8 and 9:

(a.1) The bona fide factor defense described under subsection (a)(4) shall apply only if the employer demonstrates that the factor is (1) not based upon or derived from a sex-based differential in compensation; (2) job related with respect to the position; and (3) consistent with business necessity. The defense shall not apply if the employee demonstrates an alternative employment practice exists which would serve the same business purpose without producing the differential and the employer refused to adopt the alternative practice.

On the question,

Will the Senate agree to the amendment?

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

Senator WILLIAMS. Mr. President, while I appreciate the gentleman's effort to deal with issues that we have not dealt with since 1959, I actually drafted a piece of legislation which dealt with this issue of pay inequity in Pennsylvania. Upon reviewing the gentleman's introduction of his legislation, there were some significant omissions, and so I am trying to help add to the strength of the proposed bill. As many of us know who have a wife, mother, daughter, or any loved one who happens to be a female who is working in Pennsylvania, there is still a glass ceiling and there still are, unfortunately, cases when pay inequity exists simply because of one's gender. This proposed amendment allows for a tighter, more constructed area of information as it relates to the defense when one is claiming pay inequity.

Currently in Pennsylvania, an employer may avoid liability for four reasons - education, training, experience, which are certainly legitimate when it comes to measuring one's ability to do a job. But what is glaring in Pennsylvania is this fourth category, which is described as "other." This other category is broadly construed within the courts of a variety of arguments, i.e., the marketplace dictates that you get paid X as opposed to Y. Well, in that space where the marketplace dictates that, education is not a factor, your experience is not a factor, and training is not a factor. So I am not sure what anything else could be in that space

other than someone looking to see that you are of a different gender. So this particular amendment simply goes about the business of removing that and giving specific language that would tighten it and remove it so that when one goes to court there is a specific bona fide factor when it comes to a defense, and so the arbitrary nature which, unfortunately, has been in front of the court and has allowed for individual jurors to make an individual determination would be removed and Pennsylvania women who go to work would see that this is indeed a fair place to operate.

Further, there are a number of groups that have supported the development of this bill. They think that this moment is very important. They are lobbying to make sure that this amendment is included. One of those groups is the Women's Legal Defense and Education Fund, along with many other women's groups who have taken the time over years and generations to fight for women's equal pay and equity within pay, and remove the disparity which is based on discrimination.

So, I offer this amendment, Mr. President, and I hope all would validate it by supporting it. Thank you.

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

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

## YEA-15

Blake	Dinniman	Hughes	Street
Boscola	Farnese	Leach	Williams
Brewster	Fontana	Sabatina	Yudichak
Costa	Haywood	Schwank	

## NAY-34

Alloway	Eichelberger	McGarrigle	Tomlinson
Argall	Folmer	McIlhinney	Vogel
Aument	Gordner	Mensch	Vulakovich
Baker	Greenleaf	Rafferty	Wagner
Bartolotta	Hutchinson	Regan	Ward
Brooks	Killion	Resenthaler	White
Browne	Langerholc	Scarnati	Yaw
Corman	Laughlin	Scavello	
DiSanto	Martin	Stefano	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,  
Will the Senate agree to the bill on third consideration?

## WILLIAMS AMENDMENT A0126 OFFERED

Senator WILLIAMS offered the following amendment No. A0126:

Amend Bill, page 1, line 5, by inserting after "for":  
definitions and for

Amend Bill, page 1, lines 8 through 10, by striking out all of said lines and inserting:

Section 1. Sections 2(a) and 3 of the act of December 17, 1959 (P.L.1913, No.694), known as the Equal Pay Law, are amended to read:

Section 2. Definitions.--(a) The term "employee," as used in this act, shall mean any person employed for hire in any lawful business, industry, trade or profession, or in any other lawful enterprise in which

individuals are gainfully employed; including individuals employed by the Commonwealth or any of its political subdivisions, including public bodies[: Provided, however, That the term "employee" as used in this act shall not apply to any person or persons who is or are subject to section 6 of the Federal Fair Labor Standards Act (Act of June 25, 1938, as amended)].

\* \* \*

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

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

Senator WILLIAMS. Mr. President, I offer this amendment because, as I mentioned earlier, we have not worked on this area since 1959. For those who may not understand, there is a portion of the Labor Standards Act which defines who would be covered and protected. The acronym is FLSA. The FLSA applies only to employers whose annual sales total about \$500,000 or more, or are engaged in interstate commerce. You may think that would restrict the FLSA to covering only employees in large companies, but in reality, the law covers nearly all workplaces. This is because the courts have interpreted the term "interstate commerce" very broadly. There are a few employers, including small farms, who use relatively little outside pay labor who are explicitly exempt from FLSA. Some employees are exempt from the FLSA requirements such as pay for overtime and minimum wages, even though their employers are covered. For example, many airline employees are exempt from the FLSA overtime provisions, and most companions for the elderly are exempt from both the minimum wage and overtime provisions. The details of this go on, but I suggest that, again, given that this was removed from my original bill, that there is a huge category which would level the playing field for all employees in Pennsylvania and give protections to all employees in Pennsylvania. So I offer this amendment and ask for an affirmative vote.

Thank you, Mr. President.

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

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

## YEA-15

Blake	Dinniman	Hughes	Street
Boscola	Farnese	Leach	Williams
Brewster	Fontana	Sabatina	Yudichak
Costa	Haywood	Schwank	

## NAY-34

Alloway	Eichelberger	McGarrigle	Tomlinson
Argall	Folmer	McIlhinney	Vogel
Aument	Gordner	Mensch	Vulakovich
Baker	Greenleaf	Rafferty	Wagner
Bartolotta	Hutchinson	Regan	Ward
Brooks	Killion	Resenthaler	White
Browne	Langerholc	Scarnati	Yaw
Corman	Laughlin	Scavello	
DiSanto	Martin	Stefano	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.



On the question,  
Will the Senate agree to the bill on third consideration?

CORMAN AMENDMENT A0169

Senator CORMAN offered the following amendment No. A0169:

Amend Bill, page 1, line 5, by inserting after "rates":  
; and providing for preemption  
Amend Bill, page 3, by inserting between lines 2 and 3:  
Section 2. The act is amended by adding a section to read:  
Section 9.1. Preemption.--The provisions of this act shall preempt and supersede any local ordinance or rule concerning the subject matter of this act.

Amend Bill, page 3, line 3, by striking out "2" and inserting:  
3

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

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, very briefly, this amendment allows for consistency throughout the Commonwealth. Obviously, many employers employ within many different jurisdictions in the Commonwealth. This amendment will make sure that the employees who will be provided protections in this piece of legislation will be consistent no matter what municipality they happen to work in.

Thank you, Mr. President.

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

Senator WILLIAMS. Mr. President, I ask for a brief period of interrogation of the gentleman who offered the amendment.

The PRESIDENT. Senator Williams has requested of Senator Corman that he stand for interrogation. Senator Corman, do you agree?

Senator CORMAN. Mr. President, the key is brief.

The PRESIDENT. Senator Williams is smiling, so I believe he understands. Please proceed, Senator Williams. No promises.

Senator CORMAN. Mr. President, only if the questions are relevant.

Senator WILLIAMS. Mr. President, first of all--

The PRESIDENT. Ask whatever you want, Senator.

Senator WILLIAMS. Mr. President, first of all, I am a Baptist and a politician in the Senate. Being brief is not in our category.

The PRESIDENT. I understand. Please proceed.

Senator WILLIAMS. Second of all, Mr. Irrelevant is in the NFL, and I was never drafted. So thank you.

The question that I have is, this amendment would, to my knowledge, target only one county in Pennsylvania, and that would be Philadelphia. Is that correct?

Senator CORMAN. No, Mr. President, this would provide protections across the Commonwealth in every municipality.

Senator WILLIAMS. Mr. President, maybe I misunderstood. So, Philadelphia did pass a particular provision similar to this. Does that remove what Philadelphia passed in terms of city council and signed by the mayor?

Senator CORMAN. Mr. President, I am not a lawyer. My brain is not burdened with a law degree. Sorry to all of my lawyer friends, just kidding.

This would make sure it is consistent whether you are in Philadelphia, whether you are in Forest County, whether you are in Erie County, whether you are in Scranton, or State College. I do not know how many municipalities may have ordinances on the books at this point in time. If Philadelphia has one, I am not sure if it is in play or not, but this would make sure that this legislation is consistent across all 67 counties and all municipalities within those counties.

Senator WILLIAMS. Mr. President, so, I end my period of interrogation, if I could comment on the amendment.

The PRESIDENT. Senator Williams has concluded his interrogation, and you are now recognized to speak on the amendment.

Senator WILLIAMS. Mr. President, I, too, am not an attorney, but I think that this does go to a preemptive action, and I think that is unfortunate because I think that Philadelphia took great pain--and by the way, I am not necessarily a supporter of it in terms of what city council did or the mayor signed on, but I am quite clear that they took measures in their own county, supported by their own constituency, supported by those who believe that they voted for people to make those laws on the books, and I believe this overrides that, and I do not think that requires a legal interpretation. We have done this before.

I find it to be kind of surprising given the fact that this started out as such a noble consideration, and that was to protect and level the playing field for women, which is now, unfortunately, taking a different turn. I imagine at some point in time that we would have further conversations about it, but for those who are listening beyond these halls, this is a moment when the Majority has its way and the Minority does not. But there is a time and place where people stand up and say you should not cross this line. This is that moment. Women, and those who live in Philadelphia County, will now be affected in this particular bill in ways we had not expected and certainly not intended. For those reasons, I stand in opposition to the amendment.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Ward has returned, and her temporary Capitol leave is cancelled.

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

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

YEA-35

Alloway	DiSanto	Martin	Stefano
Argall	Eichelberger	McGarrigle	Tomlinson
Aument	Folmer	McIlhinney	Vogel
Baker	Gordner	Mensch	Vulakovich
Bartolotta	Greenleaf	Rafferty	Wagner
Boscola	Hutchinson	Regan	Ward
Brooks	Killion	Reschenthaler	White
Browne	Langerholc	Scarnati	Yaw
Corman	Laughlin	Scavello	

## NAY-14

Blake	Farnese	Leach	Williams
Brewster	Fontana	Sabatina	Yudichak
Costa	Haywood	Schwank	
Dinniman	Hughes	Street	

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

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

**SECOND CONSIDERATION CALENDAR****BILL ON SECOND CONSIDERATION**

**SB 3 (Pr. No. 283)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in abortion, further providing for definitions, for medical consultation and judgment and for the offense of abortion on unborn child of 24 or more weeks gestational age, providing for dismemberment abortion ban and further providing for reporting.

Considered the second time and agreed to,

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

**BILLS OVER IN ORDER**

**SB 9, SB 42, SB 50, SB 60, SB 62, SB 123, SB 128, SB 171, SB 172, SB 176, SB 221, SB 227 and SB 229** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

**UNFINISHED BUSINESS**  
**SENATE RESOLUTION ADOPTED**

Senators VULAKOVICH, COSTA, BOSCOLA, BROWNE, DINNIMAN, EICHELBERGER, FONTANA, GREENLEAF, HUGHES, KILLION, McGARRIGLE, RESCHENTHALER, SABATINA, RAFFERTY, BAKER, MENSCH, VOGEL, FARNESE, AUMENT and HAYWOOD, by unanimous consent, offered **Senate Resolution No. 21**, entitled:

A Resolution designating the month of February 2017 as "USO Month" in Pennsylvania in recognition of the United Service Organizations and its mission to enhance the quality of life of military members and their families.

On the question,

Will the Senate adopt the resolution?

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

Senator VULAKOVICH. Mr. President, I offer the following remarks for the record and ask for an affirmative vote.

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

*(The following prepared remarks were made part of the record at the request of the gentleman from Allegheny, Senator VULAKOVICH:)*

Mr. President, from Bob Hope to Marilyn Monroe, from Billy Joel to Toby Keith, for over 75 years America's top entertainers have performed for and interacted with our troops through the USO. The United Service Organizations, better known as the USO, was founded in 1941 under President Franklin D. Roosevelt, and has worked in collaboration with the Department of Defense in fulfilling its mission of lifting the spirits of America's troops and their families with collaboration, accountability, respect, gratitude, and innovation. Their mission is to strengthen America's military service members by keeping them connected to family, home, and country throughout their service to the nation.

With the generous donations of volunteers and contributors, the USO now serves thousands of troops at hundreds of entertainment events each year and through an extensive range of programs and services at more than 160 locations in 27 States and 14 countries. USO volunteers are there for our troops when their loved ones cannot, from the day they enlist through their deployments and until they return home. USO centers operate at or near military installations across the United States and throughout the world, including combat zones. USO airport centers also offer around-the-clock hospitality for traveling service members and their families.

The trademark USO tours bring America and its celebrities to service members who are assigned far from home to entertain them and convey the support of our nation. Its many specialized programs offer a continuum of support to service members throughout their journey of service. If interested in donating, volunteering, or simply sending a message of support, please go to [www.USOVolunteer.org](http://www.USOVolunteer.org).

Mr. President, I ask my colleagues to join me in supporting this resolution designating February as "USO Month" in Pennsylvania.

And the question recurring,

Will the Senate adopt the resolution?

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

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

The SECRETARY. The Committee on Education will convene immediately in Hearing Room 1.

**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 the Reverend Tom Miller by Senator Baker.

Congratulations of the Senate were extended to Andrew Richard Johnson, James Aloysius Dougher and to Derek Joseph Dengler by Senator Browne.

Congratulations of the Senate were extended to Laura Rzuclidlo by Senator Dinniman.

Congratulations of the Senate were extended to Chief Mark Brooks by Senator Langerholc.

Congratulations of the Senate were extended to Noah Patrick Hearne by Senator Leach.

Congratulations of the Senate were extended to John Pauli and to Antonio Astarita by Senator Martin.

Congratulations of the Senate were extended to John Rogge by Senator Rafferty.

Congratulations of the Senate were extended to Alex Appleby, Clifford Johnson and to the Jefferson County Historical Society by Senator Scarnati.

Congratulations of the Senate were extended to Adam Bockius, Steven M. Krajewski, Jr., Dan Powell, Ron Doster,

Marianne Seborowski McGinnis, Jeffery L. Diegel, John R. Diegel, Sr., Alfred R. Montonario, Jr., and to Christopher J. Stine by Senator Tomlinson.

Congratulations of the Senate were extended to Nicholas A. McComas by Senator Vogel.

Congratulations of the Senate were extended to Donna Mills, Rachelle Lutz, Shannon Schade and to Michelle Schade by Senator Ward.

Congratulations of the Senate were extended to Louise Floyd by Senator Williams.

### CONDOLENCE RESOLUTION

The PRESIDENT laid before the Senate the following resolution, which was read, considered, and adopted by voice vote:

Condolences of the Senate were extended to the family of the late Harold L. Kocher by Senator Scavello.

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

**SB 7, SB 173, SB 201, SB 202 and SB 203.**

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

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

#### MONDAY, FEBRUARY 6, 2017

AFTER SESSION	EDUCATION (public hearing to consider nomination of Estelle Richman to the Philadelphia School Reform Commission)	Hrg. Rm. 1 North Off.
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#### WEDNESDAY, FEBRUARY 8, 2017

9:00 A.M.	COMMUNICATIONS AND TECHNOLOGY (public hearing on REAL ID)	Hrg. Rm. 1 North Off.
9:00 A.M.	TRANSPORTATION (public hearing to consider Innovative Transportation Project Delivery Alternatives; and to consider Senate Bills No. 251, 265, 279 and 288)	Room 8E-B East Wing
10:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 54, 274 and 297)	Room 461 Main Capitol
1:00 P.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (H) and VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (S) (joint public hearing on Veterans Issues)	Hrg. Rm. 1 North Off.

Off the Floor

COMMUNICATIONS AND TECHNOLOGY (to consider Senate Bill No. 133)

Rules Cmte.  
Conf. Rm.

### RECESS

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I move that the Senate do now recess until Wednesday, February 8, 2017, at 11 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 4:38 p.m., Eastern Standard Time.