

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, APRIL 18, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 26

SENATE

WEDNESDAY, April 18, 2007

The Senate met at 11 a.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Catherine Baker Knoll) in the Chair.

PRAYER

The Chaplain, Reverend WILMER MARTIN, of Grace Community Church of Willow Street, Willow Street, offered the following prayer:

Let us pray.

Almighty God, we come before You this day to praise You for the wonderful blessings that You have provided for us as residents of this State of Pennsylvania. As we see the life of spring-time awakening all around us, we marvel at the rich heritage, the natural resources, and the stunning beauty that is ours to enjoy. Yet, that marvel and appreciation is dampened today as our hearts go out to the victims of the massacre at the Virginia Tech campus. Lord, we pause for a moment of silence to remember those lives that have been so devastated by this tragedy.

(Whereupon a moment of silence was observed.)

Gracious God, as we assemble in this impressive Senate Chamber, we give thanks for those whom You have placed in these positions of authority and governance. As they prepare to go about the work of representing the mass multitude of citizens of this State, theirs is not an easy task. So we pray, Lord, for the endowment of Your godly wisdom to be upon each of these legislators. As they wrestle with the pressing issues of this day, may they recognize their own inadequacy and limitations, and may they, in turn, seek Your divine empowerment and grace. Guard them from evil influences and disingenuous compromise. Instead, Lord, help them to be guided by law and justice, by compassion and fairness, by truth and morality, so that our life in this State might be marked by tranquility and goodness and dignity for all inhabitants, no matter what their status or station in life.

May they all sense the prayers of devout people of faith on their behalf, and may their service be marked by integrity and honor, performing their duties as unto You, the One who has ordained and shared this divine leadership trust with mankind, and who has called us to new life through his son, Jesus Christ, in whose name we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Martin and his spouse, who has accompanied him here today, who are the guests of Senator Armstrong.

PLEDGE OF ALLEGIANCE

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

**APPOINTMENTS BY THE
PRESIDENT PRO TEMPORE**

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

Senator Elisabeth J. Baker as a member of the Children's Trust Fund Board.

Senator Jane M. Earll as a member of the Advisory Council for the Pennsylvania Soldiers' and Sailors' Home.

Senator Edwin B. Erickson as a member of the Board of Directors of the Pennsylvania Energy Development Authority.

Senator Stewart J. Greenleaf as a member of the Municipal Police Officers' Education and Training Commission.

Senator James J. Rhoades as a member of the Mining and Reclamation Advisory Board.

Senator Joseph B. Scarnati III as a member of the Hardwoods Development Council.

BILLS REPORTED FROM COMMITTEES

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

SB 54 (Pr. No. 859) (Amended)

An Act authorizing establishment and maintenance of disability savings accounts; providing an exclusion from State income tax; and imposing restrictions.

SB 659 (Pr. No. 708)

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

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

SB 635 (Pr. No. 597)

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for officers to be elected and for filling vacancies in elective borough offices; and making repeals.

SB 636 (Pr. No. 598)

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for definitions, for powers and duties of the board, for preparation of assessment roll, for abstracts of building permits and information on improvements to be furnished board, for valuation of mobilehomes or house trailers, for report to assessors of mobilehomes or house trailers and for assessment where township line passes through mansion house; and making repeals.

SB 709 (Pr. No. 860) (Amended)

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for elected officers enumerated, for vacancies in general, for the corporate power of first class townships being vested in the board of township commissioners, for elected officers in townships of the first class and for additions and revisions to duplicates; and making related repeals.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Madam President, I request temporary Capitol leaves for Senator Don White, Senator Orié, Senator Piccola, Senator Corman, and Senator Wonderling.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Don White, Senator Orié, Senator Piccola, Senator Corman, and Senator Wonderling.

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

Senator O'PAKE. Madam President, I request a legislative leave for Senator Fumo.

The PRESIDENT. Senator O'Pake requests a legislative leave for Senator Fumo.

Without objection, the leaves will be granted.

**SPECIAL ORDER OF BUSINESS
JOURNALS APPROVED**

The PRESIDENT. The Journals of the Sessions of March 19, 2007, March 20, 2007, and March 21, 2007, are now in print. A quorum of the Senate being present, the Clerk will read the Journals of the Sessions of March 19, 2007, March 20, 2007, and March 21, 2007.

The Clerk proceeded to read the Journals.

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

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

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

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling

Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Wonderling, Senator Piccola, and Senator Don White have returned, and their temporary Capitol leaves are cancelled.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR ANDREW E. DINNIMAN
PRESENTED TO THE SENATE**

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

Senator DINNIMAN. Madam President, in all of our districts, this week is the "Week of the Young Child." This is being celebrated throughout Pennsylvania to focus in on the needs of preschool youngsters, be they educational, health, or other areas. In my county, we have two representatives, Carol Henson and Barry Schickling, who have been in the leadership of this week of activities for the "Week of the Young Child." Barry is president of the effort, and Carol is a long-term activist in this area of helping the young children who are our future in Pennsylvania. So, I would like to introduce Carol and Barry to the Senate.

The PRESIDENT. Would Carol Henson and Barry Schickling please rise.

(Applause.)

**GUESTS OF SENATOR ROBERT M.
TOMLINSON PRESENTED TO THE SENATE**

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

Senator TOMLINSON. Madam President, I am truly delighted today to introduce to the Senate a very distinguished and energetic group of constituents I have from lower Bucks County, from Temple Shalom in Levittown. I enjoy visiting with them every year at the Temple and discussing State issues. This year, they decided to come here and discuss the issues with me, enjoy this beautiful Capitol, visit, and become part of what we do here as far as government is concerned. I would like to have the Senate give my friends from Temple Shalom a warm welcome.

The PRESIDENT. Would the guests from Temple Shalom in Bucks County please rise.

(Applause.)

CALENDAR

THIRD CONSIDERATION CALENDAR

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 44 (Pr. No. 855) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for compensation of judges and for exclusive jurisdiction of Supreme Court; and making related repeals.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

Senator EICHELBERGER. Madam President, I rise today to mention to my colleagues here in the Senate that there was a provision in the original draft that included language specific to the funding of district attorneys through the counties, and as a former county commissioner, there was a commitment made by the General Assembly to the County Commissioners Association of Pennsylvania that funding would be part of the increased pay of district attorneys, changing their status from part-time to full-time across the Commonwealth, with the exception of eighth-class counties. The Pennsylvania District Attorneys Association, along with the County Commissioners Association of Pennsylvania, worked closely with the Senate and the House to draft language that covered the financial commitment of the Commonwealth. When the pay raise debacle struck this State, things changed, and the funding for the increased payroll of district attorneys was not included in any further statutes.

I am very supportive of Senate Bill No. 44 and will vote for it today, but I do not want this body to forget the commitment that the General Assembly has made to counties across the Commonwealth to restore this funding. There will be a separate bill introduced in the near future to address that, and I would like the support of my colleagues on that separate issue and urge them today to vote for Senate Bill No. 44.

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, I would first like to thank the gentleman from Blair County for his support for this legislation, and indicate to him that he is accurate in his characterization of an outstanding issue that has developed as a result of the pay raise concerning what the county should be paying our full-time district attorneys. We will have to resolve that issue one way or the other.

I originally included it in this bill, but at the committee level, we decided to take it out because we wanted the focus of this legislation to be the judicial tyranny that is existing in this Commonwealth relative to their disallowing the repeal of the pay raise and reinstating the pay raise for judicial officers of the Commonwealth. This legislation de-links the salary scales for State judges from those of Federal judges, and the sole focus of this bill today is to make sure that State officials, Pennsylvania officials, set the salaries for other Pennsylvania officials, and we do not delegate that authority to the Federal Congress. That is the sole purpose of this bill. The committee felt that it was very important to focus on that, and as Senator Eichelberger indicated, these other issues that have surfaced as a result of that disastrous

legislation about two years ago will be settled and decided in another fashion in other legislation. So, I would appreciate, Madam President, support for this bill, Senate Bill No. 44, with its focus on trying to rein in the judicial tyranny that we have been experiencing in this Commonwealth over the last few years.

Thank you, Madam President.

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

Senator A.H. WILLIAMS. Madam President, I want to make it very clear that this issue does not reside with Democrats nor Republicans. It is a bipartisan consideration, and the nature of the process borne out in our committee was one that frankly breaks down to what taxpayers in Pennsylvania have spoken to us loud and clear about. The issues of pay raises should be clear, they should be without cloudiness, without backdoor conversations, and frankly, we should be able to afford to do such. The question is not simply, do we want to provide for a level of standard for members of the bench, because of course we do. The question is whether we can afford the rate that they want to pursue it. Attaching it to a Federal benchmark is well above the means of any average taxpayer in the Commonwealth of Pennsylvania. I am very concerned about the conversations we had in that committee. Frankly, members of the bench have gone well beyond what they should be, criticizing private citizens and Members of the legislative body when it comes to this issue of whether or not they should get a pay raise.

So, I want to make it perfectly clear for this record that: one, it is not just Republicans, it is all of us who sit in this Chamber that are concerned about pay raises; two, the manner in which we provide a pay raise should be clear and direct, and frankly, those who decide that pay raise, based upon constituent concerns should be above and beyond reproach in terms of the process; three, we have to provide one that taxpayers of Pennsylvania can afford. We cannot afford it as it was constructed and as those members of the bench wanted to move forward. For those reasons, I rise in support of this particular legislation. Thank you.

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

Senator DINNIMAN. Madam President, I also rise to support this legislation. What is occurring now is part of the whole issue of constitutional separation of powers. The legislature has certain responsibilities, and those responsibilities include the setting of salary. The judiciary has its responsibilities, and I think that to tie this to the Federal standard, if we did that, would continue to be a burden on our taxpayers, and we have the responsibility to our taxpayers. Also, the legislature has the responsibility to set taxes and determine the budget. Our nation and our Commonwealth are based on this separation of powers and balance of powers, and we are exercising that within this legislation.

Finally, I thank Senator Eichelberger, because as a former county commissioner myself, I also hope we will deal with this matter of district attorney pay, which is a burden on many of our counties, and again is a taxpayer issue. So, thank you, and I thank Senator Piccola in a bipartisan way for this legislation.

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

Senator RHOADES. Madam President, I also rise to support the bill. Actually, what was very informative was Senator

Eichelberger's definition as it relates to the county commissioners. Prior to this, everything was fine, and then the amendment that was offered seemed to change the perspective that there were two issues in here. I think the key issue is to be able to detach, separate, the Federal from the State judiciary, which we will be able to do. Voting against this would mean we would not do that, which would be leaving a greater injustice in place.

Secondly, Senator Piccola has said that he is willing to work with the county commissioners, as Senator Eichelberger has also stated, to be able to rectify, clarify, or introduce additional legislation to address their concerns or issues. So, based on that, I think it is important that we move forward and that we support and pass this bill.

Thank you, Madam President.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Armstrong	Fontana	Orie	Tomlinson
Baker	Gordner	Piccola	Vance
Boscola	Greenleaf	Pileggi	Washington
Browne	Hughes	Pippy	Waugh
Brubaker	Kasunic	Punt	White, Donald
Corman	Kitchen	Rafferty	White, Mary Jo
Costa	LaValle	Regola	Williams, Anthony H.
Dinniman	Logan	Rhoades	Williams, Constance
Earll	Madigan	Robbins	Wonderling
Eichelberger	McIlhinney	Scarnati	Wozniak
Erickson	Mellow	Stack	
Ferlo	Musto	Stout	
Folmer	O'Pake	Tartaglione	

NAY-1

Fumo

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

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

SB 183 (Pr. No. 854) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further expanding the offense of impersonating a public servant; and making editorial changes.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

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

BILL OVER IN ORDER

SB 623 -- Without objection, the bill was passed over in this order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

SB 72 (Pr. No. 426) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 4, 1996 (P.L.893, No.141), known as the Volunteer Health Services Act, further providing for license renewal, continuing education requirements and disciplinary and corrective measures.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 73, SB 76, SB 83, SB 87, SB 96 and SB 105 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 112 (Pr. No. 599) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing, in provi-

sions relating to safe schools, for definitions, for the Office for Safe Schools and for reporting by school entities.

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

BILLS OVER IN ORDER

SB 176, HB 195, SB 262, HB 294, SB 349 and SB 354 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 365 (Pr. No. 611) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for Senior judge operational support grants.

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

BILLS OVER IN ORDER

SB 399, SB 537, SB 538, SB 691 and SB 760 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SENATE RESOLUTION No. 41, ADOPTED

Senator PILEGGI, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 41**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to investigate the Department of General Services strategic sourcing initiative for State and local government procurement; to accurately measure actual saving and costs of strategic sourcing; to review alternative plans examined by the department; to examine the department's development and implementation of strategic sourcing, especially with regard to the impact on Pennsylvania small business; and to analyze procurement spending data.

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

On the question,
Will the Senate adopt the resolution?

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

Senator WONDERLING. Madam President, I would like to take a few moments to explain the intent behind Senate Resolution No. 41, and ask for its unanimous support and adoption. First of all, the resolution specifically will ask our Legislative Budget and Finance Committee to review the current policy of strategic sourcing, which is a procurement strategy currently deployed by the Rendell administration. I do not need to explain

to the members that the LB&FC provides excellent research and analysis on a wide range of policy issues. It is done by both Democrats and Republicans, members of the House and the Senate. My previous experience with the LB&FC has been such that I have taken a hands-on approach to their efforts, and intend to work with Chairman Pippy in this regard upon passage of the resolution, particularly as it relates to this procurement initiative.

I would like to lay out six expectations so that we are all clear in terms of the intent of this resolution. First of all, Madam President, it is my expectation that the LB&FC will not only determine whether or not published savings and reports of public savings from this procurement initiative are accurate, but that it is routed in contractual integrity. In particular, I hope to determine whether or not savings are accrued at the point of bid or through contract negotiation from that bid price.

Second, Madam President, it will be our expectation to determine whether or not the strategic sourcing initiative has either accelerated or decelerated the deployment of technologies in this Commonwealth and the public investments thereof, and in particular, whether or not this initiative is either in conflict with or cooperative to the administration's initiatives in their communities of practices, which is a procurement strategy through the deployment of technologies.

Third, Madam President, when this initiative was first proposed by the administration, there was associated controversy attached to it vis-a-vis the small business community. Over 85 percent of Pennsylvanians today work for enterprises that have 100 or fewer employees. Many of the vendors, commodity vendors for office supplies, office furniture, et cetera, are in southcentral Pennsylvania, and so I would hope that this study would determine the mix of small enterprises versus big box enterprises that perhaps have gained State contracts as a result of this initiative.

Fourth, Madam President, I think we will need to examine the financial viability of those contractors receiving business through this initiative. Particularly in the food service arena, there have been recent press reports about a large food service vendor in this Commonwealth filing protection under our bankruptcy laws, in part at least, as claimed by the management team, the contract they receive from the Commonwealth. So, I think, particularly as it relates to food services, we will need to ask pointed questions. Are the citizens of this Commonwealth getting best prices for food in our correctional institutions and other public institutions, but are we also getting quality, and are there guarantees on food safety?

Fifth, Madam President, I believe that we need, as part of this study, to look at whether or not strategic sourcing has enhanced, retarded, or had no impact on decisions by this Commonwealth to outsource certain functions of State government. Are we still going through the proper analysis, what we call "make by" analysis? Is it better for the service to be provided by the public sector or by the private sector? I think we need to weigh that as part of this analysis.

Sixth, Madam President, I would hope the LB&FC would look at the interplay of procurement policies as a result of strategic sourcing, and the advantages or disadvantages for other governments, particularly municipal governments, to participate in such programs.

Finally, Madam President, I am delighted that we have the support of the administration for this resolution, and would like to offer for the record a letter dated March 27, 2007, from the Honorable James P. Creedon, Secretary of the Department of General Services, which states, and I quote, "I write to express our support for Senate Resolution 41, which directs the Legislative Budget and Finance Committee to investigate the Department's Strategic Sourcing Initiative."

Thank you, Madam President.

(The following letter was made a part of the record at the request of the gentleman from Montgomery, Senator WONDERLING:)

COMMONWEALTH OF PENNSYLVANIA
Department of General Services
Harrisburg

March 27, 2007

Honorable Jeffrey E. Piccola Chairman State Government Committee Senate of PA 173 Capitol Building Harrisburg, PA 17120	Honorable Anthony H. Williams Minority Chairman State Government Committee Senate of PA 366 Capitol Building Harrisburg, PA 17120
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Dear Senators Piccola and Williams:

On behalf of the Department of General Services, I write to express our support for Senate Resolution 41, which directs the Legislative Budget and Finance Committee to investigate the Department's Strategic Sourcing Initiative. This initiative combined with other procurement reforms has already saved the taxpayers of the Commonwealth \$209 million. Our initiatives, including strategic sourcing, have grown increasingly successful since we began looking for significant cost-savings opportunities in 2003. Pennsylvania is now regarded as a leader among state governments because of our savings initiatives and we are proud of what the Rendell Administration has achieved for the taxpayers of the Commonwealth.

Our procurement reforms represent significant change in how the Commonwealth does business with its suppliers of goods and services. When strategic sourcing was introduced, it resulted in the disruption of many traditional supplier relationships. Strategic Sourcing generally reduced our costs by increasing the intensity of competition for our business. Many suppliers found it more difficult to compete as a result. The experience of Strategic Sourcing has been negative for suppliers who lost contracts just as it has been positive for those suppliers who won them.

The review outlined in SR 41 is a broad one. As such, we respectfully offer the following suggestions for how the Legislative Budget and Finance Committee might proceed with its task while keeping reasonable limits on the investment of time and effort and ensuring meaningful results:

- Consider the Strategic Sourcing initiative and the COSTARS program within the context of our overall procurement reforms. Both are part of a larger fabric of business initiatives that we will be pleased to outline for the committee in detail.
- Consider the savings that have been achieved from a "Total Cost of Ownership" perspective. Just as it will be important for the Committee to examine the net impact of contracts won and lost in terms of jobs created and eliminated, it will also be important to consider the net impact on the Commonwealth's total operational costs. The Strategic Sourcing process has enabled the Commonwealth to reduce or eliminate warehousing expenses; PO/ invoice processing expenses; and unnecessary utilization of Commonwealth employees to perform tasks that can be performed more efficiently by our suppliers. These savings are not necessarily reflected in purchase prices found on our contracts.

- Create an executive level steering committee to help guide the review. This committee should include myself and our Deputy Secretary for Procurement, Curt Topper.
- Spend time with our procurement staff. They can help the Committee understand our procurement process and culture. Understanding the Governor's directive to transform procurement from "how do we spend money" to "how do we save money" is key to understanding our reforms.

As the Committee's inquiry proceeds, we will endeavor to make staff and relevant data, documents and analyses available. However, we request the opportunity to work with the Committee to determine a reasonable scope and schedule for the effort.

We look forward to this review process. I firmly believe we need to complete this review so we can shift from debating cost savings to celebrating something that most taxpayers want—lower cost government.

I will not be able to attend your meeting tomorrow, however Deputy Secretary of Procurement Curt Topper will be representing the Department.

Sincerely,

JAMES P. CREEDON
Secretary

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

SENATE RESOLUTION No. 70, ADOPTED

Senator PILEGGI without objection, called up from page 4 of the Calendar, **Senate Resolution No. 70**, entitled:

A Resolution designating the week of April 22 through 28, 2007, as "Pennsylvania One Call System Week."

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

SENATE RESOLUTION No. 71, ADOPTED

Senator PILEGGI without objection, called up from page 5 of the Calendar, **Senate Resolution No. 71**, entitled:

A Resolution designating the week of April 23 through 30, 2007, as "Pennsylvania Small Business Development Centers' Entrepreneurs Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Regola.

Senator REGOLA. Madam President, I rise today to ask my colleagues to support Senate Resolution No. 71, which designates the week of April 23 through 30, 2007, as "Small Business Development Centers' Entrepreneurs Week" in Pennsylvania.

Small businesses are the heart of our communities. They provide specialized services and more jobs than our big businesses combined. In fact, our hardworking small business entrepreneurs

create two-thirds of all the new jobs generated each year in the United States.

Our small businesses are on the forefront of Pennsylvania's effort to compete in a global economy, and through the important efforts of our 18 university-based Small Business Development Centers, Pennsylvania has been an active partner supporting entrepreneurs in the effort to develop their dreams and establish their companies.

First established in 1980, Pennsylvania Small Business Development Centers, which are commonly referred to as SBDCs, provide entrepreneurs with the education, information, and tools necessary to build successful businesses. SBDCs have been extremely successful. They have helped in the start-up of more than 22,000 new businesses, creating more than 98,800 jobs, and generating more than \$738 million in new tax revenues.

Madam President, it is important that we thank our SBDCs at Bucknell University, Clarion University, Duquesne University, Gannon University, Indiana University, Kutztown University, Lehigh University, Lock Haven University, Penn State University, Saint Francis University, Saint Vincent College, Shippensburg University, Temple University, the University of Pittsburgh, the University of Scranton, the Wharton School, Widener University, and Wilkes University.

I ask my colleagues for an affirmative vote on this resolution. Thank you.

And the question recurring,

Will the Senate adopt the resolution?

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

SENATE RESOLUTION No. 79, ADOPTED

Senator PILEGGI without objection, called up from page 5 of the Calendar, **Senate Resolution No. 79**, entitled:

A Resolution designating April 22, 2007, as "Earth-Day—Pennsylvania."

On the question,

Will the Senate adopt the resolution?

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

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators BAKER, ERICKSON, RAFFERTY, PUNT, MUSTO, BOSCOLA, FERLO, LAVALLE, FUMO, STOUT, M. WHITE, WASHINGTON, TARTAGLIONE, FONTANA, LOGAN, STACK, DINNIMAN, PILEGGI, FOLMER, MELLOW, GREENLEAF, ORIE, ARMSTRONG, C. WILLIAMS, BROWNE, COSTA, EARLL, BRUBAKER, KASUNIC, WONDERLING, D. WHITE, RHOADES, O'PAKE, TOMLINSON and PIPPY, by unanimous consent, offered **Senate Resolution No. 88**, entitled:

A Resolution designating the week of April 22 through 28, 2007, as "Week of the Young Child" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

Senators RAFFERTY, STACK, PILEGGI, PICCOLA, BROWNE, FERLO, MADIGAN, MELLOW, O'PAKE, RHOADES, TOMLINSON, D. WHITE, FUMO, REGOLA, M. WHITE, GREENLEAF, DINNIMAN, WASHINGTON, GORDNER, BOSCOLA, WONDERLING, CORMAN, KITCHEN, TARTAGLIONE, COSTA, KASUNIC, MUSTO, ARMSTRONG, STOUT, ERICKSON, LAVALLE, PUNT, PIPPY, FONTANA, BRUBAKER, FOLMER, WAUGH, SCARNATI, BAKER and C. WILLIAMS, by unanimous consent, offered **Senate Resolution No. 89**, entitled:

A Resolution recognizing the week of May 13 through 19, 2007, as "National Police Week" and May 7, 2007, as "Police Officers' Memorial Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator RAFFERTY. Madam President, it is indeed an honor and a pleasure to once again present to the Senate of Pennsylvania for its consideration a resolution memorializing May 13 through 19, 2007, as "National Police Week" throughout this Commonwealth, and May 7, 2007, as "Police Officers Memorial Day."

I am working once again with my friend and colleague, Senator Stack, on this resolution. Madam President, it is a chance for us in the Commonwealth to thank those men and women who serve us in the law enforcement community. Whether at the Federal level, the State level, the county level, or the local level, they, day in and day out, are ordinary individuals performing extraordinary tasks. Day in and day out, they do not know if a routine traffic stop, or the service of a warrant, may lead to harm, injury, or for paying the ultimate sacrifice. We, in the Commonwealth of Pennsylvania, since records have been kept, have lost 699 police officers in the performance of their duties, 699. It is a staggering number, Madam President.

It behooves us, not only as the Senate of Pennsylvania, but all the residents of the Commonwealth, to take the time to thank the men and women who serve us in the law enforcement community. We only have recent news to remind us, where we lost a Federal agent in the State of New Jersey just a few days ago, that it can happen at any time, anywhere. We thank them for their service, and we honor those men and women who have given their lives in the performance of their duties to keep us safe and to keep us free in the Commonwealth of Pennsylvania.

I ask my colleagues for a unanimous vote. Thank you, Madam President.

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

Senator STACK. Madam President, once again I would like to thank Senator Rafferty for introducing this resolution honoring our Pennsylvania police officers, and I am pleased to join him once again.

As we honor May 13 through 19, 2007, as "National Police Week" in Pennsylvania, I hope we can all take the time, as Sena-

tor Rafferty said, to appreciate the valiant efforts of the men and women who risk their lives every day to make our communities safe. Whenever we have a problem or whenever we feel threatened, we can count on our police officers to be there to protect and serve us. They do a fine job, and they deserve our gratitude. It is also important to honor those police officers who made the ultimate sacrifice in the line of duty by marking May 7, 2007, as "Police Officers' Memorial Day" in Pennsylvania.

According to the Fraternal Order of Police, three officers were killed in the line of duty last year in Pennsylvania. We remember Officer Scott Wertz of the Reading Police Department, who was killed on August 6, 2006. We remember Officer David Petzold, Upper Saucon Township Police Department, who was killed on November 9, 2006. We remember Officer Gary Skerski of the Philadelphia Police Department, who was killed on May 8, 2006.

Officer Skerski patrolled the streets of my district, and he served as the 15th Police District Community Relations Officer. He and I attended many community meetings together. He worked tirelessly to be a reliable and dependable connection between the police department and the community. He was a loyal policeman, a good man, and a loving husband and father.

Officer Skerski was killed while responding to a robbery at a local bar. His murder stunned the city of Philadelphia, especially in the communities in his precinct, and his own Port Richmond neighborhood. One year later, Gary Skerski's name still lives on in the hearts of the 15th Police District and in the neighborhood of Port Richmond. Residents have rallied around his family and his fellow officers to ensure that Officer Skerski will never be forgotten.

As we honor National Police Week and the Police Officers' Memorial Day, let us continue to provide support for our local police departments. Let us ensure that they are well-protected and have the resources they need to keep our streets safe. Let us commemorate those who have made the ultimate sacrifice, and keep them and their loved ones in our thoughts and prayers.

Thank you, Madam President.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators WOZNIAK, BOSCOLA, FERLO, KASUNIC, FONTANA, LOGAN, COSTA, TARTAGLIONE, ERICKSON, WASHINGTON, ORIE, DINNIMAN, RAFFERTY, C. WILLIAMS, O'PAKE, D. WHITE, PIPPY, PILEGGI, FUMO, GREENLEAF, ARMSTRONG, BROWNE and EARLL, by unanimous consent, offered **Senate Resolution No. 90**, entitled:

A Resolution designating the week of May 1 through 7, 2007, as "Charcot-Marie-Tooth Association Awareness Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator WOZNIAK. Charcot-Marie-Tooth is a neurological disease that affects mostly the legs and arms, and there is research going on in the Greater Johnstown Area on this disease, along with cerebral palsy and other forms of muscular degeneration. People are becoming more aware of this disease, and we are trying to make sure people who have those symptoms are diagnosed properly. Hopefully, someday, like any other disease out there, we can find a cure.

Thank you, Madam President.

And the question recurring,

Will the Senate adopt the resolution?

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

DISCHARGE PETITIONS

The PRESIDENT laid before the Senate the following communications, which were read by the Clerk as follows:

April 18, 2007

A PETITION

To place before the Senate the nomination of D. Joanne Reckley as a member of the Board of Trustees of Hamburg Center.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of D. Joanne Reckley, Temple, Pennsylvania, as a member of the Board of Trustees of Hamburg Center, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert D. Robbins
Joseph B. Scarnati III
Dominic F. Pileggi
Jane C. Orie
Michael L. Waugh

April 18, 2007

A PETITION

To place before the Senate the nomination of Susan M. Dillon as a member of the Pennsylvania Public Television Network Commission.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Susan M. Dillon, Donora, Pennsylvania, as a member of the Pennsylvania Public Television Network, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert D. Robbins
Joseph B. Scarnati III
Dominic F. Pileggi
Jane C. Orie
Michael L. Waugh

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Ed Ressler by Senator Armstrong.

Congratulations of the Senate were extended to Ruth Smith and to the Wyoming Seminary Field Hockey Team by Senator Baker.

Congratulations of the Senate were extended to the Whitehall Historical Preservation Society by Senator Boscola.

Congratulations of the Senate were extended to Taylor Jonathan Hughes, Gareth Maurice Chase, Xinjie Liao, James Brian Rajskey, William P. Hogan III, Alex R. Rosen, Michael Civitella Baker, Nicholas Andrew Marze, Laura Dietrich, Shelby Lynn Paven, Danielle Marie DaSilva, Nathalie Marrian Trepagnier, Marlene Yandrisevits, Brooke Sampson, Amy Lynn Ziegler, Samantha Lynn Shaffer, Elizabeth Wagner, Kaitlin Ann Tomecek, Lindsay Seccombe Cox, Fatema Murtaza Kermalli, Caitlin Sarah Roe, Ethan William Schwarzbach, Shannon Renee Kerns, Jennifer Lund and to Emily Stewart Whalen by Senators Boscola, Browne and Wonderling.

Congratulations of the Senate were extended to Mr. and Mrs. J. Ronald Snyder and to Gregory Neal by Senator Corman.

Congratulations of the Senate were extended to the Spigno Saturnia Italo-American Society of Pittsburgh by Senators Costa and Ferlo.

Congratulations of the Senate were extended to George Richard Flaugh by Senators Costa and Logan.

Congratulations of the Senate were extended to Matthew Christopher Souser by Senator Dinniman.

Congratulations of the Senate were extended to Diane L. Masi and to Wesley Gould by Senator Earll.

Congratulations of the Senate were extended to Seth Crist by Senator Eichelberger.

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

Congratulations of the Senate were extended to Justin Meinert by Senator Ferlo.

Congratulations of the Senate were extended to John L. Worriow and to Ryan DiNunzio by Senator Folmer.

Congratulations of the Senate were extended to Southern Columbia Area High School Football Team of Catawissa by Senator Gordner.

Congratulations of the Senate were extended to Martin Moran by Senator Greenleaf.

Congratulations of the Senate were extended to Walter Brennan and to Donna H. Jones by Senator Kitchen.

Congratulations of the Senate were extended to Bruce W. Streytle and to Jeffrey S. Schoeneweis by Senator LaValle.

Congratulations of the Senate were extended to Edward Kuniak by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. E. Donald Christian, Mr. and Mrs. Thomas Leslie Couch, Mr. and Mrs. Elmer Slocum, Mr. and Mrs. Walter C. Wentz, Peter A. Keiser and to Robert W. Keiser by Senator Madigan.

Congratulations of the Senate were extended to Justin McAninley and to Soroptimist International of Indian Rock, Inc., by Senator McIlhinney.

Congratulations of the Senate were extended to Michael W. Moore, John P. Mesko, Henry Belin IV, John Hennemuth and to Jerry Klein by Senator Mellow.

Congratulations of the Senate were extended to David Scott Massa, Jeannette DeAngelo and the cast of the Reading High School musical and to Goodwill Fire Company #1 Hyde Park by Senator O'Pake.

Congratulations of the Senate were extended to Rob Waltko, Joe Waltko, David Cawley, Matt Humenik and to Christopher Dering by Senator Orie.

Congratulations of the Senate were extended to Timothy Moran by Senators Orie and others.

Congratulations of the Senate were extended to Allison Kolankiewicz, Emily Mae Leathers, Jessica Lynn Straughn, James Robert Keen, Devin Lin Redding, Marilyn Wellnitz, Ashley Elizabeth Leathers, Sarah May Brower, Lauren E. Bachman, Elizabeth H. King, Anne Marie Hawkins and to Susanne Elizabeth Address by Senator Pileggi.

Congratulations of the Senate were extended to Sarah Louise Kelso Bane by Senator Pippy.

Congratulations of the Senate were extended to Schuylkill County Drug and Alcohol, Dale Carnegie Youth Advantage Program of Pottsville, by Senator Rhoades.

Congratulations of the Senate were extended to Michael P. Hassett, Melinda Ann Chason, Sister Clare Marie Beichner, S.S.J., David Walter Killmeyer, Ethel Robinson, Brooklyn Taylor, Brent I. Ruttenberg, Betty Kyle, Stony Point Grange No. 1694, White Chapel United Methodist Church of New Wilmington and to District One of the Business and Professional Women's Club of Pennsylvania by Senator Robbins.

Congratulations of the Senate were extended to Andrew D. Markowitz by Senator Tartaglione.

Congratulations of the Senate were extended to Theodore C. Hughes by Senators Tartaglione and Stack.

Congratulations of the Senate were extended to Dillman Sallada, Elizabeth Sallada, Robert P. Brad, Jr., and to Sagar Vegesna by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Shreve, Mr. and Mrs. Jim Conroy, Mr. and Mrs. Charles Burnheimer, George Blackburn, Audrey J. Logar, Stephen Hall, Cory A. Wells, Cumberland Valley High School Varsity Cheerleading Squad, Cumberland Valley Youth Cheerleading Association Junior Red Squad, Cumberland Valley Youth Cheerleading Association Pee Wee Red Team and to Mechanicsburg Area Senior High School Memory Team by Senator Vance.

Congratulations of the Senate were extended to Mr. and Mrs. Homer Schrecengost and to Derek Alan Johnson by Senator D. White.

Congratulations of the Senate were extended to Jeffrey D. Dovalovsky by Senator C. Williams.

Congratulations of the Senate were extended to Reverend Byron L. Craig by Senators C. Williams and Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. William Kately and to Mr. and Mrs. Richard DeRenzi by Senator Wonderling.

Congratulations of the Senate were extended to Emmaus High School Girls' Varsity Swimming and Diving Team and to Emmaus High School Boys' Varsity Swimming and Diving Team by Senators Wonderling and Browne.

Congratulations of the Senate were extended to Conemaugh Valley Elementary School Cheerleading Squad and to Richland High School Varsity Cheerleading Squad by Senator Wozniak.

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 Vance L. Dorsey by Senator Stout.

POSTHUMOUS CITATIONS

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

Posthumous citations honoring the late Eric Casiano and the late Ray Rubio were extended to the families by Senator Tartaglione.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 54, SB 635, SB 636, SB 659, and SB 709.

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

PETITIONS AND REMONSTRANCES

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

Senator RAFFERTY. Madam President, just briefly, I want to thank the Senate for voting on the resolution honoring Earth Day in the Commonwealth of Pennsylvania. It is a day for all of us as stewards of our environment to use the time to reflect on what we can do, each individual, to take the step to protect and preserve our beautiful environment here in the Commonwealth of Pennsylvania. I anticipate us going forward with an agenda here in the Senate of Pennsylvania, and our colleagues in the House, to make sure that we begin to move forward environmental issues of importance to the people of the Commonwealth of Pennsylvania.

I thank the members of the Senate. Thank you, Madam President.

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

Senator HUGHES. Madam President, as I have on occasion in the past taken this time, a few moments at the end of a number of Session days during this period of Petitions and Remonstrances, to raise up the stories of those individuals who have lost

their lives as a result of the tragedy and devastation of gun violence. I am back again on this day, Madam President, and I guess maybe it makes it more pointed, given the environment that we operate in at this time as we mourn the lives and losses of our brothers and sisters of the great university of Virginia Tech.

To raise up another story that if I could only have had printed out a photograph to be distributed to all the Members to see the lovely face of this young child of 5 years old, to read briefly the story of Casha'e Rivers, who was 5 when she was gunned down. The story appears on the Philly.com Web site and is part of an extended and ongoing series appearing in the Philadelphia Inquirer.

Madam President, if I may just read briefly the story of Casha'e Rivers, who was 5 years old, 5 years old, and I read from the story. *(Reading:)*

In her coffin, Casha'e Rivers is a sleeping angel in a party dress-- **and I so wish you could see her picture.**

Her fingers, nails perfectly painted, hold a pink corduroy purse decorated with a ballerina. A dollar bill, a shiny quarter, and a transit pass are tucked inside because the kindergartner loved buses and subways, and everyone says she was so generous that if Casha'e had a dollar - and you asked - she would give you at least 25 cents.

Casha'e was killed Sunday morning, September 24, in Strawberry Mansion when, according to police, a convicted drug felon fired into the car her mother was driving because he thought it was tailing him. One bullet entered--**let me repeat, Madam President**--one bullet entered her heart as she sat in the back next to her year-old brother.

Her mother, Alisha Corley, talked fast and furious that night, as if the telling might keep her sane.....

The article quotes the mother: "I didn't know at first I'm speeding off to get away from the gunshots...the other kids said hey she's bleeding, they just started screaming, OK, OK, calm down, I'm still going, didn't stop or nothing, no streets, no stop signs, rear-ended a car, and I am haul-assing some more...then I'm at the fire station, 'My daughter was shot'!" **Five years old.**

In a dangerous world, Casha'e Rivers blossomed. The little girl was so smart, says Corley, that "I didn't have to potty-train her. At two she said, 'Mom, I want some panties,' and that was it." School, which she attended for a week before she died, delighted her.--**School, which she attended for a week, and every time you read it it becomes more disconcerting; school, which she attended for a week before she died, delighted her.**

The only thing that seemed to scare 5-year-old Casha'e - born to a teen mother and raised in North Philadelphia while her father served time on a drug charge - the only thing that seemed to scare Casha'e was seeing a walking, talking Mickey Mouse at Disney World last year.

At her funeral, Charles A. Rivers, Jr., was granted a furlough to attend his daughter's funeral, remembers the way Casha'e would say good-bye every time she visited him in prison.

"She always had to be the last one to hug me," he says. "It was like she was sending me back in with her protection."

Casha'e Rivers, 5 years old. I only wish you could see her photograph. In fact, you can, Philly.com., go to the series and there is a picture of little Casha'e at 5, gunned down sitting in the back of the car.

Madam President, we have to do better. We have to do better.

The PRESIDENT. Thank you, Senator Hughes.

May I please ask our Senators and staff and all of our guests to stand for a moment of silence for Casha'e Rivers, 5 years old, and for all of our Virginia Tech University students and professors who lost their lives this week. Also, for a moment of prayer for the injured because of the violence in Pennsylvania and at Virginia Tech University.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect in memory of CASHA'E RIVERS and VIRGINIA TECH UNIVERSITY PROFESSORS AND STUDENTS.)

RECESS

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

Senator PILEGGI. Madam President, I move that the Senate do now recess until Monday, April 23, 2007, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 12:03 p.m., Eastern Daylight Saving Time.