

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, JANUARY 21, 1998

SESSION OF 1998

182ND OF THE GENERAL ASSEMBLY

No. 3

SENATE

WEDNESDAY, January 21, 1998

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

The PRESIDENT (Lieutenant Governor Mark S. Schweiker) in the Chair.

PRAYER

The Chaplain, Reverend JAMES D. BROWN, of Market Square Presbyterian Church, Harrisburg, offered the following prayer:

Let us pray.

Almighty and all-loving God, we bow before You in humility, mindful that You have created all that is, that this is Your world and we are Your people. We are thankful for our life together, for our common tasks, and for the privileges and challenges of leadership. As we begin the work of this Session of the Senate, help us to be aware that Your hand guides the course of human history, that Your care for creation is so all-encompassing that not even a tiny sparrow falls to the ground apart from You.

Guide our thoughts and words and actions this day that we might discern Your presence and Your will in the minutiae of our feverish business. Guard us against pettiness and self-centeredness that can blind us to the good in all Your children created in Your image. Lift our sights to Your larger purposes as we deal with issues affecting the whole of our society, and give us special insight and compassion for our brothers and sisters who live on the margins, struggling to survive day by day.

O God, during a week when we are remembering and celebrating the legacy of the Reverend Dr. Martin Luther King, Jr., imprint in our hearts a passion like his for the things that really matter. Give us the courage to cry with the prophets of old. Let justice roll down like waters and righteousness like an ever-flowing stream. We offer these prayers in the confidence that You hear us, that Your spirit is present in the midst of us as we begin our work. Bless us this day, we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Brown, who is the guest today of Senator Piccola.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of January 20, 1998.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with and the Journal was approved.

COMMUNICATION FROM THE GOVERNOR

CORRECTION TO NOMINATION
LAID ON THE TABLE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and laid on the table:

DISTRICT JUSTICE

January 21, 1998

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

Please note the nomination dated January 6, 1998 for the appointment of Deborah M. Truscello, 830 West Springfield Road, Springfield 19064, Delaware County, Ninth Senatorial District, as District Justice, in and for the County of Delaware, Magisterial District 32-2-41, to serve until the first Monday of January 2000, vice Anthony Truscello, resigned, should be corrected to read:

Deborah M. Truscello-McHugh, Esquire, 1741 Elmwood Avenue, Folcroft 19032, Delaware County, Twenty-sixth Senatorial District, as District Justice, in and for the County of Delaware, Magisterial District 32-2-41, to serve until the first Monday of January 2000, vice Anthony Truscello, resigned.

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 492 and 640, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, these bills will be referred to the Committee on Rules and Executive Nominations.

**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

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

Weekly adjournment.

BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

January 21, 1998

Senator HART presented to the Chair **SB 1238**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Bailey Engineers, Inc., a tract of land situate in the Township of Cecil, Washington County, Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, January 21, 1998.

Senators MOWERY, JUBELIRER, LOEPER, RHOADES, CONTI, O'PAKE, TOMLINSON, SCHWARTZ and LEMMOND presented to the Chair **SB 1240**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for unlawful actions by athlete agents.

Which was committed to the Committee on JUDICIARY, January 21, 1998.

Senator CORMAN presented to the Chair **SB 1241**, entitled:
An Act regulating travel agent contract procedures.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 21, 1998.

Senators SALVATORE, SLOCUM, COSTA, THOMPSON, AFFLERBACH, TOMLINSON, DELP, MADIGAN, KASUNIC, MOWERY, PICCOLA, BRIGHTBILL, MURPHY, WENGER, LEMMOND, GREENLEAF, SCHWARTZ, HART and LOEPER presented to the Chair **SB 1242**, entitled:

An Act requiring disclosure of new motor vehicle damage; and providing for enforcement.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 21, 1998.

Senator ARMSTRONG presented to the Chair **SB 1243**, entitled:

An Act amending the act of June 24, 1968 (P.L.237, No.111), entitled Policemen and Firemen Collective Bargaining Act, providing for appeals and scope of judicial review.

Which was committed to the Committee on LABOR AND INDUSTRY, January 21, 1998.

Senator ARMSTRONG presented to the Chair **SB 1244**, entitled:

An Act amending the act of December 29, 1972 (P.L.1701, No.364), entitled Health Maintenance Organization Act, prohibiting health maintenance organizations from requiring referrals from primary care physicians for women before visiting an obstetrician-gynecologist.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 21, 1998.

Senator ARMSTRONG presented to the Chair **SB 1245**, entitled:

An Act providing for advertisement for bids on public contracts on the Internet.

Which was committed to the Committee on STATE GOVERNMENT, January 21, 1998.

Senator ARMSTRONG presented to the Chair **SB 1246**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, further providing for the compulsory school age.

Which was committed to the Committee on EDUCATION, January 21, 1998.

Senator ARMSTRONG presented to the Chair **SB 1247**, entitled:

An Act amending the act of May 2, 1929 (P.L.1518, No.452), entitled, as reenacted and amended, Elevator Regulation Law, providing for technical standards; further providing for regulations and fees; increasing penalties; and providing for accident reporting requirements.

Which was committed to the Committee on LABOR AND INDUSTRY, January 21, 1998.

Senators MADIGAN, MUSTO, JUBELIRER, HELFRICK, WAGNER, WENGER, ROBBINS, SLOCUM, STOUT, DELP, HART, SALVATORE, WOZNIAC, STAPLETON, KASUNIC, O'PAKE, CORMAN, BRIGHTBILL and WHITE presented to the Chair **SB 1248**, entitled:

An Act amending the act of December 13, 1982 (P.L.1127, No.257), entitled Commonwealth Agency Adjudicatory Expenses Award Law, further defining "adversary adjudication" and "fees and expenses"; and further providing for award of fees and expenses in certain agency actions.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 21, 1998.

Senators MADIGAN, MUSTO, JUBELIRER, HELFRICK, WAGNER, WENGER, ROBBINS, SLOCUM, STOUT, DELP, HART, SALVATORE, WOZNIAC, RHOADES, THOMPSON, STAPLETON, KASUNIC, O'PAKE, CORMAN, BRIGHTBILL and WHITE presented to the Chair **SB 1249**, entitled:

An Act amending the act of June 25, 1982 (P.L.633, No.181), entitled, as reenacted, Regulatory Review Act, further providing for final-form regulations and final-omitted regulations and the procedures and criteria for their review.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 21, 1998.

Senators MADIGAN, MUSTO, JUBELIRER, HELFRICK, WAGNER, WENGER, ROBBINS, SLOCUM, STOUT, DELP, HART, SALVATORE, WOZNIAK, RHOADES, THOMPSON, STAPLETON, KASUNIC, O'PAKE, CORMAN, BRIGHTBILL and WHITE presented to the Chair **SB 1250**, entitled:

An Act amending the act of July 31, 1968 (PL.769, No.240), entitled Commonwealth Documents Law, further providing for notice of proposed rulemaking; and providing for restrictions in rulemaking where Federal regulations exist.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 21, 1998.

Senators MELLOW, FUMO, BODACK, STOUT, O'PAKE, MUSTO, STAPLETON, COSTA, LAVALLE, BELAN, AFFLERBACH, KASUNIC, SCHWARTZ, KUKOVICH, TARTAGLIONE, BRIGHTBILL, HELFRICK, LEMMOND, PUNT, RHOADES, HART and SLOCUM presented to the Chair **SB 1251**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for duties of agents.

Which was committed to the Committee on TRANSPORTATION, January 21, 1998.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request temporary Capitol leaves for today's Session on behalf of Senator Delp and Senator Tomlinson, and legislative leaves on behalf of Senator Armstrong, Senator Helfrick, and Senator Salvatore.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Delp and Senator Tomlinson, and legislative leaves for Senator Armstrong, Senator Helfrick, and Senator Salvatore. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request legislative leaves for Senator Afflerbach, Senator Belan, and Senator Stapleton.

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Afflerbach, Senator Belan, and Senator Stapleton. Without objection, those leaves are granted.

LEAVE OF ABSENCE

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

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

BILL OVER IN ORDER

SB 635 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 425 (Pr. No. 1523) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 5 (Athletics and Sports) of the Pennsylvania Consolidated Statutes, providing for the registration of athletic agents; and imposing a penalty.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 425?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 425.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, last February 13, almost a year ago, I introduced Senate Bill No. 425, 10 months before a Houston-based professional sports agent, Jeff Nalley, purchased a \$407 suit for All-American Penn State University tailback Curtis Enis. When the Senate Committee on State Government reported Senate Bill No. 425 to the floor last April 29, 8 months would pass before the December 6 incident which cost Enis his amateur status only days before Penn State met Florida at the Citrus Bowl.

Mr. President, the last time the Senate of Pennsylvania considered the merits of having athletic agents register with the Pennsylvania Athletic Commission was October 20 of last year, a month and a half before the event which again propelled Curtis Enis into the sort of unintended publicity that had his name on the front page of virtually every daily sports section in the Commonwealth. Since the Nalley-Enis incident, Mr. President, and more specifically the deluge of media coverage from that event, a number of my colleagues here in the legislature have been questioning what role government should have in the protection of Pennsylvania's young athletes from unscrupulous sports agents.

Mr. President, as we prepare to vote upon Senate Bill No. 425, let us as a deliberate body in this legislature pass this legislation, which has been a reasoned, collaborative effort with the Pennsylvania Department of State, the Pennsylvania

State Athletic Commission, and representatives from institutions of higher education in the Commonwealth.

As I said last year, Mr. President, the State Athletic Commission receives about 200 calls each year from young athletes, parents, and coaches to either lodge complaints about the activities of athletic agents or to inquire about an agent's qualifications. Senate Bill No. 425 will for the first time give the State Athletic Commission the authority to register athletic agents, include background checks, and require agents to be bonded, without increasing the size of State government and working within the system as it currently exists.

In addition, Mr. President, the State Athletic Commission will be authorized, after a hearing, to suspend an agent from doing business in the Commonwealth and impose fines. More importantly to note, Senate Bill No. 425 will allow the Athletic Commission to recover bond proceeds from agents who make an offer or enter into an agreement with a student athlete before that athlete's eligibility for college athletics expires, the same scenario which cost Curtis Enis his amateur status at Penn State University.

Mr. President, I would like to offer some words of acknowledgment and thanks to those whose efforts helped to make Senate Bill No. 425 such a solid, reasonable proposal. I thank Mr. Greg Sirb, the executive director of the Pennsylvania State Athletic Commission, as well as David Williams, legislative liaison for the Department of State. I also appreciate the role that Secretary of the Commonwealth Yvette Kane played, as well as her support for this legislation. Finally, I want to thank Temple University, which played a vital role in the process and helped to make this an even stronger piece of legislation before the Nalley-Enis incident occurred.

Mr. President, I now ask for an affirmative vote on Senate Bill No. 425. As a former high school wrestling coach who worked with young athletes, I thank my colleagues for their past support of this well-reasoned proposal and I ask for a positive vote today.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

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

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

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

The PRESIDENT pro tempore. Mr. President, I want to congratulate Senator Robbins for bringing forth this legislation and shepherding it through the House and Senate. And to him and to others like Representative Colafella in the House who have taken an interest in this far before the scandal that has taken a great deal of certainly my time, they were very wise to bring this issue to fruition.

Mr. President, this bill has taken on a great deal of significance and urgency since the Senate first voted on it in October. I can tell you that the public is outraged at the actions of agent

Jeff Nalley, who quickly became the poster boy for everything that is wrong in sports. The brazen, illegal conduct and the tangled web of lies woven to cover illegalities are thoroughly offensive to everyone in our great State. It is instructive that a number of Mr. Nalley's peers are equally outraged at his conduct. I have received a great many calls and letters from people all over the country, including a very ethical agent from Los Angeles, who want Nalley punished and want to try to clean up this area of illegality but who also want to see Pennsylvania adopt the precautions and protections other States have in place.

The hope is that the district attorneys of the counties where these events unfolded will indeed prosecute under the existing criminal statute, but to protect student athletes and college athletics, we need to do more. We do need to screen these agents upfront to prevent the bad actors from doing business in this State, as does the National Football League Players Association on a national level. The State Athletic Commission has advised us that the registration system will be up and running within 60 days. By shining the spotlight on the system, we can discourage some of the illegal activity out there and give recourse against those who insist on cheating as the only way to make a living.

Curtis Enis, a pretty fine young man, because I had a chance to meet him, is someone who unfortunately listened to an agent who led him wrong. Curtis Enis and the great university of Penn State have paid a high price, as do other athletes in institutions when agents break the rules. Mr. President, we must try to prevent other student athletes from making the same mistake and prevent Pennsylvania colleges and universities from being victimized by the unscrupulous bottom feeders who operate with arrogance and absolute total disregard for rules or consequences.

Approving this measure, Mr. President, and having it signed into law are indeed important steps forward and co-exist with the law that we have already passed that is on the criminal statute books. I think that Pennsylvania will stand very, very much in front on this issue and send a message to those unscrupulous people that Pennsylvania is not going to tolerate this kind of conduct anymore.

Thank you, Mr. President.

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

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

YEA-49

Afflerbach	Greenleaf	Mellow	Tartaglione
Armstrong	Hart	Mowery	Thompson
Belan	Helfrick	Murphy	Tilghman
Bell	Holl	Musto	Tomlinson
Bodack	Hughes	O'Pake	Uliana
Brightbill	Jubelirer	Piccola	Wagner
Conti	Kasunic	Punt	Wenger
Corman	Kitchen	Rhoades	White
Costa	Kukovich	Robbins	Williams
Delp	LaValle	Salvatore	Wozniak
Earll	Lemmond	Schwartz	

Fumo Loeper Slocum
Gerlach Madigan Stapleton

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 inform the House of Representatives accordingly.

THIRD CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 595 and HB 1048 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS OVER IN ORDER

HB 80, SB 157 and SB 212 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

SB 308 (Pr. No. 301) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the operation of clubs and businesses patronized primarily for the purpose of engaging in sexual activity.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

BILLS OVER IN ORDER

SB 529, HB 961, SB 962, SB 1164, SB 1175, HB 1272 and HB 1760 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1763 (Pr. No. 2226) -- The Senate proceeded to consideration of the bill, entitled:

An Act repealing certain parts of acts as being supplemented or superseded by other acts or otherwise obsolete.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

Afflerbach	Greenleaf	Mellow	Tartaglione
Armstrong	Hart	Mowery	Thompson
Belan	Helfrick	Murphy	Tilghman
Bell	Holl	Musto	Tomlinson
Bodack	Hughes	O'Pake	Uliana

Brightbill	Jubelirer	Piccola	Wagner
Conti	Kasunic	Punt	Wenger
Corman	Kitchen	Rhoades	White
Costa	Kukovich	Robbins	Williams
Delp	LaValle	Salvatore	Wozniak
Earl	Lemmond	Schwartz	
Fumo	Loeper	Slocum	
Gerlach	Madigan	Stapleton	

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

HB 1764 and HB 1765 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 5 and SB 1013 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS OVER IN ORDER

HB 109 and SB 1202 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 1304 (Pr. No. 2578) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for disposition of remains of a deceased party.

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

SENATE RESOLUTION No. 111, ADOPTED

Senator LOEPER, without objection, called up from page 5 of the Calendar, **Senate Resolution No. 111**, entitled:

A Resolution declaring the week of January 25 through 31, 1998, as "Catholic Schools Week" in this Commonwealth.

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

REPORT FROM COMMITTEE

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

SB 1239 (Pr. No. 1580) (Amended)

An Act amending the act of August 6, 1941 (P.L.861, No.323), entitled, as amended, Pennsylvania Board of Probation and Parole Law, further providing for supervision of persons paroled or on probation in other states; providing for proceedings subsequent to parole; and imposing a penalty.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator LOEPER,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I ask unanimous consent to call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

July 21, 1997

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Helen A. Comstock, 2 Independence Place, Philadelphia 19106, Philadelphia County, First Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1999 and until her successor is appointed and qualified, vice Charles Adams, Edwardsville, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES OF HARRISBURG STATE HOSPITAL

November 24, 1997

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Larry D. Crummel, 3505 Centerfield Road, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice Arthur S. Foreman, Harrisburg, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES OF LAURELTON CENTER

October 20, 1997

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Elizabeth Mertz, R. R. 2, Box 514B, Northumberland 17857, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified, vice Evelyn C. Marboe, State College, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF NURSING

November 10, 1997

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Janet H. Shields, 107 Coventry Court, Palmyra 17078, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Alice J. Johnston, Coraopolis, whose term expired.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

January 6, 1998

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Deborah M. Truscello-McHugh, Esquire, 1741 Elmwood Avenue, Folcroft 19032, Delaware County, Twenty-sixth Senatorial District, for appointment as District Justice, in and for the County of Delaware, Magisterial District 32-2-41, to serve until the first Monday of January 2000, vice Anthony Truscello, resigned.

THOMAS J. RIDGE
Governor

On the question,

Will the Senate advise and consent to the nominations?

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

YEA-49

Afflerbach	Greenleaf	Mellow	Tartaglione
Armstrong	Hart	Mowery	Thompson
Belan	Helfrick	Murphy	Tilghman
Bell	Holl	Musto	Tomlinson
Bodack	Hughes	O'Pake	Uliana
Brightbill	Jubelirer	Piccola	Wagner
Conti	Kasunic	Punt	Wenger
Corman	Kitchen	Rhoades	White
Costa	Kukovich	Robbins	Williams
Delp	LaValle	Salvatore	Wozniak
Earll	Lemmond	Schwartz	
Fumo	Loeper	Slocum	
Gerlach	Madigan	Stapleton	

NAY-0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

UNFINISHED BUSINESS CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Diane D. Donaher, Richard Knoedler, Jacqueline Lilley, David Lloyd and to Joseph Riedy by Senators Afflerbach and Uliana.

Congratulations of the Senate were extended to Reverend and Mrs. David Allen, Mr. and Mrs. Jesse Epps, Mr. and Mrs. Ed Gochenauer, Mr. and Mrs. Leroy Lefever, Mr. and Mrs. William Patterson, Mr. and Mrs. Robert Shoemaker and to Mr. and Mrs. Jack Tracy by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Victor Martinelli, Mr. and Mrs. Vincent Paesano, Mr. and Mrs. William G. Smith and to Mr. and Mrs. John A. Steinbaugh by Senator Bodack.

Congratulations of the Senate were extended to Franklin D. Kerver and to Patrick Michael McCurdy by Senator Holl.

Congratulations of the Senate were extended to Marshall Fiore and to John Lattanzi by Senator Murphy.

Congratulations of the Senate were extended to Nikiki Blake by Senator Musto.

Congratulations of the Senate were extended to the Sharpsville High School Football Team by Senator Robbins.

Congratulations of the Senate were extended to Richard Deutsch and to Joseph V. Schneider by Senators Robbins and Slocum.

Congratulations of the Senate were extended to Bob C. Reutter by Senator Salvatore.

Congratulations of the Senate were extended to Dean A. Johnson and to John Salvatore Pascuzzi by Senator Slocum.

Congratulations of the Senate were extended to Mr. and Mrs. Harry E. Rorabaugh by Senator Stapleton.

Congratulations of the Senate were extended to John Brian Smith by Senator Thompson.

Congratulations of the Senate were extended to John G. Moser by Senator Tomlinson.

Congratulations of the Senate were extended to Jack Hornafius, Jr., by Senator Wenger.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Donald B. Stabler by Senator Piccola.

BILL ON FIRST CONSIDERATION

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

The motion was agreed to.

The bill was as follows:

SB 1239.

And said bill 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 Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, I understand from today's news reports that the Governor will be including a \$7 million crime prevention package in his budget proposal for the upcoming year. While I am happy to hear about the Governor's plans, with all due respect, is it not too little and too late?

In 1996, the last year for which complete figures were available from the State, 382,984 murders, rapes, robberies, assaults, burglaries, and thefts were committed in Pennsylvania. Far more than that many Pennsylvanians felt the effects of those crimes. For 3 years I and other Senate Democrats have been trying to persuade the Governor and anyone who cared that we must do more to prevent violent crime in the first place, rather than spend \$1 billion a year to house criminals after they have shattered an innocent victim's life.

If you look at the record you will find that not only have we talked about this issue on the floor of the Senate many times in the last 3 years, we have introduced a package of crime prevention bills which are gathering dust in committee in this Chamber, which is controlled by the Governor's own political party. Our proposals include Senate Bill No. 993, introduced on May 10, 1995, and reintroduced as Senate Bill No. 907 on April 15, 1997, to provide financial aid to communities to hire 1,000 new police officers. Our proposals include Senate Bill No. 992, introduced on May 10, 1995, and reintroduced as Senate Bill No. 913 on April 15, 1997, to make drug forfeiture funds available to community groups that work in the neighborhoods and with the youngsters most vulnerable to crime, and Senate Bill No. 991, introduced on May 10, 1995, and reintroduced as Senate Bill No. 911 on April 15, 1997, to provide tax credits to businesses that hire at-risk youth. Had our legislation been enacted, perhaps we would not have to spend a billion dollars a year just to house criminals in this State's penitentiaries. Had our legislation been enacted, perhaps Pennsylvania's crime rate would not have gone up last year at the same time it was going down in New York, Ohio, Michigan, Texas, and Wisconsin.

Mr. President, it is one thing to say you are tough on crime, but to the crime victim and to the taxpayer in Pennsylvania, effective crime prevention is the answer. Let us see how the Governor proposes to spend \$7 million. The State surplus will be several hundred million dollars. But we are glad the

Governor is finally agreeing with the Democratic crime prevention idea. Let us continue working together. No political party has a monopoly on good ideas.

Thank you, Mr. President.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Schweiker) in the presence of the Senate signed the following bill:

SB 425.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED AND LAID ON THE TABLE

Senator MADIGAN submitted the Report of Committee of Conference on **HB 1476**, which was laid on the table.

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Monday, January 26, 1998, at 2 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 11:50 a.m., Eastern Standard Time.