

LEGISLATIVE JOURNAL

WEDNESDAY, MAY 6, 1987

SESSION OF 1987

171ST OF THE GENERAL ASSEMBLY

No. 34

SENATE

WEDNESDAY, May 6, 1987.

The Senate met at 11:00 a.m., Eastern Daylight Saving Time.

The PRESIDING OFFICER (F. Joseph Loeper) in the Chair.

PRAYER

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

Almighty God, create within this Chamber an atmosphere in which men of goodwill may work together for the good of the Commonwealth and all of its citizens. Amen.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 5, 1987.

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

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

May 5, 1987

HB 1000 — Committee on Law and Justice.

BILLS INTRODUCED AND REFERRED

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

May 5, 1987

Senators LEWIS, GREENWOOD and O'PAKE presented to the Chair SB 782, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as amended, "Pennsylvania Municipalities Planning Code," prohibiting the use of court-ordered curative amendment procedures to permit sanitary landfills in municipalities.

Which was committed to the Committee on LOCAL GOVERNMENT, May 5, 1987.

Senators LEWIS, O'PAKE, REIBMAN and SALVATORE presented to the Chair SB 783, entitled:

An Act establishing a program providing respite care services for persons providing continuous home care for the frail elderly; granting powers to and imposing duties on the Department of Aging; establishing a payment system; making provisions for funding; providing for reports; and fixing penalties for violations of the respite care services program.

Which was committed to the Committee on AGING AND YOUTH, May 5, 1987.

Senator FISHER presented to the Chair SB 784, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey to Kirwan Heights Volunteer Fire Department a tract of land situate in Collier Township, Allegheny County, Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, May 5, 1987.

Senators ANDREZESKI, STAPLETON, ROSS, FUMO, LEWIS, HOPPER, SALVATORE, STOUT, STEWART, LYNCH and JONES presented to the Chair SB 785, entitled:

An Act amending the act of October 15, 1980 (P. L. 950, No. 164), entitled "Commonwealth Attorneys Act," establishing the Senior Citizens Fraud Unit in the Office of Attorney General; and providing for its powers and duties.

Which was committed to the Committee on JUDICIARY, May 5, 1987.

Senators WILT, PETERSON, WILLIAMS, ROCKS, WENGER, SHAFFER, GREENWOOD and JONES presented to the Chair SB 786, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for the licensing and regulation of personal care facilities; establishing the Personal Care Facility Advisory Council and providing for its powers and duties; further providing for regulations by the department.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 5, 1987.

Senators HANKINS, ROCKS, SALVATORE, SHAFFER and REGOLI presented to the Chair SB 787, entitled:

An Act making an appropriation to the Rudolph Residence for the Blind, Philadelphia, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, May 5, 1987.

Senators LINCOLN, ZEMPRELLI, STOUT and ROMANELLI presented to the Chair **SB 788**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for imposition of additional liquid fuels tax and the restricted use of a portion of such revenue to finance the construction of the Mon Valley/Fayette County Expressway.

Which was committed to the Committee on TRANSPORTATION, May 5, 1987.

Senators LINCOLN, FUMO, ROSS, MELLOW, STEWART, ANDREZESKI, BODACK, STOUT and MUSTO presented to the Chair **SB 789**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing free fishing licenses for certain members of the armed forces of the United States.

Which was committed to the Committee on GAME AND FISHERIES, May 5, 1987.

Senators LEWIS and SALVATORE presented to the Chair **SB 790**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for limitations on political subdivisions, for the applicability of the title, for the terms of commission members, for the sale or exchange of land, for the powers and duties of enforcement officers, for the publication of certain regulations, for field acknowledgments and for the disposition of seized property; removing limitations on certain cooperative activities; eliminating big game hunter rosters; and prohibiting the combining of certain education courses.

Which was committed to the Committee on GAME AND FISHERIES, May 5, 1987.

Senator ZEMPRELLI presented to the Chair **SB 791**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for suspension of business and involuntary dissolutions; and making editorial corrections.

Which was committed to the Committee on BANKING AND INSURANCE, May 5, 1987.

Senators LEMMOND, MELLOW, HESS, MADIGAN, STAPLETON and PETERSON presented to the Chair **SB 792**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for corporate directors' liability.

Which was committed to the Committee on BANKING AND INSURANCE, May 5, 1987.

Senators HESS and LINCOLN presented to the Chair **SB 793**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for creditable nonstate service.

Which was committed to the Committee on FINANCE, May 5, 1987.

Senators HESS, WILT, REIBMAN, RHOADES, LINCOLN, ROCKS, HOPPER and HANKINS presented to the Chair **SB 794**, entitled:

An Act amending the act of August 7, 1963 (P. L. 549, No. 290), entitled, as amended, "Pennsylvania Higher Education Assistance Agency Act," further providing for administrative loan collection process.

Which was committed to the Committee on EDUCATION, May 5, 1987.

Senators AFFLERBACH, PECORA, REGOLI and ANDREZESKI presented to the Chair **SB 795**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the impounding of a driver's license in certain cases of driving under the influence of alcohol or controlled substance.

Which was committed to the Committee on JUDICIARY, May 5, 1987.

Senators SALVATORE, ROMANELLI, HELFRICK, BELL, CORMAN, REIBMAN and KELLEY presented to the Chair **SB 796**, entitled:

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), entitled, as reenacted and amended, "Senior Citizens Rebate and Assistance Act," increasing eligibility under the property tax or rent rebate and inflation dividend.

Which was committed to the Committee on AGING AND YOUTH, May 5, 1987.

Senators GREENWOOD, HELFRICK, PECORA, O'PAKE, CORMAN, FUMO, REIBMAN, AFFLERBACH and SALVATORE presented to the Chair **SB 797**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, limiting the defense of justification in certain cases; and making an editorial change.

Which was committed to the Committee on JUDICIARY, May 5, 1987.

### APPOINTMENTS BY PRESIDENT PRO TEMPORE

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

Senator Robert C. Jubelirer as a member of the Advisory Council of the Hollidaysburg Veterans Home.

Senator John E. Peterson reappointed as a member of the Interstate Committee on the Great Lakes.

Senator James R. Kelley and Senator Edward P. Zemprelli reappointed as members of the Capitol Preservation Committee.

Senator Freeman Hankins reappointed as a member of the Joint Committee of the Health Care Services Malpractice Act.

Senator Anthony B. Andrezeski reappointed as a member of the Joint Committee charged with the review of cost-of-living supplements accruing pursuant to the Public School Employees Retirement Code and the State Employees Retirement Code and reappointed as a member of the State Employees Retirement Board.

Senator Hardy Williams reappointed as a member of the Pennsylvania Historical and Museum Commission.

Senator Jeanette F. Reibman reappointed as a member of the Committee on Arts, Tourism and Cultural Resources of the Assembly on the Legislature of the National Conference of State Legislatures.

Senator J. William Lincoln reappointed as a member of the Mining and Reclamation Advisory Board.

Senator William J. Stewart as a member of the Legislative Budget and Finance Committee in place of Senator James R. Kelley and as a member of the Milrite Council filling the vacancy caused by the resignation of Senator Mark S. Singel.

Senator Roy W. Wilt reappointed as Chairman of the Interstate Committee on the Great Lakes.

### BILLS IN PLACE

Senator AFFLERBACH presented to the Chair a bill.

Senator O'PAKE presented to the Chair a bill.

### LEGISLATIVE LEAVES

Senator MOORE. Mr. President, I request legislative leaves for Senator Lemmond and Senator Jubelirer and temporary legislative leave for Senator Wenger for today.

Senator ZEMPRELLI. Mr. President, I would request a temporary Capitol leave on behalf of Senator Jones and a legislative leave on behalf of Senator Williams.

The PRESIDING OFFICER. Senator Moore has requested legislative leaves on behalf of Senator Jubelirer and Senator Lemmond and temporary legislative leave on behalf of Senator Wenger. Senator Zemprelli has requested temporary Capitol leave on behalf of Senator Jones and a legislative leave on behalf of Senator Williams. Are there any objections to those leaves? The Chair sees none and those leaves are granted.

Senator MOORE. Mr. President, I rise to request a legislative leave for Senator Hess.

The PRESIDING OFFICER. Senator Moore has requested a legislative leave on behalf of Senator Hess. The Chair sees no objections and that leave is granted.

### LEAVE OF ABSENCE

Senator MOORE asked and obtained leave of absence for Senator HELFRICK, for today's Session, for personal reasons.

### CALENDAR

#### HOUSE CONCURRENT RESOLUTION NO. 64, CALLED UP OUT OF ORDER

Senator STAUFFER, without objection, called up out of order, from page 7 of the Calendar, as a Special Order of Business, **House Concurrent Resolution No. 64**, entitled:

Commemorating the bicentennial of the Pennsylvania Prison Society; and declaring the week of May 3 through 9, 1987, as "Pennsylvania Prison Society Week."

On the question,

Will the Senate concur in the resolution?

#### SENATE CONCURS IN HOUSE CONCURRENT RESOLUTION NO. 64

Senator STAUFFER. Mr. President, I move the Senate do concur in House Concurrent Resolution No. 64.

On the question,

Will the Senate agree to the motion?

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

#### YEAS—49

Afflerbach	Holl	Moore	Scanlon
Andrezeski	Hopper	Musto	Shaffer
Armstrong	Jones	O'Pake	Shumaker
Bell	Jubelirer	Pecora	Stapleton
Bodack	Kelley	Peterson	Stauffer
Brightbill	Lemmond	Regoli	Stewart
Corman	Lewis	Reibman	Stout
Fisher	Lincoln	Rhoades	Tilghman
Fumo	Loeper	Rocks	Wenger
Greenleaf	Lynch	Romanelli	Williams
Greenwood	Madigan	Ross	Wilt
Hankins	Mellow	Salvatore	Zemprelli
Hess			

#### NAYS—0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

### LEGISLATIVE LEAVE

Senator STAUFFER. Mr. President, I request a temporary legislative leave on behalf of Senator Hopper.

The PRESIDING OFFICER. Senator Stauffer requests a temporary legislative leave on behalf of Senator Hopper. The Chair hears no objections and that leave is granted.

#### GUESTS OF SENATOR J. DOYLE CORMAN PRESENTED TO SENATE

Senator CORMAN. Mr. President, today in the gallery I am pleased to have representatives of the Centre County Chapter of Students Against Driving Drunk. State College High School was, in fact, the first school in Pennsylvania to have a chapter of Students Against Driving Drunk. Since then, all Centre County schools have started chapters, and there is an ever-growing population of students who are very concerned and upset about their peers and others who are on our Commonwealth's highways while driving under the influence of alcohol. On their behalf, we in the Senate and the House of Representatives and the Governor have proclaimed

the month of May as Students Against Driving Drunk month and I, for one, would like to commend them on their efforts and their involvement. Today I would like to introduce those members who are here. They are Tracie Dissinger from Penns Valley High School, Christine Long from the Centre County Vocational Technical School, Judy Schall from Bald Eagle Area High School, Cindy Tabor from State College Area High School, Shelly Egli from Bellefonte High School, and their advisors: Cheryl Speakman from State College, Ken Achuff from Bellefonte, Alan Crafts from Bellefonte and Mary Beth Rader Allegar from the Centre County Drug and Alcohol program. Mr. President, I would like you to extend to them our usual warm welcome.

The PRESIDING OFFICER. The Senate wishes to extend its warmest congratulations to Senator Corman's guests today who are in the gallery, and I would ask the Senate to extend to them our usual warm welcome.

(Applause.)

## CONSIDERATION OF CALENDAR RESUMED

### BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

#### BILL OVER IN ORDER

**HB 483** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

## RECESS

Senator ZEMPRELLI. Mr. President, at this time I require a very short caucus for a matter of information, and I would ask that the Democratic caucus commence immediately.

The PRESIDING OFFICER. For the purpose of a short Democratic caucus, the Senate will now stand in recess.

## AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

## LEGISLATIVE LEAVES CANCELLED

The PRESIDING OFFICER. The Chair recognizes the presence of Senator Jones on the floor and her temporary Capitol leave is cancelled.

The Chair notes the presence on the floor of Senator Wenger and Senator Salvatore and their temporary Capitol leaves are cancelled.

## LEGISLATIVE LEAVES

Senator MOORE. Mr. President, I request temporary Capitol leaves for Senator Shumaker, Senator Madigan and Senator Peterson.

Senator ZEMPRELLI. Mr. President, I respectfully request temporary Capitol leaves for Senator Ross and Senator Bodack.

The PRESIDING OFFICER. Senator Moore has requested temporary Capitol leaves on behalf of Senator Shumaker, Senator Madigan and Senator Peterson. Senator Zemprelli has requested the same leaves for Senator Ross and Senator Bodack. The Chair hears no objection. Those leaves are granted.

## CONSIDERATION OF CALENDAR RESUMED

### FINAL PASSAGE CALENDAR

#### BILL ON FINAL PASSAGE

**SB 527 (Pr. No. 913)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Environmental Hearing Board as an independent, quasi-judicial agency; providing for the membership and staff, powers and duties, seats and existing members of the board; making an appropriation; and making a repeal.

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

On the question,  
Shall the bill pass finally?

Senator MELLOW. Mr. President, I desire to interrogate the prime sponsor of the bill, the gentleman from Allegheny, Senator Fisher.

The PRESIDING OFFICER. Will the gentleman from Allegheny, Senator Fisher, permit himself to be interrogated?

Senator FISHER. I will, Mr. President.

Senator MELLOW. Mr. President, as a brief interrogation, can the gentleman tell us what will happen to the bill with regard to appropriations? There is a \$1 million appropriation in the bill for fiscal year 1987-1988. With the passage of this bill, once it would become law, can the gentleman please tell us what would happen with their budgetary considerations in the future?

Senator FISHER. Mr. President, the budgetary issues that are covered by the bill, of course, would have to be covered in budgets for subsequent years that are adopted by the General Assembly. The money that is contained in the bill is an estimate of what the approximate expenses would be to operate the Environmental Hearing Board as it would be reconstituted for one fiscal year. That figure would include in part some of the existing expenses that are included in the budget of the Department of Environmental Resources for the current operations of the EHB as it now exists.

Senator MELLOW. Mr. President, can the gentleman please tell us, under current law, how the Environmental Hearing Board is funded?

Senator FISHER. Mr. President, it is my understanding under current law that the Environmental Hearing Board is funded under the general government operations line of the budget for the Department of Environmental Resources.

Senator MELLOW. Mr. President, then can the gentleman tell us the difference between the current funding—not in dollar amounts but the process of the current funding—of the Environmental Hearing Board as it exists today, and what the

funding would be for the Environmental Hearing Board once Senate Bill No. 527 would become law?

Senator FISHER. Mr. President, I am not sure I understand the question.

Senator MELLOW. Currently, Mr. President, I believe the gentleman stated that the Environmental Hearing Board is funded out of the general government operation of the Department of Environmental Resources. With the enactment of Senate Bill No. 527, can he tell us how that may change or how that will change?

Senator FISHER. Mr. President, if Senate Bill No. 527 were enacted, and whenever it is enacted, during that fiscal year and in subsequent fiscal years it would have to be a separate line item appropriation to the Environmental Hearing Board which would then be an independent agency.

Senator MELLOW. Mr. President, is the gentleman telling us for financial purposes that the Environmental Hearing Board then will be totally independent from any department of governmental operation?

Senator FISHER. Mr. President, that is correct.

Senator MELLOW. Mr. President, can the gentleman tell us whether, in Senate Bill No. 527 or in his understanding of what rules and regulations may be promulgated, if there would be any provision made for administrative law judges in this proposal?

Senator FISHER. Mr. President, there is no provision in the proposal for administrative law judges. However, there is under the board at the present time and there would be authority under the newly created board for the appointment and hiring of hearing examiners.

Senator MELLOW. I thank the gentleman, Mr. President.

Mr. President, I have some grave reservations as to whether Senate Bill No. 527, in fact, is necessary or whether it is not. I can totally and fully appreciate and understand the problems that many of us have had on a bipartisan basis with regard to the Department of Environmental Resources over the years since its existence. I know there have been some great considerations that many of us have given with the enactment of that particular department and the way the Environmental Hearing Board and, indeed, the Environmental Quality Board have operated over the past, I guess, seventeen years since it has been a part of state government. I am very concerned, Mr. President, about the enactment of Senate Bill No. 527 and the establishment of an entirely new layer of bureaucracy which, basically, once a name has been recommended by the Governor through nomination and once the Senate has acted by confirmation, that we then will have established a new, five-member, independent panel of which we have totally given up or totally abandoned any legislative input to that particular agency short of enactment of a new statute. Although I have some very strong feelings—which I believe the gentleman is trying to correct because I think there is some room for correction—and I am not so certain, Mr. President, that Senate Bill No. 527, in fact, might be that vehicle. I do realize that on page 3 we are plowing some new ground. For the first time we are talking about a supersedeas, and I know what that means

and I know what the Members, at least of this Body, would like to see encompassed with regard to a supersedeas. Mr. President, I am not so certain that the fact that we would go ahead and increase the Environmental Hearing Board from its current structure of three members—keeping in mind the only reason there are only two active members and not three is because of the fact that we as Members of the Pennsylvania State Senate did not choose to confirm an individual whose name was submitted to us or there would be three acting members in that body—and I am not so sure that if what we are doing here in Senate Bill No. 527 is going to do anything more than establish another layer of bureaucracy and we are not going to find out two, three or four years down the road that this \$1 million appropriation for fiscal year 1987-1988 to run this particular new independent group of five members known as the Environmental Hearing Board may, in fact, some four or five years down the road exceed \$5 million to \$10 million and then possibly to \$20 million, and it is going to be something we are going to have little or no control over with the one exception of trying to control the purse strings. I think, Mr. President, the environment today is probably the preeminent issue we have in Pennsylvania with regard to hazardous waste, with regard to solid waste, with regard to the fact that we are here under mandate by the federal government to establish a landfill that will somewhere house the hazardous waste. I have some grave reservations if we, in fact, are not acting too fast on the enactment of Senate Bill No. 527, realizing and knowing full well that we do have some very serious problems. I would like to issue not a challenge to the prime sponsor but to issue something that may, in fact, work, and that is to ask him to—and I am not going to do this in the form of a motion but merely as a form of suggestion—maybe hold back on Senate Bill No. 527 right now. Perhaps he should take his committee through public hearings with regard to this issue and come up with a full report to the Senate and if, in fact, that full report would recommend enactment of a proposal such as Senate Bill No. 527, maybe we should give it strong consideration. But, I think, Mr. President, at this point in time we are a bit premature in enacting this proposal.

Senator FISHER. Mr. President, I rise to urge support for Senate Bill No. 527. This is a bill that has been in the works for some time. It is a bill that is very similar to a piece of legislation I introduced last Session. I am not the only one who has suggested in the past and is continuing to suggest that we need to have a new agency which we propose to create in Senate Bill No. 527. There is no question that the environment is one of the top issues facing this Commonwealth. It is an issue of tremendous importance environmentally. It is equally of tremendous importance to the future economy and to continued economic growth in our Commonwealth. The Environmental Hearing Board, as it is presently constituted, is nothing more than an agency under the auspices of the Department of Environmental Resources. That may have been fine years ago when the Environmental Hearing Board was created, but it has clearly outlived its usefulness today.



Let me give you some statistics as to what has taken place before the Environmental Hearing Board just in the last four years. In 1983 there were 301 appeals to the Environmental Hearing Board. Twenty-two appeals filed in 1983 have been fully adjudicated and fifty-one remain open. In 1984 there were 432 appeals to the Environmental Hearing Board. Nineteen were adjudicated and 118 remain open. In 1985 there were 556 appeals to the Environmental Hearing Board. Two hundred and seven of those appeals remain open and five have been adjudicated. In 1986, there were 692 appeals to the Environmental Hearing Board, 461 of those appeals remain open and none have been adjudicated. Over the past two years, the number of final adjudications by the Environmental Hearing Board have numbered five. Those numbers, obviously, tell part of the tale, but the numbers are significant if for no other reason than to show you the volume of cases before the Environmental Hearing Board, the number of cases that have continued to be pending before that board and the crying need, in anybody's review of those statistics, that we take a new look at the board and beef up the board's activities. Clearly, one of the purposes of the legislation is to expand that board from its current three members to five members.

There is more of a reason for the creation of an independent quasi-judicial agency than merely getting two new members and beefing up the support of the board. All of the appeals that come before that agency come from decisions that have been made by the Department of Environmental Resources. Very clearly, people who have been litigants before that board have felt for many years that the board is just not independent enough from the department and they have not had an opportunity to have their case heard and to have their case decided in a truly independent and nonpartisan fashion. Unfortunately, the way the board is situated it is impossible to provide that independence. Members of the board need to request virtually everything they do from the Department of Environmental Resources, whether it be for a pad of paper, a pencil or the allotment for office space, supplies or any expenses of the board's operation. For a board and for a quasi-judicial agency that rules on issues of such great importance as our environment and our economy, I think it is incumbent upon us to finally raise the level of this board to the position it deserves and to make it an independent quasi-judicial agency, to require that the members of the board are adequately prepared to serve in the positions for which they will be nominated and to make sure that enough resources are available so the board can do its job and so cases can be properly and expeditiously adjudicated, so the disputes, the subject matter of these cases, can be heard and the progress many people are trying to achieve can go forward. Some of the issues that were raised by the gentleman from Lackawanna, Senator Mellow, I believe, can be adequately handled by continued legislative review. We will have a law if this bill passes. We can make changes in that law. Certainly from our appropriation role we will be able to have control of the purse strings. We will be able to establish in this

state for the first time a top-flight agency that will be impartial, and one that will do the job that is needed in the environmental field.

For that and for many other reasons, I would urge support of my colleagues from both sides of the aisle. This is not a partisan issue. It is an issue, as with many other issues in the environment, that requires and needs to have bipartisan support and understanding.

Senator MELLOW. Mr. President, I approach the microphone today with one thought in mind. I listened to the gentleman discuss with us his reasons for bringing this bill up today and other thoughts have now entered into my mind, because now, Mr. President, I have to question just exactly what we did in the last four years in the Department of Environmental Resources.

We were told, Mr. President, that for a period of time it was important that we do more with less, and I think it is quite apparent here this afternoon, Mr. President, that we did less with less. I wonder if we are trying to cover up a four-year mismanagement by the enactment of Senate Bill No. 527, because it was brought to our attention that in 1984 there were 432 cases and there were nineteen adjudicated and 118 that were open. In 1985, in front of the Environmental Hearing Board there were 550-some odd cases and there were five adjudicated and 207 left open. In 1986 there were 600-some cases in front of the Environmental Hearing Board and there were 461 either adjudicated or left open. I even stopped writing at that point in time for fear that I was totally missing the point.

What are we about here this afternoon, Mr. President? Are we trying to go ahead basically and undo the wrong that was done for the past four years in the enactment of Senate Bill No. 527 by adding two additional members to the Environmental Hearing Board? Are we for the first time admitting and acknowledging the fact that the cut, cut, cut theory, in fact, did not work and that we were asked to do more with less but we now realize that, in fact, we could not do more with less? Are we being told, Mr. President, that for the past four years the Department of Environmental Resources, either through mismanagement or a lack of appropriation, did not do the job for the people of Pennsylvania, that for a two-year period of time out of some 986 cases that were appealed in front of the Environmental Hearing Board, only twenty-four of those cases were adjudicated?

Mr. President, I am confused now because I thought perhaps we were dealing with a bill that had some merit, that dealt with a supersedeas, that tried to identify some real problems here in Pennsylvania, but, in fact, I think in reality what we are being told is that for the past four years the department did not do its job because of a lack of funding, because of the possibility there should have been more members added to the Environmental Hearing Board and today we are going to be asked to undo that wrong. I think, Mr. President, this sheds an entirely new light on the real meaning of why we are being asked to enact Senate Bill No. 527, and I think it more strongly indicates to us today that we should be taking a very

long look and an open look at the problem. I implore and I ask the gentleman now more than ever before not to consider this bill, to lay the bill on the table to give us an opportunity as a Senate to review the problem in depth, in detail. I do not want to go ahead and blame what has taken place in the prior Administration if, in fact, that should not take place. I do not want to go ahead and accuse the prior Administration of mismanagement and accuse the prior Administration of cutting the budget purely and simply for cosmetic purposes of letting people realize that, yes, the Administration cut a budget, they did not fund the Department of Environmental Resources properly and, because of that, the Environmental Hearing Board has not been able to operate properly and, because of that, we should go ahead and establish an independent agency, another layer of bureaucracy, to see if, in fact, it may do the job that has not been done over the past four years. I think, Mr. President, it is more evident right now than ever before that this bill should not be considered, that we should hold public hearings throughout this state, that we should have the proper type of input from these people who brought cases before the Environmental Hearing Board, somewhere near 1,500 cases in the past five years of which just a very small percentage have been adjudicated. If there is a problem, if we should increase the number of members on the Environmental Hearing Board, then let us do that, but let us not be premature, Mr. President, in what we are doing. Let us meet the problem head-on after the proper type of negotiation, the proper type of discussion and let us address it. Let us not use a cosmetic approach to a very, very difficult problem, because it is totally apparent right now that the reason we have this problem is because in the past four years there must have been some mismanagement somewhere and we are now trying to undo that wrong.

#### MOTION TO LAY BILL ON THE TABLE

Senator MELLOW. Mr. President, I think at this point in time what I would like to do is ask that we, at least temporarily, table Senate Bill No. 527 since it is on the tenth day and no action would put the bill back into committee. I think if we would go ahead and if we could move, I would like to move to table the bill to give us an opportunity of doing some further negotiation and some further discussion and the possibility of having the Majority Chairman of the Committee on Environmental Resources and Energy, who during that period of time had oversight authority over the department, go ahead and conduct public hearings so we, in fact, can find out exactly what the problem is with the Environmental Hearing Board and come back with a proposal. I would now so move.

The PRESIDING OFFICER. Senator Mellow has moved to table Senate Bill No. 527. The motion is not debatable.

On the question,

Will the Senate agree to the motion?

#### LEGISLATIVE LEAVES

Senator MOORE. Mr. President, I request a temporary Capitol leave for Senator Armstrong.

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Lynch and Senator Jones.

The PRESIDING OFFICER. Senator Moore requests temporary Capitol leave on behalf of Senator Armstrong and Senator Lincoln requests temporary Capitol leaves on behalf of Senator Lynch and Senator Jones. The Chair hears no objections and those leaves will be granted.

#### LEGISLATIVE LEAVES CANCELLED

Senator MOORE. I call attention to the Chair the return to the floor of Senator Shumaker and Senator Madigan.

And the question recurring,

Will the Senate agree to the motion?

Senator STAUFFER. Mr. President, I would ask for a "no" vote on the motion to table.

And the question recurring,

Will the Senate agree to the motion?

(During the calling of the roll, the following occurred:)

Senator BODACK. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

Senator PECORA. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

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

#### YEAS—24

Afflerbach	Kelley	O'Pake	Scanlon
Andrezeski	Lewis	Regoli	Stapleton
Bodack	Lincoln	Reibman	Stewart
Fumo	Lynch	Rocks	Stout
Hankins	Mellow	Romanelli	Williams
Jones	Musto	Ross	Zemprelli

#### NAYS—25

Armstrong	Hess	Madigan	Shaffer
Bell	Holl	Moore	Shumaker
Brightbill	Hopper	Pecora	Stauffer
Corman	Jubelirer	Peterson	Tilghman
Fisher	Lemmond	Rhoades	Wenger
Greenleaf	Loeper	Salvatore	Wilt
Greenwood			

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

And the question recurring,

Shall the bill pass finally?

#### LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, Senator Romanelli has been called to a meeting in his office and I would request temporary Capitol leave on his behalf.

Senator MOORE. Senator Bell is conducting a public hearing on the first floor in the Majority caucus room and I request a temporary Capitol leave for him.

The PRESIDING OFFICER. The Chair hears no objections to the temporary Capitol leaves on behalf of Senator Romanelli and Senator Bell and those leaves will be granted.

And the question recurring,  
Shall the bill pass finally?

Senator LINCOLN. Mr. President, the job we are elected to from each of our districts and sent to this lovely Chamber to debate issues and make final judgment on how we are going to vote is not always easy. At times you have to disagree with very, very close friends and very dear friends, and I have the very awkward position today of disagreeing with the gentleman from Lackawanna, Senator Mellow. I think there should be some questioning of the procedures of the previous Administration, and I think the numbers alone would indicate that there was some mismanagement or lack of funding, or whatever, but I think this issue should go beyond my efforts as a Democrat to criticize a Republican because the people who are going to be affected positively or adversely by the actions which we take today do not really give a damn about partisan politics at all. They register as Democrats or Republicans or do not register at all, and they get up in the morning, go to work and mine coal or dig in a quarry or do something that has some bearing on how the Department of Environmental Resources does their job and, ultimately, if there is a question of legality of operation, it is determined by the Environmental Hearing Board. I think the numbers the gentleman from Allegheny, Senator Fisher, brought forth could be extended back to 1982, 1981, 1980, 1979, 1978, 1977, whatever, back to when we would find that a Democratic Governor and a Secretary of Environmental Resources appointed by that Democratic Governor had a miserable record that would probably come forth as bad as the one that was quoted over the last four or five years. However, I think the more important issue is that we are trying to correct the problem that does affect everyday life, and one of the reasons there are so many numbers involved and so many cases involved and why they look so bad is because the Department of Environmental Resources—when they are a litigant, which they are a litigant in every case, they are part of that litigation—also control and have controlled over the years the number of people who are finally adjudicated, simply because it was to their advantage to see that very few cases were adjudicated. Why, you ask, would they want to be that negative? Because whenever they file a complaint against a coal operator or a farmer, or whoever that individual may be, until the time that case is adjudicated, that rule and their suspension or their fine, or whatever, remains in place, there is absolutely no relief to that individual. The argument will be made that Commonwealth Court exists, but, what happens is, the Environmental Hearing Board in many, many, many of those cases would hold the hearing and would just fail to come to some decision. They would never release their decision, and you cannot appeal a decision that has not been given. I believe we have an obligation to the people whom we represent that we should be doing something to help them and not continually doing things to hurt them. By making the Environmental Hearing

Board a quasi-judicial, independent agency, I believe you are going to see the number of cases that are appealed to that agency decrease. I believe you are going to see DER be much more selective about the type of complaints they file that would result in hearings being held because now they are going to be fair hearings, and people who have done wrong will be found guilty and people who have not done wrong will be given an opportunity to continue their business.

I will give you a very, very real example of what takes place now. A mining company in the western part of the state has five sites in one county. At one of those sites an accusation of illegal dumping has been brought forth by the department—at one of those sites only. They have suspended the license of that mining company, closing down all five sites, depriving this particular county of a \$30 million a year payroll. If the precedent that has been set in the past continues, the hearing board may not hear that case for eighteen or twenty months, or whatever, and during that period of time that mining company will not be permitted to operate the other four sites. There are no environmental problems there at the other four sites, there are no mining law violations at the other four sites, but a good number of people in a very depressed area are being kept from working. I think that is the effort we are talking about today in trying to get this board changed where their dependence will not be on a party who is involved in litigation. I cannot believe we have not done this before. I know it has been talked about and there have been efforts made and there have been previous bills introduced. I think the time has come for us to do it. I think the fact that the gentleman from Lackawanna, Senator Mellow, is concerned about their budget, we will have a better control over that budget because they will be called in before the Committees on Appropriations of both Houses and made to answer for their appropriations, and they will be made to answer for their request. I would ask that you consider this on that basis, on the basis that we are going to be performing a good service for the constituency we represent throughout the whole Commonwealth of Pennsylvania, and vote for Senate Bill No. 527.

#### LEGISLATIVE LEAVE

Senator MOORE. Mr. President, I request a temporary Capitol leave for Senator Shumaker.

The PRESIDING OFFICER. Senator Moore requests a temporary Capitol leave on behalf of Senator Shumaker. The Chair sees no objections. That leave is granted.

And the question recurring,  
Shall the bill pass finally?

Senator FUMO. Mr. President, I rise briefly to oppose the bill on another issue which has not yet been raised. I do not have problems with the budgetary process as the gentleman from Lackawanna, Senator Mellow, does. I am glad to see that the gentleman from Allegheny, Senator Fisher, recognizes that the Casey Administration was not able to do more with less by his statistics. But, there is a more important issue, Mr. President. This is not going to be the same Environmental Hearing Board that it currently is if this bill is enacted. We are



going to give it vast functions. We are going to make it quasi-judicial, independent and autonomous. With that being the case, it is my belief we should change the confirmation process as well, and increase it to a two-thirds confirmation process. These people will be independent, and I think to allow twenty-six votes on a board of this magnitude would be a great mistake. I recognize the other side of the aisle, today having twenty-six votes, does not necessarily agree with me, but twenty-six votes is not that far away from twenty-four. I would advise them to look very seriously at this kind of legislation. I urge a "no" vote on that issue.

**LEGISLATIVE LEAVES**

Senator ZEMPRELLI. Mr. President, I would request temporary Capitol leaves on behalf of Senator Reibman and Senator Scanlon.

The PRESIDING OFFICER. Senator Zemprelli requests temporary Capitol leaves on behalf of Senator Reibman and Senator Scanlon. The Chair hears no objection. Those leaves will be granted.

And the question recurring,  
Shall the bill pass finally?

Senator MELLOW. Mr. President, I realize, in getting up this time, I am treading in an area where I do not belong because it is my third appearance on the floor, and after having listened to the gentleman from Delaware, Senator Bell, yesterday about the Rules, I would wonder if I might have the tolerance of the Chair to make one additional remark?

The PRESIDING OFFICER. The Chair indicates the gentleman may briefly proceed.

Senator MELLOW. It will be very brief, Mr. President. In sitting here, I have to ask the question, who, basically, are we trying to protect? Are we trying to protect the people of the Commonwealth? Are we trying to protect the environment which we cannot replace, or are we trying to protect some business interest which in many cases may be operating not within the boundaries of an approved permit or, in fact, are not even operating within the boundaries which are acceptable as far as the Department of Environmental Resources would go? I wonder, Mr. President, in trying to increase a board from three members to five members, in addition to throwing some good money after some bad money, I wonder who are we really trying to protect here, Mr. President?

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDING OFFICER. The Chair notes the presence of Senator Lynch on the floor and his temporary Capitol leave will be 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:

**YEAS—35**

Andrezeski	Holl	Moore	Stapleton
Armstrong	Hopper	O'Pake	Stauffer
Bell	Jubelirer	Pecora	Stewart
Brightbill	Kelley	Peterson	Stout

Corman	Lemmond	Regoli	Tilghman
Fisher	Lincoln	Rhoades	Wenger
Greenleaf	Loeper	Salvatore	Wilt
Greenwood	Lynch	Shaffer	Zemprelli
Hess	Madigan	Shumaker	

**NAYS—14**

Afflerbach	Jones	Reibman	Ross
Bodack	Lewis	Rocks	Scanlon
Fumo	Mellow	Romanelli	Williams
Hankins	Musto		

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.

**SPECIAL ORDER OF BUSINESS**

**ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. The Committee on Banking and Insurance will meet immediately upon the adjournment of the Senate in Room 461.

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR**

**BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER**

**SB 4** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

**NONPREFERRED APPROPRIATION BILLS OVER IN ORDER**

**SB 698, 706 and 708** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

**BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 3 (Pr. No. 923)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the Office of Small Business Advocate in the Office of Attorney General; providing for the powers and duties of the Office of Small Business Advocate and the Pennsylvania Public Utility Commission in relation thereto; and making a temporary appropriation.

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:

**YEAS—49**

Afflerbach	Holl	Moore	Scanlon
Andrezeski	Hopper	Musto	Shaffer
Armstrong	Jones	O'Pake	Shumaker
Bell	Jubelirer	Pecora	Stapleton
Bodack	Kelley	Peterson	Stauffer

Brightbill	Lemmond	Regoli	Stewart
Corman	Lewis	Reibman	Stout
Fisher	Lincoln	Rhoades	Tilghman
Fumo	Loeper	Rocks	Wenger
Greenleaf	Lynch	Romanelli	Williams
Greenwood	Madigan	Ross	Wilt
Hankins	Mellow	Salvatore	Zemprelli
Hess			

## NAYS—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.

**HB 88 (Pr. No. 1484)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the celebration of the 200th Anniversary of Pennsylvania's ratification of the United States Constitution; providing for a reenactment of ratification events by a legislative committee and certain students; providing for debating and essay contests and other events; creating the Legislative Bicentennial Subcommittee, providing for its powers and duties and transferring an unexpended appropriation thereto; imposing duties upon intermediate units; and providing for the termination of the subcommittee.

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:

## YEAS—49

Afflerbach	Holl	Moore	Scanlon
Andrezeski	Hopper	Musto	Shaffer
Armstrong	Jones	O'Pake	Shumaker
Bell	Jubelirer	Pecora	Stapleton
Bodack	Kelley	Peterson	Stauffer
Brightbill	Lemmond	Regoli	Stewart
Corman	Lewis	Reibman	Stout
Fisher	Lincoln	Rhoades	Tilghman
Fumo	Loeper	Rocks	Wenger
Greenleaf	Lynch	Romanelli	Williams
Greenwood	Madigan	Ross	Wilt
Hankins	Mellow	Salvatore	Zemprelli
Hess			

## NAYS—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 with amendments in which concurrence of the House is requested.

## BILLS OVER IN ORDER

**SB 158 and 165** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 251 (Pr. No. 943)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 13, 1963 (P. L. 774, No. 390), entitled "County Jail Prisoner Temporary Release Law," authorizing the collection of confinement costs in cases relating to prisoners confined only during weekends.

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:

## YEAS—49

Afflerbach	Holl	Moore	Scanlon
Andrezeski	Hopper	Musto	Shaffer
Armstrong	Jones	O'Pake	Shumaker
Bell	Jubelirer	Pecora	Stapleton
Bodack	Kelley	Peterson	Stauffer
Brightbill	Lemmond	Regoli	Stewart
Corman	Lewis	Reibman	Stout
Fisher	Lincoln	Rhoades	Tilghman
Fumo	Loeper	Rocks	Wenger
Greenleaf	Lynch	Romanelli	Williams
Greenwood	Madigan	Ross	Wilt
Hankins	Mellow	Salvatore	Zemprelli
Hess			

## NAYS—0

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

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

## BILLS OVER IN ORDER

**SB 312 and 642** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

## SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE  
AS AMENDED OVER IN ORDER

**SB 137** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL REREPORTED FROM COMMITTEE AS  
AMENDED ON SECOND CONSIDERATION

**SB 666 (Pr. No. 912)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for a flag for firefighters killed in the line of duty; and making an appropriation.

Considered the second time and agreed to,

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

## BILL ON SECOND CONSIDERATION

**SB 56 (Pr. No. 693)** — The Senate proceeded to consideration of the bill, entitled:

An Act licensing and regulating the practice of social work; providing penalties; and making an appropriation.

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

**SB 433 TAKEN FROM THE TABLE**

Senator STAUFFER. Mr. President, I move that Senate Bill No. 433, Printer's No. 470, be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

**SECOND CONSIDERATION CALENDAR RESUMED**

## BILLS OVER IN ORDER

**HB 210, SB 235, 255, 259 and 279** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

## BILL ON SECOND CONSIDERATION

**SB 306 (Pr. No. 828)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," further providing for forfeitures, for property subject to forfeiture and for the procedure with respect to seized property.

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

## BILL OVER IN ORDER

**SB 321** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

## BILLS ON SECOND CONSIDERATION

**SB 345 (Pr. No. 369)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for the exclusion of construction of hydroelectric generating facilities from the tax on utilities.

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

**SB 474 (Pr. No. 865)** — The Senate proceeded to consideration of the bill, entitled:

An Act requiring the development of the Pennsylvania Infectious and Pathological Wastes Plan prior to the issuance of permits for infectious and pathological wastes incinerators and disposal facilities.

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

**SB 514 (Pr. No. 567)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," eliminating a restriction on the general powers of a township relating to other governmental units.

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

## BILLS OVER IN ORDER

**SB 540, 658, 678, 710, 738 and 747** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

**HOUSE CONCURRENT RESOLUTION  
NO. 78, CALLED UP**

Senator STAUFFER, without objection, called up from page 7 of the Calendar, **House Concurrent Resolution No. 78**, entitled:

Proclaiming the month of May as "Older Americans Month" in Pennsylvania; and recognizing the invaluable contributions made to the Commonwealth by these citizens.

On the question,  
Will the Senate concur in the resolution?

**SENATE CONCURS IN HOUSE CONCURRENT  
RESOLUTION NO. 78**

Senator STAUFFER. Mr. President, I move the Senate do concur in House Concurrent Resolution No. 78.

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

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

## YEAS—49

Afflerbach	Holl	Moore	Scanlon
Andrezeski	Hopper	Musto	Shaffer
Armstrong	Jones	O'Pake	Shumaker
Bell	Jubelirer	Pecora	Stapleton
Bodack	Kelley	Peterson	Stauffer
Brightbill	Lemmond	Regoli	Stewart
Corman	Lewis	Reibman	Stout
Fisher	Lincoln	Rhoades	Tilghman
Fumo	Loeper	Rocks	Wenger
Greenleaf	Lynch	Romanelli	Williams
Greenwood	Madigan	Ross	Wilt
Hankins	Mellow	Salvatore	Zemprelli
Hess			

## NAYS—0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**HOUSE MESSAGE****SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 549**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The **PRESIDING OFFICER**. The bill, as amended, will be placed on the Calendar.

**SUPPLEMENTAL CALENDAR NO. 1****BILL ON CONCURRENCE IN  
HOUSE AMENDMENTS****SENATE NONCONCURS IN HOUSE AMENDMENTS**

**SB 549 (Pr. No. 920)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

Senator **STAUFFER**. Mr. President, I move the Senate do not concur in the amendments made by the House to Senate Bill No. 549, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**UNFINISHED BUSINESS****SENATE CONCURRENT RESOLUTION****MEMORIALIZING THE GOVERNOR TO  
PROCLAIM MAY 16, 1987, AS  
"ARMED FORCES DAY"**

Senator **MOORE** offered the following resolution (**Senate Concurrent Resolution No. 64**), which was read, considered and adopted:

In the Senate, May 6, 1987.

**A CONCURRENT RESOLUTION**

Memorializing the Governor to proclaim May 16, 1987, as "Armed Forces Day."

**WHEREAS**, The armed forces of the United States are the critical part of national defense; and

**WHEREAS**, Many citizens of this Commonwealth have served in the armed forces of the United States; and

**WHEREAS**, The armed forces of the United States are deserving of recognition; therefore be it

**RESOLVED** (the House of Representatives concurring), That the General Assembly memorialize the Governor to proclaim May 16, 1987, as "Armed Forces Day."

**CONGRATULATORY RESOLUTIONS**

The **PRESIDING OFFICER** laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to the citizens of Uniontown in paying tribute to General George C. Marshall by Senator Lincoln.

Congratulations of the Senate were extended to the citizens of Scranton and Lackawanna County for observing National Barrier Awareness Day by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Louis Kern, Sr. by Senator Musto.

Congratulations of the Senate were extended to the members of Saint Paul's United Church of Christ in Mertztown by Senator O'Pake.

Congratulations of the Senate were extended to Ralph W. Abele by Senator Rhoades and others.

Congratulations of the Senate were extended to Mr. and Mrs. Alex Arrow, Mr. and Mrs. Clair M. Shaffer, Mr. and Mrs. Blair E. Shever and to Mr. and Mrs. Lee E. Whiting by Senator Shaffer.

Congratulations of the Senate were extended to Arthur E. Aungst, Dorothy M. Cico, Inez H. Davis, Bertha Hershey, Patrick E. Kerwin, Teletha E. Long, Donald E. Koons, Anna M. Scheipe and to Mary M. Sheffer by Senator Shumaker.

**MEETING OF COMMITTEE ON  
BANKING AND INSURANCE**

Senator **HOLL**. Mr. President, there will be an important meeting of the Committee on Banking and Insurance immediately following this Session, in Room 461. This is the postponed meeting which had been scheduled for 11:00 o'clock. Those Members in their offices would please be obliged to appear.

**PETITIONS AND REMONSTRANCES**

Senator **FISHER**. Mr. President, Monday of this week many Members of the Senate and of the General Assembly had the opportunity to attend the travel industry dinner that is held annually in Hershey, and it brings to mind a couple of issues I think are important to discuss and put on the record at this time involving tourism and travel promotion in Pennsylvania. Since 1979, funding for travel advertising was increased from the paltry sum in that fiscal year of \$60,000 to the sum of \$5.8 million in the 1986-1987 budget. Pennsylvania's tourist promotion program for matching funds through our local agencies has grown from \$250,000 in 1961, when the program was first created, to a \$5 million appropriation for tourist promotion at the local levels in our current year's budget. Unfortunately, when you look at the Governor's budget document for the next fiscal year, he has proposed no increase in this line item for appropriations to tourist promotion agencies and, even more sadly, has recommended that this \$5 million level be carried out all the way into the 1992 fiscal year.

I raise these figures because tourism has been of substantial importance to this Commonwealth. In 1984, close to 500,000 visitors were recorded as traveling into Pennsylvania, an increase of over 5 percent from the previous fiscal year. A

study by the U.S. Travel Data Center in Washington, D.C. indicated that U.S. travelers, including Pennsylvanians, spent close to \$9 billion in 1985 for travel related goods and services in Pennsylvania. Travel expenditures in our state have increased almost 30 percent between 1981 and 1985. The travel and tourism industry employs close to 190,000 people, or about 4 percent of all non-agricultural payroll, many of whom are minorities, women, students and other difficult to employ groups. All Pennsylvania counties benefit from travelers and expenditures they make. On the average, each county attracted about \$130 million in travel expenditures. During 1985, traveler spending generated \$64 million in local income, sales and property taxes, and \$362 million in tax revenues for the State Treasury through the income, sales and excise tax, a 3.6 percent portion of all the state tax revenues. A UPI survey of the state travel promotion efforts concluded that Pennsylvania has enjoyed great success since increasing tourism advertising efforts five years ago and now is recognized as one of the top tourist promotion campaigns in the country.

I bring these statistics to our attention not only because of the short shrift that the budget document presented by the Governor gives to tourism in his funding requests, but also because of the discussion that has been going on and that we have been reading about in the newspapers. Reference was made to it at the dinner the other night by the Lieutenant Governor when he made reference, as others have made reference, to the fact that discussions are now under way to change the "You've got a friend in Pennsylvania" theme that has been so important and so integral to our tourism growth over the last seven years.

Mr. President, I think the old adage of, "If it ain't broke, don't fix it," certainly applies here. We have a slogan that has been successful, a slogan that is clearly imprinted on our license plates, a slogan that has been identified by many of the travel and tourism groups, so much so that it has been estimated that a change in that slogan will cause many of these groups to have to waste resources and supplies that have been printed, because it could cost them perhaps as much as \$5 million.

I think it is a shame that the direction of this Administration, in dealing with some of the substantive problems we face, has been so shallow, particularly when you look at three issues where apparently their resolution to the problems is not to make substantial change but to make a change in the name. We have it with the potential change in the slogan, we have it with their change that has been suggested with the Liquor Control Board—we are changing it from its current name to an ABC and little else—and we have it, of course, in the change from the Commerce Department to the Economic Development Partnership.

I would call on the Governor and his Administration at this time to thoroughly reassess the need to change Pennsylvania's very successful slogan and, hopefully, in doing so, continue to build on the record of the last eight years, which has been a very successful one and a successful one to help produce

dollars in revenues, not only for state government but also for local government and private industry in the tourism and travel field.

### ADJOURNMENT

Senator STAUFFER. Mr. President, I move the Senate do now adjourn until Monday, May 11, 1987, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 1:26 p.m., Eastern Daylight Saving Time.