

COMMONWEALTH OF PENNSYLVANIA
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WEDNESDAY, MARCH 1, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 15

SENATE

WEDNESDAY, March 1, 1995

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

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

PRAYER

The Chaplain, Reverend Dr. PAUL D. GEHRIS, Pastor of the American Baptist Church, Harrisburg, offered the following prayer:

Let us pray.

Almighty and everlasting God, Creator of all that we know and ever will know, and keeper of that which You have made, accept our thanksgiving for this day and its attendant opportunities for self-growth and service to our fellow human beings.

Let this honorable Senate of Pennsylvania know Your presence and sense Your power. Grant to all of us the ability to know and relate to You beyond words and symbols. Keep us from being closed off by our past concepts and inherited ideas. By the power of Your spirit help us to become new and renewed in understanding of You and in relationship with You and with one another.

For those of this body who today embark on a time of introspection and self-discipline, grant them tenacity and fulfillment. Bless the work of this body and each of its Members, both here and at home, that in its full sum it will bring blessing to our Commonwealth and honor and glory to Your name. Amen.

The PRESIDENT. The Chair thanks Dr. Gehris, who is the guest today of Senator Mowery.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 28, 1995.

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.

GENERAL COMMUNICATION

LIST OF LOBBYISTS AND ORGANIZATIONS

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

SENATE OF PENNSYLVANIA

March 1, 1995

To the Honorable, the Senate of the Commonwealth of Pennsylvania
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from February 1, 1995 through February 28, 1995 inclusive, for the 179th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK R. CORRIGAN
Secretary
Senate of Pennsylvania

TED MAZIA
Chief Clerk
House of Representatives

(See Appendix for complete list.)

REPORTS FROM COMMITTEE

Senator PETERSON, from the Committee on Public Health and Welfare, reported the following bills:

SB 282 (Pr. No. 681) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for buying or exchanging Federal food order coupons, stamps or authorization cards and for fraudulent traffic in food orders.

SB 460 (Pr. No. 682) (Amended)

An Act prohibiting and restricting the use of certain instruments in connection with renal dialysis; granting rights to renal dialysis patients; and imposing duties on the Department of Health.

LEGISLATIVE LEAVES

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

Senator STEWART. Mr. President, I request a legislative leave for Senator Williams, and a temporary Capitol leave for Senator Kasunic.

The PRESIDENT. Senator Stewart requests a legislative leave for Senator Williams, and a temporary Capitol leave for Senator Kasunic. Without objection, those leaves will be granted.

LEAVES OF ABSENCE

Senator STEWART asked and obtained leaves of absence for Senator BODACK, Senator DAWIDA, Senator FUMO, and Senator HUGHES, for today's Session, for personal reasons.

CALENDAR

SB 374 CALLED UP OUT OF ORDER

SB 374 (Pr. No. 411) -- Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL OVER IN ORDER

SB 374 (Pr. No. 411) -- The Senate proceeded to consideration of the bill, entitled:

An act providing for voter registration, for registration, for registration commissions and for remedies; imposing penalties; providing for applications for absentee ballots; making appropriations; and making repeals.

Senator LOEPER. Mr. President, I move that Senate Bill No. 374 go over in its order.

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

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

YEAS—46

Afflerbach	Hart	Mowery	Shumaker
Andrezeski	Heckler	Musto	Stapleton
Armstrong	Helfrick	O'Pake	Stewart
Baker	Holl	Peterson	Stout
Belan	Jones	Porterfield	Tartaglione
Bell	Jubelirer	Punt	Tilghman
Brightbill	Kasunic	Rhoades	Tomlinson
Corman	LaValle	Robbins	Uliana
Delp	Lemmond	Salvatore	Wagner
Fisher	Loeper	Schwartz	Wenger
Gerlach	Madigan	Shaffer	Williams
Greenleaf	Mellow		

NAYS—0

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

The PRESIDENT. Senate Bill No. 374 will go over in its order.

**SPECIAL ORDER OF BUSINESS
GUESTS OF THE PRESIDENT PRO TEMPORE
PRESENTED TO THE SENATE**

The PRESIDENT. For the purpose of introducing some guests, the Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Mr. President, Members of the Senate, I am deeply honored to have several guests in the gallery today. I am pleased to welcome an old friend, Bill Moffitt, formerly of Blair County and now living in Hershey, and he has with him two very good friends, Tony and Christine Everitt of London, England. Tony Everitt works for the Whittington Syndicate Management Limited in their environmental claims department, and they are visiting our State Capitol today.

Mr. President, I would ask that the Senate give them its usual warm welcome.

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

(Applause.)

**GUESTS OF SENATOR RICHARD A.
TILGHMAN PRESENTED TO THE SENATE**

The PRESIDENT. For the purpose of introducing some additional guests, the Chair recognizes the gentleman from Montgomery, Senator Tilghman.

Senator TILGHMAN. Mr. President, there are three members of my family here today touring the Capitol, and I would like to introduce them to you. They are my wife, Diana, my granddaughter, Sarah Tilghman, and my grandson, Rick Tilghman.

I would appreciate it if the Senate would extend to them its usual warm welcome.

Thank you.

(Applause.)

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1 (Pr. No. 676) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the recycling of existing industrial and commercial sites; further defining the cleanup liability of new industries and tenants; establishing a framework for setting environmental remediation standards; establishing the Voluntary Cleanup Loan Fund and the Industrial Land Recycling Fund to aid industrial site cleanups; assigning powers and duties to the Environmental Quality Board and the Department of Environmental Resources; and making repeals.

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

On the question,
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the
gentleman from Lebanon County, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I am going to talk
about Senate Bill No. 1, but, very frankly, my comments deal
equally with Senate Bills No. 11 and No. 12 because these
three bills have moved as a package through the Senate of
Pennsylvania both last Session and this Session, and they all
represent a tremendous amount of work by a large number of
Members both here and in the House.

First, Mr. President, I would like to offer a little bit of his-
tory, and while this history is particularly relevant to my home
community of Lebanon, this history has played itself out time
and time again in community after community. And what I
learned in the process during the last 4 years was that this his-
tory as it applies to my home community is one that, frankly,
is de minimis as compared to some of the problems that exist
throughout this State. Back in the 1980s, the Bethlehem Steel
company closed a plant in Lebanon, Pennsylvania. It turned
over about 40 or 50 acres to the city of Lebanon for a dollar.
What was located on that site were some old buildings that had
been used in the steel industry for maybe up to a hundred
years. It was turned over with an environmental study, it was
turned over with the buildings intact, it was turned over in a
condition that was not at all suitable for reuse or redevelop-
ment.

Our city officials went to work. They acquired money, they
borrowed money, they went to the State, they went everywhere
they could go to tear down the buildings, build new roads,
provide water, sewer, other infrastructure, do additional
environmental tests. They spent over \$1 million in trying to
bring this property back to being used and useful for the
people of the Commonwealth of Pennsylvania. They found
themselves, at the end of the 1980s, having an industrial park
which had beautiful roads, curbs, street lights, water, sewer,
infrastructure, and no customers, because, frankly, Mr. Presi-
dent, at that time the business community was scared to death
to go into an industrial site where they had no real idea of
what they were getting into and what the consequences would
be to their purchasing land. They turned the property over to
our redevelopment authority to market it, and as soon as
people learned that the project was proposed to be on a used
industrial site, they said, no thanks, we would like to go
elsewhere.

There were lots of problems, but the big problems were,
number one, there were no standards. Tests were done by com-
petent people who could measure quantitatively what was in
the soil, but there was no place to go with those tests to say
whether or not those measurements and those substances
caused a problem. Informally, the staff at DER looked at it and
said, it does not look to be a problem. No big deal, in essence.
But getting that on paper, getting that in a form that would be

useful to a business that wanted to reuse one of those sites
was, frankly, impossible.

In addition, there was the responsibility after a cleanup
occurred. The businesses were told that before they could reuse
any of these properties, they would be liable forever in the
event of something being located on that property, and they
were not even sure if something was located elsewhere on the
same tract that they would not be liable for that, too. Any
buyer, frankly, when they paid their money or accepted the
land even for a dollar was on the hook. The city itself was told
they were potentially on the hook because they were in the
chain of title. As a result, businesses would not consider these
sites, and if a businessman had come in and began to consider
these sites, he would go, or she would go, to her financier, the
bank, and the bank would say, son, look elsewhere.

Let us further define the problem. Did the business com-
munity have a problem? No. Because what the business com-
munity did when they wanted to open an institution or begin
business in the community of Lebanon, they went to a green
field. They did not have a problem. The community had a
problem. Did the neighborhood have a problem? Yes. Did the
city have a problem? Yes. Did the school district, with the loss
of its tax base, have a problem? Yes. So the problem, you see,
was not for the business community, but the problem was for
the people who resided in that community.

Well, we in the Senate went to work, we really began our
work 4 years ago, and after a long 4-year period, we have
come to what I believe to be a good consensus. I am going to
mention some Members' names because they have really done
an outstanding job: Senator Musto, Senator Stewart, Senator
Belan, Senator LaValle, Senator Shaffer, Senator Porterfield.
And I am going to mention the names of some staff: Dave
Hess, Ron Ramsey, Terry Fitzpatrick, Tim Sullivan.

But, frankly, Mr. President, while many of us were a little
bit more active in this effort, Senate Bill No. 1 and Senate
Bills No. 11 and 12 are really very much the product not only
of this body but of the House of Representatives. There is a
piece of most of the Members of my Caucus, the Democratic
Caucus, and the two Caucuses in the House in this bill. This
has been a consensus operation, and whether it was a comment
over a sandwich in the lunchroom or no matter where it was,
I can say that every Member, virtually every Member of this
General Assembly, has contributed in some way to this piece
of legislation.

This is not something, Mr. President, that was crafted here
in Harrisburg. We also went out with great outreach into the
community. We held hearings all over the State, and, you
know, no one had their eyes opened more to this problem than
I did in the process of going out and holding hearings. We
went to the city of Aliquippa, and I think that is in the district
of the gentleman from Beaver, Senator LaValle, and he was
our host. And when I stood in the city of Aliquippa, I felt as
though I could just as easily have been in the cities of
Lebanon, Reading, Allentown, or a lot of other communities
within this State. And when I stood there and rode down that
street, the real need and necessity of this package finally be-
came clear. Before anyone in this Chamber says that we do not

need these bills, I would like them to travel to Aliquippa, Pennsylvania, walk down the streets of Aliquippa, talk to the mayor of Aliquippa, and talk to the residents.

This is not a bill for business. Business is the tool that we expect to use to solve our problems. This is a bill for people. What we are doing here today is coming to the rescue of our fellow citizens, to those who not only lost their sources of income, who not only lost the value of their homes and their local investments, but who are losing their children, as the young people grow up and see that there is no opportunity at home and decide to go elsewhere. I have never done a study, but I would like to know how many Members of the staff of this General Assembly come from the western part of this State, and it is simply because of the economic problems. To ignore the problem, Mr. President, is to ignore these people. As a result of our statewide outreach, we have looked these souls in the eyes and we should not look away. I remember being in the Meadville area with Senator Robbins, who also contributed greatly to this effort, and seeing the kinds of problems with which we are confronted.

But, Mr. President, this is not just a bill about people, this is a bill about improving our environment. We are setting up a mechanism to begin cleaning these sites to meet health-based standards. Yes, sites that are sitting idle today and contain some level of contamination and present an unknown health risk will begin to be cleaned up and the costs will be borne not by the taxpayers, our bosses, but by the private sector. That means that the costs of cleanup need to be reasonable so that the private sector can recover these costs as investments in the reuse of these properties. We are talking about investment, we are talking about economic growth, we are talking about cleaning our environment, and we are talking about going to the service of our fellow human beings.

Some say, let us let government do it. Well, government will not do it. And I submit as Exhibit A for the proposition that we can wait and wait and wait for government to come up with the money to do this, as in the area in our State where we now see long-abandoned coal mines. If you look back 20 or 30 years in our history, there was a point in time when everyone got excited and we were going to raise money and clean up the coal regions. The gentleman from Schuylkill, Senator Rhoades, is here, and I can see it in his eyes that those programs have helped. We are making some progress, but they have not had the kind of impact that those regions of the State deserve.

Mr. President, we in this General Assembly, and I say General Assembly, not just the Senate of Pennsylvania, have worked very much in a bipartisan way on this effort. Was there partisan bickering? No. You know, during this process in the Senate of Pennsylvania, the Committee on Environmental Resources and Energy and the Committee on Community and Economic Development, which were the committees that led this effort, changed hands again. There was lots of confusion, lots of partisanship, lots of anger, lots of emotion, but for this bill and this concept, it was a steady movement forward. There was lots of good, sound discussion. There was no partisanship, and we continued to make progress.

Now, how are we going to do this? Well, number one, cleanups are to be based on proposed reuse. It is very obvious, Mr. President, that if we are going to reuse an industrial site for homes and residences, that we need to do a greater degree of cleanup than if we are going to put back there another industry or if we are going to cover it with blacktop, as we saw in the district of the gentleman from Butler, Senator Shaffer, to make it a shopping center. We need standards that are realistic, and they need to be based upon sound science and real risk. And we need buyers who will feel comfortable to come in and invest because they will enjoy a new level of comfort.

Is this bill perfect? No. Would I personally make some changes in it if I could? Yes. But this bill is a compromise, and a good compromise. One of the limitations of this bill, Mr. President, is the market, because only those sites with reasonable market value will enjoy a good chance of cleanup, because it is only those sites with good market value that will attract the private industry. But, Mr. President, if there has ever been an example of this place working the way it should have worked, of people being in good faith and people putting aside their regional differences and people putting aside their political differences, this is the example. We are taking a big step in the right direction, and I would respectfully ask for an affirmative vote.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Westmoreland, Senator Porterfield.

Senator PORTERFIELD. Mr. President, it is a pleasure for me to rise and say that I also echo the statements of the gentleman from Lebanon, Senator Brightbill, and as I look across southwestern Pennsylvania and western Pennsylvania, along with the other areas of this State that I have traveled over the years to see the various abandoned industrial sites in particular, which this bill will address, it is quite evident to me that the work and the effort that has been put into this legislation over the past approximately 5 to 6 years was a well-thought-out effort to move forward and stop areas such as Westmoreland County from continuing to build industrial parks using open land and farmland, and entice industrial and commercial entities into our area. We have many sites in southwestern Pennsylvania, and in particular Westmoreland County, which will be addressed with this legislation. They are sites that have easy access by highway, by waterways, their location is ideal, but because of the environmental possibilities of the various chemicals that could be in the ground or the cleanup necessary in those sites, the investors that would take a leap forward and try to develop these sites have been reluctant. And therefore, they go to the industrial parks that are being built, the easy way out. We are hoping that this particular piece of legislation will attract investors who wish to improve those sites, build industrial facilities or manufacturing facilities which will employ our workers once again in Westmoreland County, southwestern Pennsylvania, western Pennsylvania, and all across Pennsylvania where these sites do exist currently. They are there; this bill will promote their utilization. The cleanup, which currently is not occurring, will hopefully occur because of this bill promoting those efforts.

And I have had many questions asked as to what direction will this legislation take us as far as the cleanup of those sites is concerned? So the amendment that I drafted and which yesterday was put into effect by approval of the Members of this body will give us an opportunity to take a look at the work that we have done here today, and down the road 3 years from now the Department of Environmental Resources will give us a report on those sites which have entered into agreements that are moving forward as far as cleanup. This will give us an opportunity to determine, did this legislation do the job that we intended it to do? And then each and every 2 years thereafter we will receive that same report, and I think that reporting mechanism is important for this body and the House to determine, as I mentioned, if this legislation is doing what it was intended to do.

I praise all those chairmen prior to my becoming the Democratic chair of the Committee on Environmental Resources and Energy, the gentleman from Luzerne, Senator Ray Musto, and all the staff members and all the hard workers on my side of the aisle, the other side of the aisle, and the House, all the private sector people that have put forth their efforts to bring this bill to the compromise that we have at this particular point in time. And I would say I think it is a point in the right direction, a step in the right direction, for those individuals who are concerned about our environment and those tracts out there that are currently polluting the various areas across the State. We are hoping that this legislation will move us forward with those cleanups, promote jobs, and be a bill that we can all be proud that we supported and that we moved forward on this year. I highly urge support of all the Members of this body.

Thank you very much.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Kasunic, and his temporary Capitol leave is cancelled.

And the question recurring,
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Cambria, Senator Stewart.

Senator STEWART. Mr. President, as the gentleman from Lebanon, Senator Brightbill, and the gentleman from Westmoreland, Senator Porterfield, indicated, precious few issues that face this General Assembly receive bipartisan cooperation and support, House and Senate cooperation and support. But this package, Senate Bill No. 1, Senate Bill No. 11, and Senate Bill No. 12, truly represent the spirit, as Senator Brightbill said, of what this place is all about or should be all about. A lot of hard work was put into this, a lot of outreaches, I think a key that needs to be emphasized. We were in every corner of this Commonwealth, and we heard testimony that I never thought we would hear, quite frankly. I have been in the General Assembly for over 15 years, I have been at many public hearings in various parts of the State, and

they do become kind of routine, as everyone here knows. But this series of hearings that this joint committee effort held produced some of the best testimony I have ever heard from the public and private sector. It can be summed up, I think, by a phrase that we heard, I forget which of the six or seven hearings it was at, and I forget who said it, it may have even been one of the members of the committee, but under current law, to clean up an industrial site it takes 20 lawyers and 1 backhoe. Mr. President, if we pass this legislation and the Governor signs it, I do not know whether we are going to eliminate all the lawyers that it will take to clean up these sites and get jobs back in our communities, but I know it is going to do a lot to cut down on the amount of red tape, the amount of hassle, and the amount of bureaucratic hoops that need to be run through before businesses can locate on these sites and create jobs for our citizens.

I urge a "yes" vote on the whole package. Thank you, Mr. President.

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

Senator ROBBINS. Mr. President, I also would urge support for Senate Bills No. 1, 11, and 12, and I would like to reiterate what has been said. I think the credit we give to the gentleman from Lebanon, Senator Brightbill; the gentleman from Luzerne, Senator Musto; the gentleman from Cambria, Senator Stewart, and the gentleman from Butler, Senator Shaffer, cannot be overdone. And in speaking about the evidence, as we started this project 4 years ago and started working on revitalizing these industrial sites that were landlocked in cities that were losing tax base, at that point in time our Department of Environmental Resources informed us they could not have a greenfields or a brownfields program because regulations in law prevented that. But as the process went through, and my area has already greatly benefitted from this program because as we went through that 3 years and as the hearings continued throughout the State and it became evident that the public wanted to restore those sites, they did not want sites such as Westinghouse in Mercer County with the doors locked and a million square feet of space with infrastructure not being used, they wanted those sites restored to the tax base, and most importantly, they wanted cleanup started. They wanted to get health standards that would be better for the community, that would meet the health standards that we need for the people using the sites. In my area, and particularly in Crawford County with the Talon site and the Avtec site where the community leaders took it on themselves to start this project and to take the liability even without laws being passed, these sites have been recycled and are presently being used. And the site that got me involved in this as we started this process was the Avtec site in Meadville, and up there we had the community leaders who got together, and they were the township officials, the city officials, the county officials, who in fact moved this effort. And interestingly enough, as we got to the end of the last administration, we saw that DER had developed a greenfields site and started moving in the direction that this legislation takes us. And because of that movement, I presently have an agreement signed, as we moved into this new ad-

ministration, with the Avtec site for reasonable cleanup to meet the health standards, and we have more than 1,000 jobs that are now presently in that site, people who are working, earning money, and we are restoring the tax base to that city. We have Sharon Steel in the Shenango Valley which was shut down for a number of years which has been purchased by Caparo Steel, and it is now coming up and running. And one of the major reasons they gave was just with the assurance of the greenfields program that in all honesty would not have been developed if these committees and the people in this Senate and the House had not started to process, in a nonpartisan way, to get going, one of the major reasons they agreed to buy that facility, and we will now have a new steel plant in the Shenango Valley, is just because of the movement that has been made so far, the feeling that they have that there will be limited liability based on what they have done and that we start to clean up on what was done in the past to meet the health standards.

So I personally want to thank all of those Members whom I mentioned, and their staffs, who have done an outstanding job, and in my area the economic development people in Crawford County, gentlemen by the name of Victor Leap and Steve Kohler, and all of the local government officials who joined in this effort 4 years ago when people did not know where we were going. We knew where we wanted to end up, but we were not totally sure of how to get there or what kind of opposition would develop. I do not know of another project, another effort since I have been in the legislature that has been worked on, I think, by all areas and levels of private industry, local government, and most importantly these bodies, to get to where we are today, and it is very, very important, and I share with you that these bills will create jobs, these bills will recycle industrial sites in the inner cities. They will restore the tax base. They will start to clean up on sites that the gates would be locked forever if we did not do this, and most importantly, they are going to give jobs to our people back home to where they will be able to make good money in good industrial jobs, and that is what we want most.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Bell.

Senator BELL. Mr. President, I want to compliment the people who produced this legislation. You have worked hard, you have done it very thoroughly, and you have made Pennsylvania a better place for tomorrow. I am sure the Senate is going to pass this, and I am also sure the House will pass it.

I want to talk specifically of my district. I represent the industrial waterfront of Pennsylvania on the Delaware River. My district extends from the Philadelphia Airport to the State of Delaware. In fact, seven-eighths of the runway of Philadelphia Airport in my district is part of cargo city and stuff like that. This is industrial Pennsylvania like it is in other parts of Pennsylvania, but today it is an industrial wasteland. And I will tell you how much I believe in this. We have a group called Operation Jobs. It was formed by the House Members and myself who represent that industrial waterfront of Delaware County, and we are meeting tomorrow afternoon

at 4 o'clock. This is a think tank of county and State officials, labor, business, industry, civic groups. I am taking Senate Bill No. 1 down there tomorrow to that meeting and telling them this is Pennsylvania of the future, because although we have highways, Interstate 95, we have a road that goes from the Delaware River to Canada that intersects there, we have fresh water, we have electricity, we have deep water shipping, we have air, we have everything but what is under that surface. And I will be a little more melodramatic than the gentleman from Lebanon, Senator Brightbill, was. I am of the opinion the way DER has been running things in Pennsylvania that if you bought some of that land you would be responsible for everything buried under it, including dead Indians.

So I compliment my fellow Members of the Senate and the House because you have done one hell of a good job.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Allegheny, Senator Belan.

Senator BELAN. Mr. President, not to belabor the point, but very briefly, just to say thanks again to the gentleman from Lebanon, Senator Brightbill, and the gentleman from Cambria, Senator Stewart, their staffs and also my staff. I would be very reluctant if I did not thank Ron Ramsey very personally, who is standing here. I thank Senator Brightbill, who as I stood here asking this Senate to come to the Mon Valley to look at our abandoned mill sites, I will pay for the buses, just come to the Mon Valley and see what we have there, Senator Brightbill was listening. He brought his public hearing to McKeesport. We had, I think, 21 people testify that day, Mr. President, and I appreciate the gentleman coming there to find out what the Mon Valley was like. We started up the mid-Mon Valley at Monessen, came down to Donora, New Eagle, Monongahela, Clairton, Duquesne, McKeesport, Munhall, West Mifflin, Whitaker, into the south side of Pittsburgh and on up to Beaver Valley where the gentleman from Beaver, Senator LaValle, is.

These bills, I am sure, and it has been said, will bring jobs to the Mon Valley, mid-Mon Valley, and Steel Valley. I remember working in a mill where a lot of our people left the steel mill in hopes that they could come to the Fairless Works, and it is going to help the people out here in the east, too. I know it will.

So again, I want to thank Senator Brightbill, Senator Stewart, and Members of the Senate for passing these three bills today. It will do Pennsylvania some good, and again, thank you, Senator Brightbill, for having the public hearings. Thank you, Mr. President. I thank all the Members of the Senate for passing these three bills which are very important to the Mon Valley.

Thank you.

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

Senator LOEPER. Mr. President, very briefly, I would just like to commend all parties involved, particularly the gentleman from Lebanon, Senator Brightbill; the gentleman from Cambria, Senator Stewart; the gentleman from Westmoreland, Senator Porterfield; the gentleman from Allegheny, Senator Belan; all the other Members on this side of the aisle who participated in this legislation. And I think,

Mr. President, it is very interesting to note that while this Session of the General Assembly is really in its infancy, that this is significant landmark legislation that we have before us today that we are about to consider and pass. And I think, Mr. President, it also sets a new precedent for the General Assembly, one of working together in order to accomplish a goal for the betterment of all Pennsylvanians. I think it is an example of bipartisan cooperation in the House and the Senate where we are going to be able to achieve a result today, again by working as partners rather than the divisiveness that we have experienced in the past. And I hope that it is a sign that this type of cooperation will continue as we move on in this Session and try to address the major issues that confront us.

Again, I congratulate each and every one of those involved in this and look forward to casting an "aye" vote on the legislation.

Thank you.

LEGISLATIVE LEAVES

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Indiana, Senator Stapleton.

Senator STAPLETON. Mr. President, I ask for temporary Capitol leaves for Senator Afflerbach, Senator Jones, Senator Mellow, and Senator O'Pake.

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

Senator LOEPER. Mr. President, I would also request temporary Capitol leaves on behalf of Senator Baker, Senator Helfrick, Senator Mowery, Senator Uliana, and Senator Robbins.

The PRESIDENT pro tempore. There have been requests made on both sides of the aisle for temporary Capitol leaves for Senator Afflerbach, Senator Jones, Senator O'Pake, Senator Mellow, Senator Baker, Senator Helfrick, Senator Mowery, Senator Uliana, and Senator Robbins. Without objection, those leaves will be granted.

And the question recurring,
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Allegheny, Senator Hart.

Senator HART. Mr. President, I also am pleased to see the bipartisan cooperation demonstrated today by Members on both sides of the aisle and I too rise in support of this package of bills, and I also want to commend all of my colleagues who worked so diligently over the past couple of Sessions to come up with the conclusion that we are about to reach today.

I would like to make an additional point that I think a lot of the Members are probably feeling and thinking throughout this whole process. I think too often people in the legislature are criticized for not thinking long run, long term, and passing legislation that may be politically expedient now and to no benefit or actually maybe cause a problem in the future. I think today we can be very pleased that we are responding to future generations by working and passing this legislation. I think not only are we going to improve our economy, but I think we are

going to improve the quality of life here in Pennsylvania for our children and our children's children. I think we really should not gloss over that fact, and I think that is one of the most important reasons to support these bills.

I thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEAS—46

Afflerbach	Hart	Mowery	Shumaker
Andrezeski	Heckler	Musto	Stapleton
Armstrong	Helfrick	O'Pake	Stewart
Baker	Holl	Peterson	Stout
Belan	Jones	Porterfield	Tartaglione
Bell	Jubelirer	Punt	Tilghman
Brightbill	Kasunic	Rhoades	Tomlinson
Corman	LaValle	Robbins	Uliana
Delp	Lemmond	Salvatore	Wagner
Fisher	Loeper	Schwartz	Wenger
Gerlach	Madigan	Shaffer	Williams
Greenleaf	Mellow		

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.

SB 11 (Pr. No. 677) — The Senate proceeded to consideration of the bill, entitled:

An Act limiting environmental liability for economic development agencies, financiers and fiduciaries.

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—46

Afflerbach	Hart	Mowery	Shumaker
Andrezeski	Heckler	Musto	Stapleton
Armstrong	Helfrick	O'Pake	Stewart
Baker	Holl	Peterson	Stout
Belan	Jones	Porterfield	Tartaglione
Bell	Jubelirer	Punt	Tilghman
Brightbill	Kasunic	Rhoades	Tomlinson
Corman	LaValle	Robbins	Uliana
Delp	Lemmond	Salvatore	Wagner
Fisher	Loeper	Schwartz	Wenger
Gerlach	Madigan	Shaffer	Williams
Greenleaf	Mellow		

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.

SB 12 (Pr. No. 678) — The Senate proceeded to consideration of the bill, entitled:

An Act providing grants for conducting assessments of abandoned industrial sites; establishing a fund; providing for funding; and imposing duties upon the Department of Commerce.

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—46

Afflerbach	Hart	Mowery	Shumaker
Andrezeski	Heckler	Musto	Stapleton
Armstrong	Helfrick	O'Pake	Stewart
Baker	Holl	Peterson	Stout
Belan	Jones	Porterfield	Tartaglione
Bell	Jubelirer	Punt	Tilghman
Brightbill	Kasunic	Rhoades	Tomlinson
Corman	LaValle	Robbins	Uliana
Delp	Lemmond	Salvatore	Wagner
Fisher	Loeper	Schwartz	Wenger
Gerlach	Madigan	Shaffer	Williams
Greenleaf	Mellow		

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.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 37 and **SB 47** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

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.

NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

SECRETARY OF PUBLIC WELFARE

January 24, 1995

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, Feather O'Connor Houstoun, 240 South Hutchinson Street, Philadelphia 19107, Philadelphia County, First Senatorial District, for appointment as Secretary of Public Welfare, to serve until the third Tuesday of January 1999 and until her successor shall have been appointed and qualified, vice Karen F. Snider, Mechanicsburg, whose term expired.

THOMAS J. RIDGE
Governor

On the question,

Will the Senate advise and consent to the nomination?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Venango, Senator Peterson.

Senator PETERSON. Mr. President, today I would like to say that I think we have a unique opportunity to nominate for the Secretary of Public Welfare a very competent and capable person to manage that department.

There have been some who have had some concerns because maybe she did not have more program experience. I want to tell you how I feel. The Department of Public Welfare is maybe the biggest agency in the country. It is one of the biggest--28,000 to 29,000 employees--with a multitude of programs, very complex programs. If there is one thing that is important when you have an \$11.5 billion budget, it is good, strong management. When you do not have good, strong management with the multitude of complex programs such as those that that department administers, a lot of money gets wasted, a lot of people work without focus, a lot of hardworking people do not have a good direction in which they are leading those programs and serving the people who need the programs of this department.

I have had numerous opportunities to meet with Feather Houstoun and discuss the issues that face that department, and I have been impressed. I think she brings to that job good, strong management skills, good people skills. I think she brings to that job a compassion and caring for people. I think she will assemble a team over there, I have no doubt, and will be maybe one of the better managers we have had in that department, and that is really what cabinet people are, managers of departments. I think she gives us an opportunity to maximize the value of what we are spending there, an \$11.5 billion budget, and growing fast.

I have all the confidence in the world that the Ridge administration has made a very strong choice here. I look forward to working closely with her and the new team that she will be putting together, and I would like to ask all of my colleagues today to give her a strong vote of confidence. The committee met with her and had a very good hearing. She was unanimously supported by the committee. She is looking forward to moving forward as the new Secretary of Public

Welfare, and I urge all of my colleagues to join me today in confirming her nomination.

And the question recurring,
Will the Senate advise and consent to the nomination?

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

YEAS—46

Afflerbach	Hart	Mowery	Shumaker
Andrezeski	Heckler	Musto	Stapleton
Armstrong	Helfrick	O'Pake	Stewart
Baker	Holl	Peterson	Stout
Belan	Jones	Porterfield	Tartaglione
Bell	Jubelirer	Punt	Tilghman
Brightbill	Kasunic	Rhoades	Tomlinson
Corman	LaValle	Robbins	Uliana
Delp	Lemmond	Salvatore	Wagner
Fisher	Loeper	Schwartz	Wenger
Gerlach	Madigan	Shaffer	Williams
Greenleaf	Mellow		

NAYS—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.

NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

SECRETARY OF BANKING

January 17, 1995

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, Richard C. Rishel, 423 Walnut Street, Apartment 113, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of Banking, to serve until the third Tuesday of January 1999 and until his successor shall have been appointed and qualified, vice The Honorable Sarah W. Hargrove, Wyndmoor, whose term expired.

THOMAS J. RIDGE
Governor

On the question,
Will the Senate advise and consent to the nomination?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Montgomery, Senator Holl.

Senator HOLL. Mr. President, about a week or two ago the Committee on Banking and Insurance met, as we do for all of these nominees, and we spent considerable time on the nominee for the Secretary of Banking position, Rick Rishel. There were many questions and there were many answers, and the bottom line was and is that we found him to be well qualified, with a vast background in the financial community, a man who has had hands-on experience as an executive in

financial institutions and has had considerable success. He brings to the Commonwealth of Pennsylvania and the Department of Banking knowledge, experience, and a pledge to make Pennsylvania strong in the financial arena of not only Pennsylvania but the nation.

I am delighted, Mr. President, to stand here today and urge that we give him our unquestionable support and cooperation so that he can do that very important work he is about to set forth to do.

Thank you.

And the question recurring,
Will the Senate advise and consent to the nomination?

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

YEAS—46

Afflerbach	Hart	Mowery	Shumaker
Andrezeski	Heckler	Musto	Stapleton
Armstrong	Helfrick	O'Pake	Stewart
Baker	Holl	Peterson	Stout
Belan	Jones	Porterfield	Tartaglione
Bell	Jubelirer	Punt	Tilghman
Brightbill	Kasunic	Rhoades	Tomlinson
Corman	LaValle	Robbins	Uliana
Delp	Lemmond	Salvatore	Wagner
Fisher	Loeper	Schwartz	Wenger
Gerlach	Madigan	Shaffer	Williams
Greenleaf	Mellow		

NAYS—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 SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

**UNFINISHED BUSINESS
SENATE CONCURRENT RESOLUTION**

JOINT SESSION

Senator LOEPER, by unanimous consent, offered the following resolution, which was read, considered and adopted:

In the Senate, March 1, 1995

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session on Tuesday, March 7, 1995 at 11:30 a.m. in the Hall of the House of Representatives for the purpose of hearing an address by His Excellency Governor Tom Ridge; and be it further

RESOLVED, That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House of Representatives to escort His Excellency the Governor of the Commonwealth of Pennsylvania, to the Hall of the House of Representatives.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to VisionQuest Buffalo Soldiers of Coatesville by Senator Baker.

Congratulations of the Senate were extended to Robert I. Glimcher by Senator Dawida.

Congratulations of the Senate were extended to Mr. and Mrs. William Quigley by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Shem Aigler, Mr. and Mrs. Calvin G. Eisenhower, Mr. and Mrs. Gerald F. Moyer, Mr. and Mrs. Eugene Wagner, Joseph N. Manganaro, and to Sergeant Ronald G. Ortman by Senator Helfrick.

Congratulations of the Senate were extended to Ian Scott Kramer and to John Paquette by Senator Holl.

Congratulations of the Senate were extended to Virginia Lavenia Taylor Ruffin by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. John F. Kanavy, Sr., by Senator Mellow.

Congratulations of the Senate were extended to J. Dixon Earley by Senator Mowery.

Congratulations of the Senate were extended to Helen Marie and A. Wayne Readinger by Senator O'Pake.

Congratulations of the Senate were extended to Elona Mae Brown and to the Ridgway Community Nurse Service, Inc., by Senator Peterson.

Congratulations of the Senate were extended to David R. Bellis, Richard Burd and to Benjamin A. Dorazio by Senator Porterfield.

Congratulations of the Senate were extended to Mr. and Mrs. Laird Calhoun by Senator Stapleton.

Congratulations of the Senate were extended to Rebecca M. Muth and to Frank Profy by Senator Tomlinson.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 282 and SB 460.

And said bills having been considered for the first time,

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

RESOLUTION SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following resolution:

House Concurrent Resolution 2.

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Monday, March 6, 1995, at 2 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 12:15 p.m., Eastern Standard Time.