

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

THURSDAY, NOVEMBER 17, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 77

HOUSE OF REPRESENTATIVES

The House convened at 9 a.m., e.s.t.

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

PRAYER

HON. SID MICHAELS KAVULICH, member of the House of Representatives, offered the following prayer:

As we gather this morning in this hallowed chamber, let us take a few moments to listen to this reading from the Book of Proverbs and ask God to open our hearts and our minds and listen to what He is telling us in these words.

"My son, if you receive my words and treasure my commands,
Turning your ear to wisdom, inclining your heart to understanding;
Yes, if you call for intelligence, and to understanding raise your voice;

If you seek her like silver, and like hidden treasures search her out,
Then will you understand the fear of the Lord;
the knowledge of God you will find;
For the Lord gives wisdom, from his mouth come knowledge and understanding;

He has success in store for the upright, is the shield of those who walk honestly,

Guarding the paths of justice, protecting the way of His faithful ones,

Then you will understand what is right and just, what is fair, every good path;

For wisdom will enter your heart, knowledge will be at home in your soul,

Discretion will watch over you, understanding will guard you;
Saving you from the way of the wicked, from those whose speech is perverse.

From those who have left the straight paths to walk in the ways of darkness,

Who delight in doing evil and celebrate perversity;
Whose ways are crooked, whose paths are devious;
Saving you from a stranger, from a foreign woman with her smooth words,

One who forsakes the companion of her youth and forgets the covenant of her God;

For her path sinks down to death, and her footsteps lead to the shades.

None who enter there come back, or gain the paths of life.
Thus you may walk in the way of the good, and keep to the paths of the just.

For the upright will dwell in the land, people of integrity will remain in it;

But the wicked will be cut off from the land, the faithless will be rooted out of it."

Father, give us the wisdom and knowledge You speak of so that everything we do is in Your name. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, November 16, 2011, will be postponed until printed.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 1644, PN 2730**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1875, PN 2437**, with information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HB 1875, PN 2437

An Act designating the bridge that carries State Route 462 over the Norfolk Southern rail line in the Borough of Mountville, Lancaster County, as the Mountville Veterans Memorial Bridge.

Whereupon, the Speaker, in the presence of the House, signed the same.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2015 By Representatives P. COSTA, YOUNGBLOOD, BRENNAN, V. BROWN, BURNS, CALTAGIRONE, CARROLL, D. COSTA, DALEY, DEASY, DeLUCA, GERGELY, HORNAMAN, W. KELLER, KORTZ, MAHONEY, MANN, MATZIE, MILLARD, MIRABITO, MOUL, WHITE and FABRIZIO

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, further providing for definitions and for prize limits.

Referred to Committee on GAMING OVERSIGHT, November 17, 2011.

No. 2016 By Representatives ELLIS, MURT, SANTARSIERO, AUMENT, BAKER, BLOOM, BOBACK, V. BROWN, CARROLL, CLYMER, COHEN, CREIGHTON, CURRY, CUTLER, DALEY, DeLUCA, EVERETT, FLECK, GEIST, GIBBONS, GRELL, GROVE, HEFFLEY, HESS, HICKERNELL, HORNAMAN, KAUFFMAN, M. K. KELLER, KILLION, LAWRENCE, MANN, METCALFE, MILLARD, MULLERY, PETRARCA, QUINN, READSHAW, ROSS, K. SMITH, STEPHENS, STEVENSON, SWANGER, TALLMAN, TAYLOR, THOMAS, VULAKOVICH, YOUNGBLOOD, MICOZZIE and GILLEN

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the definition of "commercial sex"; further providing for trafficking of persons; and providing for the offense of selling or buying of minors into commercial sex and for action for coercion into prostitution.

Referred to Committee on JUDICIARY, November 17, 2011.

No. 2017 By Representatives KORTZ, BARRAR, DeLUCA, FABRIZIO, HALUSKA, HESS, KULA, M. O'BRIEN, RAVENSTAHL, READSHAW, SANTARSIERO, K. SMITH, SWANGER and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, prohibiting interactive wireless communications devices in work zones.

Referred to Committee on TRANSPORTATION, November 17, 2011.

No. 2018 By Representatives KAVULICH, BOBACK, K. BOYLE, BRADFORD, BRENNAN, BROOKS, CALTAGIRONE, CAUSER, COX, CUTLER, DALEY, DENLINGER, DiGIROLAMO, DONATUCCI, ELLIS, FABRIZIO, FARRY, FLECK, GEORGE, GILLEN, GOODMAN, HALUSKA, HEFFLEY, HORNAMAN, KULA, MAHONEY, MAJOR, MARSICO, MILLARD, MULLERY, MURPHY, QUINN, READSHAW, ROCK, SCAVELLO, SONNEY, STERN, SWANGER, VULAKOVICH and YOUNGBLOOD

An Act designating the bridge crossing the Lackawanna River along 8th Avenue, also known as U.S. Business Route 6, in downtown Carbondale, Lackawanna County, as the 109th Infantry Bridge.

Referred to Committee on TRANSPORTATION, November 17, 2011.

No. 2019 By Representatives METCALFE, BARRAR, BLOOM, CREIGHTON, EVERETT, GROVE, KAUFFMAN, METZGAR, MILLER, RAPP, SAYLOR, SCAVELLO and TALLMAN

An Act imposing an additional sales and use tax and personal income tax; prohibiting the imposition of real property tax by school districts and municipalities; establishing the School Property Tax Elimination Fund; and providing for school district and municipality tax options and for duties of the Department of Revenue and the Legislative Budget and Finance Committee.

Referred to Committee on FINANCE, November 17, 2011.

No. 2021 By Representatives EMRICK, BRENNAN, R. BROWN, FREEMAN, HAHN, HARHART, MANN, REICHLEY, SAMUELSON, SCAVELLO and SIMMONS

An Act designating a portion of PA Route 191 in Washington Township, Northampton County, as the "World War II Homefront Heroes Highway."

Referred to Committee on TRANSPORTATION, November 17, 2011.

No. 2027 By Representatives COX, GILLEN, AUMENT, BAKER, BRADFORD, BROOKS, CALTAGIRONE, CARROLL, CAUSER, D. COSTA, CREIGHTON, DALEY, DENLINGER, DiGIROLAMO, EVERETT, FABRIZIO, FARRY, FLECK, GABLER, GEIST, GEORGE, GOODMAN, GRELL, GROVE, HAHN, HARHART, HARPER, HEFFLEY, HENNESSEY, HESS, HICKERNELL, KAUFFMAN, M. K. KELLER, KNOWLES, KORTZ, KULA, MAHONEY, MAJOR, MANN, MICOZZIE, MILLARD, MURT, OBERLANDER, O'NEILL, RAPP, READSHAW, REED, REICHLEY, ROAE, ROCK, SANTONI, SONNEY, STERN, STEVENSON, SWANGER, TALLMAN, THOMAS, TOEPEL, VEREB, VULAKOVICH, WATSON and YOUNGBLOOD

An Act designating State Route 422, from its intersection with State Route 724 in the Borough of Sinking Spring, Berks County, to the west end of the Borough of Robesonia, Berks County, as the Kyle D. Pagerly Memorial Highway.

Referred to Committee on TRANSPORTATION, November 17, 2011.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. There will be an immediate meeting of the Appropriations Committee in the majority caucus room. That meeting is taking place immediately.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Consumer Affairs Committee meeting that is already in progress has the permission of the House to continue its meeting.

The House will be at ease.

The House will come to order.

BILLS REREPORTED FROM COMMITTEE

HB 120, PN 2766

By Rep. ADOLPH

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for prohibited acts and penalties.

APPROPRIATIONS.

HB 121, PN 2693

By Rep. ADOLPH

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for general and specific powers; and providing for child endangerment protection.

APPROPRIATIONS.

HB 1950, PN 2765

By Rep. ADOLPH

An Act amending Titles 27 (Environmental Resources) and 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, requiring rents and royalties from oil and gas leases of Commonwealth land to be placed in a special fund to be used for conservation, recreation, dams, flood control and certain interfund transfers; authorizing the Secretary of Conservation and Natural Resources to determine the need for and location of such projects and to acquire the necessary land; providing for interfund transfers; establishing the Keystone Transit Program; providing a transfer of funds from the Oil and Gas Lease Fund to the Department of Environmental Protection for a competitive grant program for the transition of small mass transit bus fleets to compressed natural gas; establishing the Clean Transit Program; providing a transfer of funds from the Oil and Gas Lease Fund to the Department of Environmental Protection for a loan program for the transition of large mass transit bus fleets to compressed natural gas; authorizing counties to impose and collect an unconventional gas well impact fee; providing for distribution of fees and for the Oil and Gas Lease Fund; consolidating the Oil and Gas Act with modifications and additions; providing for local ordinances relating to oil and gas operations; and repealing an act relating to the establishment of the Oil and Gas Lease Fund and the Oil and Gas Act.

APPROPRIATIONS.

RESOLUTION REPORTED FROM COMMITTEE

HR 505, PN 2763

By Rep. GODSHALL

A Concurrent Resolution disapproving a Pennsylvania Public Utility Commission regulation on Natural Gas Distribution Companies and the Promotion of Competitive Retail Markets.

CONSUMER AFFAIRS.

LEAVES OF ABSENCE

The SPEAKER. The Speaker turns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. PETRI, from Bucks County for the day; the gentleman, Mr. GABLER, from Clearfield County for the day; the gentleman, Mr. PYLE, from Armstrong County for the day; the gentleman, Mr. REICHLEY, from Lehigh County for the day; the gentleman, Mr. Dennis O'BRIEN, from Philadelphia County for the day; and the gentleman,

Mr. MOUL, from Adams County for the day. Without objection, the leaves will be granted.

Additionally, the Speaker recognizes the presence of the gentleman, Mr. Mustio, on the floor of the House. His name will be added to the master roll call.

The Speaker turns to the minority whip, who requests a leave of absence for the gentleman, Mr. Dwight EVANS, from Philadelphia County for the day; the gentleman, Mr. MYERS, from Philadelphia County for the day; the gentleman, Mr. CRUZ, from Philadelphia County for the day; the gentleman, Mr. STABACK, from Lackawanna County for the day; the gentleman, Mr. SHAPIRO, from Montgomery County for the day; the lady, Ms. WAGNER, from Allegheny County for the day; the gentleman, Mr. MAHONEY, from Fayette County for the day; and the gentleman, Mr. GEORGE, from Clearfield County for the day. Without objection, the leaves will be granted.

MASTER ROLL CALL

The SPEAKER. The Speaker is about to take the master roll call. The members will proceed to vote.

The following roll call was recorded:

PRESENT—189

Adolph	DiGirolamo	Keller, W.	Rapp
Aument	Donatucci	Killion	Ravenstahl
Baker	Dunbar	Kirkland	Readshaw
Barbin	Ellis	Knowles	Reed
Barrar	Emrick	Kortz	Reese
Bear	Evankovich	Kotik	Roae
Benninghoff	Evans, J.	Krieger	Rock
Bishop	Everett	Kula	Roebuck
Bloom	Fabrizio	Lawrence	Ross
Boback	Farry	Longietti	Sabatina
Boyd	Fleck	Maher	Saccone
Boyle, B.	Frankel	Major	Sainato
Boyle, K.	Freeman	Maloney	Samuelson
Bradford	Galloway	Mann	Santarsiero
Brennan	Geist	Markosek	Santoni
Briggs	Gerber	Marshall	Saylor
Brooks	Gergely	Marsico	Scavello
Brown, R.	Gibbons	Masser	Schroder
Brown, V.	Gillen	Matzie	Simmons
Brownlee	Gillespie	McGeehan	Smith, K.
Burns	Gingrich	Metcalfe	Smith, M.
Buxton	Godshall	Metzgar	Sonney
Caltagirone	Goodman	Miccarelli	Stephens
Carroll	Grell	Micozzie	Stern
Causer	Grove	Millard	Stevenson
Christiana	Hackett	Miller	Sturla
Clymer	Hahn	Milne	Swanger
Cohen	Haluska	Mirabito	Tallman
Conklin	Hanna	Mullery	Taylor
Costa, D.	Harhai	Mundy	Thomas
Costa, P.	Harhart	Murphy	Tobash
Cox	Harkins	Murt	Toepel
Creighton	Harper	Mustio	Toohil
Culver	Harris	Neuman	Truitt
Curry	Heffley	O'Brien, M.	Turzai
Cutler	Helm	O'Neill	Vereb
Daley	Hennessey	Oberlander	Vitali
Davidson	Hess	Parker	Vulakovich
Davis	Hickernell	Pashinski	Waters
Day	Hornaman	Payne	Watson
Deasy	Hutchinson	Payton	Wheatley
DeLissio	Johnson	Peifer	White

Delozier	Josephs	Perry	Williams
DeLuca	Kampf	Petrarca	Youngblood
Denlinger	Kauffman	Pickett	
DePasquale	Kavulich	Preston	Smith, S.,
Dermody	Keller, F.	Quigley	Speaker
DeWeese	Keller, M.K.	Quinn	

ADDITIONS—0

NOT VOTING—0

EXCUSED—14

Cruz	Mahoney	Petri	Shapiro
Evans, D.	Moul	Pyle	Staback
Gabler	Myers	Reichley	Wagner
George	O'Brien, D.		

LEAVES ADDED—11

Cox	Haluska	Mann	Waters
Daley	Keller, W.	Payton	Wheatley
DeLuca	Kirkland	Santoni	

LEAVES CANCELED—5

Cox	Keller, W.	Moul	Reichley
Gabler			

The SPEAKER. One hundred and eighty-nine members having voted on the master roll call, a quorum is present.

UNCONTESTED CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. FRANKEL called up **HR 503, PN 2758**, entitled:

A Resolution recognizing the centennial celebration of the Magee-Womens Hospital and commending its staff for dedication, service and excellence of care to the women of Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—189

Adolph	DiGirolamo	Keller, W.	Rapp
Aument	Donatucci	Killion	Ravenstahl
Baker	Dunbar	Kirkland	Readshaw
Barbin	Ellis	Knowles	Reed
Barrar	Emrick	Kortz	Reese
Bear	Evankovich	Kotik	Roae
Benninghoff	Evans, J.	Krieger	Rock
Bishop	Everett	Kula	Roebuck
Bloom	Fabrizio	Lawrence	Ross
Boback	Farry	Longietti	Sabatina
Boyd	Fleck	Maher	Saccone
Boyle, B.	Frankel	Major	Sainato
Boyle, K.	Freeman	Maloney	Samuelson
Bradford	Galloway	Mann	Santarsiero
Brennan	Geist	Markosek	Santoni
Briggs	Gerber	Marshall	Saylor
Brooks	Gergely	Marsico	Scavello
Brown, R.	Gibbons	Masser	Schroder
Brown, V.	Gillen	Matzie	Simmons
Brownlee	Gillespie	McGeehan	Smith, K.

Burns	Gingrich	Metcalfe	Smith, M.
Buxton	Godshall	Metzgar	Sonney
Caltagirone	Goodman	Miccarelli	Stephens
Carroll	Grell	Micozzie	Stern
Causar	Grove	Millard	Stevenson
Christiana	Hackett	Miller	Sturla
Clymer	Hahn	Milne	Swanger
Cohen	Haluska	Mirabito	Tallman
Conklin	Hanna	Mullery	Taylor
Costa, D.	Harhai	Mundy	Thomas
Costa, P.	Harhart	Murphy	Tobash
Cox	Harkins	Murt	Toepel
Creighton	Harper	Mustio	Toohil
Culver	Harris	Neuman	Truitt
Curry	Heffley	O'Brien, M.	Turzai
Cutler	Helm	O'Neill	Vereb
Daley	Hennessey	Oberlander	Vitali
Davidson	Hess	Parker	Vulakovich
Davis	Hickernell	Pashinski	Waters
Day	Hornaman	Payne	Watson
Deasy	Hutchinson	Payton	Wheatley
DeLissio	Johnson	Peifer	White
Delozier	Josephs	Perry	Williams
DeLuca	Kampf	Petrarca	Youngblood
Denlinger	Kauffman	Pickett	
DePasquale	Kavulich	Preston	Smith, S.,
Dermody	Keller, F.	Quigley	Speaker
DeWeese	Keller, M.K.	Quinn	

NAYS—0

NOT VOTING—0

EXCUSED—14

Cruz	Mahoney	Petri	Shapiro
Evans, D.	Moul	Pyle	Staback
Gabler	Myers	Reichley	Wagner
George	O'Brien, D.		

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

UNCONTESTED SUPPLEMENTAL CALENDAR B

RESOLUTION PURSUANT TO RULE 35

Mr. BAKER called up **HR 504, PN 2768**, entitled:

A Resolution designating the week of November 13 through 19, 2011, as "Rural Health Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—189

Adolph	DiGirolamo	Keller, W.	Rapp
Aument	Donatucci	Killion	Ravenstahl
Baker	Dunbar	Kirkland	Readshaw
Barbin	Ellis	Knowles	Reed
Barrar	Emrick	Kortz	Reese
Bear	Evankovich	Kotik	Roae
Benninghoff	Evans, J.	Krieger	Rock
Bishop	Everett	Kula	Roebuck
Bloom	Fabrizio	Lawrence	Ross
Boback	Farry	Longietti	Sabatina

Boyd	Fleck	Maher	Saccone
Boyle, B.	Frankel	Major	Sainato
Boyle, K.	Freeman	Maloney	Samuelson
Bradford	Galloway	Mann	Santarsiero
Brennan	Geist	Markosek	Santoni
Briggs	Gerber	Marshall	Saylor
Brooks	Gergely	Marsico	Scavello
Brown, R.	Gibbons	Masser	Schroder
Brown, V.	Gillen	Matzie	Simmons
Brownlee	Gillespie	McGeehan	Smith, K.
Burns	Gingrich	Metcalfe	Smith, M.
Buxton	Godshall	Metzgar	Sonney
Caltagirone	Goodman	Miccarelli	Stephens
Carroll	Grell	Micozzie	Stern
Causser	Grove	Millard	Stevenson
Christiana	Hackett	Miller	Sturla
Clymer	Hahn	Milne	Swanger
Cohen	Haluska	Mirabito	Tallman
Conklin	Hanna	Mullery	Taylor
Costa, D.	Harhai	Mundy	Thomas
Costa, P.	Harhart	Murphy	Tobash
Cox	Harkins	Murt	Toepel
Creighton	Harper	Mustio	Toohil
Culver	Harris	Neuman	Truitt
Curry	Heffley	O'Brien, M.	Turzai
Cutler	Helm	O'Neill	Vereb
Daley	Hennessey	Oberlander	Vitali
Davidson	Hess	Parker	Vulakovich
Davis	Hickernell	Pashinski	Waters
Day	Hornaman	Payne	Watson
Deasy	Hutchinson	Payton	Wheatley
DeLissio	Johnson	Peifer	White
Delozier	Josephs	Perry	Williams
DeLuca	Kampf	Petrarca	Youngblood
Denlinger	Kauffman	Pickett	
DePasquale	Kavulich	Preston	Smith, S., Speaker
Dermody	Keller, F.	Quigley	
DeWeese	Keller, M.K.	Quinn	

NAYS—0

NOT VOTING—0

EXCUSED—14

Cruz	Mahoney	Petri	Shapiro
Evans, D.	Moul	Pyle	Staback
Gabler	Myers	Reichley	Wagner
George	O'Brien, D.		

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

The SPEAKER. The House will come to order.

LEAVES OF ABSENCE

The SPEAKER. The Speaker is returning to leaves of absence and recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. PAYTON, from Philadelphia County for the day; the gentleman, Mr. WHEATLEY, from Allegheny County for the day; the lady, Miss MANN, from Lehigh County for the day. Without objection, the leaves will be granted.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Additionally, the Speaker notices the presence of the gentleman, Mr. Reichley, on the floor of the house. His name will be added to the master roll call.

SUPPLEMENTAL CALENDAR A

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1950, PN 2765**, entitled:

An Act amending Titles 27 (Environmental Resources) and 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, requiring rents and royalties from oil and gas leases of Commonwealth land to be placed in a special fund to be used for conservation, recreation, dams, flood control and certain interfund transfers; authorizing the Secretary of Conservation and Natural Resources to determine the need for and location of such projects and to acquire the necessary land; providing for interfund transfers; establishing the Keystone Transit Program; providing a transfer of funds from the Oil and Gas Lease Fund to the Department of Environmental Protection for a competitive grant program for the transition of small mass transit bus fleets to compressed natural gas; establishing the Clean Transit Program; providing a transfer of funds from the Oil and Gas Lease Fund to the Department of Environmental Protection for a loan program for the transition of large mass transit bus fleets to compressed natural gas; authorizing counties to impose and collect an unconventional gas well impact fee; providing for distribution of fees and for the Oil and Gas Lease Fund; consolidating the Oil and Gas Act with modifications and additions; providing for local ordinances relating to oil and gas operations; and repealing an act relating to the establishment of the Oil and Gas Lease Fund and the Oil and Gas Act.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. For what purpose does the gentleman, Mr. Ellis, rise?

Mr. ELLIS. Thank you very much, Mr. Speaker.

I rise to offer an agreed-to amendment under House rule 24 to clarify a couple ambiguities that we found in the legislation late last night.

Mr. VITALI. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman, Mr. Vitali, rise?

Mr. VITALI. To make a motion, Mr. Speaker.

The SPEAKER. The gentleman from Butler, Mr. Ellis, currently has the floor, and he was recognized for the purpose of making a motion. So your motion would not be in order at the moment.

PARLIAMENTARY INQUIRIES

Mr. VITALI. Parliamentary inquiry.

The SPEAKER. The gentleman may state his parliamentary inquiry.

Mr. VITALI. Would a motion to postpone take precedence over a motion to offer an amendment?

The SPEAKER. If properly recognized, that motion would take precedence. However, you have not been recognized for that purpose because Mr. Ellis has the floor.

Mr. VITALI. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman may state his parliamentary inquiry.

Mr. VITALI. Would it be possible to be recognized after Mr. Ellis conducts the business at hand on a motion to postpone for 1 hour?

The SPEAKER. Yes, it is possible.

Mr. VITALI. Would the Speaker do it?

The SPEAKER. The gentleman will suspend.

The gentleman, Mr. Ellis, moves for consideration of offering amendment A06504 under rule 24 in order to clear up an ambiguity in the bill.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. ELLIS offered the following amendment No. **A06504**:

Amend Bill, page 142, line 9, by striking out "ON OR BEFORE" and inserting

before, on or after

Amend Bill, page 257, lines 17 through 19, by striking out "ON THE SAME FEATURES OF OIL AND GAS." in line 17, all of line 18 and "SAME PURPOSES AS SET FORTH IN THIS CHAPTER" in line 19 and inserting

that are inconsistent with this chapter. Except as otherwise provided in 27 Pa.C.S. Ch. 33 (relating to oil and gas), the

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Ellis, on the amendment.

Mr. ELLIS. Thank you very much, Mr. Speaker.

As I said, this is an agreed-to amendment. It simply corrects a mistake that we made that said we will collect the drilling fee, anything prior that has already been drilled, and we left out the word "after." So we wanted to make sure that we are actually collecting the fee.

And also, because of the Baker amendment adding chapter 33 to the oil and gas law, we wanted to create a consistency there as well.

MOTION TO POSTPONE

The SPEAKER. The question is, will the House agree to the amendment?

Is the gentleman from Delaware County, Mr. Vitali, seeking recognition on the amendment?

Mr. VITALI. For the purpose of making a privileged motion.

The SPEAKER. The gentleman is in order to make a motion.

Mr. VITALI. Mr. Speaker, I would move that we postpone proceedings for 1 hour, and I would like to argue in favor of that.

The SPEAKER. The gentleman from Delaware County, Mr. Vitali, moves to postpone for 1 hour.

Would you correct the motion, for the consideration of this amendment? Is that what you are asking?

Mr. VITALI. Well, actually, if that would help, I could do that. What I really wanted to do was consider the whole proceedings.

The SPEAKER. I just wanted clarification. You are moving to postpone consideration of this amendment for 1 hour?

Mr. VITALI. Well, actually, the amendment and the bill.

The SPEAKER. Okay.

Mr. VITALI. The point is to just be able to finish reading it, and that is what I am trying to do.

The SPEAKER. I understand. Just to be clear, the gentleman, Mr. Vitali, has moved to postpone consideration of amendment A06504 and HB 1950 for 1 hour.

On the question,

Will the House agree to the motion?

Mr. TURZAI. Mr. Speaker?

Mr. VITALI. And if I could speak on that, Mr. Speaker?

The SPEAKER. On the motion, the courtesy would be, I think, to let the gentleman who made the motion state why he wants to postpone for another hour.

Mr. VITALI. Thank you, Mr. Speaker.

My intent is not to delay things, but we do have a bill that was just revised. It had multiple amendments. It has 271 pages, albeit a lot of that is just x-ed out material. It only really became available on our systems I think at 8 o'clock this morning. I have been in committees, as have other members. I have been working my way through. I am on about 184 right now. All I really want to do is get through, read the rest of the bill, then maybe collect my thoughts so I can organize my floor debate in an organized way. I do not think an hour is going to kill anybody here, but it will maybe improve the quality of the debate and make sure we are not missing anything. So I would ask for an hour after the conclusion of this debate.

Thank you.

The SPEAKER. On the motion, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Thank you very much, Mr. Speaker.

The good gentleman from Delaware County had asked staff of the majority caucus to have the opportunity, around 9 a.m., to have an hour to review the technical amendment. That was provided. It is now 11:15. There is no reason to postpone. The underlying bill has been debated not only this session, but aspects of this bill, all detailed aspects of this bill have been debated for probably 3 years' time, and we want to move to a substantive vote today. We oppose the postponement motion.

LEAVES OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. DeLUCA, from Allegheny County for the day, and the gentleman, Mr. William KELLER, from Philadelphia County for the day. Without objection, the leaves will be granted.

CONSIDERATION OF HB 1950 CONTINUED

The SPEAKER. Is the gentleman, Mr. Samuelson, from Northampton seeking recognition on the motion?

Mr. SAMUELSON. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. SAMUELSON. Mr. Speaker, I rise to speak in favor of the Vitali motion. It sounds reasonable when presented with a bill, as Representative Vitali said, 271 pages. Now, without the section that has been deleted, it still is 145 pages of text we are voting on. The prime sponsor is offering a correction amendment because a mistake was made last night.

The majority leader said we debated this bill, but this majority voted to cut off debate last night. So what the majority leader said was not correct. This bill was not debated last night. There was a vote with 105 members voting to cut off debate, including the majority leader's vote, and so it sounds reasonable to give us a chance to review the language of the bill and the language of an amendment which is supposed to correct a mistake that was made just yesterday. One wonders if there are other mistakes in this bill, and it sounds reasonable to vote "yes" for an hour. Thank you.

On the question recurring,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—78

Barbin	Davis	Johnson	Petrarca
Bishop	Deasy	Josephs	Preston
Boyle, B.	DeLissio	Kavulich	Ravenstahl
Boyle, K.	DePasquale	Kirkland	Readshaw
Bradford	Dermody	Kortz	Roebuck
Brennan	DeWeese	Kotik	Sabatina
Briggs	Donatucci	Kula	Sainato
Brown, V.	Fabrizio	Longiotti	Samuelson
Brownlee	Frankel	Markosek	Santarsiero
Burns	Freeman	Matzie	Santoni
Buxton	Galloway	McGeehan	Smith, K.
Caltagirone	Gerber	Mirabito	Smith, M.
Carroll	Gergely	Mullery	Sturla
Cohen	Gibbons	Mundy	Thomas
Conklin	Goodman	Murphy	Vitali
Costa, D.	Haluska	Neuman	Waters
Costa, P.	Hanna	O'Brien, M.	White
Curry	Harhai	Parker	Williams
Daley	Harkins	Pashinski	Youngblood
Davidson	Hornaman		

NAYS—107

Adolph	Farry	Lawrence	Reichley
Aument	Fleck	Maher	Roe
Baker	Geist	Major	Rock
Barrar	Gillen	Maloney	Ross
Bear	Gillespie	Marshall	Saccone
Benninghoff	Gingrich	Marsico	Saylor
Bloom	Godshall	Masser	Scavello
Boback	Grell	Metcalfe	Schroder
Boyd	Grove	Metzgar	Simmons
Brooks	Hackett	Miccarelli	Sonney
Brown, R.	Hahn	Micozzie	Stephens
Causar	Harhart	Millard	Stern
Christiana	Harper	Miller	Stevenson
Clymer	Harris	Milne	Swanger
Cox	Heffley	Murt	Tallman
Creighton	Helm	Mustio	Taylor
Culver	Hennessey	O'Neill	Tobash
Cutler	Hess	Oberlander	Toepel
Day	Hickernell	Payne	Toohil
Delozier	Hutchinson	Peifer	Truitt
Denlinger	Kampf	Perry	Turzai
DiGirolamo	Kauffman	Pickett	Vereb
Dunbar	Keller, F.	Quigley	Vulakovich
Ellis	Keller, M.K.	Quinn	Watson

Emrick	Killion	Rapp	
Evankovich	Knowles	Reed	Smith, S.,
Evans, J.	Krieger	Reese	Speaker
Everett			

NOT VOTING—0

EXCUSED—18

Cruz	Keller, W.	O'Brien, D.	Shapiro
DeLuca	Mahoney	Payton	Staback
Evans, D.	Mann	Petri	Wagner
Gabler	Moul	Pyle	Wheatley
George	Myers		

Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,
Will the House agree to the amendment?

The SPEAKER. The question before the House is adoption of amendment A06504.

Is the gentleman, Mr. Dermody, seeking recognition on the amendment?

Mr. DERMODY. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. DERMODY. Mr. Speaker, I would just like to clarify a point. We understand and we agree that it is a technical amendment, but I believe it deals with contracts between drillers and landowners, not the fees. I think that is what the amendments does. That is as we understand it.

The SPEAKER. Were you making that as a parliamentary inquiry to me?

Mr. DERMODY. I would like to clarify what the technical issues that we agreed to were.

The SPEAKER. To be clear, the gentleman did not state it as a technical amendment. He said it was an amendment to clear up an ambiguity, which is permissible under that rule.

Mr. DERMODY. Well, he mentioned that it was agreed to. I agree that what it does is, though, it deals with contracts between landowners and drillers.

The SPEAKER. Okay.

Is the gentleman from Clinton County, Mr. Hanna, seeking recognition on the amendment?

Mr. HANNA. I am, Mr. Speaker.

Mr. Speaker, I would ask our members to support this amendment because it is good for our communities. I just simply want to make the point that had we been included in the negotiations, these errors would not have occurred. In fact, at least one of these errors, at least one of these errors was caught by our staff, and if we would have had the opportunity to be involved in the discussions in the drafting of the bill, it would not have happened. But we are not going to stand in the way of something that is good for our communities, so we of course urge our members to support the amendment.

I thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman for the clarity.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—185

Adolph	DiGirolamo	Keller, M.K.	Ravenstahl
Aument	Donatucci	Killion	Readshaw
Baker	Dunbar	Kirkland	Reed
Barbin	Ellis	Knowles	Reese
Barrar	Emrick	Kortz	Reichley
Bear	Evankovich	Kotik	Roae
Benninghoff	Evans, J.	Krieger	Rock
Bishop	Everett	Kula	Roebuck
Bloom	Fabrizio	Lawrence	Ross
Boback	Farry	Longietti	Sabatina
Boyd	Fleck	Maher	Saccone
Boyle, B.	Frankel	Major	Sainato
Boyle, K.	Freeman	Maloney	Samuelson
Bradford	Galloway	Markosek	Santarsiero
Brennan	Geist	Marshall	Santoni
Briggs	Gerber	Marsico	Saylor
Brooks	Gergely	Masser	Scavello
Brown, R.	Gibbons	Matzie	Schroder
Brown, V.	Gillen	McGeehan	Simmons
Brownlee	Gillespie	Metcalfe	Smith, K.
Burns	Gingrich	Metzgar	Smith, M.
Buxton	Godshall	Miccarelli	Sonney
Caltagirone	Goodman	Micozzie	Stephens
Carroll	Grell	Millard	Stern
Causser	Grove	Miller	Stevenson
Christiana	Hackett	Milne	Sturla
Clymer	Hahn	Mirabito	Swanger
Cohen	Haluska	Mullery	Tallman
Conklin	Hanna	Mundy	Taylor
Costa, D.	Harhai	Murphy	Thomas
Costa, P.	Harhart	Murt	Tobash
Cox	Harkins	Mustio	Toepel
Creighton	Harper	Neuman	Toohil
Culver	Harris	O'Brien, M.	Truitt
Curry	Heffley	O'Neill	Turzai
Cutler	Helm	Oberlander	Vereb
Daley	Hennessey	Parker	Vitali
Davidson	Hess	Pashinski	Vulakovich
Davis	Hickernell	Payne	Waters
Day	Hornaman	Peifer	Watson
Deasy	Hutchinson	Perry	White
DeLissio	Johnson	Petrarca	Williams
Delozier	Josephs	Pickett	Youngblood
Denlinger	Kampf	Preston	
DePasquale	Kauffman	Quigley	Smith, S.,
Dermody	Kavulich	Quinn	Speaker
DeWeese	Keller, F.	Rapp	

NAYS—0

NOT VOTING—0

EXCUSED—18

Cruz	Keller, W.	O'Brien, D.	Shapiro
DeLuca	Mahoney	Payton	Staback
Evans, D.	Mann	Petri	Wagner
Gabler	Moul	Pyle	Wheatley
George	Myers		

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,
Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

(Bill analysis was read.)

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Butler County, Mr. Ellis.

Mr. ELLIS. Thank you very much, Mr. Speaker.

I would like to thank everyone in this chamber right now for the debate that has happened, not just yesterday and the day before that, but over the last 4 to 5 years.

We are fortunate in Pennsylvania to be sitting on top of both the Marcellus Shale deposit and the Utica Shale, and we have seen great benefits from the natural gas industry that benefit all Pennsylvanians, and in response to that, we have crafted HB 1950 over the last few years. It has been coming together, and we have it before us now in response to various issues and concerns regarding unconventional drilling in the Commonwealth.

Mr. Speaker, this legislation illustrates commitment to our job opportunities here in Pennsylvania. It demonstrates the belief that natural gas exploration and the production can be done in both a safe and responsible manner. HB 1950 helps those communities dealing directly with the drilling. It strengthens laws, regulations, and the oversight to protect the water and the environment, and it brings needed dedicated funding for programs benefiting the State's environmental programs.

Dealing with Marcellus, like I said, has been discussed for years, and this proposal is the work of a lot of folks in this chamber and a lot of folks who are no longer here in the chamber, but none of the aspects in this proposal are new to the public or to the media. They have been discussed and vetted thoroughly over the last few months, and this is what it does, Mr. Speaker: First of all, it does deal with the local impacts. It allows counties, if they so choose, to decide whether to adopt a fee, and we set out a fee structure for them. And, Mr. Speaker, we came up with the concept because we believe it is okay for companies to pay for the amount of government they use. If there is an impact, they should pay for it, but a fee should not be tied to the production. Drilling's impacts are not related to how much gas is coming out of the ground or how much profit the company is making. The impacts are the same regardless, and those are the ones that we have to make sure we have protections for.

And, Mr. Speaker, this bill is about property rights. But most importantly, and I would not say most importantly, but additionally, Mr. Speaker, this is about the impact it has on the entire Commonwealth, and I will speak specifically to a couple of the job opportunities that did not exist before that are expanding now that we have this industry here. Whether it is Philadelphia or Pittsburgh, there is a company, an engineering company, URS Corporation. They have over 500 employees

now because of natural gas, including a brand-new office in Williamsport. In Allegheny County, the highway construction and asphalt producers quoted, saying, "This opportunity, in our own backyard, at this time in our economy, has been a real gift." The Marcellus has opened up new markets and created year-round demand, something that contractors and highway builders do not typically enjoy.

Chester Engineers has won awards, and they have increased their professional staff as well. In my home county of Butler, we have a company called Whitetail Natural Gas Services. They have increased their staffing capabilities because of the opportunities to explore and extract natural gas. Washington County, Clearfield County – the examples go on – Lycoming, Centre County. And I am sure we will hear some of those stories today about how this is not just about creating drilling jobs but enhancing an economy that needed enhanced. In a tough time for our country, Pennsylvania was fortunate to have this opportunity.

Mr. Speaker, HB 1950 deals with statewide drilling impacts. PEMA (Pennsylvania Emergency Management Agency), the Office of the State Fire Commissioner will plan and oversee emergency response training and planning and purchase needed equipment. The PUC (Pennsylvania Utility Commission) will receive funding, the Department of Health, DEP (Department of Environment Protection), and PENNDOT as well.

Mr. Speaker, this is also going to help the statewide environmental concerns. Conservation districts across Pennsylvania will receive additional funding. The Environmental Stewardship Fund; it will be up to \$5 million in payment in lieu of taxes to communities with State forest land. The Hazardous Sites Cleanup Fund, which is set to expire as the capital stock and franchise tax is phased out in 2014, will have a dedicated funding of \$40 million a year.

Mr. Speaker, this has been characterized in several different ways, and it has been said that we are not doing anything to protect the folks of Pennsylvania. But, Mr. Speaker, I will argue that this bill holds drillers responsible: It strengthens regulations and oversight; it increases setbacks; it prohibits well sites in floodplains; it requires well operators to install fencing, ensure lighting, comply with the Federal Energy Regulatory Commission's noise regulations, comply with laws governing air quality; requires 24-hour notice to the DEP before commencing certain activities; increases the civil penalties currently in the Oil and Gas Act; requires DEP to post well inspection reports through its Web site for openness and transparency, that we all have argued over and over again for the last few years that we need in Pennsylvania, and I agree; and also, it allows the DEP the authority to revoke a well permit for a noncompliance with applicable State laws.

Mr. Speaker, this is a balanced approach to handling a major topic of conversation over the last 6 years. I appreciate the unanimous support of my amendment, and I look forward to the unanimous support of the bill on final passage. Thank you very much, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the minority whip, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 1950.

Mr. Speaker, Grover Norquist drafted a letter earlier this week and said in the first paragraph, Americans for Tax Reform

oppose HB 1950 "in its current form," and it recommends several ways in which the bill could be improved to ensure that it could not be described as a tax increase. Those changes have not been made. Mr. Speaker, this is a tax increase.

Mr. Speaker, this morning in the Appropriations Committee the majority chairman of the Appropriations Committee, when asked what is the difference between a tax and a fee, his response was, "Tax' is spelled t-a-x and 'fee' is spelled f-e-e." So let us start this debate honestly. HB 1950 is Governor Corbett's Marcellus Shale tax bill. It is a tax increase on businesses.

Now that we are clear that the Governor's proposal is a tax increase and violates the Americans for Tax Reform pledge to vote against all tax increases, let me ask you why anyone would break that pledge? And Grover Norquist says that a "yes" vote violates that pledge. Why would anyone break that pledge for such a bad bill?

Governor Corbett's tax bill would allow some counties only the option of assessing an impact fee, a tax with a maximum rate of 1 percent per well. This simply is not enough. We should be supporting a robust severance tax that adequately provides for protection to Pennsylvania's water, air, and land from the serious hazards posed by natural gas drilling.

At best, this bill will tax the multinational corporate gas drillers at one-fifth the tax rate of Texas. This may be the lowest tax on oil and gas drillers in the nation. However, as Grover Norquist said, it still is a tax and it still is a tax increase and it still violates the tax pledge.

In its current form, Governor Corbett's tax plan puts undue stress on the Oil and Gas Lease Fund. These deficit spending tactics are not only fiscally irresponsible but will force DCNR (Department of Conservation and Natural Resources) to lease the remaining State forest lands, which DCNR itself has labeled as "environmentally sensitive" and unfit for drilling.

Further leasing of our State forest lands is reprehensible and a completely irresponsible stewardship of our most wild and natural resources. Stealing from the Oil and Gas Fund to support a good idea like natural gas fleet tax credits, no matter how well-intended, effectively involves robbing Peter to pay Paul.

If we are to be serious about enhancing the economic impacts of this Marcellus boom, then we must enact a robust severance tax, not this sham of a bill that does not come close to generating the revenue necessary to protect the Commonwealth, its citizens, or our future.

Mr. Speaker, HB 1950 usurps the authority of local governments – let me repeat that – HB 1950 usurps the authority of our local governments to protect and preserve the quality of life that our citizens and communities deserve while giving the oil and gas drillers an early Christmas.

The bill falls short on local zoning. Keeping industrial operations like natural gas compressor stations from being a nuisance to residential areas and protecting local governing rights should be a top priority for those of us who live within the Marcellus region. We will have to live with this industry in our backyards for at least the next 30 years, and probably for generations.

I ask you, I know I shared with all of you pictures of the development that has taken place in my neck of the woods. I shared that with all members of both sides of the aisle. I ask you, is it not appropriate for local zoning to regulate a

compressor station that could be a mere several hundred feet from your home that runs 24 hours a day, 7 days a week, for 60 years? This bill does not let us do that.

We must vote "no" on Governor Corbett's tax bill because it is completely inadequate and would more accurately be characterized as a "massive giveaway" to the multibillion-dollar oil and gas industry who have donated millions of dollars to elected officials.

You know, Teddy Roosevelt said, "Defenders of short-sighted men—" Let me start that again. Teddy Roosevelt said, "Defenders of short-sighted men who in their greed and selfishness will, if permitted, rob our country of half its charm by their reckless extermination of all useful and beautiful wild things sometimes seek to champion them by saying that..." they do it for the people. Well, I am here to tell you that those shortsighted men and their defenders will hear from their people.

I have long advocated for a reasonable severance tax that protects Pennsylvania's future. I respectfully ask you to join me today in opposing HB 1950 – and join Grover Norquist in opposing HB 1950 – in this chamber, that we can remind those shortsighted men and women that the game truly does belong to the people and we will not stand idle and allow them to rob this Commonwealth of its natural resources.

Let me remind you again: HB 1950 is a tax increase and does violate Grover Norquist's Americans for Tax Reform pledge. But worse yet, it is a really bad tax increase. I encourage a "no" vote.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and recognizes the presence of the gentleman from Adams County, Mr. Moul, on the floor of the House. His name will be added back to the master roll call.

CONSIDERATION OF HB 1950 CONTINUED

The SPEAKER. The question is, will the House agree to the bill?

On that question, the Speaker recognizes the gentleman, Mr. Adolph, from Delaware County.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I stand in support of HB 1950, and I ask each and every one of you to support it as well.

We have been debating this issue for many years and we have learned a great deal about this issue, the industry, and the impacts it has on Pennsylvania. I can tell you that I have traveled the Commonwealth of Pennsylvania, personally visited these gas sites, whether it be in the far western part of our State or in the great northeast of our State. I have talked to the Pennsylvanians that live in this area, I have talked to the local business folks, and I have seen firsthand what this industry is doing for our Commonwealth of Pennsylvania.

I had great doubts about the environmental impact it may have, several years ago, but I am convinced and I am very, very excited about this industry and the future that Pennsylvania has working with this industry. This industry will provide us with a clean, reliable energy source. It will also provide us with a revenue stream for many decades to come.

I was glad that the Democratic whip and Grover Norquist are together again on this issue. The people of Pennsylvania, however, have made it very clear: They want action. Every poll that has ever been taken regarding this issue, whether it be a local impact fee or a severance tax, overwhelmingly supports it.

HB 1950 represents a compromise, Mr. Speaker, a compromise; something that we do not hear an awful lot going down in Washington, DC, lately, but this is a compromise. And I want to congratulate Governor Corbett on stepping forward and getting off the line that he was not going to do something with a revenue stream, a local impact fee with Marcellus Shale.

I also want to congratulate and thank members of our caucus, those like Representative Quinn, Representative Harper, Representative Ellis, Representative Dave Reed – working together. Those that know those members, they do not come from neighboring counties or municipalities. They have different views, different ideas, but they have worked together to come up with a bill that protects Pennsylvania residents and natural resources and ensures that these resources will be available to address the impacts associated with the extraction of natural gas, and protects thousands and thousands of jobs that this industry has created and will continue to create.

Mr. Speaker, HB 1950 strikes a balance that allows Pennsylvania residents to benefit from the natural resources under State-owned land, but also continues to allow Pennsylvania's economy to benefit from a growing industry, an industry that will revolutionize energy production and change the way we meet an ever-growing demand for energy. Do not forget about that in this debate. The balance that lies within HB 1950 is so crucial, because, Mr. Speaker, jobs are on the line. This proposal acknowledges the reality of the economic impact this industry has in Pennsylvania.

The Pennsylvania Department of Labor and Industry has calculated that over 10,000 new jobs have been created by the natural gas companies since 2008, these family-sustaining jobs with an average annual salary of \$76,000. Beyond the jobs directly involved with the extraction of gas, there is another total of 214,000 Marcellus Shale-related jobs currently in the Commonwealth of Pennsylvania. This is huge for Pennsylvania. This is what people are concerned about – jobs, the economy. That is what is concerning for Pennsylvanians, young and old.

I talked to you about the surveys. We cannot underestimate what this industry has done for Pennsylvania and will continue to do for Pennsylvania. It is misguided to pretend for one minute that what we do in this chamber may not have an impact on the future of this industry. It is shortsighted to argue that the companies will not leave this State because of the volume of gas in Pennsylvania. Our neighbors realize the economic impact these companies have and are going to have, the great lengths to entice these companies to leave Pennsylvania. We cannot allow this to happen.

In addition to protecting and creating jobs in Pennsylvania, the Commonwealth has started to realize significant royalty payments that HB 1950 will use to distribute hundreds of millions of dollars to important environmental programs in Pennsylvania – hundreds of millions of dollars to important environmental programs in Pennsylvania. Many members in this chamber are enthusiastic supporters of the Growing Greener. Growing Greener is a model program that has preserved more than 100,000 acres of Pennsylvania's farmland, conserved more than 42,000 acres of open space, and capped more than 2,000 abandoned wells. Under the proposal contained

in HB 1950, the Growing Greener Program is poised to receive over \$1.2 billion over the next 10 years.

Mr. Speaker, this bill not only preserves the Growing Greener Program; HB 1950 takes it to a new level and will allow it to expand its reach to do even greater things for Pennsylvania's environment. HB 1950 not only helps the environmental programs like Growing Greener, but over the next 5 years HB 1950 will provide over \$200 million to the State's Hazardous Sites Cleanup Fund and our local county conservation districts.

Well, let me remind everyone in this House, as we are phasing out the capital stock and franchise tax fee, which will be phased out in the year 2014, this Oil and Gas Lease Fund as a result of HB 1950 will preserve a funding stream for years to come. The assortment of environmental programs that benefit this legislation will represent a historic investment for environmental protection and preservation in Pennsylvania, and each and every Pennsylvania resident will benefit from this investment.

Let me address another misconception that I heard in yesterday's debate. Some have argued that HB 1950 equates to a 1-percent tax rate. That calculation fails to look at the entire picture. This is a misleading calculation that only looks at one component that these companies are paying to other States.

You have to take a look at each State's tax structure, Mr. Speaker. I heard all day long yesterday about Texas and that they extract a 7-percent severance tax from the gas drilling. I never heard those arguments, and the truth of the matter is that there is no corporate net income tax in the State of Texas – no corporate net income tax in the State of Texas. Mr. Speaker, we have a 9.9-percent corporate net income tax. These gas and oil companies, they are not subchapter S corporations, Mr. Speaker; these are S corporations paying hundreds of thousands of dollars in corporate net income tax.

Those that compare our fee to Texas just failed to make that point known throughout their debate. If you combine the business taxes of over \$300 million that the gas companies pay here in Pennsylvania with the fee contained in HB 1950, you start to see a more accurate picture. What you will see is Pennsylvania only produces approximately 4 percent of the natural gas that Texas produces, but we collect nearly 60 percent of the State revenue that Texas collects each year.

Let me end by reiterating, what we need to remember is the time is now to pass a bill that can become a law. The time is now that we can pass a bill in this House that can actually become a law. The time is now to pass a bill that protects over 214,000 Pennsylvania jobs and it protects the environment for our children and for our grandchildren for decades ahead.

I encourage you, enthusiastically support HB 1950 and those that were able to craft this. Thank you so much. Thank you.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the lady from Luzerne County, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

HB 1950 and drilling the Marcellus Shale: What a wonderful opportunity to provide good jobs for Pennsylvanians. What a wonderful opportunity to produce clean energy and reduce energy costs for our businesses and our residents and a great opportunity to do it right.

Here we had the chance to update the Oil and Gas Act to provide appropriate law and regulation to protect our land, our water, our air, and our property values from the adverse effects and the long-term environmental impacts of drilling the Marcellus Shale.

I am so very disappointed that this final version of HB 1950 represents such a lost opportunity. Where are the rewards and incentives for providing jobs for Pennsylvanians? They are not in there. Where are the real protections for our land, our water, our air, and our property values? Not in there. You even take away the ability of our local governments to do what we at the State level refuse to do: to protect our constituents from the adverse effects of drilling.

And here we had an opportunity to provide funds to address so many problems: flood control, damage to roads and bridges caused by heavy truck traffic from drilling, to protect sensitive habitat in our State lands, environment stewardship, Growing Greener.

And unlike other States like West Virginia, Texas, Arkansas, whose Governors and legislators seized the opportunity to make life better for their citizens by enacting appropriate levels of taxation on the oil and gas industry, you choose to enrich the few at the expense of the many citizens who are relying on us to serve their interests.

For those of you who say that you are voting for this bill because it is the best we can do, that you are voting for this bill because something is better than nothing, I urge you to stand up and say that we can do a lot better. By passing HB 1950, you are creating a situation where we will have a compromise between SB 1100, a bad bill, and HB 1950, a very bad bill.

This is certainly not the best we can do, and it is unacceptable. We must meet our obligation to the citizens of this Commonwealth. Do the right thing and vote "no." Shame on you if you vote "yes" for this bill.

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. HALUSKA, from Cambria County for the day. Without objection, leave will be granted.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Additionally, the Speaker notes the presence of the gentleman from Clearfield County, Mr. Gabler, on the floor of the House. His name will be added to the master roll call.

CONSIDERATION OF HB 1950 CONTINUED

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Lancaster County, Mr. Denlinger.

Mr. DENLINGER. Thank you, Mr. Speaker, and good morning, colleagues.

I rise to discuss HB 1950 for a few minutes, and I know, like you, you may feel we have been over this issue for some years now. At this point, we have. We certainly have held multiple

hearings. I think we as members have done a decent job of trying to research the issues and take a look at what is out there in terms of tax policy, environmental impacts, and so forth.

The majority Appropriations chairman mentioned something that I want to highlight and go into just a bit further, and that is what companies look for when they look at whether they are going to stay in Pennsylvania or perhaps relocate to another State, and that is their overall tax burden. It has been said, of course accurately, that we are in a competitive situation on this with some of the other gas States – Texas, Arkansas, West Virginia, and so forth. But we have to look, Mr. Speaker, at the overall tax burden, and financial professionals look at the overall tax burden of a given State when they decide whether they are going to locate a plant, a factory there. And Pennsylvania, of course, as we know, has the second highest CNI (corporate net income) rate in the United States. The rest of our tax burden is already relatively high, and for that reason, I think we are taking the proper approach in HB 1950 with keeping our burden modest on the natural gas industry.

There are a range of tax burdens across the nation. Texas has no CNI; we have 9.9 percent. Then there are those that are blended; they are mixed – Arkansas, Louisiana, West Virginia. But because Pennsylvania's tax burden in the rest of its taxes is high, we need to be very careful about how we approach taxation of the natural gas industry. I think with HB 1950, we are coming in at about the right level. We are coming in at a level that will make Pennsylvania competitive, desirable in terms of locating businesses.

Secondly, there is this myth that I have been hearing out there that somehow the natural gas industry does not pay any taxes. I keep hearing this out there. It is on the Internet and we hear it in various reports. And so I did some digging. Mr. Speaker, I went into Department of Revenue records and started looking. The Department of Revenue classifies each line of revenue by NAICS (North American Industry Classification System) code so they can tell from whence their tax receipts come, and they have a code specific to the oil and gas drilling industry.

Mr. Speaker, I compared '08, 2008, with the most recent year, 2010, and what we see in fact are significant increases in tax revenue flowing to the State based on oil and gas drilling activity. We could say that over the last 6 years, the Department of Revenue has said we have taken in \$1.1 billion in total added revenue from the gas drilling activity, but I will give you some specifics.

Comparing '08 to '10, we have taken in an additional \$14 million in corporate net income; \$14.5 million, sales and use; \$18 million in employer withholding; and in personal income tax, personal income tax – that is driven by those landowners out there who are signing drilling leases and who are getting royalty checks – between '08 and '10, an added \$58.5 million in tax receipts to the coffers of the State of Pennsylvania. Clearly, this is a tide that is rising, and Pennsylvania State government is reaping the benefit from this added revenue.

Mr. Speaker, thirdly, I would like to just chat for a minute, if I may, about the ATR (Americans for Tax Reform), the Grover Norquist situation. And I appreciate that on my side of the aisle, and I am not sure if there are a few on the other side, some number of members have signed pledges with regard to their commitment not to raise taxes. Mr. Speaker, I stand before you as a member who has not voted for a tax increase in his

8 1/2 years of service in this House. I did not sign Mr. Norquist's pledge. I did not feel that I should, and I will tell you why: because, Mr. Speaker, I come to this chamber and every 2 years I raise my hand and I swear an oath. I swear an oath to represent fairly and honestly the 62,000 citizens of the 99th Legislative District, my end of eastern Lancaster County. Mr. Speaker, I think that is the highest obligation that I maintain as a legislator. And I recognize that some of my good friends on the more conservative side are very bound in conscience at this point, but I would ask you to reach down inside yourself and ask, what is that most important pledge that I take as a Representative in this House? And it is, Mr. Speaker, that oath that you take when you raise your hand and you pledge to defend our Constitution, both State and Federal, and to conduct the duties of your office with fidelity. And so I call upon you to reach for that higher pledge, that oath, that you take when you come here.

And, Mr. Speaker, finally, what is it in all of this that we seek, and I think this is across the State and in both sides of the aisle. From HB 1950 we seek an impact fee structure, quite frankly, that deals with the environmental and infrastructure needs connected to drilling activity. Mr. Speaker, it is an exciting prospect but one that we have to do right and we have to do it carefully. There will be mishaps along the way, and we want those things dealt with. We want funds available to address the environmental issues. Roads will degrade, and we want funds available to fix those roads. HB 1950 provides funds for both environmental needs and for infrastructure needs.

Secondly, Mr. Speaker, we want a modernized regulatory structure. We want a structure in regulation that meets the science of drilling right where it is today, and HB 1950 does that. It is a modernization of the regulatory structure that will enable State regulators to hold drillers accountable, and that is exactly what citizens are calling for, and they are doing so because we all want our water to be clean. We want our environment protected. And when we look back at the landscape, we look back at the history of Pennsylvania, and quite frankly, those piles of slag that still exist from a coal industry of 100 years ago, Mr. Speaker, we do not want a repeat of what happened environmentally to this State. HB 1950 provides a modernized regulatory environment that will protect our environment, our water, our natural resources on into the future.

But, Mr. Speaker, finally, as has been stated, when we think about those citizens back in our home districts and we think what is the need of the hour, number one has got to be jobs – jobs, jobs, jobs. Mr. Speaker, HB 1950 provides a step on the road to a more vibrant Pennsylvania economy, an economy that is generating jobs, tens of thousands potentially. Too many of our citizens, our friends, and our neighbors are locked into long-term unemployment. In my own county, Lancaster County, which is a long way from the gas region, the Marcellus region, if you will, one of our leading engineering firms has added hundreds of good, family-sustaining jobs because of civil engineering activity up in the gas and oil patch.

So, Mr. Speaker, this is a rising tide that is lifting all boats all across Pennsylvania, not just in the oil and gas region but in my home area of Lancaster County and I am confident all across our State. HB 1950 is the key step to take us to a vibrant future, a stronger economy, and an economy that is growing but is done in a way that respects and protects our environment.

Mr. Speaker, I ask for a "yes" vote on HB 1950.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I would like to take this opportunity to correct a perception that the majority Appropriations chair and the last speaker talked about with respect to the tax environment here in Pennsylvania. The fact of the matter is, drilling companies in Pennsylvania enjoy one of the most favorable tax environments of any energy-producing State. They enjoy exemptions from property taxes on oil and gas reserves, and most of the equipment used in the drilling process is exempt from sales tax. Many of these companies are limited liability companies that do not pay the corporate net income tax, and their partners, the partners in these companies, pay the personal income tax, which is one of the lowest in the country. Others of these large corporations take advantage of the Delaware loophole and avoid paying most of Pennsylvania's business taxes. So who are we kidding about this tax climate? They have a great basic tax climate to operate in, and we are improving it beyond words by allowing them this incredibly favorable so-called impact fee, minimal tax that we are going to be imposing on them.

Now, I could speak about a dozen other things that are wrong with this bill, and there are things both sides should have been able to agree upon, commonsense rules that protect our citizens that are missing in HB 1950. They include the overruling of local ordinances on drilling, the failure to not properly fund water protection, and the abject failure to require a multibillion-dollar industry to pay its fair share to the Commonwealth and its citizens.

But I want to focus on something else. Mr. Speaker, there has been a lot of talk about pledges around this building lately, but let me tell you about the pledge I took, and no, it did not originate in a Washington, DC, think-tank. It is the pledge that we took as members of the General Assembly. Mr. Speaker, it talks about fidelity, and it is defined as "faithfulness to a person, cause, or belief, demonstrated by continuing loyalty and support."

Mr. Speaker, this House has twice passed major shale legislation in two previous years, yet this year we waited for the Governor's commission full of energy executives to take suggestions and issue general recommendations. Mr. Speaker, we waited for months for the Governor to put out to the public what he supported. Yet HB 1950, before it was gutted and replaced with amendments, was crammed through a committee process and scheduled for a floor vote in just a single day.

I personally tried to get into that committee room, along with many members of the press, but you could not. You could not even get into that room. It was shrouded in secrecy. There was a well-known State House reporter out there who even said to me that he had never seen anything like this before in the history of his experience here in the House. And now the bill we are voting on today is the product of a gut-and-replace amendment that was barely online for 24 hours before we voted on it.

Mr. Speaker, are we showing loyalty, fidelity, to the people of Pennsylvania when we consider the most important bill in a decade in such a rushed fashion? Are we showing loyalty to the people when we allow this bill to be voted after the shortest possible timeframe allowed for under the House rules?

Mr. Speaker, I believe there are some real consequences to this bill. Many of my colleagues have or will talk about many of the issues we have with this bill. I know that I have grave

concerns about how it was rushed through, the amendment language was rushed through this process this week. And one of those issues that I brought up in front of you yesterday for consideration, and that was an issue of constitutionality; by changing one single word, that amendment from "may" to "shall," now will require, the Department of Environmental Protection will require them to grant a waiver to drillers seeking to drill as close as they can to homes, water supplies, and other important buildings with no concern about any kind of setback.

Mr. Speaker, I spoke about my concerns on this on the House floor earlier this week when I questioned the constitutionality of this amendment because of its implications of this one-word change. I rise to say that I strongly believe we are shortchanging the people of Pennsylvania if we pass HB 1950. We are leaving much-needed revenue on the table because of the majority party's failure to make this a responsible and adequate severance tax.

We are going to be used by this industry to extract the goods of Pennsylvania, the wealth of Pennsylvania, just like the coal companies did a century ago. We took an oath, and we should be loyal to our constituents and their best interests. Mr. Speaker, we took an oath that we should uphold our Commonwealth's Constitution and the U.S. Constitution. Our people of Pennsylvania put their faith and fidelity in us, and we are letting them down. HB 1950 lets them down. It lets us all down.

We can do better than this. We have already done better than this before, twice before. I will not be voting for this bill, and I urge all my colleagues to reject HB 1950. Thank you.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Pike County, Mr. Peifer.

Mr. PEIFER. Thank you, Mr. Speaker.

The last several days we have had the opportunity to listen to many people in the chamber, and we have heard about how the corporate tax structure in Pennsylvania does not work in relation to HB 1950. We have heard regarding the fee included in HB 1950 is so low and is considered by many, including the gentleman from Delaware County, as a joke. We heard that this week; we heard it this morning in Appropriations.

We have also heard from the gentleman from Allegheny County this morning and his thoughts, which I completely disagree. When you actually look at other State comparisons as far as corporate tax structures, Pennsylvania's 9.99 percent is the joke. It is one of the highest corporate tax rates in this country. When you have multistate tax professionals looking at this rate, it is the one issue that jumps off the page in all of our board of directors rooms.

So yes, maybe the fee included in HB 1950 is not as high as some other States, but to be genuine, in looking at the entire tax structure of HB 1950, you need to include the overall tax structure of the entire Commonwealth. To look at the fee by itself is disingenuous.

For example, the next issue we hear is that corporations do not pay tax in Pennsylvania. I have a press release right here from the Department of Revenue dated May 2, 2011, that says the drilling industry has paid more than \$1 billion in State taxes since 2006. They have paid more than \$1 billion. And the Secretary of Revenue is actively, actively going around to groups across this Commonwealth explaining the administration's plan for advancing Pennsylvania, and included in this analysis is a detailed calculation of \$1.4 billion – billion – in State taxes attributable to oil and gas drilling.

We heard before from the gentleman from Lancaster that by identifying the specific codes on returns and required documentation, we can calculate a pretty narrow picture of what is being paid by the industry, and this is the narrow approach where the codes specifically address the industry. We are not talking about the secondary industries that are popping up all over the northern tier attributable to drilling. This is just a narrow focus – \$1.4 billion. In fact, corporate tax by itself, since 2006, has gone up \$150 million per year compared to 2011; \$150 million more than 2006 – directly attributable to drilling.

Maybe you can look at this information and say, well, you know, it is the administration's plan and it is the administration's numbers, and I believe it is extremely factual in nature based upon the information that they collect. But doing my homework, Mr. Speaker, I was able to research a Fortune 500 company, a Fortune 500 company actively drilling in our Commonwealth, and they specifically buried, buried in a footnote, and state this in regard to "Income tax (benefit) expense": "The year ended December 31, 2009...includes an unfavorable...charge to reflect updated state...rates used to establish deferred taxes due to a change in our state apportionment factors to states with higher rates, particularly in Pennsylvania, with our increased focus on development of the Marcellus Shale, along with increased proved reserves and acreage in Pennsylvania."

Mr. Speaker, they would not disclose this in a public document. Their corporate attorneys, their corporate accountants, would not disclose this negative impact of their deferred taxes if they were not paying it. If they did not have to pay this taxation, which we have heard over and over again all this week, if they did not have to pay this tax, they certainly would not disclose it to their shareholders and the entire general public. It is disclosed in their footnotes.

Mr. Speaker, I stand to support HB 1950. Is it a perfect bill? No. Did the person and persons and individuals that were a part of drafting this legislation do their due diligence and do their work? Yes, they did, because they considered the entire corporate tax structure of this Commonwealth, and I believe it is absolutely fair to the people and the corporations of this Commonwealth. Thank you.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Cambria County, Mr. Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in opposition to HB 1950, not because it represents or does not represent an attempt to balance regulatory interests with the interests of protecting our air and water, but because today, when we look at this bill, it has a big piece that is missing, and the big piece that is missing is we have an obligation to protect the natural gas and the water, not today, not tomorrow, but for future generations, and this bill does not do that.

Now, we are asked as citizens to decide how we shall steward these great gifts that God has bestowed upon the people of this great Commonwealth. These gifts are not just the Marcellus Shale which exists today as the subject matter of this legislation, but it also includes the Utica Shale and the promise that the Utica Shale has to provide benefits and impose burdens on our citizens for the next 100 years.

Now, below the Marcellus is the Utica, and it has been stated by the industry that the Utica Shale play is much larger than the Marcellus Shale play. However, if we do not have money put

aside to make sure that the water has not been damaged before we get to the Utica Shale, we are not going to be able to drill the Utica, and the Utica is bigger than the Marcellus Shale.

Now, some of the benefits today when we consider this bill are obvious. Billions of dollars will change hands, benefiting drillers and those whose lands will be drilled. The economic activity will, in turn, generate short-term employment gains in jobs directly connected to drilling and indirectly to ancillary services such as pipeline suppliers. Long-term employment gains are dependent on ensuring that the benefits of natural gas are provided to all Pennsylvania businesses by lowering the cost of energy and to the public at large by ensuring all Pennsylvania residents have access to this low-cost energy source for home heating. That is not the case today. Most of the Commonwealth does not have infrastructure to allow seniors to use natural gas, which is a much lower-cost fuel than propane or electricity.

Now, the burdens to be imposed are also equally obvious. The damage to the air, the water, and the forests that will occur when any industry providing employment grows rapidly is very well-known. The balance to be struck is set forth in Article I, section 27, of the Pennsylvania Constitution: "Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people." So how then as trustees do we protect the resource that God has given us?

Matthew, chapter 25, provides in the parable of the talents that the servant who used the talents to make five more was rewarded, but the servant who buried the talent in the ground out of fear and doubt lost the talent and was cast aside. The bill today does not provide a benefit that will ensure natural gas drilling will continue for the next century or that the water that is used will still be safe 100 years from today.

As a member of the Environmental and Energy Committee we were told that the Marcellus Shale legislation would be discussed this session. No public venting of the provisions of this bill or the gut-and-replace amendment occurred in that committee. Further, on the floor of this hallowed chamber we were told no amendment would be considered or discussed if it mentioned a severance tax, despite the fact that in every other gas-producing State, severance taxes are imposed in amounts ranging up to 6 percent of the value of the gas extracted. Policies and procedures employed in this House limited discussions, limited amendments, and limited voting on an impact fee proposed equal to 1 percent of the gas extracted, acceptable only to a Washington, DC, lobbyist.

At the same time, the Senate has passed a 2.2-percent impact fee on a party-line vote. While the future of our natural gas and the quality of water of the next century were being discussed this week, the press's attention was diverted to a tragedy that occurred at Penn State University. So then, what shall we do?

The honorable leader of the House says that we will kill the golden goose of employment if we impose a cost on the industry in excess of 1 percent of the gas extracted, but acknowledges that little money is available to provide lower-cost power to our manufacturers or to provide infrastructure to access natural gas in large areas of this Commonwealth. The honorable leader of the Senate says that we will kill the golden goose of employment if we impose a cost on the industry greater than 2.2 percent of the gas extracted, also acknowledging that funds are not sufficient to provide anything other than limited incentives to promote

natural gas consumption within the borders of this Commonwealth.

Against these prophecies, 15 other States have enacted a severance tax without dire consequences. In addition, four nations have converted, over a 4-year period of time, 2 million vehicles to be powered by natural gas. There are no such incentives in this bill. Each of those countries did it without the supply that we hold here in Pennsylvania. Surely if we had a few incentives and a little more infrastructure such as pumping stations on the turnpike, we could get 2 million cars up and running as well.

Now, while the process and rules have been used to circumvent public discussion, they can be used just as easily to conserve and maintain our natural resources for the benefit of all. This morning we were all made aware that a technical amendment could correct such a thing as "when does the tax apply?" just by going into the Rules Committee or by coming on the floor with a technical amendment under our rules.

SB 1100 and HB 1950 can be amended to provide a 1-percent in-kind royalty to be transferred to the Commonwealth Financing Agency for use by Pennsylvania manufacturers to lower their energy costs, or sold to provide funds to supplement grants to seniors when the LIHEAP (Low-Income Home Energy Assistance Program) funds run out this winter. Language to provide the correction to this 272-page bill is attached to my remarks in the hopes that someone will consider the long-term goals to conserve and maintain our most precious resource.

In closing, I am reminded of a story from Cambria County. At the turn of the century, inhabitants from our county were immigrants from Wales, France, Germany, and Eastern Europe, all drawn to western Pennsylvania by the lure of employment in the mines. In a village 4 miles west of Ebensburg lived a widow of a Polish miner named Bupkis. One day the village alderman called on the widow and convinced her to sign over her mineral rights for food for the rest of her days. Soon afterwards, instead of providing food to the widow, the alderman sold the mineral rights and left town, leaving only a sack of beans on the hill in front of her house. That night the men of the village recounted how the widow was cheated, each in their own language. A man from Wales stated the deal was not worth beans. The Frenchman replied "des haricots" – beans; the German, "kuemmern sich nicht die bohne darum" – not to give a bean; the Pole, "zadac komu bobu" – to give someone a bean; the Russian, "ostatsya na babakh" – to be left with beans, that is, to be taken advantage of. Nothing more is known of the widow from Beulah. Only a cemetery marks the village that was almost the county seat. Not even a plaque exists to mark the Hill of Bupkis.

Mr. Speaker, as stewards of an awesome natural resource that God has provided for the use of generations of free men and women of Pennsylvania, I will oppose the legislation in its current form until the long-term benefits and burdens have been addressed. To do otherwise would mean joining the widow at the Hill of Bupkis.

Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Tioga County, Mr. Baker.

Mr. BAKER. Thank you very much, Mr. Speaker.

I rise in support of this legislation. This legislation provides greater local control and regulations aimed at improving the

quality of life of those living in natural gas regions such as mine, as well as the entire Commonwealth of Pennsylvania. This would create an impact fee on the natural gas drilling in the Marcellus and Utica Shale. The bill was adopted by the House following a comprehensive amendment that I was honored to introduce that addresses the need for greater local control and takes into account the issues many residents have raised regarding potential impacts on their quality of life.

Essentially this bill ensures strong and consistent environmental standards across the State that includes revisions to the Oil and Gas Act through additional well bonding, setbacks, drinking water protections, permit reviews, and new standards relating to lighting, noise, odor, security, etc. With my amendment and the help of the colleagues here on the floor of the House, we substantially raised the bar of what we can expect of natural gas operators.

Pennsylvania has a long and distinguished history of regulating the oil and gas industry. The standards now outlined, as contained in HB 1950, build upon that history and will make Pennsylvania a national leader in energy policy, production of natural gas, and perhaps even more importantly, job creation.

HB 1950 would now give Pennsylvania counties the option of adopting an impact fee for drilling. If an impact fee is imposed, and it will be up to the counties as a local option, the legislation would direct 75 percent of the money collected to counties and municipalities impacted by drilling and 25 percent to the Commonwealth.

Counties and municipalities have that option to use funds to address a variety of drilling impacts, including preservation and reclamation of water supplies; improvements of local roads and bridges; construction and repair of water and sewer systems; delivery of social services, including domestic relations and drug and alcohol treatment; local tax reduction. They can use that local impact fee – let me repeat this – to help with local tax reduction as well. Also, it will help with local affordable housing needs, and it even assists the local areas in the county conservation districts.

The Commonwealth's share would be used for emergency response planning, training and other activities, water and storm water and water system construction and repair and infrastructure maintenance and repair, and many additional dollars for Growing Greener. HB 1950 would also direct money collected from rents and royalties from oil and gas leases of any land owned by the Commonwealth to initiatives such as the Environmental Stewardship Fund and the Hazardous Sites Cleanup Fund.

In my area in the northern tier of Pennsylvania, Bradford and Tioga Counties, as many of you know, we are at the epicenter of this industry. In the northern tier of central Pennsylvania, we have well over a thousand wells that have already been produced. This is very, very important to our area that we have these changes in this law, and it is very important to the residents who live in that area that the local communities have a measurable amount of control over whether fees are established and how much money from those fees is used for their needs.

It was also very important in the bill to make sure that there was a balance between job creation and growth of businesses, along with environmental protections and industry oversight. Although some compromise may need to be additionally negotiated before we have a final agreed-to bill between the Senate and the Governor's Office, this bill provides a great foundation from which to work.

The compromise amendment that was passed yesterday has the strong support of the Pennsylvania Association of Township Supervisors, the County Commissioners Association of Pennsylvania, and the Pennsylvania State Association of Boroughs. And just recently – listen to this now – most recently Growing Greener is supporting this legislation and has said, quote, unquote, in their letter, they are saying, "A vote against this bill is a vote against...Growing Greener...."

Additionally, Mr. Speaker, I would like to just speak a little bit more about the impact of this industry to my district. As you know, it is one of the areas in which the most activity is being conducted. The gas industry is having a transformative impact in my area. Heretofore, my area has been pretty much an extremely rural area that was economically depressed. It had always had an unemployment rate higher than the State national averages. It is now an area that has created thousands of new jobs. Unemployment rates are below the State and national averages. It is an economically revitalized area. Thousands of new jobs have been created. "Help Wanted" signs are ubiquitous throughout my legislative district. It has infused great economic development, capital investment, and additional opportunities for commerce.

Mr. Speaker, it is my understanding that within 10 years, this industry, the natural gas industry, will create upwards of 212,000 new jobs in Pennsylvania. They are not asking for bailouts; they are not asking for loans; they are not asking for grants. They just want to continue to grow and do it in an environmentally sensitive way.

The value-added economic output is estimated to be \$12 billion here in the Commonwealth of Pennsylvania. The State and local income tax impact thus far is approximately \$1.2 billion. And what is very, very interesting is the nexus between energy costs for electric and gas consumers. The savings there in the Commonwealth, according to one of the – I believe one of the Public Utility Commissioners recently suggested in a forum that consumers in Pennsylvania have saved \$16 billion since 2008 due to the soft natural gas prices that are around \$3.50. We have saved \$11 billion on electric rates and \$5 billion on gas utility rates. And \$400 million has already been invested in the repair and maintenance of our roads, and when you talk to the local government individuals, they will tell you the roads are better once the gas industry has repaired them. The base is deeper. The roads are wider. So for the most part, they are doing a great job, and our local elected officials are very happy with that.

Mr. Speaker, this industry produces the cleanest and lowest-carbon-based energy that America has. We are blessed in Pennsylvania to have an abundance of this energy that will meet our citizens' demands, for both Pennsylvania and our nation. Job creation, economic development, infusion of billions of dollars of capital investment, tax revenues generated, and the substantial environmental protection measures combined with local impact fees to address local needs gives us an opportunity to add value to our Commonwealth and remain competitive, both domestically and globally.

My goodness, each well is a capital investment of \$5 to \$7 million. Each mile of pipeline is an investment of approximately \$1 million. When you talk with the chambers of commerce, the retailers, the wholesalers, in my area they are reporting record levels of economic activity. We need to encourage this. What other sector in the Commonwealth of Pennsylvania is growing and giving such value-added

quality-of-life changes to our workers, our family-sustaining jobs that average anywhere, depending on the job, between \$60,000 and \$82,000 a year? It is amazing.

Mr. Speaker, this is compromise legislation that allows us to continue and grow upon our need for energy, jobs, and environmental protection, and I ask kindly for the members to support HB 1950.

Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Centre County, Mr. Conklin.

Mr. CONKLIN. I want to thank the Speaker.

Would the maker of the bill stand for brief interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed.

Mr. CONKLIN. I want to thank the gentleman.

Just a couple of clarifications, one that I asked earlier in Appropriations: If a company refracks an existing well, will they get a second impact fee?

Mr. ELLIS. Thank you very much, Mr. Speaker.

If they are already in a payment structure, so if the refracking would happen within the first 10 years, then no, they would not. If they refrack or go down further into another shale formation, they would be assessed a new fee.

Mr. CONKLIN. Thank you.

Just a second clarification. In the bill it states that the local counties have to vote for this impact fee. Will there be any moneys— Say, hypothetically, no county votes to implement this impact fee. How will that change the numbers that I am hearing about – the gentleman said about Growing Greener, all these wonderful things that we all believe in in this chamber. But say, hypothetically, no county votes to do an impact fee. Will there still be money for all these Growing Greener projects?

Mr. ELLIS. Yes, there will.

Mr. CONKLIN. Can you tell me how much?

Mr. ELLIS. Thank you very much, Mr. Speaker.

Forty million dollars will go into the Hazardous Sites Cleanup Fund, \$15 million will go into the conservation districts, and then in the Environmental Stewardship Fund, it will be \$1.2 billion over a 10-year period.

Mr. CONKLIN. So basically what you are saying is the vote today will not only give counties an opportunity to do a tax vote on Marcellus Shale, but a vote today will actually tax those existing wells or wells to come without counties' participation.

Mr. ELLIS. It is actually existing revenue, Mr. Speaker.

Mr. CONKLIN. So— Okay. I have got to back up then. I misunderstood then.

So will there be any additional revenues brought in if the counties do not tax? If the counties decide that they do not tax, will there be any existing revenues brought in to the State or to the counties?

Mr. ELLIS. Thank you very much, Mr. Speaker.

Will there still be additional moneys being spent throughout the State is essentially your question?

Mr. CONKLIN. No, my question— I am sorry, Mr. Speaker.

Mr. ELLIS. If the enabling language that we are attempting to pass today goes in and no county implements it, will there still be money to be spread across the State for some of these programs?

Mr. CONKLIN. No. Will there be new moneys brought in? Not existing, not moneys for—

Mr. ELLIS. Mr. Speaker, could he repeat that portion of the question?

Mr. CONKLIN. I apologize to the speaker. I will try.

If the counties do not vote to implement this tax, will there be any new revenues coming in to the State?

Mr. ELLIS. No.

Mr. CONKLIN. Thank you, Mr. Speaker. Just one last question.

In my district I have had, the majority of my people have voted through referendum to ban fracking within their municipality. Today, without going to a lawsuit, the majority of the people do not want fracking within their municipalities and they have banned it. Under this new bill, will this ban still be in place, or will a company then be able to go against the citizens' will and frack anyway?

Mr. ELLIS. Mr. Speaker, we addressed that yesterday in the adoption of the Baker amendment.

Mr. CONKLIN. I apologize. If you could just clarify. I mean, really, I am sure, but if you could just clarify that for me.

Mr. ELLIS. At that point the ordinance can be petitioned to the Attorney General, and in that instance they would be able to require them to create a new ordinance.

Mr. CONKLIN. Thank you, Mr. Speaker.

Mr. Speaker, may I speak on the bill?

The SPEAKER. The gentleman is in order on the amendment, or on the bill; excuse me.

Mr. CONKLIN. Thank you.

I want to be clear on what this bill does. My friends, those who are about to vote on this, you will be bringing no new money in. You are going to make a tax vote for a tax that may never happen. There will be no new money. What happens if local commissioners have signed no-tax pledges and believe in their pledge and do not raise taxes? That means there will be no new tax money – none.

You are dealing with a presumption. You are presuming that all the local counties have not signed no-tax pledges. You are presuming that all county commissioners put up tax votes. My friends, as a former county commissioner I am going to tell you, not all county commissioners will vote for taxes. So at the end of the day, all this money that you are talking about that is going to come into municipalities is not going to happen. It depends on people making that move, and if they do not do it, there are no new moneys.

Let us take on the more disturbing part of this. We are taking away local people's rights. You see, you are making the decision that, A, we want the local municipalities to decide whether I can do a tax vote and decide whether they want to tax somebody to bring revenues in; and then, two, you are saying we do not want you locals having control over your environment. We do not want you locals being able to say they cannot frack here. You cannot have it both ways, or maybe you can, but this is not how democracies run.

I do not know about you, but I would never tell my local municipalities what to do and what not to do. I would not tell communities that say, you know what? We agree that there are places to frack; we agree that the drilling industry is doing good for our neighborhoods. But I would not tell those municipalities where the people speak and say, we like our neighborhood the way it is, and now you as a State legislator are going to tell

these folks, no, you do not have rights anymore; we have decided. Who are we to decide what local people can do? This is more about than just this vote; these are people's rights. We do not have that right. What are we going to do up where a creek was just polluted if the people did not want it there but now they have a polluted creek up in Jefferson County?

This is not how we do things. Think about this. It is good-intentioned. What you are doing is good. This is about jobs. And I love those folks who are coming in and spending money, and I appreciate the fact they are coming in to our area. We have got a beautiful State. But at the end of the day, I cannot tell my local people who voted that they want their lifestyle a certain way that too bad. As a county commissioner, I refused to do eminent domain even when we needed property, because I believed in people's rights. I do not believe that counties should have eminent domain, and I do not believe corporations should be able to have eminent domain.

Think about this vote. Think about it. At the end of the day, you are making a tax vote for a tax that may never happen unless somebody else votes it. At the end of the day, you are deciding that local municipalities do not have the right to be able to control their municipalities the way they want at the will of the people. Think about this.

Let us redo it. Let us do it better. Let us do it right. And let us remember individual rights and the rights of those individuals across the board, but let us not do something that can actually hurt our neighbors.

Thank you, Mr. Speaker, and thank you, and I will be voting "no" to this bill.

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the gentleman from Washington County, Mr. DALEY, for the remainder of the day. Without objection, the leave will be granted.

CONSIDERATION OF HB 1950 CONTINUED

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Bucks County, Mr. DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

Nineteen fifty; believe it or not, that was the year I was born. March 28, in case my Bucks delegation wants to buy me something for my birthday. Here we are. We have had a debate probably lasting for 4 days now. There are a lot of different opinions here on the floor of the House of what this bill should look like, but I will tell you what: I think we can all take a great deal of pride in the way the debate has gone. My favorite saying is, in what we do on the floor here, "democracy at work." And I, for one, am disappointed in the bill that we have before us that we are going to vote on. Myself and my colleague from Montgomery County had worked on a number of proposals, and we had a number of amendments that were declared out of order during the debate. And many of us on both sides of the aisle thought it was important that whatever a Marcellus Shale bill looked like, that we had, it was imperative we have three different things. The first thing is that we have a local share that the local people are able to use to pay for some of the impacts

from the drilling. The second was that we have an environmental share that our environmental programs around the State would be able to use, and it would benefit basically everybody in the whole State. And third, and this is what I felt very, very strongly about, is that we should have a State share. Many of us who had different bills, I know my colleague from Bucks County, put their State share in different programs, whether it be in transportation, some went to the General Fund, others went to education. My friend from Montgomery County and I put our State share, which was 48 percent of what we had, the tax that we had put in, which would have been over \$200 million, we put our State share into a variety of programs around the State. We put money in early childhood education. Now, everybody knows how important that is. We put money in job training, economic development. But important to both of us is that we put money in the human service programs: mental health, drug and alcohol, adults with disabilities, rape, and domestic violence. We put money in the behavioral health service initiative line item. We put money in the Human Service Development Fund, which is just a wonderful fund that benefits everyone in all 67 counties across the State of Pennsylvania.

MOTION TO RECOMMIT

Mr. DiGIROLAMO. Again, Mr. Speaker, I was extremely disappointed that we did not have the opportunity to debate that here on the House floor, and with that in mind, Mr. Speaker, I would like to be recognized to make a motion.

The SPEAKER. The gentleman, Mr. DiGirolamo, is in order.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I would like to make a motion. I move that we recommit HB 1950 to the Human Services Committee.

The SPEAKER. The gentleman from Bucks County, Mr. DiGirolamo, has moved that HB 1950 be recommitted to the Human Services Committee.

On the question,

Will the House agree to the motion?

The SPEAKER. Those in favor of the motion will vote "aye"; those—

Mr. DERMODY. Mr. Speaker?

The SPEAKER. On the question, the gentleman, Mr. Dermody, from Allegheny County is recognized.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I think we have heard from several members, at least on our side, on this bill here today and how it certainly could use some more work. This is something we should not be voting on today. It is not ready for prime time. I think the gentleman's motion to recommit it to the Human Services Committee makes sense because there are many aspects of this bill, particularly concerning the environment and the pitiful taxes involved here for revenues to help protect our citizens, that can be corrected. They can be corrected in committee, and we have an opportunity to make this bad bill better. So I urge the members to support the motion to recommit to the Human Services Committee.

The SPEAKER. On the motion to recommit, the Speaker recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I also support the motion to recommit. Mr. Speaker, this bill has many flaws, which I think being rereferred to committee would be helpful in addressing. The tax rate being only at the 1-percent level is wholly inadequate to fund the needs of the Commonwealth. The bill also is inadequate in its protection of the environment relating to setback requirements from water supplies, streams.

Thank you, Mr. Speaker. I urge a "yes" vote on this motion.

The SPEAKER. On the motion to recommit, the Speaker recognizes the gentleman from Lancaster County, Mr. Boyd.

Mr. BOYD. Thank you, Mr. Speaker. I will be real brief.

I rise to oppose the motion to recommit. As a member of the House Finance Committee, I attended a number of hearings throughout the State on this issue. I traveled west and we heard, traveled north, heard lots of testimony about this issue. This bill was voted through the House Finance Committee. I guess one of the questions I would ask is how many hearings this summer the committee, the chair has held on the Human Services Committee? How many hearings has he held? How much work has he done on this piece of legislation? As a member of the Finance Committee, I am a bit upset that all the work that we did is seeming to be thrown under the bus right now. So I urge my colleagues to vote "no" on the motion to recommit.

Thank you, Mr. Speaker.

The SPEAKER. On the motion to recommit, the Speaker recognizes the gentleman from Allegheny County, Mr. Frankel.

Mr. FRANKEL. I would like to correct the perception that this went through such a process. There may have been hearings. We had hearings; we did not have hearings on this bill. This bill, the original form of it, the Ellis version of the bill, went through a committee process without any advance notice of the legislation, behind almost-closed doors in a closet-sized hearing room without the light of day. We had an amendment, a gut-and-replace amendment that came within hours to this floor. Those were not bills that we had hearings on. There was not due process. There was not transparency. This piece of legislation, which is complicated and important for the future of this Commonwealth, was crafted secretly – without the light of day, without transparency, without the hearings that all of us had throughout the summer. This was not the way something like this should be perpetrated against the public in this Commonwealth.

The SPEAKER. On the motion to recommit, the Speaker recognizes the gentleman from Centre County, Mr. Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

As chairman of the Finance Committee, I would like to inform people that this bill has been debated, pardon me, this concept of bills has been debated over and over not only through the Environmental Committee, I think your own Policy Committee, the House Republican Policy Committee, and the Finance Committee. There are many topics in this thing that have been many of your ideas. What interested me was that we tried to host these hearings and we opened them up to anybody that wanted to be available to them. The reality is, the information we got went to the public and the local leaders in these communities where this is happening, whether it is in Lycoming County, Warren County, is be careful what you do. We prefer that you do not tax these things, but if you do do

something, do it on the local level. We are having the impacts. This proposal before you today is a compromise of many of your suggestions, many of your concerns, many of your complaints, and the citizens that we represent.

To do nothing is why, unfortunately, a lot of the public is tired of politics. The day we ran that bill, the Senate had a stalemate. They could not get a proposal forward. I met with our committee and we discussed and we felt it was time to move something forward, which many of you and some of the members of the opposing party's Finance Committee said we need to do something. And we felt that this was a proposal that could garnish enough votes to get not only through the committee, but through the House, to the Senate, and to the Governor for a signature. So it is up to you. If you want to see these jobs go away, and yes, you might say that maybe this is not going to happen, but some of these companies are already pulling rigs. There are other offerings in other States, and they are going to go with the point of least resistance. If you are about jobs, which many of you have said you are, then let us do what we can do as a Commonwealth. This bill, and I will close on it, is a tremendous compromise by many of your suggestions to make sure we protect the environment, make sure we protect our water. It is supported by CAC (Citizens Advisory Council), it is supported by township and borough associations, and even the coalition on Growing Greener.

If you want a perfect bill, then you better get rid of all the bills you have passed in all your tenure. This is the art of democracy and compromise about getting something done. Pennsylvania, United States citizens are sick and tired of political parties who beat each other up and do nothing and still get paid. Let us do what we are paid for. Sit up and pass the bill. If you do not like it, vote "no." If you do, vote "yes."

The SPEAKER. On the motion to recommit, the Speaker recognizes the gentleman from Greene County, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

I have a more delineated perspective on why the gentleman from Bucks should be supported, and when we return next week, we could debate the bill and pass on final passage. The gentleman from Bucks wants to recommit because, among other reasons I am going to opine, a law that was signed into our statutory codes that he was the prime sponsor of would have created a department of alcohol and drug abuse. Now, if he wants to have some consideration of dollars from this bill going into that fund, it only works if we recommit.

Now, that is a law of the Commonwealth, but His Excellency – and I have a hard time enunciating that noun next to Mr. Corbett, but I am a man who is steeped in the revered traditions of this chamber – but His Excellency, Mr. Corbett, will not fund that department of alcohol and drug abuse that the maker of this motion has offered. So why does my good friend from Bucks, my good Republican friend from Bucks, want to send this to a recommittal mode? I can only conjecture that part of it is that the executive branch, which has given our branch such short shrift over the last 5 years, is continuing to do so, and a motion to recommit would in many ways countervail against the arrogance of the chief executive of our Commonwealth.

Thank you.

The SPEAKER. On the motion to recommit, the Speaker recognizes the gentleman from Allegheny County, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I think it is unsurprising to most in this chamber that the bill is not written the way I would have written it, but having said

that, it is written. We have had second consideration; we have had third consideration. This is final passage. Recommittal does not create further opportunities for visiting the substance of this bill, and I would discourage supporting this motion. I understand the passions that encourage it, but I would encourage you to think twice.

Let us get about voting on the measure as it is before us. Let us get that vote recorded, and let us move on.

The SPEAKER. On the motion to postpone, is the lady from Philadelphia, Ms. DeLissio, seeking recognition?

MOTION WITHDRAWN

The SPEAKER. On the motion to recommit, the Speaker recognizes the gentleman from Bucks County, Mr. DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I would like to withdraw the motion.

The SPEAKER. The Speaker thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

With regard to HB 1950, this General Assembly is getting its turkey 1 week early. Mr. Speaker, the tax rate of 1 percent for this bill is a joke. It is a joke. Not only is it a joke, but it is an insult to the people of Pennsylvania, 70 percent of which have called for a fair and reasonable drilling tax. This is an insult to them. Mr. Speaker, I have some information to put this tax in perspective. This was information provided by the PA Budget and Policy Center. This bill would impose a tax, on average, of about \$160,000 per well over its lifetime; \$160,000 per well. Over the lifetime of an average well, that would earn for drillers \$16 million; \$16 million per well, and we are just taxing \$160,000 – way too low, Mr. Speaker.

Mr. Speaker, let us put that 1-percent tax in perspective and then we will talk a little bit about surrounding factors: \$7.5-percent tax for Texas; 6-percent tax, Wyoming, on natural gas; 7 percent, Oklahoma; 5 percent, Arkansas; 5.9 percent, West Virginia. Mr. Speaker, we should be ashamed of ourselves by imposing such a low tax rate, Mr. Speaker. Mr. Speaker, in defense of this shamefully low tax rate, some of the previous speakers have said, well, Pennsylvania's tax burden is enormous; simply not the case, Mr. Speaker. The Council of State Governments and Ernst and Young in a recent report looked into that, and they say that Pennsylvania's tax burden was slightly lower than average. Pennsylvania's tax burden is slightly lower than average. The tax burden for Pennsylvania is not enormous, Mr. Speaker. According to Ernst and Young, it is slightly below average.

Mr. Speaker, it has been said by previous speakers that Pennsylvania drillers pay a huge corporate net income tax, 9.9 percent, Mr. Speaker. Mr. Speaker, this is what the Marcellus Coalition said with regard to that 9.9-percent corporate income tax, quote, "Pennsylvania's 9.9 percent CNI is not paid by many companies and limited liability corporations (LLC)'s only pay at the 3.07 percent...rate. Additionally, many companies have sufficient deductions that they pay no CNI tax." I will read that again. Now, this is from the Marcellus Shale Coalition. "...Many companies have sufficient deductions that

they pay no CNI tax," Mr. Speaker. So let us keep that in perspective, Mr. Speaker.

Mr. Speaker, it has also been alleged that studies show, the Pennsylvania Department of Revenue studies show that billions are paid by drilling companies. Again, this is highly, highly misleading, Mr. Speaker, because that includes things like tax withholding, sales tax, and other things that we do not consider what corporations pay. In fact, when you boil that down and just look at the CNI and the corporate stock franchise tax, it is not the billion dollars that has been alluded to, but only \$92 million; not a billion, but when you take away the nondrillers and you take away these noncorporate taxes, it is only \$92 billion. So you know what? These companies are getting away scot-free, Mr. Speaker. Additionally, States like Texas which pay a 7.5-percent drilling tax, they also pay a property tax. We do not. We do not, Mr. Speaker.

Mr. Speaker, I support what many of the previous speakers say regarding, I support jobs. I support natural gas as a clean fuel. These are all good things, but they are in many regards, when you look at this pitifully low tax, it is beside the point, because many companies in Pennsylvania who provide jobs for Pennsylvanians, they pay a fair and reasonable tax, and these drillers should do exactly the same. Mr. Speaker, because we are foregoing hundreds of millions of dollars in revenue, and a 6-percent tax would give us, for 2012, about \$430 million in revenue, we are losing jobs, Mr. Speaker. We, because we cut basic ed, higher ed, many layoffs resulted from that, Mr. Speaker.

Mr. Speaker, according to the Pennsylvania Association of School Administrators, this year school districts statewide eliminated or left vacant 14,159 positions; 14,159 positions, Mr. Speaker. We are losing jobs because we are not taxing these drillers and putting this money into our budget. That is where the job loss is coming from, from a failure to enact a reasonable severance tax. Mr. Speaker, this was backed up by a recent Penn State study that indicated for every \$100 million that is gained in drilling tax revenue, that would translate into 13,000 to 19,000 jobs in both the public and private sector. And it just makes sense, because we are not funding things like DEP, there are layoffs in DEP personnel. We cut 60 people this year because we are cutting colleges. There are layoffs in colleges and services. If you look at our unemployment figures for Pennsylvania, you will see a substantial amount comes from the public sector. That is because we are making budget cuts. That is because we are not imposing a reasonable severance tax. This bill fails to do that, Mr. Speaker.

Mr. Speaker, I just want to clarify one thing that was said by one of the previous speakers. The Growing Greener Coalition does not endorse this bill. Let me repeat that: The Growing Greener Coalition does not endorse this bill. I spoke with someone on the board, a member of Penn Future; they have not endorsed this bill. So let us be clear about that point. Certainly, they and any other institution who gets money from legislation likes it; I do not blame that. I am sure that local governments like it because they get money from them, but this group has not endorsed this bill.

Mr. Speaker, one of the problems, one of the big problems with this bill is it raids the Oil and Gas Lease Fund. It raids it by taking multiple deductions from the Oil and Gas Lease Fund, Mr. Speaker. Mr. Speaker, the Oil and Gas Lease Fund is public money. It is money that is gleaned from leasing out public lands, our State forest lands and other public lands, leasing them

out for the production of resources. And the stated purpose of this fund is for conservation purposes, Mr. Speaker. Mr. Speaker, I believe, for example, that the Hazardous Sites Cleanup Act needs to be funded properly, but it is absolutely wrong to take \$40 million out of the Oil and Gas Lease Fund to pay for the Hazardous Sites Cleanup Fund. That is just a giveaway, a giveaway to the polluters. It should be the polluters, the drillers, and the other people who spill these hazardous chemicals, they should be paying for the cleanup by permits, by fees, and by other devices. If you have spills of hazardous substances, it should be the people who create these hazardous substances that should be paying for it, not out of the Oil and Gas Fund which is for conservation. Mr. Speaker, \$15 million is taken from the Oil and Gas Lease Fund for conservation districts. They are using this fund largely for planning and other issues related to more gas drilling. Mr. Speaker, again, this should be paid for by the drillers, not public money used for conservation, paid for by the drillers. Mr. Speaker, we are also raiding the Oil and Gas Lease Fund with regard to mass transit. We are taking \$5 million out for mass transit systems, for gas-fired vehicles. Mr. Speaker, this is helping the drillers by increasing the demand for their product, which they are making a profit on, Mr. Speaker. They ought to be paying for this, not the people of Pennsylvania with their public lands. These moneys are for public purposes, Mr. Speaker, not for these giveaways, Mr. Speaker.

Mr. Speaker, it is very important that we, as we are getting more and more wells online – we have about 4,000 now; we will probably get as high as 60,000, 60,000 by the year 2030, according to some estimates. Mr. Speaker, this bill does not do enough to protect the air, water, and soil of Pennsylvania with regard to this increased drilling. The setback in this bill for water supplies, reservoirs, other water supplies that people drink, reservoirs and other things, is only a thousand feet. Mr. Speaker, that is wholly inadequate. Two recent studies indicated that contamination from a well can reach as far as 3,000 feet; 3,000 feet, and this is only 1,000 feet, Mr. Speaker. The setback from water supplies is inadequate.

Mr. Speaker, this bill allows for the drilling on wetlands, Mr. Speaker. No drilling, no Marcellus drilling should occur on wetlands. It is a dangerous activity and there are ways around getting oil from underneath wetlands. You simply put your well pad further upland away from the wetland and you just go underground. No drilling should be done on wetlands, Mr. Speaker.

Mr. Speaker, there is no protection, very little protection of air quality in this bill, Mr. Speaker. Mr. Speaker, Marcellus drilling activity emits many pollutants, things like sulfur dioxide, nitrous oxide, methane, particulate matter, volatile organic compounds, and others. Mr. Speaker, right now there is no requirement for an air pollution permit from wellhead activities. Right now we do not even know how much air pollution is coming from these wellhead activities. Had I the chance, I would have attempted to amend the bill to do that, but this bill does not provide any protection from air pollution, and this air pollution can cause both health and environmental damages, respiratory problems, as well as acid rain and climate change, Mr. Speaker.

Mr. Speaker, another thing that honestly, simply just irked me, and one of the previous speakers said it. He was emphasizing as a good point that this provides provisions for reduction of local taxes – not for my district, not for any of the

districts surrounding my area, not for any of the districts in southeastern Pennsylvania, the city of Philadelphia, Allegheny County. No tax deductions for there. Why not? Why is local tax deduction just limited to the Marcellus area? It is just people protecting their own and not being fair to the rest of the State, Mr. Speaker? The tax burden in my area is high. My seniors do not want to pay taxes, but why is this drilling used for tax reduction in the Marcellus region but not in Delaware County and Montgomery County and Chester County and Bucks County and Philadelphia County? Why just locally? It is just local people, the local legislators taking care of their own and forgetting about the rest of the State, Mr. Speaker.

Mr. Speaker, this turkey is not done. Stick a fork in it; it is not done. I think we can put it back in the oven and we all go home for Thanksgiving. Thank you, Mr. Speaker.

THE SPEAKER PRO TEMPORE (JOHN MAHER) PRESIDING

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority whip, for the purpose of placing the gentleman from Philadelphia, Mr. WATERS, on leave; the gentleman, Mr. SANTONI, from Berks on leave. Without objection, the leaves are granted.

CONSIDERATION OF HB 1950 CONTINUED

The SPEAKER pro tempore. On the question of final passage, the Chair recognizes the gentleman from Centre County, Mr. Benninghoff.

The gentleman waives off. The Chair thanks the gentleman.

On the question of final passage, the Chair recognizes the gentlelady from Bradford County, Ms. Pickett.

Ms. PICKETT. Thank you, Mr. Speaker.

Mr. Speaker, I see this bill today, HB 1950, as a very reasonable and a very balanced bill. I believe that it is in a position for the retention and the creation of good jobs and balancing that with environmental protection solutions. I believe it is an effective plan to grow this economic opportunity and to reaffirm this State's position as the Keystone State. Pennsylvania has been home to many energy opportunities throughout the generations, and once again I believe we are poised to be a leader in enhancing and managing this resource. The balance that this bill offers will continue the growth and the job opportunities in Pennsylvania's small businesses – I see a great deal of that in the northern tier at this point – and the oversight needed to protect our citizens and the right pathway to clean, affordable energy to heat our homes, run our vehicles, and create even more jobs by making our Pennsylvania manufacturers competitive. This bill continues to set good parameters for a beneficial working partnership as this industry continues to grow in Pennsylvania. The opportunities afforded through the income to the Oil and Gas Lease Fund for all of Pennsylvania's citizens include enhancement to conservation, recreational lands, repairing dams, and providing flood control.

Particularly, this bill moves Pennsylvania forward in incentivizing public-owned vehicle conversion to natural gas, bringing clean air and less cost to taxpayers. The bill increases

setbacks from streams, water wells, and public water supplies. HB 1950 puts in place a needed extension to the area of presumptive damage to private water wells from 1,000 feet to 2500 feet, and from 6 months to 12 months. This is an important protection for private water well owners and incorporates the intent of my HB 895 into this bill.

All in all, Mr. Speaker, this is a reasonable and a balanced bill, and I urge passage of HB 1950 today. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentlelady and recognizes the gentleman from Allegheny County, Mr. Markosek, on the question of final passage.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, very briefly, I will just basically repeat what I said in the Appropriations Committee meeting this morning. But before I do that, since that time I did get an e-mail from one of my communities back home that they were not happy with HB 1950, and they were really the only community that I represent that has Marcellus Shale drilling in it. And they are not happy because it really restricts, in their opinion – and I think the opinion of certainly many, many of us here in this hall – it restricts their ability to regulate Marcellus drilling in their community. And keep in mind that Marcellus drilling is, while it is a very valuable industry to our Commonwealth, it is also an industrial, it is an industrial activity, and there are many communities that just simply will have a very difficult time in adjusting to having an industrial-type activity not only in their communities but in their neighborhoods and next to their homes. A Marcellus drilling rig creates a lot of noise and dust and all kinds of other things, not to mention some of the social implications that will be involved with this. And local communities want at least some reasonable semblance of control. I think they understand that they have to compromise on that. I think they understand that, but this bill does not do that. This bill is shaded way towards the industry and very much excludes the local municipalities, local governments, township supervisors, etc., from the control that they demand and they feel that they need.

Also, this bill, as has been said here many times before, weakens environmental protection. It weakens environmental protection. It really, if you read the bill, is hard to argue that statement. And also, it provides for a woefully tiny fee, a fee structure that is unfairly applied and not uniform in Pennsylvania. And I think if I were a driller, I would not want a fee structure that is not uniform. I would not want a quiltwork of various counties, some of which may or may not tax and some of which may tax at a different rate. We have also seen that the bonding for the wellhead plugging, while it has been increased, I believe from \$5,000 to \$10,000 per well, a recent CMU (Carnegie Mellon University) study has just indicated that the estimated cost for plugging a used well is closer to \$100,000. I know some folks will argue that some of the big corporations that are conducting the drilling will very easily pay for that or agree to pay for that, but what about the fly-by-nights? What about the fly-by-nights? That is what we really need to protect against. These kinds of folks will be there. Whether we like it or not, we will have unscrupulous drillers that will not do their due diligence to their communities that they are drilling in, that will not do due diligence to the environment, and this is absolutely going to be a problem, and I think it is going to haunt all of us in here today who vote for HB 1950.

It is very onerous, very onerous to local control and it is very onerous to environmental protection. It does not allow corporations to pay their fair share. It does not allow the Commonwealth to assess the fair share on corporations. It has been estimated that the fees in this particular, or I should say, the taxes in this particular bill would equal roughly about 1 percent of the estimated output from the wells around the Commonwealth. One percent of \$16 million, of an estimated \$16 million revenue is really, really underpaying for the use of the environment, for the impact on the environment, the impact on local communities. And for all of those reasons, for all of those reasons, I would suggest unless you want to go home and bear the wrath of your local township supervisors, your local various constituencies, there will be accidents that occur. The media will be all over them, and the first thing they are going to ask you is, how did you vote on HB 1950? And if you voted "yes," that will be a very bad thing for you, in my opinion, back home.

So with that, Mr. Speaker, I would ask all of the members to vote "no" on HB 1950. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, you know, this issue has been framed as an either/or, or as my friend from Montgomery County on the other side would probably say, you are either in or out; in and out are your only options. And there are people that get real twitchy if you start talking about the fact that there is a whole lot of gray area when it comes to this piece of legislation and this issue. I do not think there is anyone on the floor of this House that does not believe that this industry has the opportunity to have an extremely positive impact on this State. In fact, I think most people would agree that this industry is good for Pennsylvania. This industry has created jobs in Pennsylvania. This industry has created wealth in Pennsylvania. That has nothing to do with HB 1950. HB 1950 did not do any of that. HB 1950 does not guarantee any of that. HB 1950 is a pitiful, pitiful example of what we have the opportunity to do here in Pennsylvania.

You know, folks all over Pennsylvania, men and women in towns all across this State are looking to the legislature to do what is right for Pennsylvania, not what is right for some multinational corporation, not what is right for some stockholder or shareholder that lives in another State or another country, but what is right for the people of Pennsylvania. It was alluded that we have an opportunity for not only a domestic market here, but an international market. Imagine selling out our natural resource at the lowest rate possible to countries that we compete with every day, that we are in debt to. I read an article the other day about foreign aid that we do to China, that lends us money. We are going to charge a low tax so that we can take our natural resource and ship it to a country we have a deficit to.

The notion that was espoused by some members here that, well, it has to be low because our CNI is so high, is really not an argument at all. Unless, of course, those same people that are making that argument believe that the day that the CNI comes down, the Marcellus Shale tax goes up, but we did not do that link. Not only that, we also know, as was pointed out by several other members, that most of these companies are not paying that CNI. The Department of Revenue itself said that the majority of

these companies are taxed at a 3.07 rate, and that in their analysis they included more than a thousand pass-through businesses in terms of claiming how much this industry generated in the State of Pennsylvania. It identified personal income taxes and employer withholding taxes as what this industry generates, as opposed to corporate net income taxes. And the Pennsylvania Budget and Policy Center said that of the 783 companies to file corporate net income tax returns, only 15 percent owed any tax in the State of Pennsylvania. The 783 companies related to this industry, only 15 percent owed any tax. A significantly larger number of drillers, including 9 of the top 10 permit holders in the Marcellus Shale region, structure their businesses as limited liability companies or limited partnerships. That means they are paying at a 3.07 rate. They are exempt from property taxes, as was pointed out earlier. I heard figures that even if you calculated everything that has been gained over the last 5 years, it was more than a billion dollars. Last year in the State of Texas, the value to local governments in property taxes collected on just the portion of the local property taxes that deals with the worth of the minerals underneath the ground generated \$2 billion in the State of Texas; \$2 billion just on property taxes on the worth of the minerals, not what was on top of the ground, not the buildings, not the businesses, just the value of what was under the ground generated \$2 billion in one year in the State of Texas. And yet, we have an analysis that says in the last 5 years in the entire State of Pennsylvania, we have generated little more than a billion dollars.

If this is not a giveaway of a precious natural resource, I do not know what is. The department itself indicated that only 20 percent of corporate tax filers paid any corporate income tax in 2010 – 20 percent. According to the World Oil online, gas companies drilled more wells in West Virginia, which opposes a drilling tax, than they did in Pennsylvania last year. So this argument that these companies will just pick up and leave is specious. We did hold hearings on this throughout the State. We did hear from executives from companies when asked directly, "If your severance tax was 1 percent higher than any other State in the nation, would you leave this State?" And the explicit response from those executives was, "No; why would we leave a State where we have billions of dollars invested, where it is cheaper for us to produce it and ship it to our markets than any other place in the world?"

But the reality is, that as paltry as this tax is, it is a tax. Now, I am not a member of the cult from the Americans for Tax Reform, but the head of that group, Grover Norquist, in a letter to members of the General Assembly said, and I quote, "I understand that Gov. Corbett's staff has responded to the letter that Americans for Tax Reform sent to you on Monday expressing ATR's opposition to HB 1950. Their response simply entails a list of reasons of why they think this tax is a good idea. However, that doesn't change the fact that HB 1950 is a tax." Let me repeat that, "...HB 1950 is a tax."

Now, I do not have a problem with it being a tax, but for those of you who took pledges saying you would never, ever raise a tax and used that argument to go back to your local school districts and municipalities and say the reason that they had \$20,000 per classroom cut from their budget this year was because you had signed a pledge saying you would never, ever raise a tax; the reason they were going to have to raise taxes locally, the reason they were going to have to pay fees to play football, the reason they were going to have to pick up the

burden was because you would never vote for a tax. And that, you said, was a worthwhile cause, even if it meant that the locals had to pay more taxes or that kids went without books or that teachers got fired, because that was okay because you were not going to vote for a tax.

Now if you vote for HB 1950, you are going to go home and tell your constituents, well, this time the reason you voted for a tax was because that way they can pay higher local taxes and not have money for their schools—

POINT OF ORDER

Mr. TURZAI. Point of order, Mr. Speaker.

The SPEAKER pro tempore. For what purpose does the gentleman seek recognition?

Mr. TURZAI. Mr. Speaker, I think we are far afield from the underlying bill, HB 1950. This is not a discussion about the budget.

The SPEAKER pro tempore. The Chair thanks the gentleman and would encourage the gentleman from Lancaster to focus his comments.

Mr. STURLA. Thank you.

Mr. Speaker, as was pointed out in the letter from Americans for Tax Reform, HB 1950 is a tax. And the reason it is so low and the reason you are going to explain to your constituents why you voted for a tax that was so low was so that they could pick up the tab, your local taxpayers could foot the bill for the programs that were being cut. Do you notice a recurring theme here? As long as it is hurting citizens in your district, you are okay to vote for it. If it hurts citizens in your district and you did not vote for a tax, that is okay. If it hurts citizens in your district and you did vote for a tax, that is okay. That is the only common thing there, not that you were not voting for taxes, because a vote for HB 1950 is a vote for taxes.

We have also been told that we should just be thankful that this industry is here. What is the Latin term, Representative DeWeese, "paterfamilias," something like that? You know, the father takes care of it all. The corporation will just do it for you. But it is interesting that when we had a different industry establishing itself in Pennsylvania several years ago, we heard a different tune. When the gaming industry was looking to establish in the State of Pennsylvania, the hue and cry was, you have to have them pay an impact fee. They need to pay a fee to the local municipality. They need to pay for extra police. They need to pay taxes. And in New Jersey, neighboring New Jersey, right next door, they were only charging something like a 3-percent tax. And in the mecca of all gambling, Las Vegas, they were charging something like a 6-percent tax. And you know what? We said to that industry, you have to pay a host municipality fee; you have to pay for police; you have to pay for drug and alcohol addiction; you have to pay for all the social ills, gambling addiction; you have to do all sorts of things. Oh, and by the way, we are going to impose a tax on you at a 55-percent rate – not 3, not 6 – 55. And that industry said, fine, we will take the deal.

Now what we are being told is there is another industry, where the only place they can get this resource is in our State. They cannot go to a State that does not have natural gas under it and drill for natural gas. It just does not work. So this industry is here, and in other States that do have natural gas they are charging seven and five and three and four, and you all want to

settle for one. I hope I can negotiate my next deal with you guys, but I certainly do not want you negotiating on my behalf or my citizens' behalf if that is the best you can do. And I do not think your citizens want you negotiating on their behalf if this is the best you can do, because if you go home and say that is the best we can do, the Senate Republicans, which held this issue up for 2 years, could at least negotiate 3 percent. The best you can do is 1 percent? That is it? I would be ashamed if I said that is the best I could do. And if the reason that is the best you can do is because somebody is browbeating you, then I suggest we get somebody who cannot be browbeaten.

You know, there are a whole lot of things that people have said, oh, this bill does this and this bill does that. You know, when somebody comes to the emergency room and they put a Band-Aid on them, technically they have done something more than was done for them before, but it really does not matter much. And this piece of legislation, which purports to do environmental things and purports to generate dollars for local government and purports to do all sorts of great things, is nothing more than a Band-Aid, and a wet one at that.

This is not a balanced approach. It would be hard to say that the Senate bill is even a balanced approach, but certainly you cannot characterize the Senate bill as favoring Pennsylvanians, Pennsylvania citizens—

The SPEAKER pro tempore. Mr. Sturla.

Mr. STURLA. —over the corporations.

The SPEAKER pro tempore. Will the gentleman please keep his remarks on the bill that is before us.

Mr. STURLA. Thank you.

This bill is one-third of what the Senate bill is – one-third. That is the best you can do? One-third of the Senate bill? Those guys are famous for being friends of the industry, and the best you can do is one-third of what they can do? If you say, well, listen, we are going to go negotiate something anyway, that is your point of negotiation? This does not meet, as Grover Norquist says, the laugh test. You cannot go home with a straight face and say to your constituents, I actually did something on Marcellus Shale that you wanted me to. You can point to a few things that it does. I put a Band-Aid on it. It is done now, the best I could do. That is not even a minor league response.

Mr. Speaker, there are a whole lot of things that this bill also does not do because debate was cut off yesterday. And we have heard a lot about, well, we have debated this enough. We have talked about it a lot. This particular bill never had a hearing in the committee – not one. You are going to go home and tell your constituents, hey, I voted for a bill that never had a single committee hearing. We talked about a lot of the issues around that issue, but we never actually held a hearing on this one so people could say precisely what this bill did or did not do.

One of the things, and I guess we will find out at some point in time if this is a fee or a tax, because a corporation is allowed to deduct taxes that they pay to other entities for Federal income tax reporting purposes. Now, I do not know whether they are going to be able to deduct this fee or not, but at some point in time somebody is going to make a decision and say that they can or cannot. My guess is that they will say they can. My guess is that is why Grover Norquist says it is a tax. I guess I could try and have this bill sent back to the Appropriations Committee to get a fiscal note to see whether it is going to impact the revenues that we collect in this State, because that issue was never even mentioned in any fiscal note we saw. But you all

have probably already made up your minds, and you all have justified in your own mind how you can explain this to your constituents. And you may be able to sleep well tonight, but my guess is that when you actually have to talk to your constituents, they will say to you, that is all you could do? That is your best shot? And maybe they will find somebody else to come represent them and negotiate for their best interests the next time around. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence on the floor of the gentleman from Philadelphia, Mr. Keller, welcomes his back, and we will remove him from the leave list.

CONSIDERATION OF HB 1950 CONTINUED

The SPEAKER pro tempore. On the question of final passage, the Chair recognizes the gentleman from Indiana, Mr. Reed.

Mr. REED. Thank you very much, Mr. Speaker.

Today's debate on the Marcellus Shale has been ongoing for nearly 4 years. The debate on this specific bill has been ongoing for the fourth straight day. This General Assembly, past General Assemblies, this administration, and the previous administration have been talking about taking action on this topic for far too long. HB 1950, which I rise in support of today, is legislation that would take a significant step forward in regulating the Marcellus Shale industry as well as a number of other key components. This legislation is supported by the Boroughs Association of Pennsylvania, the County Commissioners Association of Pennsylvania, the Pennsylvania Township Supervisors Association, and just this morning we received a letter of support from the Renew Growing Greener Coalition.

There are five key components to this legislation. Number one, we implement, for the first time in the history of Pennsylvania, an impact fee geared toward offsetting the local cost the industry is incurring on local communities. We are inserting an impact fee that would raise nearly \$1 billion in the first 6 years to help offset the cost of the industry to the local communities that are actually impacted by the drilling in the Commonwealth of Pennsylvania.

Number two, we are enhancing our environmental regulations. Pennsylvania was already a leader in environmental regulations in regard to the conventional well industry, and now we are enhancing our regulations in regard to the unconventional industry. Included within those enhanced regulations are increased setbacks for streams: a 200-percent increase in the setback from streams; a 150-percent increase in setbacks from water wells; a 150-percent increase in the setbacks from buildings; and for the first time ever, we are implementing a 1,000-foot setback from public water supplies. We are enhancing DEP's ability to suspend, deny, or revoke a permit from a bad actor. We are requiring DEP to approve a water management plan before the drilling of a well commences. We are prohibiting a well pad or drilling within a floodplain without certain conditions being met. We are requiring additional conditions related to security, lighting, noise, and odor surrounding the well pads. We are extending the

rebuttable presumption for unconventional well operators 150 percent, from 1,000 feet to 2500 feet, and extending the timeframe from 6 months to 12 months. We are requiring the inspection of erosion and sedimentation control measures prior to drilling occurring, and we are requiring the inspection reports in the name of transparency to be posted online for the first time.

Third, we are preserving local input in the regulatory and zoning process. Unlike some of the other proposals that have been out there, we recognize the need for local input in zoning, the need for local input in regulations. And I think the letter from the Pennsylvania Association of Boroughs says it best when they describe the language as follows: "The language in the bill strips out the total preemption of oil & gas operations in the original bill and inserts an acceptable alternative for the reasonable development of the minerals." It goes on to say, "It provides uniformity to municipalities regarding construction while providing flexibility for local decisions" – flexibility for local decisions – "related to oil & gas infrastructure such as compressor stations, transfer facilities etc. Thereby assuring the same local standards that all other businesses must follow." Mr. Speaker, an act that is occurring that may be of concern by the drilling industry is of concern to any industry creating that act within a municipality, and they should be zoned and regulated in conjunction with one another.

Fourth, we are increasing the fines and penalties by over 100 percent; a 100-percent increase in the fines and penalties associated with bad actors, bad companies who are out there endangering our environment, endangering our water supplies, and endangering the lives of our citizens.

And fifth and finally, we are dedicating \$2.7 billion; \$2.7 billion over the next 15 years will be dedicated to environmental programs and conservation. Included within that \$2.7 billion is a \$2 billion dedication for the Environmental Stewardship Fund, otherwise known as Growing Greener; \$480 million dollars for the Hazardous Sites Cleanup Fund; and \$225 million for our local conservation districts. I would imagine that this is why in the correspondence from the Growing Greener Coalition, they say a vote against this legislation is a vote against Growing Greener. A vote against this legislation is a vote against Growing Greener because we are providing \$2.7 billion in environmental funding over the next 15 years dedicated to preserving and protecting our environment.

Mr. Speaker, in summary, for the first time we are going to implement a local impact fee to take care of our local communities and our local citizens. We are going to enhance our regulations and our water protections. We are going to preserve local input in the regulatory and zoning process. We are going to increase fines and penalties on bad actors, and we are going to dedicate \$2.7 billion to environmental programs. Mr. Speaker, HB 1950 may not be perfect. It may not be exactly what each and every one of us would like to see it be, but we have been in the pursuit of perfect for 4 years and nothing has happened. I would imagine it is because each and every one of us has a different definition of "perfect." It is time that we all put our own definitions of "perfect" aside and quit talking about taking action and actually do something to protect our children, to protect our water supplies, to protect our community, and to protect our environment.

Mr. Speaker, HB 1950 is a very solid step forward to striking the appropriate balance that will allow our citizens to take advantage of this enormous economic opportunity. And the tens of thousands of jobs that come with it will allow our consumers to reap the benefits of lower home heating prices, and also allow us to take care of our environmental responsibilities, to take care of our State for future generations.

Mr. Speaker, I would ask for an affirmative vote in support of HB 1950. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady from Philadelphia, Ms. DeLissio, on the question of final passage.

Ms. DeLISSIO. Thank you, Mr. Speaker.

At the beginning of this, our remarks today, we heard the gentleman from Delaware County say that HB 1950 is the result of compromise. And since I was not aware that all of the stakeholders were ever in the same room at the same time as it pertains specifically to HB 1950, I was prompted to look up the definition of the word "compromise" to refresh my memory. And the dictionary says that it is "an agreement or a settlement of a dispute that is reached by each side making concessions." Mr. Speaker, unfortunately, HB 1950 represents no such compromise, and for me and the constituents of my district, it absolutely represents a capitulation to the industry. I am further dismayed by the fact that apparently 45 percent of the citizens of the Commonwealth do not, on any type of regular basis, have the opportunity to have input into this legislative process, as evidenced by the alarming frequency with which the previous question has been called.

So my vote today on the substance of the bill will be "no" for HB 1950. And also, because— And I think another gentleman from Centre County had indicated that our constituents are very frustrated and just want to get things done. My read on our constituents and our citizens is that they are looking for a good deal of integrity and independence in the legislative process, and I am not sure that our process today reflects either that integrity or that independence. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentlelady and recognizes the gentleman from Lackawanna County, Representative Kavulich, on the question of final passage.

Mr. KAVULICH. Thank you, Mr. Speaker.

I do not think very many of us, if any at all, would argue that the Marcellus Shale industry brings great economic possibilities to our Commonwealth. We have been hearing here today how this is about jobs, jobs, jobs, but it is also about environment, environment, environment, and people, people, people. Each one of us in this chamber represents approximately 60,000 constituents. Where is that representation when this bill does as much as it can to preempt all local zoning ordinances that protect our environment?

We may be trying to fool ourselves that an amended version of this bill makes everything all right, but I certainly do not want to go back to my constituents after voting for a bill that ties the hands of our city's boroughs and townships when it comes to drilling in their own backyards. Municipalities all over Pennsylvania take steps to protect the health, safety, and welfare of their residents in light of this industry, and now we want to undermine these municipalities by restricting what they can do when it comes to their own needs and concerns. Without strong

local ordinances, what is to prevent a rig or compressor station from being built next to a school, a day-care center, or a playground?

Looking at the revenue distribution under HB 1950, Lackawanna County and Luzerne County get nothing. In Lackawanna County alone, people are looking at a 38-percent county tax increase. The city of Scranton is looking at city real estate taxes going up by almost a third, with city layoffs. Scott Township in Lackawanna County, residents there are faced with a sewer assessment that will have each resident paying at least \$80 a month more on their bills. Northeastern Pennsylvania unemployment numbers are among the highest in the State. Our citizens suffer, yet this bill gives drilling companies a virtual free pass when it amounts to a 1-percent tax or fee. Funding stream? This is a funding drip.

Nonproducing municipalities within producing counties will get no more than \$22,000 on average. For those counties without active wells, they will not get anything from this bill, even though they will experience very real impacts from the drilling on their roads, bridges, and water supplies. Those water trucks are not stopping at the borders of those counties. The water flow in the aquifer does not know the boundaries of these counties. The effects of drilling do not stop at the borders. Look at Allegheny County: With five active well permits, each gas-producing municipality could get as little as \$11,000. The remaining 123 could get just \$330 each. Under this bill, 37 counties would get no benefit to environmental protection. This bill allows applicants for well permits to pay extra to get that permit expedited, allowing these reviews to be done by persons who are not employees of the Commonwealth and without proper procedures. Setbacks are increased, but to just 1,000 feet from water wells; that is little more than a football field from water supplies that must be fully protected for the health of the public.

Mr. Speaker, this is a bill that generates very little for the entire Commonwealth, and at the same time does not allow the entire Commonwealth to share in the industry which will affect the entire Commonwealth. Only by enacting a real severance tax will we be able to ensure that drilling companies are paying their fair share and every person in Pennsylvania benefits from the development of the Marcellus Shale.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Mr. Gerber.

Mr. GERBER. Thank you, Mr. Speaker. You look good up there.

Mr. Speaker, we have heard from a lot of the folks opposing this bill. We have heard how the Corbett plan does not do enough for the environment. We have heard that under this plan, moneys will be spent in very few counties. The parochialism I spoke about the other day on the floor is embodied in this legislation in ways we have really never seen before. We have heard about how this legislation will allow drilling companies to devastate communities. I want to talk about some of those things and I also want to talk about some macroeconomics that seem to be lost on those supporting this legislation.

Let us look at what this bill really does for the environment in terms of funding for environmental programs, and let us compare that to what we could be doing. Let us compare that to

what the gentledady from Montgomery County tried to do last year with her amendment to the Marcellus Shale bill that was offered last session. Let us compare it to what the gentleman from Delaware County wanted to do. Hundreds of millions of dollars more would be spent to protect and preserve the environment under those bills than under this bill. The Environmental Stewardship Fund gets short-shrifted. Fish and Boat Commission, DEP, Environmental Hearing Board all get cut in this bill relative to those bills that were offered before. For anybody to get up and say this is good for the environment, they are either fooling themselves or they are trying to fool Pennsylvanians.

Let us look at how this encroaches upon the environment. First of all, under this bill, we only get money for programs like Growing Greener if we drill more. The money comes out of the Oil and Gas Lease Fund. That money is only available if we drill more on State lands. Think about that. Think about the hypocrisy. You are saying we are going to raise more money for the environment, but we are going to do it by destroying the environment. We are going to raise more money for the environment, but we are going to rip down more trees in our forests and we are going to risk contaminating streams and rivers on State lands. That is what this plan does. That is why it is hard for so many of us, particularly on this side of the aisle, to take your comments seriously. You are going to destroy our environment to throw a few pennies at a couple of environmental programs so you can run home and say, look what we did. We are helping the environment. I do not know how you do that. I do not know how you do it with a straight face, Mr. Speaker.

But beyond the lack of the money for the environment, beyond the fact that you are going to destroy the environment more to raise a few dollars, let us look at what you do with notification for those that would be impacted. Under the bills that we offer, we said you would have to notify people that are within 5,000 feet; you do 2500 feet. We said that if water is contaminated within 5,000 feet of a drilling site, there would be a rebuttable presumption that the contamination came from the drilling. You said, ah, no, we will do 2500. Building setbacks – whether it is residential, single-family homes, twin homes, multifamily homes, apartment buildings, commercial buildings, industrial buildings – we said 1500 feet; you said, no, we only need to do 500. How about protecting wells? We said we want a 1500-foot setback; you said, no, we do not need 1500. We will just do a thousand. We said 2500 feet from a public water supply; you said we need no additional protection for public water supplies. We said 500 feet from a stream or a spring or some other body of water; you said, no, we do not need 500. We will just do 300. Everything you look at, you cut it back, but you want to say this bill is good for the environment. Are you kidding me?

How about well bonding? We know it will cost hundreds of thousands of dollars to clean up a well that is abandoned by the company that puts it in. But no, you cut back on well bonding too. Despite the recent study from Carnegie Mellon University that found it would cost, on average, \$100,000 to plug a well, you said, ah, we will just require \$10,000. Now, how do you do that and tell me you care about the environment? How about fines and penalties? We said \$100,000; you said that is too much for these poor, old companies. We will make it \$50,000. How about drilling on State land? We said have a 2-year moratorium in our bill; you said, ah, we do not need a

moratorium. But you want us to believe you care about the environment? Come on. Like I said, I do not know if you are kidding yourselves or you are trying to kid the people back home, but you cannot get up and say that this bill is good for the environment – not enough money, and it is bad for the environment.

Point three I want to make: the parochialism embodied in this bill. I mentioned it yesterday when we were talking about the amendment offered to give grants and loans to transportation authorities for natural gas vehicles. And in that bill, you wanted to make the money free for those areas in Marcellus land, but in the big transit authority situations, you were going to charge interest. Well, guess what you are doing here? Here you have this economic opportunity, but you do not believe that any of the tax revenue that comes from it should benefit any part of the Commonwealth but for those areas where the drilling is taking place. Well, let us assume we did that with the corporate net income tax and the capital stock and franchise tax. Now, we know the vast majority of those dollars come out of Philadelphia, come out of the four counties around Philadelphia – Bucks, Montgomery, Chester, and Delaware – and they come out of Allegheny County and the city of Pittsburgh. And what if we said, to heck with the rest of the Commonwealth. We are going to keep those corporate net income tax revenues, those capital stock and franchise tax revenues in those areas where they are generated. How do you think your counties would fair? How do you think it would look in the T if the five counties in the southeast and Allegheny County took that parochial view?

But it does not stop there. How about the real estate transfer tax? The same counties generate the bulk of it. What about the personal income tax? The same counties generate the bulk of it. Sales tax? Same counties generate the bulk of it. But do we sit here and tell you folks from the other parts of the State we do not care about you, we do not care about your schools or your kids, we do not care about your seniors? We are just going to keep the money in our counties? Heck no, we do not do that. We buy into the notion that we are a Commonwealth and that we should support each other. We do not say that of the 67 counties, the money should stay in just those 5. No. And guess what, Mr. Speaker? Those five, less than 10 percent generate 37 percent of those General Fund revenues. Think about that. But you do not; you do not care, I guess. You will take our money, but when you have an economic opportunity, you want to keep it all. It is a joke. It is an absolute joke, Mr. Speaker.

But I will tell you what is even more ridiculous, what is even more ironic. Over the years when we have introduced programs to borrow money to stimulate the economy, to create jobs, you said, oh, no, we should not borrow, we should not borrow. It is not fair; it is not right. It is immoral because we are going to spend that money now but make future generations pay for it. Well, guess what, Mr. Speaker? You guys are doing the same thing right here. You get up and say this is about jobs after you cut over 10,000 jobs in the budget this summer. Now you want to act like you care about jobs? But guess what? Even if you do get jobs because of this ridiculously low tax rate, you are going to do it on the backs of future generations. It is a sense of entitlement that I find disgusting. You think you are entitled to this economic opportunity now and you are going to ask future generations to pay for it, and they are going to pay for it with tax dollars that are going to be needed for the environmental

cleanup. You are repeating history, and it is like you are blind to that history. We saw it with the timber industry. It ravaged our forests, and then over decades we spent millions and millions of taxpayer dollars to buy up forest land so we could have the system we have now. It happened with the coal industry. My gosh, the hundreds of millions of taxpayer dollars that are used to clean up abandoned mines, to deal with acid mine drainage, to reclaim those areas that were ravaged by strip mining, and you are going to do it again. You are going to do it again and you do not seem to care. You are going to make your kids and your grandkids and your great-grandkids pay for this great economic opportunity that you are so excited about. It is the same thing you complained about when we wanted to borrow money to institute programs to help us get through the recession. It was not good then, but it is good now. Why is that?

POINT OF ORDER

Mr. VEREB. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. VEREB. The history lesson is valuable but not relative to this bill. The disasters, everything but the Valdez has been mentioned. I ask the Speaker to keep the gentleman on the bill and not to the motives of the members' votes.

Mr. GERBER. Mr. Speaker, may I please?

I have never spoken to motives, number one. And the condescending—

The SPEAKER pro tempore. The gentleman will suspend.

Mr. GERBER. —and the condescending—

The SPEAKER pro tempore. The gentleman will suspend.

Mr. GERBER. —the condescending sarcasm is—

The SPEAKER pro tempore. The gentleman will suspend, please. Thank you.

The Chair thanks the gentleman and would remind his good friend from Montgomery County to not get to the Valdez, please. Thank you.

The gentleman may continue.

Mr. GERBER. Thank you, Mr. Speaker. Thank you.

I understand some people might not like the substance of my comments because it challenges the point of view you hold, but I think this is a very serious issue, and I think we need to get it right, and I think we need to embrace the fact that it is going to impact Pennsylvanians for decades.

And I think the history is important. I think the history is important because we can learn from it. We can learn from the mistakes we made. We can learn from the good things we did. And the reason that I share that history of the coal industry and the timber industry is because those histories are so similar to what we are going through right now with the drilling.

And my point, Mr. Speaker, is that while we are giving the industry this ridiculously low tax rate with this proposal, we are not raising enough money for environmental programs. We are giving them far too much leeway in terms of how they will drill and where they drill and how it could impact people's lives. We are allowing this parochial view to rule the day, and we are not thinking ahead from an economic standpoint. Those are the points I am trying to make, Mr. Speaker, as I share that history. And I think because this is such a big deal and because this is so important to this Commonwealth and not just now but for

decades and for generations, I think the history is warranted. So thank you, Mr. Speaker, for that latitude.

I will conclude my comments, Mr. Speaker, by urging this chamber to vote "no." We can do better. I think it is our moral imperative to do better, and I think that anybody that gets up and suggests that somehow this is good for our environment is way off base. We do not raise enough money for environmental programs. We are allowing the industry to destroy our environment, threaten our drinking water, threaten our air quality, threaten the health and welfare of our residents. We are allowing a parochial worldview to prevail, which I think is a very, very dangerous precedent in this chamber.

As I have mentioned, the five counties in the southeast, Allegheny County, they have never done that to the rest of this Commonwealth, but for some reason, there are people in this chamber that think it is okay to do it now. And we are pushing costs off into the future and putting them on the backs of future generations for an economic opportunity now, and I do not think that is right either, Mr. Speaker.

Mr. Speaker, thank you for your time and your latitude. Again, I encourage the chamber to vote "no" on HB 1950.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentelady from Philadelphia, Representative Brownlee, on the question of final passage.

Ms. BROWNLEE. Thank you, Mr. Speaker.

I rise today to oppose HB 1950 partly, in part, because Philadelphia has not been in the discussion at all, and I represent Philadelphia. It is almost like getting dressed to go to the prom and being stood up by Marcellus Shale. We get no jobs. We get the bad part of the environmental situation, and I think it is just a bad bill.

I do have prepared remarks – so I am not going to belabor this – that I would wish to be submitted for the record. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentelady.

REMARKS SUBMITTED FOR THE RECORD

Ms. BROWNLEE submitted the following remarks for the Legislative Journal:

Mr. Speaker, while the Marcellus Shale gas reserves offer tremendous potential for Pennsylvanians if managed correctly, this bill, this impact fee, which is extremely low compared to national norms, is a disgrace.

The supply of natural gas is here in our Commonwealth and the drillers are not going to leave it here and risk losing billions of dollars.

This bill, that was ramrodded down the throats of Pennsylvanians, only benefits the drillers. It does very little to protect the water, air quality, and land in Pennsylvania. It does even less to offer incentives for out-of-State oil and gas drillers to create jobs for Pennsylvania workers.

This bill would benefit only a relative few with the shale region and would provide no benefits to the area I represent.

This bill lacks transparency and accountability and is a major setback for government reform.

For these reasons, Mr. Speaker, I ask for a "no" vote on HB 1950.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Monroe County, Representative Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

You know, we heard a prior member speak about history, and I think it is important that we talk about some of the – a little bit of history in regard to Marcellus Shale and the tax that was proposed in the last session. It was a Senate bill, 1155, and it was amended illegally. It was a local government bill. I have a copy of that bill, and there is nothing in there about the environment, protecting the environment, not one iota about protecting the environment. It was all about taxes.

The SPEAKER pro tempore. Will the gentleman suspend, please.

Mr. SCAVELLO. Yes.

The SPEAKER pro tempore. We will remind the gentleman that he is recognized on the question of final passage of HB 1950.

Mr. SCAVELLO. I understand, Mr. Speaker. There was a comment made about history, and I felt that— So they used a Wayback Machine on me, if you recall, on that particular bill.

But the point is that in the last session we were not in the majority. All of the safeguards that were put in place were put in by, at that time, the Secretary of DEP, who was also the head of PennFuture at one point. He put the safeguards in place, and the prior administration felt that they did a pretty good job. There were no bills here on the floor to say to improve setbacks or any of that sort.

But there were a couple comments made. One comment was the fact that, are we going to go back and tell our voters that we voted for a bill that did not have a hearing? Well, last year SB 1155 was amended illegally. It did not have a hearing. So there were 94 members on the other side; I do not know if they went back and told their voters.

There were a couple comments made. The gentleman from Monroe, Pike, and Wayne, I thought did a great job in explaining the revenues that were coming into the State because of what we are doing and what has happened already. There were comparisons made with other States. Texas, for example, has a tax – or a fee, whichever way you want to call it – of 7.5 percent, no corporate tax; Arkansas is 1 1/2 to 5 percent and a 1 to 6 corporate tax; Louisiana, 3.8 percent of value and a 4- to 8-percent corporate tax; West Virginia, 5 percent of sales price, 7-percent corporate tax. If HB 1950 passes, there is a graduated fee, and on top of that there is a 9.9-percent corporate tax, and of course there is a capital stock and franchise tax as well.

We have heard Texas quite a bit today. Texas, with their extraction tax, generates \$745 million; \$745 million. With the fee that is being put in place, the extraction fee is going to generate \$137 million. The corporate and business taxes that they are paying today, that the drillers are paying today, \$306,900,000. So here is the total: Texas, \$745 million, and we are \$443.9 million. The difference, Mr. Speaker, is presently Pennsylvania is producing 4 percent of the gas in total than what is being produced in Texas. So with 4 percent of the gas, we are generating \$443 million compared to Texas at \$745 million.

Now, in place today there are safeguards. The safeguards we put in place by the prior administration. This bill is not just a fee bill, but it is also making some major changes in protecting our environment, increasing the setbacks from streams, water wells, buildings, and public water supplies. That was not in last year's bill, Mr. Speaker. All we were doing last year was putting a tax. It enhances DEP's ability to deny, suspend, or revoke a permit;

requires 24-hour notice to DEP before commencing certain critical activities; requires DEP-approved water management plan; enables the Environmental Quality Board to promulgate regulations; requires DEP to consider municipal comments; prohibits development of a well pad or drilling in a floodplain unless certain conditions are met; requires conditions related to security, lighting, noise, and odor; permits DEP to extend the 9-month reclamation timeframe; extends rebuttable presumption for unconventional well operators to 2,500 feet and 12 months; it authorizes the DEP to enter into contracts with well control specialists; requires additional information including hydraulic fracturing information for well completion reports; establishes bond amounts based upon length of well bore, with a blanket cap of \$250,000; requires inspection of erosion and sediment control measures prior to drilling; requires inspection reports to be posted online.

There is no perfect bill out there, but this bill, Mr. Speaker, is a better bill than doing nothing at all. We have done nothing. There are none of these protections that are in place today. If we do not pass this bill, all of this will not be in place.

You know, it reminds me, in the last session we sent a bill over to the Senate. It was a bill in regard to protecting young drivers with a mandatory primary offense for seat belts and other things. We sent it over to the Senate, and the Senate watered it down a bit. So instead of us approving it and then going back and trying to do something better next time around, we did nothing. We left those kids unprotected for another year until this year when we came into power and we corrected it and now it is law. Let us not make the same mistake here. There are a lot of good things in this bill, a lot of good things that are going to help the environment.

The last thing, I think I must say this because I know there are folks from other counties saying, we are not getting any of that money. All I know is, I see \$306,900,000 that is being collected by those drillers up there in corporate net income tax and business taxes that is going throughout the Commonwealth.

In Monroe County my unemployment is about 10 percent right now. Bradford County normally trails Monroe County's unemployment by about 2, 2 1/2 percent, so they approximately would be about 3 percent. Bradford County's unemployment is less than 5 percent. It is almost nonexistent. So this industry has created a tremendous amount of jobs. We are putting protections in here to protect the water and protect the environment.

I urge the members to really support this bill. Let us get it over to the Senate and let us put this issue behind us, because until now nothing is in place, none of these protections are in place and we are getting zero, zero right now. I urge the members for a positive vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, on the question of final passage, the gentleman from York County, Representative DePasquale.

Mr. DePASQUALE. Thank you, Mr. Speaker.

Recently in Washington, DC, the United States Senate passed, on a vote of 98 to 1, a veterans job creation tax credit bill. And the reason for that is simple: The unemployment rate of veterans in the United States coming back from Iraq and Afghanistan is embarrassingly low for this country.

The reason why I bring that up is HB 1950, over and over again we have heard is about jobs, jobs, and jobs. However, there are some critical missing pieces in this legislation; namely, ideas that have floated around on both sides of this aisle about

creating job creation tax credits for Pennsylvanians that are hired by the drilling companies. Missing from this legislation is a real plan to work with our community colleges and our technical schools to train Pennsylvanians to get hired for these jobs.

Mr. Speaker, the unemployment rate since the Corbett budget was passed into law has grown even higher in Pennsylvania. Nationally, we are seeing job growth, while the unemployment rate in Pennsylvania continues to go up. I believe HB 1950 should be rejected so that we can get back to work not just for the environmental protections that so many of us consider critical, not just because of the 1-percent impact fee or tax, whatever Grover Norquist wants to call it, whatever he says it is. Nobody on our side of the aisle took the pledge with Grover; that is something you guys have to contend with. But when we are 1 percent and Texas is in the 7-percent range, again that is an issue that people, if you can feel comfortable explaining that back home, so be it.

But the real reason why this should be rejected is that we can get back to work crafting a Marcellus Shale package that not only protects the environment, not only has a real tax rate so we fund critical environmental protection programs, but also so we can put a plan in place to make sure Pennsylvanians get the jobs from this industry and we can begin to reduce the unemployment rate in Pennsylvania.

As we have heard over and over and over again, the number one concern of people in this State is jobs. That is why transportation and infrastructure is ranked as the number one issue by over half of Pennsylvanians, because they know that is the one area where we can directly impact job creation. HB 1950 fails job creation for Pennsylvanians. Let us reject this and get back to work on a bill that will put Pennsylvanians to work.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes the gentleman from Allegheny County, Representative Kotik.

Mr. KOTIK. Thank you, Mr. Speaker.

Mr. Speaker, I am a proud resident of the township of Robinson in Allegheny County, the Commonwealth of Pennsylvania, and maybe in the future a proud resident of Chester County, you never know. But I am not, but I am not, Mr. Speaker, a resident of the Pennsylvania association of 67 counties. And, Mr. Speaker, I think this is the fallacy of this bill, because we are a Commonwealth here in Pennsylvania, and a Commonwealth, in my opinion, is where we share the abundance of this great State with each other and we do things in a comprehensive way that benefits every resident of this Commonwealth, and I think this piecemeal approach that we are taking with this legislation is not the right way to go.

Now, my colleague a few speakers ago, the gentleman from Montgomery, actually stole my thunder in a respect, because he was talking about the fact that if we went to a system that was based on counties, the only revenue that each county would have is what they generate within that county. That does not make any sense that we are only going to say, well, you generate X number of dollars. That is what you can spend in your county out of the State budget. That is not the right way to approach things.

And one of the things we also talk about here in Pennsylvania with regards to local control is the fact that we put too many mandates on local government. We are always telling

local government you have got to do this, you have got to do this, you have got to do this, and we have had all these bills introduced this session to take those shackles off local government, and now we are putting shackles back on local government by telling them what they can do relative to their zoning and what we can do relative to the communities they live in regulating the quality of life, and I think that is a mistake.

And also in regards to this bill, another major mistake is a concentration of power in one office in this Commonwealth. I do not believe that one office in this Commonwealth, namely the Office of the Attorney General, should have all this power to decide this issue when it comes down to the municipalities in this Commonwealth. That is a decision for the courts. It is not a decision for that one office in this Commonwealth.

In summation, Mr. Speaker, this bill needs a lot of work. I know it is not going to be the final product because the other body has yet to rule, and oftentimes when we have legislation in this great Commonwealth, the other body has a lot to say. So I am urging my members and my colleagues in this House to look ahead and reject this piece of legislation.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes the gentleman from Washington County, Representative White.

Mr. WHITE. Thank you, Mr. Speaker.

I was trying to come up with a way to describe my feelings about this bill, and I thought maybe it would lend itself to a quote from a noted mind – Shakespeare, Aristotle – someone of some gravitas that I could reference. And I looked at the bill and I kept thinking about it, and I thought, this bill does not deserve that kind of worthy reference. So to sum up my thoughts on this bill, I will instead reference the words of one of my most favorite people in the world, which would be the noted singer, Kesha: This bill is nothing more than a flipping "...hot mess."

As someone who has been in the middle of the Marcellus Shale debate longer than most of the people in this room knew what Marcellus Shale was, there is no way I can look at this bill and say that this is the right way to handle Marcellus Shale in Pennsylvania.

And I know that we have heard from some of the groups – PSATS (Pennsylvania State Association of Township Supervisors), the townships, the boroughs, the counties – and it is odd, actually, that all of their wording of support is exactly the same, almost as though it was coordinated to be that way. And maybe that is where the organizations went, but I can tell you, as someone who represents an area with a co-op of 18 municipalities that have been working on this in a bipartisan way for over a year, our local governments do not favor this bill. Our local governments have been in the middle of this. They know this is a bad approach. They know this is not the right way to go.

And we have heard a lot of talk about how this is going to increase safety, things are going to be so much better, but it takes away the fundamental point of what is really happening here. We have eliminated the ability for our local governments to govern. So we have said, now you cannot do anything, but we are going to give you a little bit back on the back end, and technically, a little bit is better than nothing. But it is a false argument. You taketh and then you gaveth back just a little tiny bit, and if you think that the local government officials in the townships and the boroughs and the counties do not realize that, you are fooling yourselves. They know, they know what this

means, and they know when they are having their ability to do their jobs taken away.

I was a township supervisor before I ever did this, and it is a whole lot different when you have your constituents flying into a township meeting and demanding instant accountability from you. And the township supervisors and the borough councils in the areas affected by Marcellus Shale have been doing the responsible thing. They are having public meetings; they are bringing the industry in.

This misconception that any local ordinance is unreasonable and any township supervisor is a wide-eyed crazy person just simply is not true. They have worked hard based on the needs of their communities, realizing, in the words of the Governor's own Web site, that zoning is a local issue that must address local concerns, and now we are taking away that local control and saying that the language in HB 1950 is the best we can do. But – and we may know this in this chamber, but those outside this chamber may not have realized with all the parliamentary Olympics going on last night – when you ask for any of the township officials or local residents who are concerned about this, that you get the "stop, talk, and point" answer, well, it was better than what was out there; it was the best we could do, know this: We had a chance last night to vote on amendments that would have put local control back. There were amendments that would have allowed questionable local ordinances, in language similar to the ACRE (Agriculture, Communities and Rural Environment) law, to go to the Attorney General who could review them, who could take them to the Commonwealth Court where there would be a body of case law built. So what would that give us? Consistency, uniformity, and still a level of local control.

I hear the industry talking points over and over and over again – we must have uniformity; we must have consistency – but only if it is on their terms. At the end of the day, local governments know what is right for local communities. By cutting off debate last night and denying not only the vote but even the debate, what were we afraid of? What were we afraid of? If it was such a horrible idea, we should have just voted the debate down.

We could have done better, we should have done better, and if anybody back home wants to know why we did not do better, talk to everybody that voted to cut off debate last night. And I urge anybody that really cares about the local governments to vote "no" on HB 1950 today. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes the gentleman from Lycoming County, Representative Mirabito.

Mr. MIRABITO. Thank you, Mr. Speaker.

I rise today to oppose passage of HB 1950. While the constituents in Lycoming County appreciate the jobs and the economic development that are occurring with the gas industry, they have repeatedly told me that they do not want to be left paying for the social, environmental, and economic impacts of the industry. The constituents have told me that they do not want to be treated like second-class citizens, and that is what HB 1950 does. It treats Pennsylvanians like second-class citizens in this country. Why do the constituents in the 83d District say that this bill treats them that way? Because HB 1950 does not provide sufficient funds to pay for the impacts now and in the future. HB 1950 treats Pennsylvanians like second-class citizens because the impact fee lasts only 10 years while gas wells may last for 30 or more years.

Constituents ask me, "Who will pay for the impacts that occur after 10 years?" The answer is that the taxpayers will pay, just as the taxpayers are paying now to clean up 100 years of coal production.

Mr. Speaker, HB 1950 treats Pennsylvanians like second-class citizens because it does not do what almost every other State does to protect their citizens. Thirty-eight States have a severance tax on natural gas production, and 21 of those States, including Texas, allow local municipalities to impose local impact fees, with 100 percent of the revenue going to local communities.

Mr. Speaker, HB 1950 fails to protect our citizens because an impact fee only puts our citizens back where they were before the impact took place. In every other State, severance taxes move the citizens ahead by allowing them to collect a tax which ultimately is paid by the end user. Indeed, Pennsylvanians have been paying severance taxes to the citizens of Texas, Louisiana, Wyoming, and all the other 35 States which export natural gas, and Texas, Louisiana, Wyoming, and those States have been plowing our money into their coffers. Indeed, Texas is using their severance tax money to build a system of higher education, but what does HB 1950 do? HB 1950 treats our citizens like second-class citizens.

Mr. Speaker, in 2020, the year 2020, it is estimated that the Marcellus Shale will provide 25 percent of the natural gas in the United States and we will not collect a penny of severance tax as we export our gas to other States. Just like the coal industry, Pennsylvania will export gas all across this country and our citizens will not collect a penny of severance tax on that gas. And Pennsylvania will export gas overseas. Indeed, six U.S. terminal ports are seeking Federal approval to begin exporting liquefied natural gas, and our citizens will not collect a penny of severance tax as we export our natural gas to other countries, including China. By the way, almost all countries in the world charge severance taxes on their resources.

Mr. Speaker, there will be at least five categories of impacts from natural gas drilling. There will be local impacts, county impacts, regional impacts across several counties, State impacts, and impacts over time – impacts over time to the environment and impacts over time to our communities when jobs disappear.

HB 1950 does not protect the public from the regional impacts, the State impacts, the environmental impacts, and the impacts when the job losses come as this industry leaves. And if anyone doubts that the jobs may be gone sometime, look at what happened in the steel and the coal industries. As elected officials, we have a responsibility to plan for the future and not be swept away by the euphoria of today.

Mr. Speaker, when we think of a severance tax and impact fee, we should think of tax equity. All existing businesses, large and small, and individual taxpayers listening should recognize that without a fair severance tax and impact fees, we, the public, will be left with the cost of natural gas production. And again, if you doubt what I say, do not take my word on it. Look at the history of the coal industry in this State and the billions of dollars of cleanup that we, the public, are now left with.

Mr. Speaker, there is another issue of equity. When we look at the compensation of the chief executives of the top 6 producers of natural gas in Pennsylvania, in 2010 those 6 men were paid \$64 million by their companies, yet HB 1950 from all companies is estimated to bring \$120 million to be shared by 12 million Pennsylvanians. No one begrudges 6 men their \$64 million; some of those men built those companies. But

\$64 million for 6 men in 1 year and \$120 million for 12 million men, women, and children; this is not balance. This is not fairness. This is bad policy. It is bad for the people of Pennsylvania today, and it will be bad for the future.

I urge you to reconsider and vote "no" on this bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of final passage, the Chair recognizes the gentleman from Greene County, Representative DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker. I shall be brief.

Picture with me that golden autumnal evening of late September 2010 when this issue of Marcellus Shale was debated by the formerly indomitable Onorato and the other guy who prevailed. The chamber of commerce had a debate, and at the epicenter of that dialectic that night in Hershey, the chief executive officer of 12.6 million people said unequivocally, I am against the severance tax. And one of our friends in the Fourth Estate went to the microphone and said, Mr. Corbett, what about a fee? What about an impact fee? And the immediate retort was, a fee is a tax, a tax is a fee; I am against them both. Well, I am happy to say that I agree with Tom Corbett about a year and 2 months ago when he said he was against a fee, he was against a tax. I embrace that declaration in Derry Township of a year and a half ago.

And my final point is this: 10 or 15 years after President Kennedy was slain in Dallas, a good friend of his, a man named O'Donnell, wrote a biography, Mr. Speaker, about Jack Kennedy, and the name of the biography was "Johnny, We Hardly Knew Ye:..." ye; "...We Hardly Knew Ye..." y-e. Well, for all of you folks over there who so irrevocably, incontrovertibly embraced Grover Norquist, you should make the declaration, "Grover, we hardly knew ye," because you folks collectively, as you campaigned on the stump, said you were for smaller government. Well, guess what? Our counties are going to have a little bit bigger government. You said you were for less spending. Well, those counties are going to have more spending. And preeminently, my Republican friends, you said that you were for no more new taxes. Well, this vote, Honorable Speaker, wonderful friends and colleagues of the Grand Old Party, this is a moment of reality for you. Do you want to keep that pledge to Grover that you made or do you want to abnegate? You are not abnegators. I know you are not. I have never seen any of you abnegate. Do not start today.

The heck with Grover Norquist, is what we say – or did I say that backwards? God bless America, God bless all you folks, but you are voting against the best interests of 12.6 million people, preeminently for the reasons that the gentleman from Lycoming County enunciated. And as we go forward 5, 10, 15, 20 years, let alone your children and great-grandchildren, you will realize that we are making a mistake today that parallels the mistakes that were made when the great coal barons came to Pennsylvania and came in this chamber in the nineteen teens and twenties. It is a bad vote; it is a bad vote, but preeminently for you folks, this is a tax vote. Go ahead, vote for another tax. I am with Tom Corbett in the fall of 2010 – at least on this issue.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip for the purpose of placing the Representative from Berks County, Mr. COX, on leave. Without objection, leave is granted.

CONSIDERATION OF HB 1950 CONTINUED

The SPEAKER pro tempore. On the question of final passage, the Chair recognizes the gentlelady from Montgomery County, Representative Harper.

Ms. HARPER. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to remind the members about what will happen if we do not pass this bill and what will happen if we vote "no" on this bill. Most of the members are familiar that the Hazardous Sites Cleanup Act Fund is close to broke and will lose its entire source of funding in the next 3 years. This bill funds the Hazardous Sites Cleanup Act Fund. If we vote "no," HASCA goes broke, and I think we would all agree that we should always have money set aside for hazardous sites cleanup, but particularly when we are dealing with a heavy industry.

Some people say polluters should clean up the mess. I agree with that, but the town next door to me had two big piles of asbestos when it was declared that asbestos causes cancer, and the two companies that produced those piles went belly-up and fled, leaving the town to depend on the kindness of the Federal government to take care of the mess.

We here in Pennsylvania need to be mindful and set aside money, and this bill does it, and if we vote "no," the Hazardous Sites Cleanup Fund goes broke.

Most of you know that I am a great fan of the Environmental Stewardship Fund as well. Farmland preservation, parks, trails, watershed cleanup, acid mine drainage cleanup – all of those things are paid for out of the Environmental Stewardship Fund and they are called Growing Greener, and the fund is broke. For the last 6 or 7 years we have been spending \$100 million a year on these projects in every corner of the Commonwealth, and the fund has \$20 million in it now, \$20 million for a Commonwealth as big as Pennsylvania. The fund is broke, and if we do not pass this bill, Growing Greener is broke too.

A "no" vote is a no on funding the Hazardous Sites Cleanup Fund and a no on funding Growing Greener. A "no" vote is also a vote against letting the local communities impacted by drilling impose a fee on the drillers and take care of any impacts they have. A "no" vote says to those counties and communities, no; you have no right to tell the drillers that they should be paying for the impacts. A "no" vote has consequences, Mr. Speaker, and they are not good for Pennsylvania or for its environment. If you vote "no," you are voting "no" on Growing Greener and the Environmental Stewardship Fund. If you vote "no," you are voting "no" on funding the Hazardous Sites Cleanup Fund, and that is not good. And if you vote "no," you are denying the communities impacted by the local drilling the ability to charge the drillers for those impacts.

A "no" vote has consequences. I urge you to vote "yes." Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady and recognizes, on the question of final passage, the gentleman from Northampton County, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose HB 1950. I will not belabor a lot of the points that have been raised by my colleagues on my side of the aisle as to the shortcomings of the bill, though I agree with the consensus of my Democratic colleagues that this bill is woefully inadequate, that it does not raise sufficient funds to help mitigate the problems of the drilling in the affected communities, nor truly find the kind of funding streams or levels, I should say, that would help address other environmental needs here in our Commonwealth.

When we stop and think about it, we are allowing an industry to reap huge profits from a Pennsylvania resource and we are asking very little in return. What I want to focus on in my brief comments now, however, is the issue of the impact on local government and their ability to use their powers of local ordinances, in particular, zoning, to protect their communities, to protect their community's health, safety, and welfare.

While other speakers on the other side of the aisle have pointed to the changes that were introduced to this bill through the Baker amendment that replaced the preemption language with other restrictive language that they say was not as restrictive, it is my contention that many of the features entailed in that amendment will have practically the same result as the preemption of local zoning ordinances. When one looks closely at that language, it really achieves much of what the industry wanted anyway when it came to local zoning. There is no need for the restriction on local government ordinances, on local zoning, in this bill. Zoning merely allows a community to have a better handle on regulating development when it comes to its community, to make sure that when it comes, it can be directed into areas where it makes sense, provisions can be added to mitigate the negative impacts of that development, and as a whole the community can benefit from a well orderedly planned impact of that development.

Under zoning you cannot prohibit a use. The courts have been very clear about this over the years. If you zone, you must zone for every conceivable use. So there is no need to provide the restrictions that are in this bill as to the powers of the local government to deal with zoning issues and to deal with the oil and gas industry from the perspective of how it impacts on zoning and community concerns.

What the language in HB 1950 does is undercuts local government's ability to better manage the impacts of the drilling in our communities here in Pennsylvania, and I would point to section 3303(B), which not only prohibits local ordinances from regulating oil and gas operations – we understand that; that is beyond their purview – but it goes on to say that ordinances cannot conflict with oil and gas operations. That is very broad in its reach and really would undercut almost any reasonable zoning ordinance if it bumps up against the interests of the oil and gas driller. There may be very good provisions in a local zoning ordinance that apply to various other uses, reasonable provisions, but under this language, if it is deemed to conflict with the oil and gas operation, that trumps the ordinance. That is wrong. That is inappropriate.

Let me point to a few of the provisions of the local section 2. Under this legislation, impoundment areas containing gas well wastewater would have to be allowed as a permitted use in all zoning districts; that is all zoning districts. Such impoundment

areas containing wastewater from the drilling process will be allowed not only in an industrial area but in a commercial area, in an agricultural area, and in a residential area. And even though there are setback provisions, they are woefully inadequate. Three hundred feet from an existing building, that is about a football field; hardly a great distance. These kinds of impoundment areas will decrease the property values of folks, if they are placed in residential zones. They will also have other impacts on the ability of those zones to function properly in terms of their zone permitted use.

Compressor stations would have to be allowed in agricultural areas as a use by right and at least be a conditional use in all districts. Typically, a local government determines what is an appropriate conditional use in zones, but with this legislation, we take that away from local government. We tell them what they must have as a potential conditional use in every zone, whether it be agricultural, commercial, industrial, or residential. We take that authority away from them even though as local officials they are best placed to determine where a conditional use is appropriate in which zone within the zoning ordinance and map of their community. They live there. They know their community. They know what is appropriate and what is not. That should not be dictated by Harrisburg in regard to this issue.

Processing plants would be a conditional use in agriculture zones. Again, the ability to determine as to whether that is appropriate as a conditional use in particular agricultural zones within your community would be taken away from the local governments. It would have to be a conditional use.

The legislature many years ago saw the wisdom in granting zoning authority to our local communities to better regulate development within those communities, not to stop it, but to ensure that it happened in an orderly fashion and an appropriate fashion which would not have a negative impact upon the quality of life in our communities in Pennsylvania. We realize the importance of zoning power for our communities to be able to shape the destiny of those communities. Why is it when a powerful interest group comes to the table, we feel compelled to take that important provision that guards health and safety and welfare away from our local officials, who are the best judges of what should go on in their local community when it comes to these sorts of impacts?

Do not take away from them the power to safeguard their communities from the negative effects of the oil and gas drilling that is perceived in this bill. Let them retain that authority. To take it away is to undermine their ability to safeguard the quality of life of their citizens and of their community. And although some would say that this language is an improvement over the original bill, it will still have the same impact when it comes to robbing our local communities of their ability to safeguard their citizens and their community's quality of life by way of their local ordinances.

I urge a "no" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of final passage, the Chair recognizes the gentlelady from Philadelphia, Representative Donatucci.

Ms. DONATUCCI. Mr. Speaker, those who forget history are doomed to repeat it. Pennsylvania is peppered with monuments to the time when too little attention was paid to the long-term impact of unbridled coal mining in favor of the short-term profit. Those monuments are chemical-choked streams, refuse piles, mine subsidence, and the old coal

industry's Washington Monument – Centralia. One hundred years from now will members of that future generation be standing in this chamber struggling to remediate the damage from what we authorize today?

Minimal environmental safeguards on drilling operations, shackling local zoning laws, and with the severance tax that is chicken feed, the gas companies are getting Pennsylvania delivered on a platter. For them the feast will be on the people of the Commonwealth, the people who are the true owners of the natural resources beneath the ground. The proponents of HB 1950 would allow them table scraps, perhaps to be washed down with vintage fracking fluid.

It is reasonable to expect that local municipalities should get compensation for roadway and bridge wear by the heavy well-related trucks that will use them and to mitigate threats to the environment from well mishaps. However, the Constitution of the Commonwealth of Pennsylvania states unequivocally that the natural resources are to benefit all Pennsylvanians. Article 1, section 27, of that Constitution states, "Pennsylvania's...natural resources are the common property of all the people, including generations...to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people." Where is the benefit for "all the people" that do not live within the impact area? HB 1950 would take away any benefit for those people.

In this room there is enough intelligence to develop for Pennsylvania a plan for dealing with drilling and harvesting Marcellus Shale gas that could provide the benefits our Constitution guarantees to the citizens we are sworn to serve, that would provide a fair severance tax that is not burdensome to the industry, that ensures that Pennsylvanians will benefit from jobs and new, cleaner energy, and which also would provide environmental safeguards to ensure that the legacy of Marcellus Shale is not a repeat of blighted lands and water.

We could remember our history and use it to make new history for future generations, history that in 2011 the Pennsylvania House of Representatives did the right thing and voted "no" on HB 1950.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority whip, who asks that the gentleman from Delaware County, Representative KIRKLAND, be placed on leave. Without objection, the leave is granted.

CONSIDERATION OF HB 1950 CONTINUED

The SPEAKER pro tempore. On the question of final passage, the Chair recognizes the gentleman from Bucks County, Representative Santarsiero.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

Mr. Speaker, I am not going to repeat many of the points that my colleagues who have risen so far today in opposition of this bill have made and have made eloquently. Instead, what I would like to do in my remarks today is focus on one aspect of HB 1950 that has been presented by our colleagues on the other side of the aisle in trying to fashion an argument that somehow this bill is in fact proenvironment, that somehow this bill is in

fact the right vote for anyone who cares about the environment. Mr. Speaker, I am speaking specifically about Growing Greener and the notion that this bill somehow strengthens that program.

Well, let us review the history a little bit. A little over a year ago, Mr. Speaker, this House of Representatives last passed a bill that would have imposed a reasonable severance tax on the oil and gas drillers, and the basis of that bill, Mr. Speaker, was in fact an amendment that my colleague from Montgomery County, the gentlelady from Montgomery County, had offered. And under that amendment and that bill as passed by this House, Mr. Speaker, in the first year alone over \$100 million of drilling tax money would have gone to the Growing Greener fund, \$100 million. That is about how much has been spent each year in the last few years on Growing Greener projects.

What does this bill do? This bill takes 25 percent from the revenues of the Oil and Gas Lease Fund from the prior year and puts that into Growing Greener. That is a far lower number, Mr. Speaker, a far lower number than \$100 million; it is probably more like 20. But that is not even the bad part. The bad part about that, Mr. Speaker, is it takes that money from the Oil and Gas Lease Fund, which ultimately comes from rentals and royalties associated with leasing out our State forests and our State parks for natural gas drilling, and that is ironic, because over the last few years many of us stood time and again to speak out against any further leasing of the State forests in Pennsylvania because we believe, rightly, that it is the wrong environmental policy for the Commonwealth of Pennsylvania.

And for those of us who care about open spaces, whether it is purchasing open space in Bucks County, Montgomery County, Chester, or anywhere else throughout Pennsylvania, we should also care about the open spaces that were preserved long ago in our State forests and our State parks. And yet this bill, HB 1950, perversely, Mr. Speaker, perversely would encourage further leasing of State forests and State parks, thereby destroying our open spaces in order to put a pittance of money into the Growing Greener fund. It is robbing Peter to pay Paul, and Paul is not getting such a great deal out of it.

Mr. Speaker, this is not the right solution to our grower greener problems. The right solution is the bill that we passed over a year ago. The right solution is the amendment that I offered and was not brought up for procedural reasons that, frankly, were not based in a fair reading of our rules. The right solution is a fair severance tax similar to those that every other State that has this industry imposes already. There is no reason we should not do that here in Pennsylvania. This bill, HB 1950, is a poor, poor, poor substitute for that.

Mr. Speaker, the only thing growing greener as a consequence of this bill are the wallets of the oil and gas industry executives who will continue to profit at the expense of the people of Pennsylvania, at the expense of our environment. And I urge my colleagues on both sides of the aisle to cast an environmental vote today, a vote for Pennsylvania's environment, a vote against HB 1950.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, on the question of final passage, the gentleman from Philadelphia, Mr. Keller.

Mr. W. KELLER. Thank you, Mr. Speaker.

And I will be brief because I am not speaking to the chamber today. I am going to speak to some future-generation researcher who will come back to research this day and check the votes and say, why did Pennsylvania make the mistake today that they

repeated 125 years earlier? The coal industry has left the scars on Pennsylvania that to today we cannot solve. The vote we make today, the vote we make today is the same vote. If we check 100 years ago, they will have said the same things – we are creating jobs; we are putting people to work; we are going to make this better; it is better for everybody. Those same arguments were made back then – a mistake. We are making a mistake today, and I am speaking to the future researcher so that they can come back and say, the gentleman from Philadelphia, who represented the 184th District from south Philadelphia, said that if we would have gone to the industry and asked them to draft a bill, whatever they wanted, carte blanche, it would not be as bad as the bill we are voting on today. We should have let the industry write this bill, and we would be better off and helping Pennsylvanians.

Please vote "no."

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, on the question of final passage, the gentleman from Allegheny County, Representative Kortz.

Mr. KORTZ. Thank you, Mr. Speaker.

I will be brief, I will be good, and then I will be gone.

Mr. Speaker, I rise in opposition to HB 1950, as it falls far short of helping the people of Pennsylvania. This bill as drafted is bad policy for many reasons that were covered today. I am just going to touch on a few.

First, the 1-percent effective tax is simply too low. It is unacceptable, Mr. Speaker.

Second, removing local control and then putting the power over the local zoning in the hands of the Attorney General's Office is wrong. We have to let the locals control their area.

Mr. Speaker, the amendments that would have improved this bill were either ruled out of order yesterday or defeated. One of those I would like to bring up was actually introduced by the Speaker, which we thought was an excellent amendment and it came very close to passage and addressed the bonding of roads and bridges. The \$250,000 per mile was a very reasonable insurance, if you will, to help protect these roads. And as the Speaker noted yesterday, the \$6,000 that is currently there will not even pave his driveway.

Mr. Speaker, this bill as written is bad policy. It falls far short. I would urge a "no" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on final passage, recognizes the gentleman from Montgomery County, Representative Bradford. The gentleman may proceed.

Mr. BRADFORD. Thank you, Mr. Speaker.

I rise today also in opposition to HB 1950. I rise because, like so many members on both sides of the caucus, this bill is a betrayal, a betrayal of two sides of the story, a betrayal of our environment, a betrayal of the opportunity to invest in Growing Greener, a betrayal of our opportunity to take care of our environment throughout Pennsylvania. Instead, we rape and take from our State forest and our State game lands. We do that for the financial profits of big oil companies, multinational corporations that do not care about Pennsylvania's long-term economic health or the safety and cleanliness of our groundwater. That is a mistake.

But we should also mention the betrayal of Mr. Grover Norquist, a man whom so many pledged their allegiance to and said there will be no tax. Well, today we say to Grover, we are going to betray you, not in a real meaningful way, but we are just going to do it around the edges. We are going to give

Grover a little bit of a tax, and, Grover, just forgive us. We are just going to tax you a little bit so you will forget. We will do a lot of harm to the environment, a little bit of harm to Grover's pledge. It is a bad, bad bill, and we know that because nobody wins except oil executives, people who do not need more help. They certainly do not need the help from this legislature.

Let us pass a real severance tax, one that invests in Pennsylvania, invests in our environment. Let us let the amendments that were ruled out of order, Republican amendments, that would have invested in our social services and our schools. Let us invest in our environment. Let us invest in Pennsylvania. Let us reject this bill. Let us get it right. I urge a "no" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes the gentledady from Philadelphia, Representative Youngblood.

Ms. YOUNGBLOOD. Thank you, Mr. Speaker.

I rise today to oppose HB 1950, and this is the reason why. There has been significant talk about this legislation. It is about job creation and stemming unemployment in Pennsylvania. We have heard about how a higher tax on the Marcellus Shale natural gas would send these people, out-of-State oil and gas companies, packing, creating even more unemployment in the Commonwealth of Pennsylvania. We heard that keeping the tax at 1 percent would save jobs and keep people working. Mr. Speaker, we have an example right here in Pennsylvania that refutes and negates the argument that a higher tax on natural gas products will cause job loss. Pennsylvania's casinos are taxed at 55 percent – yes, 55 percent – yet this industry has created more than 15,000 jobs at our licensed facilities. That does not even take into account the thousands of jobs created from the ancillary industries around casinos. And the casinos have produced more than \$6 billion, \$6 billion in revenue for tax relief in Pennsylvania for our State's horse industry, for local volunteer fire companies, for tourism projects, and for local municipalities' economic development projects.

This State is a 55-percent shareholder in the casino industry, but yet with the Marcellus Shale and a 1-percent tax, we are truly and literally the 99 percent. Casinos are a great example, and everybody thought it would chase them out of Pennsylvania, we would lose jobs, but that is one of the only industries that we have seen growth. Remember, we did the legislation in '04 and taxed them 55 percent and have yielded \$6 billion.

The SPEAKER pro tempore. The Chair thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER pro tempore. For the information of the members, the exceptionally well-behaved group filling the balcony at the moment are guests of Representative Hennessey, and they are from the Honey Brook Elementary School. Welcome to the hall of the House.

CONSIDERATION OF HB 1950 CONTINUED

The SPEAKER pro tempore. On the question of final passage, the Chair corrects the record and thanks the gentledady from Philadelphia.

On the question of final passage, the Chair recognizes the gentleman from Luzerne County, Representative Pashinski.

Mr. PASHINSKI. Thank you very much, Mr. Speaker.

Unfortunately, I rise today in opposition to HB 1950.

I would like to take us back a few years, if I may, relative to this industry. I can recall my freshman year in 2006 when nothing, there was no discussion of Marcellus Shale whatsoever. In fact, in 2007 there was little or no discussion of the Marcellus Shale industry. It was not until approximately 2008 that we were getting some very exciting news about a new industry that was going to be coming here to Pennsylvania, and it was just after the financial crisis, the world financial crisis. I recall the opportunity to go to the Hilton Hotel where many legislators, both Ds and Rs, gathered, and we were given an outstanding presentation about the development of Marcellus Shale. It was a very impressive PowerPoint of how the land of Pennsylvania was going to be industrialized to garner this new resource, this pure gas that was going to raise us out of the depths of debt, and there was tremendous excitement on behalf of members of both sides of the aisle. There was talk of thousands of jobs. There was talk of increased revenue for landowners, for struggling farmers. There was talk about local communities being engaged and garnering more dollars because of this new industry. We were definitely demonstrated by showing us the safeguards that were in place of the casting and the cementing and the safeguards and the protection for our natural resources and water, and everyone was very excited and felt very confident that we had discovered here in Pennsylvania a very special resource that was going to bring Pennsylvania and Pennsylvanians out of the financial crisis. As the discussions went on, there was talk about the coal industry, and everyone said, let us make sure that never happens again so that our lands are not scarred and the people from Pennsylvania end up having to pay for those billions and billions of dollars of reclamation. And there was discussion about how we should help the local communities because they would be impacted, but we were assured that there would be a fair assessment and all would prosper. And then Dimock occurred, and Clearfield and Johnsonburg and Avella, and we began to discover that the scars of excavating this gas were going to be deep and long-lasting, continued discussion on how we could prevent the destruction of our natural resources and the destruction especially of our water.

HB 1950: Yes, it is an attempt in the right direction; yes, it is an improvement from nothing, but, Mr. Speaker, we have been discussing this for 3 years, 3 years of not garnering one dime that would come back to the taxpayers, whether it be the environment, protecting it, or whether it be improving and protecting our water supplies – not one dime.

We have heard about 1 percent, a 1-percent tax. The people of Pennsylvania pay a 6-percent sales tax. The people of Pennsylvania pay an income tax. The carpenters, the plumbers, the electricians, the truck drivers, everybody that goes to work pays their fair share. They follow the rules, they follow the law, and they pay their fair share, because they realize that is part of our responsibility as an American citizen. America did not become great without the sacrifices of so many, and paying taxes is how we continue to keep America free and safe. Paying taxes is how we keep America so that our children and our children's children can enjoy the freedoms that we enjoy.

What I do not understand is why it is so difficult for big business to pay their fair share. It seems as though there is a new paradigm, and the paradigm is, if I create jobs, I do not have to pay a lot of taxes. If I create jobs, then my duty to this country, to this State, to the people of Pennsylvania, I am free. Mr. Speaker, those huge corporations could not exist without the protections of America, without the infrastructure that was paid for by those regular folks, without the police departments that control so they can conduct business, without the men and women that gave their lives so that we can conduct a free society in America to allow entrepreneurship and businesses to prosper.

Since when is it wrong for a billion, multibillion-dollar company to pay that tax? One percent is a crime, and as my colleague stated earlier, for the future, let the record show who chose to select HB 1950 as a logical, intelligent, appropriate solution to a multibillion-dollar business, an industry that we have heard is going to pay \$2.5 billion, when they are going to make hundreds of billions of dollars in that same period of time.

"Fair" was the word, "fair." If the waitress can pay it and the plumber can pay it and the carpenter can pay it, and yes, everyone in this room can pay it, then so can those big companies pay it. As a matter of fact, they even recommended 2.5 percent rather than 1 percent, so why we would accept 1 percent, I will never know.

Mr. Speaker, I stand in opposition, and I ask you to do the same. Thank you.

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

The SPEAKER. The question is, shall the bill pass finally?

For the information of the members, we are pretty much at the end of all the members who have sought to be recognized on this issue. We are kind of down to the last wrap-up leader exchange.

On the question, the Speaker recognizes the gentleman from Clinton County, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, as we wrap up, let me just address four important points to my friends on both sides of the aisle. Again, I am urging a "no" vote on HB 1950.

First to my conservative friends. I spoke earlier about Grover Norquist and the Americans for Tax Reform and their pledge, and I just want you all to be aware that as recently as this afternoon, Grover has reiterated his opposition to this bill. He says in a letter to us this afternoon, "I understand that Gov. Corbett's staff has responded to the letter that Americans for Tax Reform sent to you on Monday expressing ATR's opposition to HB 1950. Their response simply entails a list of reasons of why they think this tax is a good idea. However, that doesn't change the fact that HB 1950 is a tax." So the Americans for Tax Reform have reiterated their position. In fact, they go further and say, "Just look at where the money goes and it is easy to see that it does not" even "pass the laugh test..." I remind you, this is the Americans for Tax Reform saying this does not even pass the laugh test.

And finally, I think it is important for you to remember that he concludes that same letter by saying, "Again, taking the time to get this right is better than simply 'doing something.' " So

keep that in mind, that the Americans for Tax Reform are unequivocal about this.

And just in case you did not follow the action in the Senate, everyone who signed the pledge in the Senate voted "no" on the impact fee legislation. Everyone who signed the pledge in the Senate voted "no" on the impact fee legislation.

Also to my conservative friends, remember that yesterday, in a series of amendments approved to this bill, this bill puts in place significant deficit spending. I know my conservative friends are against deficit spending, so let me remind you that that series of amendments spends over \$72 1/2 million out of the Oil and Gas Lease Fund when we know that that fund only took in \$32 million last year. So a vote for this bill is not only a violation of the tax pledge but is also a vote for deficit spending. So let me remind my conservative friends that those are real, solid reasons to be against HB 1950.

To my environmental friends. Much has been said today here about support from environmentalists for this legislation. That simply is not true. Let me read to you just a few of the groups who have strongly expressed their opposition – today – to this bill. They include the Sierra Club. They include Clean Water Action. They include PennEnvironment. They include PennFuture. PennFuture in fact wrote a letter that so strongly condemns the bill, it took almost two pages to point out all the deficiencies in the bill.

So you say, how does Andrew Heath write a letter on behalf of renewing Growing Greener and say that there is support? Well, we do not know how he does that. In fact, many of the groups that are involved with that organization do not know. In fact, we have from PennFuture a letter that says, "PennFuture is a member of the Renew Growing Greener Coalition steering committee. We were not consulted regarding this morning's e-mail from the coalition's executive director, nor did we see it until it was brought to our attention by House members."

"PennFuture was not part of any discussion that resulted in an authorization by the Renew Growing Greener steering committee to send this morning's e-mail and we do not support that..." legislation.

So do not let anybody tell you that this is a good piece of environmental legislation. To my good friend from Montgomery County, the gentlelady from Montgomery County, this is not a good piece of environmental legislation, and that has been reiterated by the groups that protect Pennsylvania's environment.

I am not going to go through all the reasons that this hurts our environment that my friend from Montgomery County said in his remarks earlier today, but let me point out that he pointed out that this legislation creates environmental devastation, just like the environmental devastation that followed past natural resource extraction. And he is right: PA's environment was nearly destroyed by timbering and coal mining, and in both cases what happened is we privatized the profits and socialized the costs. We cannot afford to do that again. Let me repeat that, Mr. Speaker: When coal and timber came through Pennsylvania, we privatized the profits and we socialized the costs. HB 1950 will do that again.

Please vote "no" on HB 1950. Thank you, Mr. Speaker.

GUESTS INTRODUCED

The SPEAKER. I just wanted to introduce the second half of the group of students who were here from Chester County as guests of Representative Hennessey. This is another portion of the fourth grade students from the Honey Brook Elementary School. They are up in the gallery. I hope you are enjoying your visit to the Capitol today, and welcome to the hall of the House.

CONSIDERATION OF HB 1950 CONTINUED

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Earlier today Representative Benninghoff had been recognized and waived off, but he had actually wanted to submit remarks for the record, and I wanted to put on the record that he has submitted his written remarks for the record.

Mr. BENNINGHOFF submitted the following remarks for the Legislative Journal:

Mr. Speaker: I rise in support of HB 1950. This compromise proposal is supported by statewide organizations like CCAP (County Commissioners Association of Pennsylvania), townships, associations, borough associates, and the CEO of the Growing Greener contract. This bill provides for local control, local decisionmaking for local impacts. We have heard much discussion, debate, and many of you have helped make this bill better. This is good and that is the legislative process.

I would like to take a moment to recognize the hard work by the members of my committee, the House Finance committee, as well as the time and hard work put in by our committee staff as well as executive director.

HB 1950 makes an unprecedented investment in environmental protection and cleanup dollars, while encouraging the continual development of quality, family-sustaining jobs – real jobs here in Pennsylvania. Currently the oil/gas drilling industry has created approximately 45,000 new jobs, with a goal of creating 200,000-plus by 2020.

The environmental investments have been significantly increased over the past few weeks by some of your colleagues, as a direct response to the many concerns raised by our citizens, interested environmental organizations, as well as some of the legislators sitting in this House chamber.

Many natural gas legislative proposals have been discussed and debated by a diverse group of legislators in multiple statewide hearings by the House Finance Committee and both party's Policy Committees. Developing a natural gas impact fee or tax has been discussed by many elected State officials for the past several years, and again for hours here in the House chamber.

While the Senate was stalled, we moved forward. We may not have a bill in HB 1950 that everyone loves, but the public is calling for action. It is always easier or politically popular to say "let's wait, study a proposal more," but the time to get this done is now so we might spend our legislative time on other pressing issues like transportation funding and our pending budget shortfall in 2012.

I think it is important to remember that even without this proposed impact fee or other proposals to impose a natural gas tax, Pennsylvania has already benefited significantly from the gas drilling. Whether or not you use natural gas personally, you have been a benefactor of the economic boost natural gas exploration has given Pennsylvania.

Several years ago we sat in this very House chamber discussing the fears of a pending skyrocketing cost of electricity following the marketing of the “electrical rate caps.” Many citizens feared an increase in their electric costs 4-10 times what they were currently paying. This did not happen anywhere near that degree for two simple reasons:

1. Speculators see what impact the abundance of natural (domestically invested) gas was going to have on the community’s market, which helps drive the cost down; and
2. We are able to produce electricity much cheaper (and cleaner) with our own natural gas.

Pennsylvania has already enjoyed an increase in our EIT (earned income tax), due to the increase of Pennsylvania employees working in good-paying jobs for the natural gas companies. These people in turn go into our communities and spend their earnings helping to boost our overall economy.

The natural gas industry has helped boost and create many “spin-off” jobs or sources of employment. In the active drilling areas, restaurants, hotels, auto repair, welders, oil and grease suppliers, to mention a few, have all seen steady increase in needs for their service. That is how free enterprise works and works best if you keep government out of it. HB 1950 will help give more stability to the industry, protection for our environmental impacts that might occur while helping to make Pennsylvania one of the top economies in the United States of America.

In closing, I was reminded by the large painting in the Capitol Rotunda area of the other major natural resource industries at the turn of the past century: coal, oil, iron ore. These gifts from the earth, much like natural gas, made our State a leader in this nation and in many industries of the day.

Energy drives a nation. Why not let Pennsylvania be the leader amongst States, to be a leader in helping our nation become energy independent with clean domestic natural gas from the foothills of our great Keystone State.

Thank you, Mr. Speaker, for your indulgence of my comments as well as that of the other members of the Pennsylvania House of Representatives.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the Democrat leader, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

I know it has been a long day, Mr. Speaker. I will be as brief as I can.

Mr. Speaker, I grew up in northeastern Pennsylvania, the hard coal region. My family, several family members, worked in the mines. As a matter of fact, as a young boy, I can remember being at my grandparents' house, seeing my uncles, and the deep mines were still working then, and they were working in the mines and coming back into the living room covered in black coal dust. They did not know that later I would see them suffering from black lung. There was coal and there were jobs and there was what they left behind.

We used to drive down Route 81 at night and drive slowly past the culm dumps. These were old coal waste piles, and these were not piles. Those of you from the coal region will remember those coal mountains that were off the Throop exit of Route 81 that burned that beautiful blue color at night. Little did we know that people were dying from the fumes and the runoff.

As a youngster, Carbondale caught fire underground. Millions of dollars later, millions of taxpayers' dollars later, the fires were put out. Millions of dollars later, the culm dumps were put out and they were trucked away. Those millions of

dollars to solve those environmental problems were paid for by the taxpayers.

I had relatives who had their cars, they woke up in the morning and their cars were 50 feet below the surface because of a mine subsidence. The city of Scranton had severe mine subsidence for years. Those problems were solved. They were paid for by the taxpayers.

And then when it became too expensive to take the coal out of the deep mines, they started strip mining. Thousands and thousands of prime farmland and forest land were strip mined. The coal was taken, the land was devastated, and they left. We are still spending millions of dollars each year to reclaim these strip mines.

Acid mine drainage throughout the State, not just in the hard coal region in western Pennsylvania where we mine bituminous coal. The mines have filled up, the abandoned mines particularly have either filled up with water or because they robbed the pillars, the rivers have entered the mines, but thousands and hundreds of thousands of gallons a day of acid mine drainage is seeping into our rivers, into our streams, and it is costing millions and millions of dollars every day to treat the acid mine water. When will we learn? And a vote for this bill shows we have learned nothing.

Mr. Speaker, we need to defeat this bill right now because it fails miserably to protect Pennsylvania's water, air, and land from the serious hazards posed by natural gas drilling activities in the Marcellus Shale.

A vote for this bill is a vote to abandon our solemn duty to protect Pennsylvania's water, air, and land from the serious hazards posed by natural gas drilling activities in the Marcellus Shale.

And, Mr. Speaker, this bill, despite the majority party's assurances to the contrary, this bill usurps local government's ability to determine their own destiny. It usurps the local government's powers to regulate drilling activities in their communities.

The only reason you want to vote for this bill is if you want to let some of the wealthiest, the most wealthy corporations in the world off the hook so they do not have to pay their fair share.

And there is a tax. We have heard much about the tax today. Maybe the smallest tax, the lowest tax in the country for oil and gas drillers; however, it is a tax. Grover Norquist said it was a tax. It is a woefully inadequate tax.

We have heard talk here today about how this bill will solve our environmental problems, fund our environmental programs like Growing Greener. Come on. A "no" vote on this bill will give us a chance to properly fund Growing Greener. It will give us a chance to properly fund the environmental programs we need to have funded to make sure we protect our people.

You know, people – our voters, our constituents, our people – send us to Harrisburg to look out for them, to keep their health and safety and welfare in mind. A "no" vote on this bill will help us do our responsibility – serve our constituents in the ways that we are supposed to serve them.

Our duty, I think all of us feel our duty, particularly this week, is to protect our children and protect our grandchildren. We need to learn from what happened here generations ago with the extraction of the minerals in this Commonwealth. We need to remember what happened and who paid for all the damage and all the ills and who is still paying to solve those problems,

because our drinking water is affected, our air is affected, our land is affected, and a "no" vote on this bill will help us protect those people who need us the most.

Mr. Speaker, I urge a "no" vote on HB 1950. Thank you.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the Republican leader, Mr. Turzai.

Mr. TURZAI. Thank you very much, Mr. Speaker.

To the good gentleman, the minority whip, that referred to his conservative friends, I have no doubt about my conservative imprimatur or the conservative nature of the agenda that we have been pursuing, but it is a people's agenda. And let me make clear with respect to this particular bill, our good friends from the other side would like to have it both ways. On the one hand, it is not a high enough tax, and on the other hand, they want to put fear in that we are somehow taxing individuals and we have to worry about where we stand. We are about principled policy direction.

To the extent anybody is fearful in an election about punitive taxes on the people of Pennsylvania, I would like to point out, in a bill that never became law, this body, under the leadership of our colleagues with a 104-to-99 majority, would have instituted a severance tax that amounted to nearly 10 percent, which would have been the highest in the nation, and this would have made the natural gas industry the highest tax in the nation when combined with all the other taxes under Pennsylvania's tax structure.

Our concern, on the other hand, has been single-minded. It has been completely single-minded. It has been about jobs, jobs, jobs, private-sector job creation, and it has been about doing the best in providing balance with the safety of our citizens and environment. It is that simple. We are about growing Pennsylvania's economy through the private sector, and if you vote against this, rest assured, you are against private-sector job creation. And secondly, it is balanced by safety with respect to citizens and the environment.

And here is the difference between our good colleagues on the other side when they were in charge versus what we are pursuing here today: We will get legislation to the Governor's desk that meets our objectives, because in the end, what this side of this grand hall in the General Assembly has been about is about getting things done. It has been about governing. It has been about taking care of the concerns of the citizens of Pennsylvania, and their number one concern is economic activity in the private sector, and that means private-sector job creation.

Now, let me be very specific. For those of us who are supposedly shills of big corporations, corporations big and small employ people. They allow people to have good communities and good schools, and they like them to have that not in just a single part of the State but throughout the four corners of the great State of Pennsylvania.

And you know what? Job creators, you know what they are looking for? They are looking for predictability and certainty. They are looking for a willingness to pay their fair share, particularly with respect to the impacts that they may cause, and they are looking to make sure that they provide a good service and a good product for the consumers, of which we are all a part. This particular growth in natural gas has injected over \$10.5 billion annually into our economy; counting indirect and induced spending, this number climbs to \$20.5 billion.

And we are today, yes, as one component part, assessing an impact fee for those parts of the State that want to do it, because under this proposal, there is nothing mandatory. It is enabling legislation with respect to the counties that have the business opportunities and the impacts in their counties and their communities, and we are enabling them to be able to use those dollars for needed services in response to those impacts.

Almost 25,000 have been employed in core industries, a 179-percent increase since the first quarter of 2006, and 193,000 employed in ancillary industries. And there have been almost 100,000 new hires from the fourth quarter of 2009 through the second quarter of 2011.

Do you know what the wages are from the people that have opportunities to be employed in this area? The average salary of a core industry job is \$73,000, and an average salary of an ancillary industry job has been over \$60,000. In Allegheny County where I am from, I have talked to architects, I have talked to contractors, I have talked to educators in the technical trades, I have talked to individuals that are creating pipe, installing pipe, transporting water, cleaning water as engineers, and you know what? They are all dependent on the opportunities coming from this development of natural gas.

And guess what? All of you, from every corner of Pennsylvania, each and every one of you uses energy. Every one of you uses energy, and you use a lot of natural gas. And there is a good reason why a lot of people want to use natural gas: It is low in cost, and it is cleaner than so many other energy sources.

Manufacturers, Mr. Speaker, have decided to stay in Pennsylvania – look at the large manufacturing facility up in the northeast – because when they are looking at their bottom line, which they must do in a competitive market economy, decided to stay in Pennsylvania because their natural gas costs are low and reasonable and cleaner than other sources.

I am not going to engage in class warfare language like so many on the other side, because I am for all people having private-sector job opportunities with good family-sustaining jobs, where they can have wonderful family lives and good schools, good churches, good communities, good parks. I want them to have those lives. And in addition, I want consumers to be able to enjoy the benefits of a capital economy in being able to get natural gas into their homes so that they can take a warm towel out of a dryer or they can take a hot bath or they can cook something on the stove. It is so easy to forget what it is like in everyday life and how what we do here today impacts that everyday life.

I suspect that if your legislation would have become law with the highest tax in the land, much of those opportunities would have left. Thank goodness you were not able to succeed, and thank goodness we can put together today an alternative plan that we believe will be on the Governor's desk that actually allows us to provide for impacts to the economy but allows the industry to flourish.

Now, let me talk about the part that addresses our environment. The packages that were discussed in the previous session under their control never dealt with regulatory improvements. Not one piece of legislation was ever moved in the past administration or with the other side in control of this chamber that dealt with increased environmental protection. Here, we specifically helped by increasing setbacks throughout the State, holding drillers responsible. We require operators to

provide notice to property owners within 2500 feet of the proposed well, as well as the host municipality or any municipality within 2500 feet of the proposed well. We increased setback distances between a private water well and an unconventional natural gas well up to 500 feet; to streams, ponds, and other bodies up to 300 feet. We restrict well drilling from within at least a thousand feet of a public water supply. We prohibit well sites in a floodplain if the site contains storage of hazardous materials, chemicals, or cuttings. We require well operators to install security fencing and warning signs, to ensure lighting at the site to be directed to minimize glare, to comply with Federal Energy Regulatory Commission noise regulations, to prohibit noise standards for natural gas compressor stations, to comply with laws governing air quality, and to require 24-hour notice to DEP before commencing certain critical activities.

If accidents occur, our proposal holds drillers accountable by increasing civil penalties currently in the Oil and Gas Act by requiring DEP to post well inspection reports and to allow DEP the authority to revoke a well permit for noncompliance with applicable State laws.

In fact, we even added a provision that the good gentleman from Delaware County offered that would require us to take a look at emissions and get annual reports and to provide protocols. And not only that, we want to make sure that natural gas has other economic opportunities. We have added provisions that create clean transit programs and keystone transit programs so that more of our vehicles might use natural gas, which is both cleaner than other fuels and less expensive.

And do not tell me that we are not helping statewide environmental concerns, because this is a global package designed to look at citizens from every aspect of their life. Money goes from the Oil and Gas Lease Fund for county conservation districts, which provide local support and conservation oversight; the Environmental Stewardship Fund, which funds watershed improvements, acid mine drainage remediation, farmland preservation, and open space preservation; and it actually provides more money for the Hazardous Sites Cleanup Fund, which provides support to clean up sites which have been contaminated through various accidents and past processes and does it annually on an inflation-adjusted rate.

This is the kind of bill that you run and you vote for when you are serious about governing. This is the kind of bill you run and you vote for when you are in touch with everyday individual lives. This is the kind of bill you run and you vote for when you want to make a difference in Pennsylvania's families. And you know what? This is the kind of bill that is not dictated by any special interests.

I have heard over and over and over again about this fear of particular pledges. We have crafted something that is fiscally responsible, that is private-sector job creation, and which is environmentally responsible, safe for our citizens, and safe for our environment. Mr. Speaker, this is win, win, win. When your arguments try to attack it from all different sides without any consistent policy, you are about "no," because in the end, many of the folks, although not all, but many of the folks would just like to stop the ability to have any natural gas development in this State. We are not there. We are for people. This is a people-driven piece of legislation, and it is policy that I am proud of and that each and every one of you can be proud of, too.

Thank you very, very much, Mr. Speaker.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and notices the presence of the gentleman from Berks County, Mr. Cox, on the floor. His name will be added back to the master roll call.

CONSIDERATION OF HB 1950 CONTINUED

The SPEAKER. For the information of the members, I am seeing no further debate on the issue. By our rules, we could not vote this bill until 5:25 unless the motion to proceed, which requires a two-thirds vote, were to be exercised.

MOTION TO PROCEED TO CONSIDERATION UNDER RULE 24

The SPEAKER. For what purpose does the gentleman, Mr. Scavello, rise?

Mr. SCAVELLO. Mr. Speaker, after hearing that, I know there are a lot of members here with things to do in their district and some are pretty tired. I would like to make a motion to proceed so that we can vote this bill on final passage.

The SPEAKER. The gentleman, Mr. Scavello, has moved to proceed. As I mentioned, that is a two-thirds vote.

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

The following roll call was recorded:

YEAS—137

Adolph	Emrick	Killion	Readshaw
Aument	Evankovich	Knowles	Reed
Baker	Evans, J.	Krieger	Reese
Barbin	Everett	Kula	Reichley
Barrar	Fabrizio	Lawrence	Roae
Bear	Farry	Maher	Rock
Benninghoff	Fleck	Major	Ross
Bishop	Frankel	Maloney	Saccone
Bloom	Gabler	Markosek	Sainato
Boback	Geist	Marshall	Saylor
Boyd	Gibbons	Marsico	Scavello
Brooks	Gillen	Masser	Schroder
Brown, R.	Gingrich	McGeehan	Simmons
Buxton	Godshall	Metcalfe	Smith, K.
Caltagirone	Goodman	Metzgar	Sonney
Carroll	Grove	Miccarelli	Stephens
Causer	Hackett	Micozzie	Stern
Christiana	Hahn	Millard	Stevenson
Clymer	Harhai	Miller	Sturla
Cohen	Harhart	Milne	Swanger
Costa, P.	Harper	Moul	Tallman
Cox	Harris	Mundy	Taylor
Creighton	Heffley	Murt	Tobash
Culver	Helm	Mustio	Toepel
Davidson	Hennessey	O'Brien, M.	Toohil
Day	Hess	O'Neill	Truitt
Deasy	Hickernell	Oberlander	Turzai
Delozier	Hornaman	Payne	Vereb
Denlinger	Hutchinson	Peifer	Vitali
DePasquale	Kampf	Perry	Vulakovich
Dermody	Kauffman	Petrarca	Watson
DeWeese	Kavulich	Pickett	

DiGirolamo	Keller, F.	Quigley	Smith, S.,
Dunbar	Keller, M.K.	Quinn	Speaker
Ellis	Keller, W.	Rapp	

NAYS—46

Boyle, B.	Davis	Josephs	Preston
Boyle, K.	DeLissio	Kortz	Ravenstahl
Bradford	Donatucci	Kotik	Roebuck
Brennan	Freeman	Longiatti	Sabatina
Briggs	Galloway	Matzie	Samuelson
Brown, V.	Gerber	Mirabito	Santarsiero
Brownlee	Gergely	Mullery	Smith, M.
Burns	Gillespie	Murphy	Thomas
Conklin	Grell	Neuman	White
Costa, D.	Hanna	Parker	Williams
Curry	Harkins	Pashinski	Youngblood
Cutler	Johnson		

NOT VOTING—0

EXCUSED—20

Cruz	Haluska	O'Brien, D.	Shapiro
Daley	Kirkland	Payton	Staback
DeLuca	Mahoney	Petri	Wagner
Evans, D.	Mann	Pyle	Waters
George	Myers	Santoni	Wheatley

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—107

Adolph	Farry	Lawrence	Reichley
Aument	Fleck	Major	Roe
Baker	Gabler	Maloney	Rock
Barrar	Geist	Marshall	Ross
Bear	Gergely	Marsico	Saccone
Benninghoff	Gibbons	Masser	Saylor
Bloom	Gillespie	Metzgar	Scavello
Boyd	Gingrich	Miccarelli	Schroder
Brooks	Godshall	Micozzie	Simmons
Brown, R.	Grell	Millard	Sonney
Burns	Grove	Miller	Stephens
Causser	Hackett	Milne	Stern
Christiana	Hahn	Moul	Stevenson
Clymer	Harhart	Murt	Swanger
Cox	Harper	Mustio	Tallman
Creighton	Harris	O'Neill	Taylor
Culver	Heffley	Oberlander	Tobash
Cutler	Helm	Payne	Toepel
Day	Hennessey	Peifer	Toohil
Delozier	Hess	Perry	Truitt
Denlinger	Hickernell	Petrarca	Turzai
DiGirolamo	Kampf	Pickett	Vereb
Dunbar	Kauffman	Quigley	Vulakovich
Ellis	Keller, F.	Quinn	Watson
Emrick	Keller, M.K.	Rapp	
Evankevich	Killion	Reed	Smith, S.,
Evans, J.	Knowles	Reese	Speaker
Everett			

NAYS—76

Barbin	Davis	Johnson	O'Brien, M.
Bishop	Deasy	Josephs	Parker
Boback	DeLissio	Kavulich	Pashinski
Boyle, B.	DePasquale	Keller, W.	Preston
Boyle, K.	Dermody	Kortz	Ravenstahl
Bradford	DeWeese	Kotik	Readshaw
Brennan	Donatucci	Krieger	Roebuck
Briggs	Fabrizio	Kula	Sabatina
Brown, V.	Frankel	Longiatti	Sainato
Brownlee	Freeman	Maher	Samuelson
Buxton	Galloway	Markosek	Santarsiero
Caltagirone	Gerber	Matzie	Smith, K.
Carroll	Gillen	McGeehan	Smith, M.
Cohen	Goodman	Metcalfe	Sturla
Conklin	Hanna	Mirabito	Thomas
Costa, D.	Harhai	Mullery	Vitali
Costa, P.	Harkins	Mundy	White
Curry	Hornaman	Murphy	Williams
Davidson	Hutchinson	Neuman	Youngblood

NOT VOTING—0

EXCUSED—20

Cruz	Haluska	O'Brien, D.	Shapiro
Daley	Kirkland	Payton	Staback
DeLuca	Mahoney	Petri	Wagner
Evans, D.	Mann	Pyle	Waters
George	Myers	Santoni	Wheatley

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. For what purpose does the gentleman, Mr. Hackett, rise?

Mr. HACKETT. Thank you, Mr. Speaker.

I would just like to submit my written remarks on HB 1950 for the record.

The SPEAKER. The gentleman will submit his remarks to the clerk, and they will be placed on the record.

Mr. HACKETT submitted the following remarks for the Legislative Journal:

Thank you, Mr. Speaker.

I rise today in support of HB 1950. I understand the many concerns that have been raised these last 4 days.

I, too, am greatly concerned about a clean and green environment. I, too, am worried about maintaining clean drinking water.

But let me speak for one moment about another reality.

Delaware County is staring down the barrel of economic hardship.

We have lost far too many jobs as refineries in the southeast have closed and laid off thousands of workers.

And why did Sunoco and ConocoPhillips close their flagship operations? Because the cost of refining crude has become far too expensive due to government overregulation.

Mr. Speaker, today there are thousands of blue-collar and white-collar oil industry workers waiting for an effective natural gas policy that will keep this industry alive and flourishing. They are waiting for us to do the right thing.

Before you vote today, look into the eyes of the independent contractor from Ridley Township, Delaware County, who had to lay off 80 percent of his staff because Sunoco is no more due to government meddling.

Do not repeat that mistake.

Do not overregulate this industry.

Remember our neighbors, the workers whose lives and livelihood are on the line.

COMMITTEE MEETING CANCELED

The SPEAKER. For what purpose does the gentleman, Mr. Clymer, rise?

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the Education Committee meeting that we were going to hold today has been canceled. I did send out an e-mail; I hope the members received it. And that meeting will then be held on Tuesday, November 22. Information will be available as to the time and place. Thank you.

HOUSE SCHEDULE

The SPEAKER. For the information of the members, next week was scheduled as a session week. Probably Monday or Tuesday will be a nonvoting day, but it will not be a voting session week. We then are going to add some days in December just because of the nature of the issues we have to deal with in December with, quite candidly, congressional reapportionment. So we figure it will be more productive to add days in December and drop a couple of days next week. There will be an official announcement come out to you when it is cleared, but I just wanted to give you— Does the gentleman, Mr. Clymer, want to amend his meeting notice? I apologize.

Mr. CLYMER. Mr. Speaker, obviously the November 22 meeting is canceled, and members will receive a notice when we will reconvene in December.

The SPEAKER. The Speaker thanks the gentleman.

Mr. CLYMER. Happy Thanksgiving.

COMMITTEE MEETINGS CANCELED

The SPEAKER. For what purpose does the gentleman, Mr. Baker, rise?

Mr. BAKER. Mr. Speaker, in light of your announcement, I, too, would likewise announce the cancellation of the Health Committee meeting that was scheduled to run several bills on Monday morning. We will be sending out a notice later rescheduling that.

Thank you, Mr. Speaker.

* * *

The SPEAKER. The gentleman, Mr. Hutchinson, for a committee announcement?

Mr. HUTCHINSON. Yes, Mr. Speaker. I would like to also announce the cancellation of our Environmental Resources and Energy Committee, which had been scheduled for Tuesday the 22d, and it will be held at a later date.

Thank you, Mr. Speaker.

* * *

The SPEAKER. The gentleman, Mr. Metcalfe, for a committee announcement.

Mr. METCALFE. Thank you, Mr. Speaker.

The State Government Committee was being scheduled to meet next Tuesday and next Wednesday, and I will be announcing the canceling of those two meetings and we will be rescheduling when we are back in session, Mr. Speaker.

Thank you, Mr. Speaker.

* * *

The SPEAKER. The gentleman, Mr. Miller, for a committee announcement.

Mr. MILLER. Thank you, Mr. Speaker.

I will follow suit. The House Labor and Industry Committee meeting scheduled for 11:30 Monday morning, the 21st, is now postponed. We will notify the members via e-mail of when the meeting will be rescheduled.

Thank you, Mr. Speaker.

The SPEAKER. There will be no further votes today.

BILLS REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 1596;
HB 1751;
HB 1802;
HB 1839; and
SB 1043.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILLS TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be removed from the active calendar and placed on the tabled calendar:

HB 1596;
HB 1751;
HB 1802;
HB 1839; and
SB 1043.

On the question,
Will the House agree to the motion?
Motion was agreed to.

CALENDAR**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1271, PN 2467**, entitled:

An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, further providing for definitions.

On the question,
Will the House agree to the bill on second consideration?

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1271 be removed from the active calendar and placed on the tabled calendar.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1271 be removed from the tabled calendar and placed on the active calendar.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. Seeing no further business before this House, the Speaker recognizes the gentleman, Mr. Kampf, from Chester County, who moves that this House do adjourn until Tuesday, November 22, 2011, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 4:11 p.m., e.s.t., the House adjourned.