

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 7, 2012

SESSION OF 2012

196TH OF THE GENERAL ASSEMBLY

No. 8

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.s.t.

**THE SPEAKER (SAMUEL H. SMITH)
PRESIDING**

PRAYER

HON. MICHAEL K. HANNA, member of the House of Representatives, offered the following prayer:

Good morning.

Thank you, Mr. Speaker. Good morning.

Let us bow our heads in prayer:

Almighty God, You have given us this good land for our heritage. We humbly ask You that we may always prove ourselves a people mindful of Your favor and glad to do Your will.

Bless our land with honorable endeavor, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogance; and from every evil way. Defend our liberties and fashion into one united people the multitude brought here out of many nations and tongues.

Endow with the spirit of wisdom those to whom in Your name we entrust the authority of government, that there may be justice and peace at home and that, through obedience to Your law, we may show forth Your praise among the nations of earth.

In times of prosperity, fill our hearts with thankfulness, and in the day of trouble, do not allow our trust in You to fail.

We ask all of this through You, our Lord. 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 Monday, February 6, 2012, will be postponed until printed.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND Tabled

HB 1873, PN 2410

By Rep. GEIST

An Act amending the act of June 25, 1931 (P.L.1352, No.332), referred to as the Delaware River Joint Toll Bridge Compact, providing for audits.

TRANSPORTATION.

HB 2021, PN 2775

By Rep. GEIST

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

TRANSPORTATION.

HB 2059, PN 3049 (Amended)

By Rep. MAHER

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for the purchase of agricultural conservation easements; and abrogating regulations.

AGRICULTURE AND RURAL AFFAIRS.

HB 2060, PN 2853

By Rep. GEIST

An Act designating a bridge carrying State Route 94 over Bermudian Creek in Latimore Township, Adams County, as the Sgt. Michael C. Weigand Memorial Bridge.

TRANSPORTATION.

HB 2106, PN 3050 (Amended)

By Rep. MAHER

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for the purchase of agricultural conservation easements.

AGRICULTURE AND RURAL AFFAIRS.

HB 2133, PN 2978

By Rep. GEIST

An Act designating the bridge that carries State Route 66/28 over Redbank Creek between the Borough of South Bethlehem, Armstrong County, and the Borough of New Bethlehem, Clarion County, as the Sergeant Joseph M. Garrison Memorial Bridge.

TRANSPORTATION.

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 1237, PN 1918**.

SENATE MESSAGE

RECESS RESOLUTION
FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate,
February 6, 2012

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, March 5, 2012, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses the week of March 5, 2012, it reconvene on Monday, March 12, 2012, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, February 13, 2012, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses the week of February 13th, it reconvene on Monday, March 12th, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 2105, PN 2968 By Rep. METCALFE

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to VARHA, Inc., certain lands situate in the Borough of Polk, Venango County.

STATE GOVERNMENT.

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:

SB 1237, PN 1918

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act, in keystone opportunity zones, further providing for extension for unoccupied parcels and for additional expansion zones; providing for expansion for new job creation; further providing for application, for qualified businesses, for corporate net income tax and for capital stock franchise tax; and, in tax administration, further providing for application time; providing for monitoring data; and repealing expiration provision.

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

LEAVES OF ABSENCE

The SPEAKER. Are there requests for leaves of absence?
The Speaker recognizes the majority whip, who indicates that there are no leaves of absence.
The Speaker recognizes the minority whip, who indicates there are no requests for leaves of absence.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—196

Adolph	Donatucci	Killion	Pyle
Aument	Dunbar	Kirkland	Quigley
Baker	Ellis	Knowles	Quinn
Barbin	Emrick	Kortz	Rapp
Barrar	Evankovich	Kotik	Ravenstahl
Bear	Evans, D.	Krieger	Readshaw
Benninghoff	Evans, J.	Kula	Reed
Bishop	Everett	Lawrence	Reese
Bloom	Fabrizio	Longietti	Roae
Boback	Farry	Maher	Rock
Boyd	Fleck	Mahoney	Roebuck
Boyle, B.	Frankel	Major	Ross
Boyle, K.	Freeman	Maloney	Sabatina
Bradford	Gabler	Mann	Saccone
Brennan	Galloway	Markosek	Sainato
Briggs	Geist	Marshall	Samuelson
Brooks	George	Marsico	Santarsiero
Brown, R.	Gerber	Masser	Santoni
Brown, V.	Gergely	Matzie	Saylor
Brownlee	Gibbons	McGeehan	Scavello
Burns	Gillen	Metcalfe	Simmons
Buxton	Gillespie	Metzgar	Smith, K.
Caltagirone	Gingrich	Miccarelli	Smith, M.
Carroll	Godshall	Micozzie	Sonney
Causser	Goodman	Millard	Staback
Christiana	Grell	Miller	Stephens
Clymer	Grove	Milne	Stern
Cohen	Hackett	Mirabito	Stevenson
Conklin	Hahn	Moul	Sturla
Costa, D.	Haluska	Mullery	Swanger
Costa, P.	Hanna	Mundy	Tallman
Cox	Harhai	Murphy	Taylor
Creighton	Harhart	Murt	Thomas
Cruz	Harkins	Mustio	Tobash
Culver	Harper	Myers	Toepel
Curry	Harris	Neuman	Toohil
Cutler	Heffley	O'Brien, M.	Truitt
Daley	Helm	O'Neill	Turzai

Davidson	Hennessey	Oberlander	Vereb
Davis	Hess	Parker	Vitali
Day	Hickernell	Pashinski	Vulakovich
Deasy	Hornaman	Payne	Waters
DeLissio	Hutchinson	Payton	Watson
DeLozier	Josephs	Peifer	Wheatley
DeLuca	Kampf	Perry	White
Denlinger	Kauffman	Petrarca	Youngblood
DePasquale	Kavulich	Petri	
Dermody	Keller, F.	Pickett	Smith, S.,
DeWeese	Keller, M.K.	Preston	Speaker
DiGirolo	Keller, W.		

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Schroder

LEAVES ADDED—4

Evankovich	Evans, D.	Fleck	Gibbons
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LEAVES CANCELED—1

Fleck

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

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. ELLIS presented the report of the committee of conference on **HB 1950, PN 3048**.

LEAVE OF ABSENCE

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

Mr. HANNA. Mr. Speaker, I rise to correct the record.

I was asked by Representative Gibbons to put him on leave this morning, and I erred in not telling you in advance of the master roll. Representative Gibbons, Jaret Gibbons, Representative Gibbons, should be placed on leave.

Thank you, Mr. Speaker.

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

COMMUNICATION FROM GOVERNOR

REQUEST FOR JOINT SESSION

The Speaker laid before the House the following communication in writing from the office of His Excellency, the Governor of the Commonwealth:

Commonwealth of Pennsylvania
Office of the Governor
Harrisburg

The Governor

January 9, 2012

The Honorable Samuel H. Smith
Pennsylvania House of Representatives
139 Main Capitol Building
P.O. Box 202066
Harrisburg, PA 17120-2066

The Honorable Joseph B. Scarnati, III
Senate of Pennsylvania
292 Main Capitol Building
Senate Box 203025
Harrisburg, PA 17120-3025

Dear Speaker Smith and Senator Scarnati:

If it meets with the approval of the General Assembly, I am respectfully requesting a Joint Session of the General Assembly on Tuesday, February 7, 2012, at 11:30 a.m. for the purpose of addressing the Members for the annual budget address.

Thank you for your consideration of this request.

Sincerely,
Tom Corbett
Governor

RESOLUTION

COMMITTEE TO ESCORT GOVERNOR

Mr. TURZAI offered the following resolution, which was read, considered, and adopted:

In the House of Representatives
February 7, 2012

RESOLVED, That the Speaker appoint a committee of three to escort the Governor to the Hall of the House for the purpose of attending a Joint Session of the General Assembly.

COMMITTEE APPOINTED

The SPEAKER. The Speaker appoints as a committee to wait upon the Governor, the lady from Northampton, Mrs. Harhart; the gentleman from York, Mr. Perry; the lady from Philadelphia, Ms. Brownlee.

The committee will proceed with the performance of its duties.

HOUSE BILLS INTRODUCED AND REFERRED

No. 116 By Representatives KRIEGER, METCALFE, EVANKOVICH, BOYD, DUNBAR, DALEY, ROAE, GROVE, HUTCHINSON, AUMENT, VULAKOVICH,

LAWRENCE, MALONEY, EVERETT, BLOOM, MAHER, REESE, ROCK, TALLMAN, CUTLER, MUSTIO and METZGAR

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for spending limitations on the Commonwealth.

Referred to Committee on STATE GOVERNMENT, February 7, 2012.

No. 2179 By Representatives READSHAW, M. O'BRIEN, PRESTON, SABATINA, CALTAGIRONE, DeWEESE, FABRIZIO, GEORGE, GIBBONS, HALUSKA, HORNAMAN, JOSEPHS, MAHONEY, K. SMITH, STABACK, YOUNGBLOOD and DEASY

An Act establishing pricing disclosures for certain health care providers; and prohibiting certain discounts and kickbacks.

Referred to Committee on HEALTH, February 7, 2012.

No. 2180 By Representatives ROEBUCK, STURLA, CARROLL, LONGIETTI, M. O'BRIEN, K. SMITH, BISHOP, BRIGGS, BROWNEE, CALTAGIRONE, DALEY, DePASQUALE, FABRIZIO, KIRKLAND, KOTIK, MIRABITO, MYERS, PARKER, PRESTON, READSHAW, STABACK, DeLUCA and JOSEPHS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing the All Students Can Succeed Program.

Referred to Committee on EDUCATION, February 7, 2012.

FILMING PERMISSION

The SPEAKER. Permission for media access to the House floor is granted to Amy Spangler of Central Penn Business Journal for still photos; to Jason Scott from Central Penn Business Journal for still photos; to Chris Knight from the Patriot-News for still photos; to Brad Bower, AP (Associated Press), for still photos; and Tom Gralish from the Philadelphia Inquirer for still photos.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1780, PN 3057 (Amended) By Rep. BENNINGHOFF

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for inheritance tax.

FINANCE.

HB 2000, PN 3018 By Rep. BENNINGHOFF

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for time for filing returns and for time of payment.

FINANCE.

The SPEAKER. The House will come to order. Will the members and guests please take their seats.

SENATE MESSAGE

REPORT OF COMMITTEE OF CONFERENCE ADOPTED BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has adopted the report of the committee of conference on the subject of the differences existing between the two Houses on **HB 1950, 3048**.

ARRIVAL OF SENATE

The SPEAKER. The Senate is now entering the hall of the House. Members and guests will please rise.

The Speaker recognizes the Sergeant at Arms of the House.

The SERGEANT AT ARMS. Mr. Speaker, the Senate is present in the hall of the House.

The SPEAKER. The Speaker requests the Lieutenant Governor, the Honorable Jim Cawley, to preside over the proceedings of the joint session of the General Assembly.

The President pro tem of the Senate, the Honorable Joseph Scarnati, is invited to be seated at the rostrum.

The members of the House and the Senate will please be seated.

The House will come to order. Members and all guests will please take their seats.

Ladies and gentlemen, the Lieutenant Governor of the Commonwealth of Pennsylvania, James Cawley.

JOINT SESSION OF THE GENERAL ASSEMBLY

THE LIEUTENANT GOVERNOR (JIM CAWLEY) PRESIDING

The LIEUTENANT GOVERNOR. Thank you, Mr. Speaker.

This being the day and hour agreed upon by a concurrent resolution of the Senate and the House of Representatives to hear an address by His Excellency, the Governor, the Honorable Tom Corbett, this joint session will come to order.

REPORT OF COMMITTEE ESCORTING GOVERNOR

The LIEUTENANT GOVERNOR. The General Assembly will come to order.

The Governor is entering the hall of the House. Members and guests will please rise.

The Chair recognizes the chairman of the committee to escort the Governor, the gentleman from Beaver County, Senator Vogel.

Mr. VOGEL. Thank you.

Mr. President, Mr. Speaker, members of the General Assembly, as the chairman of the committee to escort the Governor, I wish to report that His Excellency, the Governor, is present and is prepared to address this joint session.

The LIEUTENANT GOVERNOR. The Chair thanks Chairman Vogel and the committee.

Members of the General Assembly, I now have the honor and privilege of presenting His Excellency, the Governor, the Honorable Tom Corbett, who will now address this joint session. Governor Corbett.

**FISCAL YEAR 2012-2013
BUDGET ADDRESS OF
GOV. TOM CORBETT**

The GOVERNOR. Thank you all. Thank you all.

Speaker Smith, President Pro Tem Scarnati, Lt. Gov. Jim Cawley, to the members of the General Assembly, our distinguished Cabinet, fellow citizens:

Pennsylvanians are people who embrace important qualities. We value service. We value bravery. We value compassion. We saw these virtues on display last year when floods hit our State. Our first responders – our firefighters, police, our men and women of the National Guard – stepped into the breach to prove, once again, that we are a commonwealth and act for the common good.

In Montgomery County, Robert Spitko, a firefighter from Norristown, and Rick Russo, a swiftwater rescue boat crew member from Neshannock in Lawrence County across the State, learned of a woman who had been swept away. They tethered themselves to rescue ropes and went through the swift and rising floodwaters. They found that woman clinging for her life to a sapling. They brought her back safe.

In Lycoming County, State Police Corporals Brad Eisenhower and Larue Stelene received calls about a woman and two children, ages 3 and 7, stranded on the roof of their home. The buildings around them had already been swept away. These brave men guided a hovercraft through those waters at nighttime and took that family to safety.

I would ask those gentlemen who are seated here in the back of the room to please stand to be recognized. Thank you.

Gentlemen, you might as well just stand, just continue standing, because I am going to recognize the two other men that you see there in uniform right now.

For several years we have seen courage on display as members of our National Guard, among other service members from Pennsylvania, served overseas in the War on Terror. I want to tell you about the two gentlemen back there. Recently they were each presented with a heart. Now, it might be close to Valentine's Day, but that is not the reason. It is out of love for their country and what it means.

Spc. Ryan Petrill from Luzerne County was injured fighting in Afghanistan. Sgt. Matthew Keeler from Delaware County earned his Purple Heart in Iraq. We are grateful for their service and even more grateful to have these winners of the Purple Heart back home in Pennsylvania. Welcome home, men. Thank you.

These six heroes are here today representing the thousands of others in their ranks who came through in our time of need, at home and overseas, and I again want to thank them.

So we ended last year with accounts of great courage. We began this year on a note of sadness. Joe Paterno, a legendary coach and an ambassador for Pennsylvania in the world of sports, died. His commitment to Penn State and to the future of the athletes he guided can never be doubted, nor can his place in our history. Please join me in a moment of silence in honor of Joe Paterno.

Please rise. Thank you.

(A moment of silence was observed.)

The GOVERNOR. Thank you.

Last year when I stood before you, I spoke of a grave dilemma. The State had a structural deficit of more than \$4 billion. The public ledger demanded restraint. Our needs as a commonwealth demanded action. We accomplished much of real consequence.

For the first time in 40 years, we spent less. Our State budget was passed on time for the first time in almost a decade. And we imposed no new taxes on our citizens. The reason was plain: State government has less revenue because our citizens have less for themselves. We cannot ask people to travel the road to recovery and then turn around and add to the burden they must carry along the way. To prevent cost reductions at the State level from being turned into new taxes at the local level, we enacted property tax reform.

Tort reform brought relief to job creators who feared entering a marketplace where they could be forced to pay for damages that were not rightly theirs. I asked you last year to send me tort reform and I said I would sign it. You sent it. I signed it. Thank you.

Early today, we passed legislation creating new keystone opportunity zones, KOZs as they are often called. They offer incentives and development assistance to businesses. They have the potential to bring thousands of jobs to Pennsylvania. This sends a strong message that Pennsylvania is open for business, and I thank you very much.

And I would note, I have had to amend what you already have in your hands at this point. After long negotiations, we are close to reaching a consensus on how to address the impacts of the Marcellus Shale region. Just prior to coming over here, I watched as the Senate passed the Marcellus legislation. I thank you. I thank you and I urge the members of the House to take this bill up to resolve this as quickly as possible and pass this legislation. Thank you very much.

By keeping taxes in check and spending under control, we continue to replace jobs lost in the recession. Those jobs were not created by any decree. They grew because Pennsylvania's budget, rather than postpone the inevitable, faced up to the moment. We reduced spending to fit the realities of our time. Pennsylvania took its first steps toward changing the culture of tax-and-spend.

Together, we can make reforms that count. It is time to show citizens weary of empty promises and doubtful that real change can be believed in that we can accomplish more. In this administration, we have decreased overall spending by 6 percent. We reduced the State automobile fleet by more than 1200 cars. In the agencies that fall under the supervision of the Governor, we have eliminated per diem expense accounts. We insist on receipts. In every sense, the message of reform is "don't waste."

The alternative was to raise taxes to cover that deficit. What would that mean? Last year alone, the personal income tax increase necessary to close that \$4.2 billion gap would have cost the average Pennsylvania family of four \$920 – just to maintain a status quo that was not working. If we did so this year, we would be taking an additional \$300. In 2 years, a two-income family of modest means would be handing over an additional \$1200 simply to maintain a system that is just plain broken, inefficient, and in need of reform.

For families coming out of a recession, that is an inexcusable burden to impose. Reform means understanding this simple truth: When you do not have enough to spend, you spend less.

Reform also means knowing the difference between a "make work" project and a "save jobs" project. It is the difference between merely propping something up and building on its real value. The Port of Philadelphia is a perfect example. The State has advanced \$15 million to continue deepening the Delaware River channel. This is a project that links our economy to the world.

Representative, I appreciate that. I am going to give you a couple more chances.

You see, the Panama Canal is being widened and deepened to accommodate the new generation of tankers. Those ships can dock anywhere on the East Coast, from Virginia to Boston – anywhere, that is, except Philadelphia, where the river is too shallow.

We want those ships tying up to the docks of Philadelphia, the world's best inland port, once we complete the work. Our estimates suggest that over the next 5 years, as many as 75,000 jobs will be created or saved, both directly and indirectly. This is not just a compact with today's economy. It is a vindication of our history.

Philadelphia was founded as a port city. It received countless people into the New World. Through war and peace, it has been our gateway to the Atlantic and beyond, and we intend to keep that gate open and welcoming the world and its commerce. This is not only good for Pennsylvania. It is good for the region and the nation.

So I have worked with our congressional delegation, both Democrat and Republican alike, to send a message to the Obama administration: Release the additional money to complete this crucial economic development project. And judging from today's news, it looks like we succeeded.

But let us not stop there. Let us not stop there. Let us keep the pressure on Washington to help us complete the entire channel. Let us not think that we have the entire amount at this point. We must keep the pressure up, Democrats and Republicans here in this House together, to know that this port has to be completed for the entire State of Pennsylvania.

And thanks to an innovative partnership, the giant shipbuilder Aker is currently constructing two tankers. Because of that, ExxonMobil has ordered two of a new generation of supertankers. That shipyard will be booming for years to come. More than 1,000 jobs have been saved there. Thousands more will be spun off as those tankers take shape and set sail.

Our energy-producing fields continue to generate jobs. A somewhat overlooked side effect that benefits all Pennsylvanians in every corner of the State is the estimated 40-percent average drop in home heating prices for Pennsylvanians who use our clean, abundant supply of natural gas. In the southeast alone, the average utility customer saved almost \$700. The benefits of this growing industry are reaching

every corner of our State, and we are determined to see this industry produce new jobs and increased savings.

Right now we are hard at work to bring a major natural gas processing plant to southwestern Pennsylvania. The best argument we can make to the company behind the project is Pennsylvania's embrace of free markets.

We also remain committed to dealing with the issues surrounding the closure of the refineries in Philadelphia. As we build a new energy sector, I am not willing to give up on the old one.

In Erie, the Governor's Action Team came to the aid of General Electric, which already employed 5,000 people at its locomotive plant. We made it possible for GE to expand and to hire hundreds more at a new location in nearby Mercer County.

Business, business creates jobs where it feels welcome. Citizens live best where they are employed and do not live in the constant fear that what they earn will be taxed away. This approach works. Our unemployment rate dropped by almost a full percentage point from the end of 2010 to this very moment, and as this year began, it was still nearly a full percentage point below the national average. Our private-sector workforce grew by 79,000 jobs.

In short, we continue to grow the kinds of jobs that produce real prosperity. This is the road to recovery. We are on it. It sometimes runs uphill, but thanks to your partnership in the past year, Pennsylvania is going in the right direction. We must not turn back now. The old approach of tax-and-spend was comfortable for some. In fact, it was so comfortable that it put our economy to sleep.

We cannot allow the debts of today to crowd out the dreams of tomorrow. If we do not act to reconfigure government and revamp how it provides services, we will find ourselves trapped in this same box every year. Difficult economies do not follow calendar years, nor do they respect State borders. They require us to map State-level solutions to a national problem. Despite a catalogue of quick fixes at the Federal level and a swirl of conflicting theories, we are still living through the most difficult economic period in our lives.

So today I bring before you a budget grounded in difficult realities but framed in the optimism that we are solving our problems. Once again, revenues do not match mandated, escalating costs. That means we must continue the course bravely charted by this Assembly in the year just passed.

I am submitting to you a budget proposal that is at once lean and demanding. In the coming weeks, we will sit down to work out the final details as we map out our course. But this map does come with boundaries. We will not spend more than we have. We will not, we will not raise taxes. There is no talking around these limits. Every dollar taken in tax is one less dollar in the hands of a job holder or a job creator. Every dollar spent by government is one dollar less in the sector that creates real prosperity.

Now, I am bringing before you a budget built on the decisions of last year. It is a budget that proposes more in the way of reforms by continuing to change the culture of government from one of entitlement to one of enterprise.

These tough decisions will lay the groundwork for the prosperity of tomorrow. It puts to you, the General Assembly, the question of precisely what role State government and our taxpayers should have in a variety of endeavors. I look forward to working with all of you in framing these priorities into a solid, responsible spending plan.

One of the major innovations I propose this year is the use of block grants. Block grants will be found in both our basic education and our welfare budgets. Together, these two departments account for more than 70 percent of our spending. When we include corrections and debt service, it is 90 percent.

So with less to spend than we would like, we need to give more flexibility at the level where this money will be spent: the county and the school district.

The old way of doing things – the pattern of big government, big policy, big spending – has left us with issues that will dog us long after this year's budget is passed. Our costs are really driven in two ways. In the present time, we must pay expenses that run the State from day to day.

But out of immediate sight, yet threatening to undermine our present and future budgets, are three problems bigger than a single budget. They are our legacy costs, something which we will, whether we want to or not, be forced to address sooner rather than later.

Also, it is absolutely critical that we repair our unemployment compensation system. As expenses rise along with our debt to the Federal government, the cost of insuring workers threatens to overwhelm job creators. We have legislation in the General Assembly; we need to act on it now.

Lastly, it is also critical that we address our transportation issues. This is not a budget item. This is not a budget item. It is too large for that. Transportation must be confronted as its own distinct and separate topic. This problem has grown for the past several decades. It will not be solved overnight. But whatever solution we enact must be a lasting one.

I have spent significant time considering this issue with my transportation team and developed some workable solutions, I believe. However, these solutions will only be possible with your input, your assistance, and your support. I look forward to working with you in the very near future on these.

As we wrote this budget, we looked first at what State government is really meant to do and we asked if it would add or subtract from private-sector jobs. For instance, this budget maintains funding for career and technical education. It is a very solid reason. It matches good jobs with trained people.

The widening gulf in family income tells us that we need to make certain our workforce is paired with the best jobs available. It also helps us to repay a vast debt to the veterans now returning from service overseas. They are coming home after serving us. The least we owe them is the training to land a good job.

Maintaining our commitment to the technical professions and the practical trades keeps a bargain with today and builds for tomorrow. As our energy sector expands and manufacturing revives, Pennsylvania needs a trained workforce ready to meet the demand for workers.

If we are going to harvest our resources, let us make certain Pennsylvania hands are working the machinery of industry.

The demands of a mixed economy, where free enterprise exists alongside government encouragement, teach some hard lessons. We cannot in government simply conjure up jobs. We can help businesses get a start, but we cannot carry them. We can help train private-sector workers, but we cannot be their employers. We can, at best, act as partners.

Pennsylvania competes with every other State in the Union for factories, offices, and corporate headquarters. The shorter

we make the journey from the drawing board to the ribbon-cutting, the better our chances of growing jobs.

So I am bringing before you a new and innovative program to create a robust employment market and a vital economy. We call it Jobs First PA. It comprises four programs: Pennsylvania Inc., the Comprehensive Job Matching System, Keystone Works, and the Targeted Industry Certificate Program.

We will roll out full details very soon.

Briefly, Pennsylvania Inc. provides a single point of access between job creators and State government to speed the time between the idea and a business. Keystone Works would allow unemployed workers to continue their benefits while being trained by companies with available jobs.

The idea is to get the recently unemployed back to work as quickly as possible. The Targeted Industry Certificate Program provides increased grants for college and trade school students who are training for high-demand occupations.

In short, we are targeting our workforce toward the jobs. The goal is simple: If there is a job to fill in a new or existing industry, we are determined to put that career opportunity into the hands of a Pennsylvanian.

And yes, this budget continues the phaseout of the capital stock and franchise tax.

At the Department of Community and Economic Development, we are at work finalizing a program I proposed last year, the Liberty Financing Authority. It will merge several programs under a single umbrella. The Liberty Financing Authority will provide the flexibility to direct loans to expanding businesses.

I want to be clear about this. The Liberty Financing Authority is not a series of grants. These are loans, money that will be repaid and rolled back into the nest egg from which we can help the next job creator.

This line of underwriting might be the small difference in helping a job creator set up shop or to expand an existing one. This is the time to invest in the future. These programs can get us there.

One of our core functions is to provide for education at several levels, starting with our youngest. We have less money than I would like, so we must adapt.

Earlier I mentioned our proposal to use block grants to give counties and school districts the flexibility to adjust to their own unique needs. That accounts for the transfer of four separate line items into a single block grant. Right now education spending is bound up in a thicket of outdated and time-consuming regulations and mandates.

The rationale here is clear: Local districts know how to spend and allocate resources better than do bureaucrats in Harrisburg. We leave the basic education funding formula at its current level. There are no cuts. In fact, you will find a slight increase, just as we did last year.

You see, there seems to have been some confusion, even deception, about what we did and did not do with the basic education funding formula last year. Some keep insisting we cut basic ed. This urban legend was spread by those who have the most to gain from additional funding at taxpayers' expense.

Here is the truth. When the Obama administration handed States billions of dollars in stimulus money, the previous administration reduced the State's share in the basic education funding formula. In its place, they put the stimulus funds, almost a billion dollars' worth.

Those funds were one-time-only earmarks by the President. The last thing they were intended for was to pay continuing, yearly operating costs such as salaries. The term everybody kept hearing was that the stimulus funds were for "shovel-ready" projects.

Instead, by accounting sleight of hand, someone buried our problems under a layer of Federal cash. Perhaps they misunderstood the meaning of "shovel ready." That money is gone. It is not coming back.

What we did, my administration and the men and women of this General Assembly, was to replace the State's share of money, and in fact, at more than \$5.3 billion, last year's budget was the largest amount the State's taxpayers have ever put into the basic education funding formula – the largest until this year.

So I want the various special interests out there to understand this clearly: If we are going to debate education funding, let us use real numbers.

What Harrisburg can do for education is to set standards, both for our schools and our government.

At the State level, we need to put things in the proper order when it comes to our priorities: student, family, teacher, in that order. Education reform is absolutely necessary. I want our public schools to work to accomplish what we ask of them and to do it for every student of every background in every part of the State.

Every child can learn. We need to instill that faith in every school in the State. Every school in Pennsylvania should be our best.

This also marks the moment when we need to open the discussion about how best to finance higher education in this State. It is clear, we need to have a thorough, public, and candid conversation about how best to deal with the spiraling costs and our own obligations.

Recently one elected official laid out an ultimatum. He said, "Let me put colleges and universities on notice: If you can't stop tuition from going up, the funding you get from taxpayers will go down. Higher education can't be a luxury. It is an economic imperative that every family in America should be able to afford." Those were the words of President Obama in his State of the Union Address last month.

While I disagree with his prescription, which is to pass much of the cost on to the States, I think he is right that we need to confront the problem. I think we need to talk about this honestly and without rancor and dramatics. In order to get that discussion started, I am creating a panel on postsecondary education to study our system and to make recommendations on how universities can best serve the citizens and the students of this new century. I have appointed Rob Wonderling to head this panel.

Many of you will remember Rob as an accomplished member of the Pennsylvania Senate and as a successful businessman who now heads the Greater Philadelphia Chamber of Commerce. I have asked Rob and his group to report back by November 15.

As we continue to sort through the must-haves and the nice-to-haves and compress government into its core functions, public safety stands as a central obligation.

Citizens of the Commonwealth must be protected. If we have no other job, maintaining civil order is it. Without safety, there can be no society. My budget provides funding for a new cadet class of 115 State Police troopers to begin this summer.

We have also streamlined public safety, bringing the State's Office of Homeland Security into the fold with the State Police. The floods of this past summer have shown us all that a well-organized emergency system is, quite literally, a matter of life and death.

I am pleased to say the budget also contains matching funds to continue our recovery from this summer's past floods. And holding to our theme of reform, this is the first time, the first time in 10 years that does not require an increase in the corrections budget.

Our Justice Reinvestment Initiative panel is at work finding ways to deliver justice for victims and corrections for offenders while stemming the costs of imprisonment.

Our commitment to Pennsylvania's neediest poses a special challenge. Welfare does not produce wealth. What we do in this field is a measure of our compassion as a people and of our vision as leaders.

If we believe in society, we must accept that we have a duty to care for and protect those among us who cannot fend for themselves. I am reminded of the words of Franklin Delano Roosevelt. In the hardest of economic times, he knew the danger of turning a moment's help into a life's dependence.

In his third – for those history buffs out there, it was three; actually, it was four – in his third State of the Union Address, he said, "To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit. It is inimical to the dictates of sound policy. It is in violation of the traditions of America." That is a powerful warning from a leader who was qualified to give it.

So what do we do? What tradition must we preserve? We cannot maintain what we have been doing for 40, 50, and even 60 years when it has not improved the lives of the poor.

The budget I bring you is built to transform the public welfare system, not to eliminate it but to "right size" it. It modifies programs to give incentives to those who are able to transition from the welfare line to the employment line while it gives real relief to the poor.

We are proposing to merge seven separate budget lines into block grants. The innovation will give the counties the flexibility they need to identify their most pressing needs and apply funds as they know best.

All of these adjustments have been done with an abiding belief that the best route from the welfare line is to the work line by focusing on job creation. There is no other sensible way.

Yesterday marked the 101st birthday of President Ronald Reagan, our 40th President. He was a man who supported Franklin Roosevelt and also understood Roosevelt's own warnings about the need for a balance between a vigorous government and an overbearing one. He chose vigorous. Here is what he had to say, quote: "Government has an important role in helping develop a country's economic foundation. But the critical test is whether government is genuinely working to liberate individuals by creating incentives to work, save, invest, and succeed."

Pennsylvania is, as I said, still in difficult times. Its future will rely on that sense of purpose that Reagan and Roosevelt both embodied. Another Roosevelt – Teddy Roosevelt – dedicated this building that we are in here a century ago. He is often quoted as saying, "I dream of men who take the next step instead of worrying about the next thousand steps."

Here today is that first step. We need a budget that employs simple honesty for the common growth of our Commonwealth.

We must continue the journey that will turn the road to recovery into the path to prosperity.

Please, let us get started.

Thank you all.

JOINT SESSION ADJOURNED

The LIEUTENANT GOVERNOR. The Chair asks the members of the House and visitors to please remain seated for a moment while the members of the Senate leave the hall of the House.

The business for which this joint session has been assembled having been transacted, the session is now adjourned.

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

The SPEAKER. The House will come to order.

MOTION TO PRINT PROCEEDINGS OF JOINT SESSION

The SPEAKER. The Speaker recognizes the majority leader, who moves that the proceedings of the joint session of the Senate and the House of Representatives held this 7th day of February 2012 be printed in full in this day's Legislative Journal.

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

REPUBLICAN CAUCUS

The SPEAKER. For the purpose of an announcement relative to caucus and when we will be returning to the floor, the Speaker recognizes the lady from Susquehanna County, Ms. Major.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus today at 1:30. I would ask our Republican members to please report to our caucus room at 1:30, and we would be prepared to come back on the floor at 3 p.m.

Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman from Allegheny County, Mr. Frankel, is recognized for the purpose of a caucus announcement as well.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 1:30 as well; Democrats will caucus at 1:30. Thank you.

ANNOUNCEMENT BY MR. GRELL

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

Mr. GRELL. For an announcement.

The SPEAKER. The gentleman may make the announcement.

Mr. GRELL. The South Central Republican Caucus will meet immediately at the break in Representative Creighton's office in the Irvis Office Building.

RECESS

The SPEAKER. This House stands in recess until 3 p.m., unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 3:30 p.m.

AFTER RECESS

The time of recess having expired, the House was called to order.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. WHEATLEY called up **HR 557, PN 3030**, entitled:

A Resolution recognizing February 7, 2012, as "National Black HIV/AIDS Awareness Day" in Pennsylvania.

* * *

Mr. ROEBUCK called up **HR 560, PN 3033**, entitled:

A Resolution designating the month of February 2012 as "Career and Technical Education Month" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Gibbons Schroder

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

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Ms. BOBACK called up **HR 565, PN 3053**, entitled:

A Resolution designating February 7 through 14, 2012, as "Congenital Heart Defect Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Donatucci	Killion	Pyle
Aument	Dunbar	Kirkland	Quigley
Baker	Ellis	Knowles	Quinn
Barbin	Emrick	Kortz	Rapp
Barrar	Evankovich	Kotik	Ravenstahl
Bear	Evans, D.	Krieger	Readshaw
Benninghoff	Evans, J.	Kula	Reed
Bishop	Everett	Lawrence	Reese
Bloom	Fabrizio	Longietti	Roae
Boback	Farry	Maher	Rock
Boyd	Fleck	Mahoney	Roebuck
Boyle, B.	Frankel	Major	Ross
Boyle, K.	Freeman	Maloney	Sabatina

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Gibbons Schroder

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

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. W. KELLER called up **HR 553, PN 3023**, entitled:

A Resolution supporting continued Federal funding for the Delaware River Main Channel Deepening Project.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Donatucci	Killion	Pyle
Aument	Dunbar	Kirkland	Quigley
Baker	Ellis	Knowles	Quinn
Barbin	Emrick	Kortz	Rapp

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Gibbons Schroder

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

The SPEAKER. As is the custom of the House, generally we have a response to the budget address that is delivered by generally the two leaders and the two Appropriations chairmen, and we are going to proceed with that.

STATEMENT BY MR. ADOLPH

The SPEAKER. And with that, the Speaker recognizes the gentleman from Delaware County, the majority Appropriations chairman, Mr. Adolph.

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

Mr. Speaker, I know there are a variety of opinions and ideas about the different components of the Governor's budget proposal presented to us today. Before we allow your emotions and opinions to rule the day, let me first suggest that we look at the proposal in context. First, it is a blueprint based on what we know now, and those circumstances are still evolving. We will not know what the complete economic picture will look like 5 months from now. Second, we have to be sensitive to the turbulent nature of our economy and the impact that uncertainty has on the measures we use to define the condition of our economy and the basis of our budget proposals. In that context, we will realize that the road ahead still has obstacles, both known and unknown. We should also have learned from last year that there will be surprises along the way.

Uncertainty has already provided us with unexpected challenges in the form of the current \$500 million revenue shortfall. Economists describe the current state of our economy using less than optimistic language. If I could quote our new independent fiscal officer who says, this "feeble recovery is not unusual," and "broad measures confirm the lethargic nature of the recovery." We can also see the uncertainty in the widely fluctuating economic indicators that are measuring sticks of our economic performance.

Revenues, Mr. Speaker, revenue estimates were set in May of 2011 based on certain expectations. Since then, nearly every metric has been lowered. GDP (gross domestic product) forecasts have been lowered by a full percentage point for 2012, consumer spending forecasts were lowered by nearly a half a percent, and U.S. personal income predictions have been lowered by three-tenths of 1 percent for the year 2012.

While uncertainty remains, I know this for sure: Controlled spending last year was the right decision. Let me repeat that, controlled spending last year was the right decision. Many of you remember last year when we heard from my good friend and counterpart across the aisle call to increase spending by over \$1 billion when it was obvious revenue collections would not support such spending. If we did that, Pennsylvania now would be facing a cliff of over \$2.3 billion today.

To make a difficult situation even more complicated, I have heard that we are actually predicting bad revenue, Mr. Speaker, so we can make drastic cuts. Well, I can tell you, that is absolutely outrageous, and quite frankly, the people of Pennsylvania should see it for what it is – nothing but political rhetoric and not a way to solve the challenges that Pennsylvania faces.

I know my friends across the aisle have enjoyed toying with the facts. I was actually surprised, and I was also pleasantly surprised, that the Governor talked about the school funding fact from last year. Their descriptions only talk about \$800 million in cuts, but they always fail to point out that we lost \$1.1 billion in Federal stimulus money. The truth is that we increased State funding for K to 12 education by nearly \$300 million in the current year's budget. Every newspaper, every editorial board across the Commonwealth has misled the public by saying that Governor Corbett and the Republican-controlled legislature decreased spending for public education. Nothing could be further from the truth.

The reality of our current budget situation makes a compelling argument about why the days of uncontrolled spending are over. We must be cautious about the spending

decisions we make. This year we are currently collecting revenues equal to the revenue we collected, Mr. Speaker, in the year 2007-2008, 5 years ago. However, on the spending side, if we limited State spending to just the inflation, the 2012-2013 budget would be \$25.8 billion. Today we are talking about \$27.14 billion. Those who say we need to spend more are not facing reality.

To successfully move Pennsylvania forward, we have to work together and set aside the partisan games. The one thing that will be the biggest obstacle and prevent us from doing what is best for Pennsylvania is the criticism only intended to slow the process and score self-serving political points. Once again, Pennsylvania residents are smarter than that and they want us to work together. Deal with the facts, deal with the reality that it is a slow-recovering economy, and get things done.

One example of this is the debate about Marcellus Shale. Criticism about a Marcellus Shale fee is now counterproductive. Two bipartisan proposals, one from the House and one from the Senate, have served as the foundation for a compromise piece of legislation. The Marcellus Shale conference report will implement regulations to protect our natural resources and enact a fee that will bring hundreds of millions of dollars for areas impacted by the drilling, provide funding for environmental protection and preservation, invest in our roads, provide resources to build our infrastructure, help create clean fuel and reduce our dependency on foreign oil, all which will reduce growing pressures on the General Fund programs and expenses – things that residents of Pennsylvania support.

It is understood that everyone must be a part of the solution, and that is why there are bipartisan efforts being led by Republican and Democratic members to close the Delaware loophole and make our tax climate fair and reasonable. Governor Corbett also recognized it was time to scale back on the vendor sales tax discount. These are recommendations that have been put forward by both sides in the past, and now there are no excuses why we should not be working in a bipartisan manner to craft a budget that provides for core government services, clamps down on government debt, and creates an environment that allows our economy to grow.

I ask every member of this General Assembly to realize the challenges that lie ahead. Understand that this is the starting point for serious discussions that offer reasonable solutions. We will look at the finer parts of this budget proposal over the next several months and see how we can work together to craft a final budget that is right for Pennsylvania.

Thank you very much.

The SPEAKER. The Speaker thanks the gentleman.

STATEMENT BY MR. MARKOSEK

The SPEAKER. The gentleman from Allegheny County, Mr. Markosek, is recognized, the minority chairman of the Appropriations Committee.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I would like to first just say I look forward to working with my friend, the Representative from Delaware County who just spoke, and all the members of the Appropriations Committee as we move forward with the budget hearings this spring.

Relative to the Governor's presentation, Mr. Speaker, this is another shortsighted budget that further hobbles economic recovery and ignores the needs of tens of thousands of Pennsylvanians. The budget decisions we make this year will have far-reaching and devastating impacts on our children and grandchildren. While the Governor claims taxes will not be increased in this budget, this proposal will impact the checkbooks of Pennsylvanians by merely shifting costs to other people and entities throughout the Commonwealth. The Governor is attempting to balance his budget on the backs of our students, our poor, our chronically ill, and people with disabilities, while it shifts fiscal pressure on our hospitals, schools, universities, nursing homes, and our counties to provide the services our residents need. These are the institutions that provide vital services our residents need and, in many cases, are the economic engine for many communities. When you squeeze them, you are jeopardizing both vital services and jobs.

In short, in Pennsylvania, it would be good policy under this budget if we said to our fellow Pennsylvanians, do not get old; do not get sick; be careful where you travel on any deficient roads or bridges; do not send your kids to kindergarten; unless you are well off, do not send your child to college; do not pick a nursing home for grandma or grandpa that might shut down; and also, do not plan to get on a bus to get to your job.

The area of education is very important to our Commonwealth. Unfortunately, this budget reduces pre-K through 12 school and library funding by more than \$124 million. That is on top of, that is on top of the \$1 billion, \$1 billion in education cuts in the current budget. This budget eliminates funding again to important education appropriations, such as reimbursement for charter schools, education assistance programs, intermediate units, dual enrollment, school improvement grants, "Science: It's Elementary," high school reform, basic education formula enhancements. And the accountability block grant section of the budget represents \$100 million gone. The Accountability Block Grant Program, which includes pre-K, reduced class sizes, full-day kindergarten, and numerous other categories, \$100 million in those areas gone with this budget.

Higher education. It was not too very long ago that we stood here and argued for more money for higher education. That was not to be. The current budget slashed money for higher education, and this one is no different. In fact, it just continues along that same downward spiral. The Governor wants to cut \$147 million from our State-related universities. That is a 30-percent cut. Eighty-two and a half million dollars from our 14 State System of Higher Education schools; that is a 20-percent cut. Five percent from our community colleges, and he tries to hide that with a shift of the school employees' Social Security appropriation. And \$19 million cut from PHEAA (Pennsylvania Higher Education Assistance Agency).

Public Welfare, the DPW, his budget shows a \$29.6 million cut in funding for the Department of Welfare. However, to get to this bottom line, his budget includes more than \$760 million in new cuts to DPW programs. That is required to make up for the mandatory increased costs driven by inflation, caseload, court cases, and Federal statutes. It cuts \$168 million in funding for county-run human services programs. He claims counties will be happy to have more flexibility, but they will have \$168 million less funding.

Agriculture, agriculture, our number one industry in the Commonwealth that affects many of our rural members here, a 30-percent cut. A 30-percent cut in agriculture, our number one industry.

Transportation, transportation. What transportation? We are not going to have any left. The Governor, last year, did not even mention the word "transportation." This year he barely touched on it, talked about appointing another, yet another committee to again come up with recommendations. This is his second one now that he has appointed. The first one did a marvelous job. I think I stood here last year and told you I know what the recommendation of that committee will be, and I was right. They basically said we have a humongous problem. It is going to cost us a lot of money to fix. We cannot afford to let it go any longer. That was his commission that said that, and he ignored it. And here we are a year later, and again, we continue to kick the proverbial transportation can down the road. People cannot get to their jobs. We are going to have closings. We are going to have wipeouts of roads and bridges. I had a senior citizen in my district last week that cannot get to the doctor's because she cannot ride a bus anymore; it has been cut. The areas of our Commonwealth, the urban areas of our Commonwealth, that produce roughly one-half of our General Fund income are now starving because transportation cannot get people to work or now we have economic impacts that people cannot afford and that are hurting business and costing jobs. And I might add that when the Governor talks about creating jobs, there is no better way to do it than to rebuild our infrastructure.

We saw how the Governor, even last year, to his credit, had a \$200 million line item for borrowing for new bridges in Pennsylvania or to fix bridges in Pennsylvania. He has even eliminated that this year. He has even eliminated that, and he actually had it in last year's budget, which surprised me based on everything else he did, but he at least had it last year and he has cut it out this year.

The Governor, finally, the Governor calls this Pennsylvania's, this budget, he calls it Pennsylvania's path to prosperity. If this budget is enacted, we can describe Pennsylvania as the Commonwealth of uncommon and unconscionable cuts.

Thank you, Mr. Speaker.

STATEMENT BY MAJORITY LEADER

The SPEAKER. The gentleman from Allegheny County, the majority leader, Mr. Turzai, is recognized.

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

As we all know, fiscal discipline returned last year and with this session. The fact of the matter is, we are fiscal stewards of the taxpayers' hard-earned dollars, and we have a responsibility to take the significant revenue of over \$27 billion that Pennsylvania citizens and employers sent here and prioritize it and spend it well without asking for more. What we have accomplished, living within our means and prioritizing how we spend those dollars, is an oft stated goal, but we have in fact met that goal. It is a refreshing approach to budgeting and to governing, and ultimately, we are paving the way for private-sector job creation by recognizing that we cannot take away more from taxpayers, but that we have to make do with the hard-earned tax dollars coming in and we need to spend it appropriately.

The citizens of Pennsylvania want and expect us to protect their tax dollars, to provide essential services, and to stay out of the way of the people in the private sector working to grow Pennsylvania's economy. The Governor's proposal sets that tone, and we will continue to work as a team with all members of the House and all members of the Senate to put together a responsible budget.

As we know, that budget blueprint spends \$27.1 billion. That is an awful lot of money, but it is less than last year's budget, while still educating our kids and while still protecting our most vulnerable, and it does so without any tax increase. The budget sets forth cost savings and efficiencies through consolidation and streamlining and reducing administrative requirements and bureaucratic hurdles. By the use of reform, weeding out fraud, waste, and abuse, it clamps down on budget growth in public welfare. It reduces capital debt and, for the first time in 10 years, begins to reduce the payment of debt service over time, puts together a plan in that regard.

Now, one can always say spend more, tax more, borrow more. We are not there. We do not agree with that approach, but if you wanted to tax more, to spend more, the personal income tax would have had to increase to 3.5 percent, costing each taxpayer, as the Governor noted, \$1200, or a mortgage payment, and would have taken hundreds of millions from the small business employers that are providing family-sustaining jobs. To spend and spend in an irresponsible manner is not the answer to prosperity. To incur more debt is putting a burden on our children and grandchildren when they have to pay it back with their tax dollars.

Now, with that \$27.1 billion, there are real budget priorities. As we did last year, we are increasing State spending on the basic education subsidy. Keep in mind, almost \$1 billion was taken away prior to last year's budget from the Federal stimulus. It is no longer there. As for State spending on public education, it increased last year and it increases slightly this year under the Governor's proposal. We still have great schools. We are still teaching our kids how to read, write, do math, amongst all the other great educational opportunities that our schools provide. The budget in fact funds pre-K to 12 education to the tune of almost \$10 billion. And one of the very good things placed in the Governor's proposal is, he has combined some of those education lines to create a block grant to give local school districts the flexibility to use those tax dollars as they see fit.

It is true the Governor's budget limits the growth in welfare by emphasizing the need for reforms and utilizing reforms that we passed in the last budget, but it still provides well over \$10 billion of State dollars alone in assistance to those who need that helping hand. It consolidates multiple programs into a single human service block grant to give counties the flexibility they need in this recessionary timeframe.

And certainly the safety of our communities is a priority, and the Governor proposes \$87 million for the State Police, including an \$8 million boost for a new class of 115 State troopers. The Pennsylvania Emergency Management Agency would receive almost \$30 million, a 17-percent increase, and it provides a new hazard mitigation line to match the dollars for Federally funded projects. A crucial component is the \$131.7 million proposed for probation and parole to allow for increased funding to implement the Megan's Law changes that the legislature passed and the Governor signed. The budget funds our State parks with \$26 million. Our environmental laws

will be enforced through \$125 million for the Department of Environmental Protection. Regional cancer institutes and cancer screening services will see approximately \$3 million. Those are all important items that are set forth in the Governor's proposal.

Now, as for fiscal responsibility, this budget takes a remarkable step forward in managing capital and debt programs. As everyone knows, the RCAP program (Redevelopment Assistance Capital Program) in and of itself increased from \$1.5 billion at the end of the Schweiker administration, and under the Rendell administration, increased to over \$4 billion as a line of credit. But this budget reflects actions taken by the administration to better manage Commonwealth debt and to bring new debt and debt retirement into better alignment because it is a fiscally responsible approach.

In 2012-2013, the annual level of public improvement projects for Commonwealth-owned buildings and facilities will be reduced by 50 percent to just less than \$200 million and will focus on the priority infrastructure needs of State assets. The level of higher education project releases will be reduced, although maintained, and reforms in the Redevelopment Assistance Capital Program will include setting releases at a much lower level than in the previous years under the Rendell administration so that we can reduce that debt by more than \$1 billion, while prioritizing projects that will actually have the greatest impact on Pennsylvania's economy in an open and accountable manner.

It was great to hear the Governor give such priority to private-sector job creation, to focus on family-sustaining jobs. We will continue to work closely with him and the Senate in this regard. Places that we can look are services that the private sector could do better than the government bureaucracy in allowing that private-sector job creation. The Lottery Fund and the liquor are just two examples where we need to take a look. We have already set the course for a more job-friendly Pennsylvania, protecting employers from unfair lawsuit abuse through the passage of the Fair Share Act; bringing equity to the unemployment compensation system, such as requiring recipients to look for a job and creating an offset for severance pay; helping smaller employers by adopting workers' compensation reforms for sole proprietors; stimulating the housing industry by repealing the mandatory residential sprinkler mandate, and in addition, doing building code reform; by extending the State's keystone opportunity zones by 15 so that old refineries and unused sites could be revitalized for job creators, meaning thousands of jobs. And with today's passage, later today, of the bill to do infrastructural reform, we will be encouraging needed investments with private-sector dollars for the State's aging public utility infrastructure – natural gas, electric, and wastewater systems. This will create thousands of family-sustaining jobs throughout the State.

The key thing is this: We are meeting the needs of Pennsylvania citizens, whether it is in education, public welfare, or the safety of our citizens, and we are doing it in a fiscally responsible way that does not increase taxes, that does not ask more from taxpayers, and that does not continue the reckless borrowing under the previous administration. This proposal is just the beginning, but it sets parameters that we can live within: no tax increases, no reckless borrowing, and responsible spending of the \$27.1 billion in taxes that we collect from families and businesses throughout this Commonwealth.

Thank you very much, Mr. Speaker.

GUESTS INTRODUCED

The SPEAKER. If I could have the members' attention, just wanted to welcome a couple of guests that are with us. Over to the left of the rostrum are guests of Representative Preston. We would like to welcome Councilman Rev. Ricky Burgess and his chief of staff, Shawn Carter. Will the guests please rise. Welcome to the hall of the House, gentlemen.

STATEMENT BY MINORITY LEADER

The SPEAKER. Now, the gentleman from Allegheny County, the Democratic leader, Mr. Dermody, is recognized.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, once again we are getting a budget that cuts education and does little to address the job crisis in Pennsylvania. Despite the administration's assurances, we still have not seen a comprehensive plan to address the transportation funding gap. This is a budget like last year that passes millions of dollars in costs on to the local governments and school districts. Those costs are piled on top of the costs that were shifted in that direction in the last budget. Make no mistake about it, this is not a no-tax-increase budget. All those costs are just shifted to middle-class homeowners and seniors who are forced to pick up the tab through local higher property taxes. What this is, is year two of the Corbett property tax hike agenda. His massive cuts to public schools last year resulted in local property tax hikes in school districts across all of Pennsylvania. With this budget proposal, Governor Corbett is guaranteeing more property tax pain for struggling homeowners and especially for retired people on fixed incomes.

This budget also continues an unprecedented attack on public education in Pennsylvania. While the funding cut to basic education is not as visible as last year, the education cuts are remarkable in their scope. Last year Governor Corbett and the Republicans cut close to \$1 billion from basic education. In this budget, the Governor not only wants to cement that cut, but he also wants to slash yet another \$100 million in public school funding. The accountability block grants that school districts got in the current school year at \$100 million are gone in this budget. Zero funding. These cuts to public schools are an abandonment of nearly a decade of real progress that was achieved through targeted investments. This Governor's failure to support public education is staggering. These shortsighted cuts to schools in every one of our districts are cheating the children that we represent. Unfortunately, these are not the only shortsighted cuts in this budget.

The budget proposed today continues Governor Corbett's attack on public higher education. It guarantees more tuition hikes for students, and it will put college out of reach for a great number of middle-class families. The massive cuts to university funding are simply unsupportable, especially when piled on top of last year's huge reductions. Pennsylvania is home to some of the nation's leading public universities. This Governor seems intent on driving them to no longer being able to call themselves public. A 30-percent cut to Temple University, Pitt, and Penn State; a 20-percent cut to the 14 State System schools; an additional 5-percent cut to community colleges; and 5 percent more cut to PHEAA. These funding cuts will have unavoidable outcomes: higher tuitions, layoffs, and more students unable to pursue their dream of higher education. Higher education is one

of the historic success stories in Pennsylvania. We know it works. The Governor, this Governor, is not investing in what works. His priorities are out of whack. Governor Corbett's failure to invest in public schools, higher education, and transportation are a big flashing neon sign to employers around the world that Pennsylvania is closed for business. We should be working to make Pennsylvania more competitive, to put more people to work, by investing in education, transportation, and our world-class health-care institutions.

This Governor has instead chosen to strip these critical assets to the bare minimum. The priorities of this budget are just totally out of line. Last year Governor Corbett and the Republicans decimated Medicaid and other critical health and safety programs with a massive \$1 billion cut. And this year the Governor has chosen again to target programs that help women, children, seniors, veterans, and individuals with disabilities, slashing funding by at least another \$700 million. We have already seen the devastating effects from Governor Corbett's assault on our most vulnerable, with more than 200,000 Pennsylvanians kicked off their Medicaid health-care benefits, including nearly 100,000 children.

Mr. Speaker, there is also a shocking lack of transparency in this budget. Time and again we see established budget lines being combined, repackaged, and renamed, making it difficult to understand the Governor's true spending priorities. The basic education line is combined with local transportation as well as the school district's Social Security payments. The Governor says school districts will have more flexibility to spend money as needed under this approach. More flexibility? Maybe, but for sure those districts will have less money. Further cuts in education programs abound: Pre-K Counts, Head Start, library funding, and services and textbooks for nonpublic schools. We must not forget that those cuts made last year, almost \$1 billion taken from public education statewide but overwhelmingly hitting the poorest districts in this State the hardest, those school funding cuts are reinforced in this new proposal.

A number of human service lines are also being lumped together, so it is impossible at first glance to know what the fate of any individual line must be. But once again, they are combining these line items and creating a new block grant program in the Human Services Development Fund. Well, to Tom Corbett, block grants equal cuts. The counties will have far less money to deal with the mentally ill and the mentally handicapped and the disabled. And senior citizens are the most vulnerable residents we have in Pennsylvania. It fails our older residents. This budget fails sicker residents who lost adultBasic and have no alternatives. It sacrifices our children, who, due to cuts in health insurance and food stamps, will be more likely to show up at school sick and hungry, and those schools will even be more underfunded than they are now, with larger class sizes and their parents will be paying higher property taxes.

And all of this, ironically on a day when Governor Corbett and the Republicans expect to pass the biggest corporate giveaway in Pennsylvania history. This budget proposal is an insult to working, middle-class families across Pennsylvania. While homeowners across the Commonwealth brace themselves for higher property taxes from this Corbett budget plan, the big oil and gas industry is about to get a massive tax break. As hundreds of thousands of Pennsylvanians are left without critical health-care services because of Corbett's cuts, the multibillion-dollar out-of-State gas drillers get away with one of the lowest tax rates in the nation. Highlighting just how unfair

this is, the Republicans are passing a drilling fee that amounts to less than half of the tax rate working Pennsylvanians pay in their personal income taxes. With this budget and with the oil and gas industry giveaway we will be voting on later today, it is clear that Governor Corbett and the Republicans are stacking the deck in favor of big money, corporate interest and leaving the middle-class, working-class Pennsylvanians, they are leaving them holding the bag. This is the wrong direction for Pennsylvania.

Mr. Speaker, we have 4 months to get this budget right, 4 months to try and make it better. We hoped for some better ideas from the Governor today, but I will say that the House Democratic Caucus is ready to begin that work. Thank you, Mr. Speaker.

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1751, PN 2239**, entitled:

An Act designating the Uniontown to Brownsville link of State Route 43, beginning with State Route 51 in Uniontown, Fayette County, and ending at State Route 119 in Brownsville, Fayette County, as the "POW/MIA/KIA Memorial Highway."

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

* * *

The House proceeded to second consideration of **HB 1617, PN 2000**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of operating privilege for failure to respond to citation.

On the question,

Will the House agree to the bill on second consideration?

Mr. **GILLESPIE** offered the following amendment No. **A08397**:

Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting

Section 1. Section 1533(a), (c) and (d) of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

Amend Bill, page 2, by inserting between lines 2 and 3

(c) Time for responding to notice.—At least 15 days before an issuing authority or court notifies the department to impose a suspension pursuant to subsection (a), the issuing authority or court shall notify the person in writing of the requirement to respond to the citation and pay all fines, restitution and penalties imposed by the issuing authority or court.

(d) Period of suspension.—The suspension shall continue until such person shall respond to the citation, summons or writ, as the case may be, and pay all fines, restitution and penalties imposed or enter into an agreement to make installment payments for the fines, restitution and penalties imposed provided that the suspension may be reimposed by the department if the defendant fails to make regular installment payments and, if applicable, pay the fee prescribed in section 1960 (relating to reinstatement of operating privilege or vehicle registration).

* * *

Amend Bill, page 2, line 3, by striking out "60" and inserting 90

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Gibbons	Schroder
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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 second consideration as amended?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

LEAVE OF ABSENCE

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

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1167, PN 1604**, entitled:

An Act amending Titles 23 (Domestic Relations) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for modification of existing orders and for child custody proceeding during military deployment; and providing for assignment of custody rights during military deployment and expedited or electronic hearing.

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

Mr. **ROAE** offered the following amendment No. **A08389**:

Amend Bill, page 1, line 3, by inserting after "for" where it occurs the first time

consideration of criminal conviction, for

Amend Bill, page 1, lines 5 and 6, by striking out "assignment of custody rights during military deployment " in line 5 and "and" in line 6

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting

Section 1. Sections 5329(c) and 5338 of Title 23 of the Pennsylvania Consolidated Statutes are amended to read:
§ 5329. Consideration of criminal conviction.

* * *

(c) Initial evaluation.—[The court shall provide for an evaluation to determine whether:

(1) the party or household member who committed an offense under subsection (a) poses a threat to the child; and

(2) counseling is necessary for that party or household member.]

At the initial in-person contact with the court, the judge, conference officer or other appointed individual shall perform an initial evaluation to determine whether the party or household member who committed an offense under subsection (a) poses a threat to the child and whether counseling is necessary. The initial evaluation shall not be conducted by a mental health professional. After the initial evaluation, the court may order further evaluation or counseling by a mental health professional if the court determines it is necessary.

* * *

Amend Bill, page 1, lines 16 through 18, by striking out all of lines 16 and 17 and "during military deployment" in line 18 and inserting

§ 4109 (relating to child custody proceedings during military deployment)

Amend Bill, page 2, line 5, by striking out "4109(d)" and inserting

4109

Amend Bill, page 2, line 7, by striking out all of said line and inserting

(a) Restriction on change of custody.—If a petition for change of custody of a child of an eligible servicemember is filed with any court in this Commonwealth while the eligible servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the eligible servicemember, except that a court may enter a temporary custody order if it is in the best interest of the child.

(a.1) Temporary assignment to family members.—If an eligible servicemember has received notice of deployment in support of a contingency operation, a court may issue a temporary order to an eligible servicemember who has rights to a child under 23 Pa.C.S. § 5323 (relating to award of custody) or former 23 Pa.C.S. Ch. 53 Subch. A (relating to general provisions), including a temporary order to temporarily assign custody rights to family members of the servicemember. In the case of temporary assignment of rights to family members of the servicemember, the following shall apply:

(1) The servicemember may petition the court for a temporary order to temporarily assign custody rights to family members of the servicemember. The servicemember shall be joined in the petition by the family members to whom the servicemember is seeking to assign temporary custody rights. The petition shall include a proposed revised custody schedule for care of the child by the family members. The proposed revised custody schedule may not include custody rights which exceed the rights granted to a servicemember set forth in the order in effect at the time of the filing of the petition to grant temporary custody rights to family members.

(2) The court may issue a temporary order with a revised custody schedule as proposed by the servicemember and the family members or another revised custody schedule as the court deems appropriate, if the court finds that a temporary assignment of custody rights to family members of the servicemember is in the best interest of the child. In no case shall a temporary order granting custody rights to the family members of a servicemember exceed the custody rights granted to the servicemember set forth in the order in effect at the time of the filing of the petition to assign temporary custody rights to family members.

In the case of any other temporary order issued under this subsection, the court may issue a temporary order if it is in the best interest of the child.

(b) Completion of deployment.—In any temporary custody order entered under subsection (a) or (a.1), a court shall require that, upon the return of the eligible servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the eligible servicemember is reinstated.

(c) Exclusion of military service from determination of child's best interest.—If a petition for the change of custody of the child of an eligible servicemember who was deployed in support of a contingency operation is filed after the end of the deployment, no court may consider the absence of the eligible servicemember by reason of that deployment in determining the best interest of the child.

Amend Bill, page 2, line 15, by striking out all of said line and inserting

(e) Relationship to other laws.—Notwithstanding any other provision of law, the provisions of this section shall be applied with regard to child custody issues related to eligible servicemembers deployed in support of contingency operations.

(f) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Contingency operation." A military operation that:

(1) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may

become involved in military actions, operations or hostilities against an enemy of the United States or against an opposing military force; or

(2) results in the call or order to, or retention on, active duty of members of the uniformed services under 10 U.S.C. § 688 (relating to retired members: authority to order to active duty; duties), 12301(a) (relating to reserve components generally), 12302 (relating to Ready Reserve), 12304 (relating to Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency), 12305 (relating to authority of President to suspend certain laws relating to promotion, retirement, and separation) or 12406 (relating to National Guard in Federal service: call) or any other provision of 10 U.S.C. during a war or during a national emergency declared by the President or Congress.

"Eligible servicemember." A member of the Pennsylvania National Guard or a member of an active or reserve component of the Armed Forces of the United States who is serving on active duty, other than active duty for training, for a period of 30 or more consecutive days, in support of a contingency operation.

"Family members." As defined in 23 Pa.C.S. § 6303 (relating to definitions).

Amend Bill, page 2, line 16, by striking out "sections" and inserting

a section

Amend Bill, page 2, lines 17 through 30; page 3, lines 1 through 15, by striking out "Assignment of custody rights during military" in line 17, all of lines 18 through 30 on page 2, all of lines 1 through 14 and "§ 4111." in line 15 on page 3

Amend Bill, page 3, line 16, by striking out "parent" and inserting

eligible servicemember

Amend Bill, page 3, line 19, by striking out "sections" and inserting

section

Amend Bill, page 3, lines 21 and 22, by striking out "and 4110 (relating to assignment of custody rights" in line 21 and "during military deployment)" in line 22

Amend Bill, page 3, line 23, by striking out "parent" and inserting

eligible servicemember

Amend Bill, page 3, line 23, by striking out "parent's" and inserting

eligible servicemember's

Amend Bill, page 3, line 26, by striking out "parent" and inserting

eligible servicemember

Amend Bill, page 3, lines 27 and 28, by striking out "military temporary duty, deployment or mobilization" in line 27 and "orders" in line 28 and inserting

notice of deployment in support of a contingency operation

Amend Bill, page 3, line 29, by striking out "parent" and inserting

eligible servicemember

Amend Bill, page 4, line 1, by striking out "sections" and inserting

section

Amend Bill, page 4, line 1, by striking out "and 4110"

Amend Bill, page 4, line 1, by striking out "parent" and inserting

eligible servicemember

Amend Bill, page 4, line 2, by striking out "parent's" and inserting

eligible servicemember's

Amend Bill, page 4, lines 3 through 5, by striking out "The term "electronic" in line 3 and all of lines 4 and 5 and inserting

(c) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Contingency operation." As defined in section 4109 (relating to child custody proceedings during military deployment).

"Electronic means." Includes communication by telephone, video conference or the Internet.

"Eligible servicemember." As defined in section 4109 (relating to child custody proceedings during military deployment).

"Matter." As defined in 42 Pa.C.S. § 102 (relating to definitions).

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Crawford County, Mr. Roae.

Mr. ROAE. Thank you, Mr. Speaker.

My amendment, A08389, is a very important amendment. The basic crux of my amendment is it corrects a bad situation that is impacting children in Pennsylvania. Over the last several years, many family court judges have told me about the problem with HB 1639 of 2010. We added a provision to that bill that orders that the courts shall order an evaluation in custody cases if a parent or anybody in a household had been convicted of a series of crimes. We added DUI (driving under the influence) to that list of offenses. The practical impact has been that if somebody had a DUI 10 years ago or 20 years ago or 30 years ago and then that person goes through a divorce situation, they lose custody of their own kids. The courts must order an evaluation. My amendment would change it to the judge would do the initial evaluation if it was something minor. If the kids are not in any type of danger whatsoever, the judge does not have to order an official evaluation. My amendment would streamline the process, and it would make sure that kids get to enjoy both of their parents in a custody situation.

The second thing my amendment does is – it is kind of a technical amendment of the original language in the bill – that after a deployment is done, the temporary custody arrangements while the parent is being deployed, when that period is done, it basically goes back to how it was before. The original language in the bill did not do that.

So I would ask all the members to please support my amendment. Thank you.

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

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

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

Mr. VITALI. I just wanted to double-check, are you positive that the amendment on the screen is the one you are arguing about? Because I scanned it real quickly. I did not see anything about DUI. And I was just wondering if we have the right amendment lined up here.

Mr. ROAE. The legislation we passed a couple years ago, the law had a list of different types of crimes that these evaluations need to be done. A couple of years ago, we added DUI to that list of violations. So as a result, the evaluations had to be done even if there was a DUI 20 years ago. This is seeking to correct that.

Mr. VITALI. But you are positive that the amendment on the screen is the one you are arguing?

Mr. ROAE. There is just one amendment. That is the correct amendment. The Speaker can verify it is the correct amendment, but I only have one filed amendment.

Mr. VITALI. The DUI issue aside, how does this, if at all, affect the best interest of the child standard in awarding custody as it relates to servicemen?

Mr. ROAE. The intent of the amendment, the Domestic Relations Procedural Rules Committee, they are recommending this change. What happened, there is a whole list of offenses; that if somebody has been convicted of the list of offenses, an evaluation shall be ordered. This would give the judges, the courts, the ability to do the initial evaluation themselves and not have it done by a mental health professional. And if the judge determines that the parent or the person in the household is not a risk to the children, they do not have to order the official evaluation, and this would help keep kids in contact with both of their parents.

Mr. VITALI. The section that reads "(a.1) Temporary assignment to family members," tell me about that section and what that does.

Mr. ROAE. That part, that part has to do with the custody dealing with military members that have to have a temporary change to the custody because of a deployment. So you have a situation where there is a husband and a wife, the husband gets deployed to Afghanistan. It would allow a temporary arrangement to be made while he is overseas. When he comes back, the custody order would go back to how it was to begin with. The amendment deals with two different topics.

Mr. VITALI. Right. So tell me about that. So I guess you are dealing with a situation where the serviceman is estranged or divorced or not married to the natural mother. Is that the situation this piece deals with?

Mr. ROAE. This entire bill and amendment deals with custody. The part dealing with the military people, it basically says if there is a custody arrangement between two parents, if one of those parents has to be deployed for military purposes, it sets up the temporary custody. When that soldier comes back and can start, you know, being around where he can be an involved parent again, that temporary custody situation is eliminated and it goes back to how it was before the deployment. That part of the amendment is just a technical change to what the original bill was.

Mr. VITALI. Because I think, I just want to make sure that— Could you give me an example of how this clause would come into play? Maybe that will help me understand it a little better.

Mr. ROAE. What would generally happen, if you have two parents that are not living together, they share custody, one of the parents gets deployed because they are in the military, what usually happens is the parent getting deployed, they would just kind of make some kind of unofficial temporary arrangements to have another relative or family member take the kids while they are gone. This would make it so that it can actually legally be done. And then after the deployment is done and they come back, everything goes back to just how it was before they were deployed. Because the feeling is, if somebody is serving in the Armed Forces, they should not be penalized and lose custody of their kids just because they have to be deployed. When they get back here, they should get their kids back. The original language in the bill was not clear that that temporary arrangement would cease when they got back. So with the wording in the amendment, it clarifies that.

Mr. VITALI. So let us just say it would be a situation where, you know, Mom and Dad are divorced; they cannot among themselves decide custody. They have a court order. Dad has every other weekend. Dad now goes overseas. So Dad now can, if he wants to, transfer his custody rights to his sister or his mom or— In other words, is this a situation that allows a father who has weekends – believe me, I have been through this; there are a lot of ill feelings involved with forced custody orders; I know that – so this would allow a dad who went overseas to transfer his every other weekend or every other holiday rights to a sister or a brother or something like that? Is that how it works?

Mr. ROAE. What he can do is he can ask the court to set up this temporary situation. If the courts determine it is in the best interest of the child, it is done. When the person comes back, that ceases and it goes back to how it was. So the overall impact is, think of it this way: You have a custody arrangement; then you have a deployment. There is a temporary arrangement during the deployment. If it is in the best interest of the child, the court will let the other parent pick a temporary arrangement for the kids. After they come back, it goes back to just how it was before the deployment.

Mr. VITALI. Okay. So the thing I just want to be very clear about, this does not prevent the judge from denying visitation to the serviceman's, let us say, sister if he feels it is not in the best interest of the child? Are we still dealing with the best interest of the child situation?

Mr. ROAE. Yeah. The best interest of the child standard is still preserved.

Mr. VITALI. Have any groups weighed in on this? Have any groups weighed in for or, in particular, against this arrangement?

Mr. ROAE. The Department of Military and Veterans Affairs helped draft it.

Mr. VITALI. I know that, but what about groups who may – any like family law groups or, you know, groups like that who may not be advocates for servicemen per se, but maybe advocates for children? Because my feeling is whenever you deviate from best interest of the child, there is always a danger. So are there any children's advocacy groups who have weighed in on this or—

Mr. ROAE. Well, you know, groups like the Pennsylvania Coalition Against Domestic Violence, they helped draft the amendment.

Mr. VITALI. Any known opposition?

Mr. ROAE. Not that I am aware of.

Mr. VITALI. Okay. Thank you.

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

On that question, the Speaker recognizes the gentleman from Berks County, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

For the benefit of the members, this amendment had been worked on by the staffs of both sides of the aisle, Chairman Marsico and myself and our staffs. This is an agreed-to amendment. I think it is a positive step forward, and I would urge an affirmative vote. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Dauphin County, Mr. Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

I agree with my counterchair that the staff worked very hard with the Senate staff as well, and there is no known opposition to this. And I want to give credit to the prime sponsor of the amendment for his hard work with this and ask for a positive vote. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—191

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

NAYS—3

Hess Stephens Watson

NOT VOTING—0

EXCUSED—3

Fleck Gibbons Schroder

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 second consideration as amended?
Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 2032, 2792**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of theft of secondary metal; and prescribing penalties.

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

Mrs. **DAVIS** offered the following amendment No. **A07895**:

Amend Bill, page 1, line 2, by inserting after "Statutes," further providing for receiving stolen property;
Amend Bill, page 1, lines 6 through 9, by striking out all of said lines and inserting

Section 1. Section 3925(a) of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 3925. Receiving stolen property.

(a) Offense defined.—[A] Except as set forth in section 3935(a)(2) (relating to theft of secondary metal), a person is guilty of theft if he intentionally receives, retains, or disposes of movable property of another knowing that it has been stolen, or believing that it has probably been stolen, unless the property is received, retained, or disposed with intent to restore it to the owner.

* * *

Section 2. Title 18 is amended by adding a section to read:
§ 3935. Theft of secondary metal.

(a) Offenses defined.—

(1) A person commits the offense of theft

Amend Bill, page 1, by inserting between lines 13 and 14

(2) A person commits the offense of theft of secondary metal if he intentionally receives, retains, or disposes of secondary metal of another knowing that it has been stolen, or believing that it has probably been stolen, unless the property is received, retained, or disposed with intent to restore it to the owner.

Amend Bill, page 2, lines 19 and 20, by striking out all of said lines and inserting

(d) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Receive." To acquire possession, control or title, or to lend on the security, of secondary metal.

"Secondary metal." Wire or cable commonly used by

Amend Bill, page 2, line 24, by striking out "2" and inserting

3

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

AMENDMENT WITHDRAWN

The SPEAKER. On that question, the Speaker recognizes the lady from Bucks County, Mrs. Davis.

Mrs. DAVIS. Mr. Speaker, this amendment provides that stronger penalties be imposed not only on the individuals who steal scrap metal but also the scrap metal dealers who buy metal that is suspected to be obtained illegally. Scrap metal dealers who turn a blind eye to stolen material are promoting a vicious cycle and encouraging them to continue destroying personal property.

I plan to work with the chairman from Dauphin County on a stronger bill to address this problem with those who receive stolen scrap metal. Therefore, Mr. Speaker, I withdraw my amendment.

The SPEAKER. The Speaker thanks the lady.

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

Mr. **MULLERY** offered the following amendment No. **A08041**:

Amend Bill, page 1, line 2, by inserting after "Statutes," further providing for grading theft offenses;
Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting

Section 1. Section 3903(a.1) of Title 18 of the Pennsylvania Consolidated Statutes, amended June 28, 2011 (P.L.48, No.10), is amended to read:

§ 3903. Grading of theft offenses.

* * *

(a.1) Felony of the third degree.—Except as provided in subsection (a) or (a.2), theft constitutes a felony of the third degree if any of the following apply:

(1) The amount involved exceeds \$2,000, or if the]_

(2) The property stolen is an automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle, or in]_

(3) In the case of theft by receiving stolen property, [if] the receiver is in the business of buying or selling stolen property.

(4) The property is stolen from a cemetery.

* * *

Section 1.1. Title 18 is amended by adding a section to read:

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

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman indicates he is withdrawing the amendment.

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

Ms. **JOSEPHS** offered the following amendment No. **A08083**:

Amend Bill, page 2, line 21, by inserting after "utilities" and railroads and mass transit or commuter rail agencies

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

The SPEAKER. On that question, the Speaker recognizes the lady from Philadelphia County, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

When this bill was published, I heard from the government relations person from Amtrak, who was concerned that if precious metals were stolen in this way from railroads, and they have many, and mass transit and commuter railroads, that the language was not clear enough to include them in this bill. So in order to clarify that we really mean railroads, mass transit, or commuter rail agencies, I would like to amend this bill, page 2, line 21.

Thank you, Mr. Speaker.

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

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

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, would the maker of the amendment rise for interrogation?

Ms. JOSEPHS. Yes, certainly.

The SPEAKER. The gentleman may proceed.

Mr. METCALFE. Thank you. Thank you, Mr. Speaker.

Mr. Speaker, for the prime sponsor, what types of cables or wire are you attempting to include in the language of your amendment?

Ms. JOSEPHS. Mr. Speaker, I am not sure. I only know that the person from Amtrak found that this was important, that there is cable, there is wire that is involved at Amtrak. He knows that it is involved in commuter and other kinds of rails. He is the expert. I cannot answer that with any specificity.

Mr. METCALFE. Mr. Speaker, the amendment would change the language to read "...wire or cable commonly used by communications and electrical utilities and railroads and mass transit or commuter rail agencies...." So your amendment would only add wire and cable that was stolen from these agencies to the definition of "secondary metal." Is that your intent?

Ms. JOSEPHS. Mr. Speaker, yes. I am just told that there are thousands, tens of thousands of miles of wire and cable involved in any kind of a railroad transportation situation, and I am taking the word of the government relations person with whom I spoke that that is their main concern, that people steal those wires, those cables, run them through this underground recycling machine, and they want to destroy the incentives. They want to make sure that people who are engaged in this – and it is, as you know, a big industry – get punished for it and there is a strong disincentive for them to continue working this scam.

Mr. METCALFE. Mr. Speaker, I am finished with my questions. If I could just make comments, Mr. Speaker.

The SPEAKER. The gentleman is in order on the amendment.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I would ask the membership for a negative vote, for a "no" vote on the Josephs amendment. This language is not needed. The current language actually covers what the sponsor of this amendment seems to be after, and in fact, I think ultimately her language actually narrows the scope of the

existing language in the legislation that is meant to cover the multitude of employers, the multitude of companies that are impacted by these types of thefts that are occurring across the Commonwealth when somebody comes in and steals wiring, whether it is out of the wall of a home or if it is off from a railway or if it is, as happened in my township, in Cranberry Township, where they actually broke into one of the substations and stole copper right out of the substation, which shut power down to thousands of people in my township that day, and in fact, I think even one of my colleagues from Beaver County whose daughter lives in my township, her home was impacted by that theft also, Mr. Speaker.

Mr. Speaker, the current definition of the bill includes "...wire or cable commonly used by communications and electrical utilities, copper, aluminum or other metal, or a combination of metals, that is valuable for recycling or reuse as raw material." The reason that this definition includes communications and electrical utilities is to include the types of cables that these specific industries produce and use and to ensure that they were included in this offense. One might not think of the cables and wires used to send communications and electricity when they think of metals that are valuable for recycling, and because of that, we specifically define them in this bill. One of those examples is the copper wiring that is just stolen right out of the walls of homes that are being built, Mr. Speaker. But this amendment would only specifically add wire or cable used by transit industries to the definition, and under the existing language in my bill, Mr. Speaker, any metal valuable for recycling that would be stolen from one of these rail or transit agencies could result in a violation of the statute.

So the language being proposed in the amendment is not necessary to actually meet the objective of the sponsor of the amendment, and I would argue that it is already covered, and if this amendment would be adopted, it would actually narrow the scope of this bill, Mr. Speaker. It is for that reason that I would ask for a negative vote, Mr. Speaker, on the Josephs amendment.

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

On that question, the Speaker recognizes the lady from Philadelphia, Ms. Josephs, for the second time.

Ms. JOSEPHS. Thank you, Mr. Speaker.

First, I would like to point out that my amendment says "and." Generally, the definition of "and" is to add to or in addition to. So how the individual from Butler County, the maker of this bill, interprets that we are limiting the scope of the crime is beyond me.

Secondly, I never said that this kind of theft in the transportation and transit industry would be absolutely eliminated by the maker's bill. I said that responding to the person from Amtrak, who certainly knows his business, and the legal department from our railroad here that serves us wanted this clarification. I really do not understand and can make no rational sense of the objection of the maker of this bill because I do believe there is just no sense. I do insist upon this amendment. I think it is very important for an important industry and our State that makes it possible for us to get around, get to work every day, get across the State. We already are not really addressing the transit and transportation problems as we saw this morning from the budget address, so the least we can do, it seems to me, is to give this extremely important

industry what it needs in a criminal bill, the result of which would be that more people who are committing this crime would be subjected to a harsher penalty.

Why the maker of this bill does not want more people to suffer a disincentive is certainly beyond me, and I would guess that if we were not in such a partisan struggle all the time, it would be beyond everybody here. This is a criminal bill. This is the kind of bill that justices, judges look at and they say, oh no, you did not put that word in there so I am letting this person off. And it is the people on the other side of the aisle that complain all the time that the judges are too lenient. Now I am making sure that there is no excuse for any judge or any justice to be too lenient.

Please vote for this excellent, commonsense, rational, and necessary amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—86

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

NAYS—108

Adolph	Farry	Maher	Reed
Aument	Gabler	Major	Reese
Baker	Geist	Maloney	Roae
Barrar	Gillen	Marshall	Rock
Bear	Gillespie	Marsico	Ross
Benninghoff	Gingrich	Masser	Saccone
Bloom	Godshall	Metcalfe	Saylor
Boback	Grell	Metzgar	Scavello
Boyd	Grove	Miccarelli	Simmons
Brooks	Hackett	Micozzie	Sonney
Brown, R.	Hahn	Millard	Stephens
Causer	Harhart	Miller	Stern
Christiana	Harper	Milne	Stevenson
Clymer	Harris	Moul	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	Petri	Vereb
Dunbar	Keller, F.	Pickett	Vulakovich
Ellis	Keller, M.K.	Pyle	Watson
Emrick	Killion	Quigley	
Evankovich	Knowles	Quinn	Smith, S.,
Evans, J.	Krieger	Rapp	Speaker
Everett	Lawrence		

NOT VOTING—0

EXCUSED—3

Fleck	Gibbons	Schroder
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,
Will the House agree to the bill on second consideration?
Bill was agreed to.

**RULES AND APPROPRIATIONS
COMMITTEE MEETINGS**

The SPEAKER. The majority leader, Mr. Turzai, is recognized.

Mr. TURZAI. Thank you, Mr. Speaker.

We are going to call an immediate Rules Committee meeting in the Appropriations conference room; in the majority Appropriations conference room, an immediate Rules Committee meeting. Thank you.

There will also be an Appropriations Committee meeting immediately in the majority caucus room; an Appropriations Committee meeting immediately in the majority caucus room.

Mr. DERMODY. Mr. Speaker?

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

Mr. DERMODY. Clarification on the schedule.

The SPEAKER. I will try to clarify that for you in just a second.

The gentleman, Mr. Turzai, will clarify what committees are meeting where and when.

Mr. TURZAI. The Rules Committee will be immediate, and it should really be about 5 minutes. So the Rules Committee meeting will be in the Appropriations conference room, in the Appropriations conference room. Let us say 10 minutes since we will be done in Rules fairly quickly, in 10 minutes, anybody on the Appropriations Committee will be in the majority caucus room, in the majority caucus room for the Appropriations meeting.

The SPEAKER. The Speaker thanks the gentleman.

There will be an immediate Rules Committee meeting in the Appropriations conference room, followed by an Appropriations Committee meeting in the majority caucus room.

The House will be at ease for the duration of the two committee meetings.

The House will come to order.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 1294, PN 3007

By Rep. TURZAI

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for Law Bureau, other bureaus, offices and positions, for the burden of proof, for the recovery of the costs of distribution system improvement projects and for civil penalties for violations.

RULES.

HB 1582, PN 2999

By Rep. TURZAI

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for purposes and powers.

RULES.

BILLS REREPORTED FROM COMMITTEE

HB 1280, PN 1416

By Rep. ADOLPH

An Act amending the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration Act, further providing for medical diagnosis; and providing for liability insurance.

APPROPRIATIONS.

HB 2022, PN 2780

By Rep. ADOLPH

An Act providing for the Pennsylvania Business Permitting Portal within the Department of Community and Economic Development; and creating the Pennsylvania Business Permitting Portal Advisory Board.

APPROPRIATIONS.

HB 2151, PN 3046

By Rep. ADOLPH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in snowmobiles and all-terrain vehicles, further providing for registration of snowmobile or ATV, for certificate of title for snowmobile or ATV, for fees and for records; and providing for vintage snowmobile permits.

APPROPRIATIONS.

SB 1043, PN 1161

By Rep. ADOLPH

An Act designating a bridge crossing Mill Lane in Old Lycoming Township, Lycoming County, as the Trooper Gary Rosenberger Memorial Bridge.

APPROPRIATIONS.

SUPPLEMENTAL CALENDAR C

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1294, PN 3007**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for Law Bureau, other

bureaus, offices and positions, for the burden of proof, for the recovery of the costs of distribution system improvement projects and for civil penalties for violations.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. Moved by the gentleman, Mr. Godshall, that the House concur in the amendments inserted by the Senate.

The Speaker recognizes the gentleman, Mr. Godshall, for a brief description of the Senate amendments.

Mr. GODSHALL. Just one second, Mr. Speaker.

Thank you, Mr. Speaker.

Despite the significant change in form, the overall intent of the bill remains the same, to promote the acceleration of utility infrastructure improvement projects. The bill before us today replaces the phrase "alternative regulatory mechanisms" with "distribution system improvement charge," or DSIC. Like the House-passed version, the bill does not add to or change the type of costs that are recovered from ratepayers. The bill only changes the timing of recovery of certain costs. Also, like the House-passed version of the bill, this bill will reduce overall infrastructure improvement project costs that are passed on to customers by reducing regulatory lag and financing costs for debt incurred to complete infrastructure improvement projects.

The Senate version of the bill is more prescriptive than the version of the bill passed; however, it accomplishes the same goals. Many of the Senate amendments are not substantively different than the provisions of the House-passed bill, where other Senate amendments memorialize in statute the current PUC (Public Utility Commission) procedure and process used to evaluate water utility requests for a DSIC. Water utilities in Pennsylvania have been able to use DSICs to recover infrastructure replacement costs since 1996. The Senate added language mandating how and when notice of the proposed use of a DSIC will be provided to customers.

The bill also sets a cap on the level of eligible project costs that may be recovered through a DSIC. For such fixed utilities, DSIC recovery is capped at 5 percent of the total amount billed to customers through base rates. For water utilities, the recovery is capped at 7 1/2 percent. The bill retains the provisions of the House-passed bill, giving the PUC the authority to review and approve, modify, or reject utility proposals to recover infrastructure improvement costs for projects that are placed into service in between rate cases.

Additionally, the bill requires the filing of a petition with the PUC that is subject to a public notice and a hearing. The bill prohibits a utility from filing a petition requesting approval to use a DSIC, that it may not be filed until after January 1, 2013.

The Senate added three new provisions to the bill. First, it amended section 308 of Title 66 to correct drafting errors made to this section during passage of Act 129. Secondly, it requires that all work on DSIC-eligible projects be performed by qualified employees and that work done by independent contractors must be inspected by qualified utility personnel. Finally, the bill increases the civil penalty for gas pipeline safety violations contained in paragraph 3301 of Title 66 from \$10,000 per violation per day to \$200,000, with a maximum penalty of \$2 million. A similar provision was in Representative Baker's HB 344, but when the bill came back from the Senate, this language was not included.

That is a description of the amendments as placed by the Senate, and I would urge concurrence of the Senate amendments.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate?

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

Ms. MUNDY. Thank you, Mr. Speaker.

Mr. Speaker, when this bill was before us back in October, I offered several amendments that would have put more consumer protections into it. Those amendments were voted down, one by one, on largely party-line votes. As a result, I was unable to support HB 1294 at that time. However, I am pleased to say that the Senate had the wisdom to make many of the improvements that I proposed just a few months ago. The new and improved version of this bill that we got back from the Senate requires utilities to have an actual plan and timeline in place in order to expedite replacement of their infrastructure. The Senate placed a cap of 5 percent on that amount that utilities can automatically raise their rates and also required them to have filed a base-rate case within the previous 5 years. And even though very important language that I proposed was not included to provide for netting of the regulatory mechanism, I will still support the bill today, and I thank the Senate for including my other amendments in the bill.

Netting language would have prevented consumers from paying one penny more than they should for infrastructure replacement. However, it is my belief that the other consumer protections that the Senate inserted in the bill will suffice at this point in time.

We must be watchful to make sure that utility companies which implement the provisions of this legislation do so in genuine attempts to make serious infrastructure repairs and keep base-rate increases to a minimum. I urge support of HB 1294.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate?

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

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

There is a long history in dealing with this process that we have dealt with our infrastructure. Our infrastructure in Pennsylvania is crumbling. There are safety factors that we have to adequately face. I am not just talking about whether we have had explosions or waterline or pipeline breaks, but we also had a change in the business climate. Over the last 50 years, an awful lot of the small companies, whether they be gas, electric, or water, have been bought or purchased and received where we have expanded and they have assumed the responsibility, but also along with that responsibility came certain liabilities that we have shirked here in Pennsylvania.

HB 1294 gives us an opportunity to try to correct at a much cheaper price today, because if we do not do it now, in the next 5 or 6 years, we will probably be more devastated with some of the small catastrophic situations that we have had in the industry, whether it was gaslines, waterlines, and even along utilities.

Ultimately, this bill ensures that Pennsylvania will be safe and receive reliable service. Utilities and municipalities will be creating long-term infrastructure improvement plans, and I want to reemphasize that. This will save local municipalities and governmental subunits hundreds of millions of dollars in the

foreseeable future only if we communicate effectively together, and what I mean by effectively doing this together, I have a habit of saying I am tired and I do not like to see us dig the same hole two or three times. This will give the opportunities of utilities and governmental subunits, towns, boroughs, and cities to combine together their capital programs, their road programs, their infrastructure developments in dealing with some of the cash basis that we deal with, and right alongside now some of the towns that are instead of laying a road this year, maybe they will wait 2 years, but maybe the gas company was going to lay out new pipeline 4 years from now and maybe they can move that up 2 more years so that everybody can share in some of the construction costs. That is our responsibility.

But we have also put some consumer stopgaps in there, and I would like to be able to thank the Senate, because the previous speaker raised the issue that for many times on this side of the aisle we raise certain consumer issues to be able to protect the consumer, to be able to give them a right to be able to not pay for things that are beyond what is necessary. The Senate amendments, I think, address those issues to the best that we can, and the amount of money a utility company can charge customers is capped. That has not really been the case where it was limited as it is in this bill.

And the request for a company to charge customers for their infrastructure upgrade will not be considered by the PUC unless the company has submitted a long-term infrastructure improvement plan and the infrastructure improvement plan is completed. It also means that if someone has not applied for a rate increase, there will be problems that they will not be able to handle and may not be able to do this.

So I am encouraging members to be able to work for this.

I would like to be able to thank the Senate and at the same time the members, the majority chairman of Consumer Affairs, Mr. Godshall, and his staff, along with the staff of the Consumer Affairs, and the members of the minority party for the Consumer Affairs Committee.

HB 1294, I think, takes us a long way, but not only that, historically. For the first time in a long time I am seeing the corporate structure in dealing with utility companies and manufacturing companies for this, but along with the working man, the organized labor unions getting actually involved in this. So to be able to have the issue that everybody is not happy but it is a good bill, it works. It is something that we need to be able to do if we care about our infrastructure and deal with the future.

I would encourage the people to be able to vote for HB 1294, because if we do not, we will pay for it later. Thank you.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate?

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

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

The jobs that arise from infrastructure improvement, this particular bill, are going to be family-sustaining jobs. It needs to be understood that these jobs are going to be for 20-plus years, which is the current Public Utility Commission estimate for replacing the 11,000 miles of older pipe in the gas industry alone. Replacing the underground electric lines will also be 20-plus years, and the wastewater infrastructure is being dramatically altered by evolving environmental standards and requires the continual replacement of infrastructure.

As many of the responders, the employers, have noted, workers need to be trained to be able to perform the infrastructure improvements. There will continue to be a steady ramp-up in well-paying jobs to meet the demand that will be created by this bill. Thus, 2013 will be higher than 2012. The growth trend will be further enhanced in 2014 and beyond as major entities continue to improve their infrastructure.

The Public Utility Commission got on board with the work by the good chair from Montgomery County and his colleague, the minority chair from Allegheny County, and they recognized that we could ramp up the ability to improve our infrastructure. And keep in mind, much of the pipe that will be used in the improvements is manufactured in places like Titusville and in Pittsburgh by companies like U.S. Steel and others. The gas industry alone replacing 11,000 miles of pipe will mean continued job growth in the pipe manufacturing industry. If you look at the sectors for the steel industry that are actually making money and providing jobs, you continue to see that pipe manufacturing leads the way.

In the 20 States that have undertaken an infrastructure replacement program, there have been sizable benefits in the paving, hardware, equipment rental, transportation, and hospitality industries. Studies in Ohio showed that the utility infrastructure construction had an economic multiplier which grew as utilities work with municipalities. Trenching and paving led to greater economic benefit as shown by much of the construction already being undertaken.

This legislation, I must tell you, will provide for private-sector job creation. It will in fact revolutionize new construction in the State by bringing training and long-term agreements with contractors into reality. The purchase of Pennsylvania manufactured materials will enhance job growth as well as the economic spinoff related to this major level of construction. This ever-increasing capital investment over an extended period of time will continue to provide family-sustaining jobs.

I must say my hat is off once again to the good chairman of the Consumer Affairs Committee, the good gentleman from Montgomery County, and his ability to work in such a constructive fashion with the minority chair from Allegheny County.

This is an important jobs bill. Please vote "yes" on HB 1294. Thank you.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate?

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of concurrence in Senate amendments.

When this bill first ran in the House, there were a whole lot of members on the other side that voted "no" to a lot of things that they are going to vote "yes" to today. They voted "no," and I will not portray any reasons particular to why they might have, but there was pretty much a lockstep vote saying those things would kill the bill; those amendments that the Senate has now inserted would make it impossible to do business in Pennsylvania. There were procedural maneuvers, parliamentary tactics to try and stop those amendments from being added to the bill, and in many cases they were just flat out defeated, because it was going to be job-crushing if those amendments were added. The reality is, the bill is a much better bill today

than it was when it left here, and it has a lot of those same amendments in it in its current form.

So I would encourage members, especially those who voted "no" to all those amendments, to say "yes" to all those Senate amendments today and concur in the Senate amendments. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate?

On that question, the Speaker recognizes the gentleman from York County, Mr. Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

HB 1294 provides some important tools for Pennsylvania utilities, and particularly we are an old State. I know a lot of people here do not realize it sometimes, but we have had so much of our infrastructure decaying over the many years that it is time for it to be fixed. We have heard of the horror stories out there that have been going on in certain communities.

This system, this bill provides for an opportunity for Pennsylvania to improve its infrastructure, and that is important and critical to us in creating new jobs with new industries moving into Pennsylvania and our current businesses expanding here and creating important, good-paying, family-sustaining jobs.

While this bill also helps us improve our infrastructure, there are also great important safeguards for our consumers here in Pennsylvania. This bill provides much-needed alternatives to the existing regulatory structure of Pennsylvania. Absent these changes, utilities are forced to repeatedly litigate costly utility rate cases, costing millions of dollars, that being passed on to our consumers and ratepayers here in Pennsylvania.

While affording utilities the tools that they need to make their updates to their systems, this is creating, as I said earlier, good family-sustaining jobs, and this bill ensures that consumers are protected as we move forward. They include a 5-percent cap that would be imposed upon the amount collected from consumers; it preserves the PUC's authority over the ratemaking and the rate structure of Pennsylvania's utilities; three, equal treatment for consumers here in the different classes; four, a requirement that the utility had been in a rate-increase case before the PUC before they can ask for this ability to have a DSIC.

Mr. Speaker, I rise today because this bill goes a long way in helping improve Pennsylvania's consumers' needs for improved infrastructure and services that we need so desperately here. It creates jobs for Pennsylvania, which we also know that we need.

I ask and I want to commend our great chairman of the Consumer Affairs Committee, Representative Godshall, for his prime sponsorship of this and his leadership and that of the Democratic chair in getting this bill before the House of Representatives.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate?

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for just a quick question?

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

Mr. VITALI. The bill as amended by the Senate, has the Pennsylvania Office of Consumer Advocate, Sonny Popowsky, taken a position on this? Has he stated for the record he supports it or opposes it or has no position on it?

Mr. GODSHALL. To the best of my knowledge, I have received no position statement, pro or con, from Sonny Popowsky.

Mr. VITALI. Okay. I am wondering if there is anyone else, the minority chairperson of the Finance Committee or anyone else, who has an active involvement in this issue who knows that. There seems to be a little bit of uncertainty here. Perhaps the gentleman who is the minority chair of the—

The SPEAKER. The gentleman, Mr. Preston, indicates that he will stand for interrogation.

Mr. PRESTON. Thank you, Mr. Speaker.

Sonny Popowsky, the Consumer Advocate of the Commonwealth of Pennsylvania, supports the Senate amendments.

Mr. VITALI. Thank you.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate?

On that question, the Speaker recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the majority or minority chair of the committee?

The SPEAKER. Will the gentleman, Mr. Godshall, stand for interrogation?

Mr. GODSHALL. Yes.

The SPEAKER. The gentleman, Mr. Thomas, may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, just for clarification, I heard two things: One, the Senate amendments in this bill are going to result in job creation, and then there was a second point that it would create sustainable jobs, and I just need clarification on what the jobs are and how are they sustainable, or how will they be sustainable jobs?

Mr. GODSHALL. What the bill does, Mr. Speaker, what the bill does, this allows for the gradual replacement, infrastructure replacement. The sustainable jobs would be infrastructure jobs.

Mr. THOMAS. Do we have any idea of how many jobs and where will those jobs be created?

Mr. GODSHALL. Those jobs would be wherever the infrastructure is taking place, which would be in Philadelphia Electric, it would be in FirstEnergy, it would be PPL; wherever the infrastructure was being enhanced and/or improved.

Mr. THOMAS. Is there any idea of how many jobs? I mean, are we going to maintain existing jobs that would be lost in the absence of this infrastructure improvement, or are these new jobs, and if so, how many? Is there any idea of how many jobs will be created? And I guess the last part is, we are pretty much clear on what segments of the Pennsylvania community that are in the greatest need of access to job opportunities, and so the first part is, how many? And secondly, will those jobs impact in any way segments of Pennsylvania's community where people have been unemployed for extended periods of time?

Mr. GODSHALL. The answer to that would be yes. It would be for a continual period of time, because this is what the bill allows for. I cannot give you exactly— Columbia Gas has begun to implement an infrastructure improvement plan that has created more than 800 jobs since 2008. IB Abel, Inc., an engineering construction service specializing in utility projects

from York, Pennsylvania, estimates the enactment of HB 1294 will create approximately 150 jobs, a significant increase over its current employment level. Harlan Electric contractor is located in Carlisle and estimates that enactment of HB 1294 will create 50 to 100 jobs for the company. Miller Bros. Electrical Contractors in Conshohocken believe the enactment of HB 1294 will create 50 additional jobs. I could go on and on and on. I cannot give you a total. It just depends— What we are doing here is replacing antiquated pipes in the ground and also electrical infrastructure. So it just depends on how fast the companies are going to be able to put the shovels in the ground.

Mr. THOMAS. Mr. Speaker, I have concluded my interrogation.

Let me thank the majority chairman for his information. My overall interest from the Governor on down, people have said that this is about job creation and it is about sustainable job creation, and so to that end, it was important for me to have some information now. Unfortunately, the chairman could not tell me something that I can go back to my district in Philadelphia County and tell people, but I guess I will tell them about York and about these other counties, and maybe PECO or somebody else in Philadelphia County will do the same. But let me thank you for the information and let me thank you for the specificity that you provided to the information that you shared. Thank you.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate?

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

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

And to the individual who was doing the interrogation along with the members here in the House, let me explain something. You cannot count the number of jobs that this is going to create, but I can almost guarantee you that all across this nation and across the State of Pennsylvania that there is not one county, not one county that is not going to benefit from this, and let me give you an example and let us look at the ripple effect.

We do not have the workforce yet, so the demand that is about to fall on apprenticeship programs is going to have to be revamped, it is going to have to be retooled. Community colleges are going to have to upgrade themselves to be able to be prepared for the workforce that is going to be in demand.

Now, 2 years ago I made this statement on this same floor that 50 percent, 50 percent of the tradespeople involved in the union business right now are going to be retiring. We do not have the places right now to replace those people, and when this happens now, not just from the trucking industry, not from the pipeline industry, not from the conduit industry, all of those are going to be benefiting from this.

This is the time now for us not just because of the replacement of the infrastructure, when the municipalities are going to benefit in sharing some of the costs of the construction instead of just redoing the street and then the next year the gas company comes in and replaces a line and then 2 years later the water company or the collection system with the sewage comes back and digs another hole. Your municipalities are going to save a line. My good friend from Lancaster already knows in a sense that if we do this right, some of you who have the telephone lines that go across your streets, a lot of those now will be removed, and instead of 10 or 15 years of a lifetime of a line because of acid rain in western Pennsylvania, now we are looking at 25 to 50 years.

But the main thing is jobs, jobs, jobs. A lot of our brothers that are going to be coming back from the service are going to get retrained. A lot of the people who live in all of our districts are going to have an opportunity to apply for apprenticeship programs. When I talked to the electrical workers and the labor unions and some of the building trades in the last 2 days, they realize this. We do not have the plan in place, but, Mr. Speaker, we cannot stop it if we pass this bill, and we will have to be able to get ready for rightful infrastructure replacement. We have got so many pipelines in this State right now over 100 years old, 150 years old. We have had some of the catastrophes as far as some of the gaslines blowing.

So I want to be able to emphasize, this is not just about infrastructure; this is not just about jobs. This is about establishing and giving a meaningful wage, meaningful, sustainable jobs in this State to an awful lot of individuals in every single county across this State. This is a good way to do it. This is a good way to be able to effectively work together. I encourage us to be able to support this bill. Thank you.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate?

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

Very briefly, I just want to summarize what we have already gone through here tonight by saying HB 1294 will allow utilities with approval, with approval from the PUC, to more timely recover the costs of infrastructure replacement from consumers. I want to stress that these costs are already recovered from consumers. Nothing in this bill changes or adds to the types of costs that may be recovered. This bill merely changes the timing of recovery and allows for more efficient and cost-effective recovery of infrastructure replacement costs. Utility use of a DSIC authorized by this bill is voluntary, and proposal for recovery by a utility is subject to PUC approval.

There were just a couple quotes in the newspaper pertaining to HB 1294 in that it promotes the overall policy objective of replacing Pennsylvania's aging infrastructure, something we all know is needed. It was noted in an article in the Morning Call, Allentown Morning Call, on May 15, 2011, "...79 percent..." of consumers polled indicated they would be willing to pay a few more dollars per month "...to accelerate..." infrastructure "...replacement."

One addition I wanted to point out, the Washington Post article published in June of this year discussed how the Federal government has acknowledged that like our Pennsylvania utility distribution systems, the electric transmission system is also aging and needs to be replaced. Federal Energy Secretary Chu was quoted as saying, "The U.S..." electric network "...is now so creaky that...Thomas Edison 'would feel really at home with most of today's power...system.'" That was published in the Washington Post on June 13, 2011. Consequences of the aging system are more outages due to stress on the system, according to the Department of Energy.

I would ask for a favorable vote on the bill. Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Fleck	Gibbons	Schroder
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

STATEMENT BY MR. GODSHALL

The SPEAKER. Is the gentleman, Mr. Godshall, seeking recognition?

Mr. GODSHALL. On the bill, Mr. Speaker, very briefly.

The SPEAKER. The gentleman is recognized under unanimous consent relative to the legislation that just passed.

Mr. GODSHALL. Thank you, Mr. Speaker.

I would like to thank all of the members of the Consumer Affairs Committee and our leadership on both sides of the aisle of this House for their support of this monumental legislation. Pennsylvania will now join 19 other States that have taken steps to modernize how utilities recover the costs associated with infrastructure improvement projects. HB 1294 will ensure that all Pennsylvanians will continue to receive safe, reliable utility services at affordable prices.

I would like to specifically recognize my counterpart, Representative Preston, and his staff as well as my committee staff and thank them for their exhaustive efforts getting this bill to the Governor's desk. Representative Preston's cooperation truly facilitated the passing of this legislation, and I am, as always, appreciative of the bipartisan manner in which our committee conducts business.

And I would like to say that there was a lot of effort that had gone into this bill. I know it is something that has been worked on for, I think, 10 to 12 years, and it has finally come to completion.

REMARKS SUBMITTED FOR THE RECORD

Mr. GODSHALL. I do have some additional comments I would like to submit for the record, Mr. Speaker.

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

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

As to the Senate amendments to HB 1294, it is not the intent of this legislation to permit a change of ownership rights between the utility and the customer, and further, nothing in this legislation is intended to allow the utility to replace and then own or otherwise put into its rate base a service line currently owned by the customer.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1582, PN 2999**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for purposes and powers.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. Moved by the gentleman, Mr. Taylor, that the House concur in the amendments inserted by the Senate.

The Speaker recognizes the gentleman, Mr. Taylor, for a brief description of the Senate amendments.

Mr. TAYLOR. Thank you, Mr. Speaker.

HB 1582 passed this House unanimously, and it basically does two things: reduces residential assessments inside business improvement districts by 50 percent. It might be the only opportunity for a tax-cut vote here in the House. It also changes the way condos assess these fees. The Senate, on page 3, lines 19 to 24, merely made clear that these assessments have to be broken down by condo unit so that it is clear to every condo owner how their assessments have changed and how they are being levied.

On the question recurring,
Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Fleck Gibbons Schroder

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1375, PN 1889**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for definitions.

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

The SPEAKER. It is the Speaker's understanding that all of the amendments have been withdrawn from SB 1375.

On the question recurring,
Will the House agree to the bill on second consideration?
Bill was agreed to.

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2022, PN 2780**, entitled:

An Act providing for the Pennsylvania Business Permitting Portal within the Department of Community and Economic Development; and creating the Pennsylvania Business Permitting Portal Advisory Board.

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

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Fleck Gibbons Schroder

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.

* * *

The House proceeded to third consideration of **HB 1280, PN 1416**, entitled:

An Act amending the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration Act, further providing for medical diagnosis; and providing for liability insurance.

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

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Fleck Gibbons Schroder

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.

* * *

The House proceeded to third consideration of **HB 2151, PN 3046**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in snowmobiles and all-terrain vehicles, further providing for registration of snowmobile or ATV, for certificate of title for snowmobile or ATV, for fees and for records; and providing for vintage snowmobile permits.

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

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

The following roll call was recorded:

YEAS—194

Adolph	DiGirolamo	Killion	Pyle
Aument	Donatucci	Kirkland	Quigley
Baker	Dunbar	Knowles	Quinn
Barbin	Ellis	Kortz	Rapp
Barrar	Emrick	Kotik	Ravenstahl
Bear	Evankovich	Krieger	Readshaw
Benninghoff	Evans, D.	Kula	Reed
Bishop	Evans, J.	Lawrence	Reese
Bloom	Everett	Longietti	Roae
Boback	Fabrizio	Maher	Rock
Boyd	Farry	Mahoney	Roebuck
Boyle, B.	Frankel	Major	Ross
Boyle, K.	Freeman	Maloney	Sabatina
Bradford	Gabler	Mann	Saccone
Brennan	Galloway	Markosek	Sainato
Briggs	Geist	Marshall	Samuelson
Brooks	George	Marsico	Santarsiero
Brown, R.	Gerber	Masser	Santoni
Brown, V.	Gergely	Matzie	Saylor
Brownlee	Gillen	McGeehan	Scavello
Burns	Gillespie	Metcalfe	Simmons
Buxton	Gingrich	Metzgar	Smith, K.
Caltagirone	Godshall	Miccarelli	Smith, M.
Carroll	Goodman	Micozzie	Sonney
Causser	Grell	Millard	Staback
Christiana	Grove	Miller	Stephens
Clymer	Hackett	Milne	Stern

Cohen	Hahn	Mirabito	Stevenson
Conklin	Haluska	Moul	Sturla
Costa, D.	Hanna	Mullery	Swanger
Costa, P.	Harhai	Mundy	Tallman
Cox	Harhart	Murphy	Taylor
Creighton	Harkins	Murt	Thomas
Cruz	Harper	Mustio	Tobash
Culver	Harris	Myers	Toepel
Curry	Heffley	Neuman	Toohil
Cutler	Helm	O'Brien, M.	Truitt
Daley	Hennessey	O'Neill	Turzai
Davidson	Hess	Oberlander	Vereb
Davis	Hickernell	Parker	Vitali
Day	Hornaman	Pashinski	Vulakovich
Deasy	Hutchinson	Payne	Waters
DeLissio	Josephs	Payton	Watson
DeLozier	Kampf	Peifer	Wheatley
DeLuca	Kauffman	Perry	White
Denlinger	Kavulich	Petrarca	Youngblood
DePasquale	Keller, F.	Petri	
Dermody	Keller, M.K.	Pickett	Smith, S.,
DeWeese	Keller, W.	Preston	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-3

Fleck Gibbons Schroder

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.

STATEMENT BY MR. HANNA

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Does the gentleman from Clinton County, Mr. Hanna, seek recognition under unanimous consent relative to the bill that just passed?

Mr. HANNA. That is correct, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I just want to thank the members for their affirmative vote on HB 2151 and submit the balance of my comments for the record.

The SPEAKER. The gentleman will submit his comments to the clerk, and they will be spread upon the record.

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

Thank you, Mr. Speaker.

HB 2151, formerly HB 63, if passed, would authorize DCNR (Department of Conservation and Natural Resources) to issue permits for vintage snowmobiles that are used only while participating in a vintage snowmobile event.

A "vintage snowmobile event" is defined as an organized ride or rally for owners and operators of permitted vintage snowmobiles that must be open to the public and be publicized as such, have specified start and end dates and times, and take place on a designated trail with specified beginning and end points.

To be eligible for a permit under the new section 7718, an applicant must be a PA resident and pay the required \$20 fee as amended yesterday. Once the permit is issued, the owner of the vintage snowmobile is exempt from registration and insurance requirements.

Under HB 2151, a "vintage snowmobile" is defined as "a snowmobile that is at least 25 years old and is not operated in the Commonwealth except at vintage snowmobile events."

This legislation, which I sponsored last session as HB 1171, was passed in this chamber by a huge margin, 192-7. The support from the beginning was bipartisan and strong. I have worked with the Governor, DCNR, and other groups in the attempt to have the bill passed in a bipartisan way by both chambers and signed into law.

The bill being discussed today is the result of these efforts. It would make it easier for vintage snowmobile enthusiasts to participate in events celebrating their hobby.

On behalf of the owners of the more than 40,000 registered snowmobiles in Pennsylvania, adopting this bill would benefit the entire snowmobile industry by creating excitement and interest in the machines, just like antique auto shows create excitement and interest within the entire auto industry. It will broaden opportunities for owners and educate others about the sport and add to the value it brings to our economy.

It is for these reasons that I ask my colleagues for an affirmative vote.

Thank you, Mr. Speaker.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1043, PN 1161**, entitled:

An Act designating a bridge crossing Mill Lane in Old Lycoming Township, Lycoming County, as the Trooper Gary Rosenberger Memorial Bridge.

On the question,

Will the House agree to the bill on third consideration?

Bill 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?

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

The following roll call was recorded:

YEAS-194

Adolph	DiGirolamo	Killion	Pyle
Aument	Donatucci	Kirkland	Quigley
Baker	Dunbar	Knowles	Quinn
Barbin	Ellis	Kortz	Rapp
Barrar	Emrick	Kotik	Ravenstahl
Bear	Evankovich	Krieger	Readshaw
Benninghoff	Evans, D.	Kula	Reed
Bishop	Evans, J.	Lawrence	Reese
Bloom	Everett	Longietti	Roae
Boback	Fabrizio	Maher	Rock
Boyd	Farry	Mahoney	Roebuck
Boyle, B.	Frankel	Major	Ross
Boyle, K.	Freeman	Maloney	Sabatina
Bradford	Gabler	Mann	Saccone
Brennan	Galloway	Markosek	Sainato
Briggs	Geist	Marshall	Samuelson

Brooks	George	Marsico	Santarsiero
Brown, R.	Gerber	Masser	Santoni
Brown, V.	Gergely	Matzie	Saylor
Brownlee	Gillen	McGeehan	Scavello
Burns	Gillespie	Metcalfe	Simmons
Buxton	Gingrich	Metzgar	Smith, K.
Caltagirone	Godshall	Miccarelli	Smith, M.
Carroll	Goodman	Micozzie	Sonney
Causar	Grell	Millard	Staback
Christiana	Grove	Miller	Stephens
Clymer	Hackett	Milne	Stern
Cohen	Hahn	Mirabito	Stevenson
Conklin	Haluska	Moul	Sturla
Costa, D.	Hanna	Mullery	Swanger
Costa, P.	Harhai	Mundy	Tallman
Cox	Harhart	Murphy	Taylor
Creighton	Harkins	Murt	Thomas
Cruz	Harper	Mustio	Tobash
Culver	Harris	Myers	Toepel
Curry	Heffley	Neuman	Toohil
Cutler	Helm	O'Brien, M.	Truitt
Daley	Hennessey	O'Neill	Turzai
Davidson	Hess	Oberlander	Vereb
Davis	Hickernell	Parker	Vitali
Day	Hornaman	Pashinski	Vulakovich
Deasy	Hutchinson	Payne	Waters
DeLissio	Josephs	Payton	Watson
Delozier	Kampf	Peifer	Wheatley
DeLuca	Kauffman	Perry	White
Denlinger	Kavulich	Petrarca	Youngblood
DePasquale	Keller, F.	Petri	
Dermody	Keller, M.K.	Pickett	Smith, S.,
DeWeese	Keller, W.	Preston	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Fleck Gibbons Schroder

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 return the same to the Senate with the information that the House has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 1294, PN 3007

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for Law Bureau, other bureaus, offices and positions, for the burden of proof, for the recovery of the costs of distribution system improvement projects and for civil penalties for violations.

HB 1582, PN 2999

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for purposes and powers.

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

The SPEAKER. The House will be at ease for a few minutes.

The House will come to order.

SUPPLEMENTAL CALENDAR D

REPORT OF COMMITTEE OF CONFERENCE

Mr. ELLIS called up for consideration the following report of the committee of conference on **HB 1950, PN 3048**, entitled:

An Act amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, providing for an unconventional gas well fee and for transfers from the Oil and Gas Lease Fund; providing for distribution of fees and transfers; establishing the Natural Gas Energy Development Program; consolidating the Oil and Gas Act with modifications and additions relating to definitions, well permits, permit objections, comments by municipalities and storage operators, well location restrictions, well site restoration, protection of water supplies, notification to public drinking water systems, containment for unconventional wells, transportation records regarding wastewater fluids, corrosion control requirements, gathering lines, well control emergency response, hydraulic fracturing chemical discharge requirements, bonding, air containment emissions, public nuisances, enforcement orders, well control emergency cost recovery, penalties, civil penalties, inspection and production of materials, witnesses, depositions and rights of entry, third party liability and inspection reports; providing for local ordinances relating to oil and gas operations and for responsibility for fee; making an appropriation; and making a related repeal.

On the question,

Will the House adopt the report of the committee of conference?

LEAVES OF ABSENCE

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

The Speaker recognizes the minority whip, who requests a leave of absence for the gentleman from Philadelphia County, Mr. Dwight EVANS. Without objection, the leave will be granted.

CONSIDERATION OF HB 1950 CONTINUED

The SPEAKER. The question is, will the House adopt the report?

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

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

Mr. Speaker, is it appropriate, in light of the hour, to just submit my comments for the record, or should I go ahead and give the speech? I will take that as I should give my speech.

Thank you very much, Mr. Speaker.

Four years ago myself and many of my colleagues from both sides of the aisle stood down in the East Wing Rotunda and held a press conference to discuss what we knew at the time was

going to be the next big thing for Pennsylvania, the Marcellus Shale development in Pennsylvania. We stood to let people know about it. We talked about what it would mean to our economy, and we have seen that come to fruition. We talked about the need to make sure we are developing it in a responsible way, and that is what we need to do tonight, Mr. Speaker.

Three months ago we passed HB 1950 through this chamber as a starting point to get to where we are today. When it passed, we knew we still had work to do, and ultimately, we knew compromise would have to be achieved.

The conference committee report before us today, I believe, reaches a compromise that this chamber has been unable to reach for the last 4 years, but today, Mr. Speaker, we have in front of us HB 1950, and it is achieving that goal, compromise, but it still achieves the balance between the three basic principles that I set out to achieve when I introduced the legislation. Number one, Mr. Speaker, we must be mindful of protecting the environment; number two, we must promote good family-sustaining jobs here in the Commonwealth; and number three, we must allow those areas affected by Marcellus drilling a manner to collect a fee to pay for the impacts those regions might incur. This bill, HB 1950, as reported out of the conference committee does just that, Mr. Speaker. In fact, the conference committee report makes the balance and compromise even better.

If I may, Mr. Speaker, I would like to point out the changes before this body today.

Number one, we have added a local option. If the counties choose not to impose this, as is their option, and half the municipalities or the population of half of the county want this fee, then they can have it.

Number two, we needed to address and we have heard from both sides of the aisle the need to go and fund statewide programs. Mr. Speaker, this report funds the Fish and Boat Commission, the PUC, rail freight assistance, and for the first time ever we will be investing in natural gas energy development programs.

It also puts money in for highways and bridges. It puts money in for PENNVEST (Pennsylvania Infrastructure Investment Authority) and the H2O PA, and it sends money directly back to the counties for its parks. It dedicates money from the Oil and Gas Fund for parks and forests, shores up the Environmental Stewardship Fund and the Hazardous Sites Cleanup.

Mr. Speaker, we heard from members that now that we have the gas, we need to invest. We are doing that – \$20 million for natural gas energy development for encouraging the conversion of fleet vehicles to run on natural gas. This was introduced earlier by one of my colleagues in a form known as Marcellus Works, and, Mr. Speaker, let me assure you, Marcellus will work.

Finally, Mr. Speaker, we heard the call from both sides of the aisle that Pennsylvania needs to be a leader in how we regulate the industry. HB 1950 as it stands now clearly sets us apart and sets us up as the model for other States in our region – Ohio, West Virginia – who are also watching us tonight to see what we do to know how they can do it in their States.

Mr. Speaker, we looked for balance with regard to allowing local municipalities to retain the control of local zoning. This conference committee report has that balance.

We have received support letters from PSATS (Pennsylvania State Association of Township Supervisors), from the County Commissioners Association, from the Boroughs Association. We have achieved the ability to do what is right for the Commonwealth while still letting our locals control the zoning.

Mr. Speaker, I rise today and ask that the members support the Conference Committee Report on HB 1950.

Thank you very much, Mr. Speaker.

The SPEAKER. The question is, will the House adopt the report?

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

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to this conference committee report. This may be the product of compromise and this may be the best that the House and the Senate can come up with, but this is an absolutely terrible piece of legislation, it is a convoluted piece of legislation, it is a ridiculous piece of legislation, and all rational-thinking people should vote "no."

Mr. Speaker, let me take some of the points relating to this bill. First, the rate of the tax, and let us be clear, it is a tax. I mean, the Americans for Tax Reform call it a tax. It is a tax. It is a revenue-raising device, and it is a woefully inadequate tax. The effective rate of this tax, according to the PA Budget and Policy Center, under current gas prices is about 2.4 percent. That is a giveaway to drillers, drillers who are making billions and billions of dollars while we are closing Pennsylvania schools. Texas taxes at a rate of 7.5 percent; Oklahoma, at a rate of 7 percent; Wyoming gets 6 percent. This is a terrible – this is a woefully inadequate tax when Pennsylvania desperately needs the money. This would raise only \$204 million in 2012, whereas legislation I introduced, which has the West Virginia tax, would raise double that.

Mr. Speaker, in addition to the woefully inadequate tax rate, which is again a giveaway to these drillers, which no one should be happy with, we have this ridiculous way to collect the tax. We have a Department of Revenue whose job it is to collect and enforce tax laws, but do we use the Department of Revenue who has the staff and has the expertise and is geared up to do that? You would think a logical body would do that, but for some reason we are using the Public Utility Commission to impose fees, collect fees, review records, impose penalties. That is not what they are geared to do. That is not their mission. That is not how they are staffed. That is not how they are trained. Why in God's name we would ever use the Public Utility Commission instead of the Department of Revenue is just beyond me. It is not beyond me. It is actually quite obvious why we are doing this. We are doing this – we have this convoluted tax structure, this convoluted collection system, all because we do not want to call a tax a tax, all because our Governor made this campaign promise of no new taxes and we have to go through these ridiculous gyrations to pretend we are adhering to that. We are skewing the law, and we are skewing all the people who are affected by the law, and we just should not be engaging in this nonsense tonight.

Mr. Speaker, this is defended by some as supporting Growing Greener, which I support, but even the amount it supports, it is very low in year 1, and going up to 2015, it only hits \$48 million in year 2015. My bill, HB 33, would give the Environmental Stewardship Fund \$198 million as opposed to the \$48 million in this bill in the year 2015, and that is why all

the right-thinking environmental groups – PennEnvironment, PennFuture, 10,000 Friends – oppose this piece of legislation. It is opposed. It is opposed.

Also, this bill fails to fund basic things that this Commonwealth needs like basic education funding. That is why the SEIU (Service Employees International Union) in their letter of opposition stated they are opposing this because it fails to fund things like basic ed and social services. Mr. Speaker, we need funding for things like basic ed and social services, especially in a recessionary time, because when you cut basic ed, you are cutting jobs. I think a statistic came out last year where 14,000 Pennsylvania education-related jobs were not filled because of these cuts. Our unemployment figures are soft in the area of public employment. Mr. Speaker, we need this money for jobs, and we need this money to fund important government services.

Mr. Speaker, in the Governor's budget address today, in the shadow of this very challenging environmental endeavor of gas drilling, we cut the budget of the Department of Environmental Protection, we cut the budget of the Department of Conservation and Natural Resources, the two major environmental regulatory agencies in this Commonwealth. We cannot impose a tax on these drillers, but we are going to cut the programs that protect the environment. It just makes no sense. We need these revenues to increase funding for the Department of Environmental Protection, not cut it as we did today. If you look at the overall funding of the Department of Environmental Protection, including its Federal moneys, it decreased \$70 million; \$10 million from State funding, but a total of \$70 million. That is a lot of money.

Mr. Speaker, local government provisions – and I am not going to talk too long because others have much more expertise than I do on this issue – but what I have learned with regard to local government or these local ordinances which affect drilling is current law, current local ordinances are adequate to police drilling. It is my understanding that every municipality right now has to zone for every use, including drilling. Mr. Speaker, local municipalities should have the ability to control their own environment, should have the ability to effectuate the will of their people. If they act out of hand, there is an appeal process with regard to zoning where zoning challenges can be appealed. This is the process that should be filed. Let us respect local control. Let us respect the right of citizens in their own communities to control the environment of their communities, basic things like noise and light and dust and proximity to things like schools and homes and hospitals. Let us respect that. Let us not sacrifice them on the mighty altar of the gas drillers, Mr. Speaker. Let us keep some perspective as to whom we really represent, Mr. Speaker. We represent people, not money; people, not money, Mr. Speaker. These local zoning provisions are a reason to reject this bill.

Mr. Speaker, setback requirements are inadequate here. We need an adequate distance from basic things like public water supplies. Mr. Speaker, the Citizens Marcellus coalition suggested a 3,000-foot setback of drilling pads from water sources, sources where people drink from. This bill only has a third of that. The reason for this 3,000-foot setback was important because more than one study – the Duke study, the Center for Rural Pennsylvania study – indicated that a well contamination can spread up to 3,000 feet. That is why we need to keep well pads 3,000 feet from drinking water sources, Mr. Speaker.

Mr. Speaker, civil penalties are way too low here, Mr. Speaker. These are multibillion-dollar operations, and we need our civil penalties high enough so that they can actually be deterred. The amounts here simply do not do that.

Mr. Speaker, if I am reading this bill correctly, the moneys that go to local municipalities in the Marcellus region under this bill can be used for a local tax reduction. Local tax reduction is one of the uses for this. I think it is unfair that Pennsylvania casinos, a casino in Philadelphia, when they collect money from Philadelphia citizens, that money is reducing the taxes in counties throughout the State, including all of Bradford County and the other counties, with regard to their tax bills. Why is it then that with regard to this bill, when there is drilling in those communities, why is that tax reduction just kept there and not shared with the residents of southeastern Pennsylvania? That is just wrong; that is just unfair.

Mr. Speaker, this bill has a lot of flaws. This bill is not the best we can do. You may pass this tonight, but you are not going to pass it with my help, Mr. Speaker. I urge a "no" vote for this conference report. Thank you.

The SPEAKER. The question is, will the House adopt the report?

On that question, the Speaker recognizes the gentleman from Armstrong County, Mr. Pyle.

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

Mr. Speaker, it is well known I hail from Armstrong County, Pennsylvania, central west, part of the Marcellus belt. Mr. Speaker, we have been exploring and discovering Marcellus formation for well over 5 years now. We have been very fortunate we have not had the mishaps as they did in Clearfield. We have had no blowouts. We have had no water contaminations. We have had no wells lost. Overall, it has been a very good experience for us. Mr. Speaker, obviously, with that much wealth of Marcellus Shale beneath my county's feet, and I do mean the entire county, we will be drilling and developing this resource probably into my grandchildren's lifetimes.

Now, Mr. Speaker, Armstrong had a bad week this week. EPA (Environmental Protection Agency) clean air dictates required the closure of Reesedale Power Plant, 14 megawatts taken off-line, 75 jobs lost. Mr. Speaker, we are counting on Marcellus development to fuel our future. It is what we have. PPG (Pittsburgh Plate Glass Company) that was once there employing 4,000 is now in Guadalajara; Eljer, 300 more has gone to China; and now Reesedale, 75 more. Mr. Speaker, we are running out of options.

Mr. Speaker, for the last 5 years I have fought this with every inch of my fiber. When I was approached could I support the bill, I set a list in my head of 15 checkoffs. The standards were very high. To convince me to vote against a gas drilling company, you would have to meet all of my conditions.

Mr. Speaker, I may surprise people today. I stand in support of the conference committee's report for the following reasons: I will not call anybody right thinking irrational, because I respect that everybody here will represent the 62,000 Pennsylvanians that entrusted them. That is what I am doing.

Mr. Speaker, local township supervisors retain every bit of sovereignty they currently have with one exception. If they are going to spot target a well and deny it a permit, they must deny that use of that specific property to all heavy industrial. It sounds fair – uniformity, constitutional.

Mr. Speaker, the distribution on revenues collected is driven out locally and is specifically earmarked to the water conservation districts who will receive money through the counties. There is your water concerns addressed. It is being driven out to the townships to fix the road and infrastructural repairs that come from these trucks, and, Mr. Speaker, I see probably about 200 trucks a day.

Mr. Speaker, the firemen that act as first responders to any accidents are for the first time having funding made available for them to take hazmat (hazardous material) training so they can deal with mishaps, God forbid they should happen. Mr. Speaker, the Fish and Boat Commission, who oversees our running waterways, also receives funding to monitor the water quality. The Department of Environmental Protection, DEP, receives greatly enhanced funding for the administration. PEMA, the Emergency Management Agency, receives money to deal with emergencies. The Office of the State Fire Commissioner receives money; rail freight that will help us move our bulk quantities of water and sand needed for fracking to take them off our streets, increasing our safety margins.

Probably not the most valuable but also a very valuable portion of this committee report, Mr. Speaker, is the need for Pennsylvania to trade its heavy fleet of diesel trucks currently powered by fuel selling over \$3.60 a gallon and makes them go to compressed or liquid natural gas systems that function for a buck forty.

Mr. Speaker, my conditions were many. They were stringent. They were standard. I feel the fees assessed, Mr. Speaker, more than anything, are reasonable. Whereas some would say more, more, more; we need it for schools; we need it for whatever, that would make it a tax, and unlike the previous speaker, Mr. Speaker, I would contend this truly is a fee. The costs are dedicated to whatever impact may have been caused by local drilling, and again, Mr. Speaker, when we say local drilling, it takes on a special flavor in that those are my local guys working the rigs.

Unbeknownst to many members here, we have a very vibrant vertical well deployment sector. We do not experience the great horizontals like they do in the northeast of Wyoming County. No, we cannot do that. The shale is different where we live. All we can do is a vertical well, which if you oppose forced pooling – and I most certainly do; I do not feel it is right to take something that belongs to somebody else – a vertical well is the only solution to allow our neighbors to realize the benefit of this Marcellus without pooling somebody else's property against their will.

And again, Mr. Speaker, more guys working. If this is to be about jobs, and I get around my district pretty often and pretty widespread, that still is the number one concern. What are you doing to make jobs? Well, Mr. Speaker, right now Marcellus is what we have.

It may shock people that I ask for support of this bill, but I feel this is the best product that can be reached. We have played with this for 5 years. We have led in with high numbers. Some would say these are low numbers. I would beg to differ with that. We already know of one big company that is leaving the State because we are inferring a severance tax.

Mr. Speaker, we are all elected not to represent the wishes of a State or a gas company or an environmental group, Penn whatever, 10,000 Friends. I am lucky if I have 100. But do you

know what? Mr. Speaker, they are true friends and they are people that care about their neighbors the same as I do. For us to be able to maintain the Marcellus industry in this Commonwealth over the next few decades – and they are projecting we could ride this for 80 to 100 more years – it is necessary to approve this conference report, and I would encourage all the members to do so.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House adopt the report?

On that question, the Speaker recognizes the gentleman from Clearfield County, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

So it has come to this. After almost 4 years and better, much better legislation that this House sent to the Senate, we have so-called compromise legislation conceived in secret and unleashed on the Commonwealth in a matter of hours.

Mark my words, I may not be here, but this legislation because of the way it is drafted and the lack of concern for water supplies, invites an environmental disaster – a catastrophe that seemingly it will take to put the legislature on track for adequate legislation that protects Pennsylvania, its citizens, and their pocketbooks. Instead, we have the sweetheart deal that looks after the industrial gas drillers and their bulging pocketbooks.

This legislation is wrong. It starts from the perspective and interests of the gas industry and ends there. The revenue capture is a joke, the environmental safeguards are minimal, and the stripping of power from our communities is unconscionable.

I said it before, but we are encountering new challenges from Marcellus on a weekly basis. Extraction of any natural resource comes with risks and challenges and impacts. It was our duty to confront those challenges. Instead, we defer and duck our responsibilities. There will be a day of reckoning.

I urge everyone, my friends and colleagues on both sides of this aisle, to think long and hard before voting for this measure. Together we can do much better, much better with little effort and more conscience and more heart and more dedication, but this will be a measure of our default on the issue and our default on our responsibilities. Mark my words and vote "no" on concurrence.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House adopt the report?

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

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, to put it simply, this bill is a sham. It is nothing more than a sweetheart deal for the multibillion-dollar oil and gas industry. It swindles Pennsylvania's taxpayers and fails to make huge out-of-State corporations pay their fair share. At a ridiculous almost 1-percent effective tax rate, this fee would be among the lowest of any natural gas-producing State in the nation. Under this unreasonable fee, huge oil and gas companies will pay less than half the 3.07 percent that working Pennsylvanians pay in their State personal income taxes. Let me repeat that. These big out-of-State corporations will be paying less than half of what the personal income tax rate is for your constituents. That is unacceptable, Mr. Speaker.

Mr. Speaker, under this fee and using the average 4-year price of natural gas, between 2007 and 2010, my home county of Clinton would have generated less than one-third of the money that one drilling company has spent on two roadways in my area in 1 year. Now, in case you did not understand that, let me repeat that and rephrase it for you. One company in my home county of Clinton County spent three times more money in 1 year to address impacts in Clinton County than this bill will raise in my area in 4 years.

Clearly, this fee will not meet the impacts of the industry. This is an industry giveaway, pure and simple.

Mr. Speaker, this report privatizes the profits from Marcellus Shale and socializes the costs of environmental cleanup on the backs of hardworking Pennsylvanians living in the Marcellus Shale region.

Regrettably, this bill will not protect our water, our air, and our land from the dangers posed by drilling activities in the shale. This bill includes environmental buffers and setbacks that are completely inadequate and do not ensure that public water supplies are protected from potential pollution and contamination.

The setbacks in this bill do not protect intermittent and ephemeral streams – that is, streams that flow only part of the year – and even where setbacks have been improved, huge loopholes negate them. In fact, this bill clearly states that gas companies shall, shall be given variances and waivers from setbacks providing loopholes to avoid these environmental safeguards. Mr. Speaker, the bill imposes pathetically weak penalties for drilling companies that violate the token environmental protections provided in the bill.

Last night during the conference committee, we questioned the bill, and it was pointed out that under this bill a general violation, a general violation of the law, will be raised from a \$300 fine to a shamefully low \$1,000 fine. What is even worse, willful violations will remain unchanged. Now, think about that. We raised the fine for the generic violation, but willful violations, the fine does not get raised at all. This is nothing more than a slap on the wrist. We cannot accept this when in the past 4 years we have seen on average more than two violations per day in the Marcellus regions.

Mr. Speaker, this bill falls short on local zoning. Industrial operations like natural gas compressor stations will be nothing more than a nuisance in residential areas. Imagine a compressor station is a mere 750 feet from your home that runs 24 hours a day, 7 days a week, for 60 years. That is what this bill allows. This scheme puts a higher priority on increasing profits for multinational corporations than on protecting the public health and safety of Pennsylvanians. We must hold the health and safety of our residents above corporate profits.

Mr. Speaker, more than a century ago the coal and timber industries nearly destroyed our State's environment and left the taxpayers holding the bill for environmental restoration and cleanup. But that is exactly what we would be doing today if we pass this bill. We have to learn from those past mistakes, and we should not repeat them.

Former DCNR Secretary John Quigley has repeatedly stated that our remaining State forest lands are of a pristine value and should not be compromised. Nevertheless, this bill compromises our pristine State forest lands by encouraging, encouraging further leasing for drilling, rather than protecting the remaining environmentally sensitive lands.

Mr. Speaker, today Grover Norquist's Americans for Tax Reform said, "HB 1950 is clearly a tax and to call it anything different does not change that fact." The bill is a tax increase, and according to Grover Norquist, it violates the Americans for Tax Reform pledge to vote against all tax increases. Let me ask why anyone would break that pledge for such a bad bill?

In addition, the Commonwealth Foundation has come out against this bill, calling it "a new job-killing tax – a tax that would not put out the fiscal inferno, but instead would feed it." The foundation continued, "This came suddenly after a handful of legislators struck a deal behind closed-doors."

Mr. Speaker, the Corbett administration and the Republicans hatched this antitaxpayer scheme in secret meetings behind closed doors and without public input. This sham is the product of a shameful return to the dark days of Pennsylvania politics, with backroom dealings and no public transparency and no public accountability.

There is no greater issue facing the people of Pennsylvania than the responsible oversight of the booming natural gas drilling industry in the Marcellus Shale region. Let us put an end to this farce of an impact fee. Let us pass a real, fair, and reasonable severance tax on the oil and gas drillers in the Marcellus Shale. The people of Pennsylvania deserve more than half measures crafted under the cover of darkness.

Mr. Speaker, I urge a "no" vote.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House adopt the report?

On that question, the Speaker recognizes the gentleman from Monroe County, Mr. Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

My gosh, have we been hearing some allegations against those bad Republicans.

Let me first address the revenue side because we have heard different numbers here. The gentleman from Delaware County was mentioning that this does not generate that much money, this bill, and he compared us to Texas, who gets 7 1/2 percent of value from their extraction tax, one of the highest, actually the highest of any State. That, for Texas, in the year 2012, the year that we are in, will generate \$745 million. So Texas is going to do pretty good, \$745 million. And then he mentioned what we would generate, but he missed a very important piece of the revenue. Corporate business taxes that these companies that are here in Pennsylvania in the year 2012, the year that we are in, are going to pay: \$306,900,000. That was not mentioned. The State of Texas does not have a corporate net income tax; it does not have a capital stock and franchise tax. So they are not getting those dollars. On top of that, the State of Texas does not have a personal income tax at 3.07 percent. So every job that is created up there at the drilling sites or the ancillary jobs from the companies that supply products for the drilling in every one of our districts, all those employees are paying personal income tax.

So just use a realistic, one of those low-ball numbers. The extraction tax that we are putting on is going to generate approximately \$180 million in 2012. It is a very low-ball number. It can go as high as in the first year at \$300, \$400 million, but we will use the \$180 million. When you add the corporate business taxes to it, the \$306.9, in this year alone, the Marcellus Shale will generate \$486,900,000 in revenue for the Commonwealth, in this year alone. Now, let us compare that

to Texas. We are drawing approximately 4 percent of what Texas is producing right now, 4 percent, and we are collecting nearly 70 percent of the revenue that Texas is getting from their drillers. I would say that is a pretty good dollar figure.

So let us put that aside. Let us forget about this revenue, because I think we have addressed that very well right now and we are doing very well. Let us talk about the environmental impacts.

For the last 4 years your side of the aisle was in charge. We are living under your rules. We are complaining here that the penalties are not high enough, that the violations were at \$300. We are raising the violations to \$1,000. We did not set those rules. You guys did.

The setbacks, there were no setbacks. We are putting setbacks in. Now you are saying those setbacks are not big enough from all of these various items that you are mentioning. Where were your setbacks? How come there were no setbacks before?

The truth of the matter is, we are putting some protections in place. So to say, well, this is not good enough, let us do nothing at all, is that what we want? We have made drastic improvements. Is it the perfect bill? No. I said that before. It is not. But let me tell you, this at least puts some protections in place.

And let me go through a list of associations that support this bill. The County Commissioners Association and the Township Supervisors Association were claiming that we are taking rights away. The Pennsylvania Association of Boroughs supports it. Growing Greener supports it. The conservation districts support the bill.

I am confused. I am hearing all the stuff, and yet the truth is, it is better than having nothing at all. It is generating plenty of money. It has made some improvements over what was in place, and we will continue to monitor it.

I urge a unanimous vote. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House adopt the report?

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

Mr. FRANKEL. Thank you, Mr. Speaker.

Before I commence my remarks, I think I need to correct a couple of the comments and claims of my colleagues on the other side of the aisle.

We heard my colleague from Armstrong County talk about HB 1950 generating and earmarking \$6 million of revenue for the Department of Environmental Protection – not a great deal of money, and it certainly does not make up for the \$10.6 million cut proposed today in the Governor's budget address.

My colleague from Monroe County just talked about the taxes that are paid, corporate income tax. Eighty-five percent of these oil and gas companies do not pay the corporate income tax. They have the Delaware loophole. Many of them are limited liability corporations. They do not pay the corporate income tax. They pay at the personal income tax rate of 3.07 percent, one of the lowest in the country. They are not paying their fair share under the existing corporate tax structure of this State.

The majority party professes to support individual rights and responsibilities. In fact, in his budget address today, the Governor stated that local municipalities should take responsibility for their own decisions on how funds are used in

their communities. He said that vulnerable citizens must be encouraged to be autonomous. Apparently, individual rights and responsibilities are a great talking point until they get in the way of oil and gas company profitability.

HB 1950 takes away community rights by preempting local communities' abilities to enforce their own zoning laws. HB 1950 takes away individual rights by allowing drillers to acquire a variance from the Department of Environmental Protection in order to drill closer to buildings and water sources.

To be clear, to be clear, and I think this is extraordinary, previous versions of this legislation said that the Department of Environmental Protection "may" grant a variance to a driller in order to drill near buildings and water supplies if they are unable to get a written consent from the property landowner. However, the language was changed, as my colleague, the minority whip, said. This bill tonight changes that language from "may" to "shall." The Department of Environmental Protection "shall," shall grant a variance for a driller who cannot get consent.

What are we saying, my Republican colleagues, about the idea of property rights? "Shall," without any due consideration or due process. Immediately. Want a variance? You got it. This means that even though HB 1950 contains setback limitations, a drilling company can get around that by petitioning the department. At this rate, I guess we should count ourselves lucky that we are even requiring drillers to inform landowners that they might have a massive drilling operation on their land.

The last session, we passed two bills. We passed two good bills that would have appropriately taxed and regulated Marcellus Shale drilling in the Commonwealth of Pennsylvania. One of those bills, spearheaded by my friend and former colleague from Allegheny County, would have generated about \$400 million for Pennsylvania in the first year alone. For the record, that is more than twice the estimated revenue that will be generated in this bill tonight.

And in this session I strongly support a proposal by my colleague from Delaware County, whom we heard from earlier, which would have generated in the first year about \$250 million of revenue and matured to about \$600 million of revenue, but we are not going to get a chance to see that bill move. Instead, we are left with the bill before us, HB 1950, which his supporters claim is a compromise between the chambers and the Governor. If that is true, then I would say this bill is not the only thing that will be compromised. I would say that HB 1950 will compromise our clean air and our clean water. I would say HB 1950 will compromise landowner and municipal rights. I would say HB 1950 will compromise our future by not adequately generating the revenue needed to properly fund the priorities that many of us hold dear: education, social services, roads, bridges, mass transit, and the list goes on and on.

I would say that HB 1950 will compromise our ability to say that we in the General Assembly have ensured that the gas companies pay their fair share. We can do better than this. I will not support it, and I urge my colleagues not to support HB 1950. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House adopt the report?

On that question, the Speaker recognizes the gentleman from Schuylkill County, Mr. Goodman.

Mr. GOODMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 1950, but because the hour is late, I will keep my comments short.

I know that this legislation probably would not have come to the floor unless we already knew how everybody was about to vote, but I feel compelled to rise and speak on this very issue, because I am a son of the coal region. I know firsthand what a large environmental impact can do on an industry like this. I know how we can— I mean, I come from an area where the coal fueled the industrial revolution, and it made my area great and it brought a lot of jobs and stability to my area. But we, to this day, suffer many of the scars from that industry, and I do not want to see us go down this same road again.

I also rise because I question some of the numbers that have been bantered around this evening. And I just, you know, we can talk about local zoning, environmental protection, pooling, funding distribution. We can debate these things forever. We have been debating these same things for the last 6 years. But what this debate comes down to, to me, is simple: You either support a severance tax or you support an impact fee. So let us look at the two of them.

Let us look at our neighboring State of West Virginia that imposes what I consider to be a reasonable severance tax of 6.1 percent. In West Virginia, the average well will produce, will generate a revenue of about \$2.4 million over 20 years. Under this proposal, a well in Pennsylvania will generate about \$360,000 a year.

Now, let us push that out for 20 years, taking both fields into consideration – West Virginia with a 6.1 percent and Pennsylvania with HB 1950. If we were to impose tonight a reasonable 6.1-percent severance tax – which is reasonable when you consider that in Pennsylvania, they do not pay property taxes on their structures – if you were to do that, in 20 years, West Virginia will collect \$24 billion on their severance tax. Under this legislation, we will collect \$3.6 billion. That is a \$20 billion difference over 20 years.

Now, on the same day when we all sat here and listened to a budget that made us cringe, when you talk about cutting things like education, veterans programs, seniors programs, and programs that benefit the most needy in our society, how can we in good faith vote for a piece of legislation that will make a \$20 billion difference just because of the Mason-Dixon line?

Mr. Speaker, that makes absolutely no sense to me. This bill is not ready for prime time. You may think that just doing something will get you past this election, but this one is coming back to haunt us all. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House adopt the report?

On that question, the Speaker recognizes the gentleman from Washington County, Mr. White.

Mr. WHITE. Thank you, Mr. Speaker.

The forces of revolution are undeniable. And I cannot deny the claims of those who proudly proclaim that we are at the dawn of a natural gas revolution in Pennsylvania, and in America. I have seen it with my own eyes in my own town, which is why I support the safe and responsible development of natural gas.

The seeds of revolution have been firmly planted, much like the seeds of another revolution, taking root way back in the year 1626. And then although true independence was over 150 years away, our nation had already embarked on an inevitable course of political revolution.

Now, we all know that those who fail to learn from history are doomed to repeat it, which is why I want to go back 386 years when the rights to a little island called Manhattan

were sold by the Delaware Indians to new explorers for trinkets worth all of \$24.

Now, much like the lame excuses to justify support of HB 1950, it may have seemed like "the best we could get at the time," or "better than nothing." But we all know now how incredibly shortsighted their judgments were. Ironically enough, by the way, the local inhabitants of Manhattan, members of the Wappinger tribe, never even saw any of that \$24. And not unlike the people of the Wappinger tribe, it is the people of Pennsylvania who are today seeing their resources usurped for mere trinkets.

Five years ago today, the stock price of Range Resources, a natural gas driller based in my legislative district, sold for \$30.60 a share. Today, despite the repeated and unsubstantiated prize of an unworkable environment, Range's stock is up 200 percent, trading today at \$60.81 a share. Now, I am no mathematician per se, I am no economist, but how can you cry about how hard it is to operate over the same period of time that your stock price doubled, in the middle of a recession no less? How many of the families and small business owners in Pennsylvania can say that their value has doubled over the past 5 years? Probably not many. But then again, the people of Pennsylvania did not have the \$3.7 million spent by the natural gas industry to lobby last year alone.

To add insult to injury, we are here debating a bill that will take an impact fee designed to offset the impact of drilling in Pennsylvania and their communities, but it is actually loaded with goodies for the industry. There are millions of dollars going to housing affordability programs. That means that we are directly subsidizing temporary housing for workers from out of State, which means less money for Pennsylvania hotels and landlords.

There are millions of dollars to develop natural gas vehicles, because the supporters of this bill must think that a direct government handout is preferable to allowing the free market to develop.

And finally, there is a direct cash incentive earmarked for the Shell Oil Company, which posted a profit of over \$20 billion – that is billion with a "b" – in 2010.

Now, on the same day our Governor announced a budget which slashes funding for Pennsylvania students, how can this body possibly vote to directly subsidize a foreign oil company? A vote for HB 1950 is a clear and unequivocal vote for corporate welfare of a magnitude that should be unfathomable to the elected caretakers of this Commonwealth. And if you think your constituents were outraged by public dollars going to the Arlen Specter Library, how do you think they are going to feel about the taxpayers footing the bill for Shell Oil?

But like the song says, money cannot buy us love. The real issue is the preemption of local control under this bill. And before I was privileged to stand here as your State Representative, I served as a township supervisor, and I can tell you that despite what you may be hearing, HB 1950 will decimate local control and local accountability for oil and gas operations.

And let us be clear about the distinction. Eliminating local control is not the same thing as eliminating the jobs and economic benefits of natural gas. We could have both. But do not take my word for it. In last year's budget address, Governor Corbett said he wanted Pennsylvania to be the Texas of the natural gas drilling industry. But then how do you explain that the State of Texas actually allows local zoning regulation of

natural gas for things like setback distance, sound levels, water usage, and permitting processes? The very same rights being stripped away for Pennsylvanians in this bill are established law in the drillers' paradise of Texas.

Personally, I think this is a golden opportunity to take a page from the Texas playbook and send a message to the natural gas industry: You did not mess with Texas, so do not mess with Pennsylvania.

Somewhere in this debate, common sense got lost. The middle ground evaporated and the voice of reason faded to an inaudible whisper. We can have jobs and clean water. We can have clean energy without a compressor station 300 feet from a school. We can have domestic energy without corporate welfare, and we can have a fair and reasonable fee that really addresses the local impact of drilling without all the propaganda and the misleading rhetoric.

We are in a unique position, because we can indeed have it all, but in order to do these things, we need to have an open and truly honest debate about the future of natural gas drilling in Pennsylvania. And anyone who has followed this issue knows this debate has been anything but open and honest. Special interest groups representing local government and environmental associations have been forced to give halfhearted and disingenuous support for these bills in order to provide much-needed political cover, and they should be ashamed of their actions.

Any claim of transparency in this process is a total joke. The people of my district deserve to know that the government relations lobbyists from the energy companies located in their district had more involvement in the writing and passage of this bill than the Representative from their district. The passage of HB 1950 will serve as an unequivocal message that the era of transparency and reform in Pennsylvania government is dead, and the people that push the green buttons tonight are the ones that killed it.

I came to this chamber 5 years ago with a naive optimism that we could work together to properly develop natural gas in Pennsylvania and promote clean energy and job creation, which we all say is our goal. But as we all know, hope in government has become a lightning rod for criticism and ridicule. So instead, I stand here tonight in the well of this chamber in a fog of hopelessness. We had a chance to do a great thing for the people of Pennsylvania, and it appears we are on our way to failing spectacularly. But the hopelessness I feel is nothing compared to the hopelessness our constituents will feel in years to come: the hopelessness of a parent dropping their children off at a school with massive compressor stations just a stone's throw away, emitting noise, fumes, and carcinogens; the hopelessness of a hunter who is unable to eat the deer he just shot because he is not sure if it had been drinking from a water impoundment with inadequate fencing, and make no mistake, any true friend of hunters and sportsmen in Pennsylvania should be opposed to this bill; the hopelessness of a worker who cannot get a good-paying job in the industry because he or she had the audacity to join a labor union and learn a skilled trade; the hopelessness of township supervisors who will have no choice but to raise your local taxes because the impact fee money is woefully insufficient to fix the roads and bridges. But the pure and utter hopelessness I feel today is nothing compared to the hopelessness that all of the people of Pennsylvania will ultimately feel, knowing that not unlike the Wappinger Indians

in 1626, their government abandoned them for a small handful of trinkets that they will probably never see.

Vote "no" on 1950.

The SPEAKER. The question is, will the House adopt the report?

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

Mr. ADOLPH. Thank you, Mr. Speaker.

I certainly enjoyed the enthusiastic speaker, and I am sure that his constituents will be happy to know of the jobs in his area that will be lost if we are not able to keep this industry here in Pennsylvania.

And I say that, and I say that because coming from Delaware County, we are experiencing job loss as a result of refineries closing, and we are looking forward to the opportunity someday of this natural gas industry with the pipelines coming to the southeast that will help put our building trades to work so we can build the terminals necessary to export this product. The families that have lost their jobs as a result of these refineries closing really suffer, and I am sure when they take a look at the other areas of this State that are benefiting from this industry, they certainly do not think that this industry is harmful.

It does not come as a surprise that the Governor talked today about Pennsylvania's unemployment rate is a full 1 percent lower than the surrounding States and nationwide. We here in Pennsylvania that have traveled the State, we know why that is, and that is because of this industry. It has brought thousands of jobs to this Commonwealth of Pennsylvania, and it has also brought millions of dollars to the Commonwealth of Pennsylvania.

There are environmental groups that support this piece of legislation. The coalition of Growing Greener, some of the folks that spoke tonight on the other side of the aisle, I remember when we tried to get the Growing Greener II through, spoke the same way that night as they are this night, saying that it is not enough. Well, some of those programs that we established over a decade ago, those funding sources are running out, and this bill provides an extension for those very important programs that mean an awful lot to our constituency.

The Chesapeake Bay Foundation. You talk about people that understand contamination to water. That foundation has so many dedicated volunteers. We received a letter tonight with their endorsement for this proposal.

Setbacks. This bill improves, this bill improves compared to HB 1950 that left here earlier.

So there are always, there are always reasons to vote "no" on any piece of legislation that comes through here: I wanted more; it did not do enough; it is not enough revenue; it is too much revenue. I have heard all the excuses. But I will tell you what: When this bill passes tonight, and it will pass, and the Governor is going to sign it, we have accomplished a lot.

I would be proud to stand in front of this General Assembly next week and say we did it together. So put aside your partisan politics and talk and read this piece of legislation. This bill is good for Pennsylvania, it is good for jobs, it is good for the environment, and it is going to help us maintain a dedicated revenue source for so many valuable programs.

Thank you very much, Mr. Speaker.

The SPEAKER. The question is, will the House adopt the report?

On that question, the Speaker recognizes the lady from Philadelphia, Ms. Youngblood.

Ms. YOUNGBLOOD. Thank you, Mr. Speaker.

I rise today to offer my perspective on this issue and to encourage my colleagues not to fall for the Marcellus scam that is currently before us. This scam simply pads the pockets of billion-dollar multinational companies at the expense of our environment, and most importantly, our working families in Pennsylvania.

Some in this chamber would say that providing a legitimate statewide severance tax on the production of the Marcellus Shale gas would cause job loss, encourage companies not to invest in Pennsylvania, and force gas companies to take their ball and go home. But, Mr. Speaker, that mentality is contradictory to reality.

Mr. Speaker, we have an example here in Pennsylvania that proves this theory wrong, that proves a fair and equitable tax on an industry does not result in a negative outcome. Pennsylvania currently taxes the gaming industry at 55 percent. Yes, 55 percent of all revenue generated by slot machines in Pennsylvania goes to the State, and an additional 16 percent from table games is directed to State coffers. Yet we do not see the casinos running for greener pastures. Actually, we see them investing more money into our people, into our workforce, into our local economy. And simply why it is happening is because of the ability to operate a casino here in Pennsylvania, just like gas companies know that the Marcellus gas is here. It is not in Nevada; it is not in California; it is not in the Carolinas. It is here in Pennsylvania. To the notion that gas companies are going to leave and take their jobs with them is simply a falsehood. Just ask the tens of thousands of Pennsylvanians employed by our casinos.

In addition, Mr. Speaker, I know there are some in this chamber who continue to worry about the ills of gambling and the burden placed on our taxpayers from the consequences of legalized gambling. But as legislators, we took into account these consequences, and the State gaming law reflects the potential burden from addiction and problem gambling. There are mechanisms in place to help alleviate that burden on our State's citizens, and these mechanisms were made possible by the taxes we imposed on this industry.

In fact, the administration of gaming in Pennsylvania is fully funded by the industry. No taxpayer money is used for the Gaming Control Board budget or the budgets of any other agencies involved in enforcement, overseeing, or administering anything related to licensed gaming. The gaming law built a layer of protection for taxpayers that includes helping to reduce the costs associated with the consequences related to problem and compulsive gambling. The law requires that \$5 million a year go toward compulsive gambling programs, as well as drug and alcohol treatment services. Also, \$25 million a year goes toward grant programs for volunteer fire companies; another \$2 million to local law enforcement grants to investigate and enforce illegal and unlawful gambling in Pennsylvania.

Through the 55-percent tax rate, we have been able to curb the burden of this industry on our taxpayers; in fact, provide a tax benefit to our homeowners. Yet when it comes to big oil and gas companies, we are afraid to assess a fair and equitable tax structure or provide substantial bonding requirements to help alleviate the burden of the consequences of drilling. The bonding requirements in this plan are a disgrace, and there is virtually no real financial accountability for drillers who do not,

who do not do what is expected of them. Simply, the consequences of drilling will be placed on the backs of the taxpayers.

The environmental protections in this plan are unbelievably inadequate and do not ensure the public water supplies are protected from potential polluters or contamination. Once again, the consequences of drilling will be placed on the backs of the taxpayers. This proposal imposes significantly weak penalties for drilling companies that violate environmental protections, if we can even call them that, that are provided in this bill. In reality, this proposal has no teeth and provides little more than a slap on the wrist to those who threaten and pollute our environment.

Again, our State's gaming laws have significant protection to the taxpayers of this great Commonwealth that violate laws. In 2010 we passed legislation that reformed the operations of the Gaming Board to enhance their protections, plus we passed additional proposals this session that enhanced the transparency and oversight of that industry. We continue to impose restriction after restriction on the gaming industry, many of which have come from the same lawmakers who want free enterprise to rule the discussion when it comes to the Marcellus Shale gas companies. That argument, this Marcellus Shale, does not hold any water.

Mr. Speaker, this sham of a proposal falls short of what is fair and equitable, and are we prepared to suffer the consequences of drilling? We are not looking ahead and preparing to relieve the burden that will be passed along to the taxpayers of this Commonwealth when something goes wrong, and we are already seeing some of the consequences to drilling: contaminated drinking water, poor air quality, degradation of our environment. Who will clean up the consequences of drilling? It is a shame: the taxpayers of this great Commonwealth.

The SPEAKER. The question is, will the House adopt the report?

On that question, the Speaker recognizes the gentleman from Northampton County, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the conference committee report contained in HB 1950.

In so many ways, this is a terrible bill. It is terribly inadequate in terms of the impact fee that would be levied. It is terribly inadequate in terms of the setback language to protect water sources and to make sure that various operations of the drilling do not come too close to residences and other buildings.

It is also terribly inadequate in terms of how it structures the approach to the impact fee, providing for an optional county approach to its levy, something which will set one county against the other, pitting their interests against each other, and allowing the drilling companies to play a game, to play a game of sweetheart deals to prevent an impact fee from occurring where it should be levied – in the affected counties.

This bill also fails to adequately address the needs of funding. While some have cited the moneys that would go to various environmental programs, it is not enough. It is not a reasonable sum. We can do better, we need to do better, to ensure the proper funding of our Environmental Stewardship Fund programs.

And this legislation does not give us the opportunity to have the kind of revenue to deal with the fiscal realities that we are facing here in the Commonwealth of Pennsylvania that the Governor pointed to in his budget address today and which we should not be turning our back on as a source of revenue to address those issues to adequately fund numerous other important elements of our communities and of our State; in particular, proper funding of education.

The drilling companies under this legislation will reap huge profits, profits off of a Pennsylvania resource, but the citizens of Pennsylvania will get less than they should in compensation for allowing this drilling to continue. This bill is a drilling company's dream.

What I would like to speak to, however, as the primary concern I raise as the Democratic chairman on Local Government, is the impact on local zoning, on local ordinances. Many, many years ago this legislature gave zoning powers to local governments as a way to protect local safety and health. The delegation of those police powers was critical to empower local communities to be able to set their own destinies and to protect serious considerations in regard to safety and health and local welfare. When a community zones, given the case law here in Pennsylvania, they must zone for every conceivable use. They cannot be exclusionary. If they do, they could be subject to a challenge in the courts. That is a reality, and that is a reason why there is no reason whatsoever, no reason that makes any sense whatsoever, to preempt local zoning powers, because there already is an avenue if there is any effort to make those local zoning ordinances arbitrary in dealing with drillers. We do not need to take away that local prerogative to set their own destinies.

One of the proponents of this legislation said that this was a balanced approach to the issue of zoning. The reality is, it is not. It is a preemption of local ordinances; it is a preemption of local zoning. We are taking away the ability of our local communities to be able to set in place reasonable measures to protect the health and safety of their communities as it pertains to drilling.

One has only to look through the sections of the legislation to see what in fact the impacts would be in regard to zoning. Under this legislation, a local ordinance "shall authorize oil and gas operations, other than activities at impoundment areas, compressor stations and processing plants, as a permitted use in all zoning districts" – all zoning districts. That is not just industrial or agricultural; that is commercial and residential, places where people live. It shall authorize impoundment areas where the toxic waste used in the fracking process will be held. It will "...authorize impoundment areas used for oil and gas operations as a permitted use in all zoning districts, provided that the edge of any impoundment area shall not be located closer than 300 feet from an existing building." That is 100 yards, a football field distance from a home, from a school, from a day-care center, from a hospital, from an assisted-living center for our senior citizens – only 100 yards away, woefully inadequate in terms of a setback.

Mr. Speaker, one of the other flaws in this legislation is that it empowers the PUC, the Public Utility Commission, to make decisions as to whether ordinances comply with the provisions of this legislation, as to whether local zoning is in compliance. The PUC does not have the expertise, it is not within its mission to bring judgment over whether or not a local ordinance is in keeping with the Municipalities Planning Code. They have

never dealt with that, they are not equipped to deal with it, and they are not up to the task.

Another section in this legislation deals with the ability of the Department of Environmental Protection to waive, to waive setback requirements within the legislation, and on page 73 of the bill, it states, "The department shall" – not "may," but "shall" – "waive the distance restrictions upon submission of a plan identifying additional measures,..." and it goes on, but basically is a "shall" provision to waive the distance provisions in terms of wells from other sources of drinking water.

It goes on to state further in that section, "Notwithstanding any other law, no municipality or storage operator shall have a right of appeal or other form of review from the department's decision." We give the DEP, that State bureaucracy, the power to prevent any kind of appeal on these distance changes, these distance waivers. A municipality would not even be able to take their case to court.

If under this legislation an ordinance is ruled as not in compliance by the PUC, then there is the reality that that community will lose any share of the impact fee moneys. So what we are doing in this legislation, Mr. Speaker, is giving the power of the State as a force to do the will of the drilling companies against our local communities, and we are taking the power of the purse to ensure that they comply, that they fall into line, that they do not take an independent course to protect their communities in terms of the impacts of drilling.

I find it ironic, Mr. Speaker, that the party of small government, the Republican Party, the party that is the proponent of this legislation, is championing the power of the State over our local communities, is championing bigger government over local communities, dictating to those local communities what kinds of ordinances they can put in place to protect their citizens. The Republican Party is defending State bureaucracy's right to dictate through regulation and decisions, as in the case of the DEP waiver that I just referred to, to allow the State and the State bureaucracy to dictate to local communities what they have to abide with, even though it is those local communities that should be entrusted with that decision to determine what a proper setback or distance should be within their community. What this legislation does is provide a one-size-fits-all approach to setbacks and to distances, and that is simply wrong and it flies in the face of how good zoning should be used and utilized within our communities.

Mr. Speaker, we can do better in terms of Marcellus Shale drilling legislation, and we should do better. I urge this House to vote "no" on the conference committee report contained in HB 1950.

The SPEAKER. The question is, will the House adopt the report?

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

Mr. BARBIN. Thank you, Mr. Speaker.

I have two quick questions for the maker of the bill, if he would stand for interrogation.

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

Mr. BARBIN. Thank you.

Could you tell me under the terms of the current bill whether or not a landowner still has the right to request a water survey? Under the original bill, the George amendment was offered and it allowed a landowner to request that survey.

Mr. ELLIS. The conference committee report also includes that language.

Mr. BARBIN. So you are saying then, under the terms of this bill, a landowner can request a water survey.

Mr. ELLIS. Correct.

Mr. BARBIN. Okay.

At what time on Monday was the final draft of this bill provided to the designees, the Democratic designees, of the conference committee?

Mr. ELLIS. Thank you very much, Mr. Speaker. The actual staff of the conferee had the first draft of the report on Saturday.

Mr. BARBIN. Okay. What I asked you, though, was, this particular bill, was this bill provided to the Democratic conferees at 7 o'clock on Monday night?

Mr. ELLIS. Yes, it was.

Mr. BARBIN. Thank you.

Okay. On the bill, Mr. Speaker?

The SPEAKER. The gentleman may proceed, on the bill.

Mr. BARBIN. Thank you.

Pennsylvania has a land area of 44,820 square miles. It has 1239 square miles of water surface. Article I of section 27 says the people have a right to clean air and pure water, that the Pennsylvania "...public natural resources are the common property of all the people, including generations yet to come. ...The Commonwealth shall conserve and maintain them for the benefit of all the people."

Now, what we have today is a situation where for the last 50 days, we have been taking legislative measures which have excluded the right of all the people in the Senate and all the people in the House to participate in a discussion as to what the people's right is and what the future generation's right to water is. The one thing this bill does not do is to protect the water. It does not protect the water because all of the water that is involved in this kind of drilling is not recycled. It is stored, it is put in injection wells, but we have no idea that it is not going to get back into our streams. This is something that we could have taken care of if we did not have a 1.4-percent tax. That is what it is.

Now, there has been a lot of discussion about how much money there is for this and how much money there is for that. But this bill, which originally started out as 24 pages in the Senate, it was 145 pages in the House, it became 287 pages in the Senate, and now it comes back to us last night at 7 o'clock with 174 pages, does not take care of the primary issue that the people sent us here to take care of, which is protect the water.

It is possible to protect the water. We cannot protect it if we will not require the people that are going to cause the problems to recycle the water. The water can be recycled, but not at 1.4 percent. So we get this bill that comes back from the Senate last night at 7 o'clock. Is it the same bill that we sent over? Of course not. It is 100 pages less. I do not know what was in that 100 pages, but it had to be something. Nobody really in this chamber knows what those 100 pages are. What we do know is, they are not going to protect the water.

There is nothing in those 100 pages they deleted that says the frack water is going to be made safe. It is not safe. If it gets back in the streams, it is going to ruin the streams. If it gets into the aquifer, it is going to ruin the aquifer. We could take care of it if we sat down and handled it and actually looked at what all these giveaways were. But we will not do that because four people in a conference committee last night at 7 o'clock decided, we have had enough discussion. So instead of having

50 Senators and 203 members of the House do our duty, which is to discuss how we can protect the water, we let four people decide and a bunch of staff members, who are not elected, which regulations we are going to accept and which ones we are going to throw out.

Now, that is bad policy. And it is not just me that says it is bad policy; it was said at the beginning of the Commonwealth. In Federalist No. 10 it said legislative "...measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority. However anxiously we may wish that these complaints had no foundation, the evidence, of known facts will not permit us to deny that they are in some degree true." Now, that was true in 1787 when the Federalist Papers were put out and it is true today. The majority has decided they have had enough. The Governor has decided he wants the bill on his desk. He does not care what that bill is; he does not know what that bill is. All he knows is, he wants it done.

Well, we have a higher duty than that, and it is not me that is saying it. The way that you protect the minority interests and the interests of the people is to make sure that when you have a rule and that rule is in the Constitution, that you obey it. Well, here are just a couple of the rules we are not obeying.

Article II, section 1: "The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and a House...." – 50 Senators, 203 members. That conference committee was four people, four people at 7 o'clock saying, this is enough.

Article III, section 1: "No law shall be passed except by bill, and no bill shall be...altered or amended, on its passage through either House, as to change its original purpose."

Now, I interrogated the maker of the bill, and he claimed that it was included in the bill that the landowner would have a right to protect his own water supplies by asking for a water survey. But I have looked through the bill, and there is nothing in the bill that gives the landowner that right. Now, he may think it is in there in the rebuttable-presumption section, but it is not in there. And if it is not in there, then this is not the same bill that we brought up that the Bud George amendment went in to protect landowners' water rights.

And lastly, every bill is supposed to be decided on three separate days. Each time we do this germaneness nonsense, each time we call the question without debate, each time we have a constitutionality rule to get rid of argument on the floor, what we are really doing is violating Article III, because it says every bill shall be considered at least 3 separate days.

Well, I am a member of the Environmental and Energy Committee, and we have never discussed any of the issues, that are the most important issues that could come before this House in the next 100 years. Pinchot is a Governor who said you balance the rights, the people's water rights, their timber rights, their rights to clean air, against the business interest. This bill does not do that. We should not push this through, because if we do, it is either going to be declared unconstitutional or we are going to have to come back and fix it as soon as there is a disaster.

So I ask that all the members of this House do the right thing for future generations of Pennsylvania: protect the water supply.

Mr. HANNA. Mr. Speaker? Mr. Speaker?

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

Mr. HANNA. Personal privilege, Mr. Speaker. To correct—
The SPEAKER. Personal privilege typically is when someone's rights, reputation, have been—

Mr. HANNA. Then that is what I am addressing.

The SPEAKER. The gentleman may proceed.

Mr. HANNA. Mr. Speaker, in response to interrogation, it was suggested that I was the conferee. It was suggested in interrogation that we had a draft on Saturday, that I had a draft, a member of my staff had a draft. That is not accurate. Let me start by saying—

The SPEAKER. The gentleman will suspend. That is not a matter of personal privilege.

Mr. HANNA. Mr. Speaker, when someone responds that something was delivered to me when I know that that is not accurate, I have the opportunity to correct the record on that. Is that not correct?

The SPEAKER. The gentleman will suspend.

Mr. HANNA. Mr. Speaker, may I approach the rostrum?

The SPEAKER. The gentleman may.

(Conference held at Speaker's podium.)

BILL PASSED OVER

The SPEAKER. For the information of the members, given the hour, there will be no further votes this evening and we will continue deliberations on HB 1950 tomorrow.

We have perhaps a few announcements and some housekeeping orders to take here.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman from Allegheny County, Mr. Frankel, is recognized for the purpose of making an announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

I would like my Democratic colleagues to listen very closely. We are going to have a Democratic caucus tomorrow at 10 o'clock. I would like to encourage every member to attend caucus at 10 o'clock tomorrow morning before we come to the floor at 11; 10 o'clock caucus for Democrat members. Thank you.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker also was negligent in recognizing one of the members who returned to the floor midway through the evening. The gentleman from Huntingdon, Mr. Fleck, has been on the floor for the last couple of hours, and I failed to put him back on the master roll call. I apologize.

FINANCE COMMITTEE MEETING

The SPEAKER. Is the gentleman from Centre County, Mr. Benninghoff, seeking recognition for the purpose of an announcement?

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I just want to send an additional reminder out to the Finance Committee members that we will continue today's meeting

tomorrow at 10 a.m., 302 Irvis. It should be about a half an hour. I would appreciate your attendance.

That is 10 a.m., Irvis Office Building, room 302. Thank you, Mr. Speaker.

Ms. MUNDY. Mr. Speaker?

The SPEAKER. For what purpose does the lady, Ms. Mundy, rise?

Ms. MUNDY. Mr. Speaker, may I interrogate the chairman of the Finance Committee?

The SPEAKER. That would not normally be in order. I mean, you are certainly welcome to go over and talk to him, but there is no order of business before the floor of the House.

Ms. MUNDY. Mr. Speaker, I am simply trying to get an idea of what will be on tomorrow's Finance Committee agenda so that we can adequately prepare.

The SPEAKER. The gentleman, Mr. Benninghoff, announced the meeting, and I believe that if you go over and talk to him, he will be able to provide you with that information.

Ms. MUNDY. Mr. Speaker, I have made that inquiry and have gotten no response.

The SPEAKER. Is the gentleman, Mr. Benninghoff, seeking recognition?

Mr. BENNINGHOFF. Seeing that we still have 4 minutes, I was actually in the procedure of trying to send Chairwoman Mundy—

The SPEAKER. Oh, we can do this kind of stuff all night long, if you want.

Mr. BENNINGHOFF. That is okay. As a former coroner, I am used to staying up all night long, so bring it on.

Anyhow, I will be over to talk to the chairwoman in a moment, but I was actually in the procedure of sending her an e-mail when you recognized me to make the announcement. I just did not want the other members to leave before we formally said an announcement, even though we already had sent one out by e-mail. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

The Finance Committee will be meeting tomorrow at 10 a.m. in room 302, Irvis Office Building.

BILLS RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be recommitted to the Committee on Appropriations:

HB 1617;
HB 1751;
HB 2032;
SB 1167; and
SB 1375.

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

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 1077;
HB 1523;
HB 1898; and
HB 2136.

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 1904 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.

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1904 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.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1685**, **PN 2469**, 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; and providing for duties of department.

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 1685 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 1685 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.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1976**, **PN 2863**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for original jurisdiction and venue in courts of common pleas; and providing for venue in personal injury actions against corporations and similar entities.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1976 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 1976 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 ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 9**, **PN 1838**, entitled:

An Act requiring identification of lawful presence in the United States as a prerequisite to the receipt of public benefits; prohibiting issuance of access devices to certain persons; and providing for the offense of possession of access device by certain persons.

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 SB 9 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 SB 9 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.

* * *

The House proceeded to second consideration of **SB 858, PN 1360**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in district and assistant superintendents, further providing for eligibility; and making editorial changes.

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 SB 858 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 SB 858 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.

RESOLUTIONS

Mr. TURZAI called up **HR 423, PN 2446**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study existing State aid funding formulas.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 423 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.

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 423 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.

* * *

Mr. TURZAI called up **HR 438, PN 2507**, entitled:

A Resolution urging the City of Philadelphia to establish a year-round program providing for the safe removal and adequate disposal of illegally discarded waste tires.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 438 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.

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 438 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.

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 2175 By Representatives TURZAI, ADOLPH, SAYLOR, MAJOR, STEVENSON, REED, VEREB, AUMENT, BAKER, BARRAR, BEAR, BENNINGHOFF, BLOOM, BOBACK, BROOKS, R. BROWN, CLYMER, COX, CREIGHTON, CUTLER, DAY, DELOZIER, DENLINGER, DUNBAR, ELLIS, EMRICK, EVANKOVICH, J. EVANS, EVERETT, FARRY, FLECK, GABLER, GEIST, GILLEN, GILLESPIE, GINGRICH, GRELL, GROVE, HACKETT, HAHN, HARHART, HARRIS, HELM, HENNESSEY, HESS, HUTCHINSON, KAMPF, KAUFFMAN, F. KELLER, M. K. KELLER, KILLION, KNOWLES, KRIEGER, LAWRENCE, MALONEY, MARSHALL, MARSICO, MASSER, METCALFE, MICOZZIE, MILLARD, MILLER, MILNE, MOUL, MURT, MUSTIO, OBERLANDER, O'NEILL, PEIFER, PERRY, PETRI, PICKETT, PYLE, QUIGLEY, QUINN, RAPP, REESE, ROAE, ROCK, ROSS, SACCONI, SCAVELLO, CULVER, SCHRODER,

SIMMONS, SONNEY, STEPHENS, STERN, SWANGER, TALLMAN, TAYLOR, TOBASH, TOEPEL, TOOHIL, VULAKOVICH and WATSON

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, in capital facilities, further providing for definitions, for legislative procedures and for appropriations and limitations on projects; providing for review of proposals; and further providing for funding and administration of projects.

Referred to Committee on FINANCE, February 7, 2012.

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 lady, Mrs. Rosemary Brown, from Monroe County, who moves that this House do now adjourn until Wednesday, February 8, 2012, at 11 a.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 10:59 p.m., e.s.t., the House adjourned.