

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, FEBRUARY 8, 2012

SESSION OF 2012

196TH OF THE GENERAL ASSEMBLY

No. 9

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

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

Thank you, Mr. Speaker.

Let us bow our heads:

God, we have many things for which we are thankful for in this nation, one of which is the privilege and the freedom to elect our leaders.

As we gather today in this hall to make the decisions that will affect so many people, let us take time to realize the great responsibility that has been put upon our shoulders. Let us remember that many of those who built this great country and this great Commonwealth were men and women of prayer who turned to You to help lay the foundation that made us the nation and the Commonwealth we are today.

So going forth this day, let us not make any quick or premature judgments. Guide our hearts to do what is right for those who depend on us. Give us the knowledge, wisdom, and understanding we need to make those wise decisions. Keep our tongues from speaking evil and deceit. Open our lips to say the right things. And as we are told in the Gospel of Luke, chapter 21, "But make up your mind not to worry beforehand how you will defend yourselves. For I will give you words and wisdom that none of your adversaries will be able to resist or contradict."

Father, give us those words. Give us that wisdom. Guide us today in all things, and at the end of this day, may we be able to say we have served Your will and Your purpose, and may we do all in Your name. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, February 7, 2012, will be postponed until printed.

### BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

**HB 1543, PN 3061** (Amended) By Rep. MILLER

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, for specifications and for duty of secretary; and providing for protection of a workman.

#### LABOR AND INDUSTRY.

**SB 469, PN 1948** (Amended) By Rep. STERN

An Act amending the act of February 2, 1966 (1965 P.L.1860, No.586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," providing for a short title; further providing for definitions; and making editorial changes.

#### TOURISM AND RECREATIONAL DEVELOPMENT.

### CALENDAR

#### RESOLUTION PURSUANT TO RULE 35

Mr. TURZAI called up **HR 530, PN 2945**, entitled:

A Resolution supporting the value of the Pennsylvania craft beer industry by recognizing the month of February 2012 as "PA Craft Beer Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

#### RESOLUTION RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 530, PN 2945, on page 9 of today's House calendar be recommitted to the Rules Committee.

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

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2186** By Representatives REESE, EVANKOVICH, DUNBAR, BAKER, COX, CREIGHTON, GEORGE, GOODMAN, GROVE, HARHAI, HENNESSEY, JOSEPHS,

LAWRENCE, MAHER, MALONEY, MURT, O'NEILL, PETRARCA, PICKETT, RAPP, SWANGER and TALLMAN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for duties of electric distribution companies.

Referred to Committee on CONSUMER AFFAIRS, February 8, 2012.

**No. 2187** By Representatives THOMAS, McGEEHAN, PAYTON, WATERS, BRADFORD, COHEN, JOSEPHS and KIRKLAND

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in miscellaneous provisions, establishing the Pennsylvania Interagency Council on Inmate Reentry.

Referred to Committee on JUDICIARY, February 8, 2012.

**No. 2188** By Representatives REESE, KRIEGER, SACCONI, MARSHALL, EVANKOVICH, DUNBAR, CAUSER, COX, CREIGHTON, ELLIS, EVERETT, GABLER, GROVE, KAUFFMAN, LAWRENCE, MALONEY, METCALFE, MUSTIO, PETRARCA, RAPP, SWANGER and VULAKOVICH

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for duties of electric distribution companies.

Referred to Committee on CONSUMER AFFAIRS, February 8, 2012.

**No. 2189** By Representatives CUTLER, AUMENT, BEAR, BOYD, R. BROWN, CARROLL, D. COSTA, P. COSTA, COX, ELLIS, EVERETT, GABLER, GODSHALL, GRELL, GROVE, HACKETT, HICKERNELL, M. K. KELLER, KILLION, KNOWLES, LAWRENCE, MILNE, PEIFER, PERRY, QUINN, ROCK, ROSS, STEPHENS, SWANGER, TOBASH and VULAKOVICH

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for impersonating a public servant and for visual and audible signals on emergency vehicles.

Referred to Committee on JUDICIARY, February 8, 2012.

**SENATE BILLS FOR CONCURRENCE**

The clerk of the Senate, being introduced, presented the following bills for concurrence:

**SB 117, PN 1908**

Referred to Committee on JUDICIARY, February 8, 2012.

**SB 1147, PN 1912**

Referred to Committee on TRANSPORTATION, February 8, 2012.

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

**HB 527, PN 494**

By Rep. BARRAR

An Act establishing an emergency medical services memorial flag; and imposing duties on the Pennsylvania Emergency Health Services Council and the Bureau of Emergency Medical Services in the Department of Health.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**HB 662, PN 3062 (Amended)**

By Rep. BARRAR

An Act amending the act of December 15, 1982 (P.L.1266, No.287), entitled, as amended, "An act conferring limited residency status on military personnel, their dependents and civilian personnel assigned to an active duty station in Pennsylvania," further providing for attendance at State-related and State-owned institutions of higher learning and community colleges.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**HB 2038, PN 3063 (Amended)**

By Rep. BARRAR

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in the emergency medical services system, further providing for emergency medical services providers and for certification sanctions; and providing for a conviction policy with a penalty.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**SB 707, PN 694**

By Rep. BARRAR

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for educational leave of absence.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**LEAVES OF ABSENCE**

The SPEAKER. The Speaker turns to leaves of absence. The majority whip indicates there are no leaves necessary. The Speaker recognizes the minority whip, who requests a leave of absence for the gentleman from Lawrence County, Mr. GIBBONS. Without objection, leave will be granted.

**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—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	Veréb
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., Speaker
DeWeese	Keller, W.	Preston	
DiGirolo			

## ADDITIONS—0

## NOT VOTING—0

## EXCUSED—2

Gibbons            Schroder

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

**GUESTS INTRODUCED**

The SPEAKER. If I could have the members' attention. We would like to introduce some of the guests that are with us, and I would like to start off with a little extra special welcome for one of our guests and a couple of people that are with her.

Seated to the left of the rostrum is Graceanne Rumer, and she is a student at Calvary Christian Academy. The interesting thing here is that on January 24, the driver of Graceanne's school bus had a heart attack while he was driving the bus, and Graceanne took control of the bus and brought it safely to a stop, ensuring that there were no injuries to the other children and people on

the bus. So we would like to give a gracious welcome and commend Graceanne for this courageous action. Along with her are family members, including her parents, Bob and Grace Rumer; Robert Rumer, Jr.; Kimberly Rumer; and Tammy McQuade. They are here as the guests of Representative Stephens and Representative Murt. So congratulations, and thank you. Welcome to the hall of the House.

**STATEMENT BY MR. STEPHENS**

The SPEAKER. Does the gentleman from Montgomery County, Mr. Stephens, seek recognition under unanimous consent?

Mr. STEPHENS. Yes, Mr. Speaker. Thank you.

I just want to thank my colleagues for recognizing Graceanne. She is not a constituent in my district or in Representative Murt's district, but she happens to live in a district that is currently unrepresented. So upon learning of this heroic feat, Representative Murt and I both thought she deserved recognition by this House.

It is important to note – and I just learned this – that the school bus had actually drifted into oncoming traffic after the school bus driver had unfortunately died, so she had to move quickly. She did so. She got up, put it back in the proper lane, pulled it off to the side, and brought everyone to safety.

So I certainly appreciate everyone recognizing Graceanne for her great efforts, and thank you for your heroism and best of luck for a bright future.

Thank you, Mr. Speaker.

**GUESTS INTRODUCED**

The SPEAKER. Also, some of the other guests with us: Located to the left of the Speaker, we would like to welcome John Marzak, who is the guest of Representative Culver. John, please rise. Welcome to the hall of the House.

And located in the well of the House, we would like to welcome guest page Kennedy Brown. She is the daughter of Representative Rosemary Brown. With her is, also, guest page Rosemary Porter, who is Representative Brown's niece. And Representative Brown also has some additional family members that are with them today: her sister, Lori Porter, and her son, Carter, and they are seated to the left of the rostrum. So welcome to our guest pages and our other guests. Please rise. Welcome to the hall of the House.

**LEGISLATIVE FELLOWS INTRODUCED**

The SPEAKER. And located in the rear of the House, straight back the center aisle, we would like to welcome the 2012 Spring Semester Legislative Fellows. They are:

Samantha Jo Brown, who attends Penn State's Altoona campus. She is working with Representative Barrar on the Veterans Affairs and Emergency Preparedness Committee.

Yvonne Fonte, who is a student at Kutztown University. She is assigned to the Education Committee under the direction of Representative Roebuck.

Mark Fuhry, who attends Mercyhurst College. He is working with the Democratic caucus chairman, Representative Dan Frankel.

Nicholas Kratz is a student at Messiah College, and he is working with Representative Clymer on the House Education Committee.

Leda Lipton, who attends Penn State's Harrisburg campus. She is assigned to the Agriculture Committee under the direction of Representative Maher.

Wade Meyerhoffer, who is a student at Lebanon Valley College, and he is working with Representative Youngblood on the Gaming Oversight Committee.

And another student from Lebanon Valley is Nicole Sidle, and she is assigned to the Consumer Affairs Committee under the direction of Representative Godshall.

And last but not least is Tiffany Young, who attends Penn State Harrisburg. She is working with Representative Hennessey on the Aging and Older Adult Services Committee.

They are here today with the program coordinator, Ray Whittaker.

Will our guests please rise. Welcome to the hall of the House, and I hope you have a productive legislative fellowship with the hall of the House.

**RESOLUTION PURSUANT TO RULE 35**

Mr. HEFFLEY called up **HR 325, PN 2011**, entitled:

A Resolution honoring the promotion of Pennsylvania native Major General Rhett A. Hernandez to the rank of Lieutenant General in the United States Army.

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	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.

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. The Speaker recognizes the gentleman from Delaware County, Mr. Adolph, for the purpose of an announcement.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I would like to call a House Appropriations Committee meeting immediately in the majority caucus room. Thank you.

The SPEAKER. Appropriations will meet immediately in the majority caucus room.

**ANNOUNCEMENT BY MR. DeWEESE**

The SPEAKER. The Speaker recognizes the gentleman from Greene County, Mr. DeWeese, for an announcement.

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

I would like to make an announcement.

Today 40 years ago Wally and Sandy Macon commenced an experiment in nuptial bliss, and unlike the connubial travails of some of us, their affections have endured. I would like to figuratively doff my hat and ask the members of the Assembly to celebrate today 40 years of connubial excitement – and occasional agitation – but enduring love of Wally and Sandy Macon.

Thank you, Mr. Speaker.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. The House will be at ease for a few minutes until the Appropriations Committee meets.

The House will come to order.

**BILLS REREPORTED FROM COMMITTEE**

**HB 1617, PN 3058** By Rep. ADOLPH

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

APPROPRIATIONS.

**HB 1751, PN 2239** By Rep. ADOLPH

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."

APPROPRIATIONS.

**HB 2032, PN 2792** By Rep. ADOLPH

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

APPROPRIATIONS.

**SB 1375, PN 1889** By Rep. ADOLPH

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.

APPROPRIATIONS.

**THE SPEAKER PRO TEMPORE  
(MATTHEW E. BAKER) PRESIDING**

**REPORT OF  
COMMITTEE ON COMMITTEES**

The SPEAKER pro tempore. The clerk will read the following report of the Committee on Committees.

The following report was read:

Committee on Committees  
Supplemental Report

In the House of Representatives  
February 8, 2012

RESOLVED, That

Representative Margo Davidson is resigning as a member of the Urban Affairs Committee and is being replaced by Representative Bill Kortz.

Respectfully submitted,  
Ted Harhai, Chairman  
Committee on Committees

On the question,  
Will the House adopt the resolution?  
Resolution was adopted.

**COMMITTEE APPOINTMENT**

The SPEAKER pro tempore. The Democrat leader has made the following appointment, which the clerk will read.

The following appointment was read:

Minority Leader Appointment:

Representative Ron Waters, Delaware and Philadelphia Counties, is appointed Minority Chairman of the Subcommittee on Criminal Justice on the Appropriations Committee.

**SUPPLEMENTAL CALENDAR A**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third 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 third consideration?  
Bill was agreed to.

(Bill analysis was read.)

The SPEAKER pro tempore. 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—185**

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

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

NAYS-10

Bloom	Keller, F.	Metcalf	Roae
Dunbar	Krieger	Perry	Tallman
Evanovich	Lawrence		

NOT VOTING-0

EXCUSED-2

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 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.

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The House proceeded to third consideration of **HB 2032, PN 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 third consideration?  
Bill was agreed to.

(Bill analysis was read.)

The SPEAKER pro tempore. 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.

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. Strike that.

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

Mr. VITALI. To interrogate the prime sponsor.

The SPEAKER pro tempore. Will the gentleman, Mr. Metcalfe, agree to interrogation? He has so agreed, and you may proceed, Mr. Vitali.

Mr. VITALI. Could you help me understand; I am trying to get at the policy reasons behind this. I have done, you know, criminal work in my former life. Why do the normal theft statutes not address this issue?

In other words, it seems like what you are trying to do is you are trying to get at people who go into buildings and steal the plumbing and steal other metals of value. And I understand that you do not want dilapidated buildings, but why do the normal provisions of the Crimes Code relating to theft not cover this? Why do we need a special theft-of-secondary-metals offense?

Mr. METCALFE. Thank you, Mr. Speaker.

We actually are, in a sense, borrowing this idea from provisions that are already in law to deal with repeat offenders regarding retail theft. And there have been escalating occurrences of the thefts of some of these metals, copper specifically, where people are experiencing wiring being ripped right out of the walls of newly built homes, some of the pipe being ripped out of these new homes. We had an instance with a substation, an electrical substation in my township just last year, where the thieves came in during the day and ripped the copper right out of the substation and dropped power to several thousand people.

So this is a repeat offender-type situation. I had several business owners in my area that have had this type of theft occur on their property and are really frustrated with the lack of any real penalty to deal with these repeat offenders. So the language that we borrowed from the retail theft section of the law we thought would help to provide a new tool that would bring penalties to bear on repeat offenders who are stealing these metals that are causing a lot of harm to individual property owners and to communities across the State.

Mr. VITALI. Okay. Does your legislation deal strictly with enhanced penalties for repeat offenders, or do they also deal with first-time offenders, second-time offenders, and so forth?

Mr. METCALFE. Sir, the language that we have put into this legislation would actually change from current law to what is being proposed under this legislation, where we actually change the value of what is being stolen. Under current law, it would be \$2,000 when somebody would then be committing that level of crime to somebody who would now only have to steal \$1,000 worth of metal to have committed that level of crime.

Mr. VITALI. Just to be clear, there is not a crime on the books right now of theft of secondary metal, or there is? There is or there is not?

Mr. METCALFE. There is a theft by unlawful taking, but it is not something specific for this type of item.

Mr. VITALI. Okay. So let me ask you this: So what right now is the penalty for theft by unlawful taking, and what would you change it to if that theft by unlawful taking happened to be a secondary metal?

Mr. METCALFE. My understanding is, under the current law, the offenses would be the same; they would constitute the same level of crime. Whereas a first offense would be a misdemeanor of the third degree, second offense a misdemeanor of the second degree, and the third offense would be a misdemeanor of the first degree, and if the values of property that would be taken—

Mr. VITALI. Having a little trouble hearing you.

Mr. METCALFE. Let me correct what I said that you did not hear. So during an offense where you would be taking less than \$50, the first offense would be a misdemeanor of the third degree. If you took \$50 to \$200, then it would be a misdemeanor of the second degree. If you took \$200 to \$2,000 worth of property, then that would be a misdemeanor of the first degree, under the current law for the first offense. The only thing we are changing in that is that we are dropping the value in that third: Where you are stealing between \$200 and \$2,000 under current law, we are changing that to \$200 and \$1,000. And the reason for dropping the value to \$1,000 rather than leaving it at \$2,000 is that when some of these metals are stolen, as I mentioned an example, if you are building a new house and during that process somebody comes in and pulls the wiring out of the wall, they have done a lot more damage than \$2,000, but the property that they actually stole would not have that \$2,000 value when they took it to the scrapyards. So you are causing more damage than what the property is actually worth that you are stealing. That is why we are dropping that charge or that value down to \$1,000.

Mr. VITALI. Okay. I am going to repeat myself a little bit. So if you would steal \$1,000 or more now, the penalty is what? Let us say you steal piping worth \$1,001.

Mr. METCALFE. Under existing law, if you stole \$1,000—

Mr. VITALI. \$1,001.

Mr. METCALFE. —\$1,001 worth of property, you would be hit with a misdemeanor of the first degree.

Mr. VITALI. And then under this, it is a felony of the third degree?

Mr. METCALFE. Yes; it would go to a felony of the third degree at that point.

Mr. VITALI. Okay. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I take it that the people who are breaking into housing, new or old, ripping wires or pipes, are not doing this on their own, that they are part of a mob, a gang, and that harsh penalties in this case are not really the worst idea. I, however, am still befuddled and flummoxed why stealing wire from Amtrak is different from the other; however, I am not going to pursue that anymore. I had an amendment which was a good amendment. God knows, maybe — maybe she does not — why the Republicans are soft on this crime. But I am for this bill and I am going to vote for it.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I am holding a newspaper article in my hand. It is in my local paper today. Two young men went into a home to rip copper wiring, copper pipes. It is not the value, and I think the author of the legislation mentioned, it is not just the value of what they

are taking out of these homes, but the damage that is being done in these homes. To take the water pipes out, you are breaking Sheetrock. And especially today when we have a numerous amount of homes empty in my communities and across the Commonwealth it is happening, and it is happening quite often.

This I think is important legislation. We cannot just slap them on the back of the wrist. We have to let them know this is serious stuff and you cannot go breaking into people's homes and creating this type of damage. So I support the legislation. I hope the members support it as well.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—192

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

NAYS—3

Brownlee O'Brien, M. Payton

NOT VOTING—0

EXCUSED—2

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 1617, PN 3058**, 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 third consideration?  
Bill was agreed to.

(Bill analysis was read.)

The SPEAKER pro tempore. 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?

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. We will go over the bill temporarily.

CALENDAR CONTINUED

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?

The SPEAKER pro tempore. The Chair recognizes the gentlelady, Ms. Harper.

Ms. HARPER. Thank you, Mr. Speaker.

Good afternoon, Mr. Speaker. I rise in support of HB 1950 and the conference committee report. Pennsylvania might well be the very last State in the nation with natural gas drillers that does not charge a fee or severance tax on them. It is about time we did so. The Marcellus Shale natural gas industry is not going to leave Pennsylvania if we charge a fee. The gas is here, they are here, and they will stay here even if we charge the fee. And where would they go? The other States have a fee or a severance tax. It is high time we do it and we do it now, because even though this bill has a retroactive feature, every single day that we let Pennsylvania not charge a fee or a tax is a day in which the drillers are drilling without paying for the impacts.

Here is the why of why we should charge a fee. That is the timing. This bill seeks to impose a severance fee or tax on the natural gas drilling industry to mitigate the impacts of this heavy industry. Of course, some of the impacts of this industry are good. Some are very good. For rural Pennsylvania, this industry is providing money and jobs that they have not seen for a generation. The kids leave home, go to the State university, and they never come back, because there are no family-sustaining jobs left in rural Pennsylvania for them. The natural gas industry offers us the hope that we can give them family-sustaining jobs and that when they go away to college, they can come home and raise their families where they were raised. So some of the impacts of this industry are good. But some of the impacts of this heavy industry are not. We have local governments in the shale region who are in need of money to fix roads and bridges. The DEP (Department of Environmental Protection) needs more inspectors, more regulators, more boots on the ground so that we can protect our clean air and our clean water. We need funds put aside to clean up any mess that might happen. We need to have that money ready to go if there is an accident, because we will need to clean it up.

If we charge a fee to the drillers, that fee will allow us to provide millions of dollars every year to our local governments in the shale region so that they can pay for roads and bridges, clean water, storm water and sanitary sewer projects, emergency preparedness, even homestead tax reductions paid for by the industry, local environmental and local park programs, enhanced social services that they need now that they have a lot more activity than they used to have, affordable housing services, and planning initiatives. The local impact fee will provide all of those things, and that is what HB 1950 provides. It will also allow every year for millions of dollars to the conservation districts – boots on the ground – to the Fish and Boat Commission, watching our waterways; to the Pennsylvania Emergency Management Agency, PEMA, needed in any disaster or emergency; and to DEP so that we have enough inspectors and regulators to make sure that our air and water are safe when the drillers are in our communities.



The fee is generous enough that it will provide millions of dollars every single year for those things, and in addition, this fee will provide money so that we can clean up the legacies of our coal production. It provides money for acid mine drainage projects. It provides money for plugging orphaned and abandoned wells, and it provides funds for the Environmental Stewardship Fund, which is, Mr. Speaker, broke. It is out of money. The fee will provide millions of dollars every year to the Hazardous Sites Cleanup Fund, in case we get a mess that we have to clean up. That fund is scheduled to go bankrupt in less than 5 years, because the tax that is funding it is being phased out. We need to put aside money now in case we need it in the future to clean something up. This is a heavy industry and we have to be ready for it in case there is a problem, or what will we do if we have a problem and we do not have the money to clean it up?

The statewide distribution of this fee and other portions of this bill will provide millions every year for infrastructure improvements to our aging water and sewer systems, for farmland preservation, for open space and parks, trails, and other green initiatives. Without this money, we do not have money for those things. You were all here yesterday. You heard the Governor's budget address. We are heading into our fourth bad year where we have to close a gap between revenues and expenditures. This fee helps us do that by providing dedicated funding to these important programs. In addition, the bill even has a small amount of money set aside for the development of natural gas vehicles that will help our local government agencies and our mass transit agencies get grants to convert to a cleaner-burning fuel that will help us protect clean air.

Despite the mail that you and I are all getting here and the hysterical cries of some people, this bill does not allow a single well to be permitted in Pennsylvania. They are already permitted. The drillers are already here. Voting "no" will not stop the drilling. Voting "no" will not stop the fracking. It will just give us the money so that we can afford to have eyes and ears out there watching the drillers to make sure that our water and our air are safe. So those are the reasons why you should vote for the bill and the reasons why you should vote for the bill now. We should have voted it yesterday. Every day we delay is one more day where the fracking and the drilling continue and we do not have the money, in case something happens, to clean it up. Why would anyone vote "no"? Why would anyone vote "no"? This bill, this bill will provide the money that we need to regulate this industry, to allow it to continue to operate and provide jobs in rural Pennsylvania, while simultaneously protecting our air and water. And it will also provide lots of money for local projects of an environmental nature in the shale region and in the rest of the State as well.

I would urge a "yes" vote. And I would ask you again: If you go home and vote "no," how are you going to explain voting against having the drillers provide the money that the Commonwealth needs to protect our air and water?

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the lady from Philadelphia County, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I rise in opposition to this conference report. I am not going to make all the eloquent arguments that were made last night from the gentlemen from Clinton; Clearfield; Delaware, one of them; Allegheny; Schuylkill; Washington, especially Washington – and I think I will say his name, because it is a

compliment: the Honorable Jesse White, what a great speech he gave – Northampton; and Cambria. And also a compliment to the other lady from Philadelphia, the Honorable Rosita C. Youngblood, for drawing our attention to the parallels between this industry and the gambling industry, which because people disapprove of it morally, we actually regulate in a real way. If we disapproved of taking minerals out of the earth, we would be regulating this one too. It is really a shame.

I am not going to rehash all those eloquent arguments, but I am going to go back to the fact that a number of people have talked about the goodies in this bill, the goodies that are hidden in this bill the way the earmarks are hidden in the bill for our Congress, people in Congress, and mention one goodie that has not been brought up yet, which is that those people in and around Warren County who have the benefit of our great national resource, the Allegheny National Forest, are getting a big – it is more than a piece of candy; it is a whole cake – because this bill says our State regulations are going to preempt what the Federal people say in terms of we have to preserve this wonderful forest, which is absolutely essential, I believe, and science will show as we move ahead for the aquifer that makes our farmland so, so fertile. So I also think this is probably unconstitutional in that provision. So for that reason and all the reasons that were brought forth last night, I am proud to go home and say I have voted against this bill. It is a sham.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Centre County, Mr. Conklin.

Mr. CONKLIN. I want to thank the Speaker.

Could I ask the maker of the bill just a couple quick questions, if he would?

The SPEAKER pro tempore. Does the gentleman, Mr. Ellis, agree to a brief period of interrogation? He has agreed and you may proceed, Mr. Conklin.

Mr. CONKLIN. I want to thank you.

Just a couple of quick ones for the maker. Since the last time I was up, we talked about the revenues on this bill, and one of the discussions we had is that if no county votes this in, there would be no revenues from this bill. Has that changed, or is that still the way it would work?

Mr. ELLIS. There is a municipal option enumerated in the bill, where if the majority of the municipalities within the county want the fee, they can petition for it, or if a majority of the population in the municipalities exceeds 50 percent of the county population, they can also petition for it.

Mr. CONKLIN. So it would still be imperative, though, that the locals made that decision before any type of revenues would go anywhere.

Mr. ELLIS. That is correct.

Mr. CONKLIN. Thank you.

Just very quickly, I have heard a lot of talk about roads, bridges, and infrastructure. Can you give me, let us say hypothetically that there were counties that implemented this. Let us just say that all of them did. Can you tell me, hypothetically, how much money we could see for, say, bridge repair?

Mr. ELLIS. Mr. Speaker, the amount of money that would be going in for bridge repair in the first year would be \$15 million, \$18 million in the second, \$24 million in the third, \$29 million in the fourth.

Mr. CONKLIN. Do you know the cost of the replacement of one bridge, just out of curiosity?

Mr. ELLIS. I do not.

Mr. CONKLIN. Thank you, Mr. Speaker.

Just a couple of questions I have to do with, on the local zoning rights. Is it still my understanding that this bill will override the local zoning rights of municipalities, that this bill will then be the law of Pennsylvania when it comes to local zoning; that no longer the local rights will be in place, this bill will be in place?

Mr. ELLIS. Mr. Speaker, that is inaccurate.

Mr. CONKLIN. Okay. Can you please explain to me the difference in how this will take effect then? And I apologize; I have tried to read through it and understand it, but I am still just a little bit with a misunderstanding of it.

Mr. ELLIS. Mr. Speaker, as I indicated, this does not take away the rights of the local municipalities for zoning. It does set in place certain setbacks, and the municipalities will still have the option to create setbacks on anything that the State has not previously spoken to.

Mr. CONKLIN. So basically what I am saying is, if for instance two of my municipalities have or are in the process of banning fracking, would this bill then allow fracking within that municipality, or would their local ordinance that the people decided to ban it override the State?

Mr. ELLIS. Mr. Speaker, the way our law is right now, you have to zone for every possible use, so a municipality passing a fracking ban would already be violating the law.

Mr. CONKLIN. I find that curious, because some have and there has been no overturn of those laws, but I understand that. My next question is, when I read the bill, why is the word "shall" used everywhere? It says "The department shall waive the distance restrictions upon submission of a plan..." For instance, on the 300-foot setback, it says that the gas companies can apply for a variance, and says, they "shall be granted." Then it says again on the consideration of municipal, in storage operations, again it says, the "...municipality or storage operator shall have..." the right to appeal this. Could you tell me why the word "shall" was put in and not "may"?

Oh, and one of my colleagues from Butler County—

Mr. ELLIS. I know you were saying shall; s-h-a-l-l, not s-h-a-l-e.

Mr. CONKLIN. Yes, that is what I wanted to clarify. Thank you.

Mr. ELLIS. I just wanted to be clear on that, Mr. Speaker.

Mr. CONKLIN. Yes. Yes.

Mr. ELLIS. Because that is the intent, is they shall do it. Not a "may" provision; it is a "shall" provision.

Mr. CONKLIN. Thank you, Mr. Speaker.

That would be all. May I speak on the bill, Mr. Speaker?

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. CONKLIN. Thank you very much, and I would like to thank the gentleman for taking my interrogation.

You know, one of the things that is fun while you sit here and you listen to a very, very good debate with a lot of good ideas, and I understand there is a clear divide between the two, but when I look at this bill – as I know we have a good time back and forth, since some of us on both sides of the aisle talk about our past experiences; we have many county commissioners, township supervisors – I have a great deal of concern any time government has the ability to take away what

the local property owners or the local public feels is in their best interest. And this bill undoubtedly is going to go the way of taking away many of our local controls and many of our local rights that many folks have. What I find interesting is that when you pull up and you look at socialism and you look at a socialist perspective, what it says is that, in general, socialist views are that private property relations are to be limited and the potential of that productivity of the economy, and it is believed that the private property becomes obsolete. And when you look at the socialist perspective, it also talks about private property in the means of production is to be replaced with a free association based on the comments and the ownership of those socialist assets.

One of the things I am proud of as being a Pennsylvanian is that we have always upheld those rights of our local citizens. I have always liked the fact that, you know, we talk a lot about socialist ideas and government coming into our lives and Big Brother taking over what we are doing. Let us get past what a lot of folks are talking about: This is a tax, and we are going to vote for this tax, and we are going to implement money for our tax. Again, let us go to what the bill says. The bill says, unless the locals decide to do it, there is no tax. This little bit of funding that you are talking about from this industry will not occur unless the local people vote for your tax. On top of that, what this bill does, which is the most troubling to me, is that it tells our local people that, you know what? Your local wishes are no longer desirable by us at the State, because we believe that Big Brother needs to make a plan for you. We believe that Big Brother, we at the State government know much better what you want to do with your local townships and supervisors.

And then we put in this bill words like "shall." You know what? Three hundred feet from your house may not be good enough for somebody wishing to come into your neighborhood, so we are going to tell those folks that they shall give large corporations that variance. We shall tell them that we can get corporate eminent domain. This is not what we should be down here for. You know, we do not need Big Brother coming in here and telling us how we need to live our lives. We do not need a socialist ideal, that we believe that private business has more of a right than what you do in your local communities. It has been clearly stated that we have the gas and they are going to be here.

Under our present zoning ordinances that allow local municipalities to decide, the gas business is booming, so using the fear of "you are going to lose a job if you vote against personal property rights" as the way to go, the gas company is not going to leave if we vote against losing our personal property rights. The gas company is not going to leave or stay because we are charging a little over a 1-percent tax to them. The gas company is here because we have great resources. All that I am asking my colleagues, especially those who grew up in the Coal Belt like I did – you know, back around the 20th century, we did anything for a job. We allowed corporations to run what we did in government, and for that today, whether you are in the Moshannon Valley or on top of the peak in any county, you will find the remnants of our beautiful orange streams where our great-grandparents used to fish. You will find property that has been desecrated, because at any price we had to create jobs and at any price we created those jobs. At the end of the day, the government and the taxpayers stepped in to clean that property back up again. We have spent billions of dollars

trying to undo what politicians did at the price, and again, history repeats itself. And my fear is that we have a great opportunity to create jobs. Voting "no" to this bill is not going to end the jobs, and anybody that is telling you that is surely mistaken and does not understand the gas industry.

What this bill will do, it will take away local property rights. It will take away the rights of citizens. It will allow government and Big Brother to tell you exactly how you should live your life. See, I do not know about the people here, but I believe in limited government. I believe in personal property rights. I believe that my elected official, who I put at a local level, knows best what I can do with my property, and I am going to vote "no" to this. I do not want Big Brother. I do not want big government. I want control of my local property rights, and a "no" vote is not going to take a job away. A "no" vote is going to protect your neighborhood, allow you to decide what is best, and it is going to create jobs in Pennsylvania. So do not fall for that. This is nothing more than a bill to take away your local property rights, if you vote this is a local property rights bill.

This is Big Brother, big government coming down on you. I am asking for a "no" vote. I want to thank the Speaker for indulging. Thank you, sir.

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the prime sponsor of the bill rise for brief interrogation?

The SPEAKER pro tempore. The gentleman has agreed. You may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I know that, particularly in parts of Pennsylvania that are residential, a lot of times people have not over the years paid much attention to gas and oil rights under the ground, and so in a lot of residential neighborhoods, those people do not even own the gas rights underneath that ground. I guess my question is, under this bill, is a municipality permitted to prohibit wells in residential neighborhoods?

Mr. ELLIS. Mr. Speaker, there are already certain conditions in law that they have to meet, but they would not be able to ban it entirely.

Mr. STURLA. So residential neighborhoods in the Marcellus Shale area could well have a gas well plunked down in their neighborhood as long as it is not within 500 feet of a house?

Mr. ELLIS. That is correct.

Mr. STURLA. Okay. I am not sure if people knew that, but that is unfortunate. I am done with my interrogation, Mr. Speaker.

The SPEAKER pro tempore. The gentleman has concluded his interrogation and may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, that latest revelation, I think, was something that I am not sure anybody that lives in the Marcellus Shale area knew until now. I certainly did not think that that was the case, although when I read the bill, it seemed to be the case, but I could not imagine anyone would advocate for or allow that to happen. Imagine your nice suburban neighborhood or your nice rural neighborhood, where the lots are a little bigger, and somebody decides on the lot next door to start a gas drilling operation. So now your kids can play near the frack pond.

You know, we have seen in the last couple days here a lot of denial about what is going on in Harrisburg. Yesterday we heard the Governor deny that there were actually cuts to education last year, and now today we heard that—

### POINT OF ORDER

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

The SPEAKER pro tempore. The gentleman will please suspend. The majority leader is recognized on his point of order.

Mr. TURZAI. Yes, sir. I would just request that the remarks be confined to the report. We are not talking about the budget or education. And in addition, I do not think it is appropriate to question the credibility of any of the other speakers here today. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman, and his point is well taken and encourages the gentleman to stay on point before us, HB 1950.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I was simply trying to draw a parallel between the denial yesterday about cuts to education and the denial today about whether or not this is a tax or is not a tax. I heard some members that intend to vote for this stand up and say the reason they are going to vote for this is because it is a tax, and gosh darn it, they told their constituents back home that there should be a tax on Marcellus Shale, and they are going to vote for a tax. Then I heard other members say that the reason they are voting for it is because it is not a tax, and even though the people that they took a pledge with say it is a tax and various other organizations say it is a tax, they have determined it is not a tax, and therefore, it is not a tax because they said so.

Let us face it: It is a tax – a woefully inadequate tax, but it is a tax. Let me talk about some of the ways that it is woefully inadequate. There was a recent story in a Reuters news article; Representative Goodman referred to some of the dollar figures yesterday. Pennsylvania will forgo approximately \$24 billion in fracking royalties as a result of this legislation; that is, if we were taxing at the same rate as West Virginia, our neighboring State that has the Marcellus Shale play also. Twenty-four billion dollars. We heard people talk today about how this will bring millions into the State, and it will. It will bring millions, while we pass on billions. We heard that we can be like Texas, and, you know, Texas does not have a personal income tax, and this will bring millions in. But guess what? In Texas last year the local property taxes, which include the value of the gas that is still under the ground, that portion which just deals with the gas that is under the ground and that value brought in over \$2 billion to local governments in Texas. Now, in Pennsylvania we cannot do that because we have laws that prohibit it, and unless we are willing to change those laws, we cannot collect the \$2 billion that goes to local governments in Texas, but we are supposed to settle for millions that will go to Pennsylvania local governments in this legislation.

This is inadequate because we heard that there are dollars for the Department of Environmental Protection in this legislation – and there are – but those dollars are less than the amount of the dollars that were cut from the Department of Environmental Protection under the Governor's proposal yesterday. That is why this bill is inadequate. This bill is inadequate because it makes no distinction between wet and dry gas. And we heard that if we

do not keep the tax really low, the drillers will leave Pennsylvania. We have even heard anecdotal evidence that in some cases they are pulling their rigs. What has failed to be mentioned is that those rigs that are leaving today are going to places where they can drill for wet gas because it is worth more than what we assigned as a value to the gas that we talk about in this bill, because we talk about dry gas in this bill. So even though wet gas is worth more than dry gas, we based this on the cost of wet gas – dry gas; excuse me. And so this bill is woefully inadequate because while one is worth more than the other, it treats all gas as if it was the same.

This bill is inadequate because we heard that this will be great for Pennsylvania, that gas costs will be low in Pennsylvania. They are low in Pennsylvania, but they are low everywhere right now. The gas that we are drilling in Pennsylvania does not get assigned to Pennsylvania; in fact, there is nothing in this bill that prohibits it from being liquefied and shipped to China – at the lowest rate of taxation of any State in the nation, and we want to ship it to China.

When you look at the table that talks about the various rates that will be paid if the cost of gas fluctuates, you see that if gas is at a price similar to what it is now, it will be a couple hundred thousand dollars in fees. If that cost of that gas or the value of that gas doubles or triples or quadruples, as it has in the past, the rate of the fee does not follow that. It only goes up marginally. That is why this legislation is inadequate. We heard that there are road dollars in this legislation, which will help repair roads and bridges in the Marcellus Shale area. Yet, what we learned is that the amount that will be available each year to repair roads and bridges is only enough to replace one bridge in the entire State every year; one bridge in the entire State each year. Not one in each legislative district, not one in each county, not one in each municipality: one in the entire State in a year's time. That is why this legislation is woefully inadequate.

You know, I talked earlier about people being in denial about what this is and is not. We have heard that this is the best we can do. Well, no; it is not. If this is the best you can do, then you have not tried very hard, because the Senate wanted to do more than this. All you needed to do was agree with them, and they would have done more than this. It was not even – you know, you can say, look, when you guys were in charge on the Democratic side, you passed a bill that the Senate would not agree to. Maybe you have an argument that we could not reach a compromise between the Senate version and our version then. But now you could have at least said, we want what the Senate wants, and instead, you said, no, we want less.

So to say this was the best you could do is just not true. And if you vote for it, you cannot say, well, this was the only thing that was available to me. You had an opportunity when that bill came over from the Senate to say yes to that, and you said no. I have heard people say, well, this is the best we could do now. We can always change it later. If any of you in your heart of hearts believes that this is not what it is going to be set at for the next decade – because we have people charging around the State saying the reason we need to do this is so these companies know what they are doing for the next decade – if you think you are going to willy-nilly go out and change this next week or next month or next year, and you want to try and convince your constituents of that, it is not going to happen.

We heard that the reason that we need to keep this so low is because our CNI (corporate net income) is so high. I am not sure what companies you can point to that are going to be

getting this fee structure that are paying the CNI, but you are in denial if you think they are all paying a 9.9 percent CNI. There are people that have said, we have to do it now because the time to do it is now, and if we do not do it now, we will never get it done. You are not coming next week? I intend to be here every day for the rest of the year. Every day we are in session, I will be here. I think a majority of the members will be here. We can do it right any day. Doing it today because, darn it, we got it done; you got something done that is woefully inadequate. It is a rush to the bottom.

And finally, once again we have heard about the millions and millions of dollars, and when you go back home you can talk about the millions and millions of dollars and how wonderful that is, but make sure you tell your constituents that while you got millions and millions, you passed on billions and billions for them. You passed on billions so that they might get two bridges or three bridges or five bridges done next year instead of one statewide. You passed on billions because you insisted that these companies were paying a 9.9 percent CNI, when in fact they are not. You passed on billions because you agreed to an inadequate escalator. You know, there are going to be people who are going to vote for this today and go home and beat their chests, but for something this inadequate, if you have to vote for it, I would hope you would go put your tail between your legs when you go home, because your constituents are the ones who will suffer as a result of this. Your constituents are the ones that will be denied for decades to come.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lycoming County, Mr. Everett.

Mr. EVERETT. Thank you, Mr. Speaker.

I am not going into a long reiteration of things that we have heard over and over. I just do want to touch on a couple issues. We have heard a lot about the local zoning and local zoning preemption, and we have seen a corollary drawn between this legislation and what it could be as applies to gaming. But I would like to take this legislature back a while to the ACRE (Agriculture, Communities and Rural Environment) law and the Right-to-Farm Law, and I think there is a direct analogy between what was done with ACRE and what is being done here with zoning with respect to this industry. Back in the past there were municipalities that were putting local ordinances and local zoning ordinances into effect that actually eliminated the ability to conduct farming operations. To regulate that, this legislature limited what municipalities could do under the Municipalities Planning Code with respect to a specific industry, and that was agriculture. And there are other examples that we have done that with. The Federal government has done it with cell towers, and there are many other instances where the legislature and the government have limited what you can do with respect to a particular industry because of a desire of some to eliminate that industry.

We are doing nothing different here with this legislation than was done with the ACRE law. You are still going to be allowed to have reasonable ordinances, but there are going to be certain areas where we are going to set the standards here in the legislature, and those standards will be the standards. There are many other areas that local municipalities will be able to regulate. So I just want those that think that we are preempting zoning to know that that is not the case. We are placing some limits on what local municipalities can do, but we are not

eliminating their ability to have local ordinances that are in compliance with the basic standards that we are putting down in this legislation.

Another issue, we have heard a lot of discussion about how much this fee should be. Is it too low? Is it too high? Could it be higher? We have many among us who think that this industry is already taxed as any other industry in Pennsylvania is being taxed, and that putting a surtax on them or fee is unreasonable. We have those among us who have spoken that feel that this tax is too low, and I think, personally, that we found a happy medium here. If you take the fees as they are being established in this legislation and use the current and the price of natural gas as it is to be predicted in the foreseeable future, you are looking at a 3.2-percent tax rate. And I think when you combine that with the other tax rates that we have in Pennsylvania, that States that have severance taxes that are higher than what we are talking about enacting, that we have a tax rate that will be commensurate with what the taxes are in this industry in other gas-producing States.

And particularly with respect to residential zoning, we just had a member point out that this use will be allowed in residential zoning areas, and that is true. But I think we also need to talk about what restrictions we are placing on ourselves in this legislation in residential zoning. When you put all these requirements together, I think you will see that you are not going to have well pads in the middle of residential areas. Natural gas operations may be prohibited. That is what local municipalities can do. Natural gas operations may be prohibited in residential zoning districts or permitted as a conditional use, should the local government determine that no well site is placed so that it is at least 500 feet from an existing building. Also, for well sites in residential districts, additional restrictions will apply. The well site may not be located so that the outer edge of the well pad – not the well itself but the well pad – is 300 feet from an existing building.

Now, those of you who have visited or are familiar with unconventional gas operations like we see in Marcellus Shale are aware that you need a minimum of a 5-acre pad in order to construct a drilling operation. And when you add the necessity of an open 5-acre pad on top of the restrictions of the 500 feet and 300 feet from the edge of the pad, you are not going to see a well pad plopping down next to somebody's home in the suburbs. It is going to take something like the size of a – and this is what was done in Texas when they got into residential districts – it is going to take something the size of a golf course hole or a large park that some municipality decides that they are going to lease for operations, and then the horizontal legs, yes, can extend out to, we have heard, depending on the geology, out to maybe 10,000 feet, is what they are approaching. So yeah, they will be able to reach out 2 miles and harvest the gas under residential areas, but it will have very little impact on the residential district itself. And that is no different than where a residential district shifts to a commercial district, shifts to an industrial district. You are going to see that same kind of development. The other thing I would like to point out about zoning is all that we are requiring in this legislation is that this industry be regulated just like any other industry with respect to zoning. It is an industrial use. It is an industrial use, and it is going to be zoned like an industrial use.

We have also heard about the taxes and the tax structure in Pennsylvania with respect to our corporate net income tax and the other business taxes we have, and that this industry does not

pay those taxes. Again, this industry is subject to those taxes just like any other industry in Pennsylvania. They utilize our tax structure like every other industry that operates in Pennsylvania, and to the extent that they use our tax structure to their advantage. We have introduced legislation, and we have had a press conference about it, to reduce those loopholes, and that would apply to this industry as well as any other industry. This industry pays its taxes just like any other industry in Pennsylvania. To the tune of \$300 million it is estimated that the industry itself – and that is not the trickle-down from the other industries that have been created in other economic opportunities; this is by the industry directly, by the Department of Revenue estimates – paid \$300 million in taxes in Pennsylvania last year and has paid \$1.4 billion in taxes since it has been here operating in Pennsylvania in 2006. So to say that they do not pay taxes in Pennsylvania is a fiction. You may want them to pay more taxes. If you want to, get on the legislation about closing the loopholes and we will get that passed and everybody that operates in Pennsylvania will pay fair taxes in Pennsylvania.

I just want to, I want to conclude by saying, as a Representative who is in an area where this industry is taking place, there are jobs being created. There are many positive impacts that we are seeing, not just in the districts where it is happening. The rail yards are full with pipeline that is coming in that is being manufactured in Pennsylvania. There are industries that are locating in Pennsylvania, in your districts, that are making the many products that are necessary for this industry. I was at a Halliburton facility located in the district that I represent – Halliburton does a lot of the cementing and hydrofracturing and all the support that this industry needs – and I was in their laboratory where they mix the products for the cement and for the hydrofracturing solutions. And there were six young people working in the laboratory and I was visiting with some other legislators, and they explained the complicated processes and things that they go through as part of their jobs. When they were done, I just asked them, I said, hey, could you just – and I had not rehearsed this in advance – I said, can you just tell me what your background is, where you came from and what your education is? All of them had graduated from colleges in Pennsylvania in the last 3 to 4 years, had degrees in biology and chemistry, were being paid in excess of \$85,000 a year to start, and were moving up the line and learning their jobs. And now we have – you know, we have always talked about the brain drain in Pennsylvania. Now we have an opportunity for an industry that is highly technical, and we have the opportunity for our good colleges and universities in Pennsylvania to continue to produce the graduates that we are so proud of. And we also have the opportunity for these folks to stay home, these young folks to stay home and work in Pennsylvania in an industry that is going to be here for in excess of 30 years at the minimum, and I think that is an opportunity that we would be remiss if we turned our backs on.

So for those reasons, I mean, I think this bill – I have had discussions in my district with folks about this bill. There are folks that think that some of the environmental restrictions are too strict. There are folks that think the environmental stuff we are putting in place is not strict enough. It is hard to strike a medium here amongst the 203 of us and make everyone happy. I think this bill does a good job at it. Is it the bill that I would write if I could just sit down and write the bill and put it into law? No. There are things that I wish were a little better, but we

have worked hard on this bill and there have been many things that have been incorporated into it that were bills that each of us introduced and have become part of this bill. I think when you look at the overall – it just depends how you look at something. If you start from the side that you are going to decide that this is a bad bill and you just pick at the parts that you think could be better, you can turn this into a bad bill. Glass half empty, glass half full. If you look at this bill as compared to what we have as a status quo right now, this bill is much better than where we are right now. It provides money in areas where this development is taking place to deal with the impacts, and there are impacts that this industry has in our areas and it addresses those impacts. It addresses statewide impacts of this industry, and it provides money for other environmental programs. I think when you take this bill as a whole and look at it, it is far an improvement over what we have today. We have worked this hard. We have worked on this for years, and it is a bill that I now can support. As this bill has gone through its different evolutions and we have worked on it; there were days when I was not sure, but now, when we have finally gone through the work in these last few weeks, I think this is a bill that I can fully support.

I would ask that you take a look at it in that light and cast a "yes" vote. This is a good bill for Pennsylvania. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Bucks County, Mr. Santarsiero.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

I rise in opposition to the conference committee report on HB 1950. And now for the other side. Mr. Speaker, I could be against this bill because it will not provide hardly a dime to my county, to Bucks County. I could be against this bill because it will not provide hardly a dime to any of the counties surrounding Philadelphia or Philadelphia, that it will provide hardly a dime to the southeast of this State. But that is not why I am opposed to this bill, because I would support it despite that if I felt that it was going to benefit the Commonwealth of Pennsylvania, protect our environment, and do the right thing. But this bill does none of those things, Mr. Speaker, none of those things.

We have heard many arguments today and yesterday about how this bill is better than nothing, about how this bill gets us someplace. Well, Mr. Speaker, this bill is not better than nothing, and it does not get us to a place where we want to be, let alone where we need to be. Let us start with the rate. We have heard a lot of discussion about that. You cannot argue the facts. The facts are the facts. You may not like them, but they are the facts. This bill would impose, assuming that all of the counties that could do it actually pass the ordinance to impose this fee, and that is an assumption that, at least for the sake of this argument, I will accept, but we know may very well not be the case. But assuming that to be the case, this bill still is only about one-fifth the size of the average tax rate that the other States that have this industry have – one-fifth.

Let us look at this issue of preemption. We just heard how this is really not preempting local ordinance. I do not know how anyone, Mr. Speaker, can read the language of this bill and come to that conclusion. It absolutely preempts local ordinances. Let us take just the issue of residential development and residential zoning as one example. We just heard the gentleman from Lycoming County read the relevant provision of the bill. The fact of the matter is, this bill says that towns shall allow drilling activities in residential zoning unless, and

the only exception is if the well is not 500 feet away from a structure. Well, Mr. Speaker, that exception and that limited power that this bill would allow the towns will be cold comfort to residents who will look out their windows and see in the not so far distance a drilling rig. And I know many of my colleagues, like me, Mr. Speaker, before they came here were local officials. I was a township supervisor for 5 years, and there were many times when we had residents come into our meetings and complain about various issues where they wanted our board of supervisors to help them. On many occasions we were able to do it because we had the legal authority to do it, but there were many times when the law prevented us from doing and helping the people who were coming in to ask for that help. This would create another one of those instances, and indeed, a fairly egregious one, when this industry would come in and present, potentially, a health and safety risk to our neighborhoods and various towns.

And we also heard a moment ago, Mr. Speaker, that this bill treats the oil and gas industry like any other industry. Mr. Speaker, that is not true. But even if it were true, why would that be a good thing? This industry already has shown that the drilling activity that it engages in on a daily basis poses a substantial risk to the health and safety of the people of this State. And as a consequence, I would argue, Mr. Speaker, that it should not be treated like every other industry, that we should in fact make sure that we are going above and beyond to protect the people of this Commonwealth from the failure of blowout preventers, from contamination to water, from a whole host of things that can happen, and indeed in some parts of the State already have happened. And yet now we are on the verge of passing a bill that will take away from our local elected officials the ability to protect their residents, when I think we would all agree their first responsibility as elected officials, first and foremost, is to protect the health and safety of the people who elected them, and we now, the General Assembly, are on the cusp of taking that authority and that power away from them.

Mr. Speaker, this bill is the wrong bill for the Commonwealth of Pennsylvania for another reason as well. We have heard already today that, allegedly, this bill is good for the environment because it is going to pump money into the Environmental Stewardship Fund, it is going to help the Growing Greener Fund. But how does it do that, Mr. Speaker? It takes money from the Oil and Gas Lease Fund and puts it into the Environmental Stewardship Fund – by the way, at a much lower amount than the severance tax bill that we passed in this House in September of 2010, a much lower amount. But why is it a problem? Well, because it creates an incentive for this administration, and any administration to follow it, to lease out more State forest land for drilling, because that will provide revenue that will help fund these programs. It is indeed a perverse incentive, Mr. Speaker, that on the one hand we are going to destroy open space so that we can fund other open space acquisition. This is somehow a good deal for our environment? This is somehow a good environmental bill? Shame on the Growing Greener Coalition for coming out in favor of this bill. This is wrong and we should stop it.

Mr. Speaker, we can do better, but the real danger in this bill is that if we pass it, so many are going to wash their hands and say that they have now dealt with the Marcellus Shale issue. I have only been here now for 3 years, Mr. Speaker, but I have seen that the legislative process works slowly. And I know that if this bad bill passes – a bill that hurts the environment, a bill

that takes power away from our local elected officials to protect their constituents, a bill that is a giveaway to the industry because it does not make them pay their fair share – if that bill passes, Mr. Speaker, we will not anytime soon have an opportunity to revisit this issue, and the people of this Commonwealth will be the real losers.

Mr. Speaker, we are talking about fairness, fairness for everyone in Pennsylvania and making the industry do its fair share. We are not saying that they have to stop. We are saying that this potential boon to Pennsylvania that could provide an alternative energy source that is cleaner than burning coal, that could provide jobs, this industry needs to do its fair share and it needs to be done in an environmentally responsible and safe way. And that, Mr. Speaker, is why this bill fails the test, because it does not do that. And the only way to achieve those goals, Mr. Speaker, is to pass a severance tax of the type that we passed almost a year and a half ago now, with bipartisan support. That is what we need to do. As the gentleman from Lancaster County mentioned earlier, there is still plenty of time. There is still plenty of time this year alone, in this session, to get this done and get it done right. And those of us on this side of the aisle are willing to work with our colleagues on the other side, and we are willing to work with our colleagues across the building. But we all need to understand the importance of what is at issue: how this could impact our State, and how we need to act to get it done right because we are only going to get one bite at this apple.

So, Mr. Speaker, I urge all of you, first and foremost my Democratic colleagues, to vote "no," and my colleagues on the other side of the aisle as well. We can and will do better. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Adams County, Mr. Tallman.

Mr. TALLMAN. Thank you, Mr. Speaker.

Real quick parliamentary inquiry. May I address the Speaker in my remarks?

The SPEAKER pro tempore. As long as you do not mention my name.

Mr. TALLMAN. Thank you.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. TALLMAN. I am actually going to go through a little history of my life in my comments on HB 1950. I grew up in Lock Haven, Pennsylvania, and I know a time when my dad would take us boys up to Tamarack – and the Representative from Clinton County knows where that is – and my dad also took us boys to fish in Kettle Creek, Young Woman's Creek. Went away to college, came back to Lock Haven, went to work for Piper Aircraft. Piper Aircraft is no longer in Lock Haven, so then I moved to Wellsboro. And at that point in time I got to know my good friend from Tioga County and lived in Tioga County, in Wellsboro, for 18 years.

While in Tioga County, I worked for a company called Mergenthaler; the economic conditions were such it left town. And then I went to work for Borden Milk; the economic conditions were such that it left town. Now, that should cause some of you to think if I show up at your place of work, you

should be updating your resume, because I have been involved in three plant closings here in the State of Pennsylvania, but anyway, that being what it may. But understanding both Clinton County and Tioga County, if you worked for the gas company, you had a family-sustaining job. That is number one. Just remember that. Jobs were leaving Clinton County. Jobs were leaving Tioga County, Bradford, Potter, etc. They are coming back. As a matter of fact, I have not consulted with the Speaker, but I bet Truck-Lite in Wellsboro has had to increase their wages to stay competitive. I left Wellsboro in 1991 to move down here at the end of that year. The jobs and wealth created in northern Pennsylvania are tremendous. Both the Speaker and I can name people, middle-income people, who have some land that are now financially well-off, a great benefit to those people who live in Tioga County.

I have fished most of the trout streams in Lycoming and Tioga Counties, so I am very concerned about the environment. I have consulted with the gentleman from Lycoming County, and at some point in time I want to head back up to the Pine Creek Gorge and take a look and see what is happening up there, probably this spring, for the gas companies. But I am concerned about the environmental issues. And a comment from yesterday, you know, we talked about Range Resources and the great increase in stock prices that have happened there. Boy, I sure wish PSERS (Public School Employees' Retirement System) and SERS (State Employees' Retirement System) would have some of that stock.

So here is my point: We need to compromise. I am a reluctant "yes" on this bill. I do not like it. So why is "compromise" a bad word to my conservative colleagues on this side of the aisle, and why are the people on the other side not willing to allow for moving forward on environmental regulations? I want to quote a Bible verse here. It is Proverbs 11:14. "Where no counsel is, the people fail: but in the multitude of counselors there is safety." Now let me explain this a little bit. I am going to go into my preaching mode here, maybe. What this verse is saying is, we have those on the left, those on the right. The biblical thing was, bring us to the middle; compromise. "Compromise" is not a bad word. I have been on many boards in my lifetime, and that is how boards operate: you compromise.

The fees, though I do not think they are good, what the Senate did, I am going to support that. But it is my feeling that if we cannot compromise, both as conservatives and liberals, on the two points of order here, I have a great fear of what could happen to our Commonwealth. This will be a detriment to the Commonwealth. It will be a detriment to job creation, and it will be a detriment to the economic climate of our Commonwealth and its citizens.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Christiana.

Mr. CHRISTIANA. Thank you, Mr. Speaker.

Mr. Speaker, one of the previous speakers from Bucks County gave a pretty passionate speech on how he felt that this would get rid of local control and local decisionmaking on this industry, but I think the author of the bill did a great job saying how this is a partnership between locals having their right to regulate for their specific municipality and the States allowing municipalities not to regulate this industry into an extinction. But many people on the other side today that are saying this is

getting rid of local rights and local zoning rights, the problem is it is a bit disingenuous, because those are the same folks that are a sponsor on a resolution urging Congress to pass Senator Bob Casey's FRAC (Fracturing Responsibility and Awareness of Chemicals) Act. And not only does that piece of legislation, Mr. Speaker, get rid of complete local control, it also gets rid of complete State control and sends all of the regulations of the oil and gas industry not to Harrisburg, not to municipalities, but to bureaucrats in Washington, DC.

So, Mr. Speaker, today we are hearing arguments that they are for local control, but the truth is, these same people are not for local control. They are not for State control of the oil and gas industry; they are for Washington, DC, control. This is just another attempt, just another attempt to stop this industry from growing. Let us not get down into the rhetoric that people are looking out for local supervisors, Mr. Speaker. This is an attempt to stop drilling in Pennsylvania, because I also heard from one of the speakers earlier, he said that we could have just passed the Senate version and we could have done more than HB 1950 as it is today. Those are the same people, though, that had the same opportunity to do more and they voted to nonconcur before we left for the holiday break, Mr. Speaker.

So let us focus on what is in front of us. We have an opportunity to put tens of thousands of people to work and continue to work, or we can get down in the rhetoric and disingenuous arguments about attempts to stop the industry. I urge a "yes" vote, and I thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady from Philadelphia, Ms. DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

The gentlelady from Montgomery County asked a few speakers ago how I will be explaining my "no" vote to my constituents, and I do have a response for that. Let me count the ways. Over the last 13 months I have held nine town hall meetings. At each of these meetings, Marcellus Shale was a topic that was discussed at great length. There was great consensus among the constituents who attended these town hall meetings, because they recognize that the Marcellus Shale is a great and wonderful opportunity not just for Pennsylvania, but for the United States as it pertains to and factors in to our lessened dependence on foreign oil.

However, the other part of the conversation was also very clear. They were concerned that we proceed with a degree of accountability and responsibility, and a very high degree of accountability and responsibility. They also articulated a number of concerns during these town hall meetings, the most recent ones that were held in the second or third week of January. One concern was that we would be leaving money on the table. They were very concerned, having followed State government, particularly over the past year, that any deal that was negotiated would favor the industry and not favor the individual citizens. That was one concern. As I look at the numbers that have been provided in terms of this fee per well, I have done a little math and I find that the wells, some wells, have been operating for the past 4 years; they are getting a free pass because this is a go-forward piece of legislation, not capturing anything retroactively. I have also learned that the wells have a life cycle well beyond the 15 years that they will be taxed, and I do understand that the production value of those wells diminishes over time. I am looking at an average of over

20 years, I am taking the numbers over a 20-year period and looking that, on the low end, we could anticipate about \$9,500 per well per year, and on the high end, about \$17,500 per well per year. That is in contrast to the literally millions of dollars in revenue that will be produced by each of these wells.

Their second concern has to do with process. Again, they have been following State government over this past year and are very concerned that Representatives of 45.5 percent of the citizens of the Commonwealth are excluded from negotiations and conversations, not only on this piece of legislation, but on every piece of important and serious legislation that has come before the body in the 2011-2012 session. I know that there has been some discussion that this conference report has been available since sometime over the weekend. So one could assume that the expectation was that whatever else was going on in our respective lives, we were to drop that and do our utmost to assimilate this, get this message out to our constituents in order to get their feedback, and be able to vote knowledgeably and responsibly on this piece of legislation, ideally last night, but here we are today still without a vote. I will be explaining to my constituents that this was an unreasonable amount of time. Given the gravity of the situation, asking somebody to go through all of the pages that are in that conference report and trying to identify what is from SB 1100, what is from HB 1950, is just not reasonable.

I often say, "When I keep my own counsel, I sometimes get bad advice." And I keep my own counsel when I really am not looking for input from anybody else, when I am not looking for any diverse opinion, when I really know the outcome and the decision I want to reach. I maintain that a similar process has been followed here, that we are not really looking for diverse input and for dialogue from other opinions in this process, and I think we have gotten a very bad piece of legislation as a result specifically of that lack of input.

Over the years I have negotiated a few deals in my time, and I can assure you, if I returned to a board of directors with a deal that was this one-sided, I would have a very short future with that company. The deal is too heavily skewed to one side.

So with all of those above reasons being articulated, this is how I will explain my very responsible "no" vote today for what is, in my opinion, a very bad public policy. And I can assure you that the literally hundreds of e-mails that I have received from constituents are in affirmation of that vote.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Pashinski.

Mr. PASHINSKI. Thank you, Mr. Speaker.

Today we are poised to vote on one of the most significant and life-altering pieces of legislation certainly of my tenure and possibly of the decade.

Regardless of what side of the aisle you may sit on and regardless of what you may think you know about this bill, one thing is for certain: Once voted on and passed, this bill will affect the people of Pennsylvania for decades to come. Whatever is good will benefit our constituents; whatever is bad will impact them negatively. And for sure we have heard the phrases "a half a loaf is better than none" or "in your quest for the perfect, do not lose sight of the good." In politics, we know about compromise. We all get it. The problem with HB 1950 is this is not half a loaf; it is a mere crumb for the people and a smorgasbord for the gas companies.



Too often we forget. For 10 years the gas industry has been planning and calculating their direction. They have had a tremendous head start here in Pennsylvania, a head start to establish this industry. They have been buying up land. They have been leasing land since 2001, and, I might add, in the early years they paid pennies on the dollar for those acres, a mere \$25 an acre compared to thousands – three, four, five, and six thousand dollars – today. They have been planning for this boom for many years. The gas companies, as we know, are highly profitable billion-dollar companies with tremendous resources including scientists and lawyers. They have carefully investigated and probed our Commonwealth so they know for certain, they know for certain what tremendous resource we have here in our beautiful Commonwealth. They know the value of this gas because the gas companies have leased hundreds of thousands of acres; not a few, not many, but hundreds of thousands of Pennsylvania acres. The gas industry knows what they have, and they are here to stay until the gas is all gone.

A question, though: With all of those acres, with all of those acres to develop, why drill near a reservoir or a school? These kinds of decisions have created fear amongst the people of Pennsylvania, uncertainty, a mistrust for what has transpired. HB 1950 does not adequately address these issues, but I believe with a sincere effort we can actually fix these shortfalls.

If we recall, in 2009 and 2010 this very House, in a bipartisan manner, passed a much better bill, a fair bill that would have given the good people of Pennsylvania over \$400 million at a time when the people of PA needed this financial support. It would have also – and it did – provided more appropriate safeguards for our water and for our environment.

The global financial collapse of 2008 made it evident that we need additional revenue in order to survive and preserve and protect the vital services needed for the people of Pennsylvania. And we debated this issue, we refined this issue, we passed this issue, and we sent our bills to the Senate. Unfortunately, they allowed, for 2 years in a row, our efforts to languish in their committees and to eventually die; 2 years to allow the gas industry to continue to claim our land, extract our gas, make them billions of dollars, while the people of Pennsylvania got zero, nada, zilch.

So while we hear the figure under 1950, \$178 million, would bring forth to this Commonwealth, and that it sounds like and is considered a lot of money; compared to the billions of dollars that the gas company will generate, it makes \$178 million a mere pittance. So if our numbers are correct, 1 to 2 1/2 percent of the gas industry's income is \$178 million, and that is what the people of Pennsylvania will receive, it means that 98 to 99 percent of the gas industry dollars will remain within the gas industry.

HB 1950 is weak. It is inadequate. It cannot, it does not meet the needs of our environment, it does not meet the needs of our local impact and the impact of our water supplies, and it certainly does not generate enough money to repair and maintain our roads and bridges. HB 1950 does not come close to fairly regulating and taxing the industry to pay a fair share.

On this very floor in 2007, so many of my colleagues on the other side of the aisle spoke relentlessly to protect the people of Pennsylvania from the gaming industry. You stated time and time again that regulations and safeguards must be extensive and the industry had to pay up – pay up to the tune of 55 cents on every dollar. And yet when it comes to the gas industry, a

billion-dollar industry, we settle for a mere 1 to 2 percent. We certainly can do much better than that.

If this bill was designed properly, our voting boards would be green. If this bill was designed properly, there would be no objections that we are receiving from the environmental community from people all over the State of Pennsylvania. If this bill was created properly and was fair, the industry and our efforts would be applauded. They would not be challenging this bill. I personally believe the framework is there. If we can improve the extraction tax percentage, revise the local autonomy section and several safeguards such as water baseline testing and appropriate bonding, we can together present a much more practical, fair Marcellus bill for the people that we represent.

I humbly suggest we could set a joint session with the Senate and fix the flaws. We could work through the weekend. We can improve 1950. We can make it better. We can make 1950 right and just for the benefit of the people of Pennsylvania. We can make 1950 right and just for decades to come. Unfortunately, without this effort, without dedication to fix this bill, I believe this bill is gravely flawed and provides an enormous gift to the industry. In reality, it is not fair. It is not a compromise. HB 1950 in its present state is pennies for the people, billions for the gas industry; pennies for our people, billions for the gas industry.

I urge a "no" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Bucks County, Mr. Petri.

Mr. PETRI. May I please interrogate Representative Garth – from Lycoming County?

The SPEAKER pro tempore. Everett from—

Mr. PETRI. Yes.

The SPEAKER pro tempore. —Lycoming County?

Mr. PETRI. Yes, please.

The SPEAKER pro tempore. If the gentleman will agree, and he has, you may proceed, sir.

Mr. PETRI. Mr. Speaker, I believe you have background and experience as a municipal solicitor representing various municipalities and zoning hearing boards?

Mr. EVERETT. Yes, Mr. Speaker; I do.

Mr. PETRI. For the record and for legislative intent, I would like to interrogate and ask a couple questions. Number one, do you believe that the DEP rules and regulations that now exist and will be adopted pursuant to this conference committee report are part of the legal framework which governs this industry?

Mr. EVERETT. Absolutely. The first thing before any permit is granted for any kind of development and before you even get into zoning land development and subdivision issues is any project or development first has to meet applicable Federal and State laws, including DEP regulations.

Mr. PETRI. Okay. And it is my understanding, Mr. Speaker, and I question whether you have the same understanding, that the rules and regulations with respect to this new technology and industry have been enhanced significantly by the Department of Environmental Protection?

Mr. EVERETT. Since the industry started to operate in Pennsylvania, DEP itself has upgraded the regulations with respect to oil and gas operations in the Commonwealth of Pennsylvania at least three times and has significantly enhanced

some of the setbacks and requirements from streams and waterways, and this proposed legislation goes even farther than the existing DEP regulations and the Oil and Gas Act.

Some of the things DEP could not change because they were statutory in the Oil and Gas Act, so they had to rely on the legislature to do that, and that is part of what is in this legislation that we are considering today.

Mr. PETRI. Thank you, Mr. Speaker.

And so in your opinion, do you know of any reason that this conference report, if it is adopted by this House and signed by the Governor, could not be enhanced and amended at some future point?

Mr. EVERETT. The requirements that we are putting in place today with respect to any part of this bill, it can be amended by the General Assembly at any time after the legislation becomes effective.

Mr. PETRI. And do you have an opinion as to whether that would include the increase of the proposed impact fee and/or, for that matter, the institution of a severance tax?

Mr. EVERETT. At any time we can change the impact fee up or down. We can enact a severance tax, and that is provided for within the legislation today, or we could amend the legislation so that we could have an impact fee and a severance tax if we so chose.

Mr. PETRI. Now, Mr. Speaker, specifically as to some of the provisions, are you aware of any zoning provisions that provide a municipality the opportunity, in the instance of a conditional use, of imposing restrictions that may not be contained in this statutory framework we are examining?

Mr. EVERETT. Under the Municipalities Planning Code, local municipalities can place their own requirements, their own restrictions, as long as they do not conflict with State law. We are establishing some criteria in this legislation that complies, that they will have—

### POINT OF ORDER

Mr. VITALI. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will suspend, and, Mr. Vitali, you are recognized for your point of order.

Mr. VITALI. I would ask the Speaker to admonish the gentleman from Bucks County to desist from interrogation which involves questions he knows the answers to. And asking basic stuff like, "Do you know the laws can be changed?" after he has been in this legislature numerous terms is kind of ridiculous, Mr. Speaker. I would ask that this line of interrogation be monitored closely.

The SPEAKER pro tempore. I suspect that applies to every one of us, Mr. Vitali.

Mr. VITALI. Mr. Speaker, you have heard my point of order, Mr. Speaker. It applies to this particular speaker, and you need to monitor that for subsequent speakers—

The SPEAKER pro tempore. The gentleman will please suspend.

Mr. VITALI. —and I am directing it at this particular speaker.

The SPEAKER pro tempore. The gentleman will please suspend.

The chairman has heard your point of contention, and the gentlemen are so advised. Thank you.

Mr. PETRI. Thank you, Mr. Speaker.

With respect to a conditional use, in your opinion what types of areas would a local municipality be able to govern over and above the statutory provision we are considering today?

Mr. EVERETT. Well, the local municipality will be able to regulate anything that is not in the legislation, and some examples of that would be the normal things that we regulate in zoning, would be hours of operation. There are noise standards within this, but dust and shielding, traffic requirements, and again, anything that is not covered, and there are very few things that are covered in this legislation. Basically, all that is covered in the legislation are some setbacks and the decibel levels for compressor stations. Other than that, local municipalities will be free to regulate as a conditional use and place reasonable conditions upon the development of oil and gas activities.

Mr. PETRI. Mr. Speaker, I received a memorandum from a very prominent local attorney whom I respect quite a bit, and understanding that he probably did not have as much time as he would like to review it, he makes a statement that under this structure, this statutory structure, "...municipalities would be required to allow impoundment pits for drilling wastewater in all zoning districts, including residential districts, so long as they are not closer than 300 feet from an existing building."

Mr. Speaker, I know you referenced earlier in your testimony some provisions. Do you believe that statement is correct?

Mr. EVERETT. It is basically correct, but again, there are many other conditions that can be placed on those impoundments. And as I stated earlier when I was speaking, the idea that an impoundment will be able to be placed within a residential subdivision, these impoundments take up acres and acres of property, and it is very difficult to envision exactly where you would find enough space, and then a 300-foot setback, in order to be able to place an impoundment in a residential area.

So again, with all the other conditions that could be placed upon the location of an impoundment, the conditions that can be placed on it and the practical application, I think there is just a misunderstanding about whether there will be impoundments in residential zoning districts.

Mr. PETRI. Thank you, Mr. Speaker.

On the bill.

The SPEAKER pro tempore. The gentleman has concluded his interrogation and may proceed.

Mr. PETRI. Thank you, Mr. Speaker.

Mr. Speaker, I think all of us rightfully find this to be a very complicated issue and a very difficult issue, and hence the reason we have been debating these issues publicly for, as far as I know, 4 years. And part of the reason is because it is complicated. It involves a unique and complicated threading of Federal, State, and local provisions, and certainly I have long respected local authority to govern and zone. Having served on a planning commission myself and having been a solicitor of a planning commission, I certainly understand and respect our local communities and their wishes.

Having said that, I agree with one previous speaker about a very important point. The lady from Montgomery County reminded us that this drilling activity is already taking place, and many of us, probably most of us in this hall, if not all of us, have seen it and we certainly all have concerns.

My own impression, Mr. Speaker, is that when this drilling activity takes place, my impression is that it certainly has an impact; it has a substantial impact on the Commonwealth. It is occurring every day, and the lack of even basic regulatory oversight is concerning, and therefore, we do need to move the ball forward.

Will this be the final legislative bill on this issue? I doubt it; I doubt it. If the bill fails today, Mr. Speaker, the complaint that I hear very consistently from my constituents is that there will be no revenue and that the industry should be paying revenue for the impact that they are having in our communities, and our State will continue.

I have heard comments and suggestions, and I take every constituent comment very seriously, that the impact fee is not enough. I personally agree with that opinion. I think it should be higher, and I am reminded, Mr. Speaker, that many people I respect in this chamber think it is too high, and those are some people who serve the districts, Mr. Speaker, that are most impacted and see it daily. And so I have learned in my time here on the House floor that it is important to listen; it is important to listen to all of us.

And, Mr. Speaker, when I have a Representative who has an impact in their district and they have a particular slant, I know the character of the people that sit in this chamber and I know that they feel very strongly about protecting those constituencies. And so since the drilling activity does not occur generally in Bucks County and probably will not occur in Bucks County, in all likelihood, I tend to listen to those of you in this chamber that have the activity, and respect to a great degree your opinions.

I guess, Mr. Speaker, the crux of this difficult issue is that we have two choices. We move forward with what is a compromise – and let us talk about what this is, because we have not had a conference committee report in a while. Both our Federal government and our State government allow for this process, where two chambers have different views, to sit down, meet, and discuss, and that process has been going on, quite frankly, for 4 years. And every caucus and every meeting I have been to, Mr. Speaker, has been fraught with a wide array of opinions and attitudes, to the point where I do not think there was a plurality on any issue let alone a majority. And so the conference committee process is the legislative process, the constitutionally based process that causes people to come together to try to formulate a majority when you cannot even get a plurality. It is the only way to move a process forward. So yes, we have an opportunity today to vote "yes" or "no" on the latest compromise that could represent the majority will of our State.

But, Mr. Speaker, I remind the members who have made good and valid points today to prepare their legislation, because as you enter in and you try to govern public safety over an emerging industry and new technology, we are bound to make mistakes. We are not perfect. We will not foresee every circumstance that will arise, and so I think our task is not done today. Clearly, if the compromise is voted down, it is not done, and, Mr. Speaker, we must then begin again. But we begin again without safety concerns in place that are legitimate and are dealt with in this bill, and we begin again without the necessary funds to manage, to try to manage the costs to our citizens of this industry which is already here.

And, Mr. Speaker, I would conclude by reminding the members how vigilant our employees are, and we should be really proud of the employees we have on the ground. I have

heard incredible stories from them, and I have heard what I consider to be truth. Obviously, you have to measure the truth, and what I have heard from the Fish and Game people, from our State workers, I have heard cautionary language, and I accept the fact that because they are on the ground every day regulating this industry, that they need the resources and support to continue the vigilance. I do not want to think for a minute that we, because we did not have sufficient funding for the environmental concerns, did not have some protection, some basic level of protection.

So I would say to the members, Mr. Speaker: We have a choice today, and it is our choice and it is a weighty choice and a difficult one. The choice is, do something or have nothing. Do something so that we can do more and we can do more immediately; we can do more and we can do it immediately, but at least have some level of base protection for our constituents.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from York County, Mr. DePasquale.

Mr. DePASQUALE. Thank you, Mr. Speaker.

Will the gentleman from Butler, Mr. Ellis, rise for brief interrogation?

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. DePASQUALE. Thank you, Mr. Speaker.

Mr. Speaker, the question I have is – and I will give my friend from Butler a chance to find this, because it is a specific question on page 72, line 23. Again, I know I am catching him a little off here, so I want to give him a chance. It is page 72, line 23, and I will wait till he gets there, if it is okay with the Speaker.

On page 72, line 23, at the end of that line it says, "...the well operator shall be granted a variance from the distance restriction upon submission of a plan identifying the additional measures,..." and in the next place it says, it is basically relating to the department. The question I want to ask is, why is that a "shall" as opposed to a "may"?

Mr. ELLIS. Mr. Speaker, this question was already asked and answered by a previous—

Mr. DePASQUALE. I just want to get the clarification of why it is a "shall" as opposed to a "may." Would we not want to give the department some more flexibility?

Mr. ELLIS. Mr. Speaker, we used the "shall" provision, and later on it says, "if approved." So they shall do it; meaning, they shall grant that, but a plan has to be submitted, and if the plan is submitted and approved, then they shall.

Mr. DePASQUALE. So just to make sure the clarification, I understand it correctly, Mr. Speaker, is if the plan is approved, that triggers a "shall," but if the plan is not approved, then the "shall" does not trigger.

Mr. ELLIS. That is correct.

Mr. DePASQUALE. Great. Thank you, Mr. Speaker.

Mr. Speaker, I am going to be voting "no" today on HB 1950.

The SPEAKER pro tempore. The gentleman has concluded his interrogation?

Mr. DePASQUALE. Yes; I am sorry, Mr. Speaker.

The SPEAKER pro tempore. Thank you. You may proceed.

Mr. DePASQUALE. On the bill, Mr. Speaker?

The SPEAKER pro tempore. Thank you.

Mr. DePASQUALE. Thank you. I apologize for that.

Mr. Speaker, I am voting "no" on HB 1950. Mr. Speaker, I have heard over and over again over the last 12 or so hours – obviously not during the night while we were home, breaking at 11 last night and beginning again this morning – that this is the best we could get; many times: The Senate, this is the best they would go along with.

And sometimes I think it is Groundhog Day on this, and I am not just saying that because our Speaker is from Punxsutawney. But I remember from multiple times here in this House there was a bad bill that would not have been an effective ban on texting while driving that was before us, and I kept being told over and over again, "Eugene, you have got to go along with this one, because the Senate will not give in on primary." But through the leadership of this House, the good work by the majority and minority leaders and members on both sides of the aisle, we continued to push back to the Senate on texting, and now we have a bill that we can all be proud of that is a primary offense on texting while driving.

And the reason why I bring that up is that it shows that, yes, we are, we are an equal House of this General Assembly, and sometimes we forget that. And so today we have a bill before us that we believe, maybe, is the best you could get from the Senate but is flawed in so many respects.

Mr. Speaker, I do want to congratulate one side of this legislation in that it has brought together groups that I never thought could be brought together. In my legislative district you have antitax groups, antitax constituents, and staunch environmentalists, and very rarely do they send me e-mails asking me to vote against the same bill. Usually, they are on one side or the other. They are joined at the hip today asking me to vote against this legislation.

Mr. Speaker, we can do much better. We can do much better for a bill that would protect our environment. We could do much better on legislation that would protect our water, do much better to protect the rights of local governments – and that is one of the reasons why we are a Commonwealth. We give power to local governments. This is the only economic development bill that I have ever seen that literally flies in the face of local control. If we are going to have a debate on local control, let us have a comprehensive debate and not just do it here on natural gas extraction.

Mr. Speaker, yesterday the Governor outlined a budget that had massive cuts again to the Department of Environmental Protection. I realize that 1950 is in some ways being told that it will help repair the damage, but it does not even begin to put a Band-Aid on the damage that the last three budgets have done to the staff at the Department of Environmental Protection. With all of the drilling that is taking place in Pennsylvania, now is not the time to be cutting the Department of Environmental Protection. A vibrant extraction tax that is a middle ground between what was passed in the last session and what is here now could do that, to make sure that we have the necessary staff in the department to protect our water, protect our land, and ensure that we have a vibrant, healthy community well into the future. HB 1950, we all know, falls well short of that measure. It goes against local control. It goes against our environment. It is not fiscally responsible in the long run.

And like I said, it is the only time since I have been here that my staunch environmental activists and my antitax activists in my legislative district are on the same page on the same piece of

legislation. This bill has done that, and they have asked me and I will heed that request and vote "no" on HB 1950.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. Kortz.

Mr. KORTZ. Thank you, Mr. Speaker.

Would the prime sponsor of the bill stand for brief interrogation, sir?

The SPEAKER pro tempore. He has agreed, and you may proceed, Mr. Kortz.

Mr. KORTZ. Thank you, Mr. Speaker.

Mr. Speaker, if I see these numbers correctly, in year 1 the money that will be generated for the repair and maintenance of deteriorated bridges looks to be \$15 million, and it increases over time throughout the years. My question is this, that I understand that money is there if and only if the counties pass enabling legislation to allow for that. Is it correct to say that if only half the counties voted this in, would we just get half the money, or will that \$15 million be there no matter who votes it in?

Mr. ELLIS. Mr. Speaker, they would not be eligible to receive funds if they did not pass the ordinance.

Mr. KORTZ. Okay. But I guess my question is, will that \$15 million be there? Say, for example, hypothetically, if half of the counties voted this in and the other half did not, would you still have \$15 million, and would \$7 1/2 million be in a reserve somewhere that could be tapped if and when they would pass this?

Mr. ELLIS. Mr. Speaker, it would depend on how many counties actually opt in and opt out, and if they were in the drilling regions, because— I guess my answer, Mr. Speaker, is we will have to wait and see how many counties actually opt in before we have – how it exactly would be distributed.

Mr. KORTZ. Is it correct to say then, sir, that if half the counties got in, that only \$7 1/2 million would be generated and the other \$7 1/2 million would be lost, or would we still have \$15 million that the other counties could use? I am just curious. We would lose that money or is it in a reserve?

Mr. ELLIS. Mr. Speaker, that is not exactly accurate. When I say it depends on which counties opt in, if all the counties that have the drilling activity opt in, then that money will be there. If they do not, then there is a possibility that the money will be less, but it is based on the number of wells that are drilled.

Mr. KORTZ. Okay. So am I correct to assume that we could possibly lose \$7 1/2 million if only half the counties jumped in? Is that a correct statement?

Mr. ELLIS. I do not believe it is a realistic statement, but sure, it is accurate.

Mr. KORTZ. Okay. Thank you, Mr. Speaker.

That concludes my interrogation.

On the bill.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. KORTZ. Mr. Speaker, obviously we have a problem here. I understand that year 1 there is \$15 million and going forward to year 5 it is \$32 million, but, sir, to be quite honest with you, we have 5,300 deteriorated bridges in this State that need addressed. That is a lot of bridges and woefully too little money to address this, sir – woefully too little.

I am concerned that if the counties do not opt in to this, that that money that we are throwing out there— We say we have \$15 million; it is going to be a lot less than that. So if half the counties do not get in, it appears, it appears that we will lose that other \$7 1/2 million. It will just go by the wayside, and that is unacceptable.

I am, obviously, opposed to this bill, HB 1950, and there are some other reasons why that I would like to expound on right now, sir. The effective tax rate of 2 percent is way too little, way too little. The surrounding State, West Virginia, sir, has a 6.1-percent effective tax rate. And going back to last year, the Governor had mentioned that drilling is good for the State and that we should embrace it, and I agree with that. We should embrace it, but we should do it right. And then he had mentioned Texas. Well, let us look at Texas, sir. In Texas the effective tax rate is 5.4 percent and, and they have local control. In fact, there are a number of court cases in Texas where the court affirmed that the municipalities have local control to protect their water, to protect the people, to protect the communities, and I have them here, but I will not be labor that.

The local control is absolutely superseded by this measure as put forth, sir. The legislation removes the ability of local government to use their zoning powers to manage where and when drilling will occur. It takes away the legal right of any municipality to challenge a permit decision by the DEP. And while I mention the DEP, I would be remiss if I did not bring up that my good friend and colleague from Armstrong County last night did mention – and he is a true friend, over there on the other side of the aisle – that this measure does in fact put some money back into the DEP, puts in \$6 million, sir, and I applaud that, and I am very happy that it is doing that. The problem is, however, in yesterday's address by the Governor in the budget, he cut the budget \$10.6 million. So in essence, we are going to have a net loss of \$4.6 million to the DEP. But I am very happy that my friend from Armstrong County did bring that up about the \$6 million. Thank you, sir.

Continuing on, Mr. Speaker. The municipalities would be powerless to keep large Marcellus wells and wastewater impoundments further away than 500 feet from homes, from schools, from churches, from hospitals, from businesses, from senior centers – 500 feet. Now, every one of us in this chamber and everyone in the Senate, we have school districts in our area. Now, who here wants to see a well put in the backyard of their school? I have five school districts in my area, and I share that with the gentleman from the 39th District, West Jefferson Hills, and every Friday night I like to go to the football games. Right behind their stadium is a big wooded area. I, for one, do not want to see a Marcellus Shale drill rig 500 feet from that school while they are playing football, sir. I do not want to see that while those kids are in school being taught. That is just unacceptable. You cannot control the noise; you cannot control the lighting; the assembly, disassembly of the rig. All of these things have been taken away by the supersedence, if you will, of local control. That is unacceptable. And if, God forbid, there would be a blowout, these children would be put in harm's way, and it is absolutely unacceptable.

Mr. Speaker, this bill allows the multibillion-dollar out-of-State natural gas industry to ride roughshod over Pennsylvania residents, families, and whole communities, and that is just basically wrong.

Township officials in the Marcellus Shale region are widely opposed to these attempts to usurp their authority. Editorial boards across this entire State have taken up this issue. I have not read one of them that is endorsing supersedence of local control. In fact, I have one just recently from 2 weeks ago, back in the western part of the State, where it talks about the local option, and it says, basically, communities deserve a say in gas drilling rules. And if I can paraphrase, they talk about a great analogy here, where our Secretary of the DEP, Secretary Krancer, traveled to Washington, DC, to talk to the Federal government and testify as to why they should not be impacting our State as it pertains to the drilling and wastewater. He mentioned that the State does it the best. "One size does not fit all...." After his testimony, he argued that "...state officials, more than their federal counterparts, have a specialized knowledge of the 'unique topography, geography, and meteorology,' " quote, end quote. If you follow his logic, sir, it dictates the same: Who best knows their district other than the municipal officials that would put in the zoning ordinances? They have to have some input. Having zero input is absolutely unacceptable, and I cannot believe that we are going to do this today in such a diverse State. It is unbelievable to me.

Mr. Speaker, let us pass a real, fair, and reasonable severance tax on the oil and gas industry. The people of Pennsylvania deserve better than this unfair, weak, and embarrassing sham of a fee that is really a tax. And it truly is a tax, let there be no doubt, because we have all received the letter from our gentleman in Washington, DC, that says that "It has been reported..." as a tax, and clearly is a tax, and that "...HB 1950 is...a tax..." increase. "ATR will notify and remind your constituents as to how you vote on this unnecessary tax increase."

So even the gentleman in DC is against this bill, but I am not totally against this bill, Mr. Speaker. I want to vote for a fair and reasonable tax on Marcellus Shale. I want to see the industry prosper. I want to see the jobs come to the State. I am not here as an obstructionist, but I want to see it done right. I come from the steel industry. That steel company is the largest in North America, and we are supplying the pipe to help them drill these wells. I want to see them drilled. All I am asking for is, let us do it in a reasonable, responsible way. I believe we need to have balance between the businesses, the communities, the people who are involved.

Mr. Speaker, it is true – and I think all of us have talked to the industry officials. I know I have and I know all of you have – they have actually built a 5-percent tax into their business plan. They are willing to pay that. I would be willing to go down to 4 percent. I would settle for 4 percent with some local control. I could vote for this today. In fact, I can assure you if we did that bill today, you would have 60 votes on this side. Four percent severance tax with some local control, this would pass with flying colors; no doubt about it.

Mr. Speaker, this bill is not the right bill for Pennsylvania today, and I would ask that everybody vote "no" so that we can craft a little bit better bill, and I would ask that everybody be opposed to this. Let us stick with the communities as far as local control. Let us stick with the people of Pennsylvania, the children and their schools. I do not want to see that happen to them.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Grell.

Mr. GRELL. Mr. Speaker, I wonder if the prime sponsor would stand for one question?

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. GRELL. Mr. Speaker, last night during the debate I heard a comment from the other side of the aisle suggesting that passage of this bill would open up more of our State forest land to leasing and drilling. I have reviewed the bill, and I cannot find it in there. Is there anything in here that affects the moratorium that currently exists on drilling on State forests?

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

In answer to the gentleman's question – and I did hear that comment last night as well as read that in several e-mails that we have received today – the fact of the matter is, this does nothing to remove the moratorium for drilling in State forest lands. It does nothing to open up that possibility. That is an entirely different issue, and if it is mentioned in this, it is totally false. Thank you very much.

Mr. GRELL. Thank you, Mr. Speaker. That ends my interrogation.

On the bill.

The SPEAKER pro tempore. On the bill. Thank you.

Mr. GRELL. Mr. Speaker, first I want to thank my colleagues for this extended and extensive debate. Among other things, it gave me an opportunity to read the entire bill. Yesterday I was a "no" vote on this bill, but having had an opportunity to read the entire bill, I stand in support of the legislation. I would have been a "no" vote because of the process involved and the lack of time to review such a significant and substantial piece of legislation. Having had the opportunity to read the entire bill, I actually commend the conference committee and the staff for putting together what I believe is a reasonable and a responsible compromise piece of legislation.

Let me just make a couple points in support of my position. First, the bill contains fees or taxes, whatever you want to call them, to offset the possible adverse effects of an enterprise and to pay some other costs that are directly or indirectly related to this enterprise.

Now, I come from a district that is not affected by the Marcellus drilling, but even in my area it would provide some funding for affected or related costs such as conservation districts and bridge reconstruction.

We have been criticized now for at least 2 years for not passing any kind of legislation that would impose an impact fee or a severance tax or any kind of cost on this industry, and I think that we should at this point. I do not measure the success of this piece of legislation or any other piece of legislation by how high we tax any individual or any company.

Second, this bill contains approximately 100 pages of comprehensive regulations ensuring vigorous permitting reviews, enforcement, bonding standards, and many other levels of oversight. In addition, it incorporates already existing laws such as the Clean Streams Law, the Federal National Pollutant Discharge Elimination System requirements, and other existing laws, into further regulation of this industry.

I believe the legislation before us sets a very high uniform statewide compliance standard, in many cases establishing standards where no standards currently exist under current law.

Now third, I was also concerned about the local preemption issue. In a prior life I was a land use attorney and a municipal solicitor, so I have a pretty good understanding of how municipalities can and will use the Municipalities Planning Code and other legislation to restrict or even prohibit uses that they would rather not have in their municipality.

In today's debate I heard one speaker use the term "local property rights" and that he wanted to protect local property rights. Well, that certainly got my attention. He said that local officials know best what I should be able to do with my property, and that really got my attention, because I believe in private property rights, and I believe that I know best what I should be allowed to do with my property. Certainly, if I had natural gas underneath my property, I would want a State law that establishes standards so that the municipality in which I live cannot prohibit me from accessing my private property and cannot discriminate against me.

I believe the conference committee report appropriately addresses this local preemption issue. It strikes a nice balance to the point where even the local government associations now support the legislation. Local governments would still have authority, but they cannot prohibit and they cannot be discriminatory in the way that they might regulate my exercise of my private property right to access the natural gas under my property.

In conclusion, I believe the conference committee report strikes an acceptable and appropriate balance between property rights, environmental protection, and generating revenues to offset the costs of this very important industry to our Commonwealth, and I will support the legislation. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Cruz.

Mr. CRUZ. Thank you, Mr. Speaker.

I will keep my remarks brief. I just want to finish off in the remarks that the gentlelady from the gaming commission said yesterday, and I just wanted to ask this chamber: Whom are we fighting for and whom are we protecting? And as a member of the Gaming Oversight Committee, we did the right thing. We put in place a structure that provides significant revenue and allowed this industry to thrive. In fact, Pennsylvania casinos have leapfrogged over New Jersey and ranked second in the nation in gaming revenues.

We are the first above Nevada and New Jersey when it comes to taxes generated from gaming. So this funding is to eliminate the burden of the taxpayers from the consequences of gaming. Where is the same mentality from the gas industry? It is hypocritical and it is not in the best interest of the taxpayers of Pennsylvania.

For that, Mr. Speaker, I ask both sides of the aisle to vote "no" on the proposal of HB 1950. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northampton County, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

Several speakers have talked about the problems with this legislation that is coming up for a vote today, and with an effective tax rate at just about 2 percent, it is significantly lower than the tax rate that other States charge the drillers who are drilling for a natural resource here in Pennsylvania.

Some of the supporters have suggested that this is the best we could do, but all we have to do is look at some of those other States. All we have to do is look at some of the other legislative proposals that have been introduced in this very session, that this is not the only alternative. There are more than a dozen proposals introduced by Representatives on both sides of the aisle.

HB 33, which was introduced at the very beginning of this session back at the beginning of 2011, would have a tax rate very similar to West Virginia, right next door, and that sounds like a very reasonable proposal, one that was not considered in these negotiations which led to the one that is before us today.

Some have suggested that if we do not enact this proposal today, somehow Pennsylvania is going to lose out on future revenue. Some have said we should have done this a couple years ago. Well, if you remember, we actually did vote in this House of Representatives twice to enact a severance tax on the drilling of natural gas. There was one vote in October 2009; there was another vote in September 2010. Both times that proposal passed the House of Representatives only to die over in the Senate.

Speaking of what some have brought up about lost revenue, there is actually an organization in Pennsylvania that tracks how much would have been collected for communities, for environmental programs if we had enacted that tax and had it signed into law back in October 2009. It is the Pennsylvania Budget and Policy Center. You can go to their Web site, which is pennbpc.org, and they have a number that continually updates to tell you how much revenue would have been collected since October 2009. As of a minute ago, it just passed \$304,600,000; in fact, as this debate has been going on today, it has gone up about \$15,000.

There are other concerns with the bill, the heavy-handed approach where the State will dictate what has to be in every local zoning ordinance and have financial penalties for local communities that do not comply.

One of the concerns I have is that speaker after speaker who support this bill have talked about how this is going to be good for the environment because it is providing \$6 million. Now, yesterday the Governor came to speak to us. In fact, he gave us each a disk which has his 1,000-page budget proposal. It is available online for the citizens of Pennsylvania to see, so you could actually look up in this budget proposal page C18, if anyone wants to look that up. And that will show you that the very day this bill was brought up with the \$6 million increase in DEP funding, the Governor is proposing a \$10.6 million decrease in DEP funding, and last year there was another decrease. So the 2-year summary of what has happened to DEP is that we have lost \$17 million of State funding. And for people to stand on the House floor and suggest that adding \$6 million after you have taken away \$17 million is somehow going to make sure our air and water are safe, I do not think they are actually taking the time to look up what is in the budget proposal. I think the citizens of Pennsylvania can see right through that and know that this Governor and this majority have actually had a reduced commitment to the environment over the last couple of years.

So there are many concerns with the bill, and I will be a "no" vote.

I do have a question about the bill, and I would like to interrogate the maker of the bill, the gentleman from Butler.

## THE SPEAKER (SAMUEL H. SMITH) PRESIDING

The SPEAKER. He is coming to the microphone. Just give us a second.

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

Mr. SAMUELSON. And the question is about the local share and the way it is calculated. I am on page 25 of the bill; page 25, line 9. There is a section that talks about how the local share is calculated for counties, and it is followed by a section about how the local share is calculated for municipalities.

Now, as I understand this, the local share will only be distributed to counties— Let us take the example of counties. The local share will only be distributed to counties that have actually enacted the fee or the tax. Is that correct?

Mr. ELLIS. Yes, it is.

Mr. SAMUELSON. Okay. But in the language here the amount a county would get is calculated by the proportion of what percentage of the wells that county has. The numerator of this equation would be the number of wells in that county, but the denominator is the number of the wells in the entire State, which includes the counties that have the fee and the counties that do not have the fee. Is that correct?

Mr. ELLIS. Mr. Speaker, to be clear on this, the money that the counties will receive will be from the wells drilled within that county. If they enact the ordinance, then the wells drilled within that county will result in the amount of money that they get back to that county.

Mr. SAMUELSON. But does not this language limit it because you are only getting the percentage of wells? Let us take the example if there were only four counties in Pennsylvania that had wells, three of them had the fee, and let us say there was an equal proportion. Under this language, the county with one-quarter of the wells would get one-quarter of the local share, the second county would get another quarter of the local share, the third county would get another quarter of the local share, but that last county that did not have the fee would not be eligible. My question is, what happens to that 25 percent of the funding that is not distributed to one of the first three counties?

Mr. ELLIS. The amount of money, the total amount of money that is going to be driven out to the counties is based on the amount of wells drilled within that county. That is the way it is calculated.

Mr. SAMUELSON. Okay. I understand that, and I direct you to line 11 of your bill, page 25, line 11, which says, "The amount for each county to which funds will be distributed shall be determined using a formula that divides the number of spud unconventional gas wells in the county," as you said, "by the number of spud unconventional gas wells in this Commonwealth and multiplies the resulting percentage by the amount available for distribution...." So if you have 25 percent of the wells in the entire State, you are limited to receiving 25 percent of the money because of the language that is here in this bill on page 25. Why are you instead of limiting it or keeping the gas, keeping the revenues within the county, why are you subjecting it to a statewide percentage?

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

The definition of a spud well in this legislation clearly states that it has to be subject to the fee. So it will be a well that is

drilled in a county that has adopted the ordinance or it will not be counted in the formula.

Mr. SAMUELSON. Okay.

Mr. ELLIS. If it does not fit that definition, it is not counted.

Mr. SAMUELSON. Okay. Just so I get that clear for the legislative record that when you say the number of spud unconventional gas wells in this Commonwealth, you are only counting wells in counties that have adopted the fee. Other wells that exist in Pennsylvania are not counted in this denominator that you are writing on page 25. Is that correct?

Mr. ELLIS. Correct.

Mr. SAMUELSON. And what page of this bill is that definition on so we can be clear and double-check that provision?

Mr. ELLIS. If I can have one second, Mr. Speaker.

Thank you very much to the gentleman. The definitions are located on pages 6 and 7.

Mr. SAMUELSON. Thank you, Mr. Speaker.

And I will review that language on pages 6 and 7. Thank you.

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

On that question, the Speaker recognizes the gentleman from Adams County, Mr. Moul.

Mr. MOUL. Thank you, Mr. Speaker.

I am going to do something here that is going to make all of you happy: I am going to be brief.

There are a couple things that I would like to say, one of which I know that there is something in here we all like. I know there is something in here we all dislike.

One of the things I want to bring to your attention that was mentioned once or twice is the natural gas vehicle incentivization and the importance of this for Pennsylvania – not only for Pennsylvania, but for our country. It is imperative that in this country we declare our energy independence. We must get off foreign oil. We must get off OPEC (Organization of the Petroleum Exporting Countries) oil. It is imperative that we do this. I believe with the amount of natural gas that we have in this country, that it is a key to declaring our energy independence.

If for no other reason, I think we all enjoyed hearing about how we could switch our mass transit fleets, major trucking fleets over to natural gas, how it would save them money. We would be putting 90 percent less particulate matter into our atmosphere than burning diesel fuel. It is a good thing. So there is one reason to vote for this bill.

I will tell you just a brief story about a company named "Caterpillar" in the county neighboring mine, south-central Pennsylvania. Years ago the employees were not happy with their contract so they went on strike, and they stood on strike for 2 years. This company employed thousands of people in their plants right outside of York. They wanted the whole loaf. A very wise man told me just yesterday, he said, "You know, some people here aren't satisfied unless they get the whole loaf of bread and take it home with them, but those that are happy are those that take home a half a loaf once in awhile." This is our one shot to actually do something. I would much rather take home a half a loaf than no loaf. This is our one shot, our one bite at the apple. Let us not let it get away.

Thank you, Mr. Speaker.

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

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

Mrs. DAVIS. Thank you, Mr. Speaker. Sorry for the delay.

I rise today to oppose HB 1950.

This is not a compromise. This is a slanted, bad piece of legislation designed to satisfy the Governor, satisfy those legislators who signed a no-tax pledge, and protect the drillers who have been precluded from paying a dime for the last years.

As a former local elected official, I understand the importance of each community having final say over zoning and land development issues. A company from Florida wanted to put an ethanol plant on prime waterfront property. If we did not have the ability to rezone that land, we could not have stopped it. We were successful in that attempt.

I find it ironic that a Governor who espouses the virtues of local control and decentralizing Harrisburg bureaucracy would do a 180 for his friends in the natural gas industry. The reason for his flip-flop is obvious, because under the current system, our municipalities are doing what the State should have been doing for the last 2 years: keeping a close eye on the drillers to make sure they are doing things the right way, the safe way, and charging fees that will help protect our communities. The big gas companies do not want to be scrutinized, so they are attempting to change the rules of these games. Under this flawed piece of legislation, they will have what they want: Local governments who have the best interest of our people and our communities in mind will be out of the picture, and all of the oversight for these drillers will fall under a Governor who is happy to look the other way. Thank you.

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

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

Mr. GERBER. Thank you, Mr. Speaker.

I would like to wait a minute for the maker of the bill to come to the microphone, if I may interrogate, Mr. Speaker?

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

Mr. GERBER. Thank you, Mr. Speaker.

Mr. Speaker, before I have comments on the bill, I would like to ask a few questions of the maker of the bill, and to start that process, I would ask the maker to please direct his attention to page 164 of the bill, at the top of the page, section 7.

Mr. Speaker, while we are waiting for the maker of the bill, just for the information of the chamber, this section falls within a larger section that deals with those circumstances under which local control—

The SPEAKER. Will the gentleman suspend a minute.

I believe you were under interrogation. You asked a question, and I think it would be appropriate to wait for the answer.

Mr. GERBER. No; I did not have a chance to ask a question yet.

The SPEAKER. Oh; I apologize. I thought you did.

Mr. GERBER. I was just giving some color to it, Mr. Speaker.

The SPEAKER. I apologize.



Mr. GERBER. That is okay.

I was trying to give the maker of the bill an opportunity to get to the page; that is all. Thank you, Mr. Speaker.

So to the maker of the bill, we are looking at section 7, page 164, and it is the language that directs the local government that it "Shall authorize natural gas compressor stations as a permitted use in agricultural and industrial zoning districts and as a conditional use in all other zoning districts...."

Mr. Speaker, my question for you is, would those "conditional use in all other zoning districts," would that language apply to residential zoning districts?

Mr. ELLIS. Yes.

Mr. GERBER. Okay. So would that apply to residential zoning districts in any county in the Commonwealth, or is it limited to certain counties?

Mr. ELLIS. Any county.

Mr. GERBER. Thank you, Mr. Speaker.

And when we say "any county," of course from my perspective I am concerned with Montgomery County. It would apply to Montgomery County as well. Is that right, Mr. Speaker?

Mr. ELLIS. Yes, it would.

Mr. GERBER. Now, when we talk about conditional use, could you explain to us what those conditional uses would be or would need to be for a local government to be told it must authorize a compressor station?

Mr. ELLIS. Mr. Speaker, I cannot tell you what the conditional uses are, because specifically, that would be up to the local governments to determine what the local conditional uses are.

Mr. GERBER. So the language within section 7 – subsection 7(i) and subsection 7(ii), those two paragraphs – my reading is those are those conditional uses. So if the compressor station is located within 700 feet or more from the nearest existing building or 200 feet from the nearest lot line, whichever is greater, that would be condition one. Is that not right, Mr. Speaker?

Mr. ELLIS. No.

Mr. GERBER. All right, Mr. Speaker, then I would appreciate you explaining to me then what those two paragraphs are if they are not the conditions that would, if met, require a local municipality to approve a compressor station.

Mr. ELLIS. Mr. Speaker, (i) and (ii), as the gentleman from Montgomery County put it, the first one simply says that it has to be "...750 feet...from the nearest existing building or 200 feet from the nearest lot line...." The second one says that the noise level cannot exceed a standard of 60 decibels.

Mr. GERBER. Thank you, Mr. Speaker.

Yes; and my question for you though is, those two paragraphs, are you saying to me those two paragraphs are not the conditions upon which this mandatory language would be based?

Mr. ELLIS. Those are two conditions, but for a conditional use to be granted, they would be also subject to any of the additional conditions that the local municipalities put on the conditional use.

Mr. GERBER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to direct your attention to page 163, one page prior to the one we were just looking at, section 6, the section before the one we were just dealing with, and in that section it says, the local government "Shall authorize

impoundment areas...." What exactly is an impoundment area under this legislation, Mr. Speaker?

Mr. ELLIS. Typically, that would be water.

Mr. GERBER. So is that what some of us might call a fracking pool or a wastewater pool of fracking water?

Mr. ELLIS. It could be that. It also could just be water that they are going to use.

Mr. GERBER. Okay. So it could be the water that a drilling company is going to pump into the ground or it could be water that comes up out of the ground. Is that right?

Mr. ELLIS. That is correct.

Mr. GERBER. And it could be water that has the fracking solutions in it, the chemicals that are used in fracking water to help with the drilling process. Is that right?

Mr. ELLIS. It could, but I will point out to the gentleman that a majority of that is contained in – the industry practice would be to contain that in stainless steel tanks.

Mr. GERBER. Okay. Now, directing your attention to that language, again using that mandatory language, "Shall authorize...oil and gas operations as a permitted use in all zoning districts,..." you would read that to include residential zoning districts, would you not?

Mr. ELLIS. Yes.

Mr. GERBER. And would you agree that this provision applies to every county in the Commonwealth, including Montgomery County?

Mr. ELLIS. If you have shale drilling, then yes; if you do not, like Montgomery County does not, it would not.

Mr. GERBER. But if a shale company wanted to truck wastewater to some location in Montgomery County, under this provision, that impoundment area in Montgomery County would be covered. Is that right?

Mr. ELLIS. If the company submitted a plan that suggested taking the water to Montgomery County and doing that – I do not believe they will – but if they did, yes, in fact, they could do that.

Mr. GERBER. Okay. Now, further along in that same section it says that this will be required so long as that impoundment area "...shall not be located closer than 300 feet from an existing building." I looked through the law. I did not find a definition for "existing building." I wanted to ask your view. Does that include someone's home or a school?

Mr. ELLIS. Whatever zone they are in – residential, agricultural, industrial – they still get to apply the standards that they apply universally across that.

Mr. GERBER. So, Mr. Speaker, I guess my question, you would agree with me, though, that if a drilling company wanted to truck wastewater with all the fracking chemicals in it into a community in Montgomery County, this language says that that local municipality in Montgomery County must authorize the impoundment area so long as it is no closer than 300 feet from a school. Is that accurate?

Mr. ELLIS. Subject to any other conditions that the local municipality has, I would say that is an accurate statement.

Mr. GERBER. Well, Mr. Speaker, on that note, there is no qualifying language in this section that mentions "conditional use." That was section (7). We are in section (6). Nowhere in section (6) does it mention "subject to other conditional uses." It just has the language "shall" more than once with no caveats or other qualifying language. Would you agree with that, Mr. Speaker? I am at the bottom of page 163, section (6) at the bottom of page 163.

Mr. ELLIS. Mr. Speaker, I would say that your reference to section (7) and qualifying that is what grants the conditional use, that language is not what actually grants the conditional use. And then so not having it in (6) is no different than it is in (7).

Mr. GERBER. All right, Mr. Speaker. I beg to differ. If you read the language of (7), and it says in there "permitted use in agricultural and industrial zoning districts and as a conditional use in all other zoning districts," here it does not say "as a conditional use in all other zoning districts"; it just says "permitted use in all zoning districts" – very different language. In (7) you have the conditional-use language; in (6) you do not have the conditional-use language, and I certainly interpret that to mean that it could go anywhere next to any building, and I guess I am asking you if you have come to that same conclusion.

Mr. ELLIS. No.

Mr. GERBER. Okay. We will agree to disagree, Mr. Speaker.

Mr. Speaker, as we talk about impoundment areas, you said it could be the water that is used in the drilling process before it goes underground, is blasted underground; it could be the water that comes up after it is blasted underground. Will the public know what materials, chemicals and otherwise, will be in that fracking water?

Mr. ELLIS. Absolutely.

Mr. GERBER. Well, Mr. Speaker, I would like to now direct your attention to page 95, section (b.2), where it talks about trade secrets and other confidential proprietary information, which I assume, although it does not articulate in here, means any solutions that would be covered by a patent, while I do not think trademarks and copyrights would apply here; any intellectual property, whether it be something approved by the U.S. Patent and Trademark Office or something protected under common law trade secrets. It says here that those chemicals used in the process would have to be turned over, that list of chemicals would have to be turned over to DEP, but that if protected by intellectual property law would not be open to the public. Is that not right, Mr. Speaker?

Mr. ELLIS. Mr. Speaker, the portion of the fluid reporting that would not be available to the public is the proprietary information of that product. For instance, we know that the Big Mac has a hamburger; we know it has bread; we know it has lettuce; we know it has tomato. We do not know what the special sauce is. That is what we are talking about in this instance.

Mr. GERBER. Right. So the special sauce, as you put it, that you refer to is the collection of chemicals that is used in the fracking water to help break up the rock. Is that right?

Mr. ELLIS. Could you repeat the question?

Mr. GERBER. Yes, sir.

You referred to the Big Mac special sauce, and I appreciate the humor. I do appreciate the humor, although I think what we are dealing with here is much more serious than the special sauce in a Big Mac. But the quote, unquote, "special sauce" that you refer to with respect to the fracking process is the combination of chemicals that are introduced into the water that is then used to blast deep down into the earth to break up the rock. Is that right?

Mr. ELLIS. If I could put it another way. I mean, the answer is yes, but that chemical, the chemical combination will be

reported to DEP, and the chemicals that they use have to be on an approved list.

Mr. GERBER. Thank you, Mr. Speaker, and I do appreciate that clarification. But those chemicals that are reported to DEP, you are agreeing with me, do not necessarily and in all likelihood will not be made public to people living near a retention basin or an impoundment area. Is that accurate?

Mr. ELLIS. When they are in the reporting stage, they will report all the different chemicals. The percentages of the chemicals will not be disclosed. It would be like, similar to a can of Coke. We know what is in Coca-Cola; we see it, but we do not know the percentage that makes it specifically Coca-Cola.

Mr. GERBER. Right. And when you say those chemicals will be reported, do you mean reported to DEP or reported publicly so that the public, residents, will know what is in the water that is being stored 300 feet from their home?

Mr. ELLIS. The materials will be on a national registry called FracFocus, and that is available to everybody.

Mr. GERBER. So if one of these impoundment areas does pop up in Montgomery County, and if I have a landowner near my house or near a constituent's house who decides to lease or sell property to a drilling company that wants to store fracking water, whether it was water that is used before the process or water that came out of the process, you are telling me that I as the neighbor or some constituent of mine as the neighbor would know exactly what is in that pool of water being stored 300 feet from their house?

Mr. ELLIS. That is correct.

Mr. GERBER. Well, Mr. Speaker, I am not sure you are correct. As I read page 95, section (b.2), "Trade secret or confidential proprietary information," the language that I see is that the department, meaning DEP, shall prevent disclosure of a designated trade secret or confidential proprietary information. That tells me – I think, and I am curious what you think – that while these chemical formulas will be turned over to DEP, DEP cannot make them public. Do you disagree with that?

Mr. ELLIS. I do disagree with that. It says "...the operator may designate specific portions of the stimulation record as containing a trade secret...." Okay? That is the Coca-Cola example. We will know and the public will know what is there. We just do not know in which way the company combined it and at what levels.

Mr. GERBER. Thank you, Mr. Speaker. So for the record then, your legislative intent, what you intend to make law with this language, is that the public will know exactly what is in the fracking water that is stored near their homes. Is that accurate?

Mr. ELLIS. They will know all of the chemicals that were used in the fracking process.

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

Mr. Speaker, that is it for my interrogation. If I may, Mr. Speaker, on the bill. I would like to have a few comments.

The SPEAKER. The gentleman is in order and may proceed.

Mr. GERBER. Thank you, Mr. Speaker.

Mr. Speaker, we have heard from many members on both sides of the aisle who are against this bill about the many reasons why we should not vote for it. We have heard about the process we put this legislation through, or the lack thereof. I remember back to when we did the smoking ban a few sessions ago and we had hearings days on end, and it went on for months and we had plenty of public input, but, of course, that has not happened here, Mr. Speaker.

We have heard people talk about taxes and fees and why voting for this is voting for a tax, and if you took the pledge, you would be violating that pledge. We have heard about how the optional nature of this county tax may very well result in very few funds coming into the Commonwealth, whether it is through the counties themselves or other avenues.

We have talked on previous occasions about the, and certainly in my judgment, negative impact that this parochial approach will have on how we govern for many years to come. Yet you look at the General Fund tax revenues, whether it is the corporate net income tax, the capital stock and franchise tax, real estate transfer tax, the personal income tax, the sales tax, you look at all those broad-based taxes and you realize that the 5 counties in southeastern Pennsylvania generate more than 35 percent of all of those revenues – 5 counties out of 67. Less than 10 percent generate more than 35 percent of this Commonwealth's General Fund tax revenue.

And we do not come here at budget time and say to those legislators who represent other portions of the State that we think those dollars should stay in the southeast, in Bucks, Delaware, Chester, Montgomery, and Philadelphia Counties. We do not. We buy into the notion that we are a commonwealth and that if we are all working in this together, all the residents of Pennsylvania will be better off. But here, for some reason, those members from the drilling areas believe that the revenues that spin off of this industry should stay in their area.

Now, how do you look at us at budget time, wanting to take the money out of the southeast and spread it around your districts, but when you have an economic opportunity, you want to keep the money in your area? And how, if you are from the southeast, if you are from Montgomery County, how do you vote for a bill that does that? That, Mr. Speaker, I just do not understand.

We have also heard from so many people about the needed business development in these shale regions, and I am not insensitive to that. I absolutely understand you wanting to have good-paying jobs in your communities. We in the southeast do have, relatively speaking, good-paying jobs in our communities, and I am fortunate to represent one of those districts. I am not insensitive to that. But I am sensitive to the fact that for a few jobs and for the almighty dollar, you are willing to take such great risk with the health, safety, and lives of your constituents that will be most impacted by the drilling activity.

We have heard from some people about the money that is going to go into the environment. First of all, if you actually look at the dollar numbers, you will know it is a joke. You will know that so few dollars are actually being pumped into those environmental programs and that they are being spread out all over the Commonwealth that it will have very little impact in those areas where we are working aggressively to save open space, to preserve farmland, to deal with acid mine drainage or abandoned mines. You really have to look at the numbers.

We heard from one of my colleagues from Allegheny County talk about the transportation dollars – 15 million across the Commonwealth – and he asked the question, how much does it cost to build a bridge? Well, we had a bridge built in Philadelphia recently, the South Street Bridge. It cost over \$30 million for one bridge, and you guys are pretending like this is going to help our transportation crisis because we are pumping \$15 million into the program across the entire Commonwealth?

Again, Mr. Speaker, very few dollars being spread very thinly will have very little impact. And to the extent that you are holding up this new environmental spending or this transportation spending as political cover or fodder for why you are going to vote for this, you have got to be real with yourself and with your constituents, Mr. Speaker. The harm that will be caused by the invasion of our environment will far outweigh any good that comes from spending those few dollars.

We have heard about political ramifications. We have heard about the setbacks being too insufficient. We spent a lot of time talking about history, the coal industry and what it has done to this Commonwealth and the expensive problems it has left behind, the harm it has caused the communities, the negative impact it has had on people's health and welfare, and how to this day we are still paying for those ills caused decades ago.

We also talked about the timber industry and how it ripped through the Commonwealth tearing down trees, and then years later, for decades, we spent millions trying to reclaim that land. But for some reason, for some reason you want to ignore that history when you push the "yes" button today on HB 1950.

So what I said to my friends and colleagues who want to have conversations about this without the cameras on and without the political pressures of press conferences and town meetings, that when you peel all of those things away – the money, the taxes, the political pressure – when you peel all of that stuff away and you think about why you came here, you think about the mission you were on when you first ran for office, do you really want to vote for this piece of legislation? Do you really believe the talking points we have heard, that this is the best we can do?

My colleague from Lancaster County was speaking earlier about doing the best we can do, and it reminded me of what I say to kids when I am coaching them in football as they are getting themselves ready to go out and play the game: Do not worry about your touchdown dance – that is your press conference; do not worry about your girlfriend or your buddies – those are your lobbyist friends; focus on your job, focus on your assignment, and when you get off that field, you want to have that feeling that you left everything you got out there. You gave it everything. You got no energy left; you got nothing in the tank, because you left it all on the field. That is doing your best.

But, Mr. Speaker, I submit to you, there is not anybody who votes for this bill who has left it all on the field. You have not left it all on the field if this is what you think is our best. We can do better. If you stand up today and vote "no," we can do better. The Governor knows we can do better, the Senate knows we can do better, and you know we can do better. The question is, do you have it in you to do better? Do you have it in you to vote "no"? Do you have it in you to face the lobbyists when you walk off this chamber floor? Do you have it in you to look your contributors in the eye when you walk off this floor after voting "no"? Do you have it in you—

The SPEAKER. The gentleman will suspend.

Mr. GERBER. —is the question.

The SPEAKER. The gentleman will suspend.

I think you are bridging towards the side of making that somewhat personal and would caution you to maybe refrain from that line of—

Mr. GERBER. Thank you, Mr. Speaker. And I am not trying to be personal in a way that is inappropriate for the floor. I am trying to be personal in a way that I think this is a very personal vote. It is personal to all of us. I have been here only 7 years, and I look around and I have colleagues, both sides of the aisle, that have been here a lot longer that have told me this is probably the most weighty vote they have ever had. And I just think we all need to do that gut check and ask ourselves, "Am I doing everything I can do on such a weighty vote?"

So, Mr. Speaker, I appreciate the latitude you have given me. To the maker of the bill, I appreciate the time you have taken to answer my questions. I urge everybody in this chamber, you can do better. You can vote "no." We can get better language. We can protect people more. We can protect the environment more and still enjoy the benefits of a thriving industry.

I encourage you to leave it on the field, Mr. Speaker. Vote "no" on 1950.

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

On that question, the Speaker recognizes the gentleman from Lycoming County, Mr. Mirabito.

Mr. MIRABITO. Thank you.

Would the prime sponsor stand for a couple of quick questions?

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

Mr. MIRABITO. Mr. Speaker, will the legislation allow a company to restimulate or refrack a well?

Mr. ELLIS. Yes.

Mr. MIRABITO. In the case of refracking, will they be paying an impact fee?

Mr. ELLIS. Yes.

Mr. MIRABITO. Is that true in all instances?

Mr. ELLIS. Yes, it would.

Mr. MIRABITO. The reason I ask is that in the definition section, there is a definition of a "stripper well" which produces less than 90,000 cubic feet of gas a day.

Mr. ELLIS. They would be exempt.

Mr. MIRABITO. They would be exempt.

Mr. ELLIS. Yes.

Mr. MIRABITO. So in other words, in some instances the communities will be subject to the refracking, the moving of trucks, the moving of water, but they may not receive any fee.

Mr. ELLIS. Stripper wells were never considered— I mean, they have been exempt regardless if they are refracked or not.

Mr. MIRABITO. But, under this legislation, if it is producing less than 90,000 cubic feet?

Mr. ELLIS. Yes.

Mr. MIRABITO. Okay.

Mr. Speaker, on the bill.

The SPEAKER. The gentleman is in order, on the bill.

Mr. MIRABITO. Last November when HB 1950 was voted out of this chamber, constituents told me that the legislation was not balanced. They told me that the legislation was not fair. Constituents told me that it treated the people of Pennsylvania like second-class citizens. Unfortunately, even with the changes made to HB 1950 by the conference committee, constituents are still telling me that this legislation is not balanced. They are telling me that this legislation is not fair to the people of Pennsylvania.

By the way, we have heard from other people from Lycoming County. This is an area where drilling is going on. These are not constituents who are opposed to the gas drilling; these are constituents who want the gas industry in Lycoming County, and they want it in Pennsylvania. These are constituents who recognize that landowners have a right to profit from the gas on their land. These are constituents of all political persuasions – conservative, liberal, Republican, Democrat, Independent – but what they share in common is a desire for a fair and balanced piece of legislation, fair not only to the gas industry but fair and balanced to all the people of Pennsylvania. So while they support gas drilling, in their view, HB 1950 fails to protect the public's right.

These constituents tell me that HB 1950 fails to protect the public's right not to suffer the same mistakes that occurred with the development of the coal industry. This bill fails, in their view, to protect the public's right to control the quality of life in their communities in rural Pennsylvania because of the weak zoning provisions. It fails to protect the public's right to clean water, pure air, and unpolluted land, and it fails to provide financial resources to protect them from the impacts of drilling.

In short, these constituents have told me that this bill treats them like second-class citizens, and here are two examples of why they believe it treats them as second-class citizens.

First of all, HB 1950 takes away too much control from local communities with regard to zoning. We have heard a lot of discussion and debate today, but it is clear: It will take away the rights of local communities to regulate the quality of life. But, Mr. Speaker, the State of Texas does not do that. The State of Texas does not strip away the public's right to protect the quality of life in their neighborhoods through zoning. Indeed, Texas allows local municipalities to issue special permits for drilling. So, for example, the city council of Southlake, Texas, has the authority to hold public hearings and issue a specific-use permit when drilling operations are going to occur within the city limits. The public has a right to give input. Why are the people of Pennsylvania less important than the people of Texas? Why are we as elected Representatives not fighting to protect the people of Pennsylvania?

Mr. Speaker, a second example of how 1950 treats Pennsylvanians as second-class citizens has to do with the amount of the fee. Constituents tell me that the impact fees are not going to last long enough to cover the life of the wells. Constituents tell me that the amount of the fee in HB 1950 is woefully low, between 1 and 2 1/2 percent – much lower than other States such as Texas with a rate of 7 1/2 percent, Oklahoma with a rate of 7 percent, and West Virginia with a rate of 6.1 percent.

Mr. Speaker, we heard yesterday that if we had the West Virginia rate of 6.1 percent, lower than the Texas rate of 7 1/2 percent, the people of Pennsylvania would realize \$24 billion over 20 years to deal with the impacts of drilling. Yet HB 1950 provides only \$3.6 billion over 20 years, an average of \$180 million a year and a difference of over \$20 billion. Why are the people of Pennsylvania less important than the people of Texas, Oklahoma, and West Virginia, and why are we as elected officials not fighting to protect these people?

Mr. Speaker, why would we pass legislation that does not allow our citizens who have paid fees for natural gas for decades to Oklahoma, West Virginia, and Texas not gain those

fees when much of our gas will be sent to other States and even to other countries?

Mr. Speaker, look at the numbers in another perspective. This is what constituents have told me: In 1 year, 2010, the chief executives of the top six natural gas producers in Pennsylvania were paid \$64 million by their companies. So for 20 years, the people of this State will receive an average of \$180 million, but in 1 year, six individuals will receive \$64 million – \$64 million for six men and \$180 million for 12 million men, women, and children.

Mr. Speaker, some people say we should take this because it is better than nothing. They have adopted a take-it-or-leave-it attitude toward the public. But, Mr. Speaker, our rural constituents deserve more than a take-it-or-leave-it attitude. At the very minimum, our rural constituents deserve the same treatment as the people of Texas, Oklahoma, and West Virginia. Our rural constituents deserve a commitment to fight to protect them.

Mr. Speaker, our job as elected officials is not to do that which is easy; our job is to do that which is right, right by the people of this State whom we represent. Constituents have told me that this bill is bad policy for rural Pennsylvania. They have told me to vote "no." That is what I am going to do. I would urge my colleagues to do the same.

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

On that question, the Speaker recognizes the gentleman from Beaver County, Mr. Matzie.

Mr. MATZIE. "...As a lawmaking body, we are answerable to the millions of people...of Pennsylvania, the people who expect us to conduct the affairs of this House in an efficient manner so we can justify the trust they have placed in us." Those are the words of the 125th Speaker of the House, Robert K. Hamilton, during his acknowledgement, January 5, 1965. Bob Hamilton was the first ever member, after redistricting changed in the late sixties, to hold my seat, my first ever predecessor from my hometown of Ambridge, Pennsylvania, a steel town. He fought for environmental controls, environmental controls he was successful in getting passed during the 1961-62 session; environmental controls that many railed against but he was successful in getting enough support to have passed in this chamber, down the hall, and to the Governor's desk.

Personally, I am not one to question any member of this chamber's vote – that is the way we do business here – whether on the floor or outside the dome. Every member has their reasons for voting the way they vote. Me, I could justify a vote either way on this bill, as there is some good language in this legislation: the distribution of money to various groups, including conservation districts, the Fish and Boat Commission, infrastructure, and the Hazardous Sites Cleanup Fund, amongst others. These funds are needed and hopefully will be used wisely when this bill passes – if this bill passes. Again, every member has their reasons for voting the way they vote.

Some of the bad in this bill, especially in this new day of openness and transparency of which many members used as part of their election platforms, this conference report we have before us was done behind closed doors. You cannot deny that. The participants were members of the House, the Senate, and the Governor's Office, but not all had a seat at the table. In fact, only members of the Republican Party were involved, the majority, in drafting this report with no input from Democrats.

Now, many have said that bits and pieces of this bill have been before this chamber in one form or another for the past 6 years. The problem with that is, many members were not here 6 years ago. Many were not here 3 years ago. Members of this House deserve to properly vet this legislation in the light of day, with the public given full notice and opportunity to observe. But yet again, every member has their reasons for voting the way they vote.

Other bad sections include setbacks and questionable local control with zoning, especially as it pertains to water and drilling. The bill before us shall – that is the word, s-h-a-l-l, not s-h-a-l-e – allow for a variance to be granted, by the Department of Environmental Protection and not local communities, closer to water sources relative to that setback of 1,000 feet, water sources like the Ambridge Reservoir, some of the best water in the world – yes, I am biased – water which services several of the communities I represent. Fifty-five leases have been signed in close proximity to that reservoir. If that aquifer is damaged, then a water buffalo will be at the end of Wilson Avenue where I live. Again, every member has their reasons for voting the way they vote.

Another aspect of this legislation includes support for economic development that may or may not occur in my region, which I support. But the fact of the matter is, had our current budget not cut the Department of Community and Economic Development 40 percent last year, there would be no need to earmark money from this bill for such. And yet again, every member has their reasons for voting the way they vote.

In my judgment, it is clear that the bad outweighs the good in this bill, and I will be voting "no." I urge my colleagues in the House to join me and cast a vote and remember the words of the 125th Speaker of this House of Representatives, Robert K. Hamilton, as he said, "...As a lawmaking body, we are answerable to the millions of people...of Pennsylvania...."

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Indiana County, Mr. Reed.

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

Before we talk about the conference committee report and what is contained in the conference committee report, I think we probably should just correct the record from one perspective.

It has been mentioned by a number of members on the other side of the aisle through this 2-day debate process that the public has not had a chance to view the particular concepts in this bill and that the Democratic members have not been aware of the negotiations in this process. It is a fact that, almost to a tee, each and every component to this bill has been contained in one of the other proposals that has been out there for public consumption over the last 4 years. The point to a conference committee is to merge the details of all those different proposals together into a bill for final passage.

Secondly, our staff continuously, over the last 2 months, has kept the staff members of the Democratic Caucus up to date on the negotiations, day by day, week by week. How that information was disseminated to the members is an internal discussion for the Democratic Caucus.

On the contents of the bill. The Conference Committee Report on HB 1950 is legislation that has been supported by innumerable organizations across this Commonwealth. They

support the legislation because they believe it is a reasonable compromise and a reasonable conclusion to the discussions of the last 4 years. Organizations that support this legislation include the Boroughs Association of Pennsylvania, the County Commissioners Association of Pennsylvania, the Pennsylvania Township Supervisors Association, the Conservation Districts Association, the Growing Greener Coalition and their 350 members, the Chesapeake Bay Foundation, the Pennsylvania Land Trust Association, the Natural Lands Trust association, the Western Pennsylvania Conservancy, and just this afternoon, the Pennsylvania Environmental Council issued a statement calling for its passage.

Mr. Speaker, the conference committee report contains five key components:

Number one, it contains an impact fee, an impact fee that over the next decade will bring \$3 billion to our local communities across this Commonwealth to offset the impacts of the industry on our citizens.

Second, it will enhance our environmental regulations, enhancements that should have been done a long time ago but will be done with the passage of this legislation, enhancements like increasing the setbacks from streams by 200 percent; increasing the setbacks from water wells by 150 percent; increasing the setbacks from buildings by 150 percent; implementing, for the first time in the history of Pennsylvania, a setback from a public water supply of 1,000 feet; extending the rebuttable presumption for unconventional well operators by 150 percent, 1,000 feet to 2,500 feet, and extending the timeframe from 6 months to 12 months; requiring the inspection of erosion and sedimentation controls before drilling can occur on a well pad site. It will require that all inspection reports be posted online for the public to view, and it will require the disclosure of all the chemicals used in the drilling process.

Number three, it preserves traditional zoning authority and local input into the regulatory process. That is why our local government organizations across this Commonwealth support this legislation.

Number four, it increases the fines and penalties on bad actors by 100 percent – a 100-percent increase for the bad actors that may endanger our citizens or our environment through their actions.

And fifth and finally, it dedicates over \$1 billion over the next decade to environmental programs, programs like the Environmental Stewardship Fund, a.k.a. Growing Greener; programs like the Hazardous Sites Cleanup Fund and our local county conservation districts.

Mr. Speaker, in summary, this bill contains an impact fee to take care of our local communities, it enhances environmental regulations and water protections, it preserves local input into regulations and zoning, increases fines and penalties on bad actors, and dedicates \$1 billion to environmental programs across this Commonwealth.

Mr. Speaker, this is a fitting conclusion to a 4-year discussion on the Marcellus Shale. And perhaps the statement by the Pennsylvania Environmental Council said it best when it comes to governing and getting the job done. The first paragraph to their statement this afternoon reads, "The enemy of the good is the perfect, and while this legislation..." may not be "...perfect, the people of Pennsylvania are...served by passage of this bill now..." as opposed to waiting another year or longer for stronger action.

Mr. Speaker, this bill may not be perfect, but we have been waiting for perfect for 4 years. We have been waiting for perfect for 4 years. At some point you have to stop talking about doing something, you have to stop talking about caring about local communities, you have to stop talking about caring about our environment, you have to stop talking about funding environmental programs, and you have to actually get about the business of doing something about it.

Mr. Speaker, this legislation, this conference committee report, strikes an appropriate balance between this enormous economic opportunity and our great environmental responsibilities. I would ask for support for the Conference Committee Report on HB 1950.

Thank you, Mr. Speaker.

### REMARKS SUBMITTED FOR THE RECORD

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

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

Ms. BROWNLEE. Good afternoon, Mr. Speaker.

It has been a long morning and a long afternoon. I oppose this conference report, and I will submit the rest of my remarks for the record.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the lady.

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

Mr. Speaker, there is no greater issue facing Pennsylvania at this time than the responsible oversight of natural gas drilling in the Marcellus Shale.

But some have called this conference report a scam.

Where I come from, the word "scam" implies that someone is perpetrating a fraud, that someone got ripped off, cheated, swindled. They were hustled.

This conference report is all that.

It is a scam, and the people of Pennsylvania are getting ripped off, cheated, swindled, and hustled by ExxonMobil and the BPs of the world.

Mr. Speaker, the people of Pennsylvania are also getting ripped off by the people in this building responsible for this conference report.

But that should not surprise anyone, given that the public has been shut out of this process from day 1. Even when the Governor appointed his Marcellus Shale Advisory Commission, the public has been ignored and shut out of this process.

This conference report is a return to those not too distant dark ages of Pennsylvania political shenanigans.

Some of you thought those days were over, with all of the "reform" that allegedly swept this chamber clean of these kinds of backroom deals.

But how quickly some of you forget the word "reform" – the word that probably got some of you elected.

The Corbett administration and his Republican cohorts hatched this antitaxpayer, anti-Pennsylvania, shady plan in secret meetings behind closed, locked doors, without public input.

This conference report is proof that to some, reform is only good when it is convenient, and it was not convenient to this process.

This conference report exposes the twisted hypocrisy of the Republican reform agenda.

No member of the public had access to the secret meetings that resulted in this devious conference report – not the press, not any

environmental groups, and certainly not any Democratic members of the House or Senate.

The deals that brokered this conference report were made in darkness and written by the ExxonMobils of the world.

This conference report was crafted by the Governor and his Republican cohorts in the House and Senate behind closed, locked doors with their deep-pocket friends in the oil and gas industry.

Did any of you know that in 2010, the CEO of ExxonMobil got a \$3.36 million bonus (with half paid upfront in cash)?

Did you know that this man's total compensation in 2010 totaled \$29 million – and ExxonMobil and other Marcellus drillers cannot or do not want to pay a reasonable fee, tax, or whatever?

This conference report is not a product of good governance.

Mr. Speaker, the taxpayers of Pennsylvania have been left standing in the cold. They deserve better – Pennsylvania deserves better.

This is no way to legislate, and it is no way to govern a State.

The people of Pennsylvania deserve better than a return to the dark days of closed-door, backroom political shenanigans.

Mr. Speaker, we need to trash this conference report. We need to start over and enact a plan that is fair and right for the taxpayers of this State and the people who must live, breathe, and work in the Marcellus region.

Thank you.

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

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

Ms. DONATUCCI. Thank you, Mr. Speaker.

It is so ironic that in Hamlet, act 1, scene 4, Officer Marcellus says, "Something is rotten in the state of Denmark." Today I stand here and echo Marcellus on Marcellus: Something is rotten in the State of Pennsylvania, and it is the HB 1950 conference committee report. It is a bad bill, and we need to make it right for the citizens of Pennsylvania.

I am a "no" vote because it does not do enough for Philadelphia and Delaware Counties, and this is not a selfish idea but an assertion of the Pennsylvania Constitution, Article I, section 27: "Pennsylvania's...natural resources are the common property of all the people, including generations...to come."

I am a "no" vote because the people I represent live downstream from areas where Marcellus Shale is located. The quality of our drinking water supply in my region, upon which millions of Pennsylvanians rely on, depends on watersheds upstream, watersheds that will host Marcellus Shale drilling sites.

The assurances that the enforcement of environmental regulations and the response to any accidents or fracking fluid spills at drilling sites is nothing to worry about: that is about as thin as tissue. Somehow the regulatory agencies weakened by budget cuts are supposed to magically have the resources to monitor scores of drilling sites: reality does not work that way. And this is especially a matter of tax fairness. I am a "no" vote because it is not good for any citizens of the Commonwealth, including residents of the drilling area. This is an industry giveaway and taxpayer robbery because it is anything but fair to the taxpayers.

This bill does not offer the natural gas industry a fair impact fee. They are being offered a steal. And I am a "no" vote because I know that not only is there the Marcellus Shale but there is the Utica Shale beneath Marcellus, and these companies have no intentions of leaving this State because of a higher impact fee. Drilling will remain alive and well in the State of Pennsylvania for many years to come.

Mr. Speaker, I am a "no" vote because it is our responsibility to protect and defend the welfare of this Commonwealth and its citizens. Please support me in voting "no" for this bill. The citizens of this Commonwealth deserve better.

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. I thank you, Mr. Speaker.

I say unequivocally: Let us kill this bill. Let us recognize that the people we represent, this land that our sons and daughters fought and died for, are dear to our hearts and worth more than a sweetheart deal for the industrial gas drillers.

The Commonwealth needs us at this very moment. The industry has a Big Brother; in fact, it has quite a few, from the Governor on down. But Pennsylvania needs us to say no to the special interests, no to the big money, and no to a deal that benefits a segment of self-interests and swamps the ideal of a commonwealth. We have to stand for the big picture and not just for those fortunate to receive funding under this bill.

It has been said that voters have a short memory. I do not think this will hold true on this most important issue. A vote for this bill would jeopardize Pennsylvania's future and I daresay the futures of many in this hall at this very moment.

Let us kill this bill and win one for the Commonwealth of Pennsylvania. Thank you, Mr. Speaker.

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

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

Mr. SAYLOR. Thank you, Mr. Speaker.

I will be short, but I want to remind everybody that as we go through this, we are not only talking about the wells of our constituents from the point of those who live in residential housing units, but we are also talking about an industry in Pennsylvania that is our number one industry, and that is agriculture. This bill protects the dairy farmers, their wells, the equestrians, and all the other livestock operations here in Pennsylvania with the safeguards that are put into this bill. And I think it is important to note that, because all of us are concerned about the food that we eat and our farmers and protecting our number one industry in Pennsylvania. This bill does just that.

And also, in closing, Mr. Speaker, I do not know about some of your areas, but my area is served by Columbia Gas of Pennsylvania here, and just this winter Columbia Gas reduced the bill of an average person in my district and in York County between \$20 and \$40 a month – \$20 and \$40 a month. We in Pennsylvania are seeing success not only in the creation of jobs here in Pennsylvania, but we are seeing success of lower consumer prices for gas and electricity.

This bill is a good compromise of different positions that have been put in here by the gentleman from Indiana and his comments earlier today. This bill is not a perfect bill. We have heard that many times from both sides of the aisle. But, Mr. Speaker, this bill represents something that is going to finally get done, 4 years, no matter which side you are on, either of not collecting revenues and making promises to people of Pennsylvania that we are going to get something done about Marcellus Shale, either environmentally or taxwise. Today we

have an opportunity to finally move Pennsylvania forward in this issue and move beyond it and start working on other critical issues of creating jobs in Pennsylvania.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Cohen. The gentleman indicates he waives off.

The question is, will the House adopt the report?

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

I would not be up here except I heard some conversation about a moratorium on State forests and it was not changed in this bill, and I agree. When I got up and spoke, I was not speaking about a State forest. I was speaking about the Allegheny National Forest. The contents of HB 1904 – which is, I consider, special interest legislation for Warren County investors – override Federal regulations in the national forest. Please check section 5, page 172, line 7216, if you doubt my word.

Thank you very much, Mr. Speaker. Vote "no."

The SPEAKER. It appears that there are no further members seeking recognition other than the two floor leaders, and just to try to afford the custom of the House to allow the leaders to wrap up debate on such long bills, I am just kind of clarifying that for the members.

The question is, will the House adopt the report?

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I do not want to belabor the point, but in light of a few things that have been stated this afternoon, I would like to finally clear up one matter.

Let us be clear that the Democratic Caucus was not asked and we did not participate in any of the negotiations developing this conference report, and that we received the first draft of this report last Friday night at 10 o'clock in the evening of this most important conference report. Because, Mr. Speaker, as you will recall, at least I recall, on swearing-in day I stated the most important issue that we would face this session would be this Marcellus Shale issue, that we would be judged and would be defined by how we handle this Marcellus Shale issue, because there is no greater issue facing the people of the Commonwealth of Pennsylvania than the responsible oversight of gas drilling in the Marcellus Shale region.

And we also know, Mr. Speaker, that we are going to have only one chance to get this right. Everybody in this room knows that we are not going to revisit this issue. It likely will not come back up for years and years. This is our one chance to get it right.

And let me say this, Mr. Speaker: This is one bill that you do not want to have as your legacy. This is one bill that you do not want to be remembered for. Mr. Speaker, this bill fails the people of Pennsylvania. Instead of taking steps to protect our air, land, and water for our children and our grandchildren, we are about to vote on the biggest corporate giveaway in Pennsylvania history. Instead of protecting middle-class families, the big oil and gas industry is about to get a massive tax break.

As we stated yesterday, the drilling fee in this bill is less than one-half of the rate that working Pennsylvanians pay in personal income taxes. While homeowners across the Commonwealth brace themselves for higher property taxes from Governor Corbett's budget plan, the big oil and gas industry is about to get a massive tax break. As thousands of Pennsylvanians are left without critical health-care services because of Corbett's budget cuts, the multibillion-dollar out-of-State gas drillers get away with one of the lowest tax rates in the nation.

We have heard here today about the tax rate. This tax rate is unfair to working families in Pennsylvania. Working families in Pennsylvania will bear the brunt of the tax burden in the Commonwealth, while some of the wealthiest corporations in the world will virtually get off scot-free.

This bill takes away the ability of local governments to determine their own destinies. We take away their ability to do their jobs to protect the health and safety of their constituents. This bill fails to protect our air, land, and water.

Mr. Speaker, as I have stated before, I grew up in the hard-coal region of Pennsylvania. My family were miners, and we grew up and lived with the impact of anthracite mining in northeastern Pennsylvania, so there was coal, there were jobs, and there was what they left behind. So there were culm dumps that had to be cleaned up, and the taxpayers paid for it. There were mine fires that had to be put out that the taxpayers paid for. There were strip mines and acid mine drainage that the taxpayers are paying millions and millions of dollars today to clean up.

And, Mr. Speaker, we have not learned our lesson, because that is what we will be left with today. This bill does not raise the revenues necessary to make sure that the taxpayers are not left holding the bag once again. And they will be, because believe me, if you have been to one of these wells, if you have seen the industrial footprint it has, there will be a legacy here. There will be a cleanup that will be necessary and there will not be the revenues necessary to help to fix it, to clean it up. What there will be, what there will be left is the taxpayers left once again holding the bag.

Mr. Speaker, this bill should not be our legacy. This bill should not be what we leave to our children and our grandchildren. To suggest we can do better is an understatement of the greatest degree. We must do better than this bill, we can do better than this bill, and the best thing we can do right now, as I see it, is to vote "no" on this conference report.

Thank you, Mr. Speaker.

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

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

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

A corporate giveaway? Through the impact fee, in the first year alone, \$190 million is going to be taken and returned to our local communities for the impacts that occur. By year 5, it will be \$400 million annually. And in the first 10 years, it is \$3 billion.

Now, when you think about it, you wonder why so many on the other side might be feeling so defensive. Perhaps because over the last 4 years they could not get a bill into law and signed by the Governor? Let us be honest. Let us take a commonsense perspective.



Natural gas was discovered in the further depths and has presented great opportunities for landowners, for communities, for people who are looking to have family-sustaining employment, for corporate headquarters to come in, to have access to cleaner natural gas, to be able to use it in equipment, in dryers for your homes, hot water heaters, stoves. The development of the natural gas industry here in Pennsylvania has been a significant positive, but we need to do it in a responsible manner.

So much time has been spent on discussing how to properly manage the growth of the Marcellus natural gas industry such that we get all the positives and still get environmental protection and still get a return of dollars to our local communities for the impacts that have occurred in that development.

This is a very, very commonsense solution, Mr. Speaker, in the end, because we have one question in front of us. We want to continue to develop natural gas because it benefits consumers, it benefits employees and employers, and it benefits those private property owners who have it on their land. But we want to do it in a balanced way that protects citizens, protects the environment, and makes sure that some of the earnings are returned, particularly to the local communities, to deal with the impacts at hand. That is it.

You can get into all the specific details, but either you are for a commonsense, balanced approach to the development of the natural gas discovery or you are just always no. You do not get to have it both ways: Oh, I would like more money, but I do not want to vote "yes" because it can always be more. I want more regulations, or you can vote "no." I want more return of the dollar to the local communities for the impacts, or you can be "no." You can actually seek predictability and sustainability in the industry so that it continues to flourish, or you can be "no." The reality is, we are on the verge of being able to place a bill on the Governor's desk, a bill that admittedly he has sought, that has gone to a conference committee, passed the Senate, pass our chamber, and become law, so that we can move to the other important agenda items in front of us.

Keep in mind, for many of us, how we deal with this Marcellus Shale is not a prime agenda item in the sense of trying to restore fiscal responsibility to the State or to enhance private-sector job creation, but it is an issue that has developed because of the discovery of natural gas in these further depths in a significant part of our State. And caring people want to make sure that it flourishes for the family-sustaining jobs, for the royalties to the property owners, for the headquarters, for the ancillary businesses, for the consumers, while at the same time protecting citizens and the environment.

It is a balance. And any person, you can find 101 reasons not to be for something, but you can only find 1 reason to get to "yes": because you are ready to govern and be a part of a solution. And we on our side, with many, I think, colleagues on the other side, are about governing and are about solutions, and we have the opportunity to provide that solution today, with finality, by voting "yes" and putting this on the Governor's desk. Then we can talk more about fiscal responsibility, we can talk more about private-sector job creation, because that is where we need to head by getting this done today.

I think it is important that people recognize that it is a levying of an impact fee on natural gas development. Impact

fees have been around for some time, and they first emerged in the late 1970s as a result of taxpayer concerns and reductions in Federal and State aid for local infrastructure. That is how an impact fee developed. Currently many States, counties, and local governments across the country engage in some form of impact fee to help provide the funding necessary for critical infrastructure and other important community needs.

Impact fees generally, and this one in particular, are used to provide for a number of uncompensated costs currently being absorbed by local communities in the State. These include the ability to fund upgrades to affected roads and bridges, water and sewer systems, which are being strained, admittedly, by increased usage.

The impact fee is determined locally. Let me restate that: The impact fee we are about to pass is being determined locally, meaning our counties and municipalities must approve local ordinances to enact the fee. This is enabling legislation, Mr. Speaker. Economic conditions are to be taken into account, and the fee is created on a scale which allows it to phase out gradually over years.

Another important feature tied to the impacts is the fact that as the price of natural gas rises, this will likely equal additional drilling, which will, in turn, mean higher impacts to address. So there should be more revenues to address those higher impacts. The sliding-scale approach, based on the per Mcf (1,000 cubic feet) development of the natural gas, is a commonsense mechanism. It is still an impact fee nonetheless.

It is also important to note that impact fees differ in that they are historically authorized through a State's authority to protect the health, welfare, and safety of its citizens, and that is exactly what we are doing in this prime legislation. The impact fee we are addressing is designed to provide for infrastructure improvements based upon direct impacts, which have created a strain throughout the State, and to provide services that are vital to the health, welfare, and safety of each and every Pennsylvania citizen.

Look, many of us have had to dig deep into this issue, far deeper than we probably ever thought we would. But I can tell you, for one, given the balanced approach and the recognition that given the discovery of natural gas in this State that we had to come to the table to address it, I am not only pleased with my vote of "yes" here in a second, but I am absolutely convinced that it is the right vote, because I led, like you, in voting "yes." I governed, like you, in voting "yes." I reached a solution, like you, in voting "yes." We will have put a bill on the Governor's desk that will put this issue to the side, taking into account all the myriad of information and all the myriad of information that so many of my hardworking colleagues have brought to the table.

No singular person drafted this bill. No singular person's interest dominated this bill. This is a bill that has balanced what everybody's concerns were brought to the issue at hand. I applaud the good gentleman from Butler County. He has put significant work in on this bill and has led, he has been a leader, and I am glad to throw my support behind the hard work that he put in and that so many of you did. Even for some of you that are voting "no," I suspect you would like to be voting "yes," because you know you have impacted this important piece of legislation and that, overall, you know it is beneficial to this State.

Please vote "yes."

On the question recurring,  
Will the House adopt the report of the committee of conference?

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

The following roll call was recorded:

#### YEAS—101

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

#### NAYS—90

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

#### NOT VOTING—4

Burns	Daley	Petrarca	Wheatley
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#### EXCUSED—2

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 report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

#### 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 1950, PN 3048

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.

#### SB 1043, PN 1161

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

#### SB 1375, PN 1889

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.

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

#### STATEMENT BY MR. ELLIS

The SPEAKER. The gentleman from Butler, Mr. Ellis, is recognized under unanimous consent relative to the legislation that just passed.

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

I do not want to take a lot of time out of an otherwise long day, but I do want to thank the members of this chamber. Whether you voted "yes" or "no," the reality is that 1950 was a very important piece of legislation for our Commonwealth.

And I know this was not an easy decision, but I do want to take the time to say thank you – thank you for those who have had input during this debate over the last 4 years; thank you for those who stood with me 4 years ago when we introduced it to the State at a press conference. And specifically, Mr. Speaker, I would like to thank the hard work and dedication of the staff

on both sides of the aisle, as well as specifically Representative Dave Reed, Representative Pickett, Representative Everett, Representative Baker, Representative Harper, and Representative Quinn for the input that they have had in this process.

And finally, Mr. Speaker, I would like to thank the leadership of yourself as well as the majority leader on this issue. Representative Turzai, thank you very much. And again, I thank everyone today for the passage of this legislation.

### **VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE MEETING**

The SPEAKER. The Speaker recognizes the gentleman from Delaware County, Mr. Barrar, for the purpose of an announcement.

Mr. BARRAR. Thank you, Mr. Speaker.

I wanted to announce an immediate meeting of the Veterans Affairs and Emergency Preparedness Committee in room B-31 to consider moving HB 955 and two amendments. Thank you.

The SPEAKER. There will be an immediate meeting of the Veterans Affairs and Emergency Preparedness Committee in room B-31.

### **ANNOUNCEMENT BY MR. MURT**

The SPEAKER. For what purpose does the gentleman from Montgomery County, Mr. Murt, rise?

Mr. MURT. Mr. Speaker, I rise for the purpose of an announcement.

The SPEAKER. The gentleman may state his announcement.

Mr. MURT. Mr. Speaker, next Tuesday, February 14, at 8 o'clock, in 39 East Wing, there will be an important meeting, breakfast meeting, of the Intellectual Disabilities Caucus. We will be meeting with Secretary Friel to discuss the Governor's budget proposal, among other issues. We remind the members of the Intellectual Disabilities Caucus to please attend. Thank you.

### **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 2021;  
HB 2059;  
HB 2060;  
HB 2105;  
HB 2106;  
HB 2133; and  
HB 2134.

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 560, PN 728**, entitled:

An Act establishing the State Military College Legislative Appointment Initiative Program.

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 560 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 560 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.

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The House proceeded to second consideration of **SB 743, PN 1843**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, further providing for teaching safe driving of motor vehicles.

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 743 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 743 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.

### RESOLUTION

Mr. TURZAI called up **HR 6, PN 175**, entitled:

A Resolution amending the General Operating Rules of the House of Representatives, further providing for standing committees and subcommittees and tabling.

On the question,  
Will the House adopt the resolution?

### RESOLUTION TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that the HR 6 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 6 be removed from the tabled calendar and placed on the active calendar.

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

### BILLS AND RESOLUTIONS PASSED OVER

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

### ADJOURNMENT

The SPEAKER. Seeing no further business before the House, the Speaker recognizes the lady, Mrs. Davidson, from Delaware County, who moves that this House do adjourn until Monday, February 13, 2012, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 4:06 p.m., e.s.t., the House adjourned.