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SESSION OF 2012 196TH OF THE GENERAL ASSEMBLY

No. 9

SENATE

TUESDAY, February 7, 2012

The Senate met at 10 a.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Jim Cawley) in the Chair.

PRAYER

The Chaplain, Reverend JEDIDIAH SLABODA, of Second City Church, Harrisburg, offered the following prayer:

Let us pray.

O God, the fountain of wisdom whose will is good and gracious and whose law is truth, we beseech Ye so to guide and bless our Senators and Representatives in the legislature of this Commonwealth, that they may enact such laws as would please Thee, give courage, wisdom, and foresight to provide for the needs of all our people. Send down upon these who hold office in this Commonwealth the spirit of wisdom, patience, humility, charity, and justice, that with steadfast purpose they would faithfully serve in their offices to promote the well-being of all people, through Jesus Christ, our Lord. Amen.

The PRESIDENT. The Chair thanks Reverend Slaboda, who is the guest today of Senator Piccola.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by those assembled.)

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

February 7, 2012

HB 1761 -- Committee on Finance.

HB 1830 and **2045** -- Committee on Transportation.

BILLS REPORTED FROM COMMITTEE

Senator M.J. WHITE, from the Committee on Environmental Resources and Energy, reported the following bills:

SB 1324 (Pr. No. 1945) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in particular rights and immunities, providing for actions to quiet title involving subsurface rights.

SB 1386 (Pr. No. 1921)

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, further providing for Environmental Quality Board; and repealing control of volatile organic compounds from gasoline-dispensing facilities.

SB 1398 (Pr. No. 1927)

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, further providing for Underground Storage Tank Environmental Cleanup Program and for Underground Storage Tank Pollution Prevention Program.

HB 1813 (Pr. No. 2901)

An Act amending the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act, further providing for mining permit, reclamation plan and bond; and providing for land reclamation financial guarantees.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDENT. The time of recess having expired, the Senate will come to order.

BILL REPORTED FROM COMMITTEE

Senator PILEGGI, from the Committee on Rules and Executive Nominations, reported the following bill:

SB 1237 (Pr. No. 1918) (Rereported) (Concurrence)

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone, Keystone Opportunity Ex-

pansion Zone and Keystone Opportunity Improvement Zone Act, in keystone opportunity zones, further providing for extension for unoccupied parcels and for additional expansion zones; providing for expansion for new job creation; further providing for application, for qualified businesses, for corporate net income tax and for capital stock franchise tax; and, in tax administration, further providing for application time; providing for monitoring data; and repealing expiration provision.

LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I request a legislative leave for Senator Tartaglione.

The PRESIDENT. Senator Costa requests a legislative leave for Senator Tartaglione. Without objection, the leave will be granted.

JOURNALS APPROVED

The PRESIDENT. The Journals of the Sessions of December 12, 2011, and December 13, 2011, are now in print.

The Clerk proceeded to read the Journals of the Sessions of December 12, 2011, and December 13, 2011.

Senator PILEGGI. Mr. President, I move that further reading of the Journals be dispensed with and that the Journals be approved.

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

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

YEA-50

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earll	McIlhinney	Tartaglione	
Eichelberger	Mensch	Tomlinson	

NAY-0

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

The PRESIDENT. The Journals are approved.

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR MICHAEL W. BRUBAKER
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Brubaker.

Senator BRUBAKER. Mr. President, it is indeed an honor for me to introduce a very special guest who is just now walking into the gallery. He is a young man, a junior at Warwick High School in the 36th Senatorial District. He traveled by train to Harrisburg

today to experience democracy in action. He is looking forward to observing the Governor's Budget Address later today. He plans to join the Navy after graduation, and would like to have a career in government administration and public service.

So, Mr. President, it is indeed an honor for me to introduce Fernando Irizarry, who is here in the gallery with us today.

The PRESIDENT. Would the guest of Senator Brubaker please rise so that the Senate may give you its usual warm welcome.

(Applause.)

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1**

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1237 (Pr. No. 1918) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 1237?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1237.

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

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, I want to state my strong objection to this vote on concurrence. Today, as we face budget deficits in the millions of dollars, as we see cuts in education to the students throughout this Commonwealth, and as college students will be paying thousands of more dollars in tuition, we will concur in a bill that sets a 2-percent rate--

Senator COSTA. Mr. President, may we be at ease for a moment?

The PRESIDENT. Senator Dinniman has the floor and a request to be at ease is inappropriate until the Senator concludes his remarks.

The gentleman may proceed.

Senator DINNIMAN. Mr. President, are we dealing with--and it might be my mistake, for which I apologize, because of my sincere astonishment at what is going to happen in this body--are we dealing with the conference report, or are we dealing with another bill?

The PRESIDENT. This is concurrence on Senate Bill No. 1237.

Senator DINNIMAN. Mr. President, as opposed to House Bill No. 1950?

The PRESIDENT. That is correct, sir.

Senator DINNIMAN. Mr. President, then I reserve the balance of my time for comments later on. And I am not embarrassed in the least, by the way, because what this body is about to do is something that each and every one of us had better think about.

Thank you, Mr. President.

And the question recurring,
Will the Senate agree to the motion?

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

YEA-49

Alloway	Farnese	Piccola	Vogel
Argall	Ferlo	Pileggi	Ward
Baker	Folmer	Pippy	Washington
Blake	Fontana	Rafferty	Waugh
Boscola	Gordner	Robbins	White Donald
Brewster	Greenleaf	Scarnati	White Mary Jo
Browne	Hughes	Schwank	Williams
Brubaker	Kasunic	Smucker	Wozniak
Corman	Kitchen	Solobay	Yaw
Costa	Leach	Stack	Yudichak
Dinniman	McIlhinney	Tartaglione	
Earl	Mensch	Tomlinson	
Erickson	Orie	Vance	

NAY-1

Eichelberger

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

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

CALENDAR

REPORT OF COMMITTEE OF CONFERENCE

REPORT ADOPTED

HB 1950 (Pr. No. 3048) -- The Senate proceeded to consideration of the bill 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.

Senator PILEGGI. Mr. President, I move that the Senate adopt the Report of the Committee of Conference on House Bill No. 1950.

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

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Mr. President, the benefit of working on a bill about Marcellus Shale for over 3 years is that I have had hundreds of conversations about the topic with people with all different perspectives, and none of it has been done in the cloak of darkness. Our Caucus, by conservative estimates, has discussed Marcellus Shale over the past 36 months for at least 100 hours. Members from both sides of the aisle and both Chambers have sat down with me many times to raise their views and share their ideas. I have tromped through this subject matter with two different Governors, and even pushed the shale stone up the hill as Lieutenant Governor.

I do not stand here today to tell you I delivered a product all by myself; I am here to tell you just the opposite. We all did this bill together. All of our voices had strong and lasting influences on this product. It includes Senator Erickson, Senator Alloway, Senator Solobay, Senator McIlhinney, Senator Hughes, Senator Yudichak, Senator Don White, Senator Wozniak, Senator Pileggi, Senator Baker, Senator Vogel, so many on both sides. A special thanks to Senator Mary Jo White for her patience and strong work behind the scenes. This bill would not be here today without the strong leadership of Governor Corbett. I thank him for his assistance, as well as my friends and colleagues in the House of Representatives, whose input and dedication was important to this bill.

Yes, as a legislator who represents a region with currently 500 Marcellus Shale wells and many more to come, I set out to have a majority of the fee be spent locally. House Bill No. 1950 does that. But with this as my guiding principle, I took a step back and I listened to all of you--yes, I even listened to Senator Ferlo--and shaped and molded much of the rest. We all knew that this bill had to improve the environmental standards for Marcellus Shale well drilling, so we got to work.

The bill increases the well bonding requirements to the toughest in the nation, significantly increases penalties for misbehaving producers, increases well setbacks from water sources and precious streams, establishes a one-call system before drillers can drill, requires DEP to establish containment procedures at every well site in case something goes wrong, addresses air emissions for processing plants and compressor stations, and will require DEP to establish a Web site, under the nationally recognized FracFocus, to insure all frack chemicals are disclosed, and I could list a dozen more specific positive environmental improvements that are worthy of each Member's vote.

Let us talk about the fee. We have landed in a good spot, not at all in the place we started 3 years ago, but a solid place nevertheless. Members on both sides of this Chamber have said many times that this fee should generate \$200 million and climb. In 6 months from now, the PUC will likely collect somewhere around \$180 million for well fees assessed for 2011 and before. Let me note, this impact fee does reach back to all spudded wells since they were first spudded in Pennsylvania. Why? The simple rea-

son, and there are others, is that these wells have impacted our environment and people's lives in the region and beyond. We will collect over a billion dollars in fees during the next 4 to 5 years. That is no giveaway to the gas industry, and this fee has strong features. It fluctuates with the price of gas. Gas prices are stunningly low today, and the fee may be reduced from 2011-12, but that is fair. If natural gas prices rise, the fee will be increased over time and a CPI will be attached to the base fee so that it impacts cost more to address, the fee will cover them.

On distribution, many voices participated in this discussion. Conservation districts will receive \$7.5 million to be spent across the Commonwealth; refitting of natural gas fleet vehicles and trucks so that we promote the use of natural gas, \$20 million; stepped up DEP enforcement, \$6 million annually; environmental clean-up efforts including park beautification and acid mine reclamation, tens of millions of dollars every year statewide; improve our deficient bridges; aid the Fish and Boat Commission; and add tens of millions of dollars to the Environmental Stewardship Fund. This bill will also help fund HSCA. None of that mentions the more than \$100 million annually that will be flowing back to locally impacted regions. To our distressed boroughs, counties, municipalities, and other local governments, this money will serve numerous worthwhile purposes, including helping the housing difficulties in these areas. Substantial resources will be available locally for road improvements and dozens of other needed local efforts.

Let me just touch on one more aspect of the bill: Zoning. I believe most local officials have properly managed oil and gas operations in their respective areas. I never wanted to take their power away, but current law clearly limits their power to primarily the duties under the Municipalities Planning Code, and this bill continues that. But because Marcellus Shale development causes some to be emotionally charged, there have been zoning abuses across regions. This bill sets up reasonable enforcement standards across the State to insure that local power is retained and gives a level of predictability to landowners and companies to develop their gas. We walked a fine balance. Through this legislation, if a local government wants to get a proposed local ordinance reviewed by the PUC or a company believes a local governing body missed the mark on zoning, the PUC will call the balls and strikes.

We are blessed to have an abundance of shale in many parts of the Commonwealth. This shale has resulted in thousands and thousands of jobs, and as is often the case, natural gas companies are vilified, here and elsewhere, as money grubbing and stomping on the little guy. Many of those so-called little guys live in my district, and they are proud of the work they do in the natural gas industry. They drive trucks, pump cement, operate the well site, or they even landscape around the grounds. Some run local trains back and forth 12 trips a day to deliver supplies, and there are some who are onsite engineers. I do not stand here to tell you these companies are saints. Far from it. But I am thankful, as are my constituents, for the outstanding jobs they have created across some relatively challenged regions in the Commonwealth.

This is a comprehensive bill that every Member of the Chamber helped mold. This bill has been endorsed by ranging interests, including the County Commissioners Association, Chesapeake Bay, the Township Supervisors Association, Pennsylvania Environmental Council, the Growing Greener Coalition, and others. I do not stand here today before you to say we crafted the

perfect bill together. Rather, we all got to work and we will soon pass a bill worthy of your support, if for no other reason than you helped form it. Thank you for listening, and thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Yudichak.

Senator YUDICHAK. Mr. President, I rise to express my opposition to the Report of the Committee of Conference before us today. I did not sign the report last evening, and I just wanted to take a few moments to express my reasons for opposing this legislation. While I can appreciate the work that all four Caucuses have done on this issue over the last 3 years, the legislation still comes up woefully short in many, many areas. I should note, the President pro tempore and the Majority chairman of the Senate Committee on Environmental Resources and Energy have conducted themselves as professionals throughout this entire process. They have listened, and I appreciate that courtesy.

However, the final product, again, falls short in many, many areas. I am particularly troubled by an impact fee that only--and underline "only"--gets imposed if counties or municipalities pass ordinances to authorize such a fee. There are no assurances that the 33 or so counties in the Marcellus Shale play will be taking these actions. In the event that they do not impose a fee, the counties, municipalities, and the Commonwealth will lose out on all--underline "all"--proposed funding.

Once more, we rely on local action to authorize the impact fee, but then the State, through the PUC, will collect the tax revenue and distribute it. I cannot think of any other model in State government with this kind of arrangement. We did not do this for another major industry that started in this State just a few years ago - the gaming industry is taxed heavily in this State. The legislature sets the tax rates, and it sets up the distribution system so that all counties in Pennsylvania benefit from the revenue, even those counties that do not have a casino in them.

For a local example, I turn to my own county, my home county, Luzerne County. We have a casino, Pennsylvania's first casino. We send money to those 33 counties in the Marcellus Shale play. There is a good chance that the Commonwealth principle that all 67 counties are in it together is going to be shattered by this piece of legislation. I realize that this is the first major overhaul of the State's Oil and Gas Act that was enacted 28 years ago for an entirely different type of industry, and I agree we need an update of our environmental protection provisions. There has been some good done in this bill, although in some cases, I think we could have gone a little further when it comes to setbacks and protecting our water resources.

But I come at this issue from the context of where I grew up. I grew up in the anthracite region, and I am well aware of the consequences of not having the proper regulations in place for an extraction industry. We will live with the mistakes and the environmental degradation for years. My father and my grandfather were coal miners. My grandfather contracted black lung disease. In a mining accident, my father had his pelvis shattered and his mining career ended. They knew the consequences of going into those mines. They paid the consequences, and they paid for the mistakes. My four beautiful daughters will only learn about anthracite mining, in all likelihood, from the history books, but they are going to pay for the mistakes of that industry. I hope, through this legislation, that we are not setting up future Pennsylvanians to pay for the mistakes of this industry.

Mr. President, while we rarely ever pass perfect legislation, I think the Report of the Committee of Conference is not only less than perfect, at best, it is what I am referring to as "maybe" legislation. Maybe it will work, if the counties and municipalities do what they are supposed to do, and maybe the revenue projections will be met, and maybe, just maybe, the industry will do the right things to protect our environment and water resources. But, I think we could have built a little more certainty into this bill. I think Pennsylvanians deserve better than maybe, maybe they will have clean water, and maybe they will have clean air. For that reason, I will be voting "no" on the Report of the Committee of Conference, and I urge my colleagues to vote "no."

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, first, I thank everyone in the Senate who worked on this, but it is a bad bill and I hope we vote against it today. Mr. President, we are going to hear the Governor's Budget Address in about an hour from now, and in that address we are going to see significant cuts in terms of our public schools. We are going to see our higher education system, Mr. President, the State System of Higher Education, cut by 20 percent, State-relateds by perhaps as much as 30 percent, and we are leaving on the table billions and billions of dollars through this bill.

You know, our 2-percent rate, which is the rate of this impact fee, is equivalent, Mr. President, to being one of the lowest in the nation, and in fact even lower than our own rate. So who is getting the real breaks in this bill, Mr. President? It is not the citizens, it is the big oil and gas companies. Shell is about the fourth-largest producer of natural gas in the Commonwealth. Last year, Shell had a net profit of \$31 billion. Chevron is not doing so badly either, they are about the fifth-largest producer of gas in the Commonwealth. They had a net profit of \$27 billion. Why are we afraid to put an impact fee of significance or consequence on these companies? Why are we afraid even to do a severance tax? Instead of taxing companies with profits of \$31 billion and \$27 billion, we are going to sacrifice the education of children in this Commonwealth, and we are going to create a situation where young people cannot even pay for their college education and will be in debt for all of their lives through student loans.

In my judgment, Mr. President, we are selling out to the large oil and gas companies. I understand that the Marcellus Shale is a valuable economic aspect of the Commonwealth and it should and must be developed, but not at the cost that we are doing this. I will vote against this bill because I believe that we should have a significantly higher impact fee, and when we do it, we can take care of some of the social needs of this Commonwealth.

In sum, Mr. President, as Shell made \$31 billion and as Chevron made \$27 billion last year, there are children in this Commonwealth without food, youngsters in this Commonwealth who are not getting the type of education they deserve, and these social services and needs go unmet. For what, Mr. President? So the big gas companies and their arrangements with the Commonwealth can do so well? That is not right, and I hope that we will vote against it.

Secondly, Mr. President, I am opposed to this because of the notion of local control and the part of this bill that allows the Commonwealth to overrule a local community. I have sat on this

floor when the Republican Senators again and again talked about local control as a mantra. Are you today, my colleagues, my friends on the other side of the aisle, going to reject local control in your mantra? I grew up in a Republican county. I represent a Republican county, and I believe in local control, as do others in our county, and it is being sacrificed significantly through this bill.

Thirdly, Mr. President, let me remind you, as Senator Yudichak so articulately did, that we have a history in this Commonwealth of coal, and 50 years from now people will be sitting and saying, what did the legislature do? What were they thinking? Why were there not the funds in there to protect the environment? Two more points, Mr. President, before I conclude. What we now know in terms of economic development in Pennsylvania is that one of our greatest resources, in addition to natural gas, is our abundance of clean and available water. Many companies have come to Pennsylvania because of that resource. The lack of clean, potable available water is one of the key global issues of this decade. Why would we put this water at risk, which as much as the gas is part of our economic future?

Finally, Mr. President, if I may speak to the Members of the southeastern Pennsylvania delegation who are with me here today, I do not understand what you are doing. I do not understand how you are going to pass a bill that gives all the breaks to other parts of the State and allows all the burdens to fall on us in the southeast. There is not one cent of profit from the Marcellus Shale unless it gets to market, and the only way it is going to get to market is going through Chester, Montgomery, Delaware, and Bucks Counties of this Commonwealth. Yet there is nothing there. Gas is produced, that is protected and they get the money, but we do not, Mr. President.

So finally, we in the southeast have the burdens without the benefits. You know, historically in the southeast--and I urge our Members of the delegation of the southeast to think about this clearly--historically, our taxes have flowed out of the southeast like natural gas to the other areas of this Commonwealth, and yet, under this bill, we will not get any significant funding because even the 40 percent that goes statewide goes to every county in this Commonwealth.

So, in conclusion, Mr. President, I urge a "no" vote. I urge a "no" vote because in another half an hour, we are going to hear a Budget Address where not enough money for the needs of this Commonwealth increased, to have an impact fee that is of significance so we can help those who need help. Local control, that is the mantra I have heard again and again, and it is essential we keep local control. Preserve clean and potable available water, which is key to our economic prosperity. Understand the lessons from history. Read our Constitution so that we can preserve a clean environment in Section 27 of the fundamental rights of the people of Pennsylvania.

Finally, Mr. President, let us make sure that those counties that have the pipelines going through, which will create all kinds of disturbances, also have something significant from the Marcellus Shale. One final example: when you pass that rule on local control, that compressor in our area, which is adjacent to housing developments in the middle of a development, not somewhere in the middle of a forest where we have no ability to even control the noise and pollution. So, Mr. President, in the interests of the people of the Commonwealth, I hope that we will see a "no" vote on this issue.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Ferlo.

Senator FERLO. Mr. President, first of all, let me apologize for loosening my necktie, but I was hyperventilating earlier as a result of discussions in the Democratic Caucus, so I wanted to regain my composure. It is very upsetting, some of the late midnight dealmaking that is going on as a result of the vote that we are about to take. In any event, characterizations by my good colleague, who I know has tried to work very hard on this bill, bringing together a lot of competing and conflicting issues and desires, our President pro tempore—I will not mention him by name since I am not allowed to mention names, even when I get aggravated later by my own Caucus—but characterizations of a well-thought-out and progressive piece of legislation which he kind of described, as far as I am concerned, has been greatly exaggerated and, in fact, are total falsehood.

You know, the Report of the Committee of Conference, quite frankly, is a sham. I believe that we can officially say that we are now in the post-reform era. A 174-page piece of legislation was made available to the public and to most of the Members of the House and Senate late on Sunday, voted on yesterday, late Monday, and with no opportunity for amendments being debated or entertained. It is now up for a final vote, and we are now rushing to judgment on that because of the Governor's Budget Address, and that is roughly 36 hours after the bill, in its supposed final form, has officially seen the light of day.

I understand someone has said, because we have been debating this for a couple of years, that there is no reason to hold any further debate, dialogue, discussion, or amendments. That is totally disrespectful of the will of the electorate across this State, whether they are in the Marcellus Shale drilling areas, or as my colleague from the southeast on the Democratic side eloquently spoke about, that this is a bill that affects every resident and county throughout the Commonwealth, whether there is drilling in the community or not. After digesting the body of this report, I can assure you, and my constituents at least, that this is not a legislative product that we should be rushing to completion in minutes before the Governor's Budget Address.

In terms of the fee structure and the collection mechanism for the revenue, first, let me restate that from the beginning, I have been an advocate of a uniform, fair, statewide, severance tax. Just to put this in perspective, let us also be clear, I urge the passage of a 2-year moratorium because there have already been hundreds of Marcellus Shale wells drilled in our forests, parks, and public lands as well as in counties where the activity of this industry hit the ground running, examples would be Bradford or Washington Counties. So there is, in fact, an awful lot of drilling and economic activity already afoot.

My suggestion for the moratorium was the urgent need, Mr. President, for us to take one step back from this gold rush mentality, and from a scientific and public health point of view, in terms of community and public health impacts, really understand what we are opening up when we drill 7,000 to 9,000 feet below the surface, and its resultant impacts in many respects. I think we rushed to judgment. I think it was appropriate to have a moratorium on further expansion, allow this industry to grow over a period of time, not this kind of gold rush, everything has to be drilled instantly, and every piece of public land and acreage has

to be opened up to this industry. That was not my approach, obviously.

But a severance tax would be more appropriate than what this bill suggests because the tax would be based on the value and quantity of natural gas removed from our gas fields and would not punish those who are purely producing wells and would be collected at the State level providing fairness and equity for Pennsylvanians. I thought we have a State Revenue Department for uniform collection of taxes and accountability and audits. This notion that it is going to be transferred to an agency that has nothing to do with collecting taxes is just mind-boggling to me. The Report of the Committee of Conference before us today is, in my opinion, a Rube Goldberg machine of taxation policy. A statewide fee, nonetheless, imposed by counties that can be forced upon them by municipalities, collected by the Public Utility Commission—I do not know where that came from, an agency never before given the task of collecting a fee or tax in this regard.

On top of it all, the Public Utility Commission will also have the power to determine the legitimacy of local zoning laws. There are decades of case law that are clearly on the books as a result of the State Planning Act, local jurisdictional input, and control of the local zoning. Cases are oftentimes mediated, Court of Common Pleas, Commonwealth decisionmaking. How, all of a sudden—and let us be clear, this is totally about facilitating the desires of the corporate greed of this industry and nothing to do with representing the best interests of residents whom we were elected to serve, so this continues to run roughshod over the interests of local zoning and municipal powers.

On top of it all, the PUC will also have the power to determine the legitimacy of local zoning laws. Also, a completely new task, the agency is ill-equipped and obviously a contradictory vision, as far as I am concerned, to undertake. I hope that this contradiction is not lost on any Member of this Chamber, and it certainly is not lost to the public, at least whom I represent. We are going to be beholden to local officials for the imposition of a statewide task while delegating local zoning to a statewide body, which is absolutely and completely absurd.

The fee will be imposed on producing and nonproducing wells. While this makes sense in the context of an impact fee, we all know that this is a complicated vehicle to impose a tax while calling it something else. Taxing nonproducing wells will punish smaller operators who do not have the capital to risk drilling potentially unsuccessful wells. This will certainly alter the economic decisionmaking of drillers. The fee is the equivalent of a 1.9-percent ad valorem severance tax. This is a woefully low rate that is amongst the lowest in the country. One of my colleagues pointed out that West Virginia did, in fact, lower its recently, but I believe it is still at the 3-percent figure. This is one of the most natural gas-rich States, supposedly, that will be dealing with drilling impacts for many decades to come.

On environmental protection, plain and simple, this report is a giveaway to natural gas drillers. The improvements, notifications, setbacks, presumptions, water replacements, air pollution control—nonexistent—and bonding all fall short of what is necessary to protect the public and the environment from the significant impact of deep-well drilling.

First, the notification requirements are only increased to 3,000 feet from the drilling site. Environmental organizations have

asked for a minimum of 5,000 feet. We all know that drilling for gas at 5,000 feet requires enormous amounts of equipment. The largest number of surrounding property owners should be informed when a drilling operation is beginning.

Setbacks for well locations are perhaps the most important and easily accomplished environmental protection we can provide in this bill. Yet, the Majority will be leaving them far short of the necessary distances to protect the public, our waterways and drinking water supplies, and, in fact, the environment. Suggestions for setbacks have also been as high as 5,000 feet, Mr. President. Five hundred feet from buildings, 1,000 feet from drinking water sources is not tolerable, and 300 feet from streams, regardless of their value to supporting wildlife, is reckless and dangerous, and time does not permit me to start listing all kinds of places like Dimock, Pennsylvania. I urge the Governor to go spend a week and board up there to realize what those folks have gone through over the last few years. Or, lest we forget Centralia, Pennsylvania, which keeps burning to this day.

On top of it all, DEP will be given broad new power to impose reducing setbacks. Again, we are giving the DEP Secretary, who is quite frankly in the back pocket and wallets of the industry, he and that department have the power to impose reducing setbacks on property owners who are unwilling to sign off on a waiver of these setbacks, in essence, meaning that with a friendly DEP in place--and DEP does not even know where 500--some of these wells are even located right now, despite our GPS legislation in place--honestly, the setbacks are meaningless.

The bonding requirements in the Report of the Committee of Conference are as good as not having any. The estimated cost of plugging each Marcellus Shale well is about \$100,000, and that is assuming that we finally have some companies housed here and we do not have to fly people in from Texas to cap the wellhead when it is burning out of control. This estimate is based on a wellbore length of 10,000 feet, which is quickly being dwarfed by the length of many wells as drilling technology and experience quickly improves. As the length increases, so does the expense. At \$600,000, the State will be able to plug 6 wells of a possible 150 or more. Six of 150. This will leave State taxpayers holding the bag on the remainder of the wells, no different than our industrial legacy with coal, which we, to this day, have spent hundreds and hundreds of millions of dollars cleaning up our streams, waters, and preparing brownfields for new development. We are repeating the same mistakes of the past.

On zoning, regardless of how the Majority may be portraying the zoning elements of this bill, regardless of how some of my colleagues on this side of the aisle are caving in due to politics, it is clear that local zoning powers are being preempted. The bill states, "...all local ordinances purporting to regulate oil and gas operations regulated by Chapter 32...are hereby superseded." I do not want to repeat it, but the point is, do not try to give us a bunch of baloney about maintaining local control on zoning. Nothing could be further from the truth. I do not know how the Majority could have been any more clear about their intentions, including a few colleagues on this side of the aisle.

The PUC, as I stated earlier, is an agency ill-equipped to provide legal oversight on local drilling ordinances. I can only surmise that it has been given this power because it also will be collecting the fee. Even if one disagrees with the concept of superseding local ordinances, one would still have to agree that the Attorney General is actually better suited to the task of providing

guidance on the appropriateness of a local ordinance. The AG already has a very similar task force under the ACRE, but the fact of the matter is, there is no reason to have ACRE, AG, PUC, or anybody else involved. The Oil and Gas Act is clear on limitations of local government. But we would not propose, in the case of erecting a steel mill, that we would give these powers to the PUC. There is every reason to maintain local control on zoning, and local control on zoning continues to allow what many would consider obnoxious or detrimental uses in a particular zone or area of that community. That would continue. This is all being wiped away in terms of local powers.

Lastly, and most importantly, the standards for local zoning ordinances are far too restrictive. The bill does not permit communities to ban zoning, even in vulnerable residential and commercial districts, and provides poor buffers between well rigs and structures. This portion of the bill will not merely threaten the character and uniqueness of our local communities, it will threaten the public's safety. So in the end, we have delegated traditional State power to counties to live up to a tax pledge made to lobbyists from the industry and stolen local zoning prerogatives to help enrich already wealthy gas companies who are basically going to be robbing our natural resources and destroying other natural resources in our State that are also part of the billion-dollar economic development in our communities and across our Commonwealth, all this while threatening the public health and safety and our pristine environment. I believe strongly that in the decades to come, we will be paying for the errors of the vote before us.

Now, I realize that a lot of colleagues are going to be leaving public office for one reason or another. I congratulate them on their years of service, but they are also some of the most influential individuals now leaving the Chamber and will not be here to be accountable for their actions in pushing this bill through today. I will also comment--and I am not going to mention names--the fact of the matter is, there are a couple of colleagues who represent counties where the Marcellus Shale well drilling has been active for several years. I respect the fact that they are voting in terms of what they perceive, what they know, and what they believe, and I believe this sincerely, that this industry has brought great wealth, capital, business, and economic development and viability. Examples would be Washington County, Bradford County, Cambria County, and other counties. I respect that. They have been clear from the beginning about what they view as a balancing of all of the objections that I have and the reality of improved economic activity in their respective counties. So I just want to characterize that my outrage and concern is in no way disrespecting the fact that a couple of these colleagues are clear from the beginning about their vote.

What I do resent, however, is the late-night, midnight, back-room dealmaking that has gone on since yesterday, and that is not a criticism of the aisle opposite, that is a dysfunction of our own so-called Democratic Caucus. Thank you very much.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. Mr. President, I appreciate the comments of the other Members. Let us make no mistake about it, we have been using some cute language here in this Chamber. We are calling this a fee. It is a fee, it is not a tax. Make no mistake about it, Mr. President, regardless of any rhetoric used by the Governor, this is a tax. It is a cute way of passing a tax that is a

bad tax, and it is the kind of cuteness that the people who watch, the people who are taxpayers who are working to make a living and being there for their families, this is the stuff they hate about politicians. I have reviewed some of the major changes from the conference committee approach to the Marcellus Shale, and what I think it is, it is a compromise, all right. It is a compromise of values, and I think it is terrible.

First, the plan has the local impact fee, which is, of course, county-based, and counties such as Cameron, Jefferson, and Clearfield, in my friend and colleague, Senator Scarnati's district, will do quite well. Bucks County, Montgomery County, and Philadelphia County will get next to nothing, Mr. President, almost zero dollars. A region of this State that has about 35 percent of the population sees almost no benefit. All right, all right. Some of the folks say that there is a provision, to be fair, under this plan, 40 percent of this plan's total amount will be available to all municipalities, including Philadelphia, Bucks, Montgomery, and Delaware Counties. They all have a chance to receive some benefit from the Marcellus Shale. I likened Philadelphia's chances to probably being the same as getting struck by lightning. Sixty percent of the moneys collected will go to other areas where the drilling takes place. They, too, are of course eligible for the other 40 percent.

So, what we see is some areas will really be able to benefit a lot more than others in this State, Mr. President. That says a lot about this whole theory of the Commonwealth, which, by definition, means a State in which supreme power is vested in all people. All people, depending on where you live, apparently. I do not understand how the Members who are getting left out in the cold can be in favor of this kind of legislation. Quite frankly, I cannot see how anyone, at least from southeastern Pennsylvania, Republican or Democrat, would appreciate this or could possibly vote for it.

Here are some other hidden gems in the bill, Mr. President. They have been alluded to by other Members, but I think they bear repeating. The Department of Environmental Protection can enter into contracts with private well control teams who would be given limited immunity from civil lawsuits. God forbid we should protect people who might get injured. Let us make sure we bend over backwards so that if somebody gets sued, some big business interest gets sued for hurting somebody, their exposure is not too bad. Civil penalties against drillers who violate regulations would be increased by 75 percent. That is a small change when you consider the future problems that we are only beginning to see could happen from fracking and contamination of our ground well water.

I have talked about this bonding requirement time and time again, Mr. President. This bill sets some new bond levels for drillers based on the length of the wellbores and the amount of wells each company operates. These bonding levels are a drop in the bucket compared to what other States charge, and other States charge reasonable amounts. Those States are looking to protect themselves. Apparently, that is not a priority for us. The current bonding provisions are inadequate under this conference committee proposal. I have said time and time again, stronger bonding provisions would insure that Pennsylvania taxpayers, God forbid, Pennsylvania taxpayers would not have to bear the burden of restoring and plugging abandoned wells, should gas drillers walk away from their closure responsibilities. Do you know what that means, to walk away from their closure responsibilities?

It means wrecking neighborhoods and areas, digging up ground, and walking away. God forbid that we make them clean that up.

Once again, the hardworking people of Pennsylvania who are out there struggling, they are the ones who are going to shoulder the load. They will be asked to pay down the line to help clean up our waterways and make our environment whole again. I mean, why would we ask the polluters to help with that effort? That would be, what is the word I am looking for? Responsible.

Another area which I find simply disgusting, Mr. President, is the lack of oversight. In this new plan, counties would have the power to enact a fee, but the State, through the Public Utility Commission, would oversee collection of the levy. Another major change that we have seen is the PUC, not the Attorney General, would enforce restrictions on local zoning. Confused? You should be. So am I. The fee will be based on five classes according to the price of natural gas. Over 15 years, it would raise between \$190,000 to \$355,000 per well, depending on how gas prices rise and fall. It would also be subject to adjustments based on the Consumer Price Index. Just as I suspected, anyone who just listened to me, if your head is spinning off of your shoulders, the plan is as clear to you as it is to me. It is as clear as mud, but let us vote on it.

The estimated revenue generated in year one, 2012, would be roughly \$212 million. Some people would argue that is not bad. But I will tell you, it is dramatically, dramatically less than our neighbors bring in, at least in West Virginia, and pretty much the rest of the States that have natural gas findings. I am going to come back to this in a second.

I also find this limited local control issue which Senator Dinniman talked about a huge problem. Municipalities would not be allowed to ban drilling from any type of zone except for dense residential areas, where a well could not be built more than 500 feet from a home. My friend, Senator Ferlo, talked about this as well. So, any local government who would like to protect their citizens further will be penalized for doing so. So much for local control. Municipalities that pass ordinances or zoning requirements stricter than the statewide standards would lose their impact fee. That, Mr. President, is priceless.

Now, I find the whole thing dizzying, but it really gets good when we talk about the fee structure. Nonproducing wells producing less than 90,000 cubic feet of gas per day are not subject to the fee. If a well does not produce above 90 Mcf after 3 years, the well would not have to pay until its production goes over that 90 Mcf level. Is that clear for the people at home? It is another convoluted plan where the Governor's rich buddies and companies like Exxon and Shell helped to craft a law that protects their interests, not yours at home, not the hardworking Pennsylvanians. Simple things that many small business owners undertake on a daily basis, and I hear all the time about folks saying, why do you not stand up for the small business, the job creators? Small businesses take a lot of risk. They talk about that. Here, these big companies, we have taken the risk part out. You agreed to go along with the fee, do not worry if your money is not making a gazillion dollars per year. "We got your back." This brings new meaning to the old slogan, "You've got a friend in Pennsylvania," if you are a rich connected big business.

Now, let us get back to West Virginia for one last time. This plan does not discuss how much it will generate in year one and two, and it does not discuss how it compares to West Virginia

and the \$475 million that West Virginia's shale tax generates per year. They have a very similar geography to Pennsylvania, and they are a neighboring State. They set up a perfect framework that Pennsylvania could easily follow. What West Virginia does not have is a Governor who refuses to call a tax a tax and apply it to the extraction of natural gas. West Virginia has no problem with companies who make a gazillion dollars paying their fair share.

We have already been told that our budget estimates are roughly \$500 million below expectations. So, we are going to go across the way when the Governor gives his Budget Address, and he is going to talk about belt-tightening again and how we all have to sacrifice. The West Virginia shale tax could have netted us \$475 million in year one, all but zeroing-out the budget deficit that we are going to talk about in a few minutes. No, instead, here is what I anticipate the Governor's idea will be: Let us stick it to the middle-class people, let us stick it to the greatest natural resource, our young people, and let us cut education again. It is ridiculous, and it is totally unacceptable. West Virginia's tax is a very simple flat 5-percent tax across the board. Other States have tiered rates on the type of well or the level of production, but they use the ugly word. They are willing to say what it is, it is a tax. Heaven forbid, let us not tax the rich and the oil companies. How will they possibly survive?

Another fallacy is that we cannot charge a large tax because here in Pennsylvania, our corporate income tax structure will be unduly punitive to big business. Let us keep in mind that corporate income taxes are not that big of a consideration as most gas operating companies--and everyone loves this across America--are organized as exempt entities. This carries on the paradigm that the rich are paying less taxes, and the middle class and working folks are paying more. The theory of wanting to make this State business-friendly is, in my opinion, Mr. President, absurd. We are not competing against other States to attract businesses. The shale reserves are here in Pennsylvania, not due to any action that we have taken in Pennsylvania, the shale reserves are here because of millions of years of evolution, not a business-friendly environment. Whether we charge 5 percent or 35 percent makes no difference. If you want shale reserves, you are going to come to Pennsylvania.

We hold all the cards, Mr. President, at least we did hold all the cards. We have had the opportunity to help our entire State to close the budget deficit, to help kids go to school, to repair roads. But instead of saying all in and helping our future, we and the House have decided on this gamble, Mr. President. We have said, here are our cards, you are the winner, you take all, gas companies win. We, the people, the people who are out there working and struggling to pay their bills, the hardworking Pennsylvanians, you lose.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, I guess it would be important for me to start with a Shakespeare quote. It was Marcellus who said to Horatio in the first act of Hamlet that "Something is rotten in the state of Denmark." I rise in opposition to House Bill No. 1950 out of the conference committee, Mr. President, even though the negotiation process did yield revisions and improvements that were certainly better than the current state of affairs. I cannot in good conscious vote in favor of a law that sells our Pennsylvania citizens short. It does not pass even the basic

cost-benefit analysis, Mr. President. At the same time, we are slashing public education, hurting individuals who depend upon our social services safety net, we are forgoing revenue. The law sells our Pennsylvania people short, and we are getting but a fragment of what we deserve. I said this on the floor before when this bill was debated, that nothing in the bill addresses the volume of natural gas being extracted from Pennsylvania. Every other natural gas-producing State has a severance tax because the natural gas is being severed from their land. Nothing in this bill addresses the volume of natural gas being extracted.

Under the most optimistic of scenarios, we stand to receive no more than \$350,000 per well over a 15-year period. Compared to other States, Pennsylvania's fee at any price will be well below the average of other producing States, nearly a million dollars in West Virginia, nearly \$900,000 in Texas, and \$550,000 in Arkansas. With nearly a million dollars in West Virginia, we are getting less than a third of that in Pennsylvania, under the best of circumstances. In last year's Budget Address, the Governor said he wanted to turn Pennsylvania into the Texas of natural gas. Well, Mr. President, even Texas levies a severance tax, and those proceeds help defer the cost of public education to the people of Texas.

This Marcellus measure improperly compensates Pennsylvania for the extraction of a natural resource underneath our Commonwealth. It does not adequately compensate Pennsylvania. We are unable to do the right thing and pass a severance tax, something that every other natural gas-producing State has done, because we lack the political will to do so. We twist and contort ourselves into a measure that frames a drilling impact fee, levied at the local level, and as my colleague, Senator Yudichak, said, we do not know what that will mean. Maybe they will levy it, maybe they will not.

Mr. President, I represent Lackawanna County, a county that sits adjacent to a lot of drilling activity in the northeastern part of the State. We do not feel the full impact of the drilling rush, but we certainly feel it on our roads, in our water, in our housing costs, and we certainly feel it in our property taxes. This bill is inadequate. It does not adequately compensate Pennsylvania.

The editorial board of my local newspaper, The Scranton Times-Tribune, said it best this morning. They said, "Pennsylvania has a crisis of not just spending, but of public-interest governance." A crisis of public-interest governance. Due to the limited fee levied, the preemption of local zoning that is embedded in this act, the fact that it has to be levied at the local level, the fact that it is collected by the PUC, and the fact that the PUC is being given powers to arbitrate over zoning issues, makes this flawed legislation. I cannot in good conscience vote for it, and I wish my colleagues on this floor would object to it as well and vote "no" on House Bill No. 1950.

Thank you, Mr. President.

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

Senator WOZNIAK. Mr. President, I realize that my little talk here today is not going to change any votes, but I want to make a few statements. I am rising to support this Report of the Committee of Conference on Marcellus Shale.

Over in the House, in the back of the Chamber, there is, I guess, a biblical quote that says, "Ye shall know the truth, and the truth shall make you free." Over the past 3 years, I have listened to the environmentalists, I have read articles, and I have

watched movies. I listened to the captains of the industry and read their articles and heard their stories, and I have listened to the politicians. To tell you the truth, all of their veracity is in question. This is not Texas. This is not the panhandle of Texas where you have great plains and no people. This Marcellus Shale is being drilled in Pennsylvania, the most populated rural State in the nation. The industry must be cognizant and respectful of the fact that although it is rural, it is relatively highly populated. We have pristine streams, and we are very sensitive about our wildlife.

With that being said, every President since JFK has made the statement that we must reduce our alliance on foreign energy. Every President since then--if you look at the consumption of this nation, we have an insatiable desire of using more and more and more foreign energy. We have an opportunity to capitalize on a domestic resource: natural gas. A lot of people here talk about opposing, perhaps we did not get enough for the extraction tax or the user's fee, whatever we want to call it. But, everybody out there who has natural gas--maybe it is those Cajuns down in the swamps of Louisiana, but up here in the north, we turn that thermostat up for the nice, convenient, and relatively affordable natural gas. This Marcellus Shale and the Utica are bringing down the cost of natural gas throughout this nation, and it potentially gives us an export product, something that this nation certainly desires.

Now to the issue at hand. Three years ago, we had an opportunity under the administration of Governor Rendell to have a severance tax. My colleagues, my party, the Democrats of the House, put a program out there that was so outrageous that nobody was going to be able to accept it. That stopped any severance tax, extraction tax, or anything you want to call it, from moving forward. Another administration comes into play, and that Governor made a promise to the people of Pennsylvania that he would not raise taxes. It sort of shackles us now because, as we have an opportunity to generate revenues from the extraction of gas, we have the no-tax premise. Ergo, we create what I think is a little convoluted piece of legislation that sort of lets the counties make the determination if they are going to follow through with the impact fee, and something with the townships if they do not agree with the counties, but at least there is a roadmap on how we can move forward.

The politicians have made promises to the Pennsylvania public that, oh, if we only had this Marcellus Shale, we could fully fund education, we could save the Indiana bat, we could fix every road. Folks, you were lied to. No matter what tax, no matter what impact fee we would place on this natural gas, it is not the panacea that is going to balance the budget. West Virginia was brought up many times because they have a severance tax. West Virginia, because of competition, recently reduced their severance tax from 6 or 5 percent down to 3 percent.

We have an opportunity to create jobs in Pennsylvania. I am seeing it firsthand. Will there be environmental problems on occasion? Yes, there will be, we are talking natural gas. I have it in my house. I turn up my thermostat, I turn that stove on and boil eggs in that boiling water, but underneath that ground are pipes full of a very volatile energy source with which we all live in comfort. Until we can crack hydrogen from sea water, we are going to need the resources of western Pennsylvania, and now central Pennsylvania, of our coal, wind power, and our natural

gas. This State is blessed with tremendous resources. We should be using them.

There is no sin in the word "profit." These companies are investing hundreds of millions of dollars at taking the risk for this natural gas. They are going to receive hundreds of millions, if not billions, over the lifetime of these wells. But it is creating jobs for welders, truck drivers, hotel rooms are filled, and opportunities are abounding. Interestingly enough, engineers from PennDOT, truck drivers from PennDOT, truck drivers from the private sector who used to work on roads that are not being fixed right now, are heading to the Marcellus Shale industry because of the wages that they pay. It is a tremendous opportunity for rural Pennsylvania. A bulk of that money remains in rural Pennsylvania, and a substantial percentage of that money is going to go to places of Pennsylvania that do not have any Marcellus Shale.

Folks, could we have done better? Supposedly. But it has taken 3 years to get this far. It is time to turn the page. We have measured not once, not twice, not thrice, but probably 15 times. It is time to cut the rug, it is time to turn the page, it is time to put the impact fee into place. Let Pennsylvania generate some revenue, let the counties generate some revenue, and let us create some jobs in Pennsylvania.

I appreciate an affirmative vote. I thank you for your time, Mr. President.

LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I request a legislative leave for Senator Washington.

The PRESIDENT. Senator Costa requests a legislative leave for Senator Washington. Without objection, the leave will be granted.

And the question recurring,
Will the Senate agree to the motion?

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

YEA-31

Alloway	Gordner	Pippy	Ward
Argall	Greenleaf	Rafferty	Waugh
Browne	Hughes	Robbins	White Donald
Brubaker	Kasunic	Scarnati	White Mary Jo
Corman	McIlhinney	Smucker	Williams
Earll	Mensch	Solobay	Wozniak
Erickson	Piccola	Tomlinson	Yaw
Folmer	Pileggi	Vogel	

NAY-19

Baker	Dinniman	Kitchen	Tartaglione
Blake	Eichelberger	Leach	Vance
Boscola	Farnese	Orie	Washington
Brewster	Ferlo	Schwank	Yudichak
Costa	Fontana	Stack	

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

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

THIRD CONSIDERATION CALENDAR**BILLS OVER IN ORDER**

SB 405, SB 1049, SB 1301 and SB 1302 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

HB 1702 (Pr. No. 2962) -- The Senate proceeded to consideration of the bill, entitled:

An Act reenacting and amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

SECOND CONSIDERATION CALENDAR**BILL REREFERRED**

HB 98 (Pr. No. 2892) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for special registration plates generally and for personal registration plates; and making editorial changes.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

HB 149, SB 968, HB 1091, SB 1141, SB 1254, SB 1372, SB 1382, HB 1827 and HB 1886 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**COMMUNICATION FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported a communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

**MEMBER OF THE BOARD OF TRUSTEES
OF EBENSBURG CENTER**

February 6, 2012

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 20, 2011, for the appointment of Alice A. Zemba, 84 Trolley Street, PO Box 29, Black Lick 15716, Indiana County, Forty-first Senatorial District, as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 2017, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

TOM CORBETT
Governor

NOMINATION RETURNED TO THE GOVERNOR

Senator ROBBINS. Mr. President, I request that the nomination just read by the Clerk be returned to His Excellency, the Governor.

A voice vote having been taken, the question was determined in the affirmative.

The PRESIDENT. The nomination will be returned to the Governor.

**UNFINISHED BUSINESS
SENATE RESOLUTION ADOPTED**

Senators ORIE, BAKER, BOSCOLA, KITCHEN, TARTAGLIONE, VANCE, WARD, WASHINGTON, M. WHITE, ARGALL, BLAKE, BREWSTER, BROWNE, BRUBAKER, COSTA, DINNIMAN, ERICKSON, FARNESE, FERLO, FOLMER, FONTANA, GREENLEAF, HUGHES, KASUNIC, LEACH, McILHINNEY, PILEGGI, PIPPY, RAF-FERTY, ROBBINS, SOLOBAY, STACK, VOGEL, WAUGH, D. WHITE, YAW and YUDICHAK, by unanimous consent, offered **Senate Resolution No. 253**, entitled:

A Resolution recognizing March 2012 as "Women's History Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Orie.

Senator ORIE. Mr. President, I submit my remarks for the record.

The PRESIDENT. Without objection, the remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentlewoman from Allegheny, Senator ORIE:)

Mr. President, I am pleased to offer a resolution designating March as "Women's History Month" in Pennsylvania. In 1987, Congress first declared National Women's History Month, and it has been celebrated in Pennsylvania each year to insure that the history of American women will be recognized in schools, workplaces and communities.

Speaking of schools, this year's theme is, "Women's Education - Women's Empowerment". While Harvard University was America's first chartered college in 1636, it took until 1833 when Oberlin became the first college to admit women. Women have broken down the barriers in education as some serve as university presidents, from the University of Penn to Dr. Esther Barazzone at Chatham University. As 1 of 11 women in the Pennsylvania Senate, I am proud to see that more women are serving in public office and are now reaching the highest levels of leadership. Women in every field are shaping our state and nation and leaving an indelible mark.

This resolution is one more way to acknowledge those contributions. The resolution recognizes the accomplishments and experiences of women and their contributions to the growth and strength of the Commonwealth and the nation. Mr. President, I ask for an affirmative vote for Women's History Month.

And the question recurring,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered, and adopted by voice vote:

Congratulations of the Senate were extended to Wyoming Seminary Field Hockey Team by Senator Baker and others.

Congratulations of the Senate were extended to Nicholas R. Pixley, Colin P. Saleet, Alex J. Swan and to Cody M. Diem by Senator Brubaker.

Congratulations of the Senate were extended to Timothy Robert Holman, Michael James Toolan, Michael Robert Gorr and to Joseph Michael Coady by Senator Dinniman.

Congratulations of the Senate were extended to Ralph W. Gilbert, Jr., by Senator Ferlo.

Congratulations of the Senate were extended to Dorothy J. Newnham by Senator Greenleaf.

Congratulations of the Senate were extended to Specialist Justin Matthews and to Kyle D. Roberts by Senator McIlhinney.

Congratulations of the Senate were extended to Ronald Monper, Gary McCormick, Jeff Leonberg, Butch Leonberg, Nick Aloisio, Bob Lytle, Ron Taumuty-Loomis and to Ezra Taumuty-Loomis by Senator Orie.

Congratulations of the Senate were extended to Master Sergeant Christopher B. Grudi and to Master Sergeant Julio D. Vazquez by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. John J. Joyner by Senator Rafferty and Washing.

Congratulations of the Senate were extended to Anthony Suplizio, Katie Laska and to Howard Beezer by Senator Scarnati.

Congratulations of the Senate were extended to Isabel Bohn and to Susan Hamilton by Senator Tartaglione.

Congratulations of the Senate were extended to Upper Allen Fire Department by Senator Vance.

Congratulations of the Senate were extended to Dr. Marjorie Montanari by Senators Ward and Brewster.

Congratulations of the Senate were extended to Stella A. Palombo Richards by Senator D. White.

Congratulations of the Senate were extended to and to Westmoreland County 4-H Program by Senator D.White and Ward.

Congratulations of the Senate were extended to Mr. and Mrs. James L. Stuck, Mr. and Mrs. Douglas McElwee and to Mr. and Mrs. David Weary by Senator Yaw.

CONDOLENCE RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which was read, considered, and adopted by voice vote:

Condolences of the Senate were extended to the family of the late Kenneth E. Whitlock, Sr., and to the family of the late Thomas J. Murrin by Senator Orie.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 1324, SB 1386, SB 1398 and HB 1813.

And said bills having been considered for the first time, Ordered, To be printed on the Calendar for second consideration.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, FEBRUARY 8, 2012

- 9:30 A.M. LOCAL GOVERNMENT (to consider Senate Bill No. 1261; and House Bill No. 823) Rm. 461 Main Capitol
- 10:00 A.M. EDUCATION (public hearing on Senate Bill No. 1381) Hrg. Rm. 1 North Off.

MONDAY, FEBRUARY 13, 2012

- 9:30 A.M. APPROPRIATIONS (budget hearing - Governor's Budget Office/Executive Offices/Office of the Governor) Hrg. Rm. 1 North Off.
- 1:00 P.M. APPROPRIATIONS (budget hearing - Independent Fiscal Office -- Economic Outlook and Revenue Overview) Hrg. Rm. 1 North Off.
- 3:00 P.M. APPROPRIATIONS (budget hearing - Treasury Department) Hrg. Rm. 1 North Off.

TUESDAY, FEBRUARY 14, 2012

- 9:30 A.M. APPROPRIATIONS (budget hearing - Department of General Services) Hrg. Rm. 1 North Off.
- 1:00 P.M. APPROPRIATIONS (budget hearing - Public Utility Commission) Hrg. Rm. 1 North Off.
- 3:00 P.M. APPROPRIATIONS (budget hearing - Department of Insurance) Hrg. Rm. 1 North Off.

WEDNESDAY, FEBRUARY 15, 2012

- 9:30 A.M. APPROPRIATIONS (budget hearing - Office of the Auditor General) Hrg. Rm. 1 North Off.
- 1:00 P.M. APPROPRIATIONS (budget hearing - Office of Attorney General) Hrg. Rm. 1 North Off.
- 3:00 P.M. APPROPRIATIONS (budget hearing - Department of Military & Veterans Affairs) Hrg. Rm. 1 North Off.

THURSDAY, FEBRUARY 16, 2012

- 9:30 A.M. APPROPRIATIONS (budget hearing - Liquor Control Board) Hrg. Rm. 1 North Off.
- 1:00 P.M. APPROPRIATIONS (budget hearing - State Police/Homeland Security) Hrg. Rm. 1 North Off.
- 3:00 P.M. APPROPRIATIONS (budget hearing - Department of Conservation & Natural Resources) Hrg. Rm. 1 North Off.

TUESDAY, FEBRUARY 21, 2012

- 9:30 A.M. APPROPRIATIONS (budget hearing - Department of Revenue) Hrg. Rm. 1 North Off.

1:00 P.M.	APPROPRIATIONS (budget hearing - Department of Health)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (budget hearing - Department of Aging)	Hrg. Rm. 1 North Off.
<u>WEDNESDAY, FEBRUARY 22, 2012</u>		
9:30 A.M.	APPROPRIATIONS (budget hearing - Department of Environmental Protection)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (budget hearing - Department of Transportation)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (budget hearing - Department of Banking)	Hrg. Rm. 1 North Off.
<u>THURSDAY, FEBRUARY 23, 2012</u>		
9:30 A.M.	APPROPRIATIONS (budget hearing - SERS/PSERS)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (budget hearing - Judiciary) C A N C E L L E D	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (budget hearing - Department of Labor & Industry)	Hrg. Rm. 1 North Off.
<u>MONDAY, FEBRUARY 27, 2012</u>		
9:30 A.M.	APPROPRIATIONS (budget hearing - Department of Education)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (budget hearing - Department of Corrections/Office of Probation and Parole)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (budget hearing - Department of Community & Economic Development/PA Housing Finance Agency)	Hrg. Rm. 1 North Off.
<u>TUESDAY, FEBRUARY 28, 2012</u>		
9:30 A.M.	APPROPRIATIONS (budget hearing - Department of Public Welfare)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (budget hearing - Department of Agriculture)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (budget hearing - Gaming Control Board)	Hrg. Rm. 1 North Off.
<u>WEDNESDAY, FEBRUARY 29, 2012</u>		
9:30 A.M.	APPROPRIATIONS (budget hearing - PEMA)	Hrg. Rm. 1 North Off.
11:00 A.M.	APPROPRIATIONS (budget hearing - Department of State)	Hrg. Rm. 1 North Off.
<u>TUESDAY, MARCH 13, 2012</u>		
10:00 A.M.	JUDICIARY (public hearing to receive testimony on possible changes to the Wiretapping and Electronic Surveillance Control Act)	Hrg. Rm. 1 North Off.

FRIDAY, MARCH 30, 2012

10:00 A.M.	JUDICIARY (public hearing to receive testimony on Senate Bill No. 1153, the Post Conviction Relief Act amendments)	Phila. Bar Assn. 1101 Market St. 11th Floor Conf. Ctr. Phila., PA.
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BILL SIGNED

The PRESIDENT (Lieutenant Governor Jim Cawley) in the presence of the Senate signed the following bill:

SB 1237.**COMMITTEE APPOINTED TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE**

The PRESIDENT. The President pro tempore has appointed the following Senators to act as a committee on the part of the Senate to escort the Governor to the Joint Session: The gentleman from Beaver, Senator Vogel, Chair; the gentleman from Schuylkill, Senator Argall; and the gentleman from Allegheny, Senator Brewster. The committee will leave immediately to discharge its duties.

SENATE PROCEEDS TO HOUSE TO HEAR GOVERNOR'S MESSAGE

The PRESIDENT. The time has come in our order of business to assemble in the Hall of the House of Representatives for a Joint Session. The Members of the Senate will please form a line in the center aisle immediately behind the Sergeant-at-Arms in order that we may proceed to the Joint Session.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Wednesday, February 8, 2012, at 11 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 11:48 a.m., Eastern Standard Time.