

GENERAL APPROPRIATION ACT OF 2005 - OMNIBUS AMENDMENTS

Act of May. 11, 2006, P.L. 1633, No. 1A

Cl. 84

AN ACT

Amending the act of July 7, 2005 (P.L.487 , No.1A), entitled "An act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2005, to June 30, 2006, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2005; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Tobacco Settlement Fund, the Health Care Provider Retention Account and the Community Health Reinvestment Restricted Account to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2005, to June 30, 2006; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2005, to June 30, 2006, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2005, to June 30, 2006, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2005; to provide for the additional appropriation of Federal and State funds from the General Fund and the Motor License Fund, for the Executive and Legislative Departments of the Commonwealth for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004," adding appropriations to the Attorney General for reimbursement to counties for expenses for full-time district attorneys and to the Department of Military and Veterans Affairs for transfer to the United States Merchant Marine World War II Veterans' Bonus Fund; further providing for appropriations for additional Pennsylvania State Police troopers; increasing the State appropriation to the Pennsylvania Housing Finance Agency for the Homeowner's Emergency Mortgage Assistance Program; further providing for lapsing of unused funds; and providing for lapsing of certain Department of Revenue funds.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 204 and 218 of the act of July 7, 2005 (P.L.487, No.1A), known as the General Appropriation Act of 2005, are amended by adding appropriations to read:

Section 204. Attorney General.--The following amounts are appropriated to the Attorney

General:

Federal

State

* * *

For reimbursement to counties for calendar year 2006 for full-time district attorneys as provided in section 1401 of the act of August 9, 1955 (P.L.323, No.130) , known as The County Code.

State appropriation.....

5,063,000

* * *

Section 218. Department of Military and Veterans Affairs.--The following sums are appropriated to the Department of Military and Veterans Affairs:

* * *

Federal

State

For transfer to the United States Merchant Marine World War II Veterans' Bonus Fund.

State appropriation

500,000

Section 2. As much of the State appropriation for the General Fund share for the recruitment, training and deployment of 120 new troopers during the 2005-2006 fiscal year and for the redeployment to patrol duty of at least 60 enlisted personnel through the hiring of civilian personnel to fill their nonpolice duties totaling 180 additional troopers available for patrol, including a number sufficient to patrol interstate highways in cities of the first class, in section 223 of the act is amended to read:

Section 223. Pennsylvania State Police.--The following amounts are appropriated to the Pennsylvania State Police:

* * *

Federal

State

[For the General Fund share for the recruitment, training and deployment of 120 new troopers during the 2005-2006 fiscal year and for the redeployment to patrol duty of at least 60 enlisted personnel through the hiring of civilian personnel to fill their non-police duties totaling 180 additional troopers available for patrol, including a number sufficient to patrol interstate highways in cities of the first class. No funds from this appropriation shall be used for any other purpose and one-half of these funds shall be placed in budgetary reserve until adoption of a civilianization plan agreement.

State appropriation.....

3,066,000]

For the General Fund share for the recruitment, training and deployment of an additional 180 troopers during the 2005-2006 fiscal year, including a number sufficient to patrol interstate highways in cities of the first class. No funds from this appropriation shall be used for any other purpose.

State appropriation.....

3,066,000

* * *

Section 3. Section 240 of the act is amended to read:

Section 240. Pennsylvania
Housing Finance Agency.--The
following amounts are appropriated
to the Pennsylvania Housing Finance
Agency:

For transfer to the Pennsylvania
Housing Finance Agency for the
Homeowner's Emergency Mortgage
Assistance Program.

	Federal	State
[State appropriation.....		5,000,000]
State appropriation.....		8,000,000

Section 4. As much of the State appropriation for transfer
to the General Fund of the Motor License Fund share for the
recruitment, training and deployment of 120 new troopers during
the 2005-2006 fiscal year and for the redeployment to patrol
duty of at least 60 enlisted personnel through the hiring of
civilian personnel to fill their nonpolice duties totaling 180
additional troopers available for patrol, including a number
sufficient to patrol interstate highways in cities of the first
class, in section 809 of the act is amended to read:

Section 809. Pennsylvania State
Police.--The following amounts are
appropriated to the Pennsylvania
State Police:

* * *

[For transfer to the General Fund
of the Motor License Fund share for
the recruitment, training and
deployment of 120 new troopers
during the 2005-2006 fiscal year and
for the redeployment to patrol duty
of at least 60 enlisted personnel
through the hiring of civilian
personnel to fill their non-police
duties totaling 180 additional
troopers available for patrol,
including a number sufficient to
patrol interstate highways in cities
of the first class. No funds from
this appropriation shall be used for
any other purpose and one-half of
these funds shall be placed in
budgetary reserve until the adoption
of a civilianization plan agreement.

State appropriation.....	8,289,000]
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**For transfer to the General Fund
of the Motor License Fund share for
the recruitment, training and
deployment of an additional 180
troopers during the 2005-2006 fiscal
year, including a number sufficient
to patrol interstate highways in
cities of the first class. No funds
from this appropriation shall be
used for any other purpose.**

State appropriation.....	8,289,000
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Section 5. Section 2006 of the act is amended by adding a
subsection to read:

Section 2006. Lapsing of unused funds.--* * *

(j) The appropriation in section 204 to the Attorney General for reimbursement to counties for full-time district attorneys shall be a continuing appropriation until March 31, 2007.

Section 6. The act is amended by adding a section to read:

Section 2011. Lapsing of Department of Revenue funds.--The sum of \$8,563,000 from the appropriation to the Department of Revenue under 4 Pa.C.S. § 1901(b) (relating to appropriations) shall lapse.

Section 7. The addition of section 2011 of the act shall be retroactive to March 31, 2006.

Section 8. This act shall take effect immediately.

APPROVED--The 11th day of May, A.D. 2006, except as to the following:

Section 2. As much of the State appropriation for the General Fund share for the recruitment, training and deployment of 120 new troopers during the 2005-2006 fiscal year and for the redeployment to patrol duty of at least 60 enlisted personnel through the hiring of civilian personnel to fill their nonpolice duties totaling 180 additional troopers available for patrol, including a number sufficient to patrol interstate highways in cities of the first class, in section 223 of the act is amended to read:

Section 223. Pennsylvania State
Police.--* * *
* * *

For the General Fund share for the recruitment, training and deployment of an additional 180 troopers during the 2005-2006 fiscal year, including a number sufficient to patrol interstate highways in cities of the first class. No funds from this appropriation shall be used for any other purpose.

State appropriation..... 3,066,000
* * *

Section 809. Pennsylvania State
Police.--* * *

For transfer to the General Fund of the Motor License Fund share for the recruitment, training and deployment of an additional 180 troopers during the 2005-2006 fiscal year, including a number sufficient to patrol interstate highways in cities of the first class. No funds from this appropriation shall be used for any other purpose.

State appropriation..... 8,289,000
* * *

I withhold my approval from the following language in both of these appropriations:

during the 2005-2006 fiscal year, including a number sufficient to patrol interstate highways in cities of the first class. No funds from this appropriation shall be used for any other purpose.

When I signed the General Appropriation Act of 2005 last July, I noted in my item veto that there was language in the bill of the type which has been held constitutionally improper in an appropriations act. This language falls into this category. Despite withholding my approval of this language, I am particularly supportive of the use of the Pennsylvania State Police appropriation to recruit, train and deploy an additional 80 troopers. In fact, under my direction, the Pennsylvania State Police has already added 90 new troopers to its complement, and in February of this year I announced that my proposed 2006-07 budget would include another 90 new troopers, in addition to those funded in this year's budget.

However, simply funding new troopers falls well short of what we can do to protect the citizens of this Commonwealth. We can and we must re-deploy State Police officers from existing non-patrol positions to positions that proactively help protect the citizens of this Commonwealth. And we can do so by filling these enlisted positions with civilians who are qualified to do the job. In fact, over the past year, my administration has taken numerous steps to reach an agreement on how to civilianize at least 60 of these positions. However, although reaching such an agreement would free-up funding to add 30 new troopers, the Pennsylvania State Troopers' Association has refused to even sit down to negotiate.

If the Pennsylvania State Troopers' Association will not cooperate, then the General Assembly must act. That is why I am calling on the General Assembly to restore 68 experienced officers, currently working full-time in non-patrol positions, to patrol duty throughout the Commonwealth. Civilianizing these positions is not only the right thing to do, it is the consensus policy. In fact, the Legislative Budget and Finance Committee recommended civilianizing more than 200 positions in 2001, and Colonel Miller and I support many of these recommendations. Furthermore, as I travel around the state, I hear from patrol officers all across Pennsylvania who in some instances have to drive 15 miles to respond to an incident because there is not another, closer, car on duty. This is unacceptable, particularly when we have experienced officers whose full-time job, for example, is to serve as a Procurement and Supply officer for a troop headquarters; a job that can easily be done by a civilian, thereby allowing that officer to return to patrol duty.

I am also calling on the General Assembly to stop the Pennsylvania State Troopers' Association from removing 45 corporals throughout Pennsylvania from patrol duty in order to place them in a call center where they would supervise operators and answer phone calls. Such action will undermine the funding for new troopers proposed in this and future appropriations.

Finally, I agree with the Pennsylvania State Troopers' Association that we must have clerical support at all our stations in order to allow our officers to spend more time on the roads and in our communities. In this spirit, I have directed Colonel Miller to hire clerks at the 15 stations that are without them, freeing up time for the officers at these stations to spend more time on patrol duty.

By taking the aforementioned steps, we can ensure that more of our State Police officers are on patrol to protect the citizens of this Commonwealth. I support the funding included in HB 2380 to support the addition of 180 new troopers. However, the General Assembly must take action to keep our experienced officers on the road and to return those enlisted personnel whose full-time jobs may be performed by civilians, allowing these officers to put their experience towards protecting

Pennsylvanians. If the Pennsylvania State Troopers' Association will not cooperate in these efforts then the General Assembly must act more.

Finally, although I am withholding my approval of the language that attempts to require state troopers to patrol the Philadelphia interstate highways, I do want to note that the General Assembly has acknowledged, by its unanimous vote for this bill, that placing state troopers on these Philadelphia interstates is not a case of giving the city of Philadelphia special treatment, but rather is a case of finally providing the same police coverage in Philadelphia that rest of the Commonwealth has enjoyed for years. As I stated above, this type of language has been held constitutionally improper in an appropriations act. We are currently working with the City of Philadelphia to develop a plan for patrol of the Philadelphia interstates that is consistent with our analysis of policing needs through the state. I am committed to looking at the needs of the interstates in Philadelphia, along with the rest of the State, when the State Police allocates these new troopers, and hopefully re-allocates experienced troopers whose positions can be civilianized.

Section 6. The act is amended by adding a section to read:
Section 2011. Lapsing of Department of Revenue funds.--The sum of \$8,563,000 from the appropriation to the Department of Revenue under 4 Pa.C.S. § 1901(b) (relating to appropriations) shall lapse.

Section 7. The addition of section 2011 of the act shall be retroactive to March 31, 2006.

I withhold my approval from all of these items. This is language that is inappropriate for the General Appropriations Act since this appropriation was originally made in Act 71 of 2004, the Pennsylvania Race Horse Development and Gaming Act.

Finally, while I have approved the appropriation to the Attorney General for reimbursement to counties of 2006 full-time district attorney salaries, I must point out that these funds are not needed before the end of this fiscal year. This bill acknowledges this by making the appropriation continuing until March 31, 2007.

My proposed 2006-2007 budget does contain a provision for the payment of this money through an augmentation to the Attorney General's general government operations appropriation. When I signed Act 57 of 2005 last July, I noted that legislation was needed to provide the funding for these salaries. At the time, the District Attorneys Association wrote to tell me that they support enacting a funding proposal that will generate the revenue needed for this purpose. House Bill 2328, which passed the House unanimously last week, contains that funding proposal. If enacted quickly, sufficient revenue would be raised to cover this obligation for the district attorney salaries and I urge the Senate to pass House Bill 2328 before the summer recess and send it to my desk for signature.

EDWARD G. RENDELL