

AMENDMENTS TO SENATE BILL NO. 1

Sponsor: SENATOR RAFFERTY

Printer's No. 1145

1 Amend Bill, page 1, line 5, by inserting after

2 "contributions; "

3 in administrative practice and procedure, further providing
4 for minority and women-owned business participation;

5 Amend Bill, page 1, line 10, by inserting after "for" where
6 it occurs the second time

7 Alternative Energy Capital Investment Program and for

8 Amend Bill, page 1, line 11, by inserting after "funding;"

9 in airport operation and zoning, further providing for the
10 imposition of a rental car customer facility charge by a city of
11 the first class, for the collection of the customer facility
12 charge on behalf of the city by rental car companies leasing
13 space or obtaining customers at an international airport, for
14 use of the proceeds of the rental car customer facility charge
15 for the development, maintenance and operation of a consolidated
16 rental car facility to improve services to the public at the
17 airport; for an agreement between a city of the first class and
18 rental car companies relating to the development and use of the
19 consolidated car rental facility and for the administration and
20 enforcement of the rental car customer facility charge;

21 Amend Bill, page 4, by inserting between lines 8 and 9

22 (12) In furtherance of the Commonwealth's energy policy,
23 which includes becoming independent from overreliance on
24 foreign energy sources, programs must be established to
25 promote reliance on or conversion to alternative energy
26 sources, including the vast natural gas supply of this
27 Commonwealth.

28 Amend Bill, page 4, line 9, by striking out "(12)" and
29 inserting

30 (13)

1 Amend Bill, page 6, by inserting between lines 3 and 4

2 Section 1.1. Section 303 of Title 74 is amended to read:

3 § 303. [Minority and women-owned] Diverse business
4 participation.

5 (a) General rule.--In [administering] bidding and awarding
6 contracts for transportation projects funded pursuant to the
7 provisions of this title or Title 75 (relating to vehicles), the
8 department, the commission and any local transportation
9 organization shall:

10 (1) Be responsible for ensuring that all competitive
11 contract opportunities issued by the department, the
12 commission or local transportation organization seek to
13 maximize participation by [minority-owned and women-owned
14 businesses and other disadvantaged] diverse businesses.

15 (1.1) Include in information and bid documents released
16 for bidding or solicitation on all competitive contracting
17 opportunities notice to the bidder that:

18 (i) A prime contractor is required to document and
19 submit all good faith efforts to solicit subcontractors
20 from diverse businesses during the prebid and bidding
21 process, which shall be evaluated by contracting
22 entities.

23 (ii) The prime contractor must include in the bid
24 the name and business address of each subcontractor
25 certified as a diverse business that will perform work or
26 labor, or render services to the prime contractor in
27 connection with the performance of the contract.

28 (2) [Give] Encourage contractors to utilize and give
29 consideration[, when possible and cost effective,] to
30 contractors offering to utilize [minority-owned and women-
31 owned businesses and disadvantaged] diverse businesses in the
32 selection and award of contracts.

33 (3) Ensure that the department's, the commission's and
34 local transportation organizations' commitment to [the
35 minority-owned and women-owned business program]
36 participation by diverse businesses is clearly understood and
37 appropriately implemented and enforced by all applicable
38 department, commission and local transportation organization
39 employees.

40 (4) Designate a responsible official to supervise the
41 department, the commission and local transportation
42 organization [minority-owned and women-owned] diverse
43 business program and ensure compliance within the department,
44 the commission or local transportation organization.

45 (5) [Furnish the Department of General Services, upon
46 request, all requested information or assistance.]

47 (Reserved).

48 (6) [Recommend sanctions to the Secretary of General
49 Services,] Impose sanctions as may be appropriate under 62

1 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code),
2 against businesses that fail to comply with this section or
3 the policies of the Commonwealth [minority-owned and women-
4 owned] diverse business [program] programs. This paragraph
5 shall not apply to a local transportation organization.

6 (a.1) Additional duties of department.--The department, with
7 the assistance of the Disadvantage Business Enterprise
8 Supportive Services Center, shall have the following duties:

9 (1) Conduct the necessary and appropriate outreach,
10 including using the database available on the Internet
11 website of the Department of General Services, for purposes
12 of identifying diverse businesses in general construction
13 capable of performing contracts subject to this section.

14 (2) By October 1, 2014, and each October 1 thereafter,
15 submit a report to the chairman and minority chairman of the
16 Transportation Committee of the Senate and the chairman and
17 minority chairman of the Transportation Committee of the
18 House of Representatives summarizing the participation level
19 of diverse businesses in all competitive contract
20 opportunities issued by the department, the commission or
21 local transportation organization. The commission or local
22 transportation organization shall cooperate with the
23 department to complete the report. The report shall include:

24 (i) The percentage of participation by diverse
25 businesses.

26 (ii) The total value of all contracts or
27 subcontracts or other procurement contracts executed by
28 diverse businesses pursuant to this section in the prior
29 year.

30 (iii) The number of businesses penalized for
31 violating this section.

32 (3) Transmit the report under paragraph (2) to the
33 Minority Business Development Authority, established under
34 the act of July 22, 1974 (P.L.598, No.206), known as the
35 "Pennsylvania Minority Business Development Authority Act."
36 The authority shall review the report to assess the
37 effectiveness in advancing this section and to make any
38 recommendations for changes in this section deemed necessary
39 or desirable to the secretary and the chairman and minority
40 chairman of the Transportation Committee of the Senate and
41 the chairman and minority chairman of the Transportation
42 Committee of the House of Representatives.

43 (a.2) Applicability.--The following shall apply to
44 contractors and contracts subject to subsection (a):

45 (1) The provisions of 62 Pa.C.S. § 2108 (relating to
46 compliance with Federal requirements).

47 (2) Prompt payment policies between a contractor and
48 subcontractor adopted by the Department of General Services
49 pursuant to 62 Pa.C.S. Pt. I.

50 (b) Definitions.--As used in this section, the following
51 words and phrases shall have the meanings given to them in this

1 subsection:

2 "Commission." As defined in section 8102 (relating to
3 definitions).

4 "Disadvantaged business." A business that is owned or
5 controlled by a majority of persons, not limited to members of
6 minority groups, who are subject to racial or ethnic prejudice
7 or cultural bias.

8 "Diverse business." A disadvantaged business, minority-owned
9 or women-owned business or service-disabled veteran-owned or
10 veteran-owned small business.

11 "Local transportation organization." Any of the following:

12 (1) A political subdivision or a public transportation
13 authority, port authority or redevelopment authority
14 organized under the laws of this Commonwealth or pursuant to
15 an interstate compact or otherwise empowered to render,
16 contract for the rendering of or assist in the rendering of
17 transportation service in a limited area in this
18 Commonwealth, even though it may also render or assist in
19 rendering transportation service in adjacent states.

20 (2) A nonprofit association that directly or indirectly
21 provides public transportation service.

22 (3) A nonprofit association of public transportation
23 providers operating within this Commonwealth.

24 "Minority-owned business." A business owned and controlled
25 by a majority of individuals who are African Americans, Hispanic
26 Americans, Native Americans, Asian Americans, Alaskans or
27 Pacific Islanders.

28 "Service-disabled veteran-owned small business." As defined
29 in 51 Pa.C.S. § 9601 (relating to definitions).

30 "Veteran-owned small business." As defined in 51 Pa.C.S. §
31 9601 (relating to definitions).

32 "Women-owned business." A business owned and controlled by a
33 majority of individuals who are women.

34 Amend Bill, page 6, line 17, by inserting after "assistance"

35 , including the funds received under section 1517.1
36 (relating to Alternative Energy Capital Investment
37 Program)

38 Amend Bill, page 8, by inserting between lines 20 and 21

39 (5.1) If, by July 1, 2021, legislation is not enacted to
40 replace the revenue deposited in the fund under subsection
41 (b)(1), in fiscal year 2021-2022 and in each fiscal year
42 thereafter, the following shall apply:

43 (i) An amount equal to that revenue shall be
44 deposited in the fund.

45 (ii) Notwithstanding any other provision of law,
46 the source of the revenue deposited in the fund under
47 this paragraph shall be the receipts from the tax
48 collected under section 238 of the Tax Reform Code on

1 motor vehicles, trailers and semi-trailers.

2 Amend Bill, page 11, by inserting between lines 29 and 30

3 (5) For the program established under section 1517.1
4 (relating to Alternative Energy Capital Investments Program),
5 no more than \$60 million of the revenues deposited in the
6 fund under subsection (c) may be allocated from the fund.

7 Amend Bill, page 21, by inserting between lines 3 and 4

8 Section 8.1. Title 74 is amended by adding a section to
9 read:

10 § 1517.1. Alternative Energy Capital Investment Program.

11 (a) Establishment.--The department is authorized to
12 establish a competitive grant program to implement capital
13 improvements deemed necessary to support conversion of a local
14 transportation organization's fleet to an alternative energy
15 source, including compressed natural gas.

16 (b) Criteria.--The department shall establish criteria for
17 awarding grants under this section. Criteria shall, at a
18 minimum, include feasibility, cost/benefit analysis and project
19 readiness.

20 (c) Additional authorization.--Notwithstanding any other
21 provisions of this section or other law, the department may use
22 funds designated for the program established under subsection
23 (a) to supplement a local transit organization's base operating
24 allocation under section 1513 (relating to operating program) if
25 necessary to stabilize an operating budget and ensure that
26 efficient services may be sustained to support economic
27 development and job creation and retention.

28 Amend Bill, page 21, line 29, by striking out "\$20,000,000"
29 and inserting

30 the amount allocated

31 Amend Bill, page 22, line 7, by striking out "Money" and
32 inserting

33 Upon agreement of a majority among the chairman and minority
34 chairman of the Transportation Committee of the Senate and of
35 the chairman and minority chairman of the Transportation
36 Committee of the House of Representatives, money

37 Amend Bill, page 22, line 22, by striking out "Six" and
38 inserting

39 Ten

40 Amend Bill, page 22, line 24, by striking out "Four" and
41 inserting

1 Five and one-half

2 Amend Bill, page 22, line 26, by striking out "Four" and
3 inserting

4 Eight

5 Amend Bill, page 22, by inserting between lines 27 and 28

6 (5) Two million dollars for programs related to bicycle
7 and pedestrian facilities.

8 (6) The department may provide grants from money
9 available under paragraph (7) for the following:

10 (i) Projects which coordinate local land use with
11 transportation assets to enhance existing communities.

12 (ii) Streetscape, lighting, sidewalk enhancement,
13 pedestrian safety and related projects.

14 (iii) Projects improving connectivity or utilization
15 of existing transportation assets.

16 Amend Bill, page 22, line 28, by striking out "(5)" and
17 inserting

18 (7)

19 Amend Bill, page 23, by inserting between lines 13 and 14

20 Section 9.1. Chapter 59 of Title 74 is amended by adding a
21 subchapter to read:

22 SUBCHAPTER C

23 FIRST CLASS CITY CONSOLIDATED CAR RENTAL FACILITY

24 Sec.

25 5931. Scope of subchapter.

26 5932. Definitions.

27 5933. Customer facility charge.

28 § 5931. Scope of subchapter.

29 This subchapter relates to first class city consolidated
30 rental car facilities.

31 § 5932. Definitions.

32 The following words and phrases when used in this act shall
33 have the meanings given to them in this section unless the
34 context clearly indicates otherwise:

35 "Airport." A public international airport located partially
36 in a city of the first class and partially in an adjacent
37 municipality.

38 "Airport owner." Any of the following:

39 (1) A city which owns and operates an airport.

40 (2) An authority created by a city of the first class to
41 own and operate an airport or any portion or activities of
42 the airport.

43 "Airport property." Property owned and operated by an
44 airport owner, including property that is leased, licensed or

1 available for use by the airport owner.
2 "City." A city of the first class.
3 "Concession agreement." A regulation, contract, permit,
4 license or other agreement entered into between an airport owner
5 and a vehicle rental company which includes the terms and
6 conditions under which the company may transact its rental
7 vehicle business at the airport or on airport property.
8 "Customer facility charge." A fee assessed on each motor
9 vehicle rental fee under this subchapter for the purpose of
10 funding all or part of the cost of:
11 (1) A rental facility.
12 (2) A rental facility improvement.
13 (3) The proportionate cost of a transportation system.
14 (4) A rental facility operation and maintenance expense.
15 "Motor vehicle." A private passenger motor vehicle that
16 meets all of the following:
17 (1) Is designed to transport not more than 15
18 passengers.
19 (2) Is rented for not more than 30 days without a
20 driver.
21 (3) Is part of a fleet of at least five passenger
22 vehicles used for the purpose under paragraph (2).
23 (4) Is owned or leased by a vehicle rental company.
24 "Rental facility." A consolidated facility for the use of a
25 vehicle rental company to conduct business on airport property.
26 "Rental facility agreement." An agreement entered into
27 between an airport owner and a vehicle rental company which
28 includes the following:
29 (1) Location, scope of operations and general design of
30 the rental facility, rental facility improvements and a
31 transportation system which connects to a terminal or related
32 structure.
33 (2) The manner in which the proceeds of the customer
34 facility charge are to be used for the development,
35 operation, maintenance and funding of a rental facility, a
36 rental facility improvement, the proportionate cost of a
37 transportation system and the cost of operations and
38 maintenance.
39 (3) A procedure and requirement for a consultation
40 regarding the implementation of this subchapter and the
41 disclosure to vehicle rental companies of information
42 relating to the collection and use of the customer facility
43 charge.
44 (4) A methodology and procedure by which the amount of
45 the customer facility charge will be calculated and adjusted.
46 "Rental facility improvement." A facility or structure on
47 airport property that is for the common use of vehicle rental
48 companies. The term shall include planning, finance, design,
49 construction, equipping or furnishing of the facility or
50 structure.
51 "Rental facility operations and maintenance." The cost of

1 operating and maintaining a rental facility, including the day-
2 to-day cost.

3 "Transportation system." A system which transports an
4 arriving or departing vehicle rental customer between a terminal
5 and related structure and the rental facility.

6 "Vehicle rental company." A business entity which meets all
7 of the following:

8 (1) Is engaged in the business of renting a motor
9 vehicle in this Commonwealth to a customer using airport
10 property.

11 (2) Operates from an on-airport or an off-airport
12 facility.

13 § 5933. Customer facility charge.

14 (a) Imposition.--A city may impose a customer facility
15 charge of not more than \$8 per rental day on a customer renting
16 a motor vehicle from a vehicle rental company doing business at
17 an airport. A customer facility charge may:

18 (1) be imposed notwithstanding the absence of authority
19 in a regulation, on-airport concession agreement or off-
20 airport concession agreement or permit; and

21 (2) not affect the validity or enforceability of a
22 concession agreement or permit.

23 (b) Amendment.--The following shall apply:

24 (1) After executing a rental facility agreement with
25 each vehicle rental company, the following shall apply:

26 (i) A city may increase or decrease the customer
27 facility charge in an amount necessary to fund the costs
28 as authorized under the rental facility agreement.

29 (ii) The terms of the rental facility agreement may
30 be amended upon agreement by the airport owner and each
31 vehicle rental company no more than once per calendar
32 year.

33 (2) An amended rental facility agreement may authorize
34 the increase or decrease of the amount of the customer
35 facility charge to fund the current costs authorized under
36 the rental facility agreement.

37 (c) Enforcement.--The terms of a rental facility agreement
38 may be interpreted and enforced by a court of competent
39 jurisdiction through the imposition of a mandatory or
40 prohibitive injunction. Monetary damages may not be awarded to a
41 vehicle rental company or to a person required to pay the
42 customer facility charge for a violation of the terms and
43 conditions of the rental facility agreement.

44 (d) Time limitation.--If a rental facility agreement is not
45 executed within two years of the effective date of the
46 implementation of the customer facility charge, a city may
47 continue to impose and collect the customer facility charge
48 authorized under subsection (a) or proceed, in consultation with
49 the vehicle rental companies, to plan, design, finance and
50 construct a facility to be used for the provision of vehicle
51 rental service on airport property. The cost to a rental vehicle

1 company of the facility and the proportionate cost of a
2 transportation system under this subsection may not exceed the
3 customer facility charge.

4 (e) Additional cost.--A customer facility charge shall be in
5 addition to other motor vehicle rental fees and taxes imposed
6 under law, except that the customer facility charge may not
7 constitute part of the purchase price of a motor vehicle rental
8 imposed under any of the following:

9 (1) Article II of the act of March 4, 1971 (P.L.6,
10 No.2), known as the Tax Reform Code of 1971.

11 (2) The act of June 5, 1991 (P.L.9, No.6), known as the
12 Pennsylvania Intergovernmental Cooperation Authority Act for
13 Cities of the First Class.

14 (3) A law similar to the statutes under paragraphs (1)
15 and (2).

16 (f) Collection.--The following shall apply:

17 (1) A customer facility charge shall be:

18 (i) collected from a customer by a vehicle rental
19 company and held in a segregated trust fund for the
20 benefit of the airport owner; and

21 (ii) paid to an airport owner on or before the last
22 day of the month following the month in which the
23 customer facility charges are collected.

24 (2) A customer facility charge may not constitute gross
25 receipts or income of a vehicle rental company for the
26 purpose of tax imposed by the Commonwealth, the city or a
27 municipality.

28 (3) Funds in a segregated trust fund under subsection
29 (a) may not be pledged, subjected to a lien or encumbered by
30 a vehicle rental company.

31 (g) Use.--Proceeds of the customer facility charge shall be
32 deposited by the airport owner into a segregated account to be
33 used solely for:

34 (1) The planning, development, financing, construction
35 and operation of a rental facility.

36 (2) A rental facility improvement.

37 (3) The proportionate cost of a transportation system.

38 (4) A rental facility operation and maintenance.

39 (h) Pledge.--An airport owner may pledge customer facility
40 charge revenues for any of the following:

41 (1) The planning and design of a rental facility.

42 (2) The creation and maintenance of reasonable reserves
43 and for the payment of debt service for the planning and
44 design of a rental facility.

45 (i) Administration.--An airport owner may do any of the
46 following:

47 (1) Require a vehicle rental company to provide periodic
48 statements of account, file returns, authorize payments and
49 maintain records, in accordance with the vehicle rental
50 company's obligations under this subchapter.

51 (2) Conduct an examination to ensure a vehicle rental

1 company's compliance with its obligations under this
2 subchapter and may do the following:

3 (i) Collect an amount due.

4 (ii) Impose a lien and file a suit to recover an
5 amount due.

6 (iii) Grant a refund.

7 (iv) Require the payment of an authorized addition
8 to a customer facility charge, interest and penalty.

9 (v) Adopt rules and regulations to implement this
10 section.

11 (vi) Seek criminal penalties, as provided for a city
12 of the first class for the collection of taxes, for
13 failure to comply with the requirements of this
14 subchapter.

15 Amend Bill, page 87, line 17, by striking out "In" and
16 inserting

17 Notwithstanding 42 Pa.C.S. § 3733(a) (relating to
18 deposits into account), in

19 Amend Bill, page 91, by inserting between lines 3 and 4

20 (5) If, by July 1, 2021, legislation is not enacted to
21 replace the revenue distributed from the fund under
22 subsection (b)(2) and (3), in fiscal year 2021-2022 and in
23 each fiscal year thereafter, the following shall apply:

24 (i) An amount equal to that revenue shall be
25 deposited in the fund.

26 (ii) Notwithstanding any other provision of law,
27 the source of the revenue deposited in the fund under
28 this paragraph shall be the receipts from the tax
29 collected under section 238 of the act of March 4, 1971
30 (P.L.6, No.2), known as the Tax Reform Code of 1971, on
31 motor vehicles, trailers and semi-trailers.

32 Amend Bill, page 92, lines 5 and 6, by striking out ",
33 9502(a) and 9511(b) and (g)" and inserting

34 and 9502(a)

35 Amend Bill, page 92, line 24, by striking out "\$3,000,000"
36 and inserting

37 \$7,000,000

38 Amend Bill, page 92, line 27, by striking out "\$12,000,000"
39 and inserting

40 \$28,000,000

1 Amend Bill, page 93, line 17, by striking out "\$20,000,000"

2 and inserting

3 at the discretion of the secretary, a minimum of
4 \$20,000,000 and a maximum of \$35,000,000

5 Amend Bill, page 97, by inserting between lines 9 and 10

6 Section 29.1. Section 9511(b) and (g) of Title 75 are
7 amended and the section is amended by adding a subsection to
8 read:

9 Amend Bill, page 99, by inserting between lines 27 and 28

10 (i) Refund to Pennsylvania Fish and Boat Commission.--

11 (1) When the tax imposed by this chapter has been paid
12 and the fuel on which the tax has been imposed has been
13 consumed in the operation of motorboats or watercraft upon
14 the waters of this Commonwealth, including waterways
15 bordering on this Commonwealth, the full amount of the tax
16 shall be refunded to the Boat Fund on petition to the board
17 in accordance with prescribed procedures.

18 (2) In accordance with such procedures, the Pennsylvania
19 Fish and Boat Commission shall biannually calculate the
20 amount of liquid fuels consumed by the motorcraft and furnish
21 the information relating to its calculations and data as
22 required by the board. The board shall review the petition
23 and motorboat fuel consumption calculations of the
24 commission, determine the amount of liquid fuels tax paid and
25 certify to the State Treasurer to refund annually to the Boat
26 Fund the amount so determined. The department shall be
27 accorded the right to appear at the proceedings and make its
28 views known.

29 (3) For the fiscal years commencing July 1, 2013, July
30 1, 2014, July 1, 2015, July 1, 2016, and July 1, 2017, the
31 money under paragraph (2) shall be used by the commission
32 acting by itself or by agreement with other Federal and State
33 agencies only for the improvement of hazardous dams
34 impounding waters of this Commonwealth on which boating is
35 permitted, including the development and construction of
36 boating areas and the dredging and clearing of water areas
37 where boats can be used. For the fiscal year commencing July
38 1, 2018, and for each fiscal year thereafter, this money
39 shall be used by the commission acting by itself or by
40 agreement with other Federal and State agencies only for the
41 improvement of the waters of this Commonwealth on which
42 motorboats are permitted to operate and may be used for the
43 development and construction of motorboat areas; the dredging
44 and clearing of water areas where motorboats can be used; the
45 placement and replacement of navigational aids; the purchase,
46 development and maintenance of public access sites and

1 facilities to and on waters where motorboating is permitted;
2 the patrolling of motorboating waters; the publishing of
3 nautical charts in those areas of this Commonwealth not
4 covered by nautical charts published by the United States
5 Coast and Geodetic Survey or the United States Army Corps of
6 Engineers and the administrative expenses arising out of such
7 activities; and other similar purposes.

8 Amend Bill, page 100, line 25, by striking out "in 60 days."

9 and inserting

10 as follows:

11 (1) The addition of 74 Pa.C.S. Ch. 59 Subch. C shall
12 take effect immediately.

13 (2) This section shall take effect immediately.

14 (3) The remainder of this act shall take effect in 60
15 days.