

LEGISLATIVE REFERENCE BUREAU

L.R.B. Form No. 4 (Rev. 3/25/10)

2013D00939DMS : CDM

No. \_\_\_\_\_

LEGISLATIVE REFERENCE BUREAU

AN ACT

Amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in sustainable mobility options, further providing for the Public Transportation Trust Fund; and, in Pennsylvania Turnpike, further providing for definitions and for deposit and distribution of funds and repealing provisions relating to failure to perform.

INTRODUCED \_\_\_\_\_ 20\_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

See next page for additional co-sponsors.

<b>Referred to Committee on</b>	
Date _____	20_____
Reported _____	20_____
<b>As Committed-Amended</b>	
<b>Recommendation</b>	
_____	
By Hon. _____	

## AN ACT

1 Amending Titles 74 (Transportation) and 75 (Vehicles) of the  
2 Pennsylvania Consolidated Statutes, in sustainable mobility  
3 options, further providing for the Public Transportation  
4 Trust Fund; and, in Pennsylvania Turnpike, further providing  
5 for definitions and for deposit and distribution of funds and  
6 repealing provisions relating to failure to perform.

7 The General Assembly of the Commonwealth of Pennsylvania

8 hereby enacts as follows:

9 Section 1. Section 1506(b)(1) and (e)(2)(i) of Title 74 of  
10 the Pennsylvania Consolidated Statutes are amended to read:

11 § 1506. Fund.

12 \* \* \*

13 (b) Deposits to fund by department.--

14 (1) The following apply:

15 (i) Except as provided under subparagraph (ii), upon  
16 receipt, the department shall deposit into the fund the  
17 revenues received by the department under 75 Pa.C.S. Ch.  
18 89 (relating to Pennsylvania Turnpike) and the lease  
19 agreement executed between the department and the

1 Pennsylvania Turnpike Commission under 75 Pa.C.S. §  
2 8915.3 (relating to lease of Interstate 80; related  
3 agreements) as follows:

4 (A) For fiscal year 2007-2008, \$250,000,000.

5 (B) For fiscal year 2008-2009, \$250,000,000.

6 (C) For fiscal year 2009-2010, \$250,000,000.

7 [(D) For fiscal year 2010-2011 and each fiscal  
8 year thereafter, the amount calculated for the  
9 previous fiscal year, increased by 2.5%.

10 (ii) The deposits made to the fund under this  
11 subsection shall equal \$250,000,000 annually for each  
12 fiscal year commencing after the expiration of the  
13 conversion period if the conversion notice is not  
14 received by the secretary prior to expiration of the  
15 conversion period as set forth under 75 Pa.C.S. §  
16 8915.3(3).]

17 \* \* \*

18 (e) Program funding amounts.--Subject to available funds,  
19 the programs established under this chapter shall be funded  
20 annually as follows:

21 \* \* \*

22 (2) (i) Except as provided under subparagraph (ii), for  
23 the program established under section 1514 (relating to asset  
24 improvement program):

25 (A) By the proceeds of Commonwealth capital  
26 bonds deposited into the fund under subsection (c)  
27 (2).

28 (A.1) For fiscal year 2007-2008, \$50,000,000  
29 from the revenues received by the department under 75  
30 Pa.C.S. Ch. 89 and the lease agreement executed

1 between the department and the Pennsylvania Turnpike  
2 Commission under 75 Pa.C.S. § 8915.3. The amount  
3 received by the department under this section shall  
4 be deposited into the fund prior to distribution and  
5 shall be in addition to the amounts received under  
6 subsection (b) (1).

7 (B) For fiscal year 2008-2009, \$100,000,000 from  
8 the revenues received by the department under 75  
9 Pa.C.S. Ch. 89 and the lease agreement executed  
10 between the department and the Pennsylvania Turnpike  
11 Commission under 75 Pa.C.S. § 8915.3. The amount  
12 received by the department under this section shall  
13 be deposited into the fund prior to distribution and  
14 shall be in addition to the amounts received under  
15 subsection (b) (1).

16 (C) For fiscal year 2009-2010, \$150,000,000 from  
17 the revenues received by the department under 75  
18 Pa.C.S. Ch. 89 and the lease agreement executed  
19 between the department and the Pennsylvania Turnpike  
20 Commission under 75 Pa.C.S. § 8915.3. The amount  
21 received by the department under this section shall  
22 be deposited into the fund prior to distribution and  
23 shall be in addition to the amounts received under  
24 subsection (b) (1).

25 [(D) For fiscal year 2010-2011 and each fiscal  
26 year thereafter, the amount calculated for the prior  
27 fiscal year increased by 2.5% from the revenues  
28 received by the department under 75 Pa.C.S. Ch. 89  
29 and the lease agreement executed between the  
30 department and the Pennsylvania Turnpike Commission

1 under 75 Pa.C.S. § 8915.3. The amount received by the  
2 department under this section shall be deposited into  
3 the fund prior to distribution and shall be in  
4 addition to the amounts received under subsection (b)  
5 (1).]

6 \* \* \*

7 Section 2. The definitions of "annual additional payments,"  
8 "annual base payments" and "scheduled annual commission  
9 contribution" in section 8901 of Title 75 are amended to read:  
10 § 8901. Definitions.

11 The following words and phrases when used in this chapter  
12 shall have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 ["Annual additional payments." As follows:

15 (1) During the conversion period and after the  
16 conversion date, an amount equal to the scheduled annual  
17 commission contribution, minus the sum of:

18 (i) \$200,000,000 paid as annual base payments;

19 (ii) any Interstate 80 savings for that fiscal year.

20 (2) If the conversion period has expired and a  
21 conversion notice has not been received by the secretary, in  
22 each subsequent fiscal year until the end of the term of the  
23 lease agreement, the annual additional payments shall be  
24 \$250,000,000.

25 "Annual base payments." An amount equal to the sum of the  
26 following:

27 (1) Annual debt service on outstanding bonds issued  
28 under section 9511.2 (relating to special revenue bonds)  
29 payable as required pursuant to the bonds.

30 (2) Two hundred million dollars payable annually in four

1 equal installments each due the last business day of each  
2 July, October, January and April.]

3 \* \* \*

4 "Scheduled annual commission contribution." The following  
5 amounts:

6 (1) \$750,000,000 in fiscal year 2007-2008.

7 (2) \$850,000,000 in fiscal year 2008-2009.

8 (3) \$900,000,000 in fiscal year 2009-2010.

9 [(4) For fiscal year 2010-2011 and each fiscal year  
10 thereafter, the amount shall be the amount calculated for the  
11 previous year increased by 2.5%, except that the amount shall  
12 be equal to the annual base payments plus \$250,000,000 if the  
13 conversion notice is not received by the secretary prior to  
14 the expiration of the conversion period.]

15 Section 3. Section 8915.6(a) of Title 75 is amended to read:

16 § 8915.6. Deposit and distribution of funds.

17 (a) Deposits.--Upon receipt by the department, the following  
18 amounts from the scheduled annual commission contribution shall  
19 be deposited in the Motor License Fund:

20 (1) For fiscal year 2007-2008, \$450,000,000.

21 (2) For fiscal year 2008-2009, \$500,000,000.

22 (3) For fiscal year 2009-2010, \$500,000,000.

23 [(4) For fiscal year 2010-2011 and each fiscal year  
24 thereafter, the amount calculated for the previous year  
25 increased by 2.5%.]

26 \* \* \*

27 Section 4. Section 8918 of Title 75 is repealed:

28 [§ 8918. Failure to perform.

29 (a) Notice.--The Secretary of the Budget shall send written  
30 notice to the commission and to the Governor of the failure of

1 the commission to do any of the following:

2 (1) Make a payment to the department under this chapter  
3 or the lease agreement.

4 (2) Deliver a financial plan to the Secretary of the  
5 Budget within the time prescribed under section 8917  
6 (relating to financial plan).

7 (b) Unanimous vote required.--

8 (1) Except as provided under paragraph (1.1), upon the  
9 receipt by the commission of the notice under subsection (a)  
10 and notwithstanding any other provision of law, action of the  
11 commission taken by vote of the commissioners shall require a  
12 unanimous vote of all commissioners. Violation of this  
13 paragraph shall render the action invalid.

14 (1.1) A unanimous vote shall not be required if it would  
15 prevent the commission from complying with any covenants made  
16 to current bondholders, debt holders or creditors.

17 (2) The requirement of paragraph (1) shall continue  
18 until:

19 (i) the required payments have been made to the  
20 department or the required financial plan has been  
21 delivered; and

22 (ii) the Secretary of the Budget has notified the  
23 commission and the Governor of that fact.]

24 Section 5. This act shall take effect immediately.