

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

THURSDAY, JUNE 21, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 53

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

PRAYER

REV. MICHAEL AHRENSFIELD, Guest Chaplain of the House of Representatives, offered the following prayer:

Brothers and sisters in Christ, we come together in prayer and praise, as people who believe in one Lord and Savior, Jesus Christ, and share in one baptism for the forgiveness of sins. We also acknowledge that our unity in faith needs to be nourished and deepened. Through our prayer, work, and study together, may unity among Christians become ever more perfect.

Blessed are You, Lord, God of all creation, whose goodness fills our hearts with joy. Blessed are You, who has brought us together this day to work in harmony and peace. Strengthen us with Your grace and wisdom, for You are God forever and ever.

Blessed are You, Lord, God of mercy, who through Your son gave us a marvelous example of charity and the great commandment of love for one another. Send down Your blessings on these, Your servants, who so generously devote themselves to helping others. When they are called on in times of need, let them faithfully serve You in their neighbor.

Lord, bless us and keep us. May the Lord let His face shine upon us and be gracious to us. May the Lord look upon us kindly and give us His peace. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal of Wednesday, June 20, 2007, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Turning to leaves of absence, the Chair recognizes the gentleman, the Speaker, Mr. O'BRIEN, who requests a leave of absence. Without objection, the leave of absence is granted for the gentleman, Mr. O'Brien.

There are no leaves of absence from the majority whip.
There are no other leaves on the Republican side.

MASTER ROLL CALL

The SPEAKER pro tempore. The Chair is about to take the master roll. Members will proceed to vote.

The following roll call was recorded:

PRESENT-202

| | | | |
|-------------|------------|-------------|------------|
| Adolph | Freeman | Mantz | Rock |
| Argall | Gabig | Markosek | Roebuck |
| Baker | Galloway | Marshall | Rohrer |
| Barrar | Geist | Marsico | Ross |
| Bastian | George | McCall | Rubley |
| Bear | Gerber | McGeehan | Sabatina |
| Belfanti | Gergely | McI. Smith | Sainato |
| Benninghoff | Gibbons | McIlhattan | Samuelson |
| Bennington | Gillespie | Melio | Santoni |
| Beyer | Gingrich | Mensch | Saylor |
| Biancucci | Godshall | Metcalfe | Scavello |
| Bishop | Goodman | Micozzie | Schroder |
| Blackwell | Grell | Millard | Seip |
| Boback | Grucela | Miller | Shapiro |
| Boyd | Haluska | Milne | Shimkus |
| Brennan | Hanna | Moul | Siptroth |
| Brooks | Harhai | Moyer | Smith, K. |
| Buxton | Harhart | Mundy | Smith, M. |
| Caltagirone | Harkins | Murt | Smith, S. |
| Cappelli | Harper | Mustio | Solobay |
| Carroll | Harris | Myers | Sonney |
| Casorio | Helm | Nailor | Staback |
| Causer | Hennessey | Nickol | Stairs |
| Civera | Hershey | O'Brien, M. | Steil |
| Clymer | Hess | O'Neill | Stern |
| Cohen | Hickernell | Oliver | Stevenson |
| Conklin | Hornaman | Pallone | Sturla |
| Costa | Hutchinson | Parker | Surra |
| Cox | James | Pashinski | Swanger |
| Creighton | Josephs | Payne | Tangretti |
| Cruz | Kauffman | Payton | Taylor, J. |
| Curry | Keller, M. | Peifer | Taylor, R. |
| Cutler | Keller, W. | Perry | Thomas |
| Daley | Kenney | Perzel | True |
| Dally | Kessler | Petrarca | Turzai |
| DeLuca | Killion | Petri | Vereb |
| Denlinger | King | Petrone | Vitali |
| DePasquale | Kirkland | Phillips | Vulakovich |
| Dermody | Kortz | Pickett | Wagner |
| DeWeese | Kotik | Preston | Walko |

| | | | |
|------------|-----------|----------|------------|
| DiGirolamo | Kula | Pyle | Wansacz |
| Donatucci | Leach | Quigley | Waters |
| Eachus | Lentz | Quinn | Watson |
| Ellis | Levdansky | Ramaley | Wheatley |
| Evans, D. | Longietti | Rapp | White |
| Evans, J. | Mackereth | Raymond | Williams |
| Everett | Maher | Readshaw | Wojnaroski |
| Fabrizio | Mahoney | Reed | Yewcic |
| Fairchild | Major | Reichley | Youngblood |
| Fleck | Manderino | Roae | Yudichak |
| Frankel | Mann | | |

ADDITIONS-0

NOT VOTING-0

EXCUSED-1

O'Brien, D.,
Speaker

LEAVES ADDED-3

Haluska Hershey Perzel

LEAVES CANCELED-1

O'Brien, D.,
Speaker

The SPEAKER pro tempore. A quorum being present, the House will proceed to conduct business.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 1541, PN 1878

By Rep. OLIVER

An Act establishing the Smoke Free Pennsylvania Act; prohibiting smoking in enclosed and substantially enclosed areas; imposing duties upon the Department of Health; imposing penalties; and making a related repeal.

HEALTH AND HUMAN SERVICES.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentlelady, Mrs. Swanger. I believe she would like to correct the record.

Mrs. SWANGER. Thank you, Mr. Speaker.

Yesterday I erred in one of my votes, specifically HB 795. I voted "yea" in error. I would like to change that vote to "nay," please.

The SPEAKER pro tempore. The Chair thanks the lady, and her remarks will be spread upon the record.

Mrs. SWANGER. Thank you.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 72, PN 426**, entitled:

An Act amending the act of December 4, 1996 (P.L.893, No.141), known as the Volunteer Health Services Act, further providing for license renewal, continuing education requirements and disciplinary and corrective measures.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that SB 72 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority whip for a committee announcement.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate meeting of the Rules Committee in the majority caucus room.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Permission is granted for an immediate meeting of the Rules Committee.

**HEALTH AND HUMAN SERVICES
COMMITTEE MEETING**

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Oliver, rise?

Mr. OLIVER. Mr. Speaker, at the call of the recess, there will be a meeting at the rear of the House of the Health and Human Services Committee.

The SPEAKER pro tempore. Mr. Oliver, is it possible to actually choose a room for the meeting?

Mr. OLIVER. The reason I just requested it in the back, it was going to be very brief; or in the foyer right behind us.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. OLIVER. Thank you.

The SPEAKER pro tempore. Mr. Oliver, it has been determined that there has been a room located for the Health and Human Services Committee, to be located in the Republican conference room, Appropriations conference room.

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

The SPEAKER pro tempore. You are welcome.

Just to repeat, for the clarification of the members, the gentleman, Chairman Oliver, has requested at the break a

Health and Human Services Committee meeting in the Republican Appropriations conference room.

INSURANCE COMMITTEE MEETING

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. DeLuca, rise?

Mr. DELUCA. To make an announcement for a meeting, Mr. Speaker.

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

Mr. DELUCA. The Insurance Committee will be meeting at the break on SB 550 with an amendment in room G-50, the Irvis Building.

The SPEAKER pro tempore. Mr. DeLuca, would you suspend a moment?

Mr. DELUCA. Certainly.

The SPEAKER pro tempore. Members, the gentleman, Mr. DeLuca, would like to make a committee announcement, and there is entirely too much noise on the floor of the House.

Mr. DeLuca.

Mr. DELUCA. Thank you, Mr. Speaker.

Mr. Speaker, the Insurance Committee will meet in room G-50 in the Irvis Building on SB 550 with an amendment, at the break. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

At the break the Insurance Committee will meet in room G-50, Irvis Building.

GAMING OVERSIGHT COMMITTEE MEETING

The SPEAKER pro tempore. Are there any other announcements? For what purpose does the gentleman, Mr. James, rise?

Mr. JAMES. Thank you, Mr. Speaker.

I would like to make an announcement of a committee meeting.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. JAMES. Mr. Speaker, the Gaming Oversight Committee will hold a short meeting in room 39, East Wing, to consider HB 1488 immediately after the break. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Gaming Oversight Committee will meet at the break in room 39, East Wing.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Maher, rise?

Mr. MAHER. An inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. MAHER. At 9 p.m. last evening the majority leader, the Democratic leader, announced that we would be in session at 11 this morning with a vigorous voting calendar. Now, we are all here, and I have the impression that we are not actually going to be doing anything in the daylight but apparently—

What is wrong with us conducting business in the light of day? That is my question, Mr. Speaker. What is the scheduled plan?

The SPEAKER pro tempore. In answer to your inquiry, Mr. Maher, the gentleman, Mr. Grucela, is recognized.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, as we all know, these things take time, and we had a caucus this morning, which I have been here long enough to know that in the past, many of these caucuses are prolonged and last a little bit longer than we anticipated because there are many questions. I cannot speak for leadership, but I can tell you that we are trying our best to adhere to the schedule.

So in the due interest of time, I think we will be running the calendar as it is proposed. I just cannot specifically say exactly, and I think we have all been here long enough to know that time sometimes is not, you know, we are more on legislative time than probably actual clock time. So I would answer in that regard to the gentleman's inquiry.

The SPEAKER pro tempore. And in fairness to the gentleman, Mr. Grucela, the leaders, as we speak, are in a Rules Committee meeting.

Mr. Grucela.

Mr. GRUCELA. Thank you, Mr. Speaker.

It is my understanding that the Rules Committee is meeting right now, and that is the reason for the delay.

The SPEAKER pro tempore. Mr. Maher.

Mr. MAHER. Mr. Speaker, under our rules, a committee may not meet while the House is in session without the advance, the advance approval of the Speaker. Did I miss that announcement?

The SPEAKER pro tempore. Yes, you did, Mr. Maher.

Mr. MAHER. Is it the new practice to be conducting committee meetings simultaneously with an announced session so that it is impossible for an observer, a member of the public, to be in two places at once? Is this the new practice? Is this to shut out the public from the deliberations? Is this the reform?

The SPEAKER pro tempore. Mr. Maher, I think your question is valid, but it is more appropriate when the leaders are here to address your inquiry and your question.

Mr. MAHER. I will look forward to the leaders' explanation of how this fits in with being on the caboose of reform.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Thank you, Mr. Maher.

STATEMENT BY MR. GRUCELA

The SPEAKER pro tempore. Mr. Grucela is recognized.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that permission is granted by the Speaker and not necessarily the leaders. That is my understanding. And in a general answer to the Representative's inquiry about the public, and I am sorry, because of the noise I did not hear the whole sentence, but I know my answer would be no.

The SPEAKER pro tempore. Thank you, Mr. Grucela.

Mr. Clymer, would you please come to the podium a moment.

(Conference held at Speaker's podium.)

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Maher, rise?

Mr. MAHER. To make a motion, Mr. Speaker.

The SPEAKER pro tempore. The Chair has been advised that you are not in order at this time, Mr. Maher.

Mr. MAHER. Excuse me. Mr. Speaker, under Mason's Manual, why am I not in order? A motion to recess is a privileged motion under our rules, under Mason's Manual. Are we disregarding that rule as well?

The SPEAKER pro tempore. Will the gentleman suspend while the Parliamentarian references his research.

ANNOUNCEMENT BY MR. MUSTIO

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Mustio, rise?

Mr. MUSTIO. To get Mr. Maher away from the microphone— No, just kidding. I thought that might get your attention.

Mr. Speaker, I just wanted to announce that Discharge Resolution No. 1 was filed yesterday, and I plan on calling it up June 21 or thereafter. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER pro tempore. For what purpose does the gentlelady, Ms. Josephs, rise?

Ms. JOSEPHS. Thank you, Mr. Speaker.

I would like to make an announcement, a committee announcement.

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

Ms. JOSEPHS. Thank you, sir.

The State Government Committee will reconvene, we will take up HB 289, at the call of the Chair in room 60, East Wing.

The SPEAKER pro tempore. The Chair thanks the lady.

The State Government Committee will reconvene at the call of the Chair in room 60, East Wing.

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I guess this might be a point of order or a parliamentary inquiry.

As the gentleman from Allegheny County was speaking yesterday, I was referencing through Mason's Manual, and I just wanted to bring to the Chair's attention section 180 with regard to dilatory motions, and I am just going to read it in part, which says, "Every legislative body has the inherent right to protect itself..." against "dilatory motions. Whenever"— Just one more sentence. "Whenever satisfied that a member is using parliamentary tactics to obstruct business, the presiding officer should not recognize..." that member.

I simply bring that to your attention in the course of future proceedings, to keep that in mind should any member engage in dilatory tactics. That is section 180.

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

Mr. MAHER. I am delighted that the gentleman has discovered that section after all these many years.

Mr. Speaker, to aid the Parliamentarian, he might refer to rule 36, "Privileged Resolutions," which states that "Resolutions privileged for the immediate consideration of the House...," and it makes a list and it includes recess, and I am moving right now that we recess until 1:30 so the members can go have lunch since the leaders are not present to proceed. My motion is that we recess until 1:30 or the call of the Chair, whichever is later.

The SPEAKER pro tempore. The Chair thanks the gentleman and reminds the gentleman that the Parliamentarian is still researching the rules. Thank you.

POINT OF ORDER

The SPEAKER pro tempore. The gentleman, Mr. Maher, is recognized to state his point of order.

Mr. MAHER. Thank you, Mr. Speaker.

The research of the Parliamentarian, unless there is a ruling by the Chair, I have a motion to recess until 1:30 so we can have lunch, come back, get to work, whenever the Democrats are ready to actually get to work, and that motion under our rules is for immediate consideration, and these dilatory tactics, as Mr. Vitali pointed out, are against Mason's Manual. So I would ask that we have that recess motion considered by this body, unless there is a ruling of the Chair that it is out of order.

STATEMENT BY MR. D. EVANS

The SPEAKER pro tempore. For what purpose does the gentleman, Dwight Evans, rise?

Mr. D. EVANS. Only, Mr. Speaker, if the gentleman has a question to ask, to make it clear we will oppose any effort to recess. If by accident we should recess, we will be here Friday, Saturday, Sunday, whatever day it takes we will be here. If the gentleman should be successful in any kind of motion, we want to make it clear, we are going to be here until we finish the business that we have to, Mr. Speaker.

There will be a lunch break today, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Maher.

Mr. MAHER. An inquiry, Mr. Speaker.

Was the gentleman speaking on the motion? Is the motion now before the House? An inquiry.

The SPEAKER pro tempore. The motion is not before us at this point.

Mr. MAHER. Well, I made the motion. Is the Chair ruling it out of order? We have been here 80 minutes since we were supposed to be in session. The Democrats are not prepared to go forward. There are people here who would desire to use time constructively, and I would suggest that we recess for an hour, and I believe the gentleman was debating that motion.

The rules are crystal clear, Mr. Speaker, rule 36: immediate consideration by this body. Is there anybody here who is against having lunch today? Do you think that would cause us to be here this weekend? Mr. Walko is opposed to eating lunch, God bless him.

The SPEAKER pro tempore. Mr. Maher, the Chair has been advised that we are going to be proceeding with business, and we will be breaking for lunch—

Mr. MAHER. Excuse me; my motion is on the floor, Mr. Speaker, unless you are ruling my motion out of order, and I would like for somebody to point to a rule which would make it out of order.

The SPEAKER pro tempore. Mr. Maher, just so the Chair understands the full import of your motion, your motion was understood to move to recess because we were not ready to do business. The House is now ready to do business.

Mr. MAHER. Well, it is nice of people to drop by, but my motion is that we recess until 1:30 or the call of the Chair, whichever is later. That motion has been stated now for about 10 minutes. It is supposed to be immediate consideration, and I do not understand why, when it is crystal clear under our rules that we should proceed to a vote or debate, that that is not happening. I thought this was the reform era. I thought these rules were carefully constructed.

The SPEAKER pro tempore. Mr. Maher, the Chair has been advised that your motion under rule 36 is out of order as it does not apply.

Mr. MAHER. Mr. Speaker, I will appeal the decision of the Chair. It is black and white that a motion to recess is always a privileged motion and it is for the immediate consideration, which the majority leader will recall from swearing-in day. He remembers that from swearing-in day. Has he forgotten that occasion?

MOTION TO RECESS

The SPEAKER pro tempore. The Chair has been advised that the proper motion would have been under rule 55, not 36, but to accommodate the gentleman, we will post it to the board for a motion to recess.

Mr. MAHER. Thank you, Mr. Speaker.

The motion is that we recess until 1:30 or the call of the Chair, whichever is later.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Preston, on the motion.

Mr. PRESTON. Mr. Speaker, a parliamentary inquiry on the proceedings.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRESTON. I am trying to figure out, because the previous speaker was talking about 10 minutes ago, 10 minutes ago I thought I was participating in the Rules Committee downstairs, which was called by the Chair. Now, 10 minutes ago, were we at ease or were we on the floor of the House? If that is the case, then the Rules Committee violated the House rules and we would have to go back to a Rules Committee, because you have to be at ease. Which one is it? I do not understand what the gentleman is trying to say. I know where

I was at – doing the House's business. So were we at ease or were we in session when we had a Rules Committee?

The SPEAKER pro tempore. Number one, the permission was given to allow the Rules Committee to meet by the Chair.

Mr. PRESTON. So I am trying to understand then, the motion in a sense I am saying would be out of order if that were the case, while he was speaking while we were still in an official House full committee, and I really do not appreciate, when both sides of the aisle were down doing the House's business, hearing a statement to say that we are waiting because we are standing around here not doing anything when there were over 25 or 26 people that were down there doing the House's business. Now, which one is it? Either the gentleman is accurate that we were not doing anything or he is totally inaccurate and out of place by trying to make a motion by saying that we were not doing anything at all. And we are also waiting for a report from the House Rules Committee to report back, if I am correct in proceeding as far as the House rules are concerned, which means, again, perhaps he needs to get his clock together. I knew where I was at 10, 15 minutes ago.

The SPEAKER pro tempore. The Chair thanks the gentleman for his remarks.

Just to recap a little bit what has transpired, the gentleman, Mr. Maher, made a motion under rule 36 to recess for a lunch break. While the Parliamentarian was doing his research, he found it was actually inappropriate to make the motion under rule 36 but rather rule 55, so in order to accommodate the gentleman, Mr. Maher, we allowed for his motion to go forward under rule 55.

And now the leaders are back from their Rules Committee meeting and the House is now ready to do business, but the gentleman, Mr. Maher, would like to move forward on his motion to recess. Mr. Preston, is that a help?

Mr. PRESTON. A further inquiry on that then. Did the gentleman make a motion when we were in session or when we were at ease? If we were at ease when he was talking, then I am thinking that the motion was inopportune, because we were downstairs voting while he was talking.

The SPEAKER pro tempore. Just to explain, while the Rules Committee was meeting, under the House rules we could not move forward with any motion or votes, but now that the Rules Committee has returned, we may take up Mr. Maher's motion and proceed.

MOTION WITHDRAWN

The SPEAKER pro tempore. Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

It is a mere 90 minutes since we were supposed to move forward, and recognizing that members are present and despite the leader's announcement yesterday that we would commence at 11, work steadily, then recess for lunch, return, recess, so forth, if there is a disinterest in maintaining the schedule that the leader announced, I will withdraw my motion. But I would encourage that for the interest of the public, whom we serve, that we not have meetings off the floor when the House is in session.

I will withdraw my motion, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

STATEMENT BY MAJORITY LEADER

The SPEAKER pro tempore. The Chair recognizes the majority leader, Mr. DeWeese.

Mr. DeWEESE. Just two quick points relative to informing the public.

Number one, thanks to the Shapiro-Steil reform committee and the impulses generated by Speaker Dennis O'Brien, we are operating in a fundamentally different fashion than we did in the previous session and in all of the previous sessions. Manifestly, an example of that statement is that we did not just casually trundle off the floor into the anonymity of the area in back of the brass rail, Mr. Speaker. We had a meeting in a public room with members of the media, and we took some time in the cold, hard light of day to move bills from the Rules Committee to the floor.

Inherently, inherently, the last 2 weeks of June are full of potential moments of fumbling, stumbling, and regrouping, but we are a legislative body. That is intrinsic. That is not going to be altered. So we have a Rules Committee that meets. We have a Rules Committee that votes. We have a Rules Committee that allows for some debate and certainly for the sunshine to beam in.

Now, I announced a schedule last night that would have been something that Dr. Pangloss from "Candide" might have said was the best of all possible worlds. But we do not live in the world of "Candide" and I am not Dr. Pangloss, so the best of all possible worlds is the world we have right now. I say, let us get on with business.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence of the Speaker on the floor of the House, and he will be added to the master roll.

BILLS REREPORDED FROM COMMITTEE**HB 1528, PN 1990**

By Rep. DeWEESE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a film production tax credit and conferring powers and imposing duties upon the Department of Community and Economic Development.

RULES.

HB 1529, PN 1991

By Rep. DeWEESE

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, further providing for film production grants; and requiring a report.

RULES.

HB 1530, PN 1876

By Rep. DeWEESE

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in restructuring of electric utility industry, further providing for declaration of policy and for duties of electric distribution companies.

RULES.

HB 1588, PN 1969

By Rep. DeWEESE

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for an oil company gross profits tax; and making an appropriation.

RULES.

HB 1590, PN 1971

By Rep. DeWEESE

An Act amending Titles 53 (Municipalities Generally), 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for public transportation assistance and for income based on use of Commonwealth highways.

RULES.

**THE SPEAKER (DENNIS M. O'BRIEN)
PRESIDING****BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 43, PN 68**, entitled:

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, providing for uniform environmental covenants.

On the question,

Will the House agree to the bill on second consideration?
Bill was agreed to.

* * *

The House proceeded to second consideration of **HB 1251, PN 1984**, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for physician assistants.

On the question,

Will the House agree to the bill on second consideration?
Bill was agreed to.

* * *

The House proceeded to second consideration of **HB 1252, PN 1985**, entitled:

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for physician assistants.

On the question,

Will the House agree to the bill on second consideration?
Bill was agreed to.

* * *

The House proceeded to second consideration of **HB 1253, PN 1986**, entitled:

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, further providing for scope of practice for certified registered nurse practitioners; and providing for professional liability.

On the question,

Will the House agree to the bill on second consideration?

Mr. STURLA offered the following amendment No. **A01773**:

Amend Sec. 3, page 7, line 19, by inserting after "NURSING", the Department of Public Welfare, the State Board of Medicine

Amend Bill, page 7, by inserting between lines 23 and 24

Section 4. The following acts are repealed insofar as they are inconsistent with the amendment of section 8.2 of the act and the addition of section 8.5 of the act:

(1) Section 3.1 of the act.

(2) Section 9 of the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act.

(3) Section 14 of the act of June 15, 1982 (P.L.502, No.140), known as the Occupational Therapy Practice Act.

(4) Section 13.1(d) of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985.

Amend Sec. 4, page 7, line 24, by striking out "4" and inserting

5

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Sturla for an explanation of the amendment.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment allows DPW (Department of Public Welfare) to promulgate some regulations here also that are necessary for this piece of legislation, and also provides some repealers to other practice acts that currently prohibited P.A.s (physician's assistants) from practicing or doing certain procedures. So this is technical in nature but an agreed-to amendment.

The SPEAKER. Representative Solobay.

Mr. SOLOBAY. Thank you, Mr. Speaker.

This is an agreed-to amendment, and I encourage the House to pass it.

The SPEAKER. Representative Adolph.

Mr. ADOLPH. It is an agreed-to amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Will the House agree to the agreed-to amendment?

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—203

Adolph
Argall

Gabig
Galloway

Markosek
Marshall

Rohrer
Ross

| | | | |
|-------------|------------|-------------|-------------------------|
| Baker | Geist | Marsico | Rubley |
| Barrar | George | McCall | Sabatina |
| Bastian | Gerber | McGeehan | Sainato |
| Bear | Gergely | McI. Smith | Samuelson |
| Belfanti | Gibbons | McIlhattan | Santoni |
| Benninghoff | Gillespie | Melio | Saylor |
| Bennington | Gingrich | Mensch | Scavello |
| Beyer | Godshall | Metcalfe | Schrader |
| Biancucci | Goodman | Micozzie | Seip |
| Bishop | Grell | Millard | Shapiro |
| Blackwell | Grucela | Miller | Shimkus |
| Boback | Haluska | Milne | Siptroth |
| Boyd | Hanna | Moul | Smith, K. |
| Brennan | Harhai | Moyer | Smith, M. |
| Brooks | Harhart | Mundy | Smith, S. |
| Buxton | Harkins | Murt | Solobay |
| Caltagirone | Harper | Mustio | Sonney |
| Cappelli | Harris | Myers | Staback |
| Carroll | Helm | Nailor | Stairs |
| Casorio | Hennessey | Nickol | Steil |
| Causer | Hershey | O'Brien, M. | Stern |
| Civera | Hess | O'Neill | Stevenson |
| Clymer | Hickernell | Oliver | Sturla |
| Cohen | Hornaman | Pallone | Surra |
| Conklin | Hutchinson | Parker | Swanger |
| Costa | James | Pashinski | Tangretti |
| Cox | Josephs | Payne | Taylor, J. |
| Creighton | Kauffman | Payton | Taylor, R. |
| Cruz | Keller, M. | Peifer | Thomas |
| Curry | Keller, W. | Perry | True |
| Cutler | Kenney | Perzel | Turzai |
| Daley | Kessler | Petrarca | Vereb |
| Dally | Killion | Petri | Vitali |
| DeLuca | King | Petrone | Vulakovich |
| Denlinger | Kirkland | Phillips | Watner |
| DePasquale | Kortz | Pickett | Walko |
| Dermody | Kotik | Preston | Wansacz |
| DeWeese | Kula | Pyle | Waters |
| DiGirolamo | Leach | Quigley | Watson |
| Donatucci | Lentz | Quinn | Wheatley |
| Eachus | Levdansky | Ramaley | White |
| Ellis | Longietti | Rapp | Williams |
| Evans, D. | Mackereth | Raymond | Wojnaroski |
| Evans, J. | Maher | Readshaw | Yewcic |
| Everett | Mahoney | Reed | Youngblood |
| Fabrizio | Major | Reichley | Yudichak |
| Fairchild | Manderino | Roae | |
| Fleck | Mann | Rock | O'Brien, D., Speaker |
| Frankel | Mantz | Roebuck | |
| Freeman | | | |

NAYS—0

NOT VOTING—0

EXCUSED—0

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House agree to the bill on second consideration as amended?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 1254, PN 1994**, entitled:

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, providing for the definition of "clinical nurse specialist"; and providing for clinical nurse specialists.

On the question,
Will the House agree to the bill on second consideration?
Bill was agreed to.

* * *

The House proceeded to second consideration of **HB 1255, PN 1987**, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for nurse-midwife license.

On the question,
Will the House agree to the bill on second consideration?
Bill was agreed to.

* * *

The House proceeded to second consideration of **HB 1552, PN 1972**, entitled:

An Act establishing the Pennsylvania Infection Control Advisory Committee; providing for duties of the committee, the Department of Health, the Pennsylvania Health Care Cost Containment Council and the Patient Safety Authority; requiring health care facilities to develop and implement infection control plans; and imposing penalties.

On the question,
Will the House agree to the bill on second consideration?

Mr. DeLUCA offered the following amendment No. **A01754**:

Amend Sec. 9, page 14, line 26, by inserting after "COUNCIL." No later than December 30, 2008, hospitals must have in place a qualified system for the electronic surveillance of health care-associated infections.

On the question,
Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative DeLuca for an explanation on the amendment.

BILL PASSED OVER TEMPORARILY

The SPEAKER. This bill will be over temporarily.

* * *

The House proceeded to second consideration of **HB 1556, PN 1915**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for conditions subject to which policies are to be issued; and providing for health insurance coverage for certain children of insured parents.

On the question,
Will the House agree to the bill on second consideration?

Mr. DeLUCA offered the following amendment No. **A01710**:

Amend Sec. 2 (Sec. 617.1), page 3, by inserting between lines 28 and 29

(D) This section shall not include the following types of insurance or any combination thereof:

- (1) Hospital indemnity.
- (2) Accident.
- (3) Specified disease.
- (4) Disability income.
- (5) Dental.
- (6) Vision.
- (7) Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) supplement.
- (8) Medicare supplement.
- (9) Long-term care.
- (10) Other limited benefit plans.

On the question,
Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. DeLuca, on the amendment.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, what this section does, it excludes the following types of insurance or any combination thereof: hospital indemnity, accident, specified disease, disability income, dental, vision, Civilian Health and Medical Program of the Uniformed Services supplement, Medicare supplement, long-term care, and other limited benefit plans.

The SPEAKER. Will the House agree to the amendment? On the question, those in favor will vote "aye"; those opposed, "no." Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman is in order and may begin his interrogation.

Mr. VITALI. Thank you.

I was flipping through the presession report. I just want to make sure, is this requiring health insurance companies to include dental and vision coverage in certain policies?

Mr. DeLUCA. It excludes all of them, Mr. Speaker.

Mr. VITALI. I am sorry. Could you explain what policies it requires or is it maybe— Just tell me what it does again, if you could.

Mr. DeLUCA. Mr. Speaker, these types of policies are excluded from the bill that we are going to consider pertaining to hospital infection—

Mr. VITALI. So this is amendment 1710 I am referring to.

Mr. DeLUCA. Mr. Speaker, what this amendment does, it excludes these policies from the age change that we are going to be adopting in the bill, 29 years old.

The SPEAKER. The Chair would like to advise the gentleman to speak closer into the microphone. It is difficult to hear.

Mr. DeLUCA. Thank you.

Mr. VITALI. So this amendment would exclude the requirement that dental and vision and the other—

Mr. DeLUCA. What we will do, Mr. Speaker, yes. What we are trying to do, when an individual right now under the bill, when we do the bill, reaches the age of 18, we are saying that when they reach the age of 29, that the family can pick up the coverage. These will be excluded from that coverage for the student until the age of 29.

Mr. VITALI. Right; got you. So the bill in chief is going to give the family the ability to keep the child on the policy—

Mr. DeLUCA. Absolutely; absolutely.

Mr. VITALI. —but it does not have to include these extra things as it were.

Mr. DeLUCA. No; that is correct.

Mr. VITALI. Got you. Okay. Thank you.

Mr. DeLUCA. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—187

| | | | |
|-------------|------------|-------------|------------|
| Adolph | Gabig | Mantz | Rubley |
| Argall | Galloway | Markosek | Sabatina |
| Baker | Geist | Marshall | Sainato |
| Barrar | George | Marsico | Samuelson |
| Bastian | Gerber | McCall | Santoni |
| Bear | Gergely | McGeehan | Saylor |
| Belfanti | Gibbons | McI. Smith | Scavelllo |
| Benninghoff | Gillespie | McIlhattan | Schroder |
| Bennington | Gingrich | Melio | Seip |
| Biancucci | Godshall | Mensch | Shapiro |
| Bishop | Goodman | Metcalfe | Shimkus |
| Blackwell | Grell | Micozzie | Siptroth |
| Boback | Grucela | Millard | Smith, K. |
| Boyd | Haluska | Miller | Smith, M. |
| Brennan | Hanna | Moul | Smith, S. |
| Brooks | Harhai | Moyer | Solobay |
| Buxton | Harhart | Mundy | Sonney |
| Caltagirone | Harkins | Murt | Staback |
| Cappelli | Harper | Myers | Stairs |
| Carroll | Harris | Nailor | Stern |
| Casorio | Helm | Nickol | Stevenson |
| Causer | Hershey | O'Brien, M. | Sturla |
| Civera | Hess | Oliver | Surra |
| Clymer | Hickernell | Pallone | Swanger |
| Cohen | Hornaman | Parker | Tangretti |
| Conklin | Hutchinson | Pashinski | Taylor, R. |
| Costa | James | Payne | Thomas |
| Cox | Josephs | Payton | True |
| Cruz | Kauffman | Perry | Turzai |
| Curry | Keller, M. | Perzel | Vereb |
| Cutler | Keller, W. | Petrarca | Vitali |
| Daley | Kessler | Petrone | Vulakovich |
| DeLuca | Killion | Phillips | Wagner |
| Denlinger | King | Pickett | Walko |
| DePasquale | Kirkland | Preston | Wansacz |
| Dermody | Kortz | Pyle | Waterson |
| DeWeese | Kotik | Quigley | Watson |
| DiGirolamo | Kula | Ramaley | Wheatley |

| | | | |
|-----------|-----------|----------|--------------|
| Donatucci | Leach | Rapp | White |
| Eachus | Lentz | Raymond | Williams |
| Ellis | Levdansky | Readshaw | Wojnaroski |
| Evans, D. | Longietti | Reed | Yewcic |
| Evans, J. | Mackereth | Roae | Youngblood |
| Everett | Mahoney | Rock | Yudichak |
| Fabrizio | Major | Roebuck | |
| Fleck | Manderino | Rohrer | O'Brien, D., |
| Frankel | Mann | Ross | Speaker |
| Freeman | | | |

NAYS—16

| | | | |
|-----------|-----------|---------|------------|
| Beyer | Hennessey | Mustio | Quinn |
| Creighton | Kenney | O'Neill | Reichley |
| Dally | Maher | Peifer | Steil |
| Fairchild | Milne | Petri | Taylor, J. |

NOT VOTING—0

EXCUSED—0

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House agree to the bill on second consideration as amended?

Bill as amended was agreed to.

DECISION OF CHAIR RESCINDED

The SPEAKER. For what purpose does the gentleman, Representative Maher, rise?

Mr. MAHER. Thank you, Mr. Speaker.

I was seeking recognition on second consideration.

The SPEAKER. Without objection, the Chair rescinds its announcement that the bill is agreed to.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

The SPEAKER. The gentleman is recognized on second consideration.

Mr. MAHER. Thank you, Mr. Speaker.

Would the maker of the bill respond to a couple of questions, please?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order and may begin his interrogation.

Mr. MAHER. Thank you.

These are really very simple questions. I want to make sure I am not misunderstanding.

This bill would allow for a continuation of insurance coverage for a youngster, a child, through the early stages of their adult life, up to age 29, on a parent's insurance policy if the parents will pay for that policy. Is that correct?

Mr. LONGIETTI. Yes. Under existing law, Mr. Speaker, coverage is available up to age 19. This would extend it optionally through age 29, at the option of the parents.

Mr. MAHER. And there are some exemptions to that requirement, and if I understand correctly, if someone has a dependent, they are no longer eligible. Is that correct?

Mr. LONGIETTI. That is correct, Mr. Speaker. There is a list of exceptions in the bill. The young person would need to not be married, to have no dependents, to be a resident of the Commonwealth or enrolled as a full-time student at an institution of higher education in the Commonwealth.

Mr. MAHER. So a single mom, a single mom living at home with her folks, would not be eligible?

Mr. LONGIETTI. Mr. Speaker, as indicated under this provision to extend coverage up through age 29 on the parents' health insurance plan, you can have no dependents to be eligible.

Mr. MAHER. Thank you, Mr. Speaker. That concludes my interrogation, but I would ask the maker of the bill to consider, before this bill returns for third consideration, working on the language. I do not see any reason to discriminate against single moms, and the bill as written discriminates against single mothers, and I just do not understand why this body would want to do such a thing. The overall notion may be a good notion, but we should not be discriminating against young mothers who are trying to raise a child and living with their folks. In fact, they are probably folks who need health care more than just about anybody else. So I would encourage you to look at making a technical correction or seeking a suspension of the rules to repair the bill.

The SPEAKER. The House will be at ease.

AMENDMENT A01710 RECONSIDERED

The SPEAKER. The Chair is in receipt of a reconsideration motion.

Representative Dally and Representative Argall move that the vote by which amendment A01710 to HB 1556 was passed be reconsidered.

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

The SPEAKER. The Chair recognizes Representative Vitali.

Mr. VITALI. Mr. Speaker, I am wondering if prior to taking this vote we could have a brief description of amendment 1710.

The SPEAKER. For the information of the gentleman, the explanation was already given. The vote was taken. The amendment was passed. There is a reconsideration motion that has been filed. The reconsideration motion is the only issue before the House at this time.

Mr. VITALI. Okay. But if I could, which one was— We have been doing a lot of things. To be consistent with the rules by having—

The SPEAKER. Representative DeLuca, could you offer a brief explanation as to what your amendment did.

Mr. DeLUCA. Pardon me, Mr. Speaker? I did not hear the question, Mr. Speaker. I apologize.

The SPEAKER. Can the gentleman give a brief description of the amendment that was just passed by the House.

The gentleman waives off.

On the question recurring,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—203

| | | | |
|-------------|------------|-------------|--------------|
| Adolph | Gabig | Markosek | Rohrer |
| Argall | Galloway | Marshall | Ross |
| Baker | Geist | Marsico | Rubley |
| Barrar | George | McCall | Sabatina |
| Bastian | Gerber | McGeehan | Sainato |
| Bear | Gergely | McI. Smith | Samuelson |
| Belfanti | Gibbons | McIlhattan | Santoni |
| Benninghoff | Gillespie | Melio | Saylor |
| Bennington | Gingrich | Mensch | Scavello |
| Beyer | Godshall | Metcalfe | Schroder |
| Biancucci | Goodman | Micozzie | Seip |
| Bishop | Grell | Millard | Shapiro |
| Blackwell | Grucela | Miller | Shimkus |
| Boback | Haluska | Milne | Siptroth |
| Boyd | Hanna | Moul | Smith, K. |
| Brennan | Harhai | Moyer | Smith, M. |
| Brooks | Harhart | Mundy | Smith, S. |
| Buxton | Harkins | Murt | Solobay |
| Caltagirone | Harper | Mustio | Sonney |
| Cappelli | Harris | Myers | Staback |
| Carroll | Helm | Nailor | Stairs |
| Casorio | Hennessey | Nickol | Steil |
| Causer | Hershey | O'Brien, M. | Stern |
| Civera | Hess | O'Neill | Stevenson |
| Clymer | Hickernell | Oliver | Sturla |
| Cohen | Hornaman | Pallone | Surra |
| Conklin | Hutchinson | Parker | Swanger |
| Costa | James | Pashinski | Tangretti |
| Cox | Josephs | Payne | Taylor, J. |
| Creighton | Kauffman | Payton | Taylor, R. |
| Cruz | Keller, M. | Peifer | Thomas |
| Curry | Keller, W. | Perry | True |
| Cutler | Kenney | Perzel | Turzai |
| Daley | Kessler | Petrarca | Vereb |
| Dally | Killion | Petri | Vitali |
| DeLuca | King | Petrone | Vulakovich |
| Denlinger | Kirkland | Phillips | Wagner |
| DePasquale | Kortz | Pickett | Walko |
| Dermody | Kotik | Preston | Wansacz |
| DeWeese | Kula | Pyle | Waters |
| DiGirolamo | Leach | Quigley | Watson |
| Donatucci | Lentz | Quinn | Wheatley |
| Eachus | Levdansky | Ramaley | White |
| Ellis | Longietti | Rapp | Williams |
| Evans, D. | Mackereth | Raymond | Wojnaroski |
| Evans, J. | Maher | Readshaw | Yewcic |
| Everett | Mahoney | Reed | Youngblood |
| Fabrizio | Major | Reichley | Yudichak |
| Fairchild | Manderino | Roae | |
| Fleck | Mann | Rock | O'Brien, D., |
| Frankel | Mantz | Roebuck | Speaker |
| Freeman | | | |

NAYS—0

NOT VOTING—0

EXCUSED—0

The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,
Will the House agree to the amendment?

The clerk read the following amendment No. A01710:

Amend Sec. 2 (Sec. 617.1), page 3, by inserting between lines 28 and 29

(D) This section shall not include the following types of insurance or any combination thereof:

- (1) Hospital indemnity.
- (2) Accident.
- (3) Specified disease.
- (4) Disability income.
- (5) Dental.
- (6) Vision.
- (7) Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) supplement.
- (8) Medicare supplement.
- (9) Long-term care.
- (10) Other limited benefit plans.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—202

| | | | |
|-------------|------------|-------------|------------|
| Adolph | Freeman | Markosek | Rohrer |
| Argall | Gabig | Marshall | Ross |
| Baker | Galloway | Marsico | Rubley |
| Barrar | Geist | McCall | Sabatina |
| Bastian | George | McGeehan | Sainato |
| Bear | Gerber | McI. Smith | Samuelson |
| Belfanti | Gergely | McIlhattan | Santoni |
| Benninghoff | Gibbons | Melio | Saylor |
| Bennington | Gillespie | Mensch | Scavello |
| Beyer | Gingrich | Metcalfe | Schroder |
| Biancucci | Godshall | Micozzie | Seip |
| Bishop | Goodman | Millard | Shapiro |
| Blackwell | Grell | Miller | Shimkus |
| Boback | Grucela | Milne | Siptroth |
| Boyd | Haluska | Moul | Smith, K. |
| Brennan | Hanna | Moyer | Smith, M. |
| Brooks | Harhai | Mundy | Smith, S. |
| Buxton | Harhart | Murt | Solobay |
| Caltagirone | Harkins | Mustio | Sonney |
| Cappelli | Harper | Myers | Staback |
| Carroll | Harris | Nailor | Stairs |
| Casorio | Helm | Nickol | Steil |
| Causer | Hennessey | O'Brien, M. | Stern |
| Civera | Hershey | O'Neill | Stevenson |
| Clymer | Hess | Oliver | Sturla |
| Cohen | Hickernell | Pallone | Surra |
| Conklin | Hornaman | Parker | Swanger |
| Costa | Hutchinson | Pashinski | Tangretti |
| Cox | James | Payne | Taylor, J. |
| Creighton | Josephs | Payton | Taylor, R. |
| Cruz | Kauffman | Peifer | Thomas |
| Curry | Keller, M. | Perry | True |
| Cutler | Keller, W. | Perzel | Turzai |
| Daley | Kessler | Petrarca | Vereb |
| Dally | Killion | Petri | Vitali |
| DeLuca | King | Petrone | Vulakovich |
| Denlinger | Kirkland | Phillips | Wagner |
| DePasquale | Kortz | Pickett | Walko |
| Dermody | Kotik | Preston | Wansacz |
| DeWeese | Kula | Pyle | Waters |
| DiGirolamo | Leach | Quigley | Watson |
| Donatucci | Lentz | Quinn | Wheatley |
| Eachus | Levdansky | Ramaley | White |
| Ellis | Longietti | Rapp | Williams |
| Evans, D. | Mackereth | Raymond | Wojnaroski |
| Evans, J. | Maher | Readshaw | Yewcic |
| Everett | Mahoney | Reed | Youngblood |
| Fabrizio | Major | Reichley | Yudichak |

| | | | |
|-----------|-----------|---------|-------------------------|
| Fairchild | Manderino | Roae | O'Brien, D., Speaker |
| Fleck | Mann | Rock | |
| Frankel | Mantz | Roebuck | |

NAYS—1

Kenney

NOT VOTING—0

EXCUSED—0

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **SB 755, PN 831**, entitled:

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for certain charges.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 10, PN 1768**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for fines; and providing for the Criminal Justice Enhancement Account and for adoption of guidelines for fines.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

On that question, the gentleman, Mr. Vitali, is recognized.

Mr. VITALI. I just want to get the fiscal impact on this bill, fiscal impact of this bill.

The SPEAKER pro tempore. Mr. Vitali, would you like to interrogate the Speaker or the Appropriations chairman?

Mr. VITALI. It does not matter. How about the Speaker. Thank you.

The SPEAKER pro tempore. The gentleman, Speaker O'Brien, has agreed to be interrogated and to answer your question, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, I see a lot of fines here. I know district attorneys' salaries are going to be increased here. Just kind of lay out a little bit of the fiscal impact of this. Perhaps the questions I would like answered would be, the overall amount of additional fees imposed by this bill and does this bill involve an increase in district attorneys' salaries, and if so, from what level to what level?

The SPEAKER pro tempore. Will the gentleman suspend.

Members, please take your seats. Clear the aisles. If you have conversations, please take them off the floor. Members, please take your seats. Sergeants at Arms, please clear the aisles.

The gentleman may proceed.

Mr. D. O'BRIEN. The answer to the gentleman's question is, there is a revenue increase for fiscal year 2006-2007 which will be put in the criminal justice enhancement account of \$3,793,000. For fiscal year 2007-2008, the revenues generated will be \$7,585,000, and there is no salary increase in this bill.

Mr. VITALI. Right. So this would be a transfer of these—The counties would be able to use these funds to pay for their district attorneys. Is that what is happening here?

Mr. D. O'BRIEN. That is correct.

Mr. VITALI. Okay. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Seeing no one else seeking recognition, the question recurs, shall the bill pass finally?

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—202

| | | | |
|-------------|-----------|------------|-----------|
| Adolph | Gabig | Markosek | Rohrer |
| Argall | Galloway | Marshall | Ross |
| Baker | Geist | Marsico | Rubley |
| Barrar | George | McCall | Sabatina |
| Bastian | Gerber | McGeehan | Sainato |
| Bear | Gergely | McI. Smith | Samuelson |
| Belfanti | Gibbons | McIlhattan | Santoni |
| Benninghoff | Gillespie | Melio | Saylor |
| Bennington | Gingrich | Mensch | Scavello |
| Beyer | Godshall | Metcalfe | Schroder |
| Biancucci | Goodman | Micozzie | Seip |
| Bishop | Grell | Millard | Shapiro |

| | | | |
|------------|------------|-------------|--------------|
| Blackwell | Grucela | Miller | Shimkus |
| Boback | Haluska | Milne | Siprotroth |
| Boyd | Hanna | Moul | Smith, K. |
| Brennan | Harhai | Moyer | Smith, M. |
| Brooks | Harhart | Mundy | Smith, S. |
| Buxton | Harkins | Murt | Solobay |
| Cappelli | Harper | Mustio | Sonney |
| Carroll | Harris | Myers | Staback |
| Casorio | Helm | Nailor | Stairs |
| Causer | Hennessey | Nickol | Steil |
| Civera | Hershey | O'Brien, M. | Stern |
| Clymer | Hess | O'Neill | Stevenson |
| Cohen | Hickernell | Oliver | Sturla |
| Conklin | Hornaman | Pallone | Surra |
| Costa | Hutchinson | Parker | Swanger |
| Cox | James | Pashinski | Tangretti |
| Creighton | Josephs | Payne | Taylor, J. |
| Cruz | Kaufman | Payton | Taylor, R. |
| Curry | Keller, M. | Peifer | Thomas |
| Cutler | Keller, W. | Perry | True |
| Daley | Kenney | Perzel | Turzai |
| Dally | Kessler | Petrarca | Vereb |
| DeLuca | Killion | Petri | Vitali |
| Denlinger | King | Petrone | Vulakovich |
| DePasquale | Kirkland | Phillips | Wagner |
| Dermody | Kortz | Pickett | Walko |
| DeWeese | Kotik | Preston | Wansacz |
| DiGirolamo | Kula | Pyle | Waters |
| Donatucci | Leach | Quigley | Watson |
| Eachus | Lentz | Quinn | Wheatley |
| Ellis | Levdansky | Ramaley | White |
| Evans, D. | Longietti | Rapp | Williams |
| Evans, J. | Mackereth | Raymond | Wojnaroski |
| Everett | Maher | Readshaw | Yewcic |
| Fabrizio | Mahoney | Reed | Youngblood |
| Fairchild | Major | Reichley | Yudichak |
| Fleck | Manderino | Roae | |
| Frankel | Mann | Rock | O'Brien, D., |
| Freeman | Mantz | Roebuck | Speaker |

NAYS—1

Caltagirone

NOT VOTING—0

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

The House proceeded to third consideration of **HB 1000, PN 1996**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for retroactive denial of reimbursement of payments to health care providers by insurers and, in quality health care accountability and protection, for mental health services; and further providing, in quality health care accountability and protection, for procedures.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—203

| | | | |
|-------------|------------|--------------|------------|
| Adolph | Gabig | Markosek | Rohrer |
| Argall | Galloway | Marshall | Ross |
| Baker | Geist | Marsico | Rubley |
| Barrar | George | McCall | Sabatina |
| Bastian | Gerber | McGeehan | Sainato |
| Bear | Gergely | McI. Smith | Samuelson |
| Belfanti | Gibbons | McIlhattan | Santoni |
| Benninghoff | Gillespie | Melio | Saylor |
| Bennington | Gingrich | Mensch | Scavello |
| Beyer | Godshall | Metcalfe | Schroder |
| Biancucci | Goodman | Micozzie | Seip |
| Bishop | Grell | Millard | Shapiro |
| Blackwell | Grucela | Miller | Shimkus |
| Boback | Haluska | Milne | Siptroth |
| Boyd | Hanna | Moul | Smith, K. |
| Brennan | Harhai | Moyer | Smith, M. |
| Brooks | Harhart | Mundy | Smith, S. |
| Buxton | Harkins | Murt | Solobay |
| Caltagirone | Harper | Mustio | Sonney |
| Cappelli | Harris | Myers | Staback |
| Carroll | Helm | Nailor | Stairs |
| Casorio | Hennessey | Nickol | Steil |
| Causer | Hershey | O'Brien, M. | Stern |
| Civera | Hess | O'Neill | Stevenson |
| Clymer | Hickernell | Oliver | Sturla |
| Cohen | Hornaman | Pallone | Surra |
| Conklin | Hutchinson | Parker | Swanger |
| Costa | James | Pashinski | Tangretti |
| Cox | Josephs | Payne | Taylor, J. |
| Creighton | Kauffman | Payton | Taylor, R. |
| Cruz | Keller, M. | Peifer | Thomas |
| Curry | Keller, W. | Perry | True |
| Cutler | Kenney | Perzel | Turzai |
| Daley | Kessler | Petrarca | Vereb |
| Dally | Killion | Petri | Vitali |
| DeLuca | King | Petrone | Vulakovich |
| Denlinger | Kirkland | Phillips | Wagner |
| DePasquale | Kortz | Pickett | Walko |
| Dermody | Kotik | Preston | Wansacz |
| DeWeese | Kula | Pyle | Waterson |
| DiGirolamo | Leach | Quigley | Watson |
| Donatucci | Lentz | Quinn | Wheatley |
| Eachus | Levdansky | Ramaley | White |
| Ellis | Longietti | Rapp | Williams |
| Evans, D. | Mackereth | Raymond | Wojnaroski |
| Evans, J. | Maher | Readshaw | Yewcic |
| Everett | Mahoney | Reed | Youngblood |
| Fabrizio | Major | Reichley | Yudichak |
| Fairchild | Manderino | Roae | |
| Fleck | Mann | Rock | |
| Frankel | Mantz | O'Brien, D., | |
| Freeman | | Speaker | |

NAYS—0

NOT VOTING—0

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 906, PN 1887**, entitled:

An Act amending the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act, further defining "volunteer ambulance service"; further providing for guidelines and procedures, for award of grants and for expiration of authority; providing for publication and notice, for special provisions; and repealing an obsolete act.

On the question,
Will the House concur in Senate amendments?

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Union County, Representative Fairchild, who moves that the rules be suspended for the purpose of offering amendment A01775.

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

The SPEAKER. The Chair recognizes Representative Fairchild on the amendment.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I rise to ask for suspension of the rules so that I may offer this amendment, which is a corrective amendment to the bill, which will allow the fire EMS (emergency medical services) grant program to have adequate program time frames. I am simply asking that we correct this oversight in the bill so the legislation can quickly go to the Governor for his signature.

I would ask the members to vote in the affirmative for suspension so that this agreed-to amendment can be offered. Thank you, Mr. Speaker.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that we also vote in the affirmative to suspend the rules.

On the question recurring,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—202

| | | | |
|-------------|------------|-------------|--------------|
| Adolph | Freeman | Mantz | Rohrer |
| Argall | Gabig | Markosek | Ross |
| Baker | Galloway | Marshall | Ruble |
| Barrar | Geist | Marsico | Sabatina |
| Bastian | George | McCall | Sainato |
| Bear | Gerber | McGeehan | Samuelson |
| Belfanti | Gergely | McI. Smith | Santoni |
| Benninghoff | Gibbons | McIlhattan | Saylor |
| Bennington | Gillespie | Melio | Scavello |
| Beyer | Gingrich | Mensch | Schroder |
| Biancucci | Godshall | Metcalfe | Seip |
| Bishop | Goodman | Micozzie | Shapiro |
| Blackwell | Grell | Millard | Shimkus |
| Boback | Grucela | Miller | Siptroth |
| Boyd | Haluska | Milne | Smith, K. |
| Brennan | Hanna | Moul | Smith, M. |
| Brooks | Harhai | Moyer | Smith, S. |
| Buxton | Harhart | Mundy | Solobay |
| Caltagirone | Harkins | Murt | Sonney |
| Cappelli | Harper | Mustio | Staback |
| Carroll | Harris | Myers | Stairs |
| Casorio | Helm | Nailor | Steil |
| Causer | Hennessey | Nickol | Stern |
| Civera | Hershey | O'Brien, M. | Stevenson |
| Clymer | Hess | O'Neill | Sturla |
| Cohen | Hickernell | Oliver | Surra |
| Conklin | Hornaman | Pallone | Swanger |
| Costa | Hutchinson | Parker | Tangretti |
| Cox | James | Pashinski | Taylor, J. |
| Creighton | Josephs | Payne | Taylor, R. |
| Cruz | Kauffman | Payton | Thomas |
| Curry | Keller, M. | Peifer | True |
| Cutler | Keller, W. | Perzel | Turzai |
| Daley | Kenney | Petrarca | Vereb |
| Dally | Kessler | Petri | Vitali |
| DeLuca | Killion | Petrone | Vulakovich |
| Denlinger | King | Phillips | Wagner |
| DePasquale | Kirkland | Pickett | Walko |
| Dermody | Kortz | Preston | Wansacz |
| DeWeese | Kotik | Pyle | Waterson |
| DiGirolamo | Kula | Quigley | Watson |
| Donatucci | Leach | Quinn | Wheatley |
| Eachus | Lentz | Ramaley | White |
| Ellis | Levdansky | Rapp | Williams |
| Evans, D. | Longietti | Raymond | Wojnaroski |
| Evans, J. | Mackereth | Readshaw | Yewcic |
| Everett | Maher | Reed | Youngblood |
| Fabrizio | Mahoney | Reichley | Yudichak |
| Fairchild | Major | Roae | |
| Fleck | Manderino | Rock | O'Brien, D., |
| Frankel | Mann | Roebuck | Speaker |

NAYS—1

Perry

NOT VOTING—0

EXCUSED—0

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,
Will the House concur in Senate amendments?

Mr. FAIRCHILD offered the following amendment No. A01775:

Amend Sec. 8.2, page 9, line 26, by striking out "GRANTS SHALL BE PAID BY" and inserting
payments of grants shall commence

On the question,
Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Fairchild on the amendment.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Amendment 01775 simply corrects an unintended oversight in the Senate amendment's language in regard to the payment deadline for the 2006 fire EMS grants. My amendment ensures that all applicants will have sufficient time to apply and receive payment for this 2006 grant. My amendment allows for payments to commence on December 14, 2007, rather than be finalized and paid on this date of December 14, 2007.

This agreed-to amendment is the result of discussions with Chairman Melio and his staff as well as the Senate, the State Fire Commissioner's Office, and the Governor's Office, and I would like to commend both staffs in the House of Representatives for their diligent work in enabling this amendment and this legislation to go forward, and I assure you from the House perspective, your fire companies are going to be very thankful that we acted in this manner today.

Thank you very much, Mr. Speaker.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—203

| | | | |
|-------------|------------|-------------|------------|
| Adolph | Gabig | Markosek | Rohrer |
| Argall | Galloway | Marshall | Ross |
| Baker | Geist | Marsico | Ruble |
| Barrar | George | McCall | Sabatina |
| Bastian | Gerber | McGeehan | Sainato |
| Bear | Gergely | McI. Smith | Samuelson |
| Belfanti | Gibbons | McIlhattan | Santoni |
| Benninghoff | Gillespie | Melio | Saylor |
| Bennington | Gingrich | Mensch | Scavello |
| Beyer | Godshall | Metcalfe | Schroder |
| Biancucci | Goodman | Micozzie | Seip |
| Bishop | Grell | Millard | Shapiro |
| Blackwell | Grucela | Miller | Shimkus |
| Boback | Haluska | Milne | Siptroth |
| Boyd | Hanna | Moul | Smith, K. |
| Brennan | Harhai | Moyer | Smith, M. |
| Brooks | Harhart | Mundy | Smith, S. |
| Buxton | Harkins | Murt | Solobay |
| Caltagirone | Harper | Mustio | Sonney |
| Cappelli | Harris | Myers | Staback |
| Carroll | Helm | Nailor | Stairs |
| Casorio | Hennessey | Nickol | Steil |
| Causer | Hershey | O'Brien, M. | Stern |
| Civera | Hess | O'Neill | Stevenson |
| Clymer | Hickernell | Oliver | Sturla |
| Cohen | Hornaman | Pallone | Surra |
| Conklin | Hutchinson | Parker | Swanger |
| Costa | James | Pashinski | Tangretti |
| Cox | Josephs | Payne | Taylor, J. |
| Creighton | Kauffman | Payton | Taylor, R. |
| Cruz | Keller, M. | Peifer | Thomas |

| | | | |
|------------|------------|----------|--------------|
| Curry | Keller, W. | Perry | True |
| Cutler | Kenney | Perzel | Turzai |
| Daley | Kessler | Petrarca | Vereb |
| Dally | Killion | Petri | Vitali |
| DeLuca | King | Petrone | Vulakovich |
| Denlinger | Kirkland | Phillips | Wagner |
| DePasquale | Kortz | Pickett | Walko |
| Dermody | Kotik | Preston | Wansacz |
| DeWeese | Kula | Pyle | Waters |
| DiGirolamo | Leach | Quigley | Watson |
| Donatucci | Lentz | Quinn | Wheatley |
| Eachus | Levdansky | Ramaley | White |
| Ellis | Longietti | Rapp | Williams |
| Evans, D. | Mackereth | Raymond | Wojnaroski |
| Evans, J. | Maher | Readshaw | Yewcic |
| Everett | Mahoney | Reed | Youngblood |
| Fabrizio | Major | Reichley | Yudichak |
| Fairchild | Manderino | Roae | |
| Fleck | Mann | Rock | O'Brien, D., |
| Frankel | Mantz | Roebuck | Speaker |

NAYS–0

NOT VOTING–0

EXCUSED–0

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House concur in Senate amendments as amended?

The SPEAKER. It is moved by the gentleman, Mr. Lentz, that the House concur in the amendments inserted by the Senate as amended by the House.

On the question recurring,

Will the House concur in Senate amendments as amended?

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

The following roll call was recorded:

YEAS–203

| | | | |
|-------------|-----------|------------|-----------|
| Adolph | Gabig | Markosek | Rohrer |
| Argall | Galloway | Marshall | Ross |
| Baker | Geist | Marsico | Rubley |
| Barrar | George | McCall | Sabatina |
| Bastian | Gerber | McGeehan | Sainato |
| Bear | Gergely | McI. Smith | Samuelson |
| Belfanti | Gibbons | McIlhattan | Santoni |
| Benninghoff | Gillespie | Melio | Saylor |
| Bennington | Gingrich | Mensch | Scavello |
| Beyer | Godshall | Metcalfe | Schroder |
| Biancucci | Goodman | Micozzie | Seip |
| Bishop | Grell | Millard | Shapiro |
| Blackwell | Grucela | Miller | Shimkus |
| Boback | Haluska | Milne | Siptroth |
| Boyd | Hanna | Moul | Smith, K. |
| Brennan | Harhai | Moyer | Smith, M. |
| Brooks | Harhart | Mundy | Smith, S. |
| Buxton | Harkins | Murt | Solobay |
| Caltagirone | Harper | Mustio | Sonney |
| Cappelli | Harris | Myers | Staback |
| Carroll | Helm | Nailor | Stairs |

| | | | |
|------------|------------|-------------|--------------|
| Casorio | Hennessey | Nickol | Steil |
| Causer | Hershey | O'Brien, M. | Stern |
| Civera | Hess | O'Neill | Stevenson |
| Clymer | Hickernell | Oliver | Sturla |
| Cohen | Hornaman | Pallone | Surra |
| Conklin | Hutchinson | Parker | Swanger |
| Costa | James | Pashinski | Tangretti |
| Cox | Josephs | Payne | Taylor, J. |
| Creighton | Kauffman | Payton | Taylor, R. |
| Cruz | Keller, M. | Peifer | Thomas |
| Curry | Keller, W. | Perry | True |
| Cutler | Kenney | Perzel | Turzai |
| Daley | Kessler | Petrarca | Vereb |
| Dally | Killion | Petri | Vitali |
| DeLuca | King | Petrone | Vulakovich |
| Denlinger | Kirkland | Phillips | Wagner |
| DePasquale | Kortz | Pickett | Walko |
| Dermody | Kotik | Preston | Wansacz |
| DeWeese | Kula | Pyle | Watson |
| DiGirolamo | Leach | Quigley | Watson |
| Donatucci | Lentz | Quinn | Wheatley |
| Eachus | Levdansky | Ramaley | White |
| Ellis | Longietti | Rapp | Williams |
| Evans, D. | Mackereth | Raymond | Wojnaroski |
| Evans, J. | Maher | Readshaw | Yewcic |
| Everett | Mahoney | Reed | Youngblood |
| Fabrizio | Major | Reichley | Yudichak |
| Fairchild | Manderino | Roae | |
| Fleck | Mann | Rock | O'Brien, D., |
| Frankel | Mantz | Roebuck | Speaker |
| Freeman | | | |

NAYS–0

NOT VOTING–0

EXCUSED–0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended were concurred in.

Ordered, That the clerk return the same to the Senate for concurrence.

HOUSE SCHEDULE

DEMOCRATIC CAUCUS

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEENE. Thank you, Mr. Speaker. This deals with scheduling again.

Last night's speculation of a 1 o'clock break looks like it is almost accurate. The House will break from 1 o'clock until 4 o'clock. The Democrats will caucus at 2 o'clock. The Appropriations Committee will meet in the majority caucus room at 3:30, and we will return to the floor at 4 o'clock.

Thank you very much, Mr. Speaker.

The SPEAKER. The Appropriations Committee will be meeting at 3:30 in the majority caucus room.

REPUBLICAN CAUCUS

The SPEAKER. Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

The Republicans will also caucus at 2 o'clock; that is all Republicans report to the caucus room at 2 o'clock. Thank you.

The SPEAKER. The Chair thanks the lady.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

In the interest of lunch, the State Government Committee will meet at 3 o'clock, room 60E. Thank you, Mr. Speaker.

The SPEAKER. The State Government Committee will meet in room 60E at 3 o'clock.

Any other announcements?

RECESS

The SPEAKER. The House stands in recess until 4 p.m.

AFTER RECESS

The time of recess having expired, the House was called to order.

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

The SPEAKER pro tempore. The Chair at this time recognizes the majority leader, Mr. DeWeese.

The House will come to order. Members will please take their seats. Members, please take your seats.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority leader, who requests a leave of absence for the gentleman, Mr. HERSHHEY. Without objection, the leave of absence will be so granted.

ANNOUNCEMENT BY MAJORITY LEADER

Mr. DeWEESE. Mr. Speaker?

The SPEAKER pro tempore. The majority leader is so recognized.

Members, please take your seats. Members, please take your seats. The majority leader has an important announcement.

Mr. DeWEESE. After consultation with my honorable counterpart, the minority leader, Mr. Smith, from Jefferson County, and after several brief colloquies with members of my caucus and the Republican Caucus relative to the McCall amendment, a 57-page amendment, which will make potentially, if passed, monumental changes in the way we fund mass transit and transportation in the Commonwealth, I am under the impression that although we are making solid progress, 1 additional hour will be necessary for a handful of

members to make yet one more additional review of the McCall amendment.

We have caucused it very aggressively during the day. We still have a very small handful of our membership who wants a little bit more time. I am under that impression, firm impression, that a few Republicans do, too. So from now till 5:30, we can take a break, come back at 5:30, and then I would anticipate that we would proceed until 11 o'clock tonight on the McCall amendment, on the essential way we are going to fund transportation in Pennsylvania vis-à-vis this budget.

The ideal would be for us to conclude our business at 11 o'clock tonight and come back on Monday recharged and ready to go all the way up until June 30. So we would have – just a momentary sidebar with Chairman Evans – we will have 5 1/2 hours of high-spirited debate on transportation matters in the State. If we are unable to conclude it tonight, we will come in tomorrow and finish the job, but regardless, I think we are moving in the right direction.

I would ask for an additional 1 hour, till 5:30, when the debate will recommence. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RECESS

The SPEAKER pro tempore. This House now stands in recess until 5:30.

AFTER RECESS

The time of recess having expired, the House was called to order.

**THE SPEAKER PRO TEMPORE
(KATIE TRUE) PRESIDING****BILLS REREPORTE FROM COMMITTEE****HB 556, PN 1974**

By Rep. D. EVANS

An Act amending the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law, further providing for rules for licensing and operation.

APPROPRIATIONS.**HB 606, PN 1917**

By Rep. D. EVANS

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for responsible alcohol management.

APPROPRIATIONS.**HB 614, PN 680**

By Rep. D. EVANS

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, establishing the Department of Drug and Alcohol Programs; repealing related provisions of the Pennsylvania Drug and Alcohol Abuse and Control Act; and making editorial changes.

APPROPRIATIONS.**HB 647, PN 1528**

By Rep. D. EVANS

An Act relating to crane operator licensure; establishing the State Board of Crane Operators; conferring powers and imposing duties relative to regulating the practice of crane operation; making an appropriation; and imposing penalties.

APPROPRIATIONS.

HB 1120, PN 1371

By Rep. D. EVANS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining "licensing board" and "professional or occupational license"; and defining the offense of impersonating the holder of a professional or occupational license.

APPROPRIATIONS.

HB 1203, PN 1995

By Rep. D. EVANS

An Act amending the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, further providing for definitions, for alternative energy portfolio standards, for portfolio requirements in other states and for interconnection standards for customer-generator facilities.

APPROPRIATIONS.

HB 1295, PN 1600

By Rep. D. EVANS

An Act amending the act of July 2, 1993 (P.L.359, No.50), known as the Keystone Recreation, Park and Conservation Fund Act, further providing for allocation from the Keystone Recreation, Park and Conservation Fund.

APPROPRIATIONS.

HB 1481, PN 1919

By Rep. D. EVANS

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for wine auction permits.

APPROPRIATIONS.

SB 72, PN 426

By Rep. D. EVANS

An Act amending the act of December 4, 1996 (P.L.893, No.141), known as the Volunteer Health Services Act, further providing for license renewal, continuing education requirements and disciplinary and corrective measures.

APPROPRIATIONS.

SB 86, PN 750

By Rep. D. EVANS

An Act amending the act of May 2, 1947 (P.L.143, No.62), entitled "An act regulating the sale and resale for profit and the carrying on of the business of selling or reselling tickets or other devices for admission to places of amusement; providing for the licensing of persons reselling such tickets for profit; providing for the suspension and revocation of such licenses; imposing duties on licensees and owners or operators of places of amusement; imposing powers and duties on the Department of Revenue, county treasurers, district attorneys, and the receiver of taxes, and city solicitors in cities of the first class; making disposition of moneys collected and providing penalties," further providing for reselling of tickets and for printing prices on tickets.

APPROPRIATIONS.

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 83, PN 107

By Rep. OLIVER

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, requiring the Department of Public Welfare to provide personal care home information on the department's Internet website.

HEALTH AND HUMAN SERVICES.

HB 289, PN 2053 (Amended)

By Rep. JOSEPHS

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for the date of the general primary.

STATE GOVERNMENT.

HB 620, PN 685

By Rep. MELIO

An Act establishing the Municipal Firefighter Education and Training Program.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

HB 1555, PN 1925

By Rep. JOSEPHS

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey, at a price to be determined through a public solicitation for proposals, certain lands, buildings and improvements situate in the City and County of Philadelphia, known as the Philadelphia State Office Building.

STATE GOVERNMENT.

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

SB 180, PN 216

By Rep. MELIO

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for burial details for veterans.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**RESOLUTIONS REPORTED
FROM COMMITTEES**

HR 232, PN 1358

By Rep. MELIO

A Resolution urging colleges and universities in this Commonwealth to implement campus security alert systems in order to warn campus communities of impending danger.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

HR 332, PN 1922

By Rep. JOSEPHS

A Resolution directing the Legislative Budget and Finance Committee to examine the feasibility of limiting polling places to

schools and government buildings that are accessible to persons with disabilities.

STATE GOVERNMENT.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 1286, PN 1983**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 339 By Representatives MARSHALL, J. WHITE, BELFANTI, BEYER, CALTAGIRONE, CAPPELLI, CLYMER, COHEN, EVERETT, GIBBONS, GOODMAN, HENNESSEY, HESS, JAMES, KORTZ, KOTIK, KULA, MILNE, MOUL, MOYER, MURT, RAPP, READSHAW, SAYLOR, SOLOBAY, STERN, TURZAI, VULAKOVICH, WATSON, JOSEPHS and MUSTIO

A Resolution memorializing the United States Department of Defense to reverse its decision and preserve the Charles E. Kelly Support Facility Commissary in Oakdale and the Willow Grove Naval Exchange and to move forward with previously approved plans to build a new commissary at the Willow Grove Naval Air Station and approve construction of a new commissary in western Pennsylvania.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, June 21, 2007.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1221 By Representatives COX, BELFANTI, BLACKWELL, CIVERA, CREIGHTON, DeLUCA, FREEMAN, GEORGE, GIBBONS, GILLESPIE, GOODMAN, HENNESSEY, KIRKLAND, KORTZ, KULA, MAHONEY, MILNE, MURT, MUSTIO, QUINN, REICHLEY, ROEBUCK, ROHRER, RUBLEY, SCHRODER, SIPROTROTH, McILVAINE SMITH, STERN, THOMAS, VULAKOVICH, WALKO, WATSON and YOUNGBLOOD

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for the State plan for regulating and licensing personal care homes.

Referred to Committee on AGING AND OLDER ADULT SERVICES, June 21, 2007.

No. 1584 By Representatives DeLUCA, BELFANTI, FABRIZIO, GRUCELÀ, KORTZ, THOMAS, J. WHITE and YOUNGBLOOD

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for suitability of annuity transactions.

Referred to Committee on INSURANCE, June 21, 2007.

No. 1585 By Representatives DeLUCA, CALTAGIRONE, CASORIO, CURRY, GOODMAN, GRUCELÀ, HARHART, KILLION, KORTZ, KOTIK, MAHONEY, MANN, McGEEHAN, R. MILLER, MURT, NAILOR, M. O'BRIEN, PALLONE, PETRARCA, PETRONE, READSHAW, SOLOBAY, TANGRETTI, WALKO, WANSACZ, WOJNAROSKI, YOUNGBLOOD, FABRIZIO, BOYD, COSTA and HORNAMAN

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, excluding smoke detectors, fire extinguishers and other fire prevention and fire safety equipment from the sales and use tax.

Referred to Committee on FINANCE, June 21, 2007.

No. 1586 By Representatives DeLUCA, BEAR, CREIGHTON, CURRY, GIBBONS, GRUCELÀ, HARKINS, KORTZ, KOTIK, LONGIETTI, MANDERINO, McGEEHAN, McILHATTAN, PALLONE, PETRONE, REICHLEY, SCAVELLO, SOLOBAY, SURRA, WOJNAROSKI, YOUNGBLOOD, FABRIZIO, COSTA, HORNAMAN, STURLA and JAMES

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for stop intersections or junctions and for traffic-control devices.

Referred to Committee on TRANSPORTATION, June 21, 2007.

No. 1587 By Representatives DeLUCA, CALTAGIRONE, CREIGHTON, GEORGE, GRUCELÀ, HENNESSEY, JOSEPHS, KENNEY, KIRKLAND, KORTZ, KOTIK, O'NEILL, PALLONE, PASHINSKI, READSHAW, STABACK, WALKO, WANSACZ, FABRIZIO and HORNAMAN

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for certain disclosure to property or casualty insurance policyholders.

Referred to Committee on INSURANCE, June 21, 2007.

No. 1591 By Representative PYLE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for Pennsylvania Turnpike toll surcharge.

Referred to Committee on TRANSPORTATION, June 21, 2007.

No. 1592 By Representatives BISHOP, COHEN, CREIGHTON, FABRIZIO, HENNESSEY, HERSEY, JAMES, KIRKLAND, MAHONEY, M. O'BRIEN, PARKER, PHILLIPS and SHIMKUS

An Act authorizing employment of certain persons as drug and alcohol counselors based solely on their previous work or life experience; abrogating a regulation; and making inconsistent repeals.

Referred to Committee on PROFESSIONAL LICENSURE, June 21, 2007.

No. 1593 By Representatives BISHOP, CREIGHTON, COHEN, DeWEESE, KIRKLAND, WATERS, RUBLEY, YOUNGBLOOD, WILLIAMS, PARKER, PAYTON, M. O'BRIEN, SABATINA and COSTA

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for nonteaching assistants in persistently dangerous schools.

Referred to Committee on EDUCATION, June 21, 2007.

No. 1594 By Representatives BISHOP, CARROLL, COHEN, GRUCELA, HENNESSEY, HERSHY, JAMES, W. KELLER, KIRKLAND, KORTZ, KOTIK, THOMAS, MAHONEY, McILHATTAN, MOUL, PALLONE, PARKER, SCHRODER, SHIMKUS, STABACK and SURRA

An Act amending the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, providing for involuntary commitment of drug-dependent persons.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 21, 2007.

No. 1595 By Representatives KIRKLAND, M. O'BRIEN, DePASQUALE, SIPTROTH, BLACKWELL, JOSEPHS, PARKER, YOUNGBLOOD, ROEBUCK, LEACH, MANDERINO, CASORIO, PASHINSKI, J. WHITE, DeWEESE, KORTZ, PAYTON and MYERS

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, further providing for unlawful acts.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 21, 2007.

No. 1596 By Representatives EACHUS, BRENNAN, MENSCH, YOUNGBLOOD, FLECK, JAMES, CALTAGIRONE, HERSHY, GEORGE, HARHAI, CAPPELLI, GOODMAN, CLYMER, BEAR, WOJNAROSKI, HENNESSEY, SHIMKUS, PALLONE, STABACK, VULAKOVICH, KOTIK, FRANKEL, SANTONI, LONGIETTI, FABRIZIO, THOMAS, BISHOP, JOSEPHS and MURT

An Act amending the act of July 2, 2004 (P.L.492, No.57), known as the Sign Language Interpreter and Transliterator State Registration Act, further providing for responsibilities of Office for the Deaf and Hard of Hearing and for State registration required; providing for provisional registration; and further providing for registration and violations and for suspension, denial, nonrenewal or revocation of registration.

Referred to Committee on PROFESSIONAL LICENSURE, June 21, 2007.

No. 1597 By Representatives CAPPELLI, ARGALL, BARRAR, BEAR, BELFANTI, BENNINGHOFF, CAUSER, CLYMER, COX, CREIGHTON, CRUZ, CUTLER, DALLY, DeLUCA, DENLINGER, EVERETT, FAIRCHILD, FLECK, GEIST, GILLESPIE, GINGRICH, GODSHALL, GRELL, HALUSKA, HARHAI, HARHART, HARRIS, HERSHY, HESS, HICKERNELL, KAUFFMAN, M. KELLER, KILLION, KIRKLAND, MAHONEY, MAJOR, MANTZ,

MARKOSEK, MARSHALL, McILHATTAN, MILLARD, R. MILLER, MILNE, MOUL, MURT, MUSTIO, NAILOR, O'NEILL, PAYNE, PEIFER, PERRY, PHILLIPS, PICKETT, PYLE, QUIGLEY, READSHAW, REED, REICHLEY, ROAE, ROHRER, SAYLOR, SCAVELLO, SONNEY, STERN, TRUE, TURZAI, VULAKOVICH, GIBBONS, BOYD, MENSCH, STAIRS, HUTCHINSON, RAPP, MARSICO, R. STEVENSON and METCALFE

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for the screening for illegal drug use by certain applicants for assistance.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 21, 2007.

No. 1598 By Representatives SIPTROTH, SCAVELLO, BELFANTI, BIANCUCCI, CREIGHTON, CURRY, CUTLER, DENLINGER, FABRIZIO, FREEMAN, GRUCELA, HENNESSEY, KORTZ, KULA, LONGIETTI, MAHONEY, MENSCH, MURT, PALLONE, PAYNE, SOLOBAY, THOMAS and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for visual signs on authorized vehicles.

Referred to Committee on TRANSPORTATION, June 21, 2007.

No. 1601 By Representative EACHUS

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for small group health benefits.

Referred to Committee on INSURANCE, June 21, 2007.

No. 1602 By Representatives REED, PAYNE, BAKER, BASTIAN, BEAR, BENNINGHOFF, BENNINGTON, BOYD, BROOKS, CALTAGIRONE, CAPPELLI, CAUSER, CLYMER, CREIGHTON, DALLY, DENLINGER, ELLIS, EVERETT, FAIRCHILD, GEIST, GINGRICH, GRELL, HARHART, HARRIS, HENNESSEY, HERSHY, HESS, HUTCHINSON, KAUFFMAN, M. KELLER, KILLION, MANN, MARSHALL, MARSICO, McILHATTAN, METCALFE, MILLARD, MILNE, MOYER, MUSTIO, NAILOR, NICKOL, O'NEILL, PEIFER, PICKETT, PYLE, QUIGLEY, RAPP, REICHLEY, ROAE, ROHRER, ROSS, RUBLEY, SAYLOR, SCAVELLO, SCHRODER, SONNEY, STERN, R. STEVENSON, TURZAI, VULAKOVICH and WATSON

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for apportionment of business income.

Referred to Committee on FINANCE, June 21, 2007.

No. 1603 By Representatives COHEN, SURRA, JAMES, JOSEPHS, BELFANTI, FREEMAN, CALTAGIRONE, GEORGE, BLACKWELL, FABRIZIO, GRUCELA, KIRKLAND, KORTZ, LONGIETTI, McGEEHAN, MYERS, SIPTROTH, STURLA and YOUNGBLOOD

An Act requiring the Commonwealth to enact legislation to bind Pennsylvania to the provisions of certain international trade agreements.

Referred to Committee on LABOR RELATIONS, June 21, 2007.

No. 1604 By Representatives HARTHART, GRUCELIA, O'NEILL, PHILLIPS, ARGALL, BARRAR, BELFANTI, BEYER, BOBACK, CALTAGIRONE, CAPPELLI, CAUSER, CONKLIN, COSTA, CREIGHTON, CUTLER, DALEY, DALLY, DENLINGER, DiGIROLAMO, J. EVANS, EVERETT, FABRIZIO, FAIRCHILD, FLECK, FREEMAN, GEIST, GEORGE, GILLESPIE, GINGRICH, GOODMAN, HARRIS, HERSEY, HESS, HUTCHINSON, JAMES, KENNEY, KILLION, KIRKLAND, KORTZ, KULA, LENTZ, MAHONEY, MAJOR, MANN, MANTZ, McILHATTAN, MENSCH, METCALFE, MICOZZIE, MILLARD, MILNE, MOYER, MUNDY, MURT, MUSTIO, NAILOR, PALLONE, PAYNE, PETRONE, PICKETT, RAMALEY, RAPP, READSHAW, REICHLEY, ROSS, RUBLEY, SAINATO, SANTONI, SAYLOR, SCAVELLO, SHIMKUS, SONNEY, STERN, R. STEVENSON, SWANGER, TANGRETTI, THOMAS, TRUE, TURZAI, VEREB, VULAKOVICH, WALKO, WANSACZ and J. WHITE

An Act designating a portion of State Route 145 in Northampton County as the Battle of the Bulge Veterans Memorial Highway.

Referred to Committee on TRANSPORTATION, June 21, 2007.

No. 1605 By Representatives DeLUCA, COHEN, GIBBONS, BELFANTI, COSTA, CURRY, GEORGE, HARKINS, KORTZ, KOTIK, MAHONEY, MILLARD, MYERS, M. O'BRIEN, PALLONE, SHIMKUS, TANGRETTI, YOUNGBLOOD and JAMES

An Act requiring expiration dates to be printed on the packaging of edible food products.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 21, 2007.

No. 1606 By Representatives JAMES, VITALI, THOMAS, CREIGHTON, CURRY, JOSEPHS, KIRKLAND, LEACH, R. MILLER, MYERS, OLIVER, PARKER, WATERS, WILLIAMS and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, deleting mandatory minimum penalties relating to contraband and drug trafficking.

Referred to Committee on JUDICIARY, June 21, 2007.

No. 1607 By Representatives CLYMER, ARGALL, BAKER, BELFANTI, BEYER, BOBACK, BOYD, CREIGHTON, DONATUCCI, FABRIZIO, FLECK, FREEMAN, GEIST, GILLESPIE, GINGRICH, HERSEY, HESS, M. KELLER, KILLION, KIRKLAND, KORTZ, MAJOR, MANN, MARSHALL, MENSCH, MOUL, MOYER, MURT, MYERS, NAILOR, O'NEILL, PALLONE, PAYNE, PHILLIPS, PICKETT, RAPP, READSHAW, ROHRER, RUBLEY, SAYLOR, STEIL, STERN, TANGRETTI, THOMAS, TRUE,

VULAKOVICH, WALKO, WATSON, J. WHITE and YOUNGBLOOD

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedures) of the Pennsylvania Consolidated Statutes, further providing for arson and related offenses; and providing for sentences for arson of a historic resource.

Referred to Committee on JUDICIARY, June 21, 2007.

No. 1608 By Representatives CALTAGIRONE, BENNINGHOFF, CAPPELLI, COSTA, CREIGHTON, DENLINGER, J. EVANS, GEIST, GIBBONS, GODSHALL, GOODMAN, GRELL, HALUSKA, HARRIS, HENNESSEY, KIRKLAND, KORTZ, KULA, LEACH, MENSCH, R. MILLER, MUNDY, PALLONE, READSHAW, REICHLEY, ROSS, SANTONI, SCAVELLO, SOLOBAY, STURLA, THOMAS, WALKO and WANSACZ

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, defining "official notice"; requiring the Department of State to establish a certain Internet website; further providing for the definition of "officially publish," for advertisements by domestic business corporations, by foreign business corporations, domestic nonprofit corporations, foreign nonprofit corporations and domestic cooperative corporation ancillaries and for fictitious name registration; and making an editorial change.

Referred to Committee on JUDICIARY, June 21, 2007.

No. 1609 By Representatives CALTAGIRONE, BENNINGHOFF, CAPPELLI, COSTA, CREIGHTON, DENLINGER, J. EVANS, GEIST, GIBBONS, GODSHALL, GOODMAN, GRELL, HALUSKA, HARRIS, HENNESSEY, KIRKLAND, KORTZ, KULA, LEACH, MENSCH, R. MILLER, MUNDY, PALLONE, READSHAW, REICHLEY, ROSS, SANTONI, SCAVELLO, SOLOBAY, STURLA, THOMAS, WALKO and WANSACZ

An Act amending Title 45 (Legal Notices) of the Pennsylvania Consolidated Statutes, providing for electronic publication of legal notices.

Referred to Committee on JUDICIARY, June 21, 2007.

No. 1610 By Representatives DERMODY, FRANKEL, LEVDANSKY, WALKO, RAMALEY, PETRONE, KOTIK, MARKOSEK, GERGELY, READSHAW and KORTZ

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, further defining "contribution rate"; and further providing for county plan and expenditures.

Referred to Committee on CONSUMER AFFAIRS, June 21, 2007.

No. 1611 By Representative McCALL

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for the use of annual accountability grants for academic enrichment services for students participating in after school programs.

Referred to Committee on EDUCATION, June 21, 2007.

No. 1612 By Representatives SOLOBAY, COHEN, CARROLL, GOODMAN, GRELL, HENNESSEY, JOSEPHS, KIRKLAND, KORTZ, LEACH, MAHONEY, MANDERINO, PALLONE, PAYNE, PETRONE, STABACK, YOUNGBLOOD and BOYD

An Act providing for testing standards for cigarette fire safety, for certification of compliance by manufacturers, for package markings and for enforcement and penalties; establishing special funds; and providing for sale of existing inventory, for manufacturers' sale to other states or foreign countries and for regulations and preemptions.

Referred to Committee on CONSUMER AFFAIRS, June 21, 2007.

No. 1613 By Representatives CREIGHTON, CAPPELLI, CASORIO, DeLUCA, FABRIZIO, GEIST, HENNESSEY, KIRKLAND, KORTZ, MAHONEY, McILHATTAN, R. MILLER, MOUL, PALLONE, RAPP, SCAVELLO, SCHRODER, SOLOBAY, SWANGER, THOMAS and VULAKOVICH

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of inmate tattooing; and prescribing a penalty.

Referred to Committee on JUDICIARY, June 21, 2007.

GUESTS INTRODUCED

The SPEAKER pro tempore. Please welcome Megan Blessing and Kristine Dolan. Megan and Kristine are legislative aides in Representative Mario Scavello's district office. Will the guests please rise.

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

SUPPLEMENTAL CALENDAR A

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1590, PN 1971**, entitled:

An Act amending Titles 53 (Municipalities Generally), 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for public transportation assistance and taxation and for income based on use of Commonwealth highways.

On the question,
Will the House agree to the bill on second consideration?

Mr. McCALL offered the following amendment No. **A01793**:

Amend Title, page 1, line 5, by removing the period after "highways" and inserting ; authorizing local taxation for public transportation assistance; repealing provisions relating to public transportation assistance; providing for transportation issues and for sustainable mobility options; further providing, in metropolitan transportation authorities, for board members and for operation; consolidating the Turnpike Organization,

Extension and Toll Road Conversion Act and further providing for the Pennsylvania Turnpike Commission; in provisions on the Pennsylvania Turnpike, further providing for definitions, for authorizations and for conversion to toll roads and providing for conversion of Interstate 80, for application and for lease of Interstate 80; in taxes for highway maintenance and construction, providing for definitions; further providing for imposition and for allocation of proceeds; providing for special revenue bonds, for expenses, for application of proceeds of obligations, for trust indenture, for exemption, for pledged revenues, for special revenue refunding bonds, for remedies, for Motor License Fund proceeds, for construction and for funding; and making related repeals.

Amend Sec. 1 (Chapter Analysis), page 1, by inserting between lines 13 and 14

8602. Local financial support.

Amend Sec. 1, page 1, by inserting after line 19

§ 8602. Local financial support.

(a) Imposition.—Notwithstanding any other provision of law, a municipality may obtain financial support for transit systems by imposing one or more of the taxes or surcharges under subsection (b). Money obtained from the imposition shall be deposited into the Public Transportation Trust Fund.

(b) Taxes and surcharges.—A municipality may, by ordinance, impose one or more of the following taxes or surcharges:

(1) Sales and use tax.

(i) A sales tax on each separate sale at retail of tangible personal property or services within this Commonwealth of up to 0.05% of the purchase price. The terms "purchase price," "sale at retail" and "tangible personal property" shall have the meanings given to them under section 201 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(ii) A use tax on each use within this Commonwealth of tangible personal property purchased at retail and on those services purchased at retail of up to 0.05% of the purchase price. The ordinance shall provide that the tax shall not be paid if the person has paid the tax imposed under subparagraph (i) or has paid the tax imposed under this subparagraph to the vendor with respect to the use. The terms "purchase price," "tangible personal property" and "vendor" shall have the meanings given to them under section 201 of the Tax Reform Code of 1971.

(2) A tax on earned income, as defined under section 13 of the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, of up to 0.05%.

(3) A tax on the transfer of real estate, as defined under section 1101-C of the Tax Reform Code of 1971, of up to 0.05% of the value of the real estate being transferred.

(4) A tax on liquor and malt or brewed beverages, as defined under section 102 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, of up to 10%.

(5) A surcharge on parking spaces and parking tickets. The surcharge may not be imposed on park and rides.

(6) A tax on the rental of a vehicle.

Amend Sec. 1.1, page 2, line 1, by striking out "1.1" and inserting

1.2

Amend Sec. 2, page 68, line 26, by striking out "a chapter" and inserting

chapters

Amend Sec. 2 (Chapter Heading), page 68, line 28, by striking out all of said line and inserting

TRANSPORTATION ISSUES

Amend Bill, page 69, by inserting between lines 9 and 10

Section 2.1. Title 74 is amended by adding a chapter to read:

CHAPTER 15
SUSTAINABLE MOBILITY OPTIONS

Sec.

- 1501. Scope of chapter.
- 1502. (Reserved).
- 1503. Definitions.
- 1504. Program authorization.
- 1505. Regulations.
- 1506. Fund.
- 1507. Application and approval process.
- 1508. Federal funding.
- 1509. Limitation on decisions, findings and regulations of department.
- 1510. Program oversight and administration.
- 1511. Report to Governor and General Assembly.
- 1512. Coordination.
- 1513. Operating programs.
- 1514. Asset improvement program.
- 1515. New initiatives program.
- 1516. Programs of Statewide significance.
- 1517. Program oversight and administration.
- 1518. Retroactive authority.
- 1519. Supplemental revenues to Public Transportation Trust Fund.

§ 1501. Scope of chapter.

This chapter relates to sustainable mobility options.

§ 1502. (Reserved).

§ 1503. Definitions.

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

"Access to jobs project." A project relating to the development and maintenance of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment as defined under 49 U.S.C. § 5316 (relating to job access and reverse commute formula grants).

"Americans with Disabilities Act." The Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

"Asset maintenance costs." All vehicle maintenance expenses, nonvehicle maintenance and materials expenses and the cost of supplies used in the operation of local transportation organizations and transportation companies.

"Award recipient." A recipient of financial assistance under this chapter.

"Capital expenditures." All costs of capital projects, including, but not limited to, the costs of acquisition, construction, installation, start-up of operations, improvements and all work and materials incident thereto.

"Capital project."

(1) A system of public passenger transportation, including rail transportation facilities used for public passenger transportation, which facilities may include the following:

(i) railway, street railway, subway, elevated and monorail passenger or passenger and rail rolling stock, including self-propelled and gallery cars, locomotives, passenger buses and wires, poles and equipment for the electrification of any of such rails, tracks and roadbeds, guideways, elevated structures, buildings, stations, terminals, docks, shelters and parking areas for use in connection with the rail transportation systems, interconnecting lines and tunnels to provide passenger or passenger and rail service connections between transportation systems, transportation routes, corridors and rights-of-way therefor, but not for public highways;

(ii) signal and communication systems necessary or desirable for the construction, operation or improvement of a public passenger system; or

(iii) any improvement or overhaul of any vehicle equipment or furnishings of any of the items specified

under subparagraphs (i) and (ii) or any part or fractional and undivided co-ownership or leasehold interest in any one or combination of any of the items specified under subparagraphs (i) and (ii) that may be designated as a capital project by the Secretary of Transportation award recipient.

(2) The term shall include the acquisition of land necessary for the construction of a new project and debt service and the cost of issuance of bond notes and other evidences of indebtedness which a local transportation organization or transportation company is permitted to issue under any law of this Commonwealth.

"Commonwealth capital bonds." Evidence of debt incurred by the Commonwealth under the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act.

"Community transportation service" or "shared ride service." Door-to-door demand transportation that is available to the general public on a nonexclusive basis, operates on a nonfixed route basis and charges a fare to all riders. The term does not include exclusive ride taxi service, charter and sightseeing service, nonpublic transportation, school bus and limousine service.

"Community transportation system." An entity that provides community transportation service and contracts with the Department of Transportation award recipient to receive revenue replacement funds.

"Department." The Department of Transportation of the Commonwealth.

"Financial assistance." Grants or other types of financial support provided by the Department of Transportation award recipient under this chapter.

"Fixed guideway system." A fixed-route public transportation service that uses and occupies a separate right-of-way or rail line for the exclusive use of public transportation and other high occupancy vehicles or uses a fixed catenary system and a right-of-way usable by other forms of transportation. The term includes paired rail, light rail, commuter rail, automated guideway transit, people movers, ferry boat service and fixed guideway facilities for buses such as bus rapid transit and high occupancy vehicles.

"Fixed-route public transportation service." Regularly scheduled general public transportation that is provided according to published schedules along designated routes, but that allows for route deviation within the published schedule, with specified stopping points for the taking on and discharging of passengers, including public bus and commuter rail systems and other department-approved service. The term does not include exclusive ride taxi service, charter or sightseeing service, nonpublic transportation, school bus and limousine service.

"Fund." The Public Transportation Trust Fund established under section 1506 (relating to Public Transportation Trust Fund).

"Inflation index." An index established by the Department of Transportation award recipient by regulation that is inflation sensitive.

"Intercity bus service." Passenger bus service of 35 miles or more in length that is provided with an over the road bus and operated between two noncontiguous urbanized areas, between an urbanized area located in one county and rural communities located in another county or between rural communities located in different counties and contains all of the following elements:

(1) Service that is operated for a fare on a regularly scheduled fixed-route basis.

(2) Service that is offered to and utilized by the general public without preconditions of advance reservation or membership in a particular organization.

"Intercity passenger rail service." Passenger railroad service that connects two or more urbanized areas and is determined by the Department of Transportation to qualify as intercity service rather than commuter rail service.

"Jobs access/reverse commute project." A project funded by the Federal Transit Administration under Federal law.

"Local transportation organization." Any of the following:

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

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

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

"Materials and supplies." Those categories of expenses as specified in Uniform System of Accounts expense object class 504, National Transit Database operating expenses form F 30, National Transit Database, Final Rule, Federal Transit Administration, dated January 15, 1993, or any successor.

"Municipality." A city, borough, incorporated town or township.

"New fixed guideway system." A newly-constructed fixed guideway system in a corridor or alignment where no such system previously existed.

"New freedom program." A public transportation program designed to provide funds to recipients for new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) that assist individuals with disabilities with transportation, including transportation to and from jobs and employment support services administered under the provisions of 49 U.S.C. § 5317 (relating to new freedom program.)

"New start." The term shall have the same meaning given it in 49 CFR § 611.5 (relating to definitions).

"Nonurbanized area." An area within this Commonwealth that does not fall within an area classified as "urbanized" by the United States Bureau of the Census of the United States Department of Commerce in the most recent Census of Population.

"Nonvehicle maintenance expenses." The categories of costs associated with the inspection, maintenance and repair of assets, other than vehicles, as specified in Uniform System of Accounts, expense function 042, National Transit Database operating expenses form F 30, National Transit Database, Final Rule, Federal Transit Administration, dated January 15, 1993, or any successor.

"Operating expenses." Total expenses required to continue service to the public and to permit needed improvements in service which are not self-supporting and otherwise for any purpose in furtherance of public passenger transportation, including all State asset maintenance costs. The term does not include expenditures for capital projects unless specific approval is provided by the Department of Transportation award recipient.

"Operating revenue." The total revenue earned by a local transportation organization or a transportation company through its transit operations. The term includes all of the following:

(1) Passenger fares.

(2) Reimbursements provided in lieu of fares for senior passengers.

(3) Charter, school bus and advertising revenue.

(4) Other miscellaneous revenue such as public and private route guarantee funds.

"Paratransit service." Transit service operating on a nonfixed-route basis in order to provide complementary transportation service to persons who are functionally unable to use fixed-route transportation, as required by the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

"Passengers." The total of all originating passengers plus transfer passengers carried on fixed-route service and paratransit service.

"Public passenger transportation." Transportation within an area that includes a municipality or other built-up place that is appropriate in the judgment of the Department of Transportation award recipient for a common carrier transportation system to serve commuters or

others in the locality, taking into consideration the local patterns and trends of growth by bus or rail or other conveyance, either publicly or privately owned, serving the general public. The term does not include school buses, charter or sightseeing services.

"Revenue replacement funds." Payments made to local transportation organizations and transportation companies to offset or partially offset discounted fares.

"Revenue vehicle hours." The total amount of time calculated in hours during which vehicles are in service and available for public use in fixed-route service or paratransit service. The term does not include revenue hours provided for fixed route service deadhead hours.

"Revenue vehicle miles." The total amount of distance calculated in miles during which vehicles are in service and available for public use in fixed-route service or paratransit service. The term does not include revenue vehicle miles provided for fixed-route service deadhead miles.

"Reverse commute project." A public transportation project designed to transport residents of urbanized and nonurbanized areas to suburban employment opportunities as defined under 49 U.S.C. § 5316 (relating to job access and reverse commute formula grants).

"Secretary." The Secretary of Transportation of the Commonwealth.

"Senior citizen." A person who is at least 65 years of age.

"Senior passenger." A senior citizen who rides on fixed route service.

"Tax Reform Code." The act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

"Transportation company." A person that renders public passenger transportation service.

"Urbanized area." A portion of this Commonwealth classified as urbanized by the United States Bureau of the Census of the United States Department of Commerce in the most recent Census of Population.

"Vehicle maintenance expenses." The categories of costs associated with the inspection, maintenance and repair of vehicles as specified in Uniform System of Accounts, expense function 041, National Transit Database operating expenses form F 30, National Transit Database, Final Rule, Federal Transit Administration, dated January 15, 1993, or any successor.

"Welfare to work." Any Federal or State program designed to move individuals from dependency on public welfare programs to self-sufficiency through paid work. Programs may include those that provide support for transportation to work and those that provide funds to local transportation organizations to provide services.

§ 1504. Program authorization.

(a) General.—The department may, within the limitations provided in this chapter, incur costs directly or otherwise provide financial assistance for the purposes and activities enumerated in this chapter.

(b) Supplementation of Federal and local funds.—The authority conferred on the department by this section includes, but is not limited to, providing financial assistance for public passenger transportation purposes and to supplement Federal funding, local funding, or both.

§ 1505. Regulations.

(a) General rule.—To effectuate and enforce the provisions of this chapter, the department shall promulgate necessary rules and regulations and prescribe conditions and procedures in order to assure compliance in carrying out the purposes for which grants may be made under this chapter.

(b) Temporary regulations.—During the two-year period following the effective date of this section, the department shall promulgate temporary regulations, which regulations shall be exempt from the following:

(1) The act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(2) Section 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(3) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

Temporary regulations promulgated by the department under this subsection shall expire four years following the effective date of this section.

§ 1506. Fund.

(a) Establishment and deposits.—A special fund is established within the State Treasury to be known as the Public Transportation Trust Fund. The following shall be deposited into the fund annually:

(1) "Scheduled annual commission contribution" as defined in 75 Pa.C.S. § 8901 (relating to definitions).

(2) The amounts made available to the department as an executive authorization and an appropriation for the 2007-2008 fiscal year and each fiscal year thereafter from the State Lottery Fund for the Free Transit Program for Senior Citizens established under the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law. These revenues shall be used to provide free public transportation service to senior citizens when passage is on fixed-route public transportation services, as authorized by Chapter 9 of the State Lottery Law and the free service shall be available to senior citizens at any time during the service provider's regular hours of service. With regard to passage on commuter rail service provided to senior citizens, the fare shall continue to be limited to \$1 per trip as provided under Chapter 9 of the State Lottery Law, but the limitation shall be extended to all hours of commuter rail service.

(3) Commencing July 1, 2007, 1.22% of the money collected from the tax imposed under Article II of the Tax Reform Code, up to a maximum of \$75,000,000.

(4) Commencing July 1, 2007, revenues deposited into the Public Transportation Assistance Fund established under Article XXIII of the Tax Reform Code to be used in accordance with subsection (b).

(5) Commencing July 1, 2007, 3.54% of the money collected from the tax imposed under Article III of the Tax Reform Code. Within 30 days of the close of a calendar month, 3.6% of the taxes received under Article II of the Tax Reform Code in the prior calendar month shall be transferred to the fund.

(6) Any other appropriations to the fund.

(b) Use of revenues.—

(1) Money in the fund shall be used by the department to provide financial assistance to local transportation organizations, transportation companies and agencies and instrumentalities of the Commonwealth under this chapter, for costs incurred directly by the department in the administration of public passenger transportation programs, including under this chapter, and for all other purposes enumerated in this chapter.

(2) Money in the fund is appropriated on a continuing basis, upon approval of the Governor, to the department to be used as provided in this chapter. Money in the fund shall not lapse.

(c) Programs.—The fund is authorized to provide the following:

(1) Financial assistance related to operating expenses to be known as the "operating program." An amount not less than \$810,000,000 of the fund shall be allocated to this program in the first fiscal year following the effective date of this section. Money in the fund allocated to the operating program shall not be increased by more than the inflation index in any year.

(2) Financial assistance for improvements to capital assets, replacement of capital assets and expansion of capital assets to be known as the "asset improvement program." An amount equal to the remaining money in the fund, less the allocations under paragraphs (1), (3) and (4) shall be allocated to this program in the first fiscal year following the effective date of this section. Money in the fund for this program may include proceeds of Commonwealth capital bonds.

(3) Financial assistance to fund the local matching requirements on federally approved capital new start projects

funded by the United States Department of Transportation pursuant to 49 U.S.C. § 5309 (relating to capital investment grants and loans), to be known as the "new initiatives program." An amount not greater than \$50,000,000 of the fund shall be allocated to this program in the first fiscal year following the effective date of this section.

(4) Financial assistance related to programs of Statewide significance as described in section 1516 (relating to programs of Statewide significance) to be known as the "programs of Statewide significance program." An amount not less than \$52,000,000 of the fund shall be allocated to this program in the first fiscal year following the effective date of this section.

§ 1507. Application and approval process.

(a) Application.—An eligible applicant that wishes to receive financial assistance under this chapter shall submit a written application to the department, on a form developed by the department, which shall include the following:

(1) The name and address of the applicant.

(2) The name and telephone number of a contact person for the applicant.

(3) The amount and type of financial assistance requested and the proposed use of the funds.

(4) A statement as to the particular need for the financial assistance.

(5) A certified copy of a current resolution authorizing submission of the application if the applicant is a governing body.

(6) Evidence satisfactory to the department of the commitment for matching funds required under this chapter sufficient to match the projected financial assistance payments at the same times that the financial assistance payments are to be provided.

(7) Any other information the department deems necessary or desirable.

(b) Approval and award.—Upon determining that an applicant has complied with this chapter, applicable rules and regulations and any other requirement with respect to the financial assistance requested, the department may award financial assistance to the applicant, in which case the department and the applicant shall enter into a financial assistance agreement setting forth the terms and conditions upon which the financial assistance shall be used and the timing of payment of the funds.

(c) Restriction on use of funds.—Financial assistance under this chapter shall be used only for activities authorized originally unless the department grants a waiver to the grantee for a different use of the funds. The department's regulations shall describe circumstances under which it will consider the waivers and information to be included in a request for a waiver. The maximum duration of a waiver shall be one year, and a request for a waiver shall include a plan of corrective action to demonstrate that the award recipient does not have an ongoing need to use financial assistance funds for activities other than those for which funds were originally awarded.

§ 1508. Federal funding.

(a) General rule.—The department shall administer the program in this chapter with such flexibility as to permit full cooperation between Federal, State and local governments, agencies and instrumentalities, local transportation organizations and private interests, so as to result in as effective and economical a program as possible.

(b) Agreements.—The department may enter into agreements for mutual cooperation between or among the department and a Federal agency, local transportation organization or transportation company concerning a project to be funded with financial assistance under this chapter, including joint applications for Federal grants.

(c) General authority of department.—The department may do anything necessary or desirable to secure financial aid or cooperation of a Federal agency in a project funded with financial assistance under this chapter and to comply with a Federal statute or lawful requirement

of a Federal agency authorized to administer a program of Federal aid to transportation. The department may enter into a protective agreement with organized labor to the extent required under 49 U.S.C. § 5333 (relating to labor standards) in order to obtain Federal grant money for transportation assistance. Protective agreements shall be narrowly drawn and strictly construed to provide no more than the minimum protections required by the United States Department of Labor for the agreements.

(d) Direct recipients.—Local transportation organizations that are direct recipients of Federal funding shall be under no obligation to enter into contracts with the department for expenditure of those funds, except that the department may require a contract for expenditure of the State portion of the project assisted by those Federal funds.

§ 1509. Limitation on decisions, findings and regulations of department.

All decisions, findings and regulations made by the department pursuant to this chapter shall be for the purposes of this chapter only and shall not constitute evidence before a regulatory body of this Commonwealth or any other jurisdiction.

§ 1510. Program oversight and administration.

(a) Review and oversight.—The department shall initiate and maintain a program of financial and performance review and oversight for all public transportation programs receiving financial assistance under this chapter. The department may perform independent financial audits of each award recipient. Audits shall be conducted in accordance with generally accepted auditing standards and shall ensure compliance by award recipients with this chapter, department regulations and policies and financial assistance agreements.

(b) State Rail Transit Safety Inspection Program.—The department may conduct a State Rail Transit Safety Inspection Program, as may be defined from time to time by the Federal Transit Administration, to meet oversight requirements of the Federal Transit Administration. The public transportation modes covered shall include heavy rail, light rail, trackless trolley bus and inclined plane services and related facilities.

§ 1511. Report to Governor and General Assembly.

The department shall file a public passenger transportation performance report with the Governor and the General Assembly by April 30 of each year, covering the prior fiscal year.

§ 1512. Coordination.

Coordination is required in regions where two or more award recipients have services or activities for which financial assistance is being provided under this chapter to assure that the services or activities are provided efficiently and effectively.

§ 1513. Operating programs.

(a) Eligible applicants.—The governing body of a municipality, county or instrumentality of either, a Commonwealth agency or instrumentality or a local transportation organization may apply for financial assistance under the operating program.

(b) Applications.—In addition to information required under section 1507 (relating to application and approval process), an application for financial assistance under this section shall include the applicant's reasonable estimates of operating revenue and government subsidies sufficient to cover all projected operating expenses.

(c) Distribution formula.—The following distribution formula shall be applied by the department with respect to the award of an operating grant:

(1) Twenty-five percent of the grant amount shall be based on passengers;

(2) Ten percent of the grant amount shall be based on senior passengers to offset free fares for senior passengers;

(3) Thirty-five percent of the grant amount shall be based on revenue vehicle hours;

(4) Thirty percent of the grant amount shall be based on revenue vehicle miles.

(d) Local match requirements.—

(1) Financial assistance provided under this section shall be matched by local or private cash funding in an amount equal to the lesser of:

(i) 20% of the amount of the financial assistance being provided; or

(ii) not less than the amount of match collected for nonbond funding for fiscal year 2006-2007 plus 33 1/3% of any financial assistance received in excess of the nonbond funding for fiscal year 2006-2007.

(2) For financial assistance to a local transportation organization, eligible local matching funds shall consist only of cash contributions provided by one or more municipalities or counties that are members of the local transportation organization. The amount of the match and the time period during which the match must continue to be available shall be specified in the financial assistance agreement. Funding provided by local and private entities, including advertising or naming rights, may be eligible for the match to the extent they provide for the cost of transit service that is open to the public. The following shall not be eligible for a local match:

(i) Any form of transit operating revenue or other forms of transit income provided by the local transportation organization.

(ii) Funds used to replace fares.

(3) A county or municipality in a metropolitan area which is a member of a local transportation organization is authorized to provide annual financial assistance from current revenues to the local transportation organization of which it is a member or enter into a long-term agreement for payment of money to assist in defraying the costs of operation, maintenance and debt service of the local transportation organization or of a particular public transportation project of a local transportation organization. The obligation of a municipality or county under an agreement pursuant to this paragraph shall not be considered to be a part of the indebtedness of the county or municipality, nor shall the obligation be deemed to impair the status of any indebtedness of the county or municipality which would otherwise be considered self sustaining.

(4) For the first fiscal year in which this section takes effect, the department may waive matching requirements in excess of 5% of the amount collected for fiscal year 2006-2007.

(5) If a transportation system operates in multiple jurisdictions and each of those jurisdictions provides funds to match State operating subsidies, the local match provided by each jurisdiction shall be calculated by multiplying the total match required for State funding by the total of route miles provided in that jurisdiction as a percentage of the total route miles operated in all jurisdictions. Where appropriate, a transportation system may calculate the local match by mode or division, or both.

(e) Performance reviews.—

(1) The department may conduct performance reviews of an award recipient that receives financial assistance under this section to determine the efficiency and effectiveness of the financial assistance. Reviews shall be conducted at regular intervals as established by the department in consultation with the management of the award recipient. After completion of a review, the department shall issue a report that:

(i) highlights exceptional performance and identifies any problems that need to be resolved;

(ii) assesses performance, efficiency and effectiveness of the use of the funds;

(iii) makes recommendations on what follow-up actions are required to remedy each problem; and

(iv) provides an action plan documenting who should perform the recommended actions and a time frame within which they should be performed.

(2) The department shall deliver the report to the Governor, to the Transportation Committee of the Senate and to the Transportation Committee of the House of Representatives. The department's regulations shall contain a description of the impact on both the amount of, and future eligibility for, receipt of financial assistance under this chapter based upon the degree to which the local transportation organization complies with the recommendations in the report. The department shall develop a list of best practices revealed by the reports issued under this subsection and shall post them on the department's Internet website.

(f) Performance criteria.—Criteria used for the reviews conducted under subsection (e) shall consist of passengers per revenue vehicle hour, operating costs per revenue vehicle hour, operating revenue per revenue vehicle hour, operating costs per passenger and other items as the department may establish. The department's regulations shall set forth the minimum system performance criteria that an award recipient must satisfy.

(g) Failure to satisfy minimum performance criteria.—If a performance review conducted under subsection (e) reveals that the performance of an award recipient's transportation system has decreased compared to performance determined through a prior review, the department may, upon the written request of an award recipient, waive any requirement for a reduction in the amount of financial assistance to be awarded under this section for a reasonable time period to allow the award recipient to bring the system back to the required performance level. The award recipient shall provide written justification for providing a time period longer than two years. In order to obtain the waiver for the period requested, the award recipient must do all of the following:

(1) Develop an action plan to improve system performance that contains key measurable milestones. The action plan must be acceptable to the department and must be approved by the department in writing.

(2) Submit quarterly progress reports on the action plan to the department. The department shall review and evaluate the system's progress to determine if the system has improved. If the system has improved, funding will be determined by the formula under subsection (c), and the system will be eligible for full formula funding. If the system has not improved at the end of the time period established for improvement, the waiver will be withdrawn. Expenses incurred by the award recipient as a result of the failure of the award recipient's system to meet the minimum performance criteria shall be borne by the award recipient.

(h) Adjustments to minimum performance criteria.—Upon written request of a recipient of financial assistance under this section, the department may approve adjustments to the minimum performance criteria described in subsection (g) in a given year if situations arise that affect performance of the award recipient's system and are out of the award recipient's control. Examples are labor strikes, infrastructure failures and natural disasters. The request must include the award recipient's justification for the adjustment.

(i) Periodic review of formula.—The department, in consultation with the award recipient, shall review the distribution formula established under subsection (c) at least once every three years and, prior to the start of the next succeeding fiscal year, shall recommend adjustments it deems appropriate. If an adjustment results in a change of five percentage points or less in any category, the department shall forward a notice of the change to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin, and the change shall take effect at the commencement of the next fiscal year. If an adjustment results in a change in excess of five percentage points in any category, the change shall be incorporated into the department's regulations by amendment and shall take effect at the commencement of the next fiscal year following promulgation of the amendment.

(j) Needs-based adjustment.—In order to allow an award recipient that was receiving financial assistance under former Chapter 13

(relating to public transportation assistance) prior to the effective date of this section to transition into the funding formula established under subsection (c), the department shall provide the award recipient, as part of the award under this section, with a needs-based adjustment. The needs-based adjustment shall be calculated by increasing the amount that the award recipient received under Chapter 13 for operating expenses and asset maintenance costs in the 2005-2006 fiscal year and increasing the resulting amount by an adjustment factor to assure a funding level consistent with the operating funding needs as identified by the department. Funds remaining after the needs-based adjustment is applied shall be set aside in an operating reserve account to be used at the department's discretion for short-term public passenger transportation needs. The department's regulations shall establish the manner in which the funds in the reserve account may be used.

(k) Growth caps.—Each fiscal year after the fiscal year in which the department provides a needs-based adjustment under subsection (j), the department shall determine the maximum percentage increase that an award recipient shall be eligible to receive for operating expenses in addition to an increase tied to the inflation index amount. The maximum percentage increase shall be capped at the inflation index rate if the passengers of the award recipient's transportation system per revenue hour, or revenue per revenue vehicle hour performance, falls below peer system average or if the operating cost per revenue hour or operating cost per passenger exceeds the peer system average. Notwithstanding the provisions of this subsection, money available for financial assistance under this section shall at all times be capped by the amount of money in the fund allocated for the operating program.

(l) Operating reserve.—The department may establish a limitation on the amount of financial assistance awarded under this section that may be carried over for use in subsequent fiscal years.

§ 1514. Asset improvement program.

(a) Eligible applicants.—A local transportation organization, an agency or instrumentality of the Commonwealth, an entity responsible for coordinating community transportation program services, or any other person the department deems to be eligible may apply to the department for financial assistance under the asset improvement program. The department shall develop and maintain four-year and twelve-year plans that summarize the capital projects and financial assistance for capital projects based upon cash flow and revenue projections for the fund.

(b) Applications.—In addition to information required under section 1507 (relating to application and approval process), an application for financial assistance under this section shall include the following:

(1) Evidence satisfactory to the department that the proposed capital project is included in the first year of the applicant's four-year capital program and its federally approved Transportation Improvement Program.

(2) If an applicant is requesting financial assistance for replacement of capital assets, evidence satisfactory to the department that the capital assets to be replaced have exceeded the useful life criteria as defined by the department. At its discretion, the department may approve funding to replace capital assets that do not exceed the useful life criteria if the applicant provides documentation acceptable to the department to justify the early replacement of the capital assets.

(3) If the applicant is requesting financial assistance for expansion of capital assets, evidence satisfactory to the department that the applicant will have sufficient future annual operating funds to support the proposed expansion of the assets.

(4) Any other information required by the department, including a return on investment analysis or a life cycle cost analysis, or both.

(c) Local match requirements.—Financial assistance under this section shall be matched by local or private cash funding in an amount not less than 22% of the amount of the grant. The source of funds for the local match shall be subject to the requirements of section 1513(d)

(relating to operating programs). Each capital project shall be based on the plan approved by the department.

(d) Conditions for receipt of bond funding.—An applicant may receive proceeds of Commonwealth capital bonds from the fund for financial assistance under this section if all of the following conditions are met:

(1) The applicant's project has been authorized by a capital budget itemization act.

(2) The applicant's project shall have been included in the department's approved annual release request approving the use of the funds for the proposed capital project in the fiscal year in which the funds are expected to be expended.

(3) The department shall have approved the underlying application for the capital project.

(4) The project has a 20-year or longer useful life.

(e) Priorities.—The award of financial assistance under this section shall be subject to the following set of priorities in descending order of significance unless a compelling return on investment analysis for a project in a lower significant category is provided to and approved by the department:

(1) Funds required to support existing local bond issues currently supported with State revenue sources, such as debt service and asset leases. The Commonwealth pledges to and agrees with any person, firm or corporation holding any bonds previously issued by, or any other debt incurred by, a local transportation organization, and secured in whole or part by a pledge of the funds provided to the local transportation organization from the Public Transportation Assistance Fund established under Article XXIII of the Tax Reform Code, that the Commonwealth will not limit or alter rights vested in a local transportation organization in any manner inconsistent with obligations of the local transportation organization to the obligees of the local transportation organization until all bonds previously issued or other debt incurred, together with the interest thereon, is fully paid or provided for.

(2) Funds required to match federally approved capital projects funded under 49 U.S.C. §§ 5307 (relating to urbanized area formula grants) and 5309 (relating to capital investment grants and loans) and other federally approved capital projects.

(3) Other non-Federal capital projects as determined by the department, which shall be further subject to the following set of priorities in descending order of significance:

(i) Essential emergency asset improvement projects.

(ii) Standard replacement of existing assets that have exceeded their useful life.

(iii) Asset improvement projects to extend the useful life of the affected assets.

(iv) Acquisition of new assets and other acceptable purposes, other than projects to be funded under the new initiatives program, as determined by the department.

(f) Bonding by award recipients.—With the approval of the department, an award recipient that is allowed by its enabling statute to issue bonds may do so for the purpose of financing a multiyear capital project. The bonds shall be issued in accordance with the provisions of the award recipient's enabling statute. The department shall enter into an agreement with the award recipient providing that payments of the capital funds sufficient to satisfy requirements of the bonds issued be made directly to the trustee and bond holders until such time as the bonds are retired.

§ 1515. New initiatives program.

(a) Eligible applicants.—Persons eligible to apply for financial assistance under the asset improvement program shall also be eligible to apply for financial assistance under the new initiatives program.

(b) Applications.—In addition to the information required under section 1507 (relating to application and approval process), an application for financial assistance under this section shall include all

of the information required in an application for financial assistance under section 1514 (relating to asset improvement program). If the application is for a proposed expansion of a capital asset, the application shall also contain evidence satisfactory to the department that the applicant will have sufficient future annual operating funds to support the proposed expansion.

(c) Limitation.—In making awards of financial assistance under this section, the department shall give priority to applicants that intend to use the funds in satisfaction of the local matching portion of federally approved projects funded pursuant to 49 U.S.C. § 5309 (relating to capital investment grants and loans). The department may fund projects that do not receive funding from the Federal New Starts Program if the applicant can provide sufficient justification that the project can meet all of the following requirements:

(1) Investments in existing service areas have been optimized.

(2) An analysis reveals a reasonable return on investment.

(3) Identification of the public benefit of the project.

(4) Required local funds are available to pay any required local match for the project and ongoing operating costs.

(5) There exists local technical ability and capacity to manage, construct and operate the project.

(6) The project is supported by the adoption of an integrated land use plan by local municipalities.

(d) Local match requirements.—Financial assistance under this section shall be matched by local or private cash funding in an amount not less than 100% of the amount of the grant. The source of funds for the local match shall be subject to the requirements of section 1513(d) (relating to operating programs).

§ 1516. Programs of Statewide significance.

(a) General rule.—Money in the fund allocated for programs of Statewide significance shall be used by the department to support public transportation programs, activities and services not otherwise fully funded through the operating program, capital program or asset improvement program. These include the following:

(1) The Persons with Disabilities Program.

(2) Intercity rail and bus services.

(3) Community transportation capital and service stabilization.

(4) The Welfare to Work Program and matching funds for Federal programs with similar intent.

(5) Demonstration and research projects.

(6) Technical assistance.

(7) (Reserved).

(8) (Reserved).

(9) (Reserved).

(10) (Reserved).

(11) Other public passenger transportation programs initiated by the department.

(b) Persons with disabilities.—The department shall establish and administer a program providing reduced fares to persons with disabilities on community transportation services and to provide financial assistance for start-up, administrative and capital expenses related to reduced fares for persons with disabilities. All of the following shall apply:

(1) A community transportation system operating in the Commonwealth other than in counties of the first and second class may apply for financial assistance under this subsection.

(2) The department may award financial assistance under this subsection for program start-up and for continuing capital expenses to offset administrative and capital expenses. For community transportation trips made by eligible persons with disabilities, financial assistance may be awarded to an eligible community transportation system to reimburse the system for up to 85% of the fare established for the general public for each trip which is outside of a fixed-route and paratransit service areas and not eligible for funding from any other program or funding

source. The person making the trip or an approved third-party sponsor shall contribute the greater of 15% of the fare established for the general public or the Americans with Disabilities Act complementary paratransit fare.

(c) Intercity transportation.—The department is authorized to provide financial support for an efficient and coordinated intercity common carrier surface transportation program, consisting of both intercity rail and intercity bus transportation, with the intent of sustaining strong intercity connections. All of the following shall apply:

(1) An intercity passenger rail service provider, a local transportation organization, an agency or instrumentality of the Commonwealth and a transportation company that provides intercity public transportation service may apply for financial assistance under this subsection. The department is authorized to enter into joint service agreements with a railroad company, any other agency or instrumentality of the Commonwealth, a Federal agency or an agency or instrumentality of any other jurisdiction relating to property, buildings, structures, facilities, services, rates, fares, classifications, dividends, allowances or charges, including charges between intercity rail passenger service facilities, or rules or regulations pertaining thereto, for or in connection with or incidental to transportation in whole or in part upon intercity rail passenger service facilities.

(2) Operating assistance and capital assistance may be provided for intercity rail as determined by the department.

(3) For financial assistance to a transportation company, eligible matching funds shall consist only of cash income generated by the transportation company from its activities, other than the provision of public passenger transportation service, and contributed by the transportation company in the amount and for the time period specified in the financial assistance agreement.

(4) Local match requirements are as follows:

(i) For intercity bus operating and capital assistance, the department shall require a local match by local or private cash funding in an amount equal to 100% of the amount of the financial assistance being provided.

(ii) For intercity rail operating and capital assistance, the department shall require a local match on a case-by-case basis, taking into account the best interests of the Commonwealth.

(5) For purposes of this subsection, "local match" is defined as local revenue obtained from other nonsubsidized services, such as charter, school bus or profits realized from other intercity bus services. Local match shall not include any funds received from Federal or State sources.

(d) Community transportation.—

(1) The department is authorized to provide financial assistance under this section for all of the following:

(i) Capital expenditures for the provision of community transportation service.

(ii) To stabilize current service and fares.

(iii) To provide advice or technical assistance to analyze and enhance community transportation system resources and services.

(iv) To maximize available funding including Federal dollars.

(v) To ensure equitable cost sharing.

(2) The governing body of a county, other than a county of the first or second class, or a transportation company designated by the governing body of the county as the coordinator of community transportation service, and an agency or instrumentality of the Commonwealth may apply for financial assistance under this subsection subject to all of the following:

(i) An applicant for financial assistance for capital expenditures for the provision of public community transportation service shall certify to the department that it has taken all reasonable steps to

coordinate local service for the elderly and persons with disabilities and that the services to be offered with the capital assets do not duplicate existing fixed-route services.

(ii) The governing body of a county or the coordinator described under this paragraph shall not be eligible for financial assistance for service stabilization if any of the following apply:

(A) The coordinator receives financial assistance under the capital program established under this chapter.

(B) The coordinator is a private for-profit provider.

(3) Financial assistance for service stabilization may only be provided for the following purposes:

(i) Short-term, long-term and strategic planning.

(ii) Technology investment.

(iii) Training programs designed to enhance transportation management and staff expertise.

(iv) Offsetting operating expenses that cannot be covered by fare revenue due to emergencies.

(v) Marketing activities.

(vi) Other stabilization purposes approved by the department.

(4) The department shall give high priority to providing financial assistance under this subsection as match for Federal funding to support capital projects for community transportation systems.

(5) The department shall conduct a study to evaluate the effectiveness and efficiency of community transportation service delivery as it relates to human service programs. The Secretary of Public Welfare, the Secretary of the Budget and the Secretary of Aging and other appropriate Commonwealth agencies identified by the department shall participate and fully support the study to achieve the intended purposes. Within two years following the effective date of this section, these agencies shall make recommendations to the Governor and the Majority and Minority chairpersons of the Transportation Committee of the Senate and the Majority and Minority chairpersons of the Transportation Committee of the House of Representatives for improving coordination and efficiency of human services and community transportation.

(d) Welfare-to-work and Federal programs match.—The department is authorized to provide financial assistance under this section to design and implement projects and services and to reimburse award recipients for the expenses associated with the projects and services that identify and address public passenger transportation and related barriers preventing individuals eligible for participation in the Federal welfare-to-work program from securing and maintaining employment and from accessing community services and facilities. All of the following shall apply:

(1) A local transportation organization and a transportation company designated by a county as the coordinator of community transportation services may apply to the department for financial assistance under this subsection.

(2) Financial assistance awarded under this subsection shall be used for any of the following purposes:

(i) Fixed-route service subsidy.

(ii) Contracted transportation services.

(iii) Fixed-route fare discounts.

(iv) Community transportation fare discounts.

(v) Taxi fare discounts.

(vi) Mileage reimbursement.

(vii) Vehicle purchase, insurance, maintenance and repair.

(viii) Driver education classes.

(ix) Administrative expenses.

(x) Case management expenses.

(xi) Any other activities consistent with the transportation related elements of the welfare-to-work program.

(3) The department shall give high priority to providing financial assistance under this subsection as match for Federal funding to support projects with similar purposes and eligible uses, including the Federal Job Access Reverse Commute and New Freedoms programs.

(e) Technical assistance and demonstration.—The department is authorized to provide financial assistance under this section for technical assistance, research and short-term demonstration projects. All of the following shall apply:

(1) A local transportation organization and an agency or instrumentality of the Commonwealth may apply to the department for financial assistance under this subsection.

(2) Financial assistance provided under this subsection may be used for reimbursement for any approved operating or capital costs related to technical assistance and demonstration program projects. Financial assistance for short-term demonstration projects may be provided at the department's discretion on an annual basis based on the level of financial commitment provided by the award recipient to provide ongoing future funding for the project as soon as the project meets the criteria established by the department and the award recipient. Financial assistance for this purpose shall not be provided for more than three fiscal years. Financial assistance may be provided to meet any short-term emergency need that requires immediate attention and cannot be funded through other sources.

(3) Financial assistance under this subsection provided to a local transportation organization shall be matched by local or private cash funding in an amount not less than 3 1/3% of the amount of the financial assistance being provided. The sources of funds for the local match shall be subject to the requirements of section 1513(d) (relating to operating programs).

§ 1517. Program oversight and administration.

The department is authorized to use available money in the fund to cover the costs incurred by the department in administering all of its public passenger transportation funding programs, including those established under this chapter, and incurred in the carrying out of its responsibilities with respect to the programs.

§ 1518. Retroactive authority.

(a) Date of project.—Financial assistance may be awarded under this chapter by the department with reference to an appropriate project irrespective of when it was first commenced or considered and regardless of whether costs with respect to the project were incurred prior to the time the financial assistance is applied for or provided.

(b) Operating program.—For financial assistance for the operating program, the department shall reimburse expenses only through the financial assistance provided for the fiscal year during which the expenses were incurred.

(c) Capital projects.—

(1) For capital projects, the applicant must obtain approval in writing from the department prior to incurring any expenses for which the applicant may later seek reimbursement.

(2) Notwithstanding paragraph (1), approval by the department shall not constitute an approval of the applicant's underlying request for financial assistance.

(3) By providing preapproval under this subsection, the department may recognize any local funds already expended as satisfying the local match requirement if and when the applicant's application is approved.

Section 2.2. Sections 1713(a) and 1715(a) of Title 74 are amended to read:

§ 1713. Appointment of board members.

(a) Appointment.—Except as provided in subsection (d) with respect to the continuation in office of members of the board of any authority established under the former provisions of Article III of the act of January 22, 1968 (P.L.42, No.8), known as the

Pennsylvania Urban Mass Transportation Law, or the former provisions of Chapter 15 (relating to metropolitan transportation authorities), at any time after the effective date of this chapter:

(1) The Governor may appoint as a member of the board one person who may be an ex officio appointee from among the various officials in this Commonwealth and whose term as a board member shall run concurrently with that of his Commonwealth position, if any, or the term of the appointing Governor, whichever is shorter.

(2) The Majority Leader and the Minority Leader of the Senate and the Majority Leader and the Minority Leader of the House of Representatives may each appoint one person to serve as a board member, whose term shall be concurrent with the term and who shall serve at the pleasure of the appointing legislative leader.

(3) The county commissioners or the county council in each county and, in any county of the first class containing a city of the first class, the mayor, with the approval of the city council, may appoint [two] persons from each county to serve as board members[.] as follows:

(i) One member for counties which contribute less than 2.5% of total local match for State operating financial assistance.

(ii) Two members for counties which contribute at least 2.5% but less than 7.5% of total local match required for State operating financial assistance.

(iii) Three members for counties which contribute at least 7.5% but less than 10% of total local match required for State operating financial assistance.

(iv) Four members for counties which contribute at least 10% but less than 20% of total local match required for State operating financial assistance.

(v) Five members for counties which contribute at least 20% but less than 30% of total local match required for State operating financial assistance.

(vi) Six members for counties which contribute at least 30% but less than 40% of total local match required for State operating financial assistance.

(vii) Seven members for counties which contribute at least 40% but less than 50% of total local match required for State operating financial assistance.

(viii) Eight members for counties which contribute at least 50% of total local match required for State operating financial assistance.

(4) On the effective date of this paragraph, any county which has a member of the board in excess of the number allotted under paragraph (3) will lose an appointment to the board upon the expiration of the term of the member whose term expires next, or if there is a vacancy, may not appoint a person to fill the vacancy.

(5) The Secretary of Budget and the Secretary of Transportation shall be nonvoting members.

(6) Each member appointed by a county shall have a background in one or more of the following areas:

(i) Transportation.

(ii) Finance.

(iii) Law.

(iv) Tourism.

(v) Ridership community groups.

* * *

§ 1715. Meetings, quorum, officers and records.

(a) Meetings.—Regular meetings of the board shall be held in the metropolitan area at least once in each calendar month except July or August, the time and place of the meetings to be fixed by the board. A majority of the board shall constitute a quorum for the transaction of business. All action of the board shall be by resolution, and the affirmative vote of a majority of all the members shall be necessary for the adoption of any resolution. [No action by the board to which an

express objection has been made, under this section, by a board member or members representing a county or counties having one-third or more of the population of the metropolitan area, as determined by the most recent decennial census, shall be carried unless supported at a subsequent regular meeting of the board by the votes of at least three-quarters of the membership of the board. In case of disagreement between members representing the same county, each member shall be deemed to represent one-half of the population of that county.]

Section 2.3. Title 74 is amended by adding a chapter to read:

CHAPTER 81
TURNPike

Sec.

8101. Scope of chapter.

8102. Definitions.

8103. Authorization for turnpike extensions, turnpike improvements and conversion of toll-free roads to toll roads.

8104. Status of turnpike revenue bonds, notes or other obligations.

8105. Commission.

8106. Exercise of commission powers.

8107. Commission powers and duties.

8108. Expenses and bonding of commission members.

8109. Acquisition of property rights by commission.

8110. Procedural requirements of acquisition.

8111. Entry and possession of property condemned.

8112. Issuance of turnpike revenue bonds or other obligations.

8113. Obligation proceeds restricted and lien created.

8114. Trust indenture authorized.

8115. Commission and obligations tax exempt.

8116. Collection and disposition of tolls and other revenue.

8116.1. Electronic toll collection.

8117. Refunding bonds.

8118. Rights of obligation holders and trustees.

8119. Authority granted to secretary.

8120. Construction of chapter.

§ 8101. Scope of chapter.

This chapter relates to turnpike organization, extension and toll road conversion.

§ 8102. Definitions.

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

"Commission." The Pennsylvania Turnpike Commission.

"Cost of the turnpikes." The term includes the cost of:

(1) Constructing turnpikes, connecting roads, storm water management systems, tunnels and bridges.

(2) Lands, property rights, rights-of-way, easements and franchises acquired by purchase or other means deemed necessary or convenient for construction.

(3) Machinery and equipment, financing charges and interest.

(4) Traffic estimates, engineering and legal expenses, plans, specifications, surveys, cost and revenue estimates, other expenses necessary or incident to determining the feasibility or practicability of the enterprise, administrative and legal expense and other expenses as may be necessary or incident to financing authorized in this chapter.

(5) Condemnation or other means of acquisition of property necessary for the construction and operation.

(6) An obligation or expense contracted for by the Pennsylvania Turnpike Commission for traffic surveys, preparation of plans and specifications, supervision of construction and other engineering and administrative and legal services and expenses in connection with the construction of the turnpike or any of the connecting roads, storm water management systems, tunnels and bridges.

"Department." The Department of Transportation of the Commonwealth.

"Electronic toll collection." A system of collecting tolls or charges that is capable of charging an account holder for the prescribed toll by electronic transmission of information between a device on a vehicle and a device in a toll lane at a toll collection facility.

"Lessee." A person, corporation, firm, partnership, agency, association or organization that rents, leases or contracts for the use of a vehicle and has exclusive use of the vehicle for any period of time.

"Lessor." A person, corporation, firm, partnership, agency, association or organization engaged in the business of renting or leasing vehicles to any lessee under a rental agreement, lease or other agreement under which the lessee has the exclusive use of the vehicle for any period of time.

"Operator." An individual that uses or operates a vehicle with or without permission of the owner.

"Owner." Except as provided under section 8116.1(e) (relating to electronic toll collection), an individual, copartnership, association or corporation having title or interest in a property right, easement or franchise authorized to be acquired under this chapter.

"Secretary." The Secretary of Transportation of the Commonwealth.

"Toll road conversion." The inclusion within the turnpike system and the imposition of tolls on the system of a highway that is presently toll free.

"Turnpikes." Any of the following:

(1) The turnpike, turnpike extensions and turnpike improvements.

(2) Toll-free roads to be converted to toll roads under this chapter.

(3) Related storm water management systems, tunnels and bridges, property rights, easements and franchises deemed necessary or convenient for the construction or the operation of the turnpike, turnpike extension, turnpike improvement and toll-free roads.

"Vehicle." The term as it is defined under 75 Pa.C.S. § 102 (relating to definitions).

"Violation enforcement system." A vehicle sensor, placed in a location to work in conjunction with a toll collection facility, which automatically produces a videotape or photograph, microphotograph or other recorded image of the rear portion of each vehicle at the time the vehicle is used or operated in violation of the toll collection regulations. The term includes any other technology which identifies a vehicle by photographic, electronic or other method.

§ 8103. Authorization for turnpike extensions, turnpike improvements and the conversion of toll-free roads to toll roads.

(a) Improvement and extension authorizations.—In order to facilitate vehicular traffic within and across this Commonwealth, the commission is authorized and empowered to construct, operate and maintain turnpike extensions and turnpike improvements at specific locations and according to a schedule as shall be deemed feasible and approved by the commission, together with connecting roads, storm water management systems, tunnels and bridges, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

(1) Widen turnpike to six lanes between the Northeast Extension and the Delaware River Interchange.

(2) Construct turnpike interchange with Interstate Route 95 in Bucks County.

(3) Construct turnpike interchange with Interstate Route 476 in Montgomery County.

(4) Construct turnpike interchange with Keyser Avenue in Lackawanna County.

(5) Construct extensions to the existing turnpike from a point westerly of existing Interchange 2 extending northerly to a connection with the existing interchange between U.S. Route 422 and proposed State Route 60 in Lawrence County and extending southerly to a connection with existing State Route 60 in Beaver County at or near State Route 51.

(6) Construct an extension to the turnpike from a point at or near Interchange 8 in Westmoreland County extending northerly to an interchange with State Route 66 northwest of Greensburg and continuing northerly to an interchange with U.S. Route 22 south of Delmont.

(7) Construct an additional Lehigh Tunnel on the Northeast Extension of the turnpike.

(8) Construct a private turnpike interchange directly connected to the New Cumberland Army Depot. The commission may commence construction of the private turnpike interchange notwithstanding the construction schedule established under this section.

(9) Construct an interchange on the Northeast Extension with State Route 903 in Carbon County. The commission may commence construction of this interchange notwithstanding the construction schedule established by this section.

(b) Subsequent extension authorization.—The commission is authorized and empowered to construct, operate and maintain further extensions and improvements of the turnpike at specific locations and according to schedules as shall be deemed feasible and which shall be approved by the commission, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

(1) From an interchange with Interstate Route 70 between existing interchanges at Lover and Speers extending northerly to an interchange with Interstate Route 376 in Pittsburgh and also extending southerly connecting with the existing interchange between U.S. Route 40 and the Mon Valley Expressway (L.R.1125).

(2) From an interchange with the turnpike at or near Interchange 10 extending northerly generally following and coincident where feasible with existing U.S. Route 219 to an interchange with Interstate Route 80 at or near Interchange 16.

(3) Construction of an interchange for access to the International Distribution Center at the Wilkes Barre Scranton International Airport in Luzerne County on the Northeastern Extension of the Pennsylvania Turnpike System.

(c) (Reserved).

(d) Further subsequent authorizations.—Upon completion of the turnpike extensions and improvements under subsections (a) and (b), the commission is authorized and empowered to construct, operate and maintain further extensions and improvements of the turnpike at specific locations and according to schedules as shall be deemed feasible and which shall be approved by the commission, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

(1) From a point at or near the intersection of State Route 65 and Crows Run Road in Beaver County, in a southeasterly direction to a point at or near the Perry Highway Interchange of the Pennsylvania Turnpike.

(2) From a point at or near Exit 5 of the turnpike northerly to Brookville, Jefferson County, to a point at the intersection with Interstate Route 80.

(3) From a point at or near the Pennsylvania Turnpike System into various areas of Berks County in order to complete the construction of the inner loop system and outer loop system of highways surrounding the City of Reading and to complete the missing links on Routes 222 to Route 422 to 1035.

(4) From a point at or near the intersections of Interstate Route 70, Interstate Route 76 and T.R.119 in the Borough of Youngwood, Westmoreland County, in a northerly direction along T.R.119 and T.R.66 to the intersection of T.R.22 with a bypass around the City of Greensburg, Westmoreland County; thence north on T.R.66 to T.R.356; thence north on T.R.356 to the intersection with T.R.28.

(5) From a point at or near the intersection of T.R.66 and T.R.22 in Salem Township, Westmoreland County; thence in a westerly direction paralleling T.R.22 to Exit 6 of Interstate 76.

(e) Conversion to toll roads.—In order to facilitate vehicular traffic within and across this Commonwealth, after completion of the turnpike extensions and improvements authorized under subsection (a) and subject to prior legislative approval by the Congress of the United States and the General Assembly, the commission is authorized and empowered to convert to toll road portions of Pennsylvania's interstate highway system as may be required in order to facilitate the completion of the turnpike extensions and improvements authorized under subsections (b) and (d) and to operate and maintain converted interstates as toll roads upon the approval by the Congress of the United States and the General Assembly of legislation expressly permitting the conversion of interstates to toll roads. Conversions shall take place at a time and manner set forth in the plan for the conversion prepared by the department. The provisions authorizing the commission to construct, operate and maintain the turnpike routes under subsections (b) and (d) shall be subject to one of the following:

(1) The prior passage by the Congress of the United States and the General Assembly of legislation permitting the conversion of certain interstates to toll roads.

(2) The availability of other funds as might become available in amounts that would be sufficient to fund to completion any of the individual turnpike extensions and improvements under subsections (b) and (d) so long as no turnpike extension or improvement authorized under subsection (d) is undertaken until after all the turnpike extensions authorized by subsection (b) are completed. The commission is authorized to use Federal funds which may be available for toll roads only pursuant to the approval of the Secretary of Transportation and only pursuant to the authority granted under section 8119 (relating to authority granted to secretary).

(f) Turnpike system.—The turnpikes and future toll road conversions authorized under this chapter are or shall be made part of the Pennsylvania Turnpike System, as provided in the act of August 14, 1951 (P.L.1232, No.282), referred to as the Pennsylvania Turnpike System Financing Act.

§ 8104. Status of turnpike revenue bonds, notes or other obligations.

(a) General rule.—The turnpike revenue bonds, notes or other obligations issued under the provisions of this chapter shall not be deemed to be a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth, but bonds, notes or other obligations shall be payable solely from the revenues of the commission, including tolls, or from funds as may be available to the commission for that purpose.

(b) Statement required.—All bonds, notes or other obligations shall contain a statement on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from revenues of the commission, including tolls, or from funds as may be available to the commission for that purpose and that the faith and credit of the Commonwealth is not pledged to the payment of the principal or interest of the bonds, notes or other obligations.

(c) Pledge of Commonwealth prohibited.—The issuance of turnpike revenue bonds, notes or other obligations under the provisions of this chapter shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation or to make any appropriation for their payment.

§ 8105. Commission.

(a) Members.—

(1) Notwithstanding any other law to the contrary, vacancies in the membership of the commission on or after the effective date of this subsection shall be filled as follows:

(i) The first vacancy shall be filled by a member to be appointed by the Majority Leader of the Senate.

(ii) The second vacancy shall be filled by a member to be appointed by the Minority Leader of the Senate.

(iii) The succeeding three vacancies shall be filled by members to be appointed by the Governor.

(2) Paragraph (1) shall apply to a vacancy on the commission which has occurred for any reason, but only as to a member serving on the effective date of this subsection.

(3) Notwithstanding any other law to the contrary, the Majority Leader of the House of Representatives and the Minority Leader of the House of Representatives shall each appoint one additional member to serve on the commission.

(4) A vacancy occurring during the term of a member appointed in accordance with this subsection shall be filled in a like manner only for the unexpired appointive term of the member whose office has become vacant.

(5) Members appointed under the provisions of this subsection shall serve for a term of four years. Upon the expiration of this term, an appointed member may continue to hold office for 90 days or until a successor shall be duly appointed and qualified, whichever period is shorter, but shall not continue to hold office thereafter unless reappointed in accordance with law.

(6) Vacancies filled under paragraph (1) and subsequent appointments made to the commission shall be without the advice and consent of the Senate.

(a.1) Advisory committee.—

(1) There is hereby established a Pennsylvania Turnpike Advisory Committee, which shall be composed of the following members:

(i) The Secretary of Community and Economic Development.

(ii) The Secretary of Revenue.

(iii) The State Treasurer.

(iv) The chairman and minority chairman of the Transportation Committee of the Senate.

(v) The chairman and minority chairman of the Transportation Committee of the House of Representatives.

(vi) Eight members of the public representing the area of concern specified who shall have extensive experience and knowledge of transportation activities throughout this Commonwealth to be appointed by the Governor as follows:

(A) Two representatives of the engineering community who are licensed and registered pursuant to the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law.

(B) Two representatives from the highway construction industry who have at least five years of highway construction and planning experience.

(C) Two representatives from organized labor unions.

(D) One member who shall be a certified public accountant.

(E) One member from the general public with at least five years of experience in transportation finance and infrastructure.

(2) Each of the members of the committee may designate a representative to serve in his stead. A member who designates a representative shall notify the chairman in writing of the designation.

(3) The term of all members of the committee appointed by the Governor shall be for three years. Any member of the committee may be reappointed for no more than two full successive terms. Any person appointed to fill a vacancy occurring prior to the expiration of the term to which his predecessor was appointed shall serve only for the unexpired term. Each member shall serve until the appointment of a successor.

(4) (i) The committee shall meet at least four times every 12 months, but may hold such additional meetings as are called by the chairman. The chairman shall provide notice at least 14 days in advance for regular meetings and provide a minimum of three days' notice for special meetings. A majority of the appointed members shall constitute a quorum for the conduct of business.

(ii) Minutes of meetings shall be prepared by the secretary and filed with the committee and distributed to all members. All records shall be a matter of public record.

(iii) The public members of the committee shall be allowed reasonable per diem expenses. The commission shall provide appropriate staff support to enable the committee to properly carry out its functions.

(5) The committee shall have the power and duty to consult and advise the Pennsylvania Turnpike Commission in assisting in developing, operating and financing tolled interstate systems within this Commonwealth in a timely, efficient and cost-effective manner. Specifically, the committee shall have the authority to conduct a study on the feasibility of instituting toll collections on major interstates that pass through the State.

(6) The committee shall submit an annual report of its deliberations and conclusions to the Governor and members of the General Assembly by November 30 of each year.

(7) The Governor shall appoint one member of the committee as chairperson. The members of the committee shall annually elect a vice chairperson, a secretary and a treasurer from among the members appointed to the committee.

(d) Secretary of Transportation.—The provisions of subsection (a.1) shall not apply to the appointment of the secretary who shall continue to be appointed and to serve as a member of the commission ex officio in accordance with law.

(e) Chairman.—A majority of the members of the commission shall elect a member of the commission to serve as chairman. Upon the appointment and qualification of any new member to serve on the commission, the office of chairman, and the positions of all other officers created by law, shall be deemed vacant and a new chairman and other officers shall be elected by a majority of the members of the commission.

(f) Actions by the commission.—Notwithstanding any other law, court decision, precedent or practice to the contrary, any and all actions by or on behalf of the commission shall be taken solely upon the approval of a majority of the members to the commission. A majority of the members of the commission shall mean five members of the commission. The term "actions by or on behalf of the commission" means any action whatsoever of the commission, including, but not limited to, the hiring, appointment, removal, transfer, promotion or demotion of any officers and employees; the retention, use or remuneration of any advisors, counsel, auditors, architects, engineers or consultants; the initiation of any legal action; the making of any contracts, leases, agreements, bonds, notes or covenants; the approval of requisitions, purchase orders, investments and reinvestments; and the adoption, amendment, revision or rescission of any rules and regulations, orders or other directives. The chairman, vice chairman or any other officer or employee of the commission may take no action by or on behalf of the commission except as expressly authorized by a majority of the members of the commission.

(g) Compensation.—The annual salary of the Chairman of the Pennsylvania Turnpike Commission shall be \$28,500, and the annual salary of the remaining members of the Pennsylvania Turnpike Commission shall be \$26,000. These salaries shall be paid in equal installments every other week.

§ 8106. Exercise of commission powers.

The exercise by the commission of the powers conferred by this chapter in the construction, operation and maintenance of the turnpikes and in effecting toll road conversions shall be deemed and held to be an essential governmental function of the Commonwealth.

§ 8107. Commission powers and duties.

(a) Powers and duties of commission.—The commission may:
 (1) Maintain a principal office at a place designated by the commission.

(2) Contract and be contracted within its own name.

(3) Sue and be sued in its own name, plead and be impleaded. Any civil action against the commission shall be brought only in the courts in which actions may be brought against the Commonwealth.

(4) Have an official seal.

(5) Make necessary rules and regulations for its own government and in control of traffic.

(6) Acquire, hold, accept, own, use, hire, lease, exchange, operate and dispose of personal property, real property and interests in real property and make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter and employ engineering, traffic, architectural and construction experts and inspectors, attorneys and other employees as may in its judgment be necessary and fix their compensation.

(7) (i) Provide grade separations at its own expense with respect to all public roads, State highways and interstate highways intersected by the turnpikes and to change and adjust the lines and grades thereof so as to accommodate the same to the design for grade separation.

(ii) The damages incurred in changing and adjusting the lines and grades of public roads, State highways and interstate highways shall be ascertained and paid by the commission in accordance with 26 Pa.C.S. (relating to eminent domain).

(iii) If the commission shall find it necessary to provide a grade separation or change the site of any portion of any interstate highway, State highway or public road, or vacate the same, the commission shall cause it to be reconstructed and restored at the commission's expense on the most favorable location and in as satisfactory a manner as the original road or vacate it as the case may be.

(iv) The method of acquiring the right-of-way and determining damages incurred in changing the location of or vacating the road, State highway or interstate highway shall be ascertained and paid for in accordance with 26 Pa.C.S.

(8) Petition the court of common pleas of the county in which any public road or part thereof is located and affected by the location of the turnpikes, for the vacation, relocation or supply of the same or any part thereof with the same force and effect as is now given by existing laws to the inhabitants of any township or the county, and the proceedings upon petition, whether for the appointment of viewers or otherwise, shall be the same as provided by existing law for similar proceedings upon the petitions.

(9) Have all of the powers and perform all the duties prescribed by the act of May 21, 1937 (P.L.774, No.211), referred to as the Pennsylvania Turnpike Commission Act.

(b) Maintenance to be paid out of tolls.—

(1) The turnpike extensions and improvements and the conversion of toll-free roads to toll roads when completed and open to traffic shall be maintained and repaired by and under the control of the commission.

(2) All charges and costs for the maintenance and repairs actually expended by the commission shall be paid out of tolls.

(3) The turnpike, the turnpike extensions and improvements and the toll-free roads converted to toll roads shall also be policed and operated by a force of police, toll takers and

other operating employees as the commission may in its discretion employ.

§ 8108. Expenses and bonding of commission members.

(a) Payment of expenses.—All compensation and salaries and all expenses incurred in carrying out the provisions of this chapter shall be paid solely from funds provided under the authority of this chapter, and no liability or obligation shall be incurred under this chapter beyond the extent to which money shall have been provided under the authority of this chapter.

(b) No additional bond required.—The issuance of any turnpike revenue bonds, notes or other obligations under the provisions of this chapter shall not cause any member of the commission to be required to execute a bond that a member of the commission is not otherwise required to execute.

§ 8109. Acquisition of property rights by commission.

(a) Condemnation.—The commission may condemn, pursuant to 26 Pa.C.S. (relating to eminent domain), any lands, interests in lands, property rights, rights-of-way, franchises, easements and other property deemed necessary or convenient for the construction and efficient operation of the turnpikes and the toll road conversions or necessary in the restoration or relocation of public or private property damaged or destroyed.

(b) Purchase.—

(1) The commission may acquire by purchase, whenever it shall deem the purchase expedient, or otherwise accept if dedicated to it, any lands, interests in lands, property rights, rights-of-way, franchises, easements and other property deemed necessary or convenient for the construction and efficient operation of the turnpikes and toll road conversions or necessary in the restoration of public or private property damaged or destroyed, whether the property has been previously condemned or otherwise, upon terms and at a price as may be considered by the commission to be reasonable and can be agreed upon between the commission and the owner thereof and to take title thereto in the name of the commission.

(2) The net proceeds of the purchase price payable to a municipality or the department for any real property or interest therein obtained by the commission pursuant to this chapter, less the cost of retiring any bonded indebtedness on the property or interest, shall be used exclusively, in the case of a municipality, for road-related and bridge-related expenses and, in the case of the department, for highway and bridge construction, reconstruction and maintenance in the same engineering and maintenance district in which the property is located.

§ 8110. Procedural requirements of acquisition.

(a) Title.—Title to any property condemned by the commission shall be taken in the name of the commission.

(b) Entry.—

(1) In addition to any others powers set forth in this chapter, the commission and its authorized agents and employees may enter upon any lands, waters and premises in this Commonwealth for the purpose of making surveys, soundings, drillings and examinations, as it may deem necessary or convenient for the purpose of this chapter.

(2) The entry shall not be deemed a trespass, nor shall an entry for the purposes be deemed an entry under any condemnation proceedings which may be then pending.

(3) The commission shall make reimbursement for any actual damages resulting to the lands, waters and premises as a result of the activities.

(c) Restoration of property.—Any public or private property damaged or destroyed in carrying out the powers granted by this chapter shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made for the property out of funds provided under the authority of this chapter.

(d) Powers of public bodies.—Notwithstanding any other provision of law to the contrary, a political subdivision and a public agency and commission of the Commonwealth may lease, lend,

dedicate, grant, convey or otherwise transfer to the commission, upon its request, upon terms and conditions as the proper authorities of the political subdivisions or public agencies and commissions of the Commonwealth may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the commission, including public roads and other real property already devoted to public use.

§ 8111. Entry and possession of property condemned.

Whenever the commission has condemned any lands, rights, rights-of-way, easements and franchises, or interests therein, as provided in this chapter, the commission may proceed to obtain possession in the manner provided by 26 Pa.C.S. (relating to the eminent domain).

§ 8112. Issuance of turnpike revenue bonds or other obligations.

(a) Authorization.—

(1) A bond must be authorized by resolution of the commission. The resolution may specify all of the following:

- (i) Series.
- (ii) Date of maturity not exceeding 40 years from date of issue.
- (iii) Interest.
- (iv) Denomination.
- (v) Form, either coupon or fully registered without coupons.
- (vi) Registration, exchangeability and interchangeability privileges.
- (vii) Medium of payment and place of payment.
- (viii) Terms of redemption not exceeding 105% of the principal amount of the bond.
- (ix) Priorities in the revenues or receipts of the commission.

(2) A bond must be signed by or shall bear the facsimile signature of such officers as the commission determines. Coupon bonds must have attached interest coupons bearing the facsimile signature of the treasurer of the commission as prescribed in the authorizing resolution. A bond may be issued and delivered notwithstanding that one or more of the signing officers or the treasurer has ceased to be an officer when the bond is actually delivered. A bond must be authenticated by an authenticating agent, a fiscal agent or a trustee, if required by the authorizing resolution.

(3) A bond may be sold at public or private sale for a price determined by the commission.

(4) Pending the preparation of a definitive bond, interim receipts or temporary bonds with or without coupons may be issued to the purchaser and may contain terms and conditions as the commission determines.

(b) Provisions.—A resolution authorizing a bond may contain provisions which shall be part of the contract with the bondholder as to the following:

(1) Pledging the full faith and credit of the commission but not of the Commonwealth or any political subdivision for the bond or restricting the obligation of the commission to all or any of the revenue of the commission from all or any projects or properties.

(2) The construction, financing, improvement, operation, extension, enlargement, maintenance and repair for the payment of the costs of the turnpikes and the toll road conversions, including the reconstruction of the converted roads as provided for in this chapter and the repayment to the Federal Treasury of any funds so required to be repaid pursuant to any special legislation passed by the Congress of the United States authorizing the conversion of toll-free roads to toll roads, the financing for insurance reserves and the duties of the commission with reference to these matters.

- (3) Terms and provisions of the bond.
 - (4) Limitations on the purposes to which the proceeds of the bond or other financing may be applied.
 - (5) Rate of tolls and other charges for use of the facilities of or for the services rendered by the commission.
 - (6) The setting aside, regulation and disposition of reserves and sinking funds.
 - (7) Limitations on the issuance of additional bonds.
 - (8) Terms and provisions of any deed of trust or indenture securing the bond or under which any deed of trust or indenture may be issued.
 - (9) Other additional agreements with the holder of the bond.
- (c) Deeds of trust.—The commission may enter into any deed of trust, indenture or other agreement with any bank or trust company or other person in the United States having power to enter into such an arrangement, including any Federal agency, as security for a bond and may assign and pledge all or any of the revenues or receipts of the commission under such deed, indenture or agreement. The deed of trust, indenture or other agreement may contain provisions as may be customary in such instruments or as the commission may authorize, including provisions as to the following:

(1) Construction, financing, improvement, operation, maintenance and repair for the payment of the costs of the turnpikes and the toll road conversions, including the reconstruction of the converted roads as provided for in this chapter and the repayment to the Federal Treasury of any funds so required to be repaid pursuant to any special legislation passed by the Congress of the United States authorizing the conversion of toll-free roads to toll roads, financing for insurance reserves and the duties of the commission with reference to these matters.

(2) Application of funds and the safeguarding of funds on hand or on deposit.

(3) Rights and remedies of trustees and bondholders, including restrictions upon the individual right of action of a bondholder.

(4) Terms and provisions of the bond or the resolution authorizing the issuance of the bond.

(d) Negotiability.—A bond shall have all the qualities of negotiable instruments under 13 Pa.C.S. Div. 3 (relating to negotiable instruments).

§ 8113. Obligation proceeds restricted and lien created.

All money received from any bonds, notes or other obligations issued under this chapter shall be applied solely to the payment of the cost of the turnpike, the turnpike extensions and improvements and the toll road conversions, including the reconstruction of the converted roads as provided for in this chapter and the repayment to the Federal Treasury of any funds so required to be repaid pursuant to any special legislation passed by the Congress of the United States authorizing the conversion of toll-free roads to toll roads or to the appurtenant fund. There is created and granted a lien upon the money, until so applied, in favor of holders of the bonds, notes or other obligations or the trustee provided for in this chapter in respect of the bonds, notes or other obligations.

§ 8114. Trust indenture authorized.

(a) Security for bonds.—In the discretion of the commission, the bonds, notes or other obligations may be secured by a trust indenture by and between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company, within this Commonwealth. The trust indenture may pledge or assign tolls and revenue to be received but shall not convey or mortgage the Pennsylvania Turnpike System, including the turnpikes and toll road conversions provided for by this chapter.

(b) Rights of bondholders.—Either the resolution providing for the issuance of the bonds, notes or other obligations or the trust indenture may contain provisions for protecting and enforcing the rights and remedies of the bondholders or holders of notes or other obligations as may be reasonable and proper and not in violation of

law, including covenants setting forth the duties of the commission in relation to the acquisition of properties and the construction, maintenance, operation and repair and insurance of the turnpikes, and the custody, safeguarding and application of all money. It shall be lawful for any bank or trust company incorporated under the laws of this Commonwealth to act as a depository of the proceeds of bonds, notes or other obligations or revenues and to furnish the indemnity bonds or to pledge the securities as may be required by the commission. The trust indenture may set forth the rights and remedies of the bondholders or holders of notes or other obligations and of the trustee and may restrict the individual right of action of bondholders or holders of notes or other obligations as is customary in trust indentures securing bonds, debentures of corporations, notes or other obligations. In addition to the foregoing, the trust indenture may contain other provisions as the commission may deem reasonable and proper for the security of bondholders or holders of notes or other obligations. All expenses incurred in carrying out the trust indenture may be treated as part of the cost of maintenance, operation and repair of the turnpikes and toll road conversions provided for by this chapter.

§ 8115. Commission and obligations tax exempt.

The accomplishment by the commission of the authorized purposes stated in this chapter being for the benefit of the people of this Commonwealth and for the improvement of their commerce and prosperity, in which accomplishment the commission will be performing essential governmental functions, the commission shall not be required to pay any taxes or assessments on any property acquired or used by it for the purposes provided in this chapter, and the bonds, notes or other obligations issued by the commission, their transfer and the income therefrom, including any profits made on the sale thereof, shall at all times be free from taxation within this Commonwealth.

§ 8116. Collection and disposition of tolls and other revenue.

(a) Establishment and changes in toll amounts.—Subject to the terms of any trust indenture entered into by the commission, any resolution authorizing the issuance of any bonds, notes or other obligations of the commission, the commission is authorized: to fix and to revise tolls for the use of the Pennsylvania Turnpike System and the different parts or sections of the system, including the turnpike, the turnpike extensions and improvements and the toll road conversions authorized by this chapter; to charge and collect the tolls; to contract with any person, partnership, association or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gas stations, garages, stores, hotels, restaurants and advertising signs, or for any other purpose, except for tracks for railroad or railway use; and to fix the terms, conditions, rents and rates of charges for use. Tolls shall be fixed and adjusted as to provide funds at least sufficient with other revenues of the Pennsylvania Turnpike System, if any, to pay:

(1) the cost of constructing, maintaining, repairing and operating the Pennsylvania Turnpike System and the different parts and sections of the system; and

(2) any bonds, notes or other obligations and the interest thereon of the commission, and all sinking fund requirements of the commission, and other requirements provided for by any resolution authorizing the issuance of the bonds, notes or other obligations by the commission, or by any trust indenture to which the commission is a party, as the same shall become due.

(b) Restrictions on toll revenue.—Tolls shall not be subject to supervision or regulation by any other State commission, board, bureau or agency. Subject to the terms of any presently existing trust indenture entered into by the commission and any presently existing resolution authorizing the issuance of any bonds, notes or other obligations of the commission, the tolls and all other revenue derived from the Pennsylvania Turnpike System shall be set aside and pledged as may be provided in any resolutions, trust indentures or any other agreements that the commission may hereafter adopt or hereafter enter into with respect to the issuance of bonds, notes or other obligations of the commission.

§ 8116.1. Electronic toll collection.

(a) Liability of owner.

(1) If an operator of a vehicle fails to pay the prescribed toll at any location where tolls are collected by means of electronic toll collection, the owner of the vehicle shall be liable to the commission for failure of the operator of the vehicle to comply with this section if the violation is evidenced by information obtained from a violation enforcement system.

(2) If a violation of this section is committed, the registration plate number of the vehicle as recorded by a violation enforcement system shall establish an inference that the owner of the vehicle was then operating the vehicle. The inference shall be overcome if the owner does all of the following:

(i) Testifies that the owner was not operating the vehicle at the time of the violation.

(ii) Submits to an examination as to who at the time was operating the vehicle.

(iii) Reveals the name and residence address, if known, of the operator of the vehicle.

(3) If an action or proceeding is commenced in a county other than that of the residence of the owner, a verified written statement setting forth the facts prescribed under paragraph (2)(i), (ii) and (iii) shall suffice to overcome the inference.

(4) If the inference is overcome, the operator of the vehicle may be held liable under this section for failure to pay the prescribed toll in the same manner as if the operator were the owner of the vehicle.

(b) Imposition of liability.—Liability under this section shall be imposed upon an owner for a violation of this section or the regulations of the commission occurring within the territorial limits of this Commonwealth. If a violation is committed as evidenced by a violation enforcement system, the following shall apply:

(1) The commission or an authorized agent or employee must prepare and mail a notice of violation as follows:

(i) The notice of violation must be sent by first class mail to each person alleged to be liable as an owner for a violation of this section.

(ii) The notice must be mailed at the address shown on the vehicle registration or at the address of the operator, as applicable. Notice must be mailed no later than 60 days after:

(A) the alleged conduct; or

(B) the date the inference is overcome under subsection (a)(2).

(iii) Personal service is not required.

(iv) The notice must contain all of the following:

(A) Information advising the person charged of the manner and time in which the liability alleged in the notice may be contested.

(B) A warning advising the person charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered on the notice.

(1.1) A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the mailing of notice.

(2) If an owner of a vehicle or an owner that is a lessor of a vehicle receives a notice of violation under this section for any time period during which the vehicle was reported to a police department as having been stolen, it shall be a defense to the allegation of liability that the vehicle had been reported to the police as having been stolen prior to the time the violation occurred and that the vehicle had not been recovered by the time of the violation. For purposes of asserting the defense under this paragraph, it shall be sufficient that a certified copy of the police

report on the stolen vehicle be sent by first class mail to the commission within 30 days after receiving the original notice of violation. Failure to send the information within the time limit under this paragraph shall render the owner or lessor liable for the penalty prescribed by this section.

(3) An owner that is a lessor of a vehicle as to which a notice of violation was issued under paragraph (1) shall not be liable for a violation if the owner sends to the commission a copy of the rental, lease or other contract document covering the vehicle on the date of the violation, with the name and address of the lessee clearly legible to the commission, within 30 days after receiving the original notice of violation. Failure to send the information within the time limit under this paragraph shall render the lessor liable for the penalty prescribed by this section. If the lessor complies with the provisions of this section, the lessee of the vehicle on the date of the violation shall be deemed to be the owner of the vehicle for purposes of this section and shall be subject to liability for the penalty under this section.

(4) A certified report or a facsimile report of an authorized agent or employee of the commission reporting a violation of this section or regulations of the commission based upon the recorded information obtained from a violation enforcement system shall be prima facie evidence of the facts contained in the report and shall be admissible as an official record kept in the ordinary course of business in any proceeding charging a violation of this section or the toll collection regulations of the commission.

(5) Notwithstanding any other provision of law, videotapes, photographs, microphotographs, other recorded images, written records, reports or facsimiles prepared pursuant to this section shall be for the exclusive use of the commission, its authorized agents, its employees and law enforcement officials for the purpose of discharging duties under this section and the regulations of the commission. The information shall not be deemed a public record under the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law. The information shall not be discoverable by court order or otherwise; nor shall it be offered in evidence in any action or proceeding which is not directly related to a violation of this section, the regulations of the commission or indemnification for liability imposed pursuant to this section. The restrictions set forth in this paragraph:

(i) shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action;

(ii) shall not be deemed to preclude the exchange of the information between any entities with jurisdiction over or which operate an electronic toll collection system in this Commonwealth or any other jurisdiction; and

(iii) shall not be deemed to prohibit the use of information exclusively for the purpose of billing electronic toll collection account holders, deducting toll charges from the account of an account holder, enforcing toll collection laws and related regulations or enforcing the provisions of an account holder agreement.

(6) An imposition of liability under this section must be based upon a preponderance of evidence.

(7) An imposition of liability pursuant to this section shall not be deemed a conviction of an owner and shall not be made part of the motor vehicle operating record of the person upon whom the liability is imposed, nor shall it be considered in the provision of motor vehicle insurance coverage.

(8) An owner that admits, is found liable or fails to respond to the notice of violation for a violation of this section shall be civilly liable to the commission for all of the following:

(i) Either:

(A) the amount of the toll evaded or attempted to be evaded if the amount can be determined; or

(B) the maximum toll from the farthest point of entry on the Pennsylvania Turnpike to the actual point of exit if the amount of the toll evaded or attempted to be evaded cannot be determined.

(ii) A reasonable administrative fee not to exceed \$35 per notification.

(9) Nothing in this section shall be construed to limit the liability of the operator of a vehicle for a violation of this section or of the regulations of the commission.

(c) Placement of electronic toll collection device.—An electronic toll collection device which is affixed to the front windshield of a vehicle in accordance with the regulations of the commission shall not be deemed to constitute a violation of 75 Pa.C.S. § 4524 (relating to windshield obstructions and wipers).

(d) Privacy of electronic toll collection account holder information.—

(1) Except as set forth paragraph (2), notwithstanding any other provision of law, all of the following apply to information kept by the commission, its authorized agents or its employees which is related to the account of an electronic toll collection system account holder:

(i) The information shall be for the exclusive use of the commission, its authorized agents, its employees and law enforcement officials for the purpose of discharging their duties pursuant to this section and the regulations of the commission. This subparagraph includes names, addresses, account numbers, account balances, personal financial information, vehicle movement records and other information compiled from transactions with the account holders.

(ii) The information shall not be deemed a public record under the Right-to-Know Law, nor shall it be discoverable by court order or otherwise or be offered in evidence in any action or proceeding which is not directly related to the discharge of duties under this section, the regulations of the commission or a violation of an account holder agreement.

(2) Paragraph (1) shall not be deemed to do any of the following:

(i) Preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.

(ii) Preclude the exchange of the information between any entities with jurisdiction over or which operate an electronic toll collection system in this Commonwealth or any other jurisdiction.

(iii) Prohibit the use of the information exclusively for the purpose of billing electronic toll collection account holders, deducting toll charges from the account of an account holder, enforcing toll collection laws and related regulations or enforcing the provisions of an account holder agreement.

(e) Definition.—As used in this section, the term "owner" means any person, corporation, firm, partnership, agency, association, organization or lessor that, at the time a vehicle is operated in violation of this section or regulations of the commission:

(1) is the beneficial or equitable owner of the vehicle;

(2) has title to the vehicle; or

(3) is the registrant or coregistrant of the vehicle registered with the department or a comparable agency of another jurisdiction or uses the vehicle in its vehicle renting or leasing

business. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person.

§ 8117. Refunding bonds.

The commission is authorized to provide, by resolution, for the issuance of turnpike revenue refunding bonds for the purpose of refunding issued and outstanding turnpike revenue bonds, notes or other obligations. Applicable provisions of this chapter govern all of the following:

- (1) Issuance of the turnpike revenue refunding bonds.
- (2) Maturities and other details of the refunding bonds.
- (3) Rights of the holders of the bonds.
- (4) Duties of the Commonwealth and of the commission in respect to the bonds.

§ 8118. Rights of obligation holders and trustees.

(a) Scope.—This section applies to all of the following:

- (1) A holder of:
 - (i) a bond, note or other obligation issued under this chapter; or
 - (ii) a coupon attached to the bond, note or other obligation.
- (2) The trustee under an applicable trust indenture.

(b) Enforcement.—Subject to subsection (c), a person referred to in subsection (a) may, by an action at law or in equity, do all of the following:

(1) Protect and enforce rights granted under this chapter or under the resolution or trust indenture.

(2) Enforce and compel performance of all duties required by this chapter or by the resolution or trust indenture to be performed by the commission or an officer of the commission. This paragraph includes fixing, charging and collecting of tolls for the use of the turnpikes.

(c) Restriction.—Rights under this chapter may be restricted by resolution passed before the issuance of the bond, note or other obligation or by the trust indenture.

§ 8119. Authority granted to secretary.

(a) Agreement with Federal Government.—

(1) The secretary is authorized to enter into an agreement with the United States Department of Transportation, the Federal Highway Administration and any other Federal agency to obtain Federal funds for projects for resurfacing, restoring and rehabilitating toll roads in this Commonwealth. The commission is authorized to use Federal funds which may be available for toll roads only upon approval of the secretary and only under the authority granted under this section.

(b) Approval by department.—Contracts and agreements relating to the construction of the turnpikes and connecting tunnels and bridges must be approved by the department.

§ 8120. Construction of chapter.

This chapter shall be regarded as supplemental and additional to powers conferred by other statutes and shall not be regarded as in derogation of any powers now existing and shall be liberally construed to effect its purposes.

Section 2.4. Section 8901 of Title 75 is amended to read:

§ 8901. Definitions.

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

"Annual additional rent." That portion of the rent payable to the Department of Transportation under section 8915.3(5) (relating to lease of Interstate 80).

"Annual base rent." That portion of the rent payable to the Department of Transportation under section 8915.3(4) (relating to lease of Interstate 80).

"Annual surplus rent." That portion of the rent payable to the Department of Transportation under section 8915.3(6) (relating to lease of Interstate 80).

"Auditor General's certificate." The certificate issued by the Auditor General within 180 days after the end of each fiscal year of the Pennsylvania Turnpike Commission certifying all of the following:

(1) The amount of the general reserve fund surplus for the fiscal year.

(2) Interstate 80 savings for the fiscal year.

(3) After review of the commission's current ten-year capital plan, that the transfer of the general reserve fund surplus under section 8915.3 (relating to lease of Interstate 80) shall not impair the ability of the commission to meet its obligations under the lease agreement or the commission's ten-year capital plan.

"Commission." The Pennsylvania Turnpike Commission.

"Conversion date." The date the Pennsylvania Turnpike Commission intends to assume control over Interstate 80 as set forth in the conversion notice.

"Conversion notice." Written notice to the Secretary of Transportation from the Pennsylvania Turnpike Commission providing notice of its intent to assume control over Interstate 80 under section 8915.3(3) (relating to lease of Interstate 80).

"Conversion period." A period of three years:

(1) which begins on the date of execution of the lease agreement; and

(2) during which the Pennsylvania Turnpike Commission may give the Department of Transportation conversion notice or notice that the commission has exercised its option to extend the conversion period pursuant to section 8915.3(2) (relating to lease of Interstate 80).

"Fiscal year." The fiscal year of the Pennsylvania Turnpike Commission.

"General reserve fund surplus." The amount which:

(1) is certified by the Auditor General in the Auditor General's certificate as existing in the Pennsylvania Turnpike Commission's general reserve fund on the last day of the fiscal year; and

(2) is not required to be retained in the general reserve fund pursuant to any financial documents, financial covenants, insurance policies, liquidity policies or agreements, swap agreements or rating agency requirements in effect at the commission.

"Interstate 80 savings." An amount equal to the following:

(1) Prior to the conversion date, the amount shall be zero.

(2) After the conversion date, the amount certified in the Auditor General's certificate equal to \$100,000,000, increased by 4% for each year after the year of execution of the lease agreement.

"Lease agreement." A lease agreement between the Department of Transportation and the Pennsylvania Turnpike Commission which shall include provisions setting forth the terms of the conversion of Interstate 80 to a toll road.

"Scheduled annual commission contribution." The following amounts, except that the amount shall be equal to the annual base rent plus \$250,000,000 if the conversion notice is not received by the Secretary of Transportation prior to the expiration of the conversion period:

(1) \$700,000,000 in fiscal year 2007-2008.

(2) \$750,000,000 in fiscal year 2008-2009.

(3) \$800,000,000 in fiscal year 2009-2010.

(4) \$800,000,000 increased by 2.5% for each fiscal year after fiscal year 2009-2010, except that the amount shall be equal to \$250,000,000 if Interstate 80 is not converted to a toll road.

Section 2.5. Section 8911 introductory paragraph of Title 75 is amended and the section is amended by adding a paragraph to read:

§ 8911. Improvement and extension authorizations.

In order to facilitate vehicular traffic within and across this Commonwealth, the commission is hereby authorized and empowered to construct, widen, expand, extend, operate and maintain turnpike extensions and turnpike improvements at such specific locations and

according to such schedule as shall be deemed feasible and approved by the commission, together with connecting roads, storm water management systems, tunnels and bridges, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

* * *

(10) Other slip ramps and interchanges as the commission may determine.

Section 2.6. Sections 8912 introductory paragraph, 8913, 8914 introductory paragraph and 8915 introductory paragraph of Title 75 are amended to read:

§ 8912. Subsequent extension authorizations.

The commission is also hereby authorized and empowered to construct, widen, expand, extend, operate and maintain further extensions and improvements of the turnpike at such specific locations and according to such schedules as shall be deemed feasible and which shall be approved by the commission, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

* * *

§ 8913. Additional subsequent extension authorizations.

Upon substantial completion of the turnpike extensions and improvements set forth in sections 8911 (relating to improvement and extension authorizations) and 8912 (relating to subsequent extension authorizations), the commission is hereby authorized and empowered to construct, widen, expand, extend, operate and maintain further extensions and improvements of the turnpike at such specific locations and according to such schedules as shall be deemed feasible and which shall be approved by the commission, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows: construct from a point at or near Interstate Route 80 Interchange 23 at Milesburg southwesterly generally along U.S. Route 220 to a connection with the existing U.S. Route 220 Expressway south of Bald Eagle.

§ 8914. Further subsequent authorizations.

Upon completion of the turnpike extensions and improvements set forth in sections 8911 (relating to improvement and extension authorizations), 8912 (relating to subsequent extension authorizations) and 8913 (relating to additional subsequent extension authorizations), the commission is hereby authorized and empowered to construct, widen, expand, extend, operate and maintain further extensions and improvements of the turnpike at such specific locations and according to such schedules as shall be deemed feasible and which shall be approved by the commission, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

* * *

§ 8915. Conversion to toll roads.

In order to facilitate vehicular traffic within and across this Commonwealth, and [after] to facilitate the completion of the turnpike extensions and improvements authorized in section 8911 (relating to improvement and extension authorizations), and subject to prior legislative approval by the General Assembly and the United States Congress, the commission is hereby authorized and empowered to convert to toll roads such portions of Pennsylvania's interstate highway system as may [be required in order to] facilitate the completion of the turnpike extensions and improvements authorized in sections 8912 (relating to subsequent extension authorizations), 8913 (relating to additional subsequent extension authorizations) and 8914 (relating to further subsequent authorizations) and to operate and maintain such converted interstates as toll roads upon the approval by the Congress of the United States of America and the General Assembly of this Commonwealth of legislation expressly permitting the conversion of such interstates to toll roads. Such conversions shall take place at a time and manner set forth in the plan for the conversion prepared by the commission with the cooperation of the department. The provisions authorizing the commission to construct, operate and maintain the turnpike routes in sections 8911, 8912 and 8913 shall be subject to:

* * *

Section 2.7. Title 75 is amended by adding sections to read:

§ 8915.1. Conversion of Interstate 80.

In order to facilitate vehicular traffic across this Commonwealth, the commission is authorized and empowered to do all of the following:

(1) Construct, reconstruct, widen, expand, extend, operate, maintain and maintain and operate Interstate 80 from a point at or near the Ohio border to at or near the New Jersey border, together with connecting roads, interchanges, slip ramps, tunnels and bridges.

(2) Issue turnpike revenue bonds of the Commonwealth, notes or other obligations, payable solely from revenues of the commission, including tolls, or from funds as may be available to the commission for that purpose, to pay the cost of construction, reconstructing, widening, expanding or extending or any other costs of the Pennsylvania Turnpike.

§ 8915.2. Application to United States Department of Transportation.

(a) Application.—The commission, in consultation with the department and at its own expense, is authorized to prepare and submit an application to the United States Department of Transportation in accordance with 23 U.S.C. § 129 (relating to toll roads, bridges, tunnels, and ferries) for the conversion of Interstate 80 to a toll road under the Interstate Reconstruction and Rehabilitation Pilot Program or in accordance with any other applicable Federal program or provision of law. The secretary shall ensure that all information required for the application is made available to the commission as soon as practicable after the effective date of this section. If the application is submitted pursuant to the Interstate Reconstruction and Rehabilitation Pilot Program, it shall contain all of the following:

(1) A consulting civil engineer's report assessing the current physical conditions of the roadbed, pavement, bridges and interchanges and projecting the costs to upgrade Interstate 80, the costs for additional improvements and implementation of the tolling facilities and existing funds available for Interstate 80, absent tolling and concluding that the facility would not be maintained or improved to meet current or future needs from the Commonwealth's apportionments and allocations and from revenues for highways from any other source without toll revenues.

(2) A traffic and revenue report completed by a third-party consultant forecasting future traffic and revenue over a minimum of 20 years.

(3) An environmental scoping analysis assessing the fiscal impact, any air and water quality issues and the involvement of local metropolitan planning organizations.

(4) A construction and operational plan for the implementation of the Toll Pilot Program for Interstate 80 which:

(i) assumes completion no later than five years after financing;

(ii) includes a plan for implementing the imposition of tolls on use of Interstate 80, a schedule and finance plan for the reconstruction and rehabilitation of Interstate 80 using toll revenues and a description of the public transportation agency that will be responsible for implementation and administration of the toll pilot program.

(5) A financial analysis demonstrating that tolling Interstate 80 will produce sufficient revenue to pay debt service on any bonds and loans incurred with respect to the Toll Pilot Program.

(b) Open system.—A toll system shall consist of what is commonly referred to as an open system.

§ 8915.3. Lease of Interstate 80.

The department and the commission shall enter into a lease agreement relating to Interstate 80. The lease agreement shall include provisions setting forth the terms and conditions of the conversion of Interstate 80 to a toll road. The lease agreement, at a minimum, shall include the following:

(1) A provision that the term of the lease agreement shall be 50 years, unless extended upon mutual agreement of the parties to the lease agreement.

(2) A provision establishing a conversion period and authorizing extension of the conversion period at the sole option of the commission for three one-year extension periods after consultation with the secretary. The commission shall notify the secretary of its intent to extend the conversion period not less than 90 days before the scheduled expiration of the conversion period. During the conversion period, all legal, financial and operational responsibility for Interstate 80 shall remain with the department. All operations and programmed rehabilitation shall be maintained at levels no less favorable than those set forth in the department's 12-year plan at the time of the execution of the lease, with modifications as are approved in writing by the chairman of the commission.

(3) A provision permitting the commission to exercise its option to convert Interstate 80 to a toll road prior to the expiration of the conversion period by providing the conversion notice to the secretary beginning on the conversion date, all legal, financial and operational responsibility for Interstate 80, as well as all toll revenues collected with respect to its use, shall be transferred from the department to the commission. The commission shall contract with the department for any portion of the maintenance of Interstate 80 at cost levels no less favorable than those of the department on the conversion date.

(4) A provision requiring the commission to pay annual base rent to the department during the term of the lease agreement in the following manner and equal to the following amounts:

(i) Annual debt service on outstanding bonds issued under section 9511.2 (relating to special revenue bonds payable solely from pledged revenues of Motor License Fund) payable as required pursuant to bonds.

(ii) \$200,000,000 payable annually in four equal installments each due the first business day of each July, October, January and April.

(5) A provision requiring the commission to pay annual additional rent to the department as follows:

(i) During the conversion period and after the conversion of Interstate 80 to a toll road, the annual additional rent shall be equal to the scheduled annual commission contribution, minus any amounts paid under paragraph (4) and any Interstate 80 savings for that fiscal year as set forth in the Auditor General's certificate.

(ii) If conversion notice is not received by the secretary prior to the expiration of the conversion period, the annual additional rent shall be equal to \$250,000,000.

The annual additional rent is deemed to be equal to the fair market value of Interstate 80 and shall be payable in four equal installments due the first business day of each July, October, January and April of each year during the term of the lease agreement.

(6) A provision requiring the commission to pay, commencing on the conversion date, annual surplus rent to the department equal to the general reserve fund surplus payable for each fiscal year from the conversion date until the end of the term of the lease agreement. The surplus rent shall be payable by the commission within 30 days of receipt by the commission of the Auditor General's certificate. If the conversion period expires before the conversion date, no annual surplus rent shall be payable.

(7) A provision stating that the obligation of the commission to pay the annual base rent, the annual additional rent and annual surplus rent shall be a subordinate obligation of the commission payable from amounts in the general reserve fund of the commission only as permitted by any financing

documents, financial covenants, liquidity policies or agreements, swap agreements or rating agency requirements in effect at the commission.

Amend Bill, page 69, line 20, by striking out all of said line and inserting

Section 4. Title 75 is amended by adding a section to read:
§ 9501. Definitions.

The following words and terms when used in this chapter shall have the meanings given to them in this section, unless the context clearly indicates otherwise:

"Bond related expenses." The term shall include all of the following:

(1) Printing, publication or advertising expenses with respect to the sale and issuance of bonds.

(2) Fees, expenses and costs of registrars.

(3) Fees, expenses and costs of attorneys, accountants, feasibility consultants, computer programmers or other experts employed to aid in the sale and issuance of the bonds.

(4) Other costs, fees and expenses incurred or reasonably related to the issuance and sale of the bonds.

"Bond-related obligation." An agreement or contractual relationship between the Pennsylvania Turnpike Commission and a bank, trust company, insurance company, swap counterparty, surety bonding company, pension fund or other financial institution providing increased credit on or security for the bonds or liquidity for secondary market transactions.

"Commission." The Pennsylvania Turnpike Commission or any successor organization.

"Cost of the department."

(1) Any of the following, which shall be reimbursed or paid out of the proceeds of the special revenue bonds, notes or other obligations authorized under this chapter:

(i) The cost of constructing, reconstructing, widening, expanding or extending the State highway and rural State highway system and all connecting roads, tunnels and bridges.

(ii) The cost of all lands, property rights, rights-of-way, easements and franchises acquired, which are deemed necessary or convenient for the construction, reconstruction, widening, expanding or extending under subparagraph (i).

(iii) The cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction.

(iv) The cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of the enterprise, administrative and legal expenses and other expenses as may be necessary or incident to the financing authorized under this chapter, the construction, reconstruction, widening, expanding or extending of the State highway and the rural State highway system and connecting roads, tunnels and bridges, the placing of the same in operation and the condemnation of property necessary for construction and operation.

(v) Any obligation or expense contracted for by the Department of Transportation or with the United States or any agency of the United States, for traffic surveys, preparation of plans and specifications, supervision of construction, and other engineering, administrative and legal services and expenses in connection with the construction, reconstruction, widening, expanding or extending of the State highway and the rural State highway system or any of the connecting roads, tunnels and bridges.

(2) Payment of any notes or other obligations if the notes or other obligations were issued for the payment of a cost.

"Design build arrangement." A procurement or project delivery arrangement whereby a single entity, which may be a single contractor or a consortium comprised of multiple contractors, engineers and other subconsultants, is responsible for both the design and construction of a transportation project with a guaranteed completion date and guaranteed maximum price.

"Owner." The term shall include all individuals, copartnerships, associations or corporations having any title or interest in any property rights, easements or franchises authorized to be acquired by this chapter.

"Pledged revenues." Revenues of the Motor License Fund pledged to the Pennsylvania Turnpike Commission under sections 9010 (relating to disposition and use of tax), 9511(i) (relating to allocation of proceeds) and 9511.11 (relating to Motor License Fund proceeds) and amounts payable by the commission under section 8915.3(4)(i) (relating to lease of Interstate 80).

"Rural State Highway System." All roads and highways taken over by the Commonwealth as State highways under the provisions of the act of June 22, 1931 (P.L.594, No.203), referred to as the Township State Highway Law and all other roads and highways specifically designated by the Secretary of Transportation as Rural State Highways.

"State highway." All roads and highways taken over by the Commonwealth as State highways under the provisions of any statute. Unless clearly intended, the term shall not include any street in any city, borough or incorporated town, even though the same may have been taken over as a State highway.

Section 5. Section 9502(a) of Title 75 is amended to read:
§ 9502. Imposition of tax.

(a) General rule.—

(1) An "oil company franchise tax for highway maintenance and construction" which shall be an excise tax of [60] 249.5 mills is hereby imposed upon all liquid fuels and fuels as defined and provided in Chapter 90 (relating to liquid fuels and fuels tax), and such tax shall be collected as provided in section 9004(b) (relating to imposition of tax, exemptions and deductions).

(2) [An additional 55 mills is hereby imposed on all liquid fuels and fuels as defined and provided in Chapter 90 and such tax shall also be collected as provided in section 9004(b), the] The proceeds of which shall be distributed as follows:

(i) [Forty-two percent] 22.91% to county maintenance districts for highway maintenance. This allocation shall be made according to the formula provided in section 9102(b)(2) (relating to distribution of State highway maintenance funds). This allocation shall be made in addition to and not a replacement for amounts normally distributed to county maintenance districts under section 9102.

(ii) [Seventeen percent] 3.76% for highway capital projects.

(iii) [Thirteen percent] 2.88% for bridges.

(iv) [Two percent] 0.44% for bridges identified as county or forestry bridges.

(v) [Twelve percent] 1.21% for local roads pursuant to section 9511(c) (relating to basic allocation to municipalities).

(vi) [Fourteen percent] 3.10% for toll roads designated pursuant to the act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act, to be appropriated under section 9511(h).

(vii) 1.61% to the respective counties of this Commonwealth on June 1 and December 1 of each year in the ratio that the average amount returned to each county during the preceding three years bears to the

average amount returned to all counties during the three preceding years.

(3) An additional 38.5 mills is hereby imposed upon all liquid fuels and fuels as defined and provided in Chapter 90, and such tax shall also be collected as provided in section 9004(b), the proceeds of which shall be deposited in The Motor License Fund and distributed as follows:

(i) Twelve percent to municipalities on the basis of and subject to the provisions of the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, is appropriated.

(ii) Eighty-eight percent to the department is appropriated as follows:

(A) Forty-seven percent for distribution in accordance with section 9102(b)(2) for fiscal year 1997-1998.

(B) Fifty-three percent for a Statewide highway restoration, betterment and resurfacing program for fiscal year 1997-1998.

(C) Fifty-seven percent for distribution in accordance with section 9102(b)(2) for fiscal year 1998-1999.

(D) Forty-three percent for a Statewide highway restoration, betterment and resurfacing program for fiscal year 1998-1999.

(E) Sixty-seven percent for distribution in accordance with section 9102(b)(2) for fiscal year 1999-2000.

(F) Thirty-three percent for a Statewide highway restoration, betterment and resurfacing program for fiscal year 1999-2000.

(G) Seventy-seven percent for distribution in accordance with section 9201(b)(2) for fiscal year 2000-2001.

(H) Twenty-three percent for a Statewide highway restoration, betterment and resurfacing program for fiscal year 2000-2001.

(I) One hundred percent for distribution in accordance with section 9102(b)(2) for fiscal year 2001-2002 and each year thereafter.

(J) For any fiscal year beginning with 1997-1998 through and including fiscal year 2000-2001, the department shall make supplemental maintenance program payments from the Statewide highway restoration betterment program to those county maintenance districts for which the total highway maintenance appropriations and executive authorizations in accordance with section 9102(b) would be less than the amount received in 1996-1997 from the highway maintenance appropriation, the Secondary Roads-Maintenance and Resurfacing Executive Authorization, the Highway Maintenance Excise Tax Executive Authorization and the Highway Maintenance Supplemental Appropriation.]

The words and phrases used in this paragraph shall have the meanings given to them in section 9101 (relating to definitions). This one-time allocation shall be made in addition to and is not a replacement for amounts normally distributed to county maintenance districts under section 9102.

(4) An additional 55 mills is hereby imposed upon all fuels as defined and provided in chapter 90 and such tax shall also be collected as provided in section 9004(b) upon such fuels, the proceeds of which shall be deposited in The Highway Bridge Improvement Restricted Account within the Motor License Fund and is hereby appropriated.

* * *

Section 6. Section 9511 of Title 75 is amended by adding a subsection to read:

§ 9511. Allocation of proceeds.

(i) Allocation of oil company franchise tax for highway maintenance and construction to commission on behalf of department.—Amounts deposited in the Motor License Fund as a result of the tax imposed under sections 9004(b) (relating to imposition of tax, exemptions and deductions) and 9502(a)(1), (2)(i), (ii), (iii), (iv) and (v) and (3)(ii), are pledged to secure bonds issued by the commission under section 9511.2 (relating to special revenue bonds payable solely from pledged revenues of Motor License Fund). Each month, the State Treasurer shall transfer amounts as are necessary, in combination with amounts transferred under sections 8915.3(4)(i) (relating to lease of Interstate 80) and 9511.11 (relating to Motor License Fund proceeds), to satisfy the provisions of the bond indenture relating to bonds issued under this section and are authorized to be appropriated. The amounts pledged under this section and deposited in the Motor License Fund shall be immediately subject to the lien of the pledge without any further physical delivery or act, and any lien of any pledge shall be valid or binding against all parties having claim of any kind in tort, contract or otherwise against the commission, regardless of whether the parties have notice of the lien or pledge. The Commonwealth pledges to and agrees with any person, firm or corporation acquiring any bonds to be issued by the commission and secured in whole or in part by a pledge of the portion of the tax imposed under section 9502(a)(2) and distributed in the manner indicated in that section that the Commonwealth will not limit or alter the rights vested in the commission to the appropriation and distribution of the tax revenues.

Section 7. Title 75 is amended by adding sections to read:

§ 9511.2. Special revenue bonds payable solely from pledged revenues of Motor License Fund.

(a) Payment source.—A special revenue bond, note or other obligation issued under this chapter:

(1) shall not be deemed to be a debt or liability of the Commonwealth;

(2) shall not create or constitute any indebtedness, liability or obligation of the Commonwealth; and

(3) shall be payable solely from revenues of the Motor License Fund pledged to the commission for that purpose in combination with amounts transferred under section 8915.3(4)(i) (relating to lease of Interstate 80).

(b) Statement.—A special revenue bond, note or other obligation issued under this chapter must contain a statement on its face that:

(1) the Commonwealth is not obligated to pay the bond, note or obligation or the interest on it except from revenues of the Motor License Fund pledged for that purpose in combination with amounts transferred under section 8915.3(4)(i); and

(2) neither the faith and credit nor the taxing power of the Commonwealth is pledged to the payment of the principal or interest of the bond, note or obligation.

(c) Taxation.—The issuance of a special revenue bond, note or other obligation under this chapter shall not directly, indirectly or contingently obligate the Commonwealth to levy a tax or to make an appropriation for payment.

§ 9511.3. Expenses.

(a) Reimbursement.—The commission shall be reimbursed for the necessary expenses incurred in the performance of the duties performed under the provisions of this chapter.

(b) Source.—All expenses incurred in carrying out the provisions of this chapter shall be paid solely from funds provided under the authority of this chapter, and sufficient funds shall be provided under the authority of this chapter to meet any liability or obligation incurred in carrying out the provisions of this chapter.

§ 9511.4. Special revenue bonds and preliminary or interim financing.

(a) Authorization.—The commission is authorized to provide, by resolution, for the issuance of special revenue bonds of the commission up to an amount not exceeding \$4,000,000,000 for the purpose of

paying the cost of the department and bond-related expenses. The resolution must recite an estimate of the cost of the department. No more than \$600,000,000 of special revenue bonds may be issued in any calendar year. No bond may be issued under this section unless the lease agreement authorized under section 8915.3 (relating to lease of Interstate 80) is in effect as of the date of issuance. Special revenue refunding bonds as set forth in section 9511.9 (relating to special revenue refunding bonds) shall not be deemed to count against the total or annual maximum issuance volume. The principal and interest of the bond shall be payable solely from revenues of the Motor License Fund pledged for that purpose to the commission in combination with the amounts transferred under section 8915.3(4)(i).

(b) Form.—

(1) A bond may be issued in registered form.

(2) A bond:

(i) must be dated;

(ii) must bear interest at a rate not exceeding the rate permitted under applicable law;

(iii) must be payable semiannually;

(iv) must mature, as determined by the commission, not exceeding 40 years from the date of the bond; and

(v) may be made redeemable before maturity, at the option of the commission, at a price and under terms and conditions fixed by the commission prior to the issuance of the bonds.

(3) The amount of premium on a bond shall not cause the yield to be more than permitted by applicable law from the date of the bond to the date of redemption.

(c) Issuance.—

(1) The bond may be issued in registered form. The commission may sell a bond in registered form at public or private sale and for a price it determines to be in the best interest of the Commonwealth, but no sale shall be made at a price so low as to require the payment of interest on the money received for the bond at more than the rate permitted by applicable law, computed with relation to the absolute maturity of the bond in accordance with standard tables of bond values.

(2) A bond may be issued at public or private sale in series with varying provisions as to all of the following:

(i) Rates of interest, which may be fixed or variable.

(ii) Maturity.

(iii) Other provisions not inconsistent with this chapter.

(d) Revenue share.—All bonds, of whatever series, shall share ratably in the revenues pledged under this chapter as security for the bonds, although one series of bonds may have a lien on pledged revenues senior to the lien of another series of bonds.

(e) Payment.—

(1) The principal and interest of the bonds may be made payable in any lawful medium.

(2) The commission shall:

(i) determine the form of bonds; and

(ii) fix:

(A) the denomination of the bond; and

(B) the place of payment of principal and interest of the bond, which may be at any bank or trust company within or without this Commonwealth.

(f) Signature.—The bond must bear the facsimile signature of the Governor and of the chairman of the commission. The facsimile of the official seal of the commission shall be affixed to the bond and attested by the secretary and treasurer of the commission. If an officer whose signature or facsimile of a signature appears on a bond ceases to be an officer before the delivery of the bond, the signature or facsimile shall nevertheless be valid and sufficient for all purposes, as if the officer remained in office until delivery.

(g) Negotiability.—A special revenue bond issued under this chapter shall have all the qualities and incidents of a negotiable instrument under 13 Pa.C.S. Div. 3 (relating to negotiable instruments).

(h) Proceeds.—

(1) The proceeds of a bond shall be used solely for the following:

- (i) Payment of the cost of the department.
- (ii) Bond-related expenses.

(2) The proceeds of a bond shall be disbursed upon requisition of the secretary under restrictions set forth in the resolution authorizing the issuance of the bond or the trust indenture under section 9511.6 (relating to trust indenture, protection of holders of obligations and depositories).

(3) If the proceeds of a bond, by error of calculation or otherwise, shall be less than the cost of the department, additional bonds may be issued to provide the amount of the deficit and, unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture, shall be deemed to be of the same issue and shall be entitled to payment from the same fund, without preference or priority of the bonds first issued.

(i) Temporary bonds.—Prior to the preparation of definitive bonds, the commission may, under similar restrictions as those applicable to the definitive bonds, issue temporary bonds, exchangeable for definitive bonds upon the issuance of definitive bonds.

(j) Replacement bonds.—The commission may provide for the replacement of a bond which becomes mutilated or is destroyed or lost. A replacement revenue bond may be issued without any other proceedings or the happening of any other condition than those proceedings and conditions required by this chapter.

(k) Status as securities.—

(1) A bond is made a security in which any of the following may properly and legally invest funds, including capital, belonging to them or within their control:

(i) Commonwealth and municipal officers.

(ii) Commonwealth agencies.

(iii) Banks, bankers, savings banks, trust companies, saving and loan associations, investment companies and other persons carrying on a banking business.

(iv) Insurance companies, insurance associations and other persons carrying on an insurance business.

(v) Fiduciaries.

(vi) Other persons that are authorized to invest in bonds or other obligations of the Commonwealth.

(2) A bond is made a security which may properly and legally be deposited with and received by a Commonwealth or municipal officer or a Commonwealth agency for any purpose for which the deposit of bonds or other obligations of the Commonwealth is authorized by law.

(l) Borrowing.—The following shall apply:

(1) The commission is authorized to do all of the following:

(i) Borrow money at an interest rate not exceeding the rate permitted by law.

(ii) Provide for preliminary or interim financing, up to but not exceeding the estimated total cost of the department and bond-related expenses and to evidence the borrowing by the issuance of special revenue notes and, in its discretion, to pledge as collateral for the note or other obligation, a special revenue bond issued under the provisions of this chapter. The commission may renew the note or obligation and the payment or retirement of the note or obligation shall be considered to be payment of the cost of the project.

(2) A note or obligation issued under this subsection must comply with the following:

(i) Be executed by the same persons in the same manner and with the same effect as provided in this section for the execution of a special revenue bond.

(ii) Contain a statement on its face that:

(A) the Commonwealth is not obligated to pay the note or obligation or interest on it, except from pledged revenues of the Motor License Fund; and

(B) neither the faith and credit nor the taxing power of the Commonwealth is pledged to the payment of its principal or interest.

(3) The issuance of a special revenue note or other obligation under this chapter shall not directly or indirectly or contingently obligate the Commonwealth to levy a tax or make an appropriation for payment.

(4) A note or other obligation issued under this subsection shall have all the qualities and incidents of a negotiable instrument under 13 Pa.C.S. (relating to commercial code).

§ 9511.5. Application of proceeds of obligations, lien of holders of obligations, design-build requirement and projects approved by General Assembly.

(a) Application.—The following shall apply:

(1) All money received from any bonds, notes or other obligations issued under this chapter shall be applied solely to the payment of the cost of the department or to the appurtenant fund.

(2) Until money received from any bonds, notes or other obligations issued under this chapter is applied under paragraph (1), a lien shall exist upon the money in favor of holders of the bonds, notes or other obligations or a trustee provided for in respect to the bonds, notes or other obligations.

(b) Design-build arrangements.—To facilitate the timely completion of projects to be financed by the department with bond proceeds, the department shall be required to utilize design-build arrangements for each project estimated by the department to have a value in excess of \$100,000,000. The selection of the party for the design-build arrangement must be conducted in a manner consistent with the procurement and public bidding laws applicable to the department.

(c) Capital plan.—All projects financed by the department with bond proceeds must be set forth in the department's capital plan current at the time of the financing and budget which capital plan and budget shall be submitted to the General Assembly on or before March 31 of each year commencing March 31, 2008.

(d) Investment.—Pending the application of proceeds to costs of the department and bond-related expenses, the commission may invest the funds in permitted investments as defined under any trust indenture if the investment is not inconsistent with existing fiduciary obligations of the commission.

§ 9511.6. Trust indenture, protection of holders of obligations and depositories.

(a) Indenture.—In the discretion of the commission, a bond, note or other obligation may be secured by a trust indenture by and between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company, within or without this Commonwealth.

(b) Pledge or assignment.—A trust indenture under subsection (a) may pledge or assign revenue to be received, but shall not convey or mortgage the turnpike or any part of the turnpike.

(c) Rights and remedies.—The resolution providing for the issuance of the bond, note or other obligation of the trust indenture may contain provisions for protecting and enforcing the rights and remedies of the bondholders or holders of notes or other obligations as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the department in relation to the acquisition of properties, the construction, maintenance, operation, repair and insurance of the State highway and rural State highway system and the custody, safeguarding and application of all money.

(d) Depository.—It shall be lawful for any bank or trust company incorporated under the laws of this Commonwealth to act as depository of the proceeds of the bond, note or other obligation or revenue, to furnish indemnity bonds or to pledge securities as may be required by the commission.

(e) Indenture.—The trust indenture may set forth the rights and remedies of the bondholders or holders of notes or other obligations and of the trustee and may restrict the individual right of action of bondholders or holders of notes or other obligations as is customary in trust indentures securing bonds, debentures of corporations, notes or other obligations. The trust indenture may contain other provisions as the commission may deem reasonable and proper for the security of bondholders or holders of notes or other obligations.

§ 9511.7. Exemption from Commonwealth taxation.

The effectuation of the purposes of this chapter is for the benefit of the citizens of the Commonwealth and for the improvement of their commerce and prosperity. Since the commission will be performing essential government functions in effectuating these purposes, the commission shall not be required to pay any tax or assessment on any property acquired or used by it for the purposes provided under this chapter. A bond, note or other obligation issued by the commission, its transfer and the income from its issuance and transfer, including any profits made on the sale of the bond, note or other obligation, shall be free from taxation within the Commonwealth.

§ 9511.8. Pledged revenues, contracts for use of turnpike, sinking fund and purchase or redemption of obligations.

(a) Authorization.—The commission is authorized to collect the pledged revenues. The pledged revenues shall be fixed and adjusted as to provide funds at least sufficient to pay the bonds, notes or other obligations and the interest on the bonds, notes or other obligations. All sinking fund requirements and other requirements provided by the resolution authorizing the issuance of the bonds, notes or other obligations, or by the trust indenture, shall be fixed and adjusted as the bonds, notes or other obligations become due.

(b) Supervision.—The pledged revenues shall not be subject to supervision or regulation by any Commonwealth agency other than the commission.

(c) Set aside.—Except for the portion of the pledged revenues required to provide reserves as set forth in the resolution authorizing the issuance of the bonds, notes or other obligations or in the trust indenture, pledged revenues, to the degree amounts transferred under section 8915.3(4)(i)(relating to lease of Interstate 80) are not sufficient, shall be set aside at regular intervals as may be provided in the resolution or trust indenture, in one or more accounts, which are pledged to and charged with the payment of all of the following:

(1) The interest upon a bond, note or other obligation, as it shall become due and payable.

(2) The principal of a bond, note or other obligation, as it shall become due and payable.

(3) The necessary fiscal agency charges for paying principal and interest.

(4) A premium upon a bond retired by call or purchase.

(d) Sinking fund.—The use and disposition of the sinking fund shall be subject to regulations as may be provided in the resolution authorizing the issuance of bonds, notes or other obligations or in the trust indenture, but, except as may otherwise be provided in the resolution or trust indenture, the sinking fund shall be a fund for the benefit of all bonds, notes or other obligations issued under this chapter, without distinction or priority of one over another.

(e) Application of money.—Subject to the provisions of the resolutions authorizing the issuance of bonds, notes or other obligations or of the trust indenture, any money in the sinking fund in excess of an amount equal to one year's interest on all bonds, notes or other obligations then outstanding may be applied to the purchase or redemption of bonds, notes or other obligations. All bonds, notes or other obligations purchased or redeemed under this subsection shall be cancelled and shall not again be issued.

§ 9511.9. Special revenue refunding bonds.

The commission is authorized to provide, by resolution, for the issuance of special revenue refunding bonds of the commission for the purpose of refunding any special revenue bonds, notes or other obligations issued under the provisions of this chapter and then outstanding. The issuance of the special revenue refunding bonds, the maturities and other details of the bonds, the rights of the holders of the bonds and the duties of the department and of the commission with respect to the bonds shall be governed by the provisions of this chapter.

§ 9511.10. Remedies of trustees and of holders of obligations.

(a) Grant of rights.—A holder of a bond, note or other obligation issued under this chapter and the trustee under the trust indenture may, either at law or in equity, by suit, action, mandamus or other proceeding, do all of the following:

(1) Protect and enforce any right granted under this chapter or under the resolution or trust indenture.

(2) Enforce and compel performance of all duties required under this chapter or by resolution or trust indenture to be performed by the commission or any officer of its officers, including the collection of the pledged reserves or amounts transferred under section 8915.3(4)(i) (relating to lease of Interstate 80).

(b) Exception.—Rights given under this chapter may be restricted by resolution passed before the issuance of the bonds, notes or other obligations, or by the trust indenture.

§ 9511.11. Motor License Fund proceeds.

The balance of the proceeds deposited in the Motor License Fund under section 20 of the act of April 17, 1997 (P.L.6, No.3), entitled, "An act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for annual appropriation and computation of subsidy and for distribution of funding; providing for distribution of supplemental funding; further providing for use of funds distributed; providing for public transportation grants management accountability, for competitive procurement and for the Public Transportation Assistance Fund; further providing for period of registration, for duties of agents, for registration and other fees, for requirements for periodic inspection of vehicles, for limits on number of towed vehicles, for operation of certain combinations on interstate and other highways and for width and length of vehicles; providing for liquid fuels and fuels permits and bond or deposit of securities, for imposition of liquid fuels and fuels tax, for taxpayer, for distributor's report and payment of tax, for determination of tax, penalties and interest, for examination of records and equipment, for retention of records by distributors and dealers, for disposition and use of tax, for discontinuance or transfer of business, for suspension or revocation of permits, for lien of taxes, penalties and interest, for collection of unpaid taxes, for reports from common carriers, for violations and reward for detection of violations, for refunds, for diesel fuel importers and transporters, for prohibiting use of dyed diesel fuel, for disposition of fees, fines and forfeitures, for certified copies of records and for uncollectible checks; further providing for distribution of State highway maintenance funds and for standards and methodology for data collection; providing for dirt and gravel road maintenance; further providing for imposition of tax and additional tax; providing for tax on alternative fuels; further providing for disposition of tax revenue; making an appropriation; and making repeals," is pledged to secure bonds issued by the commission. The proceeds may be pledged to secure bonds to be issued by the commission on behalf of the department for the construction, reconstruction, widening, expansion, extension, maintenance and repair of and safety on bridges and costs and expenses incident to those tasks and fees and expenses of the commission related to the issuance of the bonds, including bond-related expenses. Each month, the State Treasurer shall transfer amounts as are necessary, in combination with amounts transferred under sections 8915.3(4)(i)(relating to lease of Interstate 80) and 9511 (relating to allocation of proceeds) to satisfy the provisions of the bond indenture relating to bonds issued under this section and those amounts are authorized to be appropriated.

§ 9511.12. Supplement to other laws and liberal construction.

This chapter shall be regarded as supplemental and additional to powers conferred by other statutes and shall not be regarded as in derogation of any powers existing on the effective date of this section. The provisions of this chapter, being necessary for the welfare of the Commonwealth and its citizens shall be liberally construed to effect the purposes of this chapter.

Section 8. Financial assistance made by the Department of Transportation to an award recipient under 74 Pa.C.S. Ch. 13 prior to the effective date of this section may continue to be used by award recipients for operating or capital expenses upon the same terms and conditions as are contained in the notice of grant award or grant agreement executed in connection with the award, if the funds are expended within five years following the effective date of this section.

Section 9. The following shall apply:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of 74 Pa.C.S. Ch. 81.

(2) The act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act is repealed.

(3) Section 207.1(c)(2) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is repealed insofar as it is inconsistent with the addition of 74 Pa.C.S. § 8105.

Section 10. The addition of 74 Pa.C.S. Ch. 81 is a continuation of the act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act. The following shall apply:

(1) Except as otherwise provided under 74 Pa.C.S. Ch. 81, all activities initiated under the Turnpike Organization, Extension and Toll Road Conversion Act shall continue and remain in full force and effect and may be completed under 74 Pa.C.S. Ch. 81. Orders, regulations, rules and decisions which were made under the Turnpike Organization, Extension and Toll Road Conversion Act and which are in effect on the effective date of section 9(2) of this act shall remain in full force and effect until revoked, vacated or modified under 74 Pa.C.S. Ch. 81. Contracts, obligations and collective bargaining agreements entered into under the Turnpike Organization, Extension and Toll Road Conversion Act are not affected nor impaired by the repeal of the Turnpike Organization, Extension and Toll Road Conversion Act.

(2) Except as set forth in paragraph (3), any difference in language between 74 Pa.C.S. Ch. 81 and the Turnpike Organization, Extension and Toll Road Conversion Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of the Turnpike Organization, Extension and Toll Road Conversion Act.

(3) Paragraph (2) does not apply to:

(i) The addition of the definition of "secretary" in 74 Pa.C.S. § 8102.

(ii) The addition of 74 Pa.C.S. § 8105.

Section 11. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) The addition of 74 Pa.C.S. § 8105.

(ii) Section 9(3) of this act.

(iii) This section.

(2) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes Representative McCall.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome the family of Representative Rob Kauffman. Representative Kauffman's wife, Niki, and children Abby, Will, and Andrew are seated in the gallery. Please join the Chair in welcoming them to the House of Representatives.

CONSIDERATION OF HB 1590 CONTINUED

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, the amendment that is before this House will fundamentally address the road and bridge and transit funding problem that we have had in this Commonwealth for the better part of 3 years. On the transit side of the equation, there are about 400 million people a year. On the transit side of the—

The SPEAKER. Will the gentleman cease for a moment.

Members will please take their seats. The Chair will request all members to hold their conversations to a minimum.

Representative McCall.

For what purpose does the gentleman, Representative Clymer, rise?

Mr. CLYMER. Mr. Speaker, we are trying to pick up this amendment on our laptops, and it says it has not been filed. So we cannot understand our—

The SPEAKER. There must be a mistake, and LDP (Legislative Data Processing) will look into that immediately.

The House will be at ease.

Mr. CLYMER. Thank you.

The SPEAKER. I believe the amendment is up on the system now.

The Chair recognizes Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Again, Mr. Speaker, the amendment before us is the culmination of 3 years of work in trying to come up with some type of a formula or fix for our transit, road, and bridge problem, funding problem, in this Commonwealth. The Commonwealth of Pennsylvania has 77 transit systems across the Commonwealth that allow for or provide 400 million rides a year, that enable people to get to and from work, to and from school, to and from doctors' appointments and other basic needs. Public transit is particularly important to the Commonwealth's senior citizen population and key to the mobility of students, the disabled, and the poor.

As we fought to increase funding without success, the Governor formed the Transportation Funding and Reform Commission, and we were charged to come up and try to find some solutions to our road and bridge and transit problem, funding inequities, and what we found was that the funding of transit came from a really unpredictable and inadequate funding source in that the money that we provided for transit did not grow with inflation. The money that we were putting into that program basically was the same amount of money year in and year out; did not grow with inflation. Therefore, it did not keep up with increased employee health-care costs, pension costs, fuel costs; just basic inflation costs.

The reality is, we had to do something and we had to do something 3 years ago. Factor in the fact that since 1995 until to date, we have lost over \$830 million in Federal funding for

operational costs of our transportation or our transit systems. Added to that mix is the problem that we have with our roads and bridges, and I know I do not have to tell you when I say that we are the fifth in line with the number of State highways that we have to maintain in this Commonwealth. We have well over 25,000 bridges, 6,000 of which are structurally deficient, which means there are 6,000 bridges that we are driving across in this Commonwealth that are safe to cross but were built in the 1940s and 1950s, and they need to be replaced.

The amendment that I have before you does a number of things. It authorizes the Pennsylvania Turnpike Commission to partner with PENNDOT in a collaborative financial arrangement for the purpose of raising additional revenues to fund our transit and highway and bridge program in this Commonwealth. It is a public-public partnership. The Turnpike Commission would make an annual contribution in the first year of \$705 million. In the second year—

The SPEAKER. Will the gentleman cease for a moment.

We have had complaints from numerous members who cannot hear the debate. I am asking the members to extend the courtesy to other members and to the speaker on this amendment. He is entitled to be heard, and members are entitled to hear the debate. Members will clear the aisle.

Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I will try to do this as briefly as I can and then open it up to the members' questions, but there are a number of moving parts that I think the members should understand.

First and foremost is that public-public partnership that just allows for the mechanism of the money to flow from the Turnpike Commission, from the revenues that they would raise, or the revenues that we would get from their main-line revenues as well as revenues from I-80, and put that money into PENNDOT and into transit.

The second component would be tolling Interstate 80 using a barrier system. In the last study that was done on Interstate 80, PENNDOT recommended that there be, or in the PENNDOT study, not that they recommended, in the PENNDOT study they placed 10 tolling barriers across Interstate 80 at about 35-mile intervals. It would be something reflective of that study. It could be more or less as we move through this process.

There would also be a local match requirement. One of the things that we heard in all of the debate as we traveled around the Commonwealth, the Commonwealth is in a unique position. Every State in this country that contributes to transit pays about 20 percent for the operation of that system, and the local governments pay 80 percent for the operation of that system. Pennsylvania is the only State in the country that pays 80 percent of those operational costs, actually 87 percent of those operational costs, and the local government is paying, by formula, around 13 percent. This amendment will further incent and try to get that local match at least up to 20 percent. Now, I understand in the rest of the country that local match is 80 percent. In Pennsylvania right now that local match is 13 percent. The language in this bill will give local governments, local authorities, counties, municipalities the ability to raise those dollars and draw down additional State dollars if they in fact raise their local match up to 20 percent. Right now they are at 13 percent. If they raise their local match to 14 percent, they will draw down that extra 1 percent in new State dollars that are associated with this amendment. If they go to the full 20 percent, they will draw the maximum amount of

new State dollars to fund transit, and there are a number of menu items that we allow for that local match: sales tax, earned income tax, realty transfer tax, a drink tax, a surcharge on parking spaces, and a local tax on rental vehicles.

We create a new fund. One of the other problems that we have in funding transit is that we have a mismatch of funding sources. We allow money coming from sales tax. We have a General Fund line item. We have the PTA (Public Transportation Assistance Fund) program, which takes money from rental cars, from car taxes; from tire taxes, \$1 on each tire; 3-percent sales tax on leased vehicles. We have a myriad of funding sources. This amendment streamlines all of those funding sources into one fund, a new dedicated transit fund.

We also link the money that we would provide to transit to a performance standard; never did that before. The funding before of the formula was fixed with a percentage of the money, not tied to performance and need. The money was automatically granted to the local transit agencies, and there was really no ability for the department to hold back any payments for lack of compliance if they did not meet certain standards. We have changed all of that in this language. The new formula is data-driven, and it forces transit agencies to meet performance standards and show that there is a need for the money that they want to draw down. All of the grant funding that we will now hand out to these agencies will be tied to an application and a granting agreement so the department does have standing to go in and audit and make sure that they are complying with the requests of the formula and how the money gets driven, and the department does have the ability to manage payments based on that performance and that compliance. And I will get into greater detail if members want to know about the performance criteria, but I will give you a couple of examples, just so you understand.

On the performance criteria, the review will consist of passengers per revenue vehicle hour, the operating cost per revenue vehicle hour, operating revenue per revenue vehicle hour, just to make sure when you see buses driving around with one person in it at 3 o'clock in the morning, they are going to have to look at that as part of their performance standard and maybe consider eliminating that route.

The other thing the amendment does, it addresses and restructures the SEPTA (Southeastern Pennsylvania Transportation Authority) governing board, and it is based on the amount of money contributed by the local counties in support of transit, and this is on the SEPTA governing board. Counties contributing less than 2 1/2 percent would get one member at the table or on the board; if it is greater than 2 1/2 percent but less than 7 1/2 percent, two members. If it is, for example, between 30 and 40 percent, you get six members on the board. So it is a way to incent counties to step up to the plate and contribute their fair share but also gives those counties standing at the table on the SEPTA governance board.

And last but not least, it forms, or I should not say it forms, it changes the turnpike governance board by taking the membership from five members to seven members. Without any confirmation, the members would be appointed by the majority leader of the House, the minority leader of the Senate, no confirmation needed, and it would take that turnpike governance board from five members to seven members.

Mr. Speaker, what we were spending \$1 on in 1995, it costs us \$2 today. Inflation has significantly eroded the money that we have to pay for our decaying infrastructure, both highways

and bridges, as well as to keep up with the maintenance, the rolling stock of our transit systems, as well as their operating costs.

Mr. Speaker, this is a reasonable amendment, and I would ask the members to support it.

MOTION TO TABLE

The SPEAKER. Representative Barrar.

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, I wanted to see if I was in order for a motion to table this amendment until Monday, 1 o'clock?

The SPEAKER. The gentleman from Delaware County, Representative Barrar, moves that this bill and all amendments be tabled until Monday at 1 o'clock.

On the question,

Will the House agree to the motion?

Mr. BARRAR. Mr. Speaker?

The SPEAKER. On the question, Representative Barrar.

Mr. BARRAR. Mr. Speaker, we just got this amendment this morning, the language to this amendment, even though it was filed on time. This gives our counties new taxing authority. It changes the SEPTA Board. We have not had enough time to study this amendment. There are all kinds of changes. The majority leader earlier referred to this bill, said it was monumental change in transportation funding, and I think we need more than just a few hours to study this proposal and take a look at it. Our Appropriations Committee is still, the staff of the Appropriations Committee is still looking at this bill trying to find out exactly what is in it.

I would ask the members to give us the weekend to look at this and give us more time to study it.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. Without objection, the Chair returns to leaves, requests for leaves of absence. Without objection, Representative PERZEL will be put on leave for the remainder of the day. The Chair sees no objection.

CONSIDERATION OF HB 1590 CONTINUED

The SPEAKER. Representative McCall, on the motion to table.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would oppose the motion to table. If we table, this motion, Mr. Speaker, it is really a vote against funding transit and highways and bridges. We have been at this issue for well over 4 or 5 years trying to come up with some type of a solution to fix this problem. I feel it is extremely important that we move this process forward, that we try to get this problem solved with the budget process that we are moving forward this month. I do not think we can wait any longer, and if we do wait any longer, we are going to force this Governor into the corner of flexing highway funds to take care of this issue. None of us – Chairman Geist, Chairman Markosek, myself as a past chairman of Transportation – want that to happen because it takes money away from our roads and our bridge program.

Mr. Speaker, this is a very important issue. I think we should have an open and lively debate on this issue and on how we should fund this program, and I would vehemently oppose the motion to table.

The SPEAKER. Representative Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I rise to oppose the motion to table. It is now very clear. After months of discussion, really years of postponing critical policymaking decisions that we have ignored, it is time for us to act. This issue has been discussed. We have had hearings. We have been working together to find solutions for a crisis with respect to the infrastructure of this State, the way people get around, the way commerce is conducted. Our bridges and roads are deteriorating, and they cannot wait any longer.

Our mass transit systems are about to be cannibalized. We cannot allow that to happen. The way we communicate with each other, we get together, the way we do business is about to collapse in the State of Pennsylvania. For us to put our heads in the sand and say we are going to deal with this another day is not responsible government. We are here to make difficult decisions. We are here to deal with the issues that are facing the Commonwealth. This bill begins to deal with those issues. It is not an easy piece of legislation, and it would be very easy to stick our heads in the sand again and ignore it and say we will deal with it another day, but the day is here. The day is upon us. We need to be responsible. We need to act. We cannot allow—The mechanisms that allow us to prosper, to create development, to have people want to live in our communities, in our cities, in our rural areas, in our industrial areas, in our farmlands across the State, our chance is this evening to start to deal with that problem, and to table this is fundamentally going to be ignoring it and sticking our heads in the sand, for however many months that people think we can ignore it.

So thank you. I ask you to not table this legislation.

The SPEAKER. The Chair recognizes the minority leader, Representative Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, there is a little bit of revisionist history being portrayed here. The fact is, Mr. Speaker, the members of this General Assembly were prepared to deal with the issues of mass transit and highways in Pennsylvania going back 4 years, at the beginning of this administration. Approximately 3 years ago the administration, the Governor's Office, decided they did not want to deal with it, that they were going to put this issue off for 3 years. It was at that time, Mr. Speaker, that this administration flexed those funds from our roads and bridges to fund mass transit as a way of getting by for 3 years while he hid from this issue.

Mr. Speaker, through that period of time, the commission, the study commission, was created so that we could figure out what we should do with our transit systems and our highways. The Governor's commission, do you know what they did with their report? Do you know what the Governor's Office did with that report? Does anybody know what he did with it? He did not do anything with it, Mr. Speaker. He ignored it, and he comes up with some other cockamamie idea that even you guys do not agree with.

The fact is, Mr. Speaker, the members of this General Assembly have been prepared to deal with this each and every year. To suggest, Mr. Speaker, that we should not go over this amendment even for a few hours or a day, I do not care if it is

tomorrow, I do not care if it is later tonight, I do not care if it is Monday, that does not matter to me, but I know this, Mr. Speaker, this amendment, a certificate was filed at 2 o'clock, by 2 o'clock yesterday, but we did not even see this language and you did not see this language – well, you may have – we did not see this language until about an hour ago. The information that we were given as to what this amendment does was misleading or screwed up. It was not accurate, by any stretch of the imagination. Perhaps that is because the amendment was being redrafted over and over, over the past 24 hours. But the fact is, Mr. Speaker, that most of the members on this side of the aisle have not had a decent chance to look at a very complex and complicated amendment.

When we ask for a little bit of a delay, Mr. Speaker, it is not, it is not because we are trying to put this issue off. We have stood ready to deal with this issue for 4 years. The people that have stuck their head in the sand, Mr. Speaker, are right over here on the second floor. They stuck their head in the sand for 4 years, and even to this day, Mr. Speaker, when – I lost track of time; maybe it was yesterday morning; I forgot – the majority chairman of the Appropriations Committee came over and said, can we work on this transportation stuff, can we work on this issue, but my answer to the chairman was, we can, but how am I supposed to talk to my members about what they should vote for whenever you have no idea, when we have no idea where the money is going to be spent?

Any of you that have been here for a while know very well that on transportation issues there is a direct necessity to know how that is going to affect your district, whether it is the roads and bridges in your district, whether it is your local municipality's share of the transportation pie, how the transit money is divided up. Everybody here knows that is how it is to be done. Now we are going around the back door and we are sneaking around the side door making wild promises. Mr. Speaker, we have not had a reasonable period of time in which to view this amendment, less than an hour, an hour and a half ago, 2 hours at the max is when we got this language. Now, I do not know, I do not know where all those platitudes of reform and openness have gone, Mr. Speaker, but I have got to say they have certainly disappeared, and maybe that is the way you guys want it. Maybe that is the way the majority wants it. The majority can do what it wants, but I have got to wonder, where are all those who were looking for reform?

The SPEAKER. The Chair will ask all members to please keep their conversations to a minimum. Members will clear the aisles. If you have an important conversation, please take it to one of the anterooms in the back. The Sergeants at Arms will clear the aisles.

Representative Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, this motion to table is not a delaying tactic. Mr. Speaker, this is a complex amendment. Every member of this legislature has an interest in highways, bridges, and/or mass transit in their district. Everybody in this place is interested in that. It is one of the most local issues we deal with. To shut out half of the members of this House from understanding what is being presented is not right, Mr. Speaker. For those of you that espoused the reforms, for those of you that claim you are going to be operating in an air of openness, I would suggest you start looking around the corner. Of course, perhaps those grand reformers from outside the edge of this building, the former partisan Democratic staffers like Mr. Potts and Mr. Stilp and

perhaps the nonpartisan Common Cause, Mr. Kauffman, and, Eric Epstein, where are you? Even the fourth estate, I would challenge you to look at the process. All of you on the outside that claim you wanted reform, look at it now, Mr. Speaker. It has evaporated into the evening. The amendment may have been proffered in the daylight, but it evaporates in the evening, Mr. Speaker.

Mr. Speaker, I know how the votes go, and I understand that promises are made. Any of you that are naive enough to accept a promise this early in this process, with some of the people who are making the promises around here, nah, I would say you better think twice about that one, too, and that goes on both sides of the aisle. I have seen more promises broken in the last 4 years here than I did in the 16 prior.

Mr. Speaker, I would urge the members to table this process just for long enough time that we can understand what exactly it is this amendment does. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

My recollection hearkens back to the last 4 years, and I do not ever remember the Republican Party allowing us to have a couple of hours' break to read an amendment with our staff teams and go over it slowly, methodically, definitively, meticulously, as we have done for the last couple of hours.

Second point: We are only voting amendments tonight. The reforms that we have initiated endure. The final work will not be voted until next week. The press, the public, and all of us will have additional time for scrutiny on Friday and on Saturday and on Sunday and on Monday.

So point three: The gut-and-replace brutalization of the parliamentary process that the former speaker was complicit in during the last several years has been edified, purified, and I would hope to think altered irrevocably. His crocodile tears notwithstanding, he was a master tactician in gut and replace, gut and replace. So his comments tonight should be received in that context. Again and again and again, year in and year out, my honorable colleague would come to the floor and there would be a bill to rename a bridge in Erie County; a few minutes later it would be the gas tax. Come on.

We have slowed down the process. We are not voting, we are not voting on final passage tonight. We are voting on an amendment, an amendment that can be looked at all weekend long, and by the way, we have well over 4 more hours. This amendment is not encyclopedic. We have given a couple of hours. We have done immeasurably more than our colleagues in the Republican echelon have done for us.

My worthy colleague from Carbon has told me it has been on the computer since 9 a.m. So there is no way, no way in the court of truth and justice that the gentleman's argumentation is worth a proverbial hill of beans. It is hypocrisy at its dizzying apogee.

The SPEAKER. For what purpose does the lady, Representative Harper, rise?

Ms. HARPER. Mr. Speaker, I think I have a point of order.

The SPEAKER. The lady will state her point of order.

Ms. HARPER. Thank you, Mr. Speaker.

The majority leader just said we would have all weekend to study this amendment, which involves \$866 million in this year's budget, and I just wanted to ask whether that means that we will not be voting this amendment tonight or are we going to

vote this Monday, because otherwise I do not understand. Are we supposed to read the amendment after we vote on it?

The SPEAKER. The lady did not state a point of order. Her purpose is a request whether the majority leader would stand for interrogation.

Ms. HARPER. No. I am just asking whether we are voting this tonight or not, because the majority leader has confused me by saying we would have all weekend to look at it. So are we not voting this tonight?

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

Once the amendment is or is not incorporated into the body of the bill, that answer will be manifest. If it is incorporated into the proposal, we will have all weekend to study its ramifications, to study exactly how it may be perceived in a vote for final passage, but the bottom line is, we are doing business differently than we used to. If this phenomena were being debated a year or 3 or 5 or 8 in the past, we would be doing final passage tonight; we would be given an amendment and then seconds later being asked to do a final-passage vote. The gut and amend would have taken place in the Republican-dominated Rules Committee.

So God bless America. The gentleman from Jefferson, the gentlelady are giving arguments, giving arguments that are hypocritical. They are not hypocrites, but their arguments are hypocritical as can be.

Ms. HARPER. Mr. Speaker, I am still confused.

Maybe I need to interrogate the majority leader. May I ask a question?

The SPEAKER. The lady is entitled to interrogate the majority leader on the motion to table. That is the issue before the House.

Ms. HARPER. Thank you very much.

Mr. Speaker, I would like to ask the majority leader if his speech meant that we were going to vote the amendment tonight and then think about it after we vote? That is my question.

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. Depending on Mr. Barrar's efficiency in this maneuver, we will either vote the amendment tonight, which is my hope, or we will not. It is up to the will of this chamber. But no matter, if it is voted tonight, we are on second consideration. We are not passing this bill tonight, and the chamber needs to be made aware of this one more time, because this is different than the slapdash, helter-skelter, pell-mell way of doing business that she was a part of over many, many years. We have put the brakes on, and you will have all weekend to analyze once more what the amendment does vis-à-vis your hometown.

Now, you can look at it tonight. We gave you 2 hours, 2 hours more than you ever gave us, and now we are going to debate it for 4 hours. I fail to see why we cannot have this discussion tonight, and then if she wants to, she will have – that is why we changed it, Mr. Speaker; that is why we put the proverbial brakes on – she will have a chance tonight and she will have a chance next week, and that is the way it should be. This is on second consideration, not final passage.

Ms. HARPER. Thank you, Mr. Speaker.

May I make one comment in response to the gentleman's remarks?

The SPEAKER. Only on the motion to table.

Ms. HARPER. Thank you, Mr. Speaker.

Just briefly, I would like to remind the members who were here last year, on the motion to table, that last year while both

Philadelphia and Pennsylvania had a budget surplus, I specifically requested this chamber and the Governor to deal with SEPTA's budget problems, and that was not done.

On the motion to table, when we are dealing with \$866 million in this year's budget being shifted from some category unknown to this category, I think it would be wise if we voted to table this so that we could see where the money is coming from.

Thank you, Mr. Speaker.

The SPEAKER. Representative Mustio.

Mr. MUSTIO. Thank you, Mr. Speaker.

I would just like to share with you an e-mail that I was copied on earlier this evening by the majority chairman of the Transportation Committee, and it kind of goes to the reason why we need to table this, so that there is some input, but before I do that, I would like to address my friend from Pittsburgh's comments about sticking our heads in the sand.

I think that the reason 50 new members, a good portion of them, are here this year is because the residents of Pennsylvania, let us kind of cut to the chase right now, are sick and tired of the blame game. We have a prolific speaker who in his own egocentric way uses the word "ad nauseam" on many occasions, and I think that is what the residents of Pennsylvania are saying—

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. Would the gentleman explicate that last remark? I think that borders on an ad hominem attack, and I would just like the Parliamentarian to have the gentleman repeat himself.

Mr. MUSTIO. Actually, it was a compliment.

The SPEAKER. The gentleman will cease.

The Chair will review that remark and act appropriately.

The Chair will also remind members that we are in very stressful times at budget. Personal attacks will not be tolerated. The Chair has admonished members continuously about references to individuals with disabilities and inappropriate references on other subjects. The Chair will remind the members to respect the floor, the debate, and remember, there are 12 million people watching this debate.

Representative Mustio.

Mr. MUSTIO. Thank you, Mr. Speaker.

I think that my mike was shut off a little bit too soon. What I was going to say was that the gentleman uses the word "ad nauseam" on several occasions, and quite honestly, that is what I feel, in talking with the constituents in my district, that they feel about the blame game. They are tired of the blame game. They want to see some action taken.

But in reference to the gentleman from Pittsburgh's comments about sticking our heads in the sand, it is no different sticking our heads in the sand than having our leaders go into the back room and start negotiating deals on these things, and that is where we got into trouble last year, and that is what resulted in the election change.

What our leadership is asking for is an opportunity to read and discuss, and actually, I have some suggestions where we can garner some new revenue to solve this problem, but the continued reference to this is the way you did it in the past and then my leader gets up and says, well, when you were in charge, you did this, quite honestly, we are under a new era because we have new rules and we have 50 new members here.

The SPEAKER. The Chair will remind the gentleman that the issue before the House is the motion to table—

Mr. MUSTIO. Yes.

The SPEAKER. —and he will restrict his remarks to that issue.

Mr. MUSTIO. Thank you.

The SPEAKER. The Chair will also remind members that leaders are given a wider berth, more latitude. That latitude does not follow, on motions to table, to individual members.

Mr. MUSTIO. Thank you very much.

And I will get to the e-mail. It was in response to a representative from the Amalgamated Transit Union, Local 85. "Pat we are trying and may move something this afternoon/evening. However, no republican votes seem imminent. Hard to do all of this by ourselves." My response was that we would be happy to help but we needed to be involved and involved in the discussion.

As I said earlier, I have \$2.2 million to contribute with an idea, but we are not going to be able to do that tonight because you are forcing us to vote on something that we have not been able to caucus on. It was changed I think within the last half-hour, from what we had heard.

You have a list of I do not know how many new taxes in there that you are going to want to enable our local governments to implement without us having an option to have that discussion.

So I would support my colleague with the motion to table and ask for I guess a sincere opportunity on your part to show that we are changing the way we are operating here rather than blaming the way things have been done in the past.

Thank you.

The SPEAKER. Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Although I am sympathetic to the arguments of the other Representative from Delaware County, I think the motion to table at this time is premature, and I will be voting "no" for this reason. I am concerned about a 57-page amendment, not knowing what is in it, and I have been trying to learn as I go along and I have questions which have arisen, but I think it will be productive for this body, rather than to table this, to engage in the debate, to answer the questions, to discuss, to ask the makers about these things up until we start to approach 11 and then see where we are. I think that would be a better use of our time. If we get to the point where we have not had a chance to address our concerns, then I might consider a motion like this, but I think at this point in time we better serve the people by working on this and trying to better understand the proposal.

So I will be a "no" vote on this.

The SPEAKER. Representative Blackwell.

Mr. BLACKWELL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the motion to table.

If anybody has any problems with transportation and the transportation system, it is me, but I would remind my colleagues that we are here indeed to do the people's business.

I sat here for 2 years and we would get things at the last moment and be expected to vote on it. I knew what I was getting into when I came here.

Mr. Speaker, you are right. As the gentleman prior to me speaking said, there are new members here. I want to believe there are new members here because the people of Pennsylvania want change; they want us to go to work. Frankly, I am tired of

all these commissions and studies. Maybe what we really need is a commission to study this legislature and understand why we always fight everything of the opposite party.

I rise to oppose the motion to table because I want to get things done. I want to get it done so that we can all go home, chill a little bit, come back, and then smile again, because we are tired, but we are not tired from working. We are tired from the lack of working. Now, we have people— Well, that will come later.

But, Mr. Speaker, I rise to oppose the motion to table, because I think it is time that we go ahead and vote these things either up or down, get on with the people's business, and stop, as we say on the waterfront, stop jiving. People know when we are working and when we are not working. Let us vote it up or down.

But I will close with this, and we believe this in my union: While the minority must have its say, the majority must have its way.

Thank you, Mr. Speaker.

The SPEAKER. Representative Markosek.

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

Mr. Speaker, I rise to oppose the motion to table.

Tonight I have heard some of my colleagues blame various people over the past several years of why we have or have not done certain things. I have heard people here tonight blame the Governor, I have heard people here tonight blame Republicans, and I have heard some of my colleagues blame Democrats. I am not getting up here to blame anybody.

I think the people want us to do our job, they want us to do it correctly, and we do not always have the time that we would like. In a perfect world we would have plenty of time to study many of these very sophisticated issues. We have a 2-year term. Our legislative term is 2 years, and a lot of us would like that to be longer. A lot of us would like to live longer. A lot of us would like to have more time to spend with our families. A lot of us would like to have a lot more time to do a lot of other things.

I understand that some of the folks in here very honestly have looked at this and feel that they need more time. I have worked and I have offered my staff to work with folks on both sides of the aisle when they had questions about this, and we were unable to get to absolutely everybody, but we did, and we have spent time working with both Democrats and Republicans on some of the intricacies of this, admittedly, sophisticated legislation.

It is late in the season. The budget is due in a couple of weeks, in a week and a half or so. Yes, we would like to have more time, but in a perfect world, it would be great to do that. We all know this is a very imperfect world, and yes, this is a very imperfect body.

So, Mr. Speaker, I would ask our colleagues, my colleagues, to vote "no" on this motion. Let us move forward. I think most of us here do have the information we need. Most of us here pretty much have already decided on what we are going to do with this particular amendment, and I do not think there is any reason to delay any longer, and in fact, it is imperative if we want to solve transportation problems by the end of this month, very serious transportation problems by the end of this month, I think we need to do our job tonight, move forward, vote on this bill, and hopefully send it over to the Senate so they can do their job and we can get together and get this passed.

Thank you, Mr. Speaker.

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

This amendment is to a bill that was introduced June 18. On June 19 that bill was considered in the Transportation Committee with so little advance notice that copies of the bill were not even available at the time that the meeting was called for. Quickly perusing the bill in the committee, I discovered the shocking prospect that Democrats were prepared and did proceed to vote to eliminate support for the seniors for their riding on mass transit, shocked to see that the Democrats on the committee voted to eliminate all funding of mass transit, shocked to see that the Democrats on the committee voted to eliminate all funding for bridges, all funding for roads. All went to the scrap heap.

Mr. McCALL. Mr. Speaker, on the motion.

Mr. MAHER. I am speaking on the motion, sir.

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman rise?

Mr. McCALL. Just a point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. McCALL. The motion before the House is whether or not to table the amendment. He is speaking on the substance of the bill.

The SPEAKER. I hope the gentleman is leading up to the reason that he wishes to table the bill, and the Chair will encourage him to do so.

Mr. MAHER. Thank you, Mr. Speaker.

On June 19 while the House was in session, without the advance approval of the Speaker, the committee proceeded to a vote. That violates the rules of this House. It was brought to the attention of the committee that that was in violation of the rules of the House. The Democrats running that meeting chose to ignore and say in fact somehow or another they had telepathic permission.

The SPEAKER. The gentleman will suspend.

Under general provisions of debate, what happens in committee meetings is not appropriate for the floor debate.

Mr. MAHER. Mr. Speaker, that is fascinating, and I will contemplate that. I will not address it at the moment, but I think you and I have many, many times heard reports of what has happened in the committee – how a committee voted, what experts were heard from, what kind of hearings went forth, and so on – but if the new rule will be that there can be no mention of what happened in committees, I am surprised by that. It is certainly not exactly on topic.

I will not appeal the decision of the Chair, but I may offer an amendment to the rules that would take those shutters off, and why you do not want the people of Pennsylvania to know what happens in these committee meetings is something that I would like to understand, but I will respect your—

The SPEAKER. The gentleman will suspend. The gentleman will suspend.

The issue before the House is the motion to table. The gentleman will restrict his remarks to the motion at hand.

As the Chair explained, there is wide berth that is generally given to the floor leaders. That latitude does not extend to the individual members. Members are entitled to speak on the motion to table, and that is it.

Mr. MAHER. Thank you, Mr. Speaker.

And I will speak very narrowly on the motion to table, and may I speak about things that happened on the floor? Can I remind this chamber that on the 19th the Democratic side of the aisle made a pledge to make the amendment that would be considered available so there would be at least 24 hours for members to consider it, read it, and file their own amendments, and that in response to that affirmation from the Democratic side of the aisle, I relented on the constitutional objection I had raised, which would have precluded first consideration of this bill on June 19 without reassembling the entire chamber, and in the act of good faith, in the interest of progress, I accepted the representation that the amendment would be made available so that our members could study it and file their own amendments.

When the gentleman, Mr. McCall, got up this evening, when he began to speak on this amendment, the amendment was still not available to us to read, still not available to the public to read. It is 57 pages long, creates all kinds of new taxes; it has an enormous impact. The speaker, Mr. Speaker, the majority leader, has suggested we should vote first and read it later. I think that is dead wrong, and if you somehow or another are comfortable voting first and reading later, I think you have got it backwards.

Getting to this point, Mr. Speaker, entailed what I saw as violations of the rules, but I removed the obstacle in exchange for a good-faith pledge, which has been violated as well, and in the interest of preserving the ability for members to read and consider this enormous proposal before they vote, I would absolutely support the motion to table.

The SPEAKER. Representative Smith.

Mr. S. SMITH. Mr. Speaker, I will not delay any longer. I would just like to make one quick reference to something the majority leader said a few minutes ago.

I would suggest, Mr. Speaker, that the past may be in the past but it is not long since it has been gone, for just a little earlier today when the majority leader was referencing these evil gut-and-replace amendments that I perpetrated on the people of Pennsylvania – that is about how it was characterized – that it was such a dastardly thing, although it was well within the rules back then and we would do gut-and-replaces, and the suggestion that we are no longer doing that seems to be a little bit, a little bit off the record, because earlier today, Mr. Speaker, I understand that the Insurance Committee on SB 550 chose to use the gut-and-replace tactic once again just today.

Mr. Speaker, the fact is, we do not have enough information. We have not read this bill thoroughly, Mr. Speaker, and I would ask the members for the opportunity to table this while we have a good grasp so that we can do the right thing and not just do something for the sake of doing something.

Thank you, Mr. Speaker.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. With all due respect to the previous speaker, it is apples and oranges. The gut-and-replace in a standing committee still allows for great flexibility and input from 203 men and women in this chamber at a subsequent moment. The last many years the gut-and-replace came in Rules, not a standing committee, not one of our 23 standing committees, but of the very muscular Rules Committee, and then we did not have a chance to amend.

So this is a completely fallacious argument. If there were a debate coach from alma mater, my worthy opponent would not have many points on the board.

The SPEAKER. Representative Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

I am going to be brief.

I rise tonight to ask the members to table, not to prolong but just to table until Monday, until we can on a bipartisan basis work out a solution with this amendment. This is doable; this could work, but unfortunately, all the years that I have been in this State House and chaired the Professional Licensure Committee – and the Democrats would remember how fair of a chairman I was – that we never, in that committee, railroaded any type of bills, that they were brought to the table, and we heard every word they had to say, but that falls on deaf ears tonight, and you grow up real fast when you stand at this podium.

There are certain things that are in this amendment that hurt the county that I represent, that hurt the county that I represent, and everybody wants to go back home and take pride in what county they represent and the people they represent. This could be worked out. They know that. They know that I am a negotiator. They know that we can sit at the table and listen on a bipartisan basis without all this debate. Instead of debating, we could explain what good it is going to do for the people of Pennsylvania.

All we are saying is to give us until Monday. If we have to work tomorrow, we have to work Saturday, we have to work Sunday, and Monday we come in with a final version, but unfortunately, it is their way or no way.

Mr. Speaker, I would say to you, if you want to do the right thing, vote to table this bill until Monday. Thank you.

The SPEAKER. Representative Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, with all due respect, I must express disappointment with some of the comments that the majority leader has made regarding the implementation of the House rules this evening, because it seems to me that today, tonight, and in fact, quite often throughout this week it seems to me there has been a greater emphasis on skirting the intent of the rules while just perhaps maybe ever so slightly staying within the legality or the letter of the rule.

Mr. Speaker, I certainly rise in support of the Barrar motion to table. To suggest, as it was suggested earlier, that this is all okay because after we vote on the amendment, well, then we will have plenty of time to read it and figure it out and see what is in it, Mr. Speaker, that makes a mockery out of the rule changes that we made. The purpose of having us amend on second consideration and waiting 24 hours to vote on third is so we can see how the amendment fits in with the bill, see if there are any technical changes that need to be made, make any corrections then to make sure it is the best piece of legislation we can have. The purpose is not and never was to give us a chance to read the amendment, because we are supposed to have time to read the amendment before we take the vote. Mr. Speaker, that is why we have a 24-hour requirement that an amendment has to be filed 24 hours before it is acted on, but in this situation when we got a 57-page amendment just an hour or two ago, it really is impossible to make informed decisions.

I would direct my attention, these next remarks, to all the freshman Representatives in this hall tonight on both sides of the aisle, because, Mr. Speaker, this is exactly the type of

maneuver that will get you in trouble. This is exactly the type of amendment that will have something in there that you will not know about until the press reports on it in a week or two because you did not have the chance to adequately read it and adequately figure out everything that was contained in this amendment.

So I really hope that everyone who came to this body in a spirit of reform and really wanting to change the way things operate will use this opportunity to cast a "yes" vote for the Barrar motion. This motion is not being made to impede progress. This motion is being made just to give all of us, all members, a chance to really digest this bill.

Thank you, Mr. Speaker.

The SPEAKER. Representative Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker, I am going to deviate from the current lines of thought I have heard put forth and ask for support for the motion to table.

I appreciate that the folks on the other side of the aisle feel strongly about this, and truthfully, Mr. Speaker, I need a little time to read this. I know the gentleman from Carbon County spent many, many years as the Transportation chairman and I value his experience and work, but giving me 2 minutes to read something that has not even been printed out yet is not fair.

The other day the same thing happened when we tried to move the original vehicle, 67 pages knocked out of the bill with the promise from them being we would have a chance to read the amendments. I would like to read the amendments but honestly cannot make an informed vote on 2 minutes' notice on a 57-page document.

Like the gentleman from West Philadelphia, my classmate, I seek to work this deal. First and foremost, the one thing we all have in common before we become people from Schuylkill or Easton or Beaver Falls or Ford City is we are first and foremost Pennsylvanians and we need to come up with solutions that work for all of us. I want to read the majority whip's stuff, sir, but I cannot vote on this in good conscience without a little time to do so.

I support the motion to table. Thank you.

The SPEAKER. Representative Perry.

Mr. PERRY. Thank you, Mr. Speaker.

I have been here for about 6 months now, and over the course of that time, numerous venerated colleagues in this hallowed hall have cited the indiscretions of the past as though they were some kind of justification for the indiscretions of the present, and for 50 new members, I would like to say on their behalf that we were not here and I was not here 6 months ago, 2 years ago, or 12 years ago, and just because it was wrong then and you did not like it because you were not the party in power does not mean it is right to do it now.

So I ask that all sides put their party affiliation interest aside and do what is right for Pennsylvania. I urge that we support tabling this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Steil.

Mr. STEIL. Thank you, Mr. Speaker.

I just want to put this in the perspective of what we tried to accomplish in the reform effort and in the rules that we adopted in March of this year. At that time we made a change. We made the change to amend on second consideration, which was a huge change in terms of the way this House has previously operated. Why did we do that? We did it so that there would be ample

time to review legislation. When we did it, we created a 48-hour time period between first consideration and second consideration. That 48 hours was meant to provide 24 hours to file an amendment and 24 hours to review that amendment, not 2 hours, 24 hours. We have not had 24 hours to review this amendment.

Support the motion to table. Thank you.

The SPEAKER. Representative Barrar.

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, I would like to know what is in this bill. I would like time to study it.

This is supposed to be a new day here in the House. To say that this is a vote against transportation I think is a mean-spirited and inaccurate statement. To say that this is sticking our head in the sand is absolutely not accurate.

To vote for this tonight is definitely not responsible government. We have had 12 hours to study 56 pages of an amendment that changes a bill; it changes the way mass transit is funded. As the majority leader said earlier, this is a monumental change in the way we fund mass transit. We need more time to study it.

What about the promise of open government that we promised our constituents when we all ran last year? You know, if you look around the room here, you see the blinds and the shades are closed. Are they closed to stop the people from looking in and seeing what we are doing here tonight? What we are doing here tonight is not fair to the public.

We referred to this earlier as a public partnership. Where is the public's opportunity to talk to us about this, to talk about their feelings on this, to get their input on this? We have not heard from the public. I have not gotten one e-mail on this. This is a billion-dollar spending plan.

Mr. Speaker, I ask the members on the other side of the aisle, what are they afraid of or are they blinded by the excitement of getting to spend a billion dollars? Is that what that is all about?

I would ask the members to support tabling this bill tonight and ask for a positive vote. Thank you.

The SPEAKER. Are there any other members seeking recognition on the motion to table?

On the question recurring,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—98

| | | | |
|-------------|------------|------------|-----------|
| Adolph | Fleck | McIlhattan | Raymond |
| Argall | Gabig | Mensch | Reed |
| Baker | Geist | Metcalfe | Reichley |
| Barrar | Gillespie | Micozzie | Roae |
| Bastian | Gingrich | Millard | Rock |
| Bear | Godshall | Miller | Rohrer |
| Benninghoff | Grell | Milne | Ross |
| Beyer | Hanhart | Moul | Rubley |
| Boback | Harper | Moyer | Saylor |
| Boyd | Harris | Murt | Scavello |
| Brooks | Helm | Mustio | Schroder |
| Cappelli | Hennessey | Nailor | Smith, S. |
| Causer | Hess | Nickol | Sonney |
| Civera | Hickernell | O'Neill | Stairs |
| Clymer | Hutchinson | Payne | Steil |
| Cox | Kauffman | Peifer | Stern |
| Creighton | Keller, M. | Perry | Stevenson |
| Cutler | Kenney | Petri | Swanger |

| | | | |
|------------|-----------|----------|------------|
| Dally | Killion | Phillips | Taylor, J. |
| Denlinger | Mackereth | Pickett | True |
| DiGirolamo | Maher | Pyle | Turzai |
| Ellis | Major | Quigley | Vereb |
| Evans, J. | Mantz | Quinn | Vulakovich |
| Everett | Marshall | Rapp | Watson |
| Fairchild | Marsico | | |

NAYS—103

| | | | |
|-------------|------------|-------------|--------------|
| Belfanti | George | Mann | Shimkus |
| Bennington | Gerber | Markosek | Siptroth |
| Biancucci | Gergely | McCall | Smith, K. |
| Bishop | Gibbons | McGeehan | Smith, M. |
| Blackwell | Goodman | McI. Smith | Solobay |
| Brennan | Grucela | Melio | Staback |
| Buxton | Haluska | Mundy | Sturla |
| Caltagirone | Hanna | Myers | Surra |
| Carroll | Harhai | O'Brien, M. | Tangretti |
| Casorio | Harkins | Oliver | Taylor, R. |
| Cohen | Hornaman | Pallone | Thomas |
| Conklin | James | Parker | Vitali |
| Costa | Josephs | Pashinski | Wagner |
| Cruz | Keller, W. | Payton | Walko |
| Curry | Kessler | Petrarca | Wansacz |
| Daley | King | Petrone | Waters |
| DeLuca | Kirkland | Preston | Wheatley |
| DePasquale | Kortz | Ramaley | White |
| Dermody | Kotik | Readshaw | Williams |
| DeWeese | Kula | Roebuck | Wojnaroski |
| Donatucci | Leach | Sabatina | Yewcic |
| Eactus | Lentz | Sainato | Youngblood |
| Evans, D. | Levdansky | Samuelson | Yudichak |
| Fabrizio | Longietti | Santoni | |
| Frankel | Mahoney | Seip | O'Brien, D., |
| Freeman | Manderino | Shapiro | Speaker |
| Galloway | | | |

NOT VOTING—0

EXCUSED—2

| | |
|---------|--------|
| Hershey | Perzel |
|---------|--------|

Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who requests a leave of absence for the gentleman from Cambria, Mr. HALUSKA. Without objection, the leave of absence will be granted.

CONSIDERATION OF HB 1590 CONTINUED

On the question recurring,
Will the House agree to the amendment?

The SPEAKER. Returning to the amendment, the Chair recognizes Representative Thomas. On the amendment, the Chair recognizes Representative Thomas.

Mr. THOMAS. Mr. Speaker, I rise to indicate that the concerns that I had have been worked out, and therefore I have no other choice but to withdraw my concerns at this time, and I do have an amendment, which that certificate should have

been filed, but we are going to move forward with the amendment as soon as it reaches the House.

The SPEAKER. Representative Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise in favor of the—

The SPEAKER. The gentleman will cease.

The Chair will again call the House to order. All unnecessary conversations will cease. The Chair thanks the House.

The gentleman is in order.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise in favor of the McCall amendment.

About every 6 years or so Pennsylvania and its legislature and Governor deal in a major way with transportation issues. That has been the history in my 25 years here in the legislature. Unfortunately, the last time we dealt with transportation in a significant way was 1997. That has been 10 years, and during those 10 years we have seen inflation eat away at that money that we used for our highways, bridges, and mass transit systems. We have also seen over those last 10 years a constant decline in Federal money for both highways, bridges, and mass transit as well as rail and ports and aviation.

We have to deal with that now, a system that is very old, particularly our bridges, actually ancient. We have about 25,000 bridges in Pennsylvania that are maintained by PENNDOT, half of which are over 50 years old, a quarter of which are over 75 years old, and 5,913, almost 6,000, and the number grows every day, that are designated as deficient and in many cases are restricted use and in many other cases are in fact closed down and shut down.

PENNDOT has over 40,000 miles of State-maintained highway, which is far more than all of the contiguous States that surround Pennsylvania have as their State-maintained highways. Our mass transit systems have lost significant funding not only through inflation but also through a decrease in Federal funds, as well as a number of years ago this legislature, when it deregulated the electric industry, lost a significant revenue source called the PURTA (Public Utility Realty Tax Act) tax. So all those many ways that we have lost funding have not enabled our systems to keep up with inflation, particularly in the capital side, particularly not only in operations but in the capital side, that requires bridges and rail and rolling stock to be bought and replaced on some contiguous basis, and when we do not replace some of these old rail cars, for example, or the old buses, the maintenance becomes even more expensive.

We have also seen in some of our mass transit systems many inefficiencies, perhaps poor management in some cases, and in some cases some unrealistic employee benefits. All that must change, and the funding source has been neglected far, far too long, which has caused a major, major crisis in our transportation system.

As chairman of the House Transportation Committee, when I was appointed to this position last December, I had this massive problem facing us, and I was determined, however, and committed to solving the problem in a way that it was sufficient, that it actually solved the problem, would not be a halfway measure, and do it in a way that we would have funding and make votes available here to our colleagues that were somewhat, if not totally popular, they were votes that at least would be minimized or we would minimize some of the unpopular votes that we would have to make. That was almost an impossible thing to do when you are trying to raise \$1.7 billion of new funding each and every year hereafter, to do

that in a way where you do not have to make any tough votes. So I proposed an amendment that would include money for all of these systems, that would bring us up to where we should be in Pennsylvania in an efficient and safe system.

We are a crossroads State. We have a great deal of commerce. Our economy depends on our transportation system. Everybody in this chamber is for economic development, but we cannot have that economic development without proper and efficient transportation systems.

My amendment was very difficult for a lot of our members on both sides of the aisle to digest, not because it did not do the job, but let us face it, there were political problems in making some of those tough votes, and we all have to understand that. This is a political environment that we live in today, but having said that, my amendment would have done the job and met the commitment that I made early on this year in solving this transportation problem.

It became evident earlier today that my amendment would not be accepted, that it was an amendment that would not pass the muster of all of the people that had to approve it, although we did have much support on both sides of the aisle to solving transportation, because I think everybody in this room wants to solve the transportation problem in Pennsylvania.

Having been faced with that situation, the McCall amendment was offered, and it includes many of the things that I wanted to do in my legislation but to a lesser extent. We will solve with the McCall amendment much of our mass transit problem and some of our road and bridge problem but by no means enough of our road and bridge problem.

Mr. Speaker, I am going to vote for the McCall amendment because it is the best thing in front of us right now. It does get us most of the way or some of the way, about half of the way to solving our major problem, but I would remind the members, I would remind the members here tonight that by voting for the McCall amendment, even though it will go a long way in getting things done, we will still have to face major problems in transportation, and these bridges and roads will not become any cheaper, nor will there be less deficient bridges and roads in the future as we move forward. This will be a much more expensive problem if we do not solve it now. Whatever new moneys that we need to vote for to solve this problem, we will have to vote for greater new moneys if we do not do it now. The inflation is still out there. The roads and bridges each and every day get 1 day older, and I predict, unless we do something very soon, that 6,000 deficient bridges will soon be 7,000 or 8,000, and no doubt you will have one in your community wherever you are, and you will see that in many cases you will not have viable detours to get around.

So I like to feel that myself and many of the members here have attempted to do their part and will attempt to do their part. If we learned anything in the last year, I think it is that the people of Pennsylvania expect us to do our job, expect us to do our job, and I think even if that job means that we have to make some votes that they may not like, that they might not feel are very popular, I think it is up to us to look them in the eye and tell them this is the best we can do under these very, very trying circumstances.

So with that, Mr. Speaker, I would urge all of my colleagues to vote for the McCall amendment. Let us get through this immediate transportation crisis so that we can get on and eventually, hopefully in the not too distant future, solve our

comprehensive transportation problem once and for all here in Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. For the information of the members, the Chair will announce the order of the list of speakers as it exists at the moment: the minority leader, Representative Smith; Representative Vitali; Representative Clymer; Representative Barrar; Representative Killion; Representative Maher; Representative Civera.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes Representative Smith.
Mr. S. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, I just was wondering if rule 19(a)(5) applies to this particular amendment. I guess I would put that in the form of a parliamentary inquiry.

The SPEAKER. Will the gentleman state that point of parliamentary inquiry?

Mr. S. SMITH. Mr. Speaker, rule 19(a)(5) says that no amendment to a bill which may result in an increase in the expenditure of the Commonwealth funds or those of the political subdivisions shall be voted upon until a fiscal note is available for distribution to the members. I shortened that a little bit, but that was the gist of it. I was just asking, Mr. Speaker, if that applied to this amendment.

The SPEAKER. The Chair is being informed that there is a fiscal note.

Mr. S. SMITH. Mr. Speaker, it has— Mr. Speaker?

The SPEAKER. The Chair recognizes Representative Smith.

Mr. S. SMITH. I presume then that a fiscal note is required by your answer and would only point out that it was not distributed.

The SPEAKER. Representative McCall.

Mr. McCALL. Mr. Speaker, I do in fact have a fiscal note, and I am not certain as to whether or not it has been circulated to the members, but I will see to it that it is.

The SPEAKER. The Parliamentarian is informing the Chair that the fiscal note is on the system.

Mr. S. SMITH. Okay, Mr. Speaker, that is all I was inquiring about, because it was not on the system 2 minutes ago, and I think it is important that we do have a fiscal note because, Mr. Speaker— Oh, on the amendment.

The SPEAKER. The Chair recognizes the minority leader, Representative Smith. He is in order.

Mr. S. SMITH. Mr. Speaker, when we got this, some of the language relative to this amendment, and in particularly, the summary that was provided to us by the majority party at 5 p.m. today, we noted that the one element that was talked about somewhat in the halls but not necessarily – we were not sure, because we had not seen the language – that this amendment continues, also has the imposition of the tax, it has the entire gas tax associated with it. Mr. Speaker, I am not sure, we were told that the difference between the McCall amendment and the Markosek amendment was that that was not going to be a part of it, that some of the other fees that were associated or were included in the other amendment were not going to be in this amendment, and I see, Mr. Speaker, that in fact what the members are being asked to vote on with amendment 1793, Mr. Speaker, among other things that were described, it does have a clear straight-out increase in the oil company franchise

tax, and I simply wanted to point that out to the members, Mr. Speaker, because I do not think that was how it was initially represented to us. However, the 5 p.m., the 5 p.m. summary that was provided to us by the majority party did include it, and I just wanted to point that out for the clarification of the members in our caucus who may not have been informed accurately earlier in the day.

Thank you, Mr. Speaker.

Mr. McCALL. Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER. Representative McCall.

Mr. McCALL. We have a corrective amendment—

The SPEAKER. Does the gentleman have a point of order?

Mr. McCALL. Yes. Well, a point of parliamentary inquiry.

The SPEAKER. A point of parliamentary inquiry. The gentleman will state that, please.

Mr. McCALL. We have a corrective amendment. When the amendment was originally drafted by the Legislative Reference Bureau, they made a mistake in the drafting of the amendment. There are a number of—

Mr. S. SMITH. Mr. Speaker, is this a parliamentary inquiry or are we debating the second amendment?

Mr. McCALL. Well, what I am saying is, the gentleman is debating language that— We thought that corrective amendment would have been a complete rewrite of the amendment, but it would have taken too long to do that. This amendment deletes all of that language that a lot of our members may be debating.

Mr. S. SMITH. Mr. Speaker—

Mr. McCALL. And we did it for the sake of time.

The SPEAKER. The Chair is going to allow Representative McCall the latitude to explain the technical problem with the amendment. The Chair could explain it, but I think the gentleman, Representative McCall, is almost finished with that explanation.

Mr. McCALL. The McCall amendment and the Markosek amendment were very close and similar. The Reference Bureau in their drafting, when we went with our language to restrict those three or four certain points on the funding mechanism, left some fees as well as the oil company franchise tax in that language. That language is not intended for debate in this amendment. The corrective amendment that we have eliminates all of that language. We have to vote both amendments.

Mr. S. SMITH. Mr. Speaker, if I may respond to that.

The SPEAKER. The gentleman is in order.

Mr. S. SMITH. Mr. Speaker, that is interesting that you would say that, because the certificate would have had to have been properly filed under the rules by 2 o'clock yesterday afternoon, and I understand that with complicated amendments, Mr. Speaker, that sometimes that, you know, it takes a little while for the amendment to appear on the system. However, the summary that we received at 5 p.m. included this gas tax as an explanation of what amendment 1793 was all about. So I think the statement that this is a corrective amendment is incorrect in that all the information I have is the amendment has it in, the information you gave us says it is in, and now you come up with another amendment that you say is a corrective amendment. Mr. Speaker, that is not a corrective amendment; it is an amendment. There is a big difference.

The SPEAKER. For the information of the minority leader, the Reference Bureau called the office of the Parliamentarian and indicated that it made an error in the drafting of this amendment and that it was appropriate to draft a corrective amendment and that amendment would be considered timely filed.

Mr. S. SMITH. Mr. Speaker, I would have to say that the rules do not provide for that, and in the entire history of our operation here, that is not how a corrective amendment has been handled.

I would further point out, Mr. Speaker, that interestingly, the fiscal note that is describing the amendment that was just delivered to us a minute ago, that describes amendment A1793, describing this amendment, it is in there; the gas tax is still in amendment 1793. It is under section 9502 on page 47 of the amendment, page 47 of the amendment – it took us a little while to get back there – but interestingly, the fiscal note does not account for that tax and the fiscal impact of that tax. So, Mr. Speaker, the amendment before us is the amendment before us, but in the past when we have had corrective amendments, Legislative Reference Bureau reprinted the entire amendment and gave us a new number so that we were in fact able to see exactly what was the intent of the amender and that it would be the accurate information that we are being asked to vote on.

So I seriously, Mr. Speaker, question, though, the fact that there can be a corrective amendment to an amendment in the fashion it is being presented here tonight.

The SPEAKER. Reference Bureau, Reference Bureau requested that the amendment be handled in this way, with a corrective amendment, because of the volume of the amendment before us.

PARLIAMENTARY INQUIRY

Mr. S. SMITH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. S. SMITH. Is it the decision of the Chair that unilaterally Legislative Reference Bureau can be instructed to draft an amendment to a previous amendment as a corrective amendment and as a shortcut to that? Is that what you are—I am not sure I understand what you are ruling here, Mr. Speaker.

The SPEAKER. No; no, the gentleman is in error in his assumption. The Reference Bureau was given the language of the combined amendments. The Legislative Reference Bureau in drafting that amendment erred. They called the Parliamentarian's office and suggested that the two amendments be considered because it was their error, and they requested that the amendments be done separately, as the corrective amendment is a technical amendment.

Mr. S. SMITH. Well, Mr. Speaker, I would argue that our common practices, our past practices and precedents in that situation, that exact situation, for as long as I can recall, Mr. Speaker, the amendment would have to be completely reprinted in total. What is being suggested here, Mr. Speaker, is that this, quote, "corrective amendment" is in order?

The SPEAKER. Yes, the difference being that the sponsor of the amendment did not request a corrective amendment to change the substance of the amendment. Legislative Reference was in error. The Legislative Reference Bureau then informed

the Parliamentarian that this was the suggested course for the legislature to take and that the second amendment was merely technical.

Mr. S. SMITH. But, Mr. Speaker, to suggest that this, quote, "corrective amendment" is merely technical, I would have to take issue with that. It specifically deletes whole sections. Its purpose is to delete a gas tax from the existing amendment.

I suppose this is not in order at this point in time, Mr. Speaker. At this point I was merely trying to point out to the members that this amendment does contain a gas tax, that that is a significant element of this amendment 1793 that was before us. At such time as an additional amendment is considered to correct a problem that may have been there, I guess we will take up whether that amendment is in order. But, Mr. Speaker, the amendment before us, you cannot deny what it says. It says that there is a gas tax in it. To say it is anything other than that is a misrepresentation regardless of what someone might call a "corrective amendment."

The SPEAKER. Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for interrogation?

The SPEAKER. Representative McCall will stand for interrogation. The gentleman is in order.

Mr. VITALI. Thank you, and I apologize if my questions may be more than a couple and a little bit roughhewn. I have been trying to get through this 57-page amendment.

First question, with regard to this SEPTA Board – correct me if I am wrong – under this amendment, the Philadelphia members of the SEPTA Board increase from two to eight, and the Delaware County members of the SEPTA Board increase from two to three. Is that right?

Mr. McCALL. That is correct.

Mr. VITALI. Okay. Now, obviously you can understand why that might concern me. Could you kind of give me the thinking behind why, let us say, Delaware County might be getting the short shrift here?

Mr. McCALL. Well, one of the recommendations of the Transportation Funding and Reform Commission was to change the representation on both boards, both the Port Authority Board as well as the SEPTA Board. We would have addressed the Port Authority Board in this language; however, it amends a separate title, the Port Authority Act, which is not germane to the titles we are amending here. So number one, the Funding and Reform Commission said you have to address the governance issues; there are concerns about governance.

We changed the board in a couple of ways. We increased membership from 15 members to 21 members, and we added two nonvoting members, the Secretary of Transportation and the Secretary of the Budget. There are four legislative members as well from each of the four caucuses on that board. The way the board is now manifested is by virtue of what the locals contribute to the overall budget of the SEPTA system. So the more you contribute, the more seats at the board you get. So as a percentage, to a 100-percent total, if you contribute 50 percent, which is what Philadelphia is currently contributing, you would get eight members on that board. But as we incent local match in this legislation, some of the counties will actually contribute more money. If you look at the language of the legislation, you will see that if a county contributes less than 2.5 percent, they get one seat at the board. If they contribute between 2.5 and up to 7.5 percent of the total budget, they get two seats at the board. So as those local matches increase, it will

take those seats away from Philadelphia and actually distribute it to the outlying counties, giving the outlying counties more representation on the board, and the way we did that was incentive through getting that local match and those local dollars driven to the overall budget so they can get more seats at the board.

Mr. VITALI. So if—

Mr. McCALL. And there is another significant thing that the members should know: We took away Philadelphia's veto power on that board.

Mr. VITALI. Okay. So if Delaware County, for example, contributed up to 20 percent of the match, how many—

Mr. McCALL. Five members.

Mr. VITALI. And then if Philadelphia contributed up to 20 percent, they would get—

Mr. McCALL. Five members.

See, as the local matches increase, it will decrease that total pot, because it is based on 100 percent.

Mr. VITALI. So Philadelphia would go from eight down to five?

Mr. McCALL. Philadelphia would go from eight down to five, correct. As local contribution from the surrounding counties increases, it reduces the amount of money in the total budget that Philadelphia is contributing to the pot. Right now they are contributing 50 percent, but as the local matches increase, as a percent to total, yes, Philadelphia would lose representation on that board and the surrounding counties that are contributing more money would get more representation on the board.

Mr. VITALI. Okay. So if our local match goes from 13 to 20, we get five board members.

Mr. McCALL. That is correct.

Mr. VITALI. Okay. Thank you. That clears that up.

Now, I am just looking through this bill and I see three different programs at least with three different match requirements. Maybe you could just go through and tell me, the asset improvement program on page 14, the operating programs – and that has a 22-percent match – the operating programs on page 11 with a 20-percent match, and then the new initiatives program on page 16 with a 100-percent match. So there are three matches in three programs, and I am just trying to figure out what that is all about.

Mr. McCALL. Mr. Speaker, one of the things that we have done, again, it goes back to the original debate on operations and capital. We are trying to get local governments to pay more in support of the transit systems. Right now on average, all of the counties' local contributions, aside from Philadelphia County, are around 13 percent. We are, as a way to drive new money, we are incenting local governments to raise their local share to 20 percent operating. They do not have to do it, but if they do not do it, they are not going to share in that new pot of money. So if those local counties say, well, on the operating side of the equation we only want to contribute 15 or 16 or 17 percent, they can only draw down to that 15, 16, or 17 percent of the money that they are providing at the local level. So we are trying to up that local contribution rate to at least 20 percent. And like I said before, the national average, the locals pay 80 percent; in Pennsylvania, the locals pay 13 percent. We are trying to reverse that trend and have the local counties, local governments, step up and contribute a little bit more to fix this problem. So a 20-percent contribution rate on the operations side, and as well as on the capital side, the

same thing happens in Pennsylvania, the State contributes significantly more money, a 65/35-percent basis. We are trying to get that capital contribution up as well and drive the money that way.

Mr. VITALI. So the 100 percent for the new initiatives program, that would be like, give me an example of that.

Mr. McCALL. That would be like Corridor One. That would be like the Schuylkill Valley Metro. That would be like those types of programs that they are trying to build, you know, the Scranton to Stroudsburg line, all those new lines. It would provide funding, actually a 50/50-percent match funding, to support those lines.

Mr. VITALI. Okay. When you say – now, this is a really basic question, but this is not my area – when you say an operating program match of 20 percent, is that like, say for Delaware County, is that 20 percent of the entire amount spent in Delaware County on SEPTA or is that 25 percent of the entire SEPTA budget in the—

Mr. McCALL. The entire SEPTA budget.

Mr. VITALI. Right. Okay.

Okay; next question, and let me just move on to the turnpike, because one of the concerns when you monetize an asset is that you are not borrowing, you are not sort of mortgaging the future, and as I understand it, basically we are going to be basically getting from this monetization \$4 billion, which is basically going to be \$400 million a year for 10 years, but we are going to be paying for it over 25 years. So am I right in saying that we are going to get 10 years of benefits but people 25 years into the future are going to be paying for it? Is that right?

Mr. McCALL. It actually goes out 47 years. The way it works is we leverage \$4 billion or collateralize \$4 billion out of the Motor License Fund to kick-start this thing, to get it started. The Turnpike Commission is actually making a \$750 million payment to PENNDOT, hence the public-public partnership as opposed to public-private partnership if we would actually go out and lease the turnpike. We provide for a public-public partnership. We monetize, or collateralize I should say, \$4 billion over 10 years to get the program started. The Turnpike Commission monetizes that money and they pay a debt service to it, but the debt service is paid for by a couple of things. Number one, the main-line revenues of the Turnpike Commission help pay for that monetization; and then number two, when we toll Interstate 80, in 3 years, in 2011, they monetize that money as well. So the \$450 million would be monetized using main-line revenues from the turnpike. There is a cash contribution from the turnpike as well to the tune of 200 and, I think it is \$250 million in the first year. Actually, it is more than that, Mr. Speaker. Let me get that number for you.

Mr. VITALI. If I could just focus on the turnpike for a second, just to kind of—

Mr. McCALL. Sure.

Mr. VITALI. I have to keep this simple to understand it.

Now, this was explained to me by staff, so someone might be wrong here, but the idea is with regard to the tolls on the Pennsylvania Turnpike, the current Pennsylvania Turnpike, they are going to use an increase in those tolls as determined by the Turnpike Commission, and that increase is going to secure a \$4 billion bond, and that \$4 billion bond is going to basically be paid out over 10 years of \$400 million a year but the tolls are going to be paid for 25 years. I am just trying to get at that piece, if that is right.

Mr. McCALL. The first toll increase would— No, it actually is not totally correct. We would leverage the \$4 billion immediately. The turnpike— And that is just using current turnpike revenues. Current turnpike revenues are at \$607 million this year. Their operation and maintenance is about \$232 million. There is about \$400-some-odd million left to monetize. They will use that money to pay for the leveraging of the \$4 billion or \$450 million a year over 10 years from the Motor License Fund.

Mr. VITALI. Okay. I do not think I am going to get this tonight, but let us move along.

One issue that has been raised, the local participation. Let us say Delaware County says, you know what? We are paying a 13-percent match; we are not paying 20 percent, forget it, but Philadelphia wants to go forward with its local match. What happens then?

Mr. McCALL. Nothing. You cannot draw down any more of that new pot of money for programs in Delaware County.

Mr. VITALI. Okay.

Mr. McCALL. So right now you are contributing at 13 1/2 percent? You will still collect your revenues at that 13 1/2 percent, and you will not draw down any of the new money that is being authorized under this legislation.

Mr. VITALI. So if you want more money for Delaware County projects, you have to pay more. If you choose not to, you do not get it.

Mr. McCALL. Right. If you contribute up to 20 percent, you will draw down all that additional money.

Mr. VITALI. Okay. Got that one.

There is something, a fairly substantial paragraph here on page 35 called electronic toll collection. Could you— Let me just get that so I can— All right. Electronic toll collection; it is section 8116. I am not suggesting there is anything nefarious here, but I had no idea this was part of the mix. I am just trying to understand, what is that doing in here, and is there anything—

Mr. McCALL. When the turnpike takes over through this authorization, the first thing they have to do is get permission from the Federal Highway Administration to take over I-80 and toll it. They are going to spend a billion dollars over the next 5 to 10 years in enhancing I-80 both structurally and for safety purposes as well as they will put toll gantries along Interstate 80, which will consist of, more than likely, anywhere from 6, 7, 8, 9, 10 gates, toll gates, along Interstate 80.

Mr. VITALI. Okay. So this deals with—

Mr. McCALL. That deals with that.

Mr. VITALI. Gotcha.

So it is my understanding that although with regard to this legislation the intent is to make I-80 toll, that is really not a decision that finally rests with us. That is the Federal Highway Administration that has to decide that?

Mr. McCALL. And we are very confident in the preliminary discussions with the Federal Highway Administration that they would in fact approve this. As a matter of fact, Interstate 80 was cited in ISTEA (Intermodal Surface Transportation Efficiency Act), which was two Federal reauthorizations ago, that specifically said that I-80 would be a perfect component for transition over to a toll road. As a matter of fact, when I-80 was originally constructed, it was constructed for the purposes of being a toll road.

Mr. VITALI. And what about, I know there is some concern by members, especially those whose districts are bifurcated by

I-80, about the placement of toll plazas or toll stations, and I think the stated intent is to sort of put them at the beginning and the end in sort of places that will not impact local traffic to any great degree. Do you have any sense with regard to the Federal Highway Administration as to whether they will go along with your plan to put tolls in this fashion?

Mr. McCALL. Again, Mr. Speaker, yes. It was cited in ISTEA, in the Federal reauthorization, to do precisely just that, and the way the tolling system would be set up, PENNDOT actually did a study a number of years ago on the tolling of I-80 and developed a system where they would put 10 installations along the entire stretch of the highway. That would constitute one toll facility for every about 35 miles. So you would literally be able to drive 35 miles without paying a toll. So if you are going from, say, Berwick to Williamsport, you would not pay a toll.

Mr. VITALI. Thank you.

Mr. McCALL. On that stretch of I-80.

Mr. VITALI. Thank you. That concludes my questions.

The SPEAKER. Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

I wonder if the maker of the amendment could stand for interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order and may proceed.

Mr. CLYMER. Mr. Speaker, like so many other members here tonight, I am trying to go through those 57 pages and try to understand, comprehend, what is in this lengthy amendment. And some of these questions may seem commonplace, but I just do not know, and that is the reason I am going to ask them.

The first one is that there is a program called the New Freedom Program. I sense this is an existing program, but I am not sure if it is, and if it is, does this New Freedom Program expand upon what is already in law?

Mr. McCALL. We are getting that answer for you, Mr. Speaker.

Mr. CLYMER. Mr. Speaker, I would like to continue my interrogation, just to move things along, while that question is being resolved by staff.

The next question I have, there is a program called the paratransit service. Again, this could be part of an existing program, and if it is, does this new paratransit service, does this expand the program that is now in existence?

Mr. McCALL. It does, Mr. Speaker. One of the things, and again it was a recommendation of the Transportation Funding and Reform Commission, was to expand the Persons with Disabilities Program to a statewide program. Currently we run it as a pilot program, and this, my legislation, makes it a statewide program so every county in the Commonwealth of Pennsylvania can get funding for a persons with disabilities paratransit program.

Mr. CLYMER. Okay. Could you tell me who would qualify for this program?

Mr. McCALL. Any person with a disability, Mr. Speaker.

Mr. CLYMER. Okay. And how many individuals would that be if this is an expanded program?

Mr. McCALL. Mr. Speaker, I do not have the number off the top of my head, but under the pilot programs, we appropriated \$3 million for 30 counties, and we never spent the \$3 million. So that was the effort to expand the program, to get more people into the program and more participation in the program and to publicize the program so more people would take advantage of

it. But I do not have a number with me right here on how many we anticipate that would take advantage of it.

Mr. CLYMER. Mr. Speaker, who would provide the authorization for a person to qualify for this program?

Mr. McCALL. The local transit agency, Mr. Speaker, and there is a set criteria that they have to meet to qualify for the program.

Mr. CLYMER. You have indicated to me that \$3 million was set aside for the program, but this program will be expanded so we really do not have the fiscal note as to the actual cost of the program. Would that be correct?

Mr. McCALL. I did not hear the question, Mr. Speaker.

Mr. CLYMER. You had indicated to me that under the pilot program, that \$3 million had been set aside. However, through this expanded program, because you cannot give to me the number of individuals who would qualify, a fiscal note would not be available at the present time. Do you have a fiscal note on what it would cost?

Mr. McCALL. We have a fiscal note on the entire piece, Mr. Speaker. I would say that the total amount of the program to expand it to a statewide program, the money that we would appropriate would be in the realm of \$6 million.

Mr. CLYMER. Thank you.

Mr. Speaker, continuing, there is another provision in the amendment, and again, I tried to have a comprehensive understanding of it but I just could not get it and that is why I am asking this question, and it is on the welfare to work, "...from dependency on public welfare programs to self-sufficiency through paid work." Again, is this an existing program, and if it is, how does the language in your bill, which seems to expand it, can you tell me and give me some details about it?

Mr. McCALL. Mr. Speaker, it is a program that we fund currently through the Department of Public Welfare. We are paying for that Welfare to Work Program under my legislation, and it does precisely that; it provides for transportation to transition people from welfare to work.

Mr. CLYMER. Could you tell me how many people are involved in the program at the present time?

Mr. McCALL. No, I do not have that number, Mr. Speaker, but we can get it for you.

Mr. CLYMER. Okay. And again, I would look for a fiscal note to see what the expense would be under this—

Mr. McCALL. It is capped at around \$10 million, Mr. Speaker.

Mr. CLYMER. Thank you.

Continuing, Mr. Speaker, another portion of your amendment says, "Temporary regulations.—During the two-year period following the effective date of this section, the department shall" – that is the Department of Transportation, I presume – "shall promulgate temporary regulations, which regulations shall be exempt from the following...."

Mr. McCALL. Mr. Speaker, I cannot hear you. If you could speak into the microphone.

Mr. CLYMER. I will.

Mr. Speaker, another portion of the amendment that I have difficulty understanding, and I would appreciate your comment, is "Temporary regulations.—During the two-year period following the effective date of this section, the department" – and I guess they are referring to the Department of Transportation – "shall promulgate temporary regulations, which regulations shall be exempt from the following...."

So you want to exempt these regulations from the following: "(1) The act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act." Why do you want to exempt the Commonwealth Attorneys Act?

Mr. McCALL. Referencing what page of the amendment, Mr. Speaker? Page and title of the amendment.

Mr. CLYMER. I will have to look on my laptop.

Line 44 on page 6; 6 or 7, line 44. Go to page 7.

Mr. McCALL. That is for the interim regulations to implement the act.

Mr. CLYMER. Well, what does that mean? What is the significance of exempting the Commonwealth Attorneys Act? Why would you want to exempt them?

Mr. McCALL. So they could usurp the Independent Regulatory Review Commission.

Mr. CLYMER. We have section (3), the act of June 25, 1982 (P.L. 633, No. 181), right below it that exempts the Regulatory Review Commission. Why would you want to exempt the Regulatory Review Commission?

Mr. McCALL. So you could put regulations in place without going through the Independent Regulatory Review Commission.

Mr. CLYMER. What is the fear of exempting these regulations? There seems to be a desire that somehow by following procedures that are important to creating an awareness of what is being done by the Department of Transportation, you want to remove that awareness. I cannot fathom the reason for the exemption. There are actually three exemptions, but I am taking numbers (1) and (3). I do not follow you as to a clear explanation of exemptions number (1) and number (3), which I just mentioned.

Mr. McCALL. There is a precedent set for this, Mr. Speaker, and it is not an uncommon practice for us to do this.

Mr. CLYMER. All right. Mr. Speaker, at this point has the maker of the amendment been able to provide for me information on the New Freedom Program?

Mr. McCALL. Yes, Mr. Speaker. It is a Federal program – it is called the New Freedom Program – to encourage services and facility improvements to address the transportation needs of persons with disabilities that go beyond those required by the Americans with Disabilities Act.

Mr. CLYMER. And that is in the amendment? I mean, you are reading that from the amendment?

Mr. McCALL. No, it is in the amendment, Mr. Speaker.

Mr. CLYMER. I mean, it is in the amendment? I did not read that. I did not get that information.

Mr. McCALL. Page 5 of the amendment, Mr. Speaker.

Mr. CLYMER. Well— And my question would be, this is a new Federal program. Is that correct? A new Federal program?

Mr. McCALL. It is, Mr. Speaker, and it requires a 50-percent match on behalf of the Commonwealth to upgrade those facilities.

Mr. CLYMER. And explain to me who it is that would qualify for this program?

Mr. McCALL. Persons with disabilities, Mr. Speaker.

Mr. CLYMER. Well, I thought we just talked about that a few minutes ago with the—

Mr. McCALL. This is for facilities, Mr. Speaker, for facilities along our highway systems. The other program was to provide transportation for people with disabilities.

Mr. CLYMER. My question then, do we have any information as to a fiscal note on what the expense of this would be?

Mr. McCALL. The fiscal note is on your computer, Mr. Speaker.

Mr. CLYMER. Mr. Speaker, that ends my interrogation. Thank you. I would like to speak on the bill.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Now, Mr. Speaker, obviously the maker of the amendment has more information that is available than what I was trying to glean from the laptop from his amendment. Just from the questions, there are many unanswered questions to the degree that we need to have additional commentary; we need to have further explanation as to what all these programs truly mean and what the impact would be on the Commonwealth. Mr. Speaker, I am still not certain, I do not have a clarity as to why they want to exempt the Commonwealth Attorneys Act and the Regulatory Review Commission from any temporary regulations that the Department of Transportation would want to promulgate in this 2-year period.

Now, Mr. Speaker, we just need more time to understand, to absorb, to clarify in our own minds what is in this amendment, and I, for one, will be voting against this amendment for these reasons and for the various tax increases that are in the bill as well.

Thank you, Mr. Speaker.

The SPEAKER. Representative Barrar.

Mr. BARRAR. Mr. Speaker, I would like to ask the maker of the amendment to stand for brief interrogation.

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order and may proceed.

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, besides I-80, I guess that is the only road that this amendment affects as far as tolling goes?

Mr. McCALL. That is correct, Mr. Speaker.

Mr. BARRAR. Does it open the door? Does it allow for tolling of any other roads?

Mr. McCALL. If you provide for an amendment— No, my language does not, Mr. Speaker.

Mr. BARRAR. Does it make it easier to toll an interstate like Interstate 95? Is that an intention that will follow in this bill?

Mr. McCALL. Absolutely not. And furthermore, Mr. Speaker, there is a process that has to be followed before you convert a road, an interstate highway converted to a toll road. It has to meet a number of parameters. Interstate 80 certainly meets those parameters. I would question whether or not those other interstate highways meet the same criteria that Interstate 80 does.

Mr. BARRAR. How much will the tolls cost on I-80? Will they be the same toll, the same costs as they currently are on the Pennsylvania Turnpike?

Mr. McCALL. They would reflect— Yes. It would be identical to what is being paid on the main line of the turnpike, approximately 8 cents per mile.

Mr. BARRAR. And then the State will get—I am not sure how we benefit from this—the State then will get a percentage of that, or was the turnpike sending us a check every couple months? I mean, how is the formula—

Mr. McCALL. The turnpike, in the first year, we monetize or collateralize the \$4 billion against the Motor License Fund. The turnpike uses their bond revenues for the \$450 million a year for

10 years, and they make a cash payment on top of that of \$250,000, and then increase that payment to \$300,000, \$350,000, \$225,000 in each succeeding year. When you get to about the third year, that payment drops to about \$225,000, because at that point the I-80 revenues start to kick in once they toll Interstate 80. So you have the amortization of the \$4 billion on the motor license funds using the turnpike revenues to do that, and then the revenues from I-80 start to kick in and they amortize or they monetize those I-80 revenues as well, and that revenue will produce about \$375 million a year and free up money in the Motor License Fund as well so that we could use that additional money for our road and bridge program.

Mr. BARRAR. So—

Mr. McCALL. So we leverage money from the Motor License Fund. The second part of that would be the I-80 revenues, once it becomes tolled, to the tune of about \$375 million. You get the savings from the Motor License Fund of about \$100 million, and then all the excess money from the tolls, between the turnpike's main line and I-80, would also go into that pot. And that money grows, Mr. Speaker, over the course of 47 years.

Mr. BARRAR. Now, I cannot imagine the turnpike can do this without having to increase tolls at some point in time? What are the projected rate increases on the turnpike over, I guess, a 10- or 20-year period of time, if we have that information?

Mr. McCALL. In 2010 there will be a toll increase, and then it will be 2 or 3 percent a year for the next 10 years.

Mr. BARRAR. So possibly we could see turnpike tolls from 2010 to 2020 increase as high as 30, 40 percent?

Mr. McCALL. That is correct, Mr. Speaker.

Mr. BARRAR. And that would be a good deal for our people who pay our tolls and use our roads and stuff, I guess.

What happens if the Federal government denies our right to toll I-80? What would be the consequences?

Mr. McCALL. We would have to find an additional \$375 million, plus the \$100 million that would go to the Motor License Fund by virtue of the maintenance costs staying with I-80. So it would actually blow up the plan, Mr. Speaker.

Mr. BARRAR. So the turnpike would not be on the hook for that payment to us?

Mr. McCALL. No, they are not going to monetize it until they get the approval to toll it.

Mr. BARRAR. Okay. That was not my understanding.

There were some changes to the oil company franchise tax. Can you explain them and how they will benefit us?

Mr. McCALL. My language, and this was not the fault of myself—I think you heard the Speaker and the Parliamentarian—there is no provision in the amendment that we will pass with the corrective amendment that imposes an oil company franchise tax in this amendment.

Mr. BARRAR. So the amendment on my computer that is showing, that I am using to study this amendment to decide whether I should vote for it, is the wrong amendment.

Mr. McCALL. The amendment was improperly drafted by the Legislative Reference Bureau. No fault of anyone; there were no shenanigans going on on this side of the aisle. It was a mistake made by, an unfortunate mistake made by the Legislative Reference Bureau. They noted their mistake, created their own correction to that mistake, and you will not be voting on an oil company franchise tax increase. And we do not support, and we do not support an oil company franchise tax increase at this point in time.

Mr. BARRAR. Then why is this amendment in front of us with this language in it?

Mr. McCALL. You would have to ask the Legislative Reference Bureau that question, Mr. Speaker, or the Parliamentarian of the House.

Mr. BARRAR. I guess it would make too much sense to table this until we get the right amendment in front of us, but I already made that motion, so.

Has that been, the way this is being done today, is this the way it has been done in the past? My understanding is, every time this has been done in the past, that we have had the corrected amendment in front of us. How do we know what is going to be placed in law if we vote for this, not having the right amendment in front of us? This does not make any sense.

Mr. McCALL. Mr. Speaker, that is a parliamentary inquiry.

The SPEAKER. The gentleman is correct. That question should be addressed to the Chair.

PARLIAMENTARY INQUIRY

Mr. BARRAR. Mr. Speaker, I am really confused here. I have been sitting here trying to catch up. We have not had enough time to study the amendment. I find out now I have been looking at the wrong amendment, the amendment that is not even going to be. When will we have the opportunity to look at the actual right amendment?

The SPEAKER. The actual amendment is before you in the form of 1793 and 1901. The Chair has explained this unusual circumstance. It was not the error of the member in sending up defective language. Legislative Reference Bureau made an error in drafting this amendment.

Mr. BARRAR. Why does not the new amendment say "corrective reprint"? Is that required?

The SPEAKER. 1901 does say corrective reprint.

Mr. BARRAR. That is not showing up on my computer. I have tried several times to pull up the amendment, and—

The SPEAKER. The Chair has a copy of the amendment in front of it and can assure the gentleman that it does indicate that it is a corrective amendment.

Mr. BARRAR. Thank you, Mr. Speaker, but that will not do me any good now. I have spent an hour studying the wrong amendment and based my questions on that.

I appreciate the time. Thank you.

The SPEAKER. Representative Killion.

Mr. KILLION. Thank you, Mr. Speaker.

In the Republican Caucus I am probably, outside the minority chairman, our chairman of Transportation, the most pro-mass-transit member of our caucus, and I am standing here today to say I have to vote against this bill.

When I look at this bill and what it is going to do to in particular my county, I am shocked, and I am just going to talk about the governance. I often get up in caucus and talk about the great job that SEPTA does. Frankly, I am met more with jeers than cheers when I say that, but the truth of the matter, SEPTA has come a long way, and it is because of their board of governors. We have reduced the size of the work force, taken workers' comp under control, reduced the number of liability lawsuits. The SEPTA system has come a long way, but like any large billion-dollar public agency, there is a lot more they could do. But the success at SEPTA is because of the board. It is currently made up of a 15-member board, two from each

county, one by the Governor, one from each caucus. No one county has all the power. We are forced to work together to do the best we can for the ridership in Philadelphia and the surrounding counties. This bill adds six new members from Philadelphia up to eight. Now, I heard in the interrogation by the gentleman from Delaware County that we can buy back some board members over time, but I did some quick math; we will never get back enough board members that the counties together will have more say than the city, and that is a fundamental problem with this bill. The way the board is currently constructed, each county has to work with the other counties. Philly, Delaware, Chester, Montgomery, and Bucks must work together in order to get anything done. We are now about to shift all the power on that board to the city of Philadelphia.

Now, I heard a little earlier when the gentleman from Chester County talked about sometimes we vote quickly on a bill; we do not know what is in it. Well, I am reminding all the folks from Delaware, Chester, Montgomery, and Bucks, especially those new members – especially those new members – you are going to have to explain when you get home why you gave up our power and gave it to the city of Philadelphia.

As much as it hurts, because I planned to vote for transit funding, I am voting "no" on this bill and encourage my colleagues to do the same. Thank you.

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I have been working my way through this expansive 57-page amendment as quickly as possible, trying to gain an understanding of what it is that the Democrats are insisting be voted on without any light being shed to the public. It is particularly ironic when we realize today, June 21, is the day in the year which has the most sunlight. It is the longest day, the most light, and instead of being commensurate with that, the Democrats have decided to keep the people of Pennsylvania in the dark.

In the interest of shedding some light before we vote, I have some questions to ensure I am reading this bill correctly, and I am hoping that the gentleman who is offering the amendment would offer responses, Mr. Speaker.

The SPEAKER. The gentleman will be at ease for one moment.

Mr. MAHER. Thank you, Mr. Speaker.

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order and may proceed.

Mr. MAHER. Thank you, Mr. Speaker.

Starting on the first page, the lines 24 through the bottom speak about municipalities being allowed to impose one or more of the following new taxes or surcharges. The first one listed there is a sales and use tax. Am I reading this correctly that this would authorize a new sales and use tax to be imposed at the local level?

Mr. McCALL. Yes, Mr. Speaker, only if they decide to impose it. The local governance board would have to impose it. They do not have to—

Mr. MAHER. So without the permission of the members here today, such a tax could not be imposed. Is that correct?

Mr. McCALL. That is correct.

Mr. MAHER. Thank you.

How much would that tax be?

Mr. McCALL. Up to .05 percent.

Mr. MAHER. So that would be half a cent on the dollar?

Mr. McCALL. Correct.

Mr. MAHER. Now, the local municipalities could also impose a tax on earned income. Is that right? Would this be done at the municipal level or some combination?

Mr. McCALL. By the governing body that supports the system.

Mr. MAHER. I apologize, Mr. Speaker. In this case the municipality being what level of government? A county? A—

Mr. McCALL. Well, we define it as county or municipal government.

Mr. MAHER. So I represent communities in Washington County and Allegheny County. Could both the municipalities and the county each impose this new tax?

Mr. McCALL. They could, and it would be up to 20 percent of the total share, and it can only be used for mass transit.

Mr. MAHER. And so the amount of taxes that we are considering here, the new taxes are actually, the limits for the new amount of taxes actually double what we see on the page here because the county level could occur and a municipal level could occur. Is that correct?

Mr. McCALL. No, Mr. Speaker, that is not correct.

Mr. MAHER. I am sorry. Please.

Mr. McCALL. They would be able to impose up to a half a percent. It would have to be established by ordinance, and it would be in addition to the 13-percent local share up to a 20-percent local share, so about a 7-percent range – from 13 percent to 20 percent.

Mr. MAHER. Okay. I think I am following that. But that could be accomplished with a county sales tax and a municipal sales tax?

Mr. McCALL. That is correct.

Mr. MAHER. All right. To clarify the rate again, a minute ago you agreed that the new sales tax was going to be, I think you said half a percent?

Mr. McCALL. That is correct, Mr. Speaker. This amendment says .05. It is actually .5.

Mr. MAHER. I am sorry, Mr. Speaker. Could you repeat that?

Mr. McCALL. Yes, Mr. Speaker.

The document in front of us says .05. As part of the corrective amendment that is coming downstairs in 5 minutes, it will be .5.

Mr. MAHER. Now, I am sorry. Did you just say there is yet another corrective amendment that is not even here yet?

Mr. McCALL. No, Mr. Speaker. The corrective amendment that the Legislative Reference Bureau made a mistake on, they are reprinting it.

Mr. MAHER. But the corrective amendment which is on the system, 1901, you are saying that that is not in fact the corrective amendment?

Mr. McCALL. It is, but we are going to provide you with the entire amendment with the corrective amendment striking the language out, and that is the Reference Bureau doing that.

Mr. MAHER. So you are saying— Mr. Speaker, with all due respect, the Transportation Committee Democratic chairman's summary of the bill says that this tax will be .05 percent, which is how exactly it is printed in this bill. This is not a subject that is appropriate for a corrective amendment. They got exactly what they asked for in this bill, and if somebody wants to switch out the amendment at this stage, I think we need to at that point have a point of order because

this is printed in the bill exactly as they printed it in their own summary. If LRB typed what they asked for, that is not a corrective amendment, Mr. Speaker.

Mr. McCALL. It is not part of the corrective amendment, Mr. Speaker. It is an amendment to correct the mistake.

Mr. MAHER. So then it is a new amendment?

Mr. McCALL. That is correct.

Mr. MAHER. And so that amendment would be out of order?

Mr. McCALL. That is correct. We would have to get a suspension of the rules for that amendment to be inserted.

Mr. MAHER. So on that amendment then, you are going to ask members to vote for a new sales tax that is 10 times the amount that is in this legislation right now; 10 times as much. Is that right?

The SPEAKER. The House will be at ease.

The gentleman is in order and may proceed.

Mr. MAHER. Thank you, Mr. Speaker.

Is that correct then, that the amendment that is yet to be provided to the members that you are anticipating would provide for a sales tax increase 10 times as much as is in this bill right now?

Mr. McCALL. No. It is an option, Mr. Speaker. It would be from .05 to .5 percent, and it would be only an option to impose. No mandate from us at all; merely an option.

Mr. MAHER. So the rate of tax, the rate of this new sales tax, Mr. Speaker, that you are expecting with an amendment that is not even on this chamber's desk—

Mr. McCALL. Mr. Speaker, what is before us is .05, so we will talk about .05 and worry about .5 when it gets here.

Mr. MAHER. All right, Mr. Speaker.

Mr. McCALL. Right now we will debate about .05.

Mr. MAHER. If you would like to do that, that is fine by me.

How much revenue do you expect to raise with .05 percent? That would be \$5 on what, \$1,000? How much revenue do you think the local communities will raise with the tax that is presented here?

Mr. McCALL. .05 statewide would raise \$70 million.

Mr. MAHER. .05?

Mr. McCALL. .05 would raise \$70 million statewide.

Mr. MAHER. \$70 million statewide?

Mr. McCALL. .05 would raise \$70 million.

Mr. MAHER. And .5 statewide would raise?

Mr. McCALL. \$695 million.

Mr. MAHER. So the solution that is in front of us that is so urgent for people to attend to has the potential to raise statewide \$70 million from a sales tax. Is that right?

Mr. McCALL. If every municipality in the State chose to do that, that would be the amount, and it would be up to them to choose to do that. We are not telling them they have to. We are telling them they can if they would like to, if they would like to draw more State dollars into their program.

Mr. MAHER. And if this were to be embraced in the county of Philadelphia and the collar counties that surround it, how much would this sales tax raise at its maximum rate that is in this amendment?

Mr. McCALL. We do not have the dollar amount at our fingertips, but we would gladly provide it to the gentleman.

Mr. MAHER. Well, it has got to be something less than \$70 million, I think we would agree?

Mr. McCALL. Correct.

Mr. MAHER. All right, Mr. Speaker. The earned income tax, is the rate that is in this amendment for the earned income tax correct?

Mr. McCALL. Yes, Mr. Speaker; .05.

Mr. MAHER. .05, you are quite certain of that?

Mr. McCALL. That is what is in front of me, .05.

Mr. MAHER. So we should not expect a corrective amendment at some later point? I know; I retract that.

Let me ask you this: .05, that is five-hundredths of 1 percent. So if somebody currently has a local income tax of let us say 1 percent, this would increase their local income tax from 1 percent to 1.05 percent?

Mr. McCALL. That is correct; only if they choose to raise it.

Mr. MAHER. And that is what you intend to do?

Mr. McCALL. By virtue of this amendment, yes.

Mr. MAHER. So this is not a half a percent that you are counting on for funding, but this is five-hundredths of a percent?

Mr. McCALL. Five-hundredths of a percent.

Mr. MAHER. Very good.

And how much will five-hundredths of a percent raise across Pennsylvania if every community were to do this?

Mr. McCALL. \$107 million.

Mr. MAHER. Now, the tax that is here for liquor and malt beverages, that would be a 10-percent tax. Is that correct?

Mr. McCALL. That is correct.

Mr. MAHER. Now, would this be a tax on— What would be the expanse of the reach of this tax? Would this be a tax that is on the products from the State stores? Would this be a tax on the products from our State wineries? Is this just a liquor-by-the-drink tax? Is this going to be in the VFW (Veterans of Foreign Wars) halls and American Legion halls?

Mr. McCALL. It is a liquor-by-the-drink tax.

Mr. MAHER. And how do I know from reading this bill that it is intended to be a liquor-by-the-drink tax? Is that referenced here? Does that limit liquor and malt beverages? With that reference, does that limit it to a by-the-drink?

Mr. McCALL. Yes, it is defined under section 102 of the act of April 12, 1951.

Mr. MAHER. So if I look at that section, that section will only speak about liquor by the drink?

Mr. McCALL. I think it would be more than that, but it references it at that point.

Mr. MAHER. Is there someone whom you might be able to confer with, because I genuinely do not know the answer to that question and I hope somebody who drafted this would.

Mr. McCALL. We will get back to the gentleman in a minute. If he wants to ask the next question, I would be glad to do that.

Mr. MAHER. I would welcome that approach.

With the surcharge on parking spaces, what would be the limit on the surcharge on parking spaces?

Mr. McCALL. Whatever the local government decides or the local authority decides.

Mr. MAHER. And these parking spaces, do these include parking spaces that people would have at their homes?

Mr. McCALL. It does not.

Mr. MAHER. How do I see those exempted here? And, Mr. Speaker, if we could have just a little bit of order because I think members will want to understand this point.

The SPEAKER. The gentleman is correct. Caucuses in the rear of the House and in the well of the House will please break

up. Members will take their seats, or we can ask the members who are not involved in the debate to take leave to the anteroom.

The gentleman is in order and may proceed.

Mr. MAHER. Mr. Speaker, I was inquiring as to what in this language would preclude municipalities from taxing, or excuse me, a surcharge on parking spaces at someone's home or at their business on land that they own.

Mr. McCALL. That would be up to the local municipality to pass an ordinance to implement that. We are not telling them what they have to do. It is a local option, strictly a local option that they decide, they have to pass by local ordinance to implement.

Mr. MAHER. All right. I appreciate the clarification.

I had skipped over above on number (3) the transfer, the realty transfer tax. Now, in the past I had thought I had understood that there was some consideration of a half-percent tax for realty transfer. Now, here, though, you have five-hundredths of a percent. Is that what you intend?

Mr. McCALL. Yes, Mr. Speaker, .05 percent.

Mr. MAHER. Five-hundredths of a percent, not half a percent. Is that—

Mr. McCALL. Correct.

Mr. MAHER. Okay. Thank you.

And the tax on a rental of a vehicle, what was the limit on a tax of a rental of a vehicle?

Mr. McCALL. That would be up to the local municipality or county to decide, and they would have to institute that by virtue of a local ordinance. They would have to pass an ordinance to do that. It is strictly a "may" provision.

Mr. MAHER. Thank you, Mr. Speaker.

I am going to move much further back in the bill, and beginning on about page 24 where it starts enumerating improvements, and in particular, on page 24, line 48, it directs the turnpike to construct a turnpike interchange with Interstate Route 476 in Montgomery County. Now, I am fairly certain I have already used that interchange. Do we intend to direct the construction of a new interchange in addition to the one that is already there?

Mr. McCALL. No, Mr. Speaker. This is all existing language that was authorized in the toll road extension act.

Mr. MAHER. And so the language which is here that says construct this and construct this and construct this, do you have a price tag for that? I did not see that in the fiscal note.

Mr. McCALL. No, Mr. Speaker. A lot of these things were already done, but we had to amend this language from the turnpike construction act into our act for the purposes of the turnpike to then proceed to leverage the dollars necessary to redo Interstate 80 where they will spend somewhere in the vicinity of \$1 billion in enhancements on I-80. All of that had to be authorized in this act.

Mr. MAHER. Mr. Speaker, just turn to page 25.

Now, I represent part of Washington County, which I have a number of terrific colleagues from that neck of the wood who remember our Governor as a candidate promising those who reside in the Mon Valley in Washington County, the airport corridor, that during his first term he would complete the construction of the Southern Beltway, the Mon-Fayette Expressway. Is the authorization to construct the Mon-Fayette Expressway and Southern Beltway in this language?

Mr. McCALL. Mr. Speaker, we just took the language from the act, Act 61, and placed it in this bill, in this language.

So you will see a number of things, a number of projects that have already been completed and a number of projects that have authorization that have not been completed or started.

Mr. MAHER. Well, what I am asking for is, is it authorized at all in this language?

Mr. McCALL. There is no new authorization. These are all the authorizations that are contained in Act 61.

Mr. MAHER. Thank you, Mr. Speaker.

Mr. McCALL. They have already been authorized.

Mr. MAHER. And just one last area of questions. On page 4 in the definitions, "financial assistance" is defined as "grants or other types of financial support provided by the Department of Transportation award recipient under this chapter." Just to repeat that and shorten it, it talks about financial assistance being grants from, grants provided by award recipients.

Can you help me understand where our local transportation organizations are going to get the money to send to PENNDOT, because that is what this would require. All throughout the bill when it talks about financial assistance, as defined, "financial assistance" would be payments by the locals, not payments to the locals.

Mr. McCALL. This is the money, Mr. Speaker, that we are driving to the local transit agencies.

Mr. MAHER. Well, you are driving backwards in that definition, Mr. Speaker, because this is having the funds being provided by the award recipients who are the local transportation agencies. Is there some language in this bill that would actually have funds moving in the direction that I think you intend but is not what is in the bill?

Mr. McCALL. Are you referring, Mr. Speaker, to lines 32, 33, and 34?

Mr. MAHER. That is correct.

Mr. McCALL. Mr. Speaker, this language refers to welfare to work, job access, and those other programs outlined in the legislation that we currently fund. It speaks to those programs to make sure that they receive their funding.

Mr. MAHER. Well, I am sorry. I was not really asking about those programs. I was asking about this amendment. This amendment says, "'Financial assistance.' Grants or other types of financial support provided by the...award recipient...."

Mr. McCALL. By the Department of Transportation.

Mr. MAHER. Award recipients.

Mr. McCALL. Recipients, right.

Mr. MAHER. And "award recipients" are defined on the prior page.

Mr. McCALL. And that is a definition of "financial assistance."

Mr. MAHER. Well, perhaps you would want to do a corrective amendment for that, Mr. Speaker.

Thank you for cooperating and aiding my understanding.

If I might speak on the bill?

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

Mr. MAHER. Probably like most of you, I have yet to be able to finish reading for the first time and contemplating this monumental amendment. We have heard of a number of things which are clearly wrong, even from what is intended in this amendment. We have a supposed corrective amendment that was not, according to the Legislative Reference Bureau, was not requested by the Reference Bureau, as we have heard, so it was requested by a Democratic staff member. Then we hear the corrective reprint, the corrective amendment is incorrect. And by the way, if they are reprinting another version of that

corrective amendment, you might suggest that it say corrective amendment on the amendment, because it does not, despite what was represented earlier. Look on the system. It does not.

From the discussions we just had, we also note the fiscal note is wrong, because the fiscal note does not coincide with the language that is in the bill. So we have an amendment that none of us have been able to read end to end, a corrective amendment perhaps that has already been produced, another amendment to address an obvious perhaps mistake, perhaps not so obvious because it is printed currently exactly as described by the Democratic staff, so as drafted, this amendment is as requested, but you are going to be asked later then to vote for a tax that is 10 times as much. You find out that the taxes that are in here are not one tax, one limit, but double it, because every county and every municipality can do these taxes.

You call in this amendment for construction, expenditures for construction of roads that already exist. Pages of roads that already exist are going to be directed to be constructed. But you are satisfied, you are satisfied with this. Those of us from the southwest who want to see the Mon-Fayette Expressway or Southern Beltway completed, it is not provided for; surprise, surprise. Those of us in that corner of the world think that should be a priority for the Turnpike Commission, but despite the promises of a campaign, a Governor who was campaigning, Washington County, the Mon Valley, once again left in the cold.

This does not solve anything. It has got \$400 million, excuse me, \$4 billion worth of increased taxes and tolls, according to the fiscal note, and that does not even account for the amounts that will be imposed at the local levels. Yet, and look at the transit. The amount that has been flexed in recent years, \$100 million or so each year, that is a lot of money, but it is not \$400 million. I have yet to hear anybody explain why they are proposing a \$400 million solution to what seems to have been a \$100 million problem.

It is essential that we establish sustainable support for roads and bridges. It has been an embarrassment in southwestern Pennsylvania when we had a bridge just collapse on an interstate highway. The solution with this Governor was to go out and survey other bridges and knock a bunch of them down. Now, let me ask you this: How many bridges collapsed on interstate highways in Philadelphia? And if one had, would the solution have been deemed to go and knock many more down? Southwestern Pennsylvania is not being treated right with this legislation, who knows what is really in it.

Those of you who vote to create this long laundry list of new taxes, remember, it is double what is there, and you have no assurances, no assurances that PENNDOT will be lifting a shovel to take care of the roads in your areas. Thank you, Mr. Speaker.

The SPEAKER. Representative Civera.

Mr. CIVERA. Mr. Speaker, the majority chairman of the Appropriations Committee, would he stand for a brief interrogation, please?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order and may proceed.

Mr. CIVERA. Mr. Speaker, there is a fiscal letter here that was handed out to the members, and I need some clarification on the letter that was sent out.

Under rule 19(a), page 15 of the rules, until I can get you a copy of it, if you know them, rule (a), (b), (d), (g), and (i), after reading this letter – because I cannot say it is the fiscal note – it

does not address what the rules say as far as in rule 19(a), page 15. It also does not reflect the oil franchise tax, which I am totally confused of what the percentage is, because every time we turn around for a different amendment, the numbers change.

So could you clarify, and also, one more question: Representative Maher had brought out the .05 increase from the local share with the local municipalities, and in the amendment it is one-twentieth of a percent. So this fiscal note that we have in front of us right now, is it accurate, Mr. Speaker?

Mr. D. EVANS. Yes, Mr. Speaker. On your first issue, I think that the gentleman who is the maker of the amendment, along with the Speaker's desk, indicated that the question around the oil franchise tax is being corrected on this amendment, that the Reference Bureau has indicated that that was an error on their part and not the maker of the amendment. So we could respond, Mr. Speaker, on this fiscal letter on the basis of the information that we had, and as I indicated to you, that the Reference Bureau has indicated that this is an error on their part and not the maker of this amendment, Mr. Speaker.

Mr. CIVERA. All right. I want to come back to that. The rules explain, "(a) The designation of the fund out of which the appropriation providing for expenditures under the bill shall be made." Where does that show that on this note? I do not see it. "(b) The probable cost of the bill for the fiscal year of its enactment."

So before we go any further, could you show me those two? Maybe I am confused here.

Mr. D. EVANS. Mr. Speaker, on the letter it shows specifically at point one, though it does not list point one, it just says point, it creates a Transportation Trust Fund for funding highways, bridges, and mass transit in the State. If you look on the second page, Mr. Speaker, it indicates exactly where the funds are coming from in order to go into the Transportation Fund, Mr. Speaker.

Mr. CIVERA. Okay. Let us go to (b): "The probable cost of the bill for the fiscal year of its enactment."

Mr. D. EVANS. Mr. Speaker, the effective date is 60 days.

Mr. CIVERA. Mr. Speaker, that is not what we asked. Let us go over it again. "The probable cost of the bill for the fiscal year of its enactment." I do not see it here, and our staff looked at it and they do not see it here.

Mr. D. EVANS. Mr. Speaker, if you look at the second page, it lays out 2007-2008. It lays specifically out what will occur in terms of the various fiscal years.

Mr. CIVERA. Mr. Speaker, what I am reading here, it says the "Total Increased Funds...." It does not say the probable cost of the origination of where it is coming from. It does not address that.

Mr. D. EVANS. Mr. Speaker, from what I see, it does. "Transit Funding: Pa Turnpike Payments, Increased Local Match.... Highway/Bridges Funding: Pa Turnpike Payments...." Basically it does list it here, Mr. Speaker.

Mr. CIVERA. Okay. Let us go one more. Where does the fiscal note show the revenue impact of the dedication of the 3.54 percent of the PIT (personal income tax) and the 3.6 percent of the State sales tax?

Mr. D. EVANS. Mr. Speaker, I do not— Maybe you and I are reading different information, and I know you have better eyesight than I do, but there is nothing with the PIT or the sales tax, Mr. Speaker. It is a local option, Mr. Speaker, but there is nothing—

Mr. CIVERA. No; no; no; no; no; no. It is not a local option. Basically what you are doing here, it is coming out of the General Fund. Page 8 of the amendment: "Commencing July 1, 2007, 1.22% of the money collected from the tax imposed under Article II of the Tax Reform Code, up to a maximum of \$75,000,000." Now I am going to skip one and go to (5): "Commencing July 1, 2007, 3.54% of the money collected from the tax imposed under Article III of the Tax Reform Code. Within 30 days of the close of a calendar month, 3.6% of the taxes received under Article II of the Tax Reform Code in the prior calendar month...."

Mr. D. EVANS. Mr. Speaker, on page 8 of the amendment, it lays out for you specifically that that is the money that will be going into the new dedicated fund, the Transportation Fund, Mr. Speaker.

Mr. CIVERA. So tell me in the fiscal note, where does it show it on the impact to the General Fund?

Mr. D. EVANS. There is not any, Mr. Speaker.

Mr. Speaker, I will yield to Representative McCall.

Mr. McCALL. Mr. Speaker, if I can, the 1.22 percent is the sales tax money under Article II that we currently assess for transit. That is capped at \$75 million. Under this amendment, we create a new fund to kind of streamline to get people to understand what we are spending on transit as a total. So we took all of the money from PTAF, which is the four various accounts where we assess money – the 3-percent sales tax that we have on leased vehicles, the \$1 tire tax, all those additional fees that were imposed years ago – we take that PTAF money, that sales tax money, and just create one fund. This is just showing the transfer of that money into that fund.

Mr. CIVERA. What we are understanding is that that is a new revenue loss to the General Fund that is on top, what you just said, is on top of what currently is there. So it is a revenue loss to the General Fund. That is what we are reading. And where does it explain that in the fiscal note?

Mr. D. EVANS. Mr. Speaker, we do not see it the same way you see it. The PTAF account has always been a restricted fund. That was something we established back in 1991 and has been a dedicated fund in the first place. So we do not see it the same way, Mr. Speaker.

Mr. CIVERA. Okay. Could you explain to me what Article III is of the Tax Reform Code?

Mr. D. EVANS. Mr. Speaker, can you repeat your question again, please, specifically?

Mr. CIVERA. Yes. Okay. Could you explain to me Article III of the Tax Reform Code? What is that? What tax?

Mr. D. EVANS. Mr. Speaker, it is, again, Mr. Speaker, it is the special fund of the dedicated money that we did in the 1990s.

Mr. CIVERA. Mr. Speaker, I want to conclude this. We disagree with that. We disagree with your explanation of the 3.54, and we can go on and on with this.

If I can make some brief remarks, Mr. Speaker?

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

Mr. CIVERA. Mr. Speaker, as the previous speakers tonight have spoken, on the corrections of the amendment that is presently in front of us and the mistakes that were made, whether it was on the Democratic Caucus, Legislative Reference, but we are going to make a vote here and that is going to be recorded there, and the public is going to be totally confused as the members sit in this chamber tonight and they are totally confused.

This did not have to be this way; this did not have to be this way. We are both from the southeast. There could have been a compromise here, a bipartisan effort. You know it and I know it, but this is what happens.

The county that I represent, Delaware County, for 5 years did not have a property tax increase, and they come back with their legislative delegation, we lose members on the SEPTA Board, we do not know where their tax increase is going to go for next year, okay, and we are supposed to accept an amendment that has five, six, seven different mistakes in it. This could have been worked out. You know that. But, no, we chose to do something else.

I know the hour is late. The month we are in, we have to adopt a budget. We are into our last week. This transportation situation has been this way for the last 3 years. Why did you choose to go this route? How could the members that represent that county support this? You know what this reminds me of? It is a Philadelphia grab, and that is not fair. Those counties are independent. So now we grab the members of the SEPTA Board, the next thing we grab the local government, and the next thing is the school districts. Why? This is what you are demonstrating here. We are not acting in good faith. Now, you know it and I know it. It did not have to be this way.

I have the 69th Street terminal in that district. We depend on the economic value of mass transit. We have a member of that delegation that sat on the SEPTA Board that is in this chamber. So we choose to go a direction in the ninety-ninth hour when the Delaware County people, Republican and Democrat, that sit in this chamber could have sat down and worked this thing out and we would not be in this situation. No, now we have got to argue. We have got to argue over something that should not be. I want you to explain to me why. Delaware County people are not second-class residents.

I am very upset about this. I did not like the way it was handled at all. I thought we were going to act in good faith, and I think that it is a shame that this amendment, that I have to say not to vote on it, but there are too many mistakes. I do not like the way the board is set up. I do not care what the explanations were.

You know, years ago – I will never forget this – I always asked how the compromise came with the SEPTA Board in Philadelphia, and somebody once told me that the suburban communities get this because of the Sterling Act, because Philadelphia had the Sterling Act, and we dealt with that for years and years and years, that our residents always paid, and you know, I was proud to be next to Philadelphia, but when you start these tactics and you get away with this, this is going to lead to something else. It does not stop here.

I say to the members not to support the amendment. The amendment has to be amended. We need to go back to the drawing board. I am willing to sit with you, I am willing to work it out, but do not push this down my throat, please.

Mr. D. EVANS. Mr. Speaker? Mr. Speaker? Mr. Speaker?

The SPEAKER. Representative Evans.

Mr. D. EVANS. You know, Mr. Speaker, I think the world of the chairman of the Republican Appropriations Committee. He and I are very good friends. The other day was his birthday, and I sang happy birthday to him. You can imagine that experience, me singing happy birthday to the Republican chair. The other day he showed me a picture of his grandchild and he told me how proud he was of his grandchild. And I know him being very proud of his grandchild, but I know it is too late for

his grandchild to be watching this at 9:25 tonight, but I know he wants to build a great future in the southeast and in Pennsylvania, and I heard him loud and clear. But what the gentleman missed is that this is just one house and there is another house and that the majority leader of the Senate is from Delaware County. This is only the first step in long negotiations.

We are very clear on this side that we have to work with the Senate, we have to work with the Governor, and we have to work together, that it just does not stop here. So even though I know the gentleman said what he said, in the end, my good friend from Delaware County, we are going to be working together in spite of your kind of remarks, and I know you say those things in an affectionate way. I know you feel good, and I know there is no animosity in your heart. I know that you truly are a good person and I believe you are a good person, and I understand this is just one of these things that has to happen. We will get over it, we will work together, and we will make this State move for the best of your granddaughter, because you know, when you show that picture of your granddaughter, it touches my heart, because I know you want a great place for your granddaughter, and the way to have a great place is for people to work together.

So my olive branch is still there, Mr. Speaker. I know in spite of the things that you just said, you do not mean those things; you do not mean those things. I know we are on TV and I know you have got to do them for partisan reasons, but let me just speak to you out there for a second. Even though the chairman said those things, he does not mean those things. We are going to work together; we are going to work together. I am telling you, I am making that commitment. This is just the beginning. We will get it over to the Senate. We meet with the Senate majority leader and we have a little time and we sit down. This is just the beginning. So, please, do not make this like this is the end. This is not the end. I know that is good drama and good TV, but this is not the end. We need to work with the Senate, and we need to work with the Governor. So I do not want anybody to think that this is the end. This is just the beginning.

And please, Mr. Chairman, give my granddaughter, give your granddaughter – notice I said my granddaughter – give your granddaughter my regards. I know she does not know who I am, but tell her you and I work together. We really need each other. Right? We are like family. Are we not like family? Now, you know we are like family, Mr. Speaker. So I know you do not mean those things that you are saying. I know in your conscience, I know in your conscience, Mr. Speaker, you really want to tell people, let us move this process on, because I do not want to talk about the past. I do not want to talk about when you all were in the majority and things did not move. I do not want to talk about the Senate not moving anything. I promised myself I would not talk about those things. So I want to work together with you, Mr. Speaker.

Mr. Speaker, you still have got my olive branch, do you not? You still have got my olive branch? Thank you, Mr. Speaker.

Mr. CIVERA. Mr. Speaker, just let me respond.

The SPEAKER. The Chair recognizes Representative Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

We are like family, but when this family member tried to come in the door tonight, it was shut. You have got to open that door.

Now, let us talk about this amendment a minute. The language that is in the amendment is incorrect. Turn the shoes. Suppose you are here and I am there. So we are going to send a bill and say, oops, we meant this; oops, no, I mean this point; no, I mean this percentage point, to the Senate? I mean, that is what I was trying to say. And then the other step was that we could have straightened this thing out. We could have made this right. We would not be here right now. We would be explaining why they should vote for it, not why they should not vote for it, and that is my point.

Thank you. I do not mean to press on it any longer. Thank you.

The SPEAKER. The House will be at ease.

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would like to withdraw this amendment at this time and replace—

The SPEAKER. The gentleman withdraws amendment A01793.

Is it the gentleman's intention to offer amendment A01927?

Mr. McCALL. That is correct, Mr. Speaker.

The SPEAKER. The gentleman is in order.

On the question recurring,

Will the House agree to the bill on second consideration?

The SPEAKER. For what purpose does the gentleman rise?

Mr. MAHER. Well, I will certainly defer to the leader, but I would like to reserve my point of order for after his, or if the leader would prefer, I will proceed.

The SPEAKER. The gentleman has yielded. The Chair will recognize him in order.

Mr. S. SMITH. Mr. Speaker, what amendment did you suggest was going to be called up? I did not catch that.

The SPEAKER. Amendment A01927.

Mr. S. SMITH. Do we have a copy of that, Mr. Speaker?

The SPEAKER. The amendment is on the system.

If the gentleman would pause until the amendment is read. The gentleman will yield until the amendment is read.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. McCALL offered the following amendment No. A01927:

Amend Title, page 1, line 5, by removing the period after "highways" and inserting

; authorizing local taxation for public transportation assistance; repealing provisions relating to public transportation assistance; providing for transportation issues and for sustainable mobility options; further providing, in metropolitan transportation authorities, for board members and for operation; consolidating the Turnpike Organization, Extension and Toll Road Conversion Act and further providing for the Pennsylvania Turnpike Commission; in provisions on the Pennsylvania Turnpike, further providing for definitions, for authorizations and for conversion to toll roads and providing for conversion of Interstate 80, for application and for lease of Interstate 80; in taxes for highway maintenance and construction, providing for definitions; further

providing for imposition and for allocation of proceeds; providing for special revenue bonds, for expenses, for application of proceeds of obligations, for trust indenture, for exemption, for pledged revenues, for special revenue refunding bonds, for remedies, for Motor License Fund proceeds, for construction and for funding; and making related repeals.

Amend Sec. 1 (Chapter Analysis), page 1, by inserting between lines 13 and 14

8602. Local financial support.

Amend Sec. 1, page 1, by inserting after line 19

§ 8602. Local financial support.

(a) Imposition. Notwithstanding any other provision of law, a municipality may obtain financial support for transit systems by imposing one or more of the taxes or surcharges under subsection (b). Money obtained from the imposition shall be deposited into the Public Transportation Trust Fund.

(b) Taxes and surcharges. A municipality may, by ordinance, impose one or more of the following taxes or surcharges:

(1) Sales and use tax.

(i) A sales tax on each separate sale at retail of tangible personal property or services within this Commonwealth of up to 0.05% of the purchase price. The terms "purchase price," "sale at retail" and "tangible personal property" shall have the meanings given to them under section 201 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(ii) A use tax on each use within this Commonwealth of tangible personal property purchased at retail and on those services purchased at retail of up to 0.05% of the purchase price. The ordinance shall provide that the tax shall not be paid if the person has paid the tax imposed under subparagraph (i) or has paid the tax imposed under this subparagraph to the vendor with respect to the use. The terms "purchase price," "tangible personal property" and "vendor" shall have the meanings given to them under section 201 of the Tax Reform Code of 1971.

(2) A tax on earned income, as defined under section 13 of the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, of up to 0.05%.

(3) A tax on the transfer of real estate, as defined under section 1101-C of the Tax Reform Code of 1971, of up to 0.05% of the value of the real estate being transferred.

(4) A tax on liquor and malt or brewed beverages, as defined under section 102 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, of up to 10%.

(5) A surcharge on parking spaces and parking tickets. The surcharge may not be imposed on park and rides.

(6) A tax on the rental of a vehicle.

Amend Sec. 1.1, page 2, line 1, by striking out "1.1" and inserting

1.2

Amend Sec. 2, page 68, line 26, by striking out "a chapter" and inserting

chapters

Amend Sec. 2 (Chapter Heading), page 68, line 28, by striking out all of said line and inserting

TRANSPORTATION ISSUES

Amend Bill, page 69, by inserting between lines 9 and 10

Section 2.1. Title 74 is amended by adding a chapter to read:

CHAPTER 15

SUSTAINABLE MOBILITY OPTIONS

Sec.

1501. Scope of chapter.

1502. (Reserved).

1503. Definitions.

1504. Program authorization.

1505. Regulations.

1506. Fund.
1507. Application and approval process.
1508. Federal funding.
1509. Limitation on decisions, findings and regulations of department.
1510. Program oversight and administration.
1511. Report to Governor and General Assembly.
1512. Coordination.
1513. Operating programs.
1514. Asset improvement program.
1515. New initiatives program.
1516. Programs of Statewide significance.
1517. Program oversight and administration.
1518. Retroactive authority.
1519. Supplemental revenues to Public Transportation Trust Fund.
§ 1501. Scope of chapter.

This chapter relates to sustainable mobility options.

§ 1502. (Reserved).

§ 1503. Definitions.

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

"Access to jobs project." A project relating to the development and maintenance of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment as defined under 49 U.S.C. § 5316 (relating to job access and reverse commute formula grants).

"Americans with Disabilities Act." The Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

"Asset maintenance costs." All vehicle maintenance expenses, nonvehicle maintenance and materials expenses and the cost of supplies used in the operation of local transportation organizations and transportation companies.

"Award recipient." A recipient of financial assistance under this chapter.

"Capital expenditures." All costs of capital projects, including, but not limited to, the costs of acquisition, construction, installation, start-up of operations, improvements and all work and materials incident thereto.

"Capital project."

(1) A system of public passenger transportation, including rail transportation facilities used for public passenger transportation, which facilities may include the following:

(i) railway, street railway, subway, elevated and monorail passenger or passenger and rail rolling stock, including self-propelled and gallery cars, locomotives, passenger buses and wires, poles and equipment for the electrification of any of such rails, tracks and roadbeds, guideways, elevated structures, buildings, stations, terminals, docks, shelters and parking areas for use in connection with the rail transportation systems, interconnecting lines and tunnels to provide passenger or passenger and rail service connections between transportation systems, transportation routes, corridors and rights-of-way therefor, but not for public highways;

(ii) signal and communication systems necessary or desirable for the construction, operation or improvement of a public passenger system; or

(iii) any improvement or overhaul of any vehicle equipment or furnishings of any of the items specified under subparagraphs (i) and (ii) or any part or fractional and undivided co-ownership or leasehold interest in any one or combination of any of the items specified under subparagraphs (i) and (ii) that may be designated as a capital project by the Secretary of Transportation award recipient.

(2) The term shall include the acquisition of land necessary for the construction of a new project and debt service

and the cost of issuance of bond notes and other evidences of indebtedness which a local transportation organization or transportation company is permitted to issue under any law of this Commonwealth.

"Commonwealth capital bonds." Evidence of debt incurred by the Commonwealth under the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act.

"Community transportation service" or "shared ride service." Door-to-door demand transportation that is available to the general public on a nonexclusive basis, operates on a nonfixed route basis and charges a fare to all riders. The term does not include exclusive ride taxi service, charter and sightseeing service, nonpublic transportation, school bus and limousine service.

"Community transportation system." An entity that provides community transportation service and contracts with the Department of Transportation award recipient to receive revenue replacement funds.

"Department." The Department of Transportation of the Commonwealth.

"Financial assistance." Grants or other types of financial support provided by the Department of Transportation award recipient under this chapter.

"Fixed guideway system." A fixed-route public transportation service that uses and occupies a separate right-of-way or rail line for the exclusive use of public transportation and other high occupancy vehicles or uses a fixed catenary system and a right-of-way usable by other forms of transportation. The term includes paired rail, light rail, commuter rail, automated guideway transit, people movers, ferry boat service and fixed guideway facilities for buses such as bus rapid transit and high occupancy vehicles.

"Fixed-route public transportation service." Regularly scheduled general public transportation that is provided according to published schedules along designated routes, but that allows for route deviation within the published schedule, with specified stopping points for the taking on and discharging of passengers, including public bus and commuter rail systems and other department-approved service. The term does not include exclusive ride taxi service, charter or sightseeing service, nonpublic transportation, school bus and limousine service.

"Fund." The Public Transportation Trust Fund established under section 1506 (relating to Public Transportation Trust Fund).

"Inflation index." An index established by the Department of Transportation award recipient by regulation that is inflation sensitive.

"Intercity bus service." Passenger bus service of 35 miles or more in length that is provided with an over the road bus and operated between two noncontiguous urbanized areas, between an urbanized area located in one county and rural communities located in another county or between rural communities located in different counties and contains all of the following elements:

(1) Service that is operated for a fare on a regularly scheduled fixed-route basis.

(2) Service that is offered to and utilized by the general public without preconditions of advance reservation or membership in a particular organization.

"Intercity passenger rail service." Passenger railroad service that connects two or more urbanized areas and is determined by the Department of Transportation to qualify as intercity service rather than commuter rail service.

"Jobs access/reverse commute project." A project funded by the Federal Transit Administration under Federal law.

"Local transportation organization." Any of the following:

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

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

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

"Materials and supplies." Those categories of expenses as specified in Uniform System of Accounts expense object class 504, National Transit Database operating expenses form F 30, National Transit Database, Final Rule, Federal Transit Administration, dated January 15, 1993, or any successor.

"Municipality." A city, borough, incorporated town or township.

"New fixed guideway system." A newly-constructed fixed guideway system in a corridor or alignment where no such system previously existed.

"New freedom program." A public transportation program designed to provide funds to recipients for new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) that assist individuals with disabilities with transportation, including transportation to and from jobs and employment support services administered under the provisions of 49 U.S.C. § 5317 (relating to new freedom program.)

"New start." The term shall have the same meaning given it in 49 CFR § 611.5 (relating to definitions).

"Nonurbanized area." An area within this Commonwealth that does not fall within an area classified as "urbanized" by the United States Bureau of the Census of the United States Department of Commerce in the most recent Census of Population.

"Nonvehicle maintenance expenses." The categories of costs associated with the inspection, maintenance and repair of assets, other than vehicles, as specified in Uniform System of Accounts, expense function 042, National Transit Database operating expenses form, F 30, National Transit Database, Final Rule, Federal Transit Administration, dated January 15, 1993, or any successor.

"Operating expenses." Total expenses required to continue service to the public and to permit needed improvements in service which are not self-supporting and otherwise for any purpose in furtherance of public passenger transportation, including all State asset maintenance costs. The term does not include expenditures for capital projects unless specific approval is provided by the Department of Transportation award recipient.

"Operating revenue." The total revenue earned by a local transportation organization or a transportation company through its transit operations. The term includes all of the following:

(1) Passenger fares.

(2) Reimbursements provided in lieu of fares for senior passengers.

(3) Charter, school bus and advertising revenue.

(4) Other miscellaneous revenue such as public and private route guarantee funds.

"Paratransit service." Transit service operating on a nonfixed-route basis in order to provide complementary transportation service to persons who are functionally unable to use fixed-route transportation, as required by the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

"Passengers." The total of all originating passengers plus transfer passengers carried on fixed-route service and paratransit service.

"Public passenger transportation." Transportation within an area that includes a municipality or other built-up place that is appropriate in the judgment of the Department of Transportation award recipient for a common carrier transportation system to serve commuters or others in the locality, taking into consideration the local patterns and trends of growth by bus or rail or other conveyance, either publicly or privately owned, serving the general public. The term does not include school buses, charter or sightseeing services.

"Revenue replacement funds." Payments made to local transportation organizations and transportation companies to offset or partially offset discounted fares.

"Revenue vehicle hours." The total amount of time calculated in hours during which vehicles are in service and available for public use

in fixed-route service or paratransit service. The term does not include revenue hours provided for fixed route service deadhead hours.

"Revenue vehicle miles." The total amount of distance calculated in miles during which vehicles are in service and available for public use in fixed-route service or paratransit service. The term does not include revenue vehicle miles provided for fixed-route service deadhead miles.

"Reverse commute project." A public transportation project designed to transport residents of urbanized and nonurbanized areas to suburban employment opportunities as defined under 49 U.S.C. § 5316 (relating to job access and reverse commute formula grants).

"Secretary." The Secretary of Transportation of the Commonwealth.

"Senior citizen." A person who is at least 65 years of age.

"Senior passenger." A senior citizen who rides on fixed route service.

"Tax Reform Code." The act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

"Transportation company." A person that renders public passenger transportation service.

"Urbanized area." A portion of this Commonwealth classified as urbanized by the United States Bureau of the Census of the United States Department of Commerce in the most recent Census of Population.

"Vehicle maintenance expenses." The categories of costs associated with the inspection, maintenance and repair of vehicles as specified in Uniform System of Accounts, expense function 041, National Transit Database operating expenses form F 30, National Transit Database, Final Rule, Federal Transit Administration, dated January 15, 1993, or any successor.

"Welfare to work." Any Federal or State program designed to move individuals from dependency on public welfare programs to self-sufficiency through paid work. Programs may include those that provide support for transportation to work and those that provide funds to local transportation organizations to provide services.

§ 1504. Program authorization.

(a) General.—The department may, within the limitations provided in this chapter, incur costs directly or otherwise provide financial assistance for the purposes and activities enumerated in this chapter.

(b) Supplementation of Federal and local funds.—The authority conferred on the department by this section includes, but is not limited to, providing financial assistance for public passenger transportation purposes and to supplement Federal funding, local funding, or both.

§ 1505. Regulations.

(a) General rule.—To effectuate and enforce the provisions of this chapter, the department shall promulgate necessary rules and regulations and prescribe conditions and procedures in order to assure compliance in carrying out the purposes for which grants may be made under this chapter.

(b) Temporary regulations.—During the two-year period following the effective date of this section, the department shall promulgate temporary regulations, which regulations shall be exempt from the following:

(1) The act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(2) Section 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(3) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

Temporary regulations promulgated by the department under this subsection shall expire four years following the effective date of this section.

§ 1506. Fund.

(a) Establishment and deposits.—A special fund is established within the State Treasury to be known as the Public Transportation Trust Fund. The following shall be deposited into the fund annually:

(1) "Scheduled annual commission contribution" as defined in 75 Pa.C.S. § 8901 (relating to definitions).
 (2) The amounts made available to the department as an executive authorization and an appropriation for the 2007-2008 fiscal year and each fiscal year thereafter from the State Lottery Fund for the Free Transit Program for Senior Citizens established under the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law. These revenues shall be used to provide free public transportation service to senior citizens when passage is on fixed-route public transportation services, as authorized by Chapter 9 of the State Lottery Law and the free service shall be available to senior citizens at any time during the service provider's regular hours of service. With regard to passage on commuter rail service provided to senior citizens, the fare shall continue to be limited to \$1 per trip as provided under Chapter 9 of the State Lottery Law, but the limitation shall be extended to all hours of commuter rail service.

(3) Commencing July 1, 2007, 1.22% of the money collected from the tax imposed under Article II of the Tax Reform Code, up to a maximum of \$75,000,000.

(4) Commencing July 1, 2007, revenues deposited into the Public Transportation Assistance Fund established under Article XXIII of the Tax Reform Code to be used in accordance with subsection (b).

(5) Commencing July 1, 2007, 3.54% of the money collected from the tax imposed under Article III of the Tax Reform Code. Within 30 days of the close of a calendar month, 3.6% of the taxes received under Article II of the Tax Reform Code in the prior calendar month shall be transferred to the fund.

(6) Any other appropriations to the fund.

(b) Use of revenues.—

(1) Money in the fund shall be used by the department to provide financial assistance to local transportation organizations, transportation companies and agencies and instrumentalities of the Commonwealth under this chapter, for costs incurred directly by the department in the administration of public passenger transportation programs, including under this chapter, and for all other purposes enumerated in this chapter.

(2) Money in the fund is appropriated on a continuing basis, upon approval of the Governor, to the department to be used as provided in this chapter. Money in the fund shall not lapse.

(c) Programs.—The fund is authorized to provide the following:

(1) Financial assistance related to operating expenses to be known as the "operating program." An amount not less than \$810,000,000 of the fund shall be allocated to this program in the first fiscal year following the effective date of this section. Money in the fund allocated to the operating program shall not be increased by more than the inflation index in any year.

(2) Financial assistance for improvements to capital assets, replacement of capital assets and expansion of capital assets to be known as the "asset improvement program." An amount equal to the remaining money in the fund, less the allocations under paragraphs (1), (3) and (4) shall be allocated to this program in the first fiscal year following the effective date of this section. Money in the fund for this program may include proceeds of Commonwealth capital bonds.

(3) Financial assistance to fund the local matching requirements on federally approved capital new start projects funded by the United States Department of Transportation pursuant to 49 U.S.C. § 5309 (relating to capital investment grants and loans), to be known as the "new initiatives program." An amount not greater than \$50,000,000 of the fund shall be allocated to this program in the first fiscal year following the effective date of this section.

(4) Financial assistance related to programs of Statewide significance as described in section 1516 (relating to programs of

Statewide significance) to be known as the "programs of Statewide significance program." An amount not less than \$52,000,000 of the fund shall be allocated to this program in the first fiscal year following the effective date of this section.

§ 1507. Application and approval process.

(a) Application.—An eligible applicant that wishes to receive financial assistance under this chapter shall submit a written application to the department, on a form developed by the department, which shall include the following:

(1) The name and address of the applicant.

(2) The name and telephone number of a contact person for the applicant.

(3) The amount and type of financial assistance requested and the proposed use of the funds.

(4) A statement as to the particular need for the financial assistance.

(5) A certified copy of a current resolution authorizing submission of the application if the applicant is a governing body.

(6) Evidence satisfactory to the department of the commitment for matching funds required under this chapter sufficient to match the projected financial assistance payments at the same times that the financial assistance payments are to be provided.

(7) Any other information the department deems necessary or desirable.

(b) Approval and award.—Upon determining that an applicant has complied with this chapter, applicable rules and regulations and any other requirement with respect to the financial assistance requested, the department may award financial assistance to the applicant, in which case the department and the applicant shall enter into a financial assistance agreement setting forth the terms and conditions upon which the financial assistance shall be used and the timing of payment of the funds.

(c) Restriction on use of funds.—Financial assistance under this chapter shall be used only for activities authorized originally unless the department grants a waiver to the grantee for a different use of the funds. The department's regulations shall describe circumstances under which it will consider the waivers and information to be included in a request for a waiver. The maximum duration of a waiver shall be one year, and a request for a waiver shall include a plan of corrective action to demonstrate that the award recipient does not have an ongoing need to use financial assistance funds for activities other than those for which funds were originally awarded.

§ 1508. Federal funding.

(a) General rule.—The department shall administer the program in this chapter with such flexibility as to permit full cooperation between Federal, State and local governments, agencies and instrumentalities, local transportation organizations and private interests, so as to result in as effective and economical a program as possible.

(b) Agreements.—The department may enter into agreements for mutual cooperation between or among the department and a Federal agency, local transportation organization or transportation company concerning a project to be funded with financial assistance under this chapter, including joint applications for Federal grants.

(c) General authority of department.—The department may do anything necessary or desirable to secure financial aid or cooperation of a Federal agency in a project funded with financial assistance under this chapter and to comply with a Federal statute or lawful requirement of a Federal agency authorized to administer a program of Federal aid to transportation. The department may enter into a protective agreement with organized labor to the extent required under 49 U.S.C. § 5333 (relating to labor standards) in order to obtain Federal grant money for transportation assistance. Protective agreements shall be narrowly drawn and strictly construed to provide no more than the minimum protections required by the United States Department of Labor for the agreements.

(d) Direct recipients.—Local transportation organizations that are direct recipients of Federal funding shall be under no obligation to enter into contracts with the department for expenditure of those funds, except that the department may require a contract for expenditure of the State portion of the project assisted by those Federal funds.

§ 1509. Limitation on decisions, findings and regulations of department.

All decisions, findings and regulations made by the department pursuant to this chapter shall be for the purposes of this chapter only and shall not constitute evidence before a regulatory body of this Commonwealth or any other jurisdiction.

§ 1510. Program oversight and administration.

(a) Review and oversight.—The department shall initiate and maintain a program of financial and performance review and oversight for all public transportation programs receiving financial assistance under this chapter. The department may perform independent financial audits of each award recipient. Audits shall be conducted in accordance with generally accepted auditing standards and shall ensure compliance by award recipients with this chapter, department regulations and policies and financial assistance agreements.

(b) State Rail Transit Safety Inspection Program.—The department may conduct a State Rail Transit Safety Inspection Program, as may be defined from time to time by the Federal Transit Administration, to meet oversight requirements of the Federal Transit Administration. The public transportation modes covered shall include heavy rail, light rail, trackless trolley bus and inclined plane services and related facilities.

§ 1511. Report to Governor and General Assembly.

The department shall file a public passenger transportation performance report with the Governor and the General Assembly by April 30 of each year, covering the prior fiscal year.

§ 1512. Coordination.

Coordination is required in regions where two or more award recipients have services or activities for which financial assistance is being provided under this chapter to assure that the services or activities are provided efficiently and effectively.

§ 1513. Operating programs.

(a) Eligible applicants.—The governing body of a municipality, county or instrumentality of either, a Commonwealth agency or instrumentality or a local transportation organization may apply for financial assistance under the operating program.

(b) Applications.—In addition to information required under section 1507 (relating to application and approval process), an application for financial assistance under this section shall include the applicant's reasonable estimates of operating revenue and government subsidies sufficient to cover all projected operating expenses.

(c) Distribution formula.—The following distribution formula shall be applied by the department with respect to the award of an operating grant:

(1) Twenty-five percent of the grant amount shall be based on passengers;

(2) Ten percent of the grant amount shall be based on senior passengers to offset free fares for senior passengers;

(3) Thirty-five percent of the grant amount shall be based on revenue vehicle hours;

(4) Thirty percent of the grant amount shall be based on revenue vehicle miles.

(d) Local match requirements.—

(1) Financial assistance provided under this section shall be matched by local or private cash funding in an amount equal to the lesser of:

(i) 20% of the amount of the financial assistance being provided; or

(ii) not less than the amount of match collected for nonbond funding for fiscal year 2006-2007 plus 33 1/3% of any financial assistance received in excess of the nonbond funding for fiscal year 2006-2007.

(2) For financial assistance to a local transportation organization, eligible local matching funds shall consist only of cash contributions provided by one or more municipalities or counties that are members of the local transportation organization. The amount of the match and the time period during which the match must continue to be available shall be specified in the financial assistance agreement. Funding provided by local and private entities, including advertising or naming rights, may be eligible for the match to the extent they provide for the cost of transit service that is open to the public. The following shall not be eligible for a local match:

(i) Any form of transit operating revenue or other forms of transit income provided by the local transportation organization.

(ii) Funds used to replace fares.

(3) A county or municipality in a metropolitan area which is a member of a local transportation organization is authorized to provide annual financial assistance from current revenues to the local transportation organization of which it is a member or enter into a long-term agreement for payment of money to assist in defraying the costs of operation, maintenance and debt service of the local transportation organization or of a particular public transportation project of a local transportation organization. The obligation of a municipality or county under an agreement pursuant to this paragraph shall not be considered to be a part of the indebtedness of the county or municipality, nor shall the obligation be deemed to impair the status of any indebtedness of the county or municipality which would otherwise be considered self sustaining.

(4) For the first fiscal year in which this section takes effect, the department may waive matching requirements in excess of 5% of the amount collected for fiscal year 2006-2007.

(5) If a transportation system operates in multiple jurisdictions and each of those jurisdictions provides funds to match State operating subsidies, the local match provided by each jurisdiction shall be calculated by multiplying the total match required for State funding by the total of route miles provided in that jurisdiction as a percentage of the total route miles operated in all jurisdictions. Where appropriate, a transportation system may calculate the local match by mode or division, or both.

(e) Performance reviews.—

(1) The department may conduct performance reviews of an award recipient that receives financial assistance under this section to determine the efficiency and effectiveness of the financial assistance. Reviews shall be conducted at regular intervals as established by the department in consultation with the management of the award recipient. After completion of a review, the department shall issue a report that:

(i) highlights exceptional performance and identifies any problems that need to be resolved;

(ii) assesses performance, efficiency and effectiveness of the use of the funds;

(iii) makes recommendations on what follow-up actions are required to remedy each problem; and

(iv) provides an action plan documenting who should perform the recommended actions and a time frame within which they should be performed.

(2) The department shall deliver the report to the Governor, to the Transportation Committee of the Senate and to the Transportation Committee of the House of Representatives. The department's regulations shall contain a description of the impact on both the amount of, and future eligibility for, receipt of financial assistance under this chapter based upon the degree to which the local transportation organization complies with the recommendations in the report. The department shall develop a list of best practices revealed by the reports issued under this

subsection and shall post them on the department's Internet website.

(f) Performance criteria.—Criteria used for the reviews conducted under subsection (e) shall consist of passengers per revenue vehicle hour, operating costs per revenue vehicle hour, operating revenue per revenue vehicle hour, operating costs per passenger and other items as the department may establish. The department's regulations shall set forth the minimum system performance criteria that an award recipient must satisfy.

(g) Failure to satisfy minimum performance criteria.—If a performance review conducted under subsection (e) reveals that the performance of an award recipient's transportation system has decreased compared to performance determined through a prior review, the department may, upon the written request of an award recipient, waive any requirement for a reduction in the amount of financial assistance to be awarded under this section for a reasonable time period to allow the award recipient to bring the system back to the required performance level. The award recipient shall provide written justification for providing a time period longer than two years. In order to obtain the waiver for the period requested, the award recipient must do all of the following:

(1) Develop an action plan to improve system performance that contains key measurable milestones. The action plan must be acceptable to the department and must be approved by the department in writing.

(2) Submit quarterly progress reports on the action plan to the department. The department shall review and evaluate the system's progress to determine if the system has improved. If the system has improved, funding will be determined by the formula under subsection (c), and the system will be eligible for full formula funding. If the system has not improved at the end of the time period established for improvement, the waiver will be withdrawn. Expenses incurred by the award recipient as a result of the failure of the award recipient's system to meet the minimum performance criteria shall be borne by the award recipient.

(h) Adjustments to minimum performance criteria.—Upon written request of a recipient of financial assistance under this section, the department may approve adjustments to the minimum performance criteria described in subsection (g) in a given year if situations arise that affect performance of the award recipient's system and are out of the award recipient's control. Examples are labor strikes, infrastructure failures and natural disasters. The request must include the award recipient's justification for the adjustment.

(i) Periodic review of formula.—The department, in consultation with the award recipient, shall review the distribution formula established under subsection (c) at least once every three years and, prior to the start of the next succeeding fiscal year, shall recommend adjustments it deems appropriate. If an adjustment results in a change of five percentage points or less in any category, the department shall forward a notice of the change to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin, and the change shall take effect at the commencement of the next fiscal year. If an adjustment results in a change in excess of five percentage points in any category, the change shall be incorporated into the department's regulations by amendment and shall take effect at the commencement of the next fiscal year following promulgation of the amendment.

(j) Needs-based adjustment.—In order to allow an award recipient that was receiving financial assistance under former Chapter 13 (relating to public transportation assistance) prior to the effective date of this section to transition into the funding formula established under subsection (c), the department shall provide the award recipient, as part of the award under this section, with a needs-based adjustment. The needs-based adjustment shall be calculated by increasing the amount that the award recipient received under Chapter 13 for operating expenses and asset maintenance costs in the 2005-2006 fiscal year and increasing the resulting amount by an adjustment factor to assure a funding level consistent with the operating funding needs as identified

by the department. Funds remaining after the needs-based adjustment is applied shall be set aside in an operating reserve account to be used at the department's discretion for short-term public passenger transportation needs. The department's regulations shall establish the manner in which the funds in the reserve account may be used.

(k) Growth caps.—Each fiscal year after the fiscal year in which the department provides a needs-based adjustment under subsection (i), the department shall determine the maximum percentage increase that an award recipient shall be eligible to receive for operating expenses in addition to an increase tied to the inflation index amount. The maximum percentage increase shall be capped at the inflation index rate if the passengers of the award recipient's transportation system per revenue hour, or revenue per revenue vehicle hour performance, falls below peer system average or if the operating cost per revenue hour or operating cost per passenger exceeds the peer system average. Notwithstanding the provisions of this subsection, money available for financial assistance under this section shall at all times be capped by the amount of money in the fund allocated for the operating program.

(l) Operating reserve.—The department may establish a limitation on the amount of financial assistance awarded under this section that may be carried over for use in subsequent fiscal years.

§ 1514. Asset improvement program.

(a) Eligible applicants.—A local transportation organization, an agency or instrumentality of the Commonwealth, an entity responsible for coordinating community transportation program services, or any other person the department deems to be eligible may apply to the department for financial assistance under the asset improvement program. The department shall develop and maintain four-year and twelve-year plans that summarize the capital projects and financial assistance for capital projects based upon cash flow and revenue projections for the fund.

(b) Applications.—In addition to information required under section 1507 (relating to application and approval process), an application for financial assistance under this section shall include the following:

(1) Evidence satisfactory to the department that the proposed capital project is included in the first year of the applicant's four-year capital program and its federally approved Transportation Improvement Program.

(2) If an applicant is requesting financial assistance for replacement of capital assets, evidence satisfactory to the department that the capital assets to be replaced have exceeded the useful life criteria as defined by the department. At its discretion, the department may approve funding to replace capital assets that do not exceed the useful life criteria if the applicant provides documentation acceptable to the department to justify the early replacement of the capital assets.

(3) If the applicant is requesting financial assistance for expansion of capital assets, evidence satisfactory to the department that the applicant will have sufficient future annual operating funds to support the proposed expansion of the assets.

(4) Any other information required by the department, including a return on investment analysis or a life cycle cost analysis, or both.

(c) Local match requirements.—Financial assistance under this section shall be matched by local or private cash funding in an amount not less than 22% of the amount of the grant. The source of funds for the local match shall be subject to the requirements of section 1513(d) (relating to operating programs). Each capital project shall be based on the plan approved by the department.

(d) Conditions for receipt of bond funding.—An applicant may receive proceeds of Commonwealth capital bonds from the fund for financial assistance under this section if all of the following conditions are met:

(1) The applicant's project has been authorized by a capital budget itemization act.

(2) The applicant's project shall have been included in the department's approved annual release request approving the

use of the funds for the proposed capital project in the fiscal year in which the funds are expected to be expended.

(3) The department shall have approved the underlying application for the capital project.

(4) The project has a 20-year or longer useful life.

(e) Priorities.—The award of financial assistance under this section shall be subject to the following set of priorities in descending order of significance unless a compelling return on investment analysis for a project in a lower significant category is provided to and approved by the department:

(1) Funds required to support existing local bond issues currently supported with State revenue sources, such as debt service and asset leases. The Commonwealth pledges to and agrees with any person, firm or corporation holding any bonds previously issued by, or any other debt incurred by, a local transportation organization, and secured in whole or part by a pledge of the funds provided to the local transportation organization from the Public Transportation Assistance Fund established under Article XXIII of the Tax Reform Code, that the Commonwealth will not limit or alter rights vested in a local transportation organization in any manner inconsistent with obligations of the local transportation organization to the obligees of the local transportation organization until all bonds previously issued or other debt incurred, together with the interest thereon, is fully paid or provided for.

(2) Funds required to match federally approved capital projects funded under 49 U.S.C. §§ 5307 (relating to urbanized area formula grants) and 5309 (relating to capital investment grants and loans) and other federally approved capital projects.

(3) Other non-Federal capital projects as determined by the department, which shall be further subject to the following set of priorities in descending order of significance:

(i) Essential emergency asset improvement projects.

(ii) Standard replacement of existing assets that have exceeded their useful life.

(iii) Asset improvement projects to extend the useful life of the affected assets.

(iv) Acquisition of new assets and other acceptable purposes, other than projects to be funded under the new initiatives program, as determined by the department.

(f) Bonding by award recipients.—With the approval of the department, an award recipient that is allowed by its enabling statute to issue bonds may do so for the purpose of financing a multiyear capital project. The bonds shall be issued in accordance with the provisions of the award recipient's enabling statute. The department shall enter into an agreement with the award recipient providing that payments of the capital funds sufficient to satisfy requirements of the bonds issued be made directly to the trustee and bond holders until such time as the bonds are retired.

§ 1515. New initiatives program.

(a) Eligible applicants.—Persons eligible to apply for financial assistance under the asset improvement program shall also be eligible to apply for financial assistance under the new initiatives program.

(b) Applications.—In addition to the information required under section 1507 (relating to application and approval process), an application for financial assistance under this section shall include all of the information required in an application for financial assistance under section 1514 (relating to asset improvement program). If the application is for a proposed expansion of a capital asset, the application shall also contain evidence satisfactory to the department that the applicant will have sufficient future annual operating funds to support the proposed expansion.

(c) Limitation.—In making awards of financial assistance under this section, the department shall give priority to applicants that intend to use the funds in satisfaction of the local matching portion of federally approved projects funded pursuant to 49 U.S.C. § 5309

(relating to capital investment grants and loans). The department may fund projects that do not receive funding from the Federal New Starts Program if the applicant can provide sufficient justification that the project can meet all of the following requirements:

(1) Investments in existing service areas have been optimized.

(2) An analysis reveals a reasonable return on investment.

(3) Identification of the public benefit of the project.

(4) Required local funds are available to pay any required local match for the project and ongoing operating costs.

(5) There exists local technical ability and capacity to manage, construct and operate the project.

(6) The project is supported by the adoption of an integrated land use plan by local municipalities.

(d) Local match requirements.—Financial assistance under this section shall be matched by local or private cash funding in an amount not less than 100% of the amount of the grant. The source of funds for the local match shall be subject to the requirements of section 1513(d) (relating to operating programs).

§ 1516. Programs of Statewide significance.

(a) General rule.—Money in the fund allocated for programs of Statewide significance shall be used by the department to support public transportation programs, activities and services not otherwise fully funded through the operating program, capital program or asset improvement program. These include the following:

(1) The Persons with Disabilities Program.

(2) Intercity rail and bus services.

(3) Community transportation capital and service stabilization.

(4) The Welfare to Work Program and matching funds for Federal programs with similar intent.

(5) Demonstration and research projects.

(6) Technical assistance.

(7) (Reserved).

(8) (Reserved).

(9) (Reserved).

(10) (Reserved).

(11) Other public passenger transportation programs initiated by the department.

(b) Persons with disabilities.—The department shall establish and administer a program providing reduced fares to persons with disabilities on community transportation services and to provide financial assistance for start-up, administrative and capital expenses related to reduced fares for persons with disabilities. All of the following shall apply:

(1) A community transportation system operating in the Commonwealth other than in counties of the first and second class may apply for financial assistance under this subsection.

(2) The department may award financial assistance under this subsection for program start-up and for continuing capital expenses to offset administrative and capital expenses. For community transportation trips made by eligible persons with disabilities, financial assistance may be awarded to an eligible community transportation system to reimburse the system for up to 85% of the fare established for the general public for each trip which is outside of a fixed-route and paratransit service areas and not eligible for funding from any other program or funding source. The person making the trip or an approved third-party sponsor shall contribute the greater of 15% of the fare established for the general public or the Americans with Disabilities Act complementary paratransit fare.

(c) Intercity transportation.—The department is authorized to provide financial support for an efficient and coordinated intercity common carrier surface transportation program, consisting of both intercity rail and intercity bus transportation, with the intent of

sustaining strong intercity connections. All of the following shall apply:

(1) An intercity passenger rail service provider, a local transportation organization, an agency or instrumentality of the Commonwealth and a transportation company that provides intercity public transportation service may apply for financial assistance under this subsection. The department is authorized to enter into joint service agreements with a railroad company, any other agency or instrumentality of the Commonwealth, a Federal agency or an agency or instrumentality of any other jurisdiction relating to property, buildings, structures, facilities, services, rates, fares, classifications, dividends, allowances or charges, including charges between intercity rail passenger service facilities, or rules or regulations pertaining thereto, for or in connection with or incidental to transportation in whole or in part upon intercity rail passenger service facilities.

(2) Operating assistance and capital assistance may be provided for intercity rail as determined by the department.

(3) For financial assistance to a transportation company, eligible matching funds shall consist only of cash income generated by the transportation company from its activities, other than the provision of public passenger transportation service, and contributed by the transportation company in the amount and for the time period specified in the financial assistance agreement.

(4) Local match requirements are as follows:

(i) For intercity bus operating and capital assistance, the department shall require a local match by local or private cash funding in an amount equal to 100% of the amount of the financial assistance being provided.

(ii) For intercity rail operating and capital assistance, the department shall require a local match on a case-by-case basis, taking into account the best interests of the Commonwealth.

(5) For purposes of this subsection, "local match" is defined as local revenue obtained from other nonsubsidized services, such as charter, school bus or profits realized from other intercity bus services. Local match shall not include any funds received from Federal or State sources.

(d) Community transportation.—

(1) The department is authorized to provide financial assistance under this section for all of the following:

(i) Capital expenditures for the provision of community transportation service.

(ii) To stabilize current service and fares.

(iii) To provide advice or technical assistance to analyze and enhance community transportation system resources and services.

(iv) To maximize available funding including Federal dollars.

(v) To ensure equitable cost sharing.

(2) The governing body of a county, other than a county of the first or second class, or a transportation company designated by the governing body of the county as the coordinator of community transportation service, and an agency or instrumentality of the Commonwealth may apply for financial assistance under this subsection subject to all of the following:

(i) An applicant for financial assistance for capital expenditures for the provision of public community transportation service shall certify to the department that it has taken all reasonable steps to coordinate local service for the elderly and persons with disabilities and that the services to be offered with the capital assets do not duplicate existing fixed-route services.

(ii) The governing body of a county or the coordinator described under this paragraph shall not be eligible for financial assistance for service stabilization if any of the following apply:

(A) The coordinator receives financial assistance under the capital program established under this chapter.

(B) The coordinator is a private for-profit provider.

(3) Financial assistance for service stabilization may only be provided for the following purposes:

(i) Short-term, long-term and strategic planning.

(ii) Technology investment.

(iii) Training programs designed to enhance transportation management and staff expertise.

(iv) Offsetting operating expenses that cannot be covered by fare revenue due to emergencies.

(v) Marketing activities.

(vi) Other stabilization purposes approved by the department.

(4) The department shall give high priority to providing financial assistance under this subsection as match for Federal funding to support capital projects for community transportation systems.

(5) The department shall conduct a study to evaluate the effectiveness and efficiency of community transportation service delivery as it relates to human service programs. The Secretary of Public Welfare, the Secretary of the Budget and the Secretary of Aging and other appropriate Commonwealth agencies identified by the department shall participate and fully support the study to achieve the intended purposes. Within two years following the effective date of this section, these agencies shall make recommendations to the Governor and the Majority and Minority chairpersons of the Transportation Committee of the Senate and the Majority and Minority chairpersons of the Transportation Committee of the House of Representatives for improving coordination and efficiency of human services and community transportation.

(d) Welfare-to-work and Federal programs match.—The department is authorized to provide financial assistance under this section to design and implement projects and services and to reimburse award recipients for the expenses associated with the projects and services that identify and address public passenger transportation and related barriers preventing individuals eligible for participation in the Federal welfare-to-work program from securing and maintaining employment and from accessing community services and facilities. All of the following shall apply:

(1) A local transportation organization and a transportation company designated by a county as the coordinator of community transportation services may apply to the department for financial assistance under this subsection.

(2) Financial assistance awarded under this subsection shall be used for any of the following purposes:

(i) Fixed-route service subsidy.

(ii) Contracted transportation services.

(iii) Fixed-route fare discounts.

(iv) Community transportation fare discounts.

(v) Taxi fare discounts.

(vi) Mileage reimbursement.

(vii) Vehicle purchase, insurance, maintenance and repair.

(viii) Driver education classes.

(ix) Administrative expenses.

(x) Case management expenses.

(xi) Any other activities consistent with the transportation related elements of the welfare-to-work program.

(3) The department shall give high priority to providing financial assistance under this subsection as match for Federal funding to support projects with similar purposes and eligible uses, including the Federal Job Access Reverse Commute and New Freedoms programs.

(e) Technical assistance and demonstration.—The department is authorized to provide financial assistance under this section for technical assistance, research and short-term demonstration projects. All of the following shall apply:

(1) A local transportation organization and an agency or instrumentality of the Commonwealth may apply to the department for financial assistance under this subsection.

(2) Financial assistance provided under this subsection may be used for reimbursement for any approved operating or capital costs related to technical assistance and demonstration program projects. Financial assistance for short-term demonstration projects may be provided at the department's discretion on an annual basis based on the level of financial commitment provided by the award recipient to provide ongoing future funding for the project as soon as the project meets the criteria established by the department and the award recipient. Financial assistance for this purpose shall not be provided for more than three fiscal years. Financial assistance may be provided to meet any short-term emergency need that requires immediate attention and cannot be funded through other sources.

(3) Financial assistance under this subsection provided to a local transportation organization shall be matched by local or private cash funding in an amount not less than 3 1/3% of the amount of the financial assistance being provided. The sources of funds for the local match shall be subject to the requirements of section 1513(d) (relating to operating programs).

§ 1517. Program oversight and administration.

The department is authorized to use available money in the fund to cover the costs incurred by the department in administering all of its public passenger transportation funding programs, including those established under this chapter, and incurred in the carrying out of its responsibilities with respect to the programs.

§ 1518. Retroactive authority.

(a) Date of project.—Financial assistance may be awarded under this chapter by the department with reference to an appropriate project irrespective of when it was first commenced or considered and regardless of whether costs with respect to the project were incurred prior to the time the financial assistance is applied for or provided.

(b) Operating program.—For financial assistance for the operating program, the department shall reimburse expenses only through the financial assistance provided for the fiscal year during which the expenses were incurred.

(c) Capital projects.

(1) For capital projects, the applicant must obtain approval in writing from the department prior to incurring any expenses for which the applicant may later seek reimbursement.

(2) Notwithstanding paragraph (1), approval by the department shall not constitute an approval of the applicant's underlying request for financial assistance.

(3) By providing preapproval under this subsection, the department may recognize any local funds already expended as satisfying the local match requirement if and when the applicant's application is approved.

Section 2.2. Sections 1713(a) and 1715(a) of Title 74 are amended to read:

§ 1713. Appointment of board members.

(a) Appointment.—Except as provided in subsection (d) with respect to the continuation in office of members of the board of any authority established under the former provisions of Article III of the act of January 22, 1968 (P.L.42, No.8), known as the Pennsylvania Urban Mass Transportation Law, or the former provisions of Chapter 15 (relating to metropolitan transportation authorities), at any time after the effective date of this chapter:

(1) The Governor may appoint as a member of the board one person who may be an ex officio appointee from among the various officials in this Commonwealth and whose term as a board member shall run concurrently with that of his

Commonwealth position, if any, or the term of the appointing Governor, whichever is shorter.

(2) The Majority Leader and the Minority Leader of the Senate and the Majority Leader and the Minority Leader of the House of Representatives may each appoint one person to serve as a board member, whose term shall be concurrent with the term and who shall serve at the pleasure of the appointing legislative leader.

(3) The county commissioners or the county council in each county and, in any county of the first class containing a city of the first class, the mayor, with the approval of the city council, may appoint [two] persons from each county to serve as board members[.] as follows:

(i) One member for counties which contribute less than 2.5% of total local match for State operating financial assistance.

(ii) Two members for counties which contribute at least 2.5% but less than 7.5% of total local match required for State operating financial assistance.

(iii) Three members for counties which contribute at least 7.5% but less than 10% of total local match required for State operating financial assistance.

(iv) Four members for counties which contribute at least 10% but less than 20% of total local match required for State operating financial assistance.

(v) Five members for counties which contribute at least 20% but less than 30% of total local match required for State operating financial assistance.

(vi) Six members for counties which contribute at least 30% but less than 40% of total local match required for State operating financial assistance.

(vii) Seven members for counties which contribute at least 40% but less than 50% of total local match required for State operating financial assistance.

(viii) Eight members for counties which contribute at least 50% of total local match required for State operating financial assistance.

(4) On the effective date of this paragraph, any county which has a member of the board in excess of the number allotted under paragraph (3) will lose an appointment to the board upon the expiration of the term of the member whose term expires next, or if there is a vacancy, may not appoint a person to fill the vacancy.

(5) The Secretary of Budget and the Secretary of Transportation shall be nonvoting members.

(6) Each member appointed by a county shall have a background in one or more of the following areas:

(i) Transportation.

(ii) Finance.

(iii) Law.

(iv) Tourism.

(v) Ridership community groups.

* * *

§ 1715. Meetings, quorum, officers and records.

(a) Meetings.—Regular meetings of the board shall be held in the metropolitan area at least once in each calendar month except July or August, the time and place of the meetings to be fixed by the board. A majority of the board shall constitute a quorum for the transaction of business. All action of the board shall be by resolution, and the affirmative vote of a majority of all the members shall be necessary for the adoption of any resolution. [No action by the board to which an express objection has been made, under this section, by a board member or members representing a county or counties having one-third or more of the population of the metropolitan area, as determined by the most recent decennial census, shall be carried unless supported at a subsequent regular meeting of the board by the votes of at least three-quarters of the membership of the board. In case of disagreement

between members representing the same county, each member shall be deemed to represent one-half of the population of that county.]

Section 2.3. Title 74 is amended by adding a chapter to read:

CHAPTER 81
TURNPIKE

Sec.

8101. Scope of chapter.

8102. Definitions.

8103. Authorization for turnpike extensions, turnpike improvements and conversion of toll-free roads to toll roads.

8104. Status of turnpike revenue bonds, notes or other obligations.

8105. Commission.

8106. Exercise of commission powers.

8107. Commission powers and duties.

8108. Expenses and bonding of commission members.

8109. Acquisition of property rights by commission.

8110. Procedural requirements of acquisition.

8111. Entry and possession of property condemned.

8112. Issuance of turnpike revenue bonds or other obligations.

8113. Obligation proceeds restricted and lien created.

8114. Trust indenture authorized.

8115. Commission and obligations tax exempt.

8116. Collection and disposition of tolls and other revenue.

8116.1. Electronic toll collection.

8117. Refunding bonds.

8118. Rights of obligation holders and trustees.

8119. Authority granted to secretary.

8120. Construction of chapter.

§ 8101. Scope of chapter.

This chapter relates to turnpike organization, extension and toll road conversion.

§ 8102. Definitions.

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

"Commission." The Pennsylvania Turnpike Commission.

"Cost of the turnpikes." The term includes the cost of:

(1) Constructing turnpikes, connecting roads, storm water management systems, tunnels and bridges.

(2) Lands, property rights, rights-of-way, easements and franchises acquired by purchase or other means deemed necessary or convenient for construction.

(3) Machinery and equipment, financing charges and interest.

(4) Traffic estimates, engineering and legal expenses, plans, specifications, surveys, cost and revenue estimates, other expenses necessary or incident to determining the feasibility or practicability of the enterprise, administrative and legal expense and other expenses as may be necessary or incident to financing authorized in this chapter.

(5) Condemnation or other means of acquisition of property necessary for the construction and operation.

(6) An obligation or expense contracted for by the Pennsylvania Turnpike Commission for traffic surveys, preparation of plans and specifications, supervision of construction and other engineering and administrative and legal services and expenses in connection with the construction of the turnpike or any of the connecting roads, storm water management systems, tunnels and bridges.

"Department." The Department of Transportation of the Commonwealth.

"Electronic toll collection." A system of collecting tolls or charges that is capable of charging an account holder for the prescribed toll by electronic transmission of information between a device on a vehicle and a device in a toll lane at a toll collection facility.

"Lessee." A person, corporation, firm, partnership, agency, association or organization that rents, leases or contracts for the use of a vehicle and has exclusive use of the vehicle for any period of time.

"Lessor." A person, corporation, firm, partnership, agency, association or organization engaged in the business of renting or leasing vehicles to any lessee under a rental agreement, lease or other agreement under which the lessee has the exclusive use of the vehicle for any period of time.

"Operator." An individual that uses or operates a vehicle with or without permission of the owner.

"Owner." Except as provided under section 8116.1(e) (relating to electronic toll collection), an individual, copartnership, association or corporation having title or interest in a property right, easement or franchise authorized to be acquired under this chapter.

"Secretary." The Secretary of Transportation of the Commonwealth.

"Toll road conversion." The inclusion within the turnpike system and the imposition of tolls on the system of a highway that is presently toll free.

"Turnpikes." Any of the following:

(1) The turnpike, turnpike extensions and turnpike improvements.

(2) Toll-free roads to be converted to toll roads under this chapter.

(3) Related storm water management systems, tunnels and bridges, property rights, easements and franchises deemed necessary or convenient for the construction or the operation of the turnpike, turnpike extension, turnpike improvement and toll-free roads.

"Vehicle." The term as it is defined under 75 Pa.C.S. § 102 (relating to definitions).

"Violation enforcement system." A vehicle sensor, placed in a location to work in conjunction with a toll collection facility, which automatically produces a videotape or photograph, microphotograph or other recorded image of the rear portion of each vehicle at the time the vehicle is used or operated in violation of the toll collection regulations. The term includes any other technology which identifies a vehicle by photographic, electronic or other method.

§ 8103. Authorization for turnpike extensions, turnpike improvements and the conversion of toll-free roads to toll roads.

(a) Improvement and extension authorizations.— In order to facilitate vehicular traffic within and across this Commonwealth, the commission is authorized and empowered to construct, operate and maintain turnpike extensions and turnpike improvements at specific locations and according to a schedule as shall be deemed feasible and approved by the commission, together with connecting roads, storm water management systems, tunnels and bridges, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

(1) Widen turnpike to six lanes between the Northeast Extension and the Delaware River Interchange.

(2) Construct turnpike interchange with Interstate Route 95 in Bucks County.

(3) Construct turnpike interchange with Interstate Route 476 in Montgomery County.

(4) Construct turnpike interchange with Keyser Avenue in Lackawanna County.

(5) Construct extensions to the existing turnpike from a point westerly of existing Interchange 2 extending northerly to a connection with the existing interchange between U.S. Route 422 and proposed State Route 60 in Lawrence County and extending southerly to a connection with existing State Route 60 in Beaver County at or near State Route 51.

(6) Construct an extension to the turnpike from a point at or near Interchange 8 in Westmoreland County extending northerly to an interchange with State Route 66 northwest of Greensburg and continuing northerly to an interchange with U.S. Route 22 south of Delmont.

(7) Construct an additional Lehigh Tunnel on the Northeast Extension of the turnpike.

(8) Construct a private turnpike interchange directly connected to the New Cumberland Army Depot. The commission may commence construction of the private turnpike interchange notwithstanding the construction schedule established under this section.

(9) Construct an interchange on the Northeast Extension with State Route 903 in Carbon County. The commission may commence construction of this interchange notwithstanding the construction schedule established by this section.

(b) Subsequent extension authorization.—The commission is authorized and empowered to construct, operate and maintain further extensions and improvements of the turnpike at specific locations and according to schedules as shall be deemed feasible and which shall be approved by the commission, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

(1) From an interchange with Interstate Route 70 between existing interchanges at Lover and Speers extending northerly to an interchange with Interstate Route 376 in Pittsburgh and also extending southerly connecting with the existing interchange between U.S. Route 40 and the Mon Valley Expressway (L.R.1125).

(2) From an interchange with the turnpike at or near Interchange 10 extending northerly generally following and coincident where feasible with existing U.S. Route 219 to an interchange with Interstate Route 80 at or near Interchange 16.

(3) Construction of an interchange for access to the International Distribution Center at the Wilkes Barre Scranton International Airport in Luzerne County on the Northeastern Extension of the Pennsylvania Turnpike System.

(c) (Reserved).

(d) Further subsequent authorizations.—Upon completion of the turnpike extensions and improvements under subsections (a) and (b), the commission is authorized and empowered to construct, operate and maintain further extensions and improvements of the turnpike at specific locations and according to schedules as shall be deemed feasible and which shall be approved by the commission, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

(1) From a point at or near the intersection of State Route 65 and Crows Run Road in Beaver County, in a southeasterly direction to a point at or near the Perry Highway Interchange of the Pennsylvania Turnpike.

(2) From a point at or near Exit 5 of the turnpike northerly to Brookville, Jefferson County, to a point at the intersection with Interstate Route 80.

(3) From a point at or near the Pennsylvania Turnpike System into various areas of Berks County in order to complete the construction of the inner loop system and outer loop system of highways surrounding the City of Reading and to complete the missing links on Routes 222 to Route 422 to 1035.

(4) From a point at or near the intersections of Interstate Route 70, Interstate Route 76 and T.R.119 in the Borough of Youngwood, Westmoreland County, in a northerly direction along T.R.119 and T.R.66 to the intersection of T.R.22 with a bypass around the City of Greensburg, Westmoreland County; thence north on T.R.66 to T.R.356; thence north on T.R.356 to the intersection with T.R.28.

(5) From a point at or near the intersection of T.R.66 and T.R.22 in Salem Township, Westmoreland County; thence in a westerly direction paralleling T.R.22 to Exit 6 of Interstate 76.

(e) Conversion to toll roads.—In order to facilitate vehicular traffic within and across this Commonwealth, after completion of the turnpike extensions and improvements authorized under subsection (a) and subject to prior legislative approval by the Congress of the United States and the General Assembly, the commission is authorized and empowered to convert to toll road portions of Pennsylvania's

interstate highway system as may be required in order to facilitate the completion of the turnpike extensions and improvements authorized under subsections (b) and (d) and to operate and maintain converted interstates as toll roads upon the approval by the Congress of the United States and the General Assembly of legislation expressly permitting the conversion of interstates to toll roads. Conversions shall take place at a time and manner set forth in the plan for the conversion prepared by the department. The provisions authorizing the commission to construct, operate and maintain the turnpike routes under subsections (b) and (d) shall be subject to one of the following:

(1) The prior passage by the Congress of the United States and the General Assembly of legislation permitting the conversion of certain interstates to toll roads.

(2) The availability of other funds as might become available in amounts that would be sufficient to fund to completion any of the individual turnpike extensions and improvements under subsections (b) and (d) so long as no turnpike extension or improvement authorized under subsection (d) is undertaken until after all the turnpike extensions authorized by subsection (b) are completed. The commission is authorized to use Federal funds which may be available for toll roads only pursuant to the approval of the Secretary of Transportation and only pursuant to the authority granted under section 8119 (relating to authority granted to secretary).

(f) Turnpike system.—The turnpikes and future toll road conversions authorized under this chapter are or shall be made part of the Pennsylvania Turnpike System, as provided in the act of August 14, 1951 (P.L.1232, No.282), referred to as the Pennsylvania Turnpike System Financing Act.

§ 8104. Status of turnpike revenue bonds, notes or other obligations.

(a) General rule.—The turnpike revenue bonds, notes or other obligations issued under the provisions of this chapter shall not be deemed to be a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth, but bonds, notes or other obligations shall be payable solely from the revenues of the commission, including tolls, or from funds as may be available to the commission for that purpose.

(b) Statement required.—All bonds, notes or other obligations shall contain a statement on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from revenues of the commission, including tolls, or from funds as may be available to the commission for that purpose and that the faith and credit of the Commonwealth is not pledged to the payment of the principal or interest of the bonds, notes or other obligations.

(c) Pledge of Commonwealth prohibited.—The issuance of turnpike revenue bonds, notes or other obligations under the provisions of this chapter shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation or to make any appropriation for their payment.

§ 8105. Commission.

(a) Members.—

(1) Notwithstanding any other law to the contrary, vacancies in the membership of the commission on or after the effective date of this subsection shall be filled as follows:

(i) The first vacancy shall be filled by a member to be appointed by the Majority Leader of the Senate.

(ii) The second vacancy shall be filled by a member to be appointed by the Minority Leader of the Senate.

(iii) The succeeding three vacancies shall be filled by members to be appointed by the Governor.

(2) Paragraph (1) shall apply to a vacancy on the commission which has occurred for any reason, but only as to a member serving on the effective date of this subsection.

(3) Notwithstanding any other law to the contrary, the Majority Leader of the House of Representatives and the Minority Leader of the House of Representatives shall each appoint one additional member to serve on the commission.

(4) A vacancy occurring during the term of a member appointed in accordance with this subsection shall be filled in a like manner only for the unexpired appointive term of the member whose office has become vacant.

(5) Members appointed under the provisions of this subsection shall serve for a term of four years. Upon the expiration of this term, an appointed member may continue to hold office for 90 days or until a successor shall be duly appointed and qualified, whichever period is shorter, but shall not continue to hold office thereafter unless reappointed in accordance with law.

(6) Vacancies filled under paragraph (1) and subsequent appointments made to the commission shall be without the advice and consent of the Senate.

(a.1) Advisory committee.—

(1) There is hereby established a Pennsylvania Turnpike Advisory Committee, which shall be composed of the following members:

(i) The Secretary of Community and Economic Development.

(ii) The Secretary of Revenue.

(iii) The State Treasurer.

(iv) The chairman and minority chairman of the Transportation Committee of the Senate.

(v) The chairman and minority chairman of the Transportation Committee of the House of Representatives.

(vi) Eight members of the public representing the area of concern specified who shall have extensive experience and knowledge of transportation activities throughout this Commonwealth to be appointed by the Governor as follows:

(A) Two representatives of the engineering community who are licensed and registered pursuant to the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law.

(B) Two representatives from the highway construction industry who have at least five years of highway construction and planning experience.

(C) Two representatives from organized labor unions.

(D) One member who shall be a certified public accountant.

(E) One member from the general public with at least five years of experience in transportation finance and infrastructure.

(2) Each of the members of the committee may designate a representative to serve in his stead. A member who designates a representative shall notify the chairman in writing of the designation.

(3) The term of all members of the committee appointed by the Governor shall be for three years. Any member of the committee may be reappointed for no more than two full successive terms. Any person appointed to fill a vacancy occurring prior to the expiration of the term to which his predecessor was appointed shall serve only for the unexpired term. Each member shall serve until the appointment of a successor.

(4) (i) The committee shall meet at least four times every 12 months, but may hold such additional meetings as are called by the chairman. The chairman shall provide notice at least 14 days in advance for regular meetings and provide a minimum of three days' notice for special meetings. A majority of the appointed members shall constitute a quorum for the conduct of business.

(ii) Minutes of meetings shall be prepared by the secretary and filed with the committee and distributed to all members. All records shall be a matter of public record.

(iii) The public members of the committee shall be allowed reasonable per diem expenses. The commission shall provide appropriate staff support to enable the committee to properly carry out its functions.

(5) The committee shall have the power and duty to consult and advise the Pennsylvania Turnpike Commission in assisting in developing, operating and financing tolled interstate systems within this Commonwealth in a timely, efficient and cost-effective manner. Specifically, the committee shall have the authority to conduct a study on the feasibility of instituting toll collections on major interstates that pass through the State.

(6) The committee shall submit an annual report of its deliberations and conclusions to the Governor and members of the General Assembly by November 30 of each year.

(7) The Governor shall appoint one member of the committee as chairperson. The members of the committee shall annually elect a vice chairperson, a secretary and a treasurer from among the members appointed to the committee.

(d) Secretary of Transportation.—The provisions of subsection (a.1) shall not apply to the appointment of the secretary who shall continue to be appointed and to serve as a member of the commission ex officio in accordance with law.

(e) Chairman.—A majority of the members of the commission shall elect a member of the commission to serve as chairman. Upon the appointment and qualification of any new member to serve on the commission, the office of chairman, and the positions of all other officers created by law, shall be deemed vacant and a new chairman and other officers shall be elected by a majority of the members of the commission.

(f) Actions by the commission.—Notwithstanding any other law, court decision, precedent or practice to the contrary, any and all actions by or on behalf of the commission shall be taken solely upon the approval of a majority of the members to the commission. A majority of the members of the commission shall mean five members of the commission. The term "actions by or on behalf of the commission" means any action whatsoever of the commission, including, but not limited to, the hiring, appointment, removal, transfer, promotion or demotion of any officers and employees; the retention, use or remuneration of any advisors, counsel, auditors, architects, engineers or consultants; the initiation of any legal action; the making of any contracts, leases, agreements, bonds, notes or covenants; the approval of requisitions, purchase orders, investments and reinvestments; and the adoption, amendment, revision or rescission of any rules and regulations, orders or other directives. The chairman, vice chairman or any other officer or employee of the commission may take no action by or on behalf of the commission except as expressly authorized by a majority of the members of the commission.

(g) Compensation.—The annual salary of the Chairman of the Pennsylvania Turnpike Commission shall be \$28,500, and the annual salary of the remaining members of the Pennsylvania Turnpike Commission shall be \$26,000. These salaries shall be paid in equal installments every other week.

§ 8106. Exercise of commission powers.

The exercise by the commission of the powers conferred by this chapter in the construction, operation and maintenance of the turnpikes and in effecting toll road conversions shall be deemed and held to be an essential governmental function of the Commonwealth.

§ 8107. Commission powers and duties.

(a) Powers and duties of commission.—The commission may:

(1) Maintain a principal office at a place designated by the commission.

(2) Contract and be contracted within its own name.

(3) Sue and be sued in its own name, plead and be impleaded. Any civil action against the commission shall be

brought only in the courts in which actions may be brought against the Commonwealth.

(4) Have an official seal.

(5) Make necessary rules and regulations for its own government and in control of traffic.

(6) Acquire, hold, accept, own, use, hire, lease, exchange, operate and dispose of personal property, real property and interests in real property and make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter and employ engineering, traffic, architectural and construction experts and inspectors, attorneys and other employees as may in its judgment be necessary and fix their compensation.

(7) (i) Provide grade separations at its own expense with respect to all public roads, State highways and interstate highways intersected by the turnpikes and to change and adjust the lines and grades thereof so as to accommodate the same to the design for grade separation.

(ii) The damages incurred in changing and adjusting the lines and grades of public roads, State highways and interstate highways shall be ascertained and paid by the commission in accordance with 26 Pa.C.S. (relating to eminent domain).

(iii) If the commission shall find it necessary to provide a grade separation or change the site of any portion of any interstate highway, State highway or public road, or vacate the same, the commission shall cause it to be reconstructed and restored at the commission's expense on the most favorable location and in as satisfactory a manner as the original road or vacate it as the case may be.

(iv) The method of acquiring the right-of-way and determining damages incurred in changing the location of or vacating the road, State highway or interstate highway shall be ascertained and paid for in accordance with 26 Pa.C.S.

(8) Petition the court of common pleas of the county in which any public road or part thereof is located and affected by the location of the turnpikes, for the vacation, relocation or supply of the same or any part thereof with the same force and effect as is now given by existing laws to the inhabitants of any township or the county, and the proceedings upon petition, whether for the appointment of viewers or otherwise, shall be the same as provided by existing law for similar proceedings upon the petitions.

(9) Have all of the powers and perform all the duties prescribed by the act of May 21, 1937 (P.L.774, No.211), referred to as the Pennsylvania Turnpike Commission Act.

(b) Maintenance to be paid out of tolls.—

(1) The turnpike extensions and improvements and the conversion of toll-free roads to toll roads when completed and open to traffic shall be maintained and repaired by and under the control of the commission.

(2) All charges and costs for the maintenance and repairs actually expended by the commission shall be paid out of tolls.

(3) The turnpike, the turnpike extensions and improvements and the toll-free roads converted to toll roads shall also be policed and operated by a force of police, toll takers and other operating employees as the commission may in its discretion employ.

§ 8108. Expenses and bonding of commission members.

(a) Payment of expenses.—All compensation and salaries and all expenses incurred in carrying out the provisions of this chapter shall be paid solely from funds provided under the authority of this chapter, and no liability or obligation shall be incurred under this chapter beyond

the extent to which money shall have been provided under the authority of this chapter.

(b) No additional bond required.—The issuance of any turnpike revenue bonds, notes or other obligations under the provisions of this chapter shall not cause any member of the commission to be required to execute a bond that a member of the commission is not otherwise required to execute.

§ 8109. Acquisition of property rights by commission.

(a) Condemnation.—The commission may condemn, pursuant to 26 Pa.C.S. (relating to eminent domain), any lands, interests in lands, property rights, rights-of-way, franchises, easements and other property deemed necessary or convenient for the construction and efficient operation of the turnpikes and the toll road conversions or necessary in the restoration or relocation of public or private property damaged or destroyed.

(b) Purchase.—

(1) The commission may acquire by purchase, whenever it shall deem the purchase expedient, or otherwise accept if dedicated to it, any lands, interests in lands, property rights, rights-of-way, franchises, easements and other property deemed necessary or convenient for the construction and efficient operation of the turnpikes and toll road conversions or necessary in the restoration of public or private property damaged or destroyed, whether the property has been previously condemned or otherwise, upon terms and at a price as may be considered by the commission to be reasonable and can be agreed upon between the commission and the owner thereof and to take title thereto in the name of the commission.

(2) The net proceeds of the purchase price payable to a municipality or the department for any real property or interest therein obtained by the commission pursuant to this chapter, less the cost of retiring any bonded indebtedness on the property or interest, shall be used exclusively, in the case of a municipality, for road-related and bridge-related expenses and, in the case of the department, for highway and bridge construction, reconstruction and maintenance in the same engineering and maintenance district in which the property is located.

§ 8110. Procedural requirements of acquisition.

(a) Title.—Title to any property condemned by the commission shall be taken in the name of the commission.

(b) Entry.—

(1) In addition to any others powers set forth in this chapter, the commission and its authorized agents and employees may enter upon any lands, waters and premises in this Commonwealth for the purpose of making surveys, soundings, drillings and examinations, as it may deem necessary or convenient for the purpose of this chapter.

(2) The entry shall not be deemed a trespass, nor shall an entry for the purposes be deemed an entry under any condemnation proceedings which may be then pending.

(3) The commission shall make reimbursement for any actual damages resulting to the lands, waters and premises as a result of the activities.

(c) Restoration of property.—Any public or private property damaged or destroyed in carrying out the powers granted by this chapter shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made for the property out of funds provided under the authority of this chapter.

(d) Powers of public bodies.—Notwithstanding any other provision of law to the contrary, a political subdivision and a public agency and commission of the Commonwealth may lease, lend, dedicate, grant, convey or otherwise transfer to the commission, upon its request, upon terms and conditions as the proper authorities of the political subdivisions or public agencies and commissions of the Commonwealth may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to

the effectuation of the authorized purposes of the commission, including public roads and other real property already devoted to public use.

§ 8111. Entry and possession of property condemned.

Whenever the commission has condemned any lands, rights, rights-of-way, easements and franchises, or interests therein, as provided in this chapter, the commission may proceed to obtain possession in the manner provided by 26 Pa.C.S. (relating to the eminent domain).

§ 8112. Issuance of turnpike revenue bonds or other obligations.

(a) Authorization.

(1) A bond must be authorized by resolution of the commission. The resolution may specify all of the following:

- (i) Series.
- (ii) Date of maturity not exceeding 40 years from date of issue.
- (iii) Interest.
- (iv) Denomination.
- (v) Form, either coupon or fully registered without coupons.
- (vi) Registration, exchangeability and interchangeability privileges.
- (vii) Medium of payment and place of payment.
- (viii) Terms of redemption not exceeding 105% of the principal amount of the bond.

(ix) Priorities in the revenues or receipts of the commission.

(2) A bond must be signed by or shall bear the facsimile signature of such officers as the commission determines. Coupon bonds must have attached interest coupons bearing the facsimile signature of the treasurer of the commission as prescribed in the authorizing resolution. A bond may be issued and delivered notwithstanding that one or more of the signing officers or the treasurer has ceased to be an officer when the bond is actually delivered. A bond must be authenticated by an authenticating agent, a fiscal agent or a trustee, if required by the authorizing resolution.

(3) A bond may be sold at public or private sale for a price determined by the commission.

(4) Pending the preparation of a definitive bond, interim receipts or temporary bonds with or without coupons may be issued to the purchaser and may contain terms and conditions as the commission determines.

(b) Provisions.—A resolution authorizing a bond may contain provisions which shall be part of the contract with the bondholder as to the following:

(1) Pledging the full faith and credit of the commission but not of the Commonwealth or any political subdivision for the bond or restricting the obligation of the commission to all or any of the revenue of the commission from all or any projects or properties.

(2) The construction, financing, improvement, operation, extension, enlargement, maintenance and repair for the payment of the costs of the turnpikes and the toll road conversions, including the reconstruction of the converted roads as provided for in this chapter and the repayment to the Federal Treasury of any funds so required to be repaid pursuant to any special legislation passed by the Congress of the United States authorizing the conversion of toll-free roads to toll roads, the financing for insurance reserves and the duties of the commission with reference to these matters.

(3) Terms and provisions of the bond.

(4) Limitations on the purposes to which the proceeds of the bond or other financing may be applied.

(5) Rate of tolls and other charges for use of the facilities of or for the services rendered by the commission.

(6) The setting aside, regulation and disposition of reserves and sinking funds.

(7) Limitations on the issuance of additional bonds.

(8) Terms and provisions of any deed of trust or indenture securing the bond or under which any deed of trust or indenture may be issued.

(9) Other additional agreements with the holder of the bond.

(c) Deeds of trust.—The commission may enter into any deed of trust, indenture or other agreement with any bank or trust company or other person in the United States having power to enter into such an arrangement, including any Federal agency, as security for a bond and may assign and pledge all or any of the revenues or receipts of the commission under such deed, indenture or agreement. The deed of trust, indenture or other agreement may contain provisions as may be customary in such instruments or as the commission may authorize, including provisions as to the following:

(1) Construction, financing, improvement, operation, maintenance and repair for the payment of the costs of the turnpikes and the toll road conversions, including the reconstruction of the converted roads as provided for in this chapter and the repayment to the Federal Treasury of any funds so required to be repaid pursuant to any special legislation passed by the Congress of the United States authorizing the conversion of toll-free roads to toll roads, financing for insurance reserves and the duties of the commission with reference to these matters.

(2) Application of funds and the safeguarding of funds on hand or on deposit.

(3) Rights and remedies of trustees and bondholders, including restrictions upon the individual right of action of a bondholder.

(4) Terms and provisions of the bond or the resolution authorizing the issuance of the bond.

(d) Negotiability.—A bond shall have all the qualities of negotiable instruments under 13 Pa.C.S. Div. 3 (relating to negotiable instruments).

§ 8113. Obligation proceeds restricted and lien created.

All money received from any bonds, notes or other obligations issued under this chapter shall be applied solely to the payment of the cost of the turnpike, the turnpike extensions and improvements and the toll road conversions, including the reconstruction of the converted roads as provided for in this chapter and the repayment to the Federal Treasury of any funds so required to be repaid pursuant to any special legislation passed by the Congress of the United States authorizing the conversion of toll-free roads to toll roads or to the appurtenant fund. There is created and granted a lien upon the money, until so applied, in favor of holders of the bonds, notes or other obligations or the trustee provided for in this chapter in respect of the bonds, notes or other obligations.

§ 8114. Trust indenture authorized.

(a) Security for bonds.—In the discretion of the commission, the bonds, notes or other obligations may be secured by a trust indenture by and between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company, within this Commonwealth. The trust indenture may pledge or assign tolls and revenue to be received but shall not convey or mortgage the Pennsylvania Turnpike System, including the turnpikes and toll road conversions provided for by this chapter.

(b) Rights of bondholders.—Either the resolution providing for the issuance of the bonds, notes or other obligations or the trust indenture may contain provisions for protecting and enforcing the rights and remedies of the bondholders or holders of notes or other obligations as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission in relation to the acquisition of properties and the construction, maintenance, operation and repair and insurance of the turnpikes, and the custody, safeguarding and application of all money. It shall be lawful for any bank or trust company incorporated under the laws of this Commonwealth to act as a depository of the proceeds of bonds, notes or other obligations or revenues and to furnish the indemnity

bonds or to pledge the securities as may be required by the commission. The trust indenture may set forth the rights and remedies of the bondholders or holders of notes or other obligations and of the trustee and may restrict the individual right of action of bondholders or holders of notes or other obligations as is customary in trust indentures securing bonds, debentures of corporations, notes or other obligations. In addition to the foregoing, the trust indenture may contain other provisions as the commission may deem reasonable and proper for the security of bondholders or holders of notes or other obligations. All expenses incurred in carrying out the trust indenture may be treated as part of the cost of maintenance, operation and repair of the turnpikes and toll road conversions provided for by this chapter.

§ 8115. Commission and obligations tax exempt.

The accomplishment by the commission of the authorized purposes stated in this chapter being for the benefit of the people of this Commonwealth and for the improvement of their commerce and prosperity, in which accomplishment the commission will be performing essential governmental functions, the commission shall not be required to pay any taxes or assessments on any property acquired or used by it for the purposes provided in this chapter, and the bonds, notes or other obligations issued by the commission, their transfer and the income therefrom, including any profits made on the sale thereof, shall at all times be free from taxation within this Commonwealth.

§ 8116. Collection and disposition of tolls and other revenue.

(a) Establishment and changes in toll amounts.—Subject to the terms of any trust indenture entered into by the commission, any resolution authorizing the issuance of any bonds, notes or other obligations of the commission, the commission is authorized: to fix and to revise tolls for the use of the Pennsylvania Turnpike System and the different parts or sections of the system, including the turnpike, the turnpike extensions and improvements and the toll road conversions authorized by this chapter; to charge and collect the tolls; to contract with any person, partnership, association or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gas stations, garages, stores, hotels, restaurants and advertising signs, or for any other purpose, except for tracks for railroad or railway use; and to fix the terms, conditions, rents and rates of charges for use. Tolls shall be fixed and adjusted as to provide funds at least sufficient with other revenues of the Pennsylvania Turnpike System, if any, to pay:

(1) the cost of constructing, maintaining, repairing and operating the Pennsylvania Turnpike System and the different parts and sections of the system; and

(2) any bonds, notes or other obligations and the interest thereon of the commission, and all sinking fund requirements of the commission, and other requirements provided for by any resolution authorizing the issuance of the bonds, notes or other obligations by the commission, or by any trust indenture to which the commission is a party, as the same shall become due.

(b) Restrictions on toll revenue.—Tolls shall not be subject to supervision or regulation by any other State commission, board, bureau or agency. Subject to the terms of any presently existing trust indenture entered into by the commission and any presently existing resolution authorizing the issuance of any bonds, notes or other obligations of the commission, the tolls and all other revenue derived from the Pennsylvania Turnpike System shall be set aside and pledged as may be provided in any resolutions, trust indentures or any other agreements that the commission may hereafter adopt or hereafter enter into with respect to the issuance of bonds, notes or other obligations of the commission.

§ 8116.1. Electronic toll collection.

(a) Liability of owner.—

(1) If an operator of a vehicle fails to pay the prescribed toll at any location where tolls are collected by means of electronic toll collection, the owner of the vehicle shall be liable to the commission for failure of the operator of the vehicle to

comply with this section if the violation is evidenced by information obtained from a violation enforcement system.

(2) If a violation of this section is committed, the registration plate number of the vehicle as recorded by a violation enforcement system shall establish an inference that the owner of the vehicle was then operating the vehicle. The inference shall be overcome if the owner does all of the following:

- (i) Testifies that the owner was not operating the vehicle at the time of the violation.
- (ii) Submits to an examination as to who at the time was operating the vehicle.
- (iii) Reveals the name and residence address, if known, of the operator of the vehicle.

(3) If an action or proceeding is commenced in a county other than that of the residence of the owner, a verified written statement setting forth the facts prescribed under paragraph (2)(i), (ii) and (iii) shall suffice to overcome the inference.

(4) If the inference is overcome, the operator of the vehicle may be held liable under this section for failure to pay the prescribed toll in the same manner as if the operator were the owner of the vehicle.

(b) Imposition of liability.—Liability under this section shall be imposed upon an owner for a violation of this section or the regulations of the commission occurring within the territorial limits of this Commonwealth. If a violation is committed as evidenced by a violation enforcement system, the following shall apply:

(1) The commission or an authorized agent or employee must prepare and mail a notice of violation as follows:

(i) The notice of violation must be sent by first class mail to each person alleged to be liable as an owner for a violation of this section.

(ii) The notice must be mailed at the address shown on the vehicle registration or at the address of the operator, as applicable. Notice must be mailed no later than 60 days after:

(A) the alleged conduct; or
(B) the date the inference is overcome under subsection (a)(2).

(iii) Personal service is not required.

(iv) The notice must contain all of the following:

(A) Information advising the person charged of the manner and time in which the liability alleged in the notice may be contested.

(B) A warning advising the person charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered on the notice.

(1.1) A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the mailing of notice.

(2) If an owner of a vehicle or an owner that is a lessor of a vehicle receives a notice of violation under this section for any time period during which the vehicle was reported to a police department as having been stolen, it shall be a defense to the allegation of liability that the vehicle had been reported to the police as having been stolen prior to the time the violation occurred and that the vehicle had not been recovered by the time of the violation. For purposes of asserting the defense under this paragraph, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first class mail to the commission within 30 days after receiving the original notice of violation. Failure to send the information within the time limit under this paragraph shall render the owner or lessor liable for the penalty prescribed by this section.

(3) An owner that is a lessor of a vehicle as to which a notice of violation was issued under paragraph (1) shall not be liable for a violation if the owner sends to the commission a copy of the rental, lease or other contract document covering the vehicle on the date of the violation, with the name and address of the lessee clearly legible to the commission, within 30 days after receiving the original notice of violation. Failure to send the information within the time limit under this paragraph shall render the lessor liable for the penalty prescribed by this section. If the lessor complies with the provisions of this section, the lessee of the vehicle on the date of the violation shall be deemed to be the owner of the vehicle for purposes of this section and shall be subject to liability for the penalty under this section.

(4) A certified report or a facsimile report of an authorized agent or employee of the commission reporting a violation of this section or regulations of the commission based upon the recorded information obtained from a violation enforcement system shall be prima facie evidence of the facts contained in the report and shall be admissible as an official record kept in the ordinary course of business in any proceeding charging a violation of this section or the toll collection regulations of the commission.

(5) Notwithstanding any other provision of law, videotapes, photographs, microphotographs, other recorded images, written records, reports or facsimiles prepared pursuant to this section shall be for the exclusive use of the commission, its authorized agents, its employees and law enforcement officials for the purpose of discharging duties under this section and the regulations of the commission. The information shall not be deemed a public record under the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law. The information shall not be discoverable by court order or otherwise; nor shall it be offered in evidence in any action or proceeding which is not directly related to a violation of this section, the regulations of the commission or indemnification for liability imposed pursuant to this section. The restrictions set forth in this paragraph:

(i) shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action;

(ii) shall not be deemed to preclude the exchange of the information between any entities with jurisdiction over or which operate an electronic toll collection system in this Commonwealth or any other jurisdiction; and

(iii) shall not be deemed to prohibit the use of information exclusively for the purpose of billing electronic toll collection account holders, deducting toll charges from the account of an account holder, enforcing toll collection laws and related regulations or enforcing the provisions of an account holder agreement.

(6) An imposition of liability under this section must be based upon a preponderance of evidence.

(7) An imposition of liability pursuant to this section shall not be deemed a conviction of an owner and shall not be made part of the motor vehicle operating record of the person upon whom the liability is imposed, nor shall it be considered in the provision of motor vehicle insurance coverage.

(8) An owner that admits, is found liable or fails to respond to the notice of violation for a violation of this section shall be civilly liable to the commission for all of the following:

(i) Either:

(A) the amount of the toll evaded or attempted to be evaded if the amount can be determined; or

(B) the maximum toll from the farthest point of entry on the Pennsylvania Turnpike to the actual point of exit if the amount of the toll evaded or attempted to be evaded cannot be determined.

(ii) A reasonable administrative fee not to exceed \$35 per notification.

(9) Nothing in this section shall be construed to limit the liability of the operator of a vehicle for a violation of this section or of the regulations of the commission.

(c) Placement of electronic toll collection device.—An electronic toll collection device which is affixed to the front windshield of a vehicle in accordance with the regulations of the commission shall not be deemed to constitute a violation of 75 Pa.C.S. § 4524 (relating to windshield obstructions and wipers).

(d) Privacy of electronic toll collection account holder information.—

(1) Except as set forth paragraph (2), notwithstanding any other provision of law, all of the following apply to information kept by the commission, its authorized agents or its employees which is related to the account of an electronic toll collection system account holder:

(i) The information shall be for the exclusive use of the commission, its authorized agents, its employees and law enforcement officials for the purpose of discharging their duties pursuant to this section and the regulations of the commission. This subparagraph includes names, addresses, account numbers, account balances, personal financial information, vehicle movement records and other information compiled from transactions with the account holders.

(ii) The information shall not be deemed a public record under the Right-to-Know Law, nor shall it be discoverable by court order or otherwise or be offered in evidence in any action or proceeding which is not directly related to the discharge of duties under this section, the regulations of the commission or a violation of an account holder agreement.

(2) Paragraph (1) shall not be deemed to do any of the following:

(i) Preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.

(ii) Preclude the exchange of the information between any entities with jurisdiction over or which operate an electronic toll collection system in this Commonwealth or any other jurisdiction.

(iii) Prohibit the use of the information exclusively for the purpose of billing electronic toll collection account holders, deducting toll charges from the account of an account holder, enforcing toll collection laws and related regulations or enforcing the provisions of an account holder agreement.

(e) Definition.—As used in this section, the term "owner" means any person, corporation, firm, partnership, agency, association, organization or lessor that, at the time a vehicle is operated in violation of this section or regulations of the commission:

(1) is the beneficial or equitable owner of the vehicle;

(2) has title to the vehicle; or

(3) is the registrant or coregistrant of the vehicle registered with the department or a comparable agency of another jurisdiction or uses the vehicle in its vehicle renting or leasing business. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person.

§ 8117. Refunding bonds.

The commission is authorized to provide, by resolution, for the issuance of turnpike revenue refunding bonds for the purpose of refunding issued and outstanding turnpike revenue bonds, notes or other obligations. Applicable provisions of this chapter govern all of the following:

- (1) Issuance of the turnpike revenue refunding bonds.
- (2) Maturities and other details of the refunding bonds.
- (3) Rights of the holders of the bonds.
- (4) Duties of the Commonwealth and of the commission in respect to the bonds.

§ 8118. Rights of obligation holders and trustees.

- (a) Scope.—This section applies to all of the following:

- (1) A holder of:
 - (i) a bond, note or other obligation issued under this chapter; or
 - (ii) a coupon attached to the bond, note or other obligation.
- (2) The trustee under an applicable trust indenture.

(b) Enforcement.—Subject to subsection (c), a person referred to in subsection (a) may, by an action at law or in equity, do all of the following:

- (1) Protect and enforce rights granted under this chapter or under the resolution or trust indenture.

(2) Enforce and compel performance of all duties required by this chapter or by the resolution or trust indenture to be performed by the commission or an officer of the commission. This paragraph includes fixing, charging and collecting of tolls for the use of the turnpikes.

(c) Restriction.—Rights under this chapter may be restricted by resolution passed before the issuance of the bond, note or other obligation or by the trust indenture.

§ 8119. Authority granted to secretary.

- (a) Agreement with Federal Government.—

(1) The secretary is authorized to enter into an agreement with the United States Department of Transportation, the Federal Highway Administration and any other Federal agency to obtain Federal funds for projects for resurfacing, restoring and rehabilitating toll roads in this Commonwealth. The commission is authorized to use Federal funds which may be available for toll roads only upon approval of the secretary and only under the authority granted under this section.

(b) Approval by department.—Contracts and agreements relating to the construction of the turnpikes and connecting tunnels and bridges must be approved by the department.

§ 8120. Construction of chapter.

This chapter shall be regarded as supplemental and additional to powers conferred by other statutes and shall not be regarded as in derogation of any powers now existing and shall be liberally construed to effect its purposes.

Section 2.4. Section 8901 of Title 75 is amended to read:

§ 8901. Definitions.

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

"Annual additional rent." That portion of the rent payable to the Department of Transportation under section 8915.3(5) (relating to lease of Interstate 80).

"Annual base rent." That portion of the rent payable to the Department of Transportation under section 8915.3(4) (relating to lease of Interstate 80).

"Annual surplus rent." That portion of the rent payable to the Department of Transportation under section 8915.3(6) (relating to lease of Interstate 80).

"Auditor General's certificate." The certificate issued by the Auditor General within 180 days after the end of each fiscal year of the Pennsylvania Turnpike Commission certifying all of the following:

(1) The amount of the general reserve fund surplus for the fiscal year.

(2) Interstate 80 savings for the fiscal year.

(3) After review of the commission's current ten-year capital plan, that the transfer of the general reserve fund surplus under section 8915.3 (relating to lease of Interstate 80) shall not impair the ability of the commission to meet its obligations under the lease agreement or the commission's ten-year capital plan.

"Commission." The Pennsylvania Turnpike Commission.

"Conversion date." The date the Pennsylvania Turnpike Commission intends to assume control over Interstate 80 as set forth in the conversion notice.

"Conversion notice." Written notice to the Secretary of Transportation from the Pennsylvania Turnpike Commission providing notice of its intent to assume control over Interstate 80 under section 8915.3(3) (relating to lease of Interstate 80).

"Conversion period." A period of three years:

(1) which begins on the date of execution of the lease agreement; and

(2) during which the Pennsylvania Turnpike Commission may give the Department of Transportation conversion notice or notice that the commission has exercised its option to extend the conversion period pursuant to section 8915.3(2) (relating to lease of Interstate 80).

"Fiscal year." The fiscal year of the Pennsylvania Turnpike Commission.

"General reserve fund surplus." The amount which:

(1) is certified by the Auditor General in the Auditor General's certificate as existing in the Pennsylvania Turnpike Commission's general reserve fund on the last day of the fiscal year; and

(2) is not required to be retained in the general reserve fund pursuant to any financial documents, financial covenants, insurance policies, liquidity policies or agreements, swap agreements or rating agency requirements in effect at the commission.

"Interstate 80 savings." An amount equal to the following:

(1) Prior to the conversion date, the amount shall be zero.

(2) After the conversion date, the amount certified in the Auditor General's certificate equal to \$100,000,000, increased by 4% for each year after the year of execution of the lease agreement.

"Lease agreement." A lease agreement between the Department of Transportation and the Pennsylvania Turnpike Commission which shall include provisions setting forth the terms of the conversion of Interstate 80 to a toll road.

"Scheduled annual commission contribution." The following amounts, except that the amount shall be equal to the annual base rent plus \$250,000,000 if the conversion notice is not received by the Secretary of Transportation prior to the expiration of the conversion period:

(1) \$700,000,000 in fiscal year 2007-2008.

(2) \$750,000,000 in fiscal year 2008-2009.

(3) \$800,000,000 in fiscal year 2009-2010.

(4) \$800,000,000 increased by 2.5% for each fiscal year after fiscal year 2009-2010, except that the amount shall be equal to \$250,000,000 if Interstate 80 is not converted to a toll road.

Section 2.5. Section 8911 introductory paragraph of Title 75 is amended and the section is amended by adding a paragraph to read:

§ 8911. Improvement and extension authorizations.

In order to facilitate vehicular traffic within and across this Commonwealth, the commission is hereby authorized and empowered to construct, widen, expand, extend, operate and maintain turnpike extensions and turnpike improvements at such specific locations and according to such schedule as shall be deemed feasible and approved by the commission, together with connecting roads, storm water

management systems, tunnels and bridges, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

* * *

(10) Other slip ramps and interchanges as the commission may determine.

Section 2.6. Sections 8912 introductory paragraph, 8913, 8914 introductory paragraph and 8915 introductory paragraph of Title 75 are amended to read:

§ 8912. Subsequent extension authorizations.

The commission is also hereby authorized and empowered to construct, widen, expand, extend, operate and maintain further extensions and improvements of the turnpike at such specific locations and according to such schedules as shall be deemed feasible and which shall be approved by the commission, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

* * *

§ 8913. Additional subsequent extension authorizations.

Upon substantial completion of the turnpike extensions and improvements set forth in sections 8911 (relating to improvement and extension authorizations) and 8912 (relating to subsequent extension authorizations), the commission is hereby authorized and empowered to construct, widen, expand, extend, operate and maintain further extensions and improvements of the turnpike at such specific locations and according to such schedules as shall be deemed feasible and which shall be approved by the commission, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows: construct from a point at or near Interstate Route 80 Interchange 23 at Milesburg southwesterly generally along U.S. Route 220 to a connection with the existing U.S. Route 220 Expressway south of Bald Eagle.

§ 8914. Further subsequent authorizations.

Upon completion of the turnpike extensions and improvements set forth in sections 8911 (relating to improvement and extension authorizations), 8912 (relating to subsequent extension authorizations) and 8913 (relating to additional subsequent extension authorizations), the commission is hereby authorized and empowered to construct, widen, expand, extend, operate and maintain further extensions and improvements of the turnpike at such specific locations and according to such schedules as shall be deemed feasible and which shall be approved by the commission, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

* * *

§ 8915. Conversion to toll roads.

In order to facilitate vehicular traffic within and across this Commonwealth, and [after] to facilitate the completion of the turnpike extensions and improvements authorized in section 8911 (relating to improvement and extension authorizations), and subject to prior legislative approval by the General Assembly and the United States Congress, the commission is hereby authorized and empowered to convert to toll roads such portions of Pennsylvania's interstate highway system as may [be required in order to] facilitate the completion of the turnpike extensions and improvements authorized in sections 8912 (relating to subsequent extension authorizations), 8913 (relating to additional subsequent extension authorizations) and 8914 (relating to further subsequent authorizations) and to operate and maintain such converted interstates as toll roads upon the approval by the Congress of the United States of America and the General Assembly of this Commonwealth of legislation expressly permitting the conversion of such interstates to toll roads. Such conversions shall take place at a time and manner set forth in the plan for the conversion prepared by the commission with the cooperation of the department. The provisions authorizing the commission to construct, operate and maintain the turnpike routes in sections 8911, 8912 and 8913 shall be subject to:

* * *

Section 2.7. Title 75 is amended by adding sections to read:

§ 8915.1. Conversion of Interstate 80.

In order to facilitate vehicular traffic across this Commonwealth, the commission is authorized and empowered to do all of the following:

(1) Construct, reconstruct, widen, expand, extend, operate, maintain and maintain and operate Interstate 80 from a point at or near the Ohio border to at or near the New Jersey border, together with connecting roads, interchanges, slip ramps, tunnels and bridges.

(2) Issue turnpike revenue bonds of the Commonwealth, notes or other obligations, payable solely from revenues of the commission, including tolls, or from funds as may be available to the commission for that purpose, to pay the cost of construction, reconstructing, widening, expanding or extending or any other costs of the Pennsylvania Turnpike.

§ 8915.2. Application to United States Department of Transportation.

(a) Application.—The commission, in consultation with the department and at its own expense, is authorized to prepare and submit an application to the United States Department of Transportation in accordance with 23 U.S.C. § 129 (relating to toll roads, bridges, tunnels, and ferries) for the conversion of Interstate 80 to a toll road under the Interstate Reconstruction and Rehabilitation Pilot Program or in accordance with any other applicable Federal program or provision of law. The secretary shall ensure that all information required for the application is made available to the commission as soon as practicable after the effective date of this section. If the application is submitted pursuant to the Interstate Reconstruction and Rehabilitation Pilot Program, it shall contain all of the following:

(1) A consulting civil engineer's report assessing the current physical conditions of the roadbed, pavement, bridges and interchanges and projecting the costs to upgrade Interstate 80, the costs for additional improvements and implementation of the tolling facilities and existing funds available for Interstate 80, absent tolling and concluding that the facility would not be maintained or improved to meet current or future needs from the Commonwealth's apportionments and allocations and from revenues for highways from any other source without toll revenues.

(2) A traffic and revenue report completed by a third-party consultant forecasting future traffic and revenue over a minimum of 20 years.

(3) An environmental scoping analysis assessing the fiscal impact, any air and water quality issues and the involvement of local metropolitan planning organizations.

(4) A construction and operational plan for the implementation of the Toll Pilot Program for Interstate 80 which:

(i) assumes completion no later than five years after financing;

(ii) includes a plan for implementing the imposition of tolls on use of Interstate 80, a schedule and finance plan for the reconstruction and rehabilitation of Interstate 80 using toll revenues and a description of the public transportation agency that will be responsible for implementation and administration of the toll pilot program.

(5) A financial analysis demonstrating that tolling Interstate 80 will produce sufficient revenue to pay debt service on any bonds and loans incurred with respect to the Toll Pilot Program.

(b) Open system.—A toll system shall consist of what is commonly referred to as an open system.

§ 8915.3. Lease of Interstate 80.

The department and the commission shall enter into a lease agreement relating to Interstate 80. The lease agreement shall include provisions setting forth the terms and conditions of the conversion of Interstate 80 to a toll road. The lease agreement, at a minimum, shall include the following:

(1) A provision that the term of the lease agreement shall be 50 years, unless extended upon mutual agreement of the parties to the lease agreement.

(2) A provision establishing a conversion period and authorizing extension of the conversion period at the sole option of the commission for three one-year extension periods after consultation with the secretary. The commission shall notify the secretary of its intent to extend the conversion period not less than 90 days before the scheduled expiration of the conversion period. During the conversion period, all legal, financial and operational responsibility for Interstate 80 shall remain with the department. All operations and programmed rehabilitation shall be maintained at levels no less favorable than those set forth in the department's 12-year plan at the time of the execution of the lease, with modifications as are approved in writing by the chairman of the commission.

(3) A provision permitting the commission to exercise its option to convert Interstate 80 to a toll road prior to the expiration of the conversion period by providing the conversion notice to the secretary beginning on the conversion date, all legal, financial and operational responsibility for Interstate 80, as well as all toll revenues collected with respect to its use, shall be transferred from the department to the commission. The commission shall contract with the department for any portion of the maintenance of Interstate 80 at cost levels no less favorable than those of the department on the conversion date.

(4) A provision requiring the commission to pay annual base rent to the department during the term of the lease agreement in the following manner and equal to the following amounts:

(i) Annual debt service on outstanding bonds issued under section 9511.2 (relating to special revenue bonds payable solely from pledged revenues of Motor License Fund) payable as required pursuant to bonds.

(ii) \$200,000,000 payable annually in four equal installments each due the first business day of each July, October, January and April.

(5) A provision requiring the commission to pay annual additional rent to the department as follows:

(i) During the conversion period and after the conversion of Interstate 80 to a toll road, the annual additional rent shall be equal to the scheduled annual commission contribution, minus any amounts paid under paragraph (4) and any Interstate 80 savings for that fiscal year as set forth in the Auditor General's certificate.

(ii) If conversion notice is not received by the secretary prior to the expiration of the conversion period, the annual additional rent shall be equal to \$250,000,000.

The annual additional rent is deemed to be equal to the fair market value of Interstate 80 and shall be payable in four equal installments due the first business day of each July, October, January and April of each year during the term of the lease agreement.

(6) A provision requiring the commission to pay, commencing on the conversion date, annual surplus rent to the department equal to the general reserve fund surplus payable for each fiscal year from the conversion date until the end of the term of the lease agreement. The surplus rent shall be payable by the commission within 30 days of receipt by the commission of the Auditor General's certificate. If the conversion period expires before the conversion date, no annual surplus rent shall be payable.

(7) A provision stating that the obligation of the commission to pay the annual base rent, the annual additional rent and annual surplus rent shall be a subordinate obligation of the commission payable from amounts in the general reserve fund of the commission only as permitted by any financing

documents, financial covenants, liquidity policies or agreements, swap agreements or rating agency requirements in effect at the commission.

Amend Bill, page 69, line 20, by striking out all of said line and inserting

Section 4. Title 75 is amended by adding a section to read:
§ 9501. Definitions.

The following words and terms when used in this chapter shall have the meanings given to them in this section, unless the context clearly indicates otherwise:

"Bond related expenses." The term shall include all of the following:

(1) Printing, publication or advertising expenses with respect to the sale and issuance of bonds.

(2) Fees, expenses and costs of registrars.

(3) Fees, expenses and costs of attorneys, accountants, feasibility consultants, computer programmers or other experts employed to aid in the sale and issuance of the bonds.

(4) Other costs, fees and expenses incurred or reasonably related to the issuance and sale of the bonds.

"Bond-related obligation." An agreement or contractual relationship between the Pennsylvania Turnpike Commission and a bank, trust company, insurance company, swap counterparty, surety bonding company, pension fund or other financial institution providing increased credit on or security for the bonds or liquidity for secondary market transactions.

"Commission." The Pennsylvania Turnpike Commission or any successor organization.

"Cost of the department."

(1) Any of the following, which shall be reimbursed or paid out of the proceeds of the special revenue bonds, notes or other obligations authorized under this chapter:

(i) The cost of constructing, reconstructing, widening, expanding or extending the State highway and rural State highway system and all connecting roads, tunnels and bridges.

(ii) The cost of all lands, property rights, rights-of-way, easements and franchises acquired, which are deemed necessary or convenient for the construction, reconstruction, widening, expanding or extending under subparagraph (i).

(iii) The cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction.

(iv) The cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of the enterprise, administrative and legal expenses and other expenses as may be necessary or incident to the financing authorized under this chapter, the construction, reconstruction, widening, expanding or extending of the State highway and the rural State highway system and connecting roads, tunnels and bridges, the placing of the same in operation and the condemnation of property necessary for construction and operation.

(v) Any obligation or expense contracted for by the Department of Transportation or with the United States or any agency of the United States, for traffic surveys, preparation of plans and specifications, supervision of construction, and other engineering, administrative and legal services and expenses in connection with the construction, reconstruction, widening, expanding or extending of the State highway and the rural State highway system or any of the connecting roads, tunnels and bridges.

(2) Payment of any notes or other obligations if the notes or other obligations were issued for the payment of a cost.

"Design build arrangement." A procurement or project delivery arrangement whereby a single entity, which may be a single contractor or a consortium comprised of multiple contractors, engineers and other subconsultants, is responsible for both the design and construction of a transportation project with a guaranteed completion date and guaranteed maximum price.

"Owner." The term shall include all individuals, copartnerships, associations or corporations having any title or interest in any property rights, easements or franchises authorized to be acquired by this chapter.

"Pledged revenues." Revenues of the Motor License Fund pledged to the Pennsylvania Turnpike Commission under sections 9010 (relating to disposition and use of tax), 9511(i) (relating to allocation of proceeds) and 9511.11 (relating to Motor License Fund proceeds) and amounts payable by the commission under section 8915.3(4)(i) (relating to lease of Interstate 80).

"Rural State Highway System." All roads and highways taken over by the Commonwealth as State highways under the provisions of the act of June 22, 1931 (P.L.594, No.203), referred to as the Township State Highway Law and all other roads and highways specifically designated by the Secretary of Transportation as Rural State Highways.

"State highway." All roads and highways taken over by the Commonwealth as State highways under the provisions of any statute. Unless clearly intended, the term shall not include any street in any city, borough or incorporated town, even though the same may have been taken over as a State highway.

Section 5. Title 75 is amended by adding sections to read:
§ 9511.2. Special revenue bonds payable solely from pledged revenues of Motor License Fund.

(a) Payment source.—A special revenue bond, note or other obligation issued under this chapter:

(1) shall not be deemed to be a debt or liability of the Commonwealth;

(2) shall not create or constitute any indebtedness, liability or obligation of the Commonwealth; and

(3) shall be payable solely from revenues of the Motor License Fund pledged to the commission for that purpose in combination with amounts transferred under section 8915.3(4)(i) (relating to lease of Interstate 80).

(b) Statement.—A special revenue bond, note or other obligation issued under this chapter must contain a statement on its face that:

(1) the Commonwealth is not obligated to pay the bond, note or obligation or the interest on it except from revenues of the Motor License Fund pledged for that purpose in combination with amounts transferred under section 8915.3(4)(i); and

(2) neither the faith and credit nor the taxing power of the Commonwealth is pledged to the payment of the principal or interest of the bond, note or obligation.

(c) Taxation.—The issuance of a special revenue bond, note or other obligation under this chapter shall not directly, indirectly or contingently obligate the Commonwealth to levy a tax or to make an appropriation for payment.

§ 9511.3. Expenses.

(a) Reimbursement.—The commission shall be reimbursed for the necessary expenses incurred in the performance of the duties performed under the provisions of this chapter.

(b) Source.—All expenses incurred in carrying out the provisions of this chapter shall be paid solely from funds provided under the authority of this chapter, and sufficient funds shall be provided under the authority of this chapter to meet any liability or obligation incurred in carrying out the provisions of this chapter.

§ 9511.4. Special revenue bonds and preliminary or interim financing.

(a) Authorization.—The commission is authorized to provide, by resolution, for the issuance of special revenue bonds of the commission up to an amount not exceeding \$4,000,000,000 for the purpose of paying the cost of the department and bond-related expenses.

The resolution must recite an estimate of the cost of the department. No more than \$600,000,000 of special revenue bonds may be issued in any calendar year. No bond may be issued under this section unless the lease agreement authorized under section 8915.3 (relating to lease of Interstate 80) is in effect as of the date of issuance. Special revenue refunding bonds as set forth in section 9511.9 (relating to special revenue refunding bonds) shall not be deemed to count against the total or annual maximum issuance volume. The principal and interest of the bond shall be payable solely from revenues of the Motor License Fund pledged for that purpose to the commission in combination with the amounts transferred under section 8915.3(4)(i).

(b) Form.—

(1) A bond may be issued in registered form.

(2) A bond:

(i) must be dated;

(ii) must bear interest at a rate not exceeding the rate permitted under applicable law;

(iii) must be payable semiannually;

(iv) must mature, as determined by the commission, not exceeding 40 years from the date of the bond; and

(v) may be made redeemable before maturity, at the option of the commission, at a price and under terms and conditions fixed by the commission prior to the issuance of the bonds.

(3) The amount of premium on a bond shall not cause the yield to be more than permitted by applicable law from the date of the bond to the date of redemption.

(c) Issuance.—

(1) The bond may be issued in registered form. The commission may sell a bond in registered form at public or private sale and for a price it determines to be in the best interest of the Commonwealth, but no sale shall be made at a price so low as to require the payment of interest on the money received for the bond at more than the rate permitted by applicable law, computed with relation to the absolute maturity of the bond in accordance with standard tables of bond values.

(2) A bond may be issued at public or private sale in series with varying provisions as to all of the following:

(i) Rates of interest, which may be fixed or variable.

(ii) Maturity.

(iii) Other provisions not inconsistent with this chapter.

(d) Revenue share.—All bonds, of whatever series, shall share ratably in the revenues pledged under this chapter as security for the bonds, although one series of bonds may have a lien on pledged revenues senior to the lien of another series of bonds.

(e) Payment.—

(1) The principal and interest of the bonds may be made payable in any lawful medium.

(2) The commission shall:

(i) determine the form of bonds; and

(ii) fix:

(A) the denomination of the bond; and

(B) the place of payment of principal and interest of the bond, which may be at any bank or trust company within or without this Commonwealth.

(f) Signature.—The bond must bear the facsimile signature of the Governor and of the chairman of the commission. The facsimile of the official seal of the commission shall be affixed to the bond and attested by the secretary and treasurer of the commission. If an officer whose signature or facsimile of a signature appears on a bond ceases to be an officer before the delivery of the bond, the signature or facsimile shall nevertheless be valid and sufficient for all purposes, as if the officer remained in office until delivery.

(g) Negotiability.—A special revenue bond issued under this chapter shall have all the qualities and incidents of a negotiable instrument under 13 Pa.C.S. Div. 3 (relating to negotiable instruments).

(h) Proceeds.—

(1) The proceeds of a bond shall be used solely for the following:

- (i) Payment of the cost of the department.
- (ii) Bond-related expenses.

(2) The proceeds of a bond shall be disbursed upon requisition of the secretary under restrictions set forth in the resolution authorizing the issuance of the bond or the trust indenture under section 9511.6 (relating to trust indenture, protection of holders of obligations and depositories).

(3) If the proceeds of a bond, by error of calculation or otherwise, shall be less than the cost of the department, additional bonds may be issued to provide the amount of the deficit and, unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture, shall be deemed to be of the same issue and shall be entitled to payment from the same fund, without preference or priority of the bonds first issued.

(i) Temporary bonds.—Prior to the preparation of definitive bonds, the commission may, under similar restrictions as those applicable to the definitive bonds, issue temporary bonds, exchangeable for definitive bonds upon the issuance of definitive bonds.

(j) Replacement bonds.—The commission may provide for the replacement of a bond which becomes mutilated or is destroyed or lost. A replacement revenue bond may be issued without any other proceedings or the happening of any other condition than those proceedings and conditions required by this chapter.

(k) Status as securities.—

(1) A bond is made a security in which any of the following may properly and legally invest funds, including capital, belonging to them or within their control:

- (i) Commonwealth and municipal officers.

- (ii) Commonwealth agencies.

(iii) Banks, bankers, savings banks, trust companies, saving and loan associations, investment companies and other persons carrying on a banking business.

(iv) Insurance companies, insurance associations and other persons carrying on an insurance business.

- (v) Fiduciaries.

(vi) Other persons that are authorized to invest in bonds or other obligations of the Commonwealth.

(2) A bond is made a security which may properly and legally be deposited with and received by a Commonwealth or municipal officer or a Commonwealth agency for any purpose for which the deposit of bonds or other obligations of the Commonwealth is authorized by law.

(l) Borrowing.—The following shall apply:

(1) The commission is authorized to do all of the following:

(i) Borrow money at an interest rate not exceeding the rate permitted by law.

(ii) Provide for preliminary or interim financing, up to but not exceeding the estimated total cost of the department and bond-related expenses and to evidence the borrowing by the issuance of special revenue notes and, in its discretion, to pledge as collateral for the note or other obligation, a special revenue bond issued under the provisions of this chapter. The commission may renew the note or obligation and the payment or retirement of the note or obligation shall be considered to be payment of the cost of the project.

(2) A note or obligation issued under this subsection must comply with the following:

(i) Be executed by the same persons in the same manner and with the same effect as provided in this section for the execution of a special revenue bond.

(ii) Contain a statement on its face that:

(A) the Commonwealth is not obligated to pay the note or obligation or interest on it, except from pledged revenues of the Motor License Fund; and

(B) neither the faith and credit nor the taxing power of the Commonwealth is pledged to the payment of its principal or interest.

(3) The issuance of a special revenue note or other obligation under this chapter shall not directly or indirectly or contingently obligate the Commonwealth to levy a tax or make an appropriation for payment.

(4) A note or other obligation issued under this subsection shall have all the qualities and incidents of a negotiable instrument under 13 Pa.C.S. (relating to commercial code).

§ 9511.5. Application of proceeds of obligations, lien of holders of obligations, design-build requirement and projects approved by General Assembly.

(a) Application.—The following shall apply:

(1) All money received from any bonds, notes or other obligations issued under this chapter shall be applied solely to the payment of the cost of the department or to the appurtenant fund.

(2) Until money received from any bonds, notes or other obligations issued under this chapter is applied under paragraph (1), a lien shall exist upon the money in favor of holders of the bonds, notes or other obligations or a trustee provided for in respect to the bonds, notes or other obligations.

(b) Design-build arrangements.—To facilitate the timely completion of projects to be financed by the department with bond proceeds, the department shall be required to utilize design-build arrangements for each project estimated by the department to have a value in excess of \$100,000,000. The selection of the party for the design-build arrangement must be conducted in a manner consistent with the procurement and public bidding laws applicable to the department.

(c) Capital plan.—All projects financed by the department with bond proceeds must be set forth in the department's capital plan current at the time of the financing and budget which capital plan and budget shall be submitted to the General Assembly on or before March 31 of each year commencing March 31, 2008.

(d) Investment.—Pending the application of proceeds to costs of the department and bond-related expenses, the commission may invest the funds in permitted investments as defined under any trust indenture if the investment is not inconsistent with existing fiduciary obligations of the commission.

§ 9511.6. Trust indenture, protection of holders of obligations and depositories.

(a) Indenture.—In the discretion of the commission, a bond, note or other obligation may be secured by a trust indenture by and between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company, within or without this Commonwealth.

(b) Pledge or assignment.—A trust indenture under subsection (a) may pledge or assign revenue to be received, but shall not convey or mortgage the turnpike or any part of the turnpike.

(c) Rights and remedies.—The resolution providing for the issuance of the bond, note or other obligation of the trust indenture may contain provisions for protecting and enforcing the rights and remedies of the bondholders or holders of notes or other obligations as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the department in relation to the acquisition of properties, the construction, maintenance, operation, repair and insurance of the State highway and rural State highway system and the custody, safeguarding and application of all money.

(d) Depository.—It shall be lawful for any bank or trust company incorporated under the laws of this Commonwealth to act as depository of the proceeds of the bond, note or other obligation or revenue, to furnish indemnity bonds or to pledge securities as may be required by the commission.

(e) Indenture.—The trust indenture may set forth the rights and remedies of the bondholders or holders of notes or other obligations and of the trustee and may restrict the individual right of action of bondholders or holders of notes or other obligations as is customary in trust indentures securing bonds, debentures of corporations, notes or other obligations. The trust indenture may contain other provisions as the commission may deem reasonable and proper for the security of bondholders or holders of notes or other obligations.

§ 9511.7. Exemption from Commonwealth taxation.

The effectuation of the purposes of this chapter is for the benefit of the citizens of the Commonwealth and for the improvement of their commerce and prosperity. Since the commission will be performing essential government functions in effectuating these purposes, the commission shall not be required to pay any tax or assessment on any property acquired or used by it for the purposes provided under this chapter. A bond, note or other obligation issued by the commission, its transfer and the income from its issuance and transfer, including any profits made on the sale of the bond, note or other obligation, shall be free from taxation within the Commonwealth.

§ 9511.8. Pledged revenues, contracts for use of turnpike, sinking fund and purchase or redemption of obligations.

(a) Authorization.—The commission is authorized to collect the pledged revenues. The pledged revenues shall be fixed and adjusted as to provide funds at least sufficient to pay the bonds, notes or other obligations and the interest on the bonds, notes or other obligations. All sinking fund requirements and other requirements provided by the resolution authorizing the issuance of the bonds, notes or other obligations, or by the trust indenture, shall be fixed and adjusted as the bonds, notes or other obligations become due.

(b) Supervision.—The pledged revenues shall not be subject to supervision or regulation by any Commonwealth agency other than the commission.

(c) Set aside.—Except for the portion of the pledged revenues required to provide reserves as set forth in the resolution authorizing the issuance of the bonds, notes or other obligations or in the trust indenture, pledged revenues, to the degree amounts transferred under section 8915.3(4)(i)(relating to lease of Interstate 80) are not sufficient, shall be set aside at regular intervals as may be provided in the resolution or trust indenture, in one or more accounts, which are pledged to and charged with the payment of all of the following:

(1) The interest upon a bond, note or other obligation, as it shall become due and payable.

(2) The principal of a bond, note or other obligation, as it shall become due and payable.

(3) The necessary fiscal agency charges for paying principal and interest.

(4) A premium upon a bond retired by call or purchase.

(d) Sinking fund.—The use and disposition of the sinking fund shall be subject to regulations as may be provided in the resolution authorizing the issuance of bonds, notes or other obligations or in the trust indenture, but, except as may otherwise be provided in the resolution or trust indenture, the sinking fund shall be a fund for the benefit of all bonds, notes or other obligations issued under this chapter, without distinction or priority of one over another.

(e) Application of money.—Subject to the provisions of the resolutions authorizing the issuance of bonds, notes or other obligations or of the trust indenture, any money in the sinking fund in excess of an amount equal to one year's interest on all bonds, notes or other obligations then outstanding may be applied to the purchase or redemption of bonds, notes or other obligations. All bonds, notes or other obligations purchased or redeemed under this subsection shall be cancelled and shall not again be issued.

§ 9511.9. Special revenue refunding bonds.

The commission is authorized to provide, by resolution, for the issuance of special revenue refunding bonds of the commission for the purpose of refunding any special revenue bonds, notes or other obligations issued under the provisions of this chapter and then outstanding. The issuance of the special revenue refunding bonds, the maturities and other details of the bonds, the rights of the holders of the bonds and the duties of the department and of the commission with respect to the bonds shall be governed by the provisions of this chapter.

§ 9511.10. Remedies of trustees and of holders of obligations.

(a) Grant of rights.—A holder of a bond, note or other obligation issued under this chapter and the trustee under the trust indenture may, either at law or in equity, by suit, action, mandamus or other proceeding, do all of the following:

(1) Protect and enforce any right granted under this chapter or under the resolution or trust indenture.

(2) Enforce and compel performance of all duties required under this chapter or by resolution or trust indenture to be performed by the commission or any officer of its officers, including the collection of the pledged reserves or amounts transferred under section 8915.3(4)(i) (relating to lease of Interstate 80).

(b) Exception.—Rights given under this chapter may be restricted by resolution passed before the issuance of the bonds, notes or other obligations, or by the trust indenture.

§ 9511.11. Motor License Fund proceeds.

The balance of the proceeds deposited in the Motor License Fund under section 20 of the act of April 17, 1997 (P.L.6, No.3), entitled, "An act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for annual appropriation and computation of subsidy and for distribution of funding; providing for distribution of supplemental funding; further providing for use of funds distributed; providing for public transportation grants management accountability, for competitive procurement and for the Public Transportation Assistance Fund; further providing for period of registration, for duties of agents, for registration and other fees, for requirements for periodic inspection of vehicles, for limits on number of towed vehicles, for operation of certain combinations on interstate and other highways and for width and length of vehicles; providing for liquid fuels and fuels permits and bond or deposit of securities, for imposition of liquid fuels and fuels tax, for taxpayer, for distributor's report and payment of tax, for determination of tax, penalties and interest, for examination of records and equipment, for retention of records by distributors and dealers, for disposition and use of tax, for discontinuance or transfer of business, for suspension or revocation of permits, for lien of taxes, penalties and interest, for collection of unpaid taxes, for reports from common carriers, for violations and reward for detection of violations, for refunds, for diesel fuel importers and transporters, for prohibiting use of dyed diesel fuel, for disposition of fees, fines and forfeitures, for certified copies of records and for uncollectible checks; further providing for distribution of State highway maintenance funds and for standards and methodology for data collection; providing for dirt and gravel road maintenance; further providing for imposition of tax and additional tax; providing for tax on alternative fuels; further providing for disposition of tax revenue; making an appropriation; and making repeals," is pledged to secure bonds issued by the commission. The proceeds may be pledged to secure bonds to be issued by the commission on behalf of the department for the construction, reconstruction, widening, expansion, extension, maintenance and repair of and safety on bridges and costs and expenses incident to those tasks and fees and expenses of the commission related to the issuance of the bonds, including bond-related expenses. Each month, the State Treasurer shall transfer amounts as are necessary, in combination with amounts transferred under sections 8915.3(4)(i)(relating to lease of Interstate 80) and 9511 (relating to allocation of proceeds) to satisfy the provisions of the bond indenture relating to bonds issued under this section and those amounts are authorized to be appropriated.

§ 9511.12. Supplement to other laws and liberal construction.

This chapter shall be regarded as supplemental and additional to powers conferred by other statutes and shall not be regarded as in derogation of any powers existing on the effective date of this section. The provisions of this chapter, being necessary for the welfare of the Commonwealth and its citizens shall be liberally construed to effect the purposes of this chapter.

Section 6. Financial assistance made by the Department of Transportation to an award recipient under 74 Pa.C.S. Ch. 13 prior to the effective date of this section may continue to be used by award recipients for operating or capital expenses upon the same terms and conditions as are contained in the notice of grant award or grant agreement executed in connection with the award, if the funds are expended within five years following the effective date of this section.

Section 7. The following shall apply:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of 74 Pa.C.S. Ch. 81.

(2) The act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act is repealed.

(3) Section 207.1(c)(2) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is repealed insofar as it is inconsistent with the addition of 74 Pa.C.S. § 8105.

Section 8. The addition of 74 Pa.C.S. Ch. 81 is a continuation of the act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act. The following shall apply:

(1) Except as otherwise provided under 74 Pa.C.S. Ch. 81, all activities initiated under the Turnpike Organization, Extension and Toll Road Conversion Act shall continue and remain in full force and effect and may be completed under 74 Pa.C.S. Ch. 81. Orders, regulations, rules and decisions which were made under the Turnpike Organization, Extension and Toll Road Conversion Act and which are in effect on the effective date of section 7(2) of this act shall remain in full force and effect until revoked, vacated or modified under 74 Pa.C.S. Ch. 81. Contracts, obligations and collective bargaining agreements entered into under the Turnpike Organization, Extension and Toll Road Conversion Act are not affected nor impaired by the repeal of the Turnpike Organization, Extension and Toll Road Conversion Act.

(2) Except as set forth in paragraph (3), any difference in language between 74 Pa.C.S. Ch. 81 and the Turnpike Organization, Extension and Toll Road Conversion Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of the Turnpike Organization, Extension and Toll Road Conversion Act.

(3) Paragraph (2) does not apply to:

(i) The addition of the definition of "secretary" in 74 Pa.C.S. § 8102.

(ii) The addition of 74 Pa.C.S. § 8105.

Section 9. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) The addition of 74 Pa.C.S. § 8105.

(ii) Section 7(3) of this act.

(iii) This section.

(2) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

PARLIAMENTARY INQUIRY

The SPEAKER. Representative Maher.

Mr. MAHER. Mr. Speaker, may I inquire, when was this amendment filed?

The SPEAKER. The amendment was filed just a few minutes ago. Representative McCall was about to make an explanation. If the gentleman would—

Mr. MAHER. Mr. Speaker?

The SPEAKER. —if the gentleman would yield to Representative McCall, I think he will understand the purpose of the amendment's substitution.

POINT OF ORDER

Mr. MAHER. Mr. Speaker, I will observe – I will make my point of order, if you do not mind – I will observe the prior amendment was withdrawn. It was withdrawn. By his own words it was withdrawn, and once it has been withdrawn, there cannot be a substitution. It is withdrawn. This is a fresh amendment. This was not filed by 2 p.m. yesterday. It was not certificated by 2 p.m. yesterday.

The SPEAKER. If the gentleman will cease, the Chair will explain. This is a corrective amendment. It is in order to substitute this amendment for the amendment that was withdrawn. This is substantially in the form that the Reference Bureau should have drafted the original amendment. It does not require a suspension of the rules, and the amendment is in order.

The Chair recognizes Representative Maher.

Mr. S. SMITH. Mr. Speaker?

Mr. MAHER. Mr. Speaker, I already observed the other amendment was withdrawn. This amendment was not brought to us and said, may I provide a corrective reprint for the amendment that we have just spent some time discussing. The other amendment was withdrawn. It is gone. If he wanted to do a corrective reprint, that moment has passed.

The SPEAKER. The amendment is technically withdrawn. This amendment has been timely filed because it represents a corrective amendment, so it is properly before the House. We are following the past precedent of this House, and this amendment is in order. This is simply the filing of a corrected amendment that has been talked about throughout this evening.

Mr. MAHER. Mr. Speaker, with all due respect, this session kicked off with a flurry of talk about reform and revisions to our rules. These rules—

The SPEAKER. The gentleman is out of order.

Mr. MAHER. I am appealing the—

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The Chair recognizes the minority leader, Representative Smith.

Mr. S. SMITH. Is it the ruling of the Chair, Mr. Speaker, that while after we spent 3 hours debating a previous amendment that was withdrawn, that the amendment that is now on the board is in order? Is that the ruling of the Chair, Mr. Speaker?

The SPEAKER. That is correct.

Mr. S. SMITH. Mr. Speaker, I am challenging the ruling of the Chair.

The SPEAKER. The Chair would just like to instruct the gentleman, the minority leader, that Representative McCall is simply doing what the minority leader had requested, and that is

file a corrective amendment instead of what was suggested by Legislative Reference Bureau following their error.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. So that is the amendment that is properly before the House.

Mr. S. SMITH. Mr. Speaker, what I suggested was that past practice, the Legislative Reference Bureau, if in fact it did make an error, what Legislative Reference would do is draw down a corrective amendment that would have everything encompassed in the amendment, not a one-page correction, and the past practice was that we would have waited for that amendment so that we can properly consider it in context. For us to have debated the other amendment now for all of this time and then to suggest this is a corrective amendment of that is a mockery of what this House is about. If we are going to actually deal with these amendments and deal with them in the light of day, Mr. Speaker, I challenge the ruling of the Chair.

This amendment is out of order. It is not in order and would require a suspension of the rules or wait 24 hours before we can consider it.

The SPEAKER. The certificate filed with this amendment simply states it is a corrective amendment with the deletion of the oil franchise tax, which was the original amendment as requested.

Mr. S. SMITH. Mr. Speaker, I have made a motion. I have challenged the ruling of the Chair. I believe I would request that you would direct us to the procedures for debating that challenge of the Chair.

The SPEAKER. The Chair's ruling is that amendment A01927 is a corrective amendment. It is in order to be properly substituted for amendment A01793 and A01901.

(Conference held.)

Mr. GEIST. Mr. Speaker?

Mr. Speaker, would it be out of line, since we are having this cumbiya meeting down here, to put the House at ease? Not with the camera at work, we are not at ease.

The SPEAKER. The House will be at ease.

Mr. GEIST. Mr. Speaker, a question of the Chair while we are at ease.

The SPEAKER. If the gentleman wants to approach the rostrum. We are at ease.

Mr. GEIST. Well, the question is very simple. Has the Chair granted permission for gentlemen to remove their outer garments?

The SPEAKER. John Davies is in the House.

For the information of the members, I am going to bring the House to order just to do some housekeeping while we are waiting for a report from the leaders.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 550, PN 1211 (Amended)

By Rep. DeLUCA

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing, in health and accident insurance, for autism spectrum disorders coverage and for treatment of autism spectrum disorders; and further providing for procedures.

INSURANCE.

Mr. MAHER. Mr. Speaker?

The SPEAKER. Will the gentleman yield for a moment until I am done with the housekeeping issues at hand.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 116 and SB 623 be removed from the tabled bill calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be recommitted to the Appropriations Committee:

HB 1251;
HB 1252;
HB 1253;
HB 1254;
HB 1255;
HB 1556; and
SB 755.

On the question,

Will the House agree to the motion?

Motion was agreed to.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman rise?

Mr. MAHER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. MAHER. Thank you, Mr. Speaker.

Under rule 21, there is a provision for a bill to be read at length, and while I have never—

The SPEAKER. The Chair did not understand that. Will the gentleman repeat that.

Mr. MAHER. There is a provision in rule 21 for a bill to be read at length, in its entirety, and having never seen this actually undertaken in this chamber but cognizant that if there was ever a time when it would be appropriate, it would certainly be an occasion when there is an amendment potentially before us which no one in this chamber, no one in this chamber has had the opportunity to read.

I am just inquiring, Mr. Speaker, if in order to invoke the rule 21 provision, is there a particular form that these signatures of the members would need to be on or would any sheet of paper serve? And just in candor, to let the membership know that—

The SPEAKER. If the gentleman would come to the desk, the Chair would be very happy to explain the history.

Mr. MAHER. I believe in sunlight and openness, and I think that every member and the public has a right to know, because

I do want to be candid with the membership that in the event that this ruling on appealing the decision of the Chair does not come out the way that many of us believe it should, that I will be proceeding with the rule 21 request that the bill be read at its length.

So if you could advise me, do I need a regular sheet of paper or is there a particular form?

The SPEAKER. There is no form, but the Chair would comply with any written request that is submitted to the Chair.

Mr. MAHER. Thank you, Mr. Speaker.

Does anyone have a sheet of paper?

The SPEAKER. The House will stand at ease.

GUESTS INTRODUCED

The SPEAKER. The Chair recognizes Representative Walko for the purpose of an introduction.

Mr. WALKO. Thank you, Mr. Speaker.

You know, over the years – I am in my seventh term here, and it has been a great experience – we have had some wonderful pages here; we have had some dedicated guest pages, but I have never in my 13 years here in the House of Representatives seen pages who worked harder, seen pages who sat so long, attentive, attending to all of our requests. Pat Harkins' sons are here, the twins, the boys, 13 years old. Matthew and Patrick Harkins, you deserve the thanks of the House of Representatives, and you are getting it.

Mr. M. HARKINS. Thank you, Mr. Speaker.

Mr. P. HARKINS. Thank you.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does Representative Belfanti rise?

Mr. BELFANTI. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. BELFANTI. Mr. Speaker, should the gentleman from Allegheny invoke this rule that has never been utilized in the 27 years that I have been here, would a motion to call the question, which has been used since I have been here often, to cut debate and move right to the vote, would that take precedence over his motion to read, during prime time, I expect tomorrow night from 7 till 9 or whenever? Which would take precedence – a motion to call the question or a motion to read out loud verbatim every bill that runs in this chamber?

The SPEAKER. The Chair will research that issue and get back to the gentleman.

The House will stand at ease.

Mr. BELFANTI. Thank you, Mr. Speaker.

ANNOUNCEMENT BY MAJORITY LEADER

The SPEAKER. The Chair recognizes Representative Bill DeWeese.

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

Mr. Evans and Mr. McCall, as well as the minority leader, Mr. Smith, and the minority Appropriations chairman, Mr. Civera, are winding up their commentaries, and we should – I do not want to say, "Houston, we have a liftoff" – but we are making solid progress, and I think within the next 5 or

8 minutes, we will have an announcement that takes us further than we are right now, at least substantially if not in a quantum leap.

ANNOUNCEMENT BY MAJORITY WHIP

The SPEAKER. The Chair recognizes the majority whip, Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, we heard a number of concerns in relation to the McCall amendment from governance to local share issues. We have had discussions with the minority leader, the Appropriations chair, and we hope to be back in town Monday morning at 10 o'clock with a bipartisan solution and language changes to the McCall amendment.

BILL PASSED OVER

The SPEAKER. HB 1590 will be passed over for today.

The members will be asked not to leave the floor. We have some technical issues that we have to resolve about the voting schedule before Monday.

So the House will be at ease temporarily.

RULE 15 SUSPENDED

The SPEAKER. The Chair recognizes the majority leader, who moves that rule 15 be suspended so that the House can convene at 10 a.m. on Monday instead of 1 p.m. Is that the correct motion?

Mr. DeWESE. Yes, Mr. Speaker. You have said it all.

We would like the flexibility of our membership in order to meet 3 hours earlier on Monday, but technically, we do have to suspend the rules in order for us to do that. Otherwise, we would meet at 1. We are trying to gather momentum, so a rule 15 suspension would enable us to do that.

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

The SPEAKER. Then the House will be at ease as the clerk is putting that up on the board.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, for the information of the members, tomorrow will be token. There will be no session at all on Saturday.

RULE 15 SUSPENSION CONTINUED

The SPEAKER. On the motion to suspend rule 15, does the gentleman wish to be recognized on the suspension of the rules?

Mr. MAHER. Yes, Mr. Speaker.

I just want to make sure I have got some clarity. If I understand the motion, the motion is to suspend rule 15 only with respect to accomplishing a 10 a.m. commencement of activities on Monday and without any other aspect of the rule being suspended.

The SPEAKER. The gentleman is correct.

Mr. MAHER. Thank you, Mr. Speaker.

The SPEAKER. The issue before the House is not debatable except by the floor leaders.

On the question recurring,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—173

| | | | |
|-------------|------------|-------------|--------------|
| Argall | Fairchild | Mann | Rubley |
| Baker | Fleck | Markosek | Sabatina |
| Barrar | Frankel | Marshall | Sainato |
| Bastian | Freeman | McCall | Santoni |
| Bear | Galloway | McGeehan | Saylor |
| Belfanti | Geist | McI. Smith | Scavello |
| Bennington | George | McIlhattan | Seip |
| Beyer | Gerber | Melio | Shapiro |
| Biancucci | Gergely | Mensch | Shimkus |
| Bishop | Gibbons | Millard | Siptroth |
| Blackwell | Gillespie | Miller | Smith, K. |
| Boback | Gingrich | Milne | Smith, M. |
| Boyd | Godshall | Moul | Smith, S. |
| Brennan | Goodman | Moyer | Solobay |
| Brooks | Grucela | Mundy | Sonney |
| Buxton | Hanna | Murt | Staback |
| Caltagirone | Harhai | Myers | Steil |
| Cappelli | Harhart | Nickol | Stern |
| Carroll | Harkins | O'Brien, M. | Sturla |
| Casorio | Harris | O'Neill | Surra |
| Causer | Helm | Oliver | Swanger |
| Civera | Hennessey | Pallone | Tangretti |
| Clymer | Hickernell | Parker | Taylor, R. |
| Cohen | Hornaman | Pashinski | Thomas |
| Conklin | James | Payne | True |
| Costa | Josephs | Payton | Vereb |
| Cox | Keller, M. | Peifer | Vitali |
| Cruz | Keller, W. | Petrone | Vulakovich |
| Curry | Kessler | Phillips | Wagner |
| Cutler | Killion | Pickett | Walko |
| Daley | King | Preston | Wansacz |
| Dally | Kirkland | Pyle | Waters |
| DeLuca | Kortz | Quigley | Watson |
| Denlinger | Kotik | Quinn | Wheatley |
| DePasquale | Kula | Ramaley | White |
| Dermody | Leach | Rapp | Williams |
| DeWeese | Lentz | Raymond | Wojnaroski |
| DiGirolamo | Levdansky | Readshaw | Yewcic |
| Donatucci | Longietti | Reed | Youngblood |
| Eachus | Mackereth | Roae | Yudichak |
| Evans, D. | Maher | Rock | |
| Evans, J. | Mahoney | Roebuck | O'Brien, D., |
| Everett | Major | Rohrer | Speaker |
| Fabrizio | Manderino | Ross | |

NAYS—27

| | | | |
|-------------|------------|----------|------------|
| Adolph | Hess | Micozzie | Samuelson |
| Benninghoff | Hutchinson | Mustio | Schroder |
| Creighton | Kauffman | Nailor | Stairs |
| Ellis | Kenney | Perry | Stevenson |
| Gabig | Mantz | Petrarca | Taylor, J. |
| Grell | Marsico | Petri | Turzai |
| Harper | Metcalfe | Reichley | |

NOT VOTING—0

EXCUSED—3

| | | |
|---------|---------|--------|
| Haluska | Hershey | Perzel |
|---------|---------|--------|

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

Are there any further announcements?
There will be no further votes this evening.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The gentleman, Representative Perry, from York County moves that this House do now adjourn until Friday, June 22, 2007, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 10:56 p.m., e.d.t., the House adjourned.