

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 19, 2013

SESSION OF 2013

197TH OF THE GENERAL ASSEMBLY

No. 74

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (SAMUEL H. SMITH)
PRESIDING**

PRAYER

HON. JOHN A. LAWRENCE, member of the House of Representatives, offered the following prayer:

Today marks the 150th anniversary of President Lincoln's Gettysburg Address. The President was one of several who spoke that day at the dedication of the cemetery at Gettysburg. For today's invocation I will read from a part of the prayer of dedication offered that day and submit the remainder of the prayer for the record.

This prayer was originally offered by Rev. Thomas H. Stockton, Chaplain of the House of Representatives, at Gettysburg Battlefield, November 19, 1863.

"O God our Father, for the sake of Thy Son our Savior, inspire us with Thy Spirit and sanctify us to the right fulfillment of the duties of this occasion...

"And so, with Thy holy Apostle, and with the Church of all lands and ages; we unite in the inscription: -'Blessed be God, even the Father of our Lord Jesus Christ, the Father of mercies, and the God of all comfort, who comforteth us in all our tribulations, that we may be able to comfort them which are in any trouble, by the comfort wherewith we ourselves are comforted of God.'...

"In behalf of all humanity, whose ideal is divine, whose first memory is Thine image lost, and whose last hope is Thine image restored; and especially of our own nation, whose history has been so favored, whose position is so peerless, whose mission is so sublime, and whose future is so attractive; we thank Thee for the unspeakable patience of Thy compassion and the exceeding greatness of Thy loving-kindness. In contemplation of Eden, Calvary, and Heaven; of Christ in the Garden, on the Cross, and on the Throne; say, more, of Christ as coming again in all subduing power and glory; we gratefully prolong our homage. By this Altar of Sacrifice, on this Field of Deliverance, on this Mount of Salvation, within the fiery and bloody line of these 'munitions of rocks,' looking back to the dark days of fear and trembling, and to the rapture of relief that came after; we multiply our thanksgivings, and confess our obligations to renew and perfect our personal and social consecration to Thy service and" Thy "glory."

Amen.

PRAYER SUBMITTED FOR THE RECORD

Mr. LAWRENCE submitted a prayer for the Legislative Journal.

(For prayer, see Appendix.)

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, November 18, 2013, will be postponed until printed.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1489, PN 2685 (Amended) By Rep. BENNINGHOFF

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, providing for lottery winnings intercept.

FINANCE.

SB 21, PN 1585 (Amended) By Rep. WATSON

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in provisions and responsibilities for reporting suspected child abuse, further providing for definitions and for persons required to report suspected child abuse; providing for privileged communications; further providing for persons permitted to report suspected child abuse, for reporting procedure, for documentary evidence on a child subject to report and for taking child into protective custody; in organization and responsibilities of child protective service, repealing provisions relating to taking child into protective custody; and, in miscellaneous provisions, further providing for education and training.

CHILDREN AND YOUTH.

SB 23, PN 1586 (Amended) By Rep. WATSON

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions; and providing for expunction of information of perpetrator who was under 18 years of age when child abuse was committed.

CHILDREN AND YOUTH.

SB 28, PN 1589 (Amended) By Rep. MARSICO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, further providing for the offense of simple assault and for the offense of aggravated assault; and, in falsification and intimidation, providing for the offense of false reports of child abuse and for the offense of intimidation or retaliation in child abuse cases.

JUDICIARY.

SB 30, PN 1587 (Amended) By Rep. WATSON

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions; and further providing for amendment or expunction of information.

CHILDREN AND YOUTH.

SB 57, PN 1590 (Amended) By Rep. MARSICO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for exceptions to prohibition of interception and disclosure of communications.

JUDICIARY.

SB 150, PN 1591 (Amended) By Rep. MARSICO

An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, in DNA data and testing, further providing for policy, for definitions, for powers and duties of State Police, for State DNA Data Base, for State DNA Data Bank, for State Police recommendation of additional offenses, for procedural compatibility with FBI and for DNA sample required upon conviction, delinquency adjudication and certain ARD cases; providing for collection from persons accepted from other jurisdictions; further providing for procedures for withdrawal, collection and transmission of DNA samples, for procedures for conduct, disposition and use of DNA analysis; providing for request for modified DNA search; and further providing for DNA data base exchange, for expungement and for mandatory cost.

JUDICIARY.

SB 681, PN 1592 (Amended) By Rep. MARSICO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the protection of victims of sexual violence, for duties of law enforcement agencies, for procedure and for penalties; and, in juvenile matters, further providing for definitions.

JUDICIARY.

SB 1116, PN 1588 (Amended) By Rep. WATSON

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for services for prevention, investigation and treatment of child abuse and for investigation of reports.

CHILDREN AND YOUTH.

**RESOLUTION REPORTED
FROM COMMITTEE****HR 537, PN 2688** (Amended) By Rep. MARSICO

A Resolution recognizing ChildFirst Pennsylvania for its forensic interviewer child abuse training program and commitment to training members of multi-disciplinary investigative teams in Pennsylvania.

JUDICIARY.

SENATE MESSAGE**RECESS RESOLUTION
FOR CONCURRENCE**

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate,
November 18, 2013

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Tuesday, December 3, 2013, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses the week of December 3rd, it reconvene on Monday, December 9, 2013, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, December 9, 2013, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 1847 By Representatives V. BROWN, ROCK, EVERETT, ROAE, THOMAS, ENGLISH, FLYNN, DONATUCCI, KINSEY, COHEN, CALTAGIRONE, MILLARD, D. COSTA and NEILSON

An Act amending the act of November 29, 1990 (P.L.585, No.148), known as the Confidentiality of HIV-Related Information Act, further providing for definitions, for certification of significant exposure and testing procedures, for confidentiality of records and for court order.

Referred to Committee on JUDICIARY, November 19, 2013.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 403, PN 1548

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, November 19, 2013.

SB 995, PN 1549

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, November 19, 2013.

SB 1115, PN 1458

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, November 19, 2013.

LEAVES OF ABSENCE

The SPEAKER. The Speaker turns to leaves of absence and recognizes the majority whip, who indicates there are no requests for leaves today.

The Speaker recognizes the minority whip, who requests a leave of absence for the lady, Ms. BISHOP, from Philadelphia County for the day. Without objection, the leave will be granted.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****HB 803, PN 2686 (Amended) By Rep. CLYMER**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school health services, providing for school access to emergency epinephrine.

EDUCATION.

HB 1741, PN 2687 (Amended) By Rep. CLYMER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in duties and powers of boards of school directors, providing for notice prior to approval of collective bargaining agreement.

EDUCATION.

SB 193, PN 140 By Rep. CLYMER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school health services, further providing for employment of school health personnel.

EDUCATION.

SB 437, PN 1241 By Rep. CLYMER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in teacher certification, providing for military science certificates.

EDUCATION.

The SPEAKER. Will the members please report to the floor. We are about to take the master roll call.

MASTER ROLL CALL

The SPEAKER. We are about to take the master roll call. The members will proceed to vote.

The following roll call was recorded:

PRESENT—201

| | | | |
|-------------|--------------|------------|-------------|
| Adolph | Evankovich | Knowles | Petri |
| Aument | Evans | Kortz | Pickett |
| Baker | Everett | Kotik | Pyle |
| Barbin | Fabrizio | Krieger | Quinn |
| Barrar | Farina | Kula | Rapp |
| Benninghoff | Farry | Lawrence | Ravenstahl |
| Bizzarro | Fee | Longietti | Readshaw |
| Bloom | Fleck | Lucas | Reed |
| Boback | Flynn | Mackenzie | Reese |
| Boyle, B. | Frankel | Maher | Regan |
| Boyle, K. | Freeman | Mahoney | Roae |
| Bradford | Gabler | Major | Rock |
| Briggs | Gainey | Maloney | Roebuck |
| Brooks | Galloway | Markosek | Ross |
| Brown, R. | Gergely | Marshall | Rozzi |
| Brown, V. | Gibbons | Marsico | Sabatina |
| Brownlee | Gillen | Masser | Saccone |
| Burns | Gillespie | Matzie | Sainato |
| Caltagirone | Gingrich | McCarter | Samuelson |
| Carroll | Godshall | McGeehan | Sankey |
| Causser | Goodman | McGinnis | Santarsiero |
| Christiana | Greiner | McNeill | Saylor |
| Clay | Grell | Mentzer | Scavello |
| Clymer | Grove | Metcalfe | Schlossberg |
| Cohen | Hackett | Metzgar | Schreiber |
| Conklin | Haggerty | Miccarelli | Simmons |
| Corbin | Hahn | Micozzie | Sims |
| Costa, D. | Haluska | Millard | Smith |
| Costa, P. | Hanna | Miller, D. | Snyder |
| Cox | Harhai | Miller, R. | Sonney |
| Cruz | Harhart | Milne | Stephens |
| Culver | Harkins | Mirabito | Stern |
| Cutler | Harper | Miranda | Stevenson |
| Daley, M. | Harris, A. | Molchaney | Sturla |
| Daley, P. | Harris, J. | Moul | Swanger |
| Davidson | Heffley | Mullery | Tallman |
| Davis | Helm | Mundy | Taylor |
| Day | Hennessey | Murt | Thomas |
| Dean | Hickernell | Mustio | Tobash |
| Deasy | James | Neilson | Toepel |
| DeLissio | Kampf | Neuman | Toohil |
| Delozier | Kauffman | O'Brien | Truitt |
| DeLuca | Kavulich | O'Neill | Turzai |
| Denlinger | Keller, F. | Oberlander | Vereb |
| Dermody | Keller, M.K. | Painter | Vitali |
| DiGirolamo | Keller, W. | Parker | Waters |
| Donatucci | Killion | Pashinski | Watson |
| Dunbar | Kim | Payne | Wheatley |
| Ellis | Kinsey | Peifer | White |
| Emrick | Kirkland | Petrarca | Youngblood |
| English | | | |

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Bishop

The SPEAKER. Two hundred and one members having voted on the master roll call, a quorum is present.

If I could have the members' attention, I would appreciate if the members take their seats and clear the aisles. I appreciate the members taking their seats.

150TH ANNIVERSARY OF GETTYSBURG ADDRESS

REMARKS BY SPEAKER

The SPEAKER. One hundred and fifty years ago today, Abraham Lincoln arrived at a cemetery in Gettysburg to give a speech. The occasion was the dedication of a military cemetery for the soldiers who had died in a bloody battle the previous July.

President Lincoln's speech was not the keynote address. That honor had been given to Edward Everett, an accomplished statesman who was known as one of the great American orators in the Civil War era. Everett was also known for his long speeches. The nearly 2-hour dissertation he gave on November 19 in Soldiers' National Cemetery was in sharp contrast to President Lincoln's 2-minute speech.

The Gettysburg Address contains approximately 270 words. I said 270 because there are a couple different versions that go from, I think, 268 to 272 or 273 words, but there are a few competing versions. The vast majority of them have only one syllable. The speech is 10 sentences long. It has a simple, recognizable structure that was common for public speeches of the time and continues to serve as a model for speechwriters today.

GETTYSBURG ADDRESS PRESENTED BY GETTYSBURG AREA HIGH SCHOOL ARMY JROTC CADETS

The SPEAKER. To commemorate the 150th anniversary of President Abraham Lincoln's best known speech, we have invited members of Gettysburg High School's Junior ROTC (Reserve Officer Training Corps) program here to deliver it to us. It is my pleasure to invite Kelso Riley, Jack Tully, Dakota Peterson, Alex Fata, Emma Bahm, and Brice Murray to the rostrum to recite the Gettysburg Address.

Their adviser and coach is Col. Michael Wertz, who is sitting to the left of the rostrum.

The Gettysburg Address was recited by Gettysburg Area High School's ARMY JROTC cadets:

Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us – that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion – that we here highly resolve that these dead shall not have died in vain – that this nation, under God, shall have a new birth of freedom – and that government of the people, by the people, for the people, shall not perish from the earth.

DR. RANDALL MILLER PRESENTED

The SPEAKER. There are some myths that have attached themselves to the Gettysburg Address over the years. One is that Lincoln jotted the speech down on the back of an envelope or on a wrapping paper as he rode on the train from Washington to Gettysburg.

Today we have with us Dr. Randall Miller, a professor of history at Saint Joseph's University, to address some of the most popular misconceptions surrounding this famous speech.

Dr. Miller has developed a national reputation as a commentator on a variety of issues. He speaks often on a wide array of historical subjects that include the Civil War and Reconstruction, national and regional politics and government, power and class in America, and the history of immigration.

He is the author or editor of more than 20 books and recently completed a new book on Lincoln and leadership and another on the northern home front during the Civil War.

Dr. Miller is the former editor of the Pennsylvania Magazine of History and Biography and the coeditor of "Pennsylvania: A History of the Commonwealth." He is also a former president of the Pennsylvania Historical Association and served as a Commonwealth Speaker for the Pennsylvania Humanities Council.

It is now my pleasure to present to you Dr. Randall Miller.

Dr. MILLER. Thank you, Mr. Speaker, for the most generous introduction and thank you all for the opportunity to give my own brief remarks on perhaps the most remarkable and certainly the most memorable speech in American history.

There is an old axiom for anyone daring to say anything about the Gettysburg Address – namely, you should never talk longer than Lincoln's original, which was roughly 2 minutes in speaking time. Yikes. Mr. Smith, the Speaker of the House, has me on a tight leash so I cannot go too far beyond that standard, but being a college professor with a podium, it is hard not to blather on for more than 2 minutes about anything. We do that. And there is much to say about Lincoln's Gettysburg Address, as the large literature on the subject attests.

On November 19, 1863, 150 years ago today, Lincoln gave a great and enduring speech because he was always aware of why he was giving it and to whom and for whom he was speaking. Lincoln did not give many speeches as President. He learned early on, when he was en route to his inauguration in 1861 and gave extemporaneous speeches to please the crowds, that his words really mattered and that his words could be easily, and even purposefully, distorted. He became a very careful speechwriter thereafter, and he was very much so in drafting and delivering the Gettysburg Address.

Lincoln also understood that to be effective, any speech must be aware of at least three factors: the occasion for the speech, the setting for the speech, and the audience for the speech. Lincoln kept all three factors in mind when he accepted the invitation to make "a few appropriate remarks" at the dedication of the new national cemetery at Gettysburg, where the Union dead from the great 3-day battle in July would be reinterred and where the nation would not only claim and honor the dead but also would obligate the living to remember why those men had fought and why the fight must continue.

Stories of Lincoln's writing the speech abound, and much of the popular account is covered in myth. For the record, Lincoln did not dash off the speech in a moment of inspiration or scratch it out full while traveling to Gettysburg on a train from Washington. In fact, he thought hard about what he understood was to be a speech dedicating a cemetery but also a political speech to rally further support for a war that already had taken over a quarter million lives and seemed stalled with no end in sight, and also, to rally support for the new purpose of the war – namely, that new birth of freedom promised in the Emancipation Proclamation of January 1863. It was, after all, to be a new nation, not an old Union, that now must come from the war. And significantly, Lincoln used the word "nation" five times in his speech, the first time a President used that and did not use the word "Union."

Like all of Lincoln's speeches, Lincoln structured his speech with a look back to the past in order to assess the present and chart a future. While in Washington, Lincoln wrote out his famous opening of the speech: "Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal." In doing so, he harked back to the Declaration of Independence as the people's lodestar, which for Lincoln it always was and must be. He had used the phrase once before in July 1863 and now did so again, both for its rhythmic cadence and biblical reference, which suffused his speech, and also to ground his thoughts in the fundamental truth and obligation of America – namely, to fulfill the American Revolution's promise of securing liberty, which, by the way, Lincoln capitalized in his speech, the only word besides "God." The speech ended with that dedication again. Lincoln continued the speech by noting why he and others were gathered at that Gettysburg cemetery that day. A mighty battle had been fought, and the nation needed to honor its dead.

But Lincoln did not finish writing his speech while he was in Washington. There was other pressing business at hand, such as managing a war. He continued to think about the speech while he was still in Washington. That preparation included asking the landscape gardener who had designed the grounds at Gettysburg cemetery to review the layout, topography, and all with him so he would know the nation's resting place even before going there. And he had to know the place to speak there for the people.

Lincoln returned to writing his speech after he settled into David Wills's house in Gettysburg the day before the dedication ceremony. Lincoln's journey to Gettysburg and time there profoundly affected his understanding of what he needed to say there. He saw part of the battlefield, still scarred from the raging fight a few months earlier, the tombs of men to be reinterred at the cemetery, caskets at the train station, and the little town festooned in banners and flags in preparation for a great public celebration. Especially important, on the morning of the

dedication, Lincoln toured the battlefield and visited the site where his friend, the gallant and brave General Reynolds, had been killed on the first day of the fight. Lincoln was deeply moved by the physical and emotional realities of the place and the memory, and he returned to the Wills house to revise his talk to be delivered later that same day. The revised speech now included a new second page that emphasized the purpose for the occasion and the setting – to dedicate the place, the soldiers, and the cause. He used the word "dedicate" six times in the speech he gave that day. He also underscored only one word for emphasis in delivering the speech. The only word so marked for emphasis was "did," when he stated "The world will little note, nor long remember what we say here, but it can never forget what they did here." Contemporary accounts of the speech note that when Lincoln spoke those words, some listeners wept.

Lincoln was almost in tears himself at the ceremony. The day had begun with a solemn procession, hymns sung, prayers given, and then Edward Everett's majestic 2-hour recounting of the battle that did move the assembled throng to tears and Everett's paean to the Union that brought cheers. All of this affected the President too, so much so that while delivering his own accounting of the battle, burial, and the burdens of history, Lincoln added "under God" to his peroration. Those two words are not in Lincoln's drafts of the speech. They came from the moment and the emotions of the place, the day, the dedication. Interestingly, and perhaps providentially, by 2 o'clock when Lincoln began his address, the sun had burned off the morning clouds and a beautiful Indian summer day now shined down on the grounds.

In examining the speech, it is significant that the first part was largely drafted in Washington and hardly revised thereafter. But the second part, as delivered, was different from the earlier drafts of the speech. As historian Martin Johnson has observed in his new book tracking the writing process – I am quoting here – "The experience of the town, the battlefield, the cemetery, and the ceremony – all that Gettysburg was and became for Lincoln – actually transformed his vision and became encoded" in his speech. Indeed, the speech was a living document to its very moment of Lincoln reading it in his solemn businesslike manner, as was his habit, with every word resonating with meaning and with the crowd listening raptly.

The speech summed up why people needed to gather at the new cemetery and the battlefield. It was essential that they remember that men had died there, but more so, it was essential to give meaning to that sacrifice by understanding why they fought and gave the last full measure, and why the great task before the nation must be completed. The occasion, the setting, and the audience all came together in the speech as the President linked the Declaration of Independence and the obligations of the Founding generation to the battle and the dedication and the obligations of the present and future generations.

With that, Lincoln spoke not just for his time but for all time, which means for our time. The Gettysburg Address in its 150th year still echoes loudly the promise to which we must rededicate ourselves. It is summed up for us, as for Lincoln and his generation, in the great peroration that explains everything. "It is rather for us to be here dedicated to the great task remaining before us – that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion – that we here highly resolve that these dead shall not have died in vain – that this nation, under God,

shall have a new birth of freedom – and that government of the people, by the people, for the people, shall not perish from the earth." Let it be so from this day forward. Thereby, we too will stand with Lincoln now and ever after.

Thank you very much.

The SPEAKER. Thank you, Dr. Miller.

CUMBERLAND VALLEY HIGH SCHOOL CHOIR PRESENTED

The SPEAKER. Of all the songs written during and about the Civil War, perhaps none is as strongly identified with the cause as "The Battle Hymn of the Republic." I would now like to introduce the Cumberland Valley High School ensemble, under the direction of Carol Anderson, to conclude our program by singing this patriotic song.

("The Battle Hymn of the Republic" was sung by the Cumberland Valley High School Choir.)

The SPEAKER. For the information of the members – thank you very much; that was wonderful – we have one other resolution that we are going to consider on the uncontested calendar and have a few members that would like to speak pertaining to the 150th anniversary.

So while that sort of concludes the official program, we have one resolution that kind of ties into this.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. READSHAW called up **HR 384, PN 2107**, entitled:

A Resolution designating November 21, 2013, as "Children's Grief Awareness Day" in Pennsylvania.

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Mr. HACKETT called up **HR 540, PN 2612**, entitled:

A Resolution recognizing November 21, 2013, as "The Great American Smokeout Day" in Pennsylvania.

* * *

Mr. COHEN called up **HR 551, PN 2641**, entitled:

A Resolution designating November 19, 2013, as "National Memory Screening Day" in Pennsylvania.

* * *

Mrs. DEAN called up **HR 556, PN 2664**, entitled:

A Resolution commemorating the 150th anniversary of the delivery of the Gettysburg Address by President Abraham Lincoln.

* * *

Mrs. R. BROWN called up **HR 561, PN 2668**, entitled:

A Resolution designating November 2013 as "American Music Month" in Pennsylvania.

On the question,

Will the House adopt the resolutions?

The following roll call was recorded:

YEAS–201

| | | | |
|-------------|--------------|------------|-------------|
| Adolph | Evankovich | Knowles | Petri |
| Aument | Evans | Kortz | Pickett |
| Baker | Everett | Kotik | Pyle |
| Barbin | Fabrizio | Krieger | Quinn |
| Barrar | Farina | Kula | Rapp |
| Benninghoff | Farry | Lawrence | Ravenstahl |
| Bizzarro | Fee | Longietti | Readshaw |
| Bloom | Fleck | Lucas | Reed |
| Boback | Flynn | Mackenzie | Reese |
| Boyle, B. | Frankel | Maher | Regan |
| Boyle, K. | Freeman | Mahoney | Roae |
| Bradford | Gabler | Major | Rock |
| Briggs | Gainey | Maloney | Roebuck |
| Brooks | Galloway | Markosek | Ross |
| Brown, R. | Gergely | Marshall | Rozzi |
| Brown, V. | Gibbons | Marsico | Sabatina |
| Brownlee | Gillen | Masser | Saccione |
| Burns | Gillespie | Matzie | Sainato |
| Caltagirone | Gingrich | McCarter | Samuelson |
| Carroll | Godshall | McGeehan | Sankey |
| Causar | Goodman | McGinnis | Santarsiero |
| Christiana | Greiner | McNeill | Saylor |
| Clay | Grell | Mentzer | Scavello |
| Clymer | Grove | Metcalfe | Schlossberg |
| Cohen | Hackett | Metzgar | Schreiber |
| Conklin | Haggerty | Miccarelli | Simmons |
| Corbin | Hahn | Micozzie | Sims |
| Costa, D. | Haluska | Millard | Smith |
| Costa, P. | Hanna | Miller, D. | Snyder |
| Cox | Harhai | Miller, R. | Sonney |
| Cruz | Harhart | Milne | Stephens |
| Culver | Harkins | Mirabito | Stern |
| Cutler | Harper | Miranda | Stevenson |
| Daley, M. | Harris, A. | Molchany | Sturla |
| Daley, P. | Harris, J. | Moul | Swanger |
| Davidson | Heffley | Mullery | Tallman |
| Davis | Helm | Mundy | Taylor |
| Day | Hennessey | Murt | Thomas |
| Dean | Hickernell | Mustio | Tobash |
| Deasy | James | Neilson | Toepel |
| DeLissio | Kampf | Neuman | Toohil |
| Delozier | Kauffman | O'Brien | Truitt |
| DeLuca | Kavulich | O'Neill | Turzai |
| Deringer | Keller, F. | Oberlander | Vereb |
| Dermody | Keller, M.K. | Painter | Vitali |
| DiGirolamo | Keller, W. | Parker | Waters |
| Donatucci | Killion | Pashinski | Watson |
| Dunbar | Kim | Payne | Wheatley |
| Ellis | Kinsey | Peifer | White |
| Emrick | Kirkland | Petrarca | Youngblood |
| English | | | |

NAYS–0

NOT VOTING–0

EXCUSED–1

Bishop

The majority having voted in the affirmative, the question was determined in the affirmative and the resolutions were adopted.

STATEMENT BY MRS. DEAN

The SPEAKER. I would like to recognize the lady from Montgomery County, Mrs. Dean, and subsequently, the gentleman from Adams County, Mr. Moul, under unanimous consent relative to the resolution just adopted.

Mrs. DEAN. Thank you, Mr. Speaker, and thank you for this beautiful program and all its talented participants.

Like you, I rise today to remember the 150th anniversary of President Lincoln's Gettysburg Address, and I thank all of you for your enthusiastic support of HR 556, which remembers Lincoln's words.

One hundred and fifty years ago, Lincoln was asked to offer words to dedicate Soldiers' National Cemetery, not far from here, in Gettysburg, and it is from that assignment of dedication that Lincoln gave all Americans this lasting gift.

By this resolution, I invite you to reexamine this speech for its content and style – and like the good professor, I am mindful of how brief it is and that I must be as brief – to discover just what makes these 10 sentences and these 270-or-so words so lasting. Part of its magic is its compact simplicity, its use of language. Notice that most of the words are a single syllable. Notice the elegant repetition of words, words like "nation," "devotion," "consecrate," "conceived," "shall," and most notably, the six times Lincoln uses the word "dedicate" in various forms. Notice his graceful use of triplets, such as "...we cannot dedicate, we cannot consecrate, we cannot hallow this ground" or a "...government of the people, by the people, for the people...."

But as beautiful as the words are, it is the content and clarity of argument that are more powerful. Lincoln was speaking about the war dead and demanding that their great sacrifice was not simply an act to preserve the Union, but through their sacrifice, that the nation would be reborn.

Lincoln saw in them, the dead and the living standing before him, what we search for in ourselves: dedication to the belief that all men are created equal and dedication to the belief that through self-government and self-sacrifice America can endure and be reborn.

The other important speaker of the day spoke for 2 hours, nearly 13,000 windy words. How wise and humble of a President to understand that words matter less than acts.

So in all we do here, I want to remember that humility. Let us rededicate ourselves to the ideals of self-governance, self-sacrifice, and equality.

Again, I thank you, Mr. Speaker.

STATEMENT BY MR. MOUL

The SPEAKER. The gentleman from Adams County, Mr. Moul, is recognized.

Mr. MOUL. Thank you, Mr. Speaker.

Before I get started – and I can assure you, I cannot do mine in 2 minutes – I would be remiss if I did not say thank you once again to the Gettysburg Junior ROTC and to the Cumberland Valley High School chorus. You certainly are the future of our country, and it is up to each and every one of us in this chamber to make sure that we leave this place a better place for you than what we found it.

Yesterday 150 years ago, Abraham Lincoln arrived in Gettysburg on a train and was met by several or hundreds of his followers; a friend of his by the name of David Wills, a local attorney in Gettysburg, where he would spend the night, along with 37 other people, hosted in his home. They made their way up the hill to the square of Gettysburg where David Wills had his residence as well as his law practice. They enjoyed an evening of camaraderie, companionship, maybe a libation or two – I am not sure about that one – but that is where Lincoln decided to spend the night, on the second floor in a bedroom. Most of us who live in that area choose to believe that is where the Gettysburg Address was drafted; some say it was finished there. None of us will really know for sure.

But fast-forward 145 years till 5 years ago when an organization called Main Street Gettysburg looked at the David Wills house and said that this thing is a landmark and it is falling in disrepair. This is a very historical place. We have to do what we can to preserve it. They started a letter-writing campaign, one of which was to yours truly. They needed to find help, not only from government but from private funding, and they did, and they turned the David Wills house into an excellent museum historical to the day, even to the point where all the mortar in all the bricks is painted. But during the reconstruction of the David Wills house or refurbishment, if you will, some of the members of the Main Street Gettysburg committee got together and said, "We need to go find whatever period furniture and attire from that day we can find."

Now, David Wills had died in 1894 and his estate was left to four daughters of which scattered out. This committee found themselves in the State of Ohio speaking to a descendant of David Wills, an elderly couple, if you will, and while they were sitting in their living room talking about what might still be available, that might still be in the family, they said that they are really trying to get the bedroom back to the way it was. Do they know of or have pictures of maybe from that day or that period so that they could replicate it? And this elderly couple said, "I think we can help you out." The committee said, "Gosh, we would really like to see what the bed looked like. We need pictures of the bed." The elderly couple said, "Well, we can lend you the bed and the dresser." They said, "What?" "Yeah; we still have the bed and the dresser. We have that. It's here." They said, "You would be willing to lend that to us?" "Well, sure we would, but then we'd have to find something else to sleep in." Needless to say, they have a brand-new bedroom suite.

Lincoln made his way to the cemetery 150 years ago today, followed by hundreds of people, and in his brief and historic speech, Lincoln told the assembled crowd that while few people would remember his words that day, they and future generations must never forget what occurred here. He paid tribute to those whose blood was shed on the battlefields so that the nation might live. In little more than 2 minutes, Lincoln eloquently stated the significance of their sacrifice and our responsibility to uphold and protect the ideals on which we collectively stand.

Lincoln was in Gettysburg to honor the dead and dedicate their final resting place, but his message was for the living, for it was those who were left standing on that historic day and all who came after who bear the responsibility to ensure our democracy and the liberty it affords us are protected.

Our nation is a work in progress. We must continue to strive for a more perfect nation, a more perfect union. It begins with each one of us here. It starts in this chamber. Thank you.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

The House is going to go at ease for a couple of minutes, and if our guests want to leave – we are going to go into our normal routine at this point in time – you are free to get up and go.

The House will be at ease for a few minutes.

The House will come to order.

A couple of other members wanted to speak on unanimous consent relative to a couple of the other resolutions that were on the uncontested calendar.

STATEMENT BY MR. HACKETT

The SPEAKER. The Speaker recognizes the gentleman from Delaware County, Mr. Hackett, under unanimous consent.

Mr. HACKETT. Thank you, Mr. Speaker.

For the benefit of the members, I thought it would be helpful to provide you with a brief summary and background of that HR 540 that you just voted on.

Mr. Speaker, the American Cancer Society marks "The Great American Smokeout" on the third Thursday of November each year by encouraging smokers to use that date to stay smoke-free for 24 hours and to use that time to make a plan to quit for good.

Quitting smoking is the most important thing you can do for your health, and The Great American Smokeout is an excellent way to start.

Thank you for your time, and thank you to the members for their unanimous vote. Thank you, Mr. Speaker.

GUESTS INTRODUCED

The SPEAKER. We got things a little bit out of their normal order with the previous ceremony, but in conjunction with the gentleman's comments, I would like to recognize some of his guests that are with us. Located in the rear of the House, we would like to welcome Phyllis Jester, tobacco treatment counselor at Riddle Hospital; and Ellen Williams, administrative director at Crozer-Keystone Health System. Will our guests please rise; back, center left. Welcome to the hall of the House.

STATEMENT BY MR. COHEN

The SPEAKER. Is the gentleman from Philadelphia County, Mr. Cohen, seeking recognition under unanimous consent relative to one of the resolutions? The gentleman is in order.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, today is National Memory Screening Day in Pennsylvania and across the nation. The Alzheimer's Foundation of America established this day as a collaborative effort with local organizations and health-care professionals across the country to promote awareness, early detection, and early diagnosis of memory impairment so that individuals can obtain proper medical treatment, social services, and other resources related to their condition.

Alzheimer's disease, the sixth leading cause of death in the United States, is a slow, progressive disorder of the brain that results in loss of memory and other cognitive function and eventually death.

Not all memory loss leads to Alzheimer's disease. Unfortunately, the stigma associated with memory loss often delays screening and diagnosis for up to 6 years. Early detection of memory problems is crucial. Memory screening is used as a diagnostic tool to determine whether a person might benefit from a further examination by a qualified health-care provider. It is not used to diagnose any illness. Memory screenings are a safe and cost-effective intervention to direct at-risk individuals to appropriate clinical resources; as such, reduces the costs of long-term care or hospitalizations resulting from undiagnosed complications. Screenings also greatly benefit those with normal scores by allaying fears and promoting chronic disease prevention and successful aging.

I urge everyone to take advantage of the face-to-face memory screenings taking place today at sites throughout the Commonwealth by qualified health-care professionals. The screenings are free and the results are confidential.

I deeply appreciate the support of the members of the House for this resolution. It sends a very positive message to the people of Pennsylvania and to the degree people pay attention to it and to similar promotional efforts by the Alzheimer's Foundation. Their lives and the lives of their family members will be enhanced. Thank you again.

The SPEAKER. The Speaker thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER. The Speaker would like to recognize an additional guest that is with us. In the rear of the House, we would like to welcome Alan Smith and would like to congratulate him on his retirement as executive director of the Huntingdon/Bedford/Fulton County Area Agency on Aging. Alan has been a tireless advocate for the needs, rights, and safety of older Pennsylvanians for nearly 37 years, and he is here today as a guest of Representative Fleck. Will our guest please rise; back there under the left flag.

STATEMENT BY MR. HENNESSEY

The SPEAKER. The Speaker recognizes the gentleman, Mr. Hennessey, under unanimous consent.

Mr. HENNESSEY. Thank you, Mr. Speaker.

As chairman of the House Aging and Older Adult Services Committee, I wish to join you in recognizing Alan Smith and congratulating him on a very successful career. He has dedicated his entire career to serving the elderly in the Commonwealth, and we are all better off for his efforts.

So while we wish him well in retirement, we will keep his cell phone number handy because we will be calling him for advice and counsel.

Congratulations, Alan, again, and thank you.

Thank you, Mr. Speaker.

GUESTS INTRODUCED

The SPEAKER. Also located in the gallery, we would like to welcome seventh and eighth grade enrichment program students from Representative Stephens's district. Will our guests please rise. Maybe they left already; I apologize. Well, they are welcome to the floor of the House anyway.

Located in the rear of the House, we would also like to welcome Darren Miller. Darren is the first American male to complete the Ocean's Seven Challenge, and he is here today as a guest of Representative Krieger. Will the guest please rise; by the left door. Welcome to the hall of the House.

And in the well of the House, we have guest page Zachery Gates. He is a junior at Middletown Area High School and a guest of Representative Hickernell. Welcome to the hall of the House. He is coming down the aisle.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. KRIEGER called up **HR 552, PN 2657**, entitled:

A Resolution honoring the achievements of Darren Miller, a resident of Delmont, Pennsylvania, and the first American male to complete the Ocean's Seven Challenge.

On the question,
Will the House adopt the resolution?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Westmoreland County, Mr. Krieger.

Mr. KRIEGER. Thank you, Mr. Speaker.

Today it is my privilege to welcome an extraordinarily talented, world-class athlete to the House floor.

When the House first recognized Darren Miller back in 2011, he was already counted among the few men who were willing to take on the Ocean's Seven Challenge. Now, the Ocean's Seven Challenge consists of swimming the seven toughest channels around the world.

Darren swam the English Channel in 2010, the Catalina Channel in 2011, and set a new world record for Hawaii's 27-mile-long Moloka'i Channel in October of 2011. Now, throughout 2012 and '13, he completed a 10-mile swim of the Strait of Gibraltar, a 13-mile swim of the Tsugaru Channel in Japan, and a 20-mile swim of the Cook Strait, which is between the North and South Islands of New Zealand. Finally, on August 29, 2013, Darren completed a 21-mile-long swim of the North Channel between Northern Ireland and Scotland to become the first-ever American male to complete the Ocean's Seven Challenge. Along the way he battled jellyfish, sharks, cold temperatures, heavy current, wind, and surf.

Now, every step of the way Darren remained dedicated to his work encouraging individuals to push their mental and physical capabilities to the limits and to maximize their true potential.

Today 100 percent of all of Darren's athletic sponsorship donations continue to benefit Team Forever and the Forever Fund. Now, both of these organizations are dedicated to helping families offset the expensive costs of infant cardiothoracic surgeries that take place at the University of Pittsburgh Medical Center Children's Hospital.

GUESTS INTRODUCED

Mr. KRIEGER. With Darren today are his parents, Marcella and Frederick, and, Darren, I would ask you to rise again.

And, Mr. Speaker, in light of these unprecedented accomplishments, I would invite the full House to stand and give him a rousing round of applause for his excellence, for his tenaciousness, and for his generous spirit.

The SPEAKER. The question is, will the House adopt the resolution?

On that question, the Speaker recognizes the gentleman from Westmoreland County, Mr. Evankovich.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

I rise briefly this morning to honor the incredible accomplishments of a friend and a fellow classmate of Franklin Regional High School, Darren Miller.

Back at Franklin Regional at the close of the 20th century, the sun was setting on my athletic career, but that sun was only rising on Darren's. You know, some careers, some athletic careers measure themselves on medals, extravagant contracts, and fame. Darren measures his in three ways: doing the near impossible, being the first American to ever accomplish this great feat, and raising money for the great charities at the Children's Hospital of Pittsburgh.

Darren's journey has taken him through frigid waters, shark- and jellyfish-infested areas. He had no rest. He had no protection from the elements, and, Darren, good work.

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

| | | | |
|-------------|------------|------------|-------------|
| Adolph | Evankovich | Knowles | Petri |
| Aument | Evans | Kortz | Pickett |
| Baker | Everett | Kotik | Pyle |
| Barbin | Fabrizio | Krieger | Quinn |
| Barrar | Farina | Kula | Rapp |
| Benninghoff | Farry | Lawrence | Ravenstahl |
| Bizzarro | Fee | Longietti | Readshaw |
| Bloom | Fleck | Lucas | Reed |
| Boback | Flynn | Mackenzie | Reese |
| Boyle, B. | Frankel | Maher | Regan |
| Boyle, K. | Freeman | Mahoney | Roae |
| Bradford | Gabler | Major | Rock |
| Briggs | Gainey | Maloney | Roebuck |
| Brooks | Galloway | Markosek | Ross |
| Brown, R. | Gergely | Marshall | Rozzi |
| Brown, V. | Gibbons | Marsico | Sabatina |
| Brownlee | Gillen | Masser | Sacccone |
| Burns | Gillespie | Matzie | Sainato |
| Caltagirone | Gingrich | McCarter | Samuelson |
| Carroll | Godshall | McGeehan | Sankey |
| Causser | Goodman | McGinnis | Santarsiero |
| Christiana | Greiner | McNeill | Saylor |
| Clay | Grell | Mentzer | Scavello |
| Clymer | Grove | Metcalfe | Schlossberg |
| Cohen | Hackett | Metzgar | Schreiber |
| Conklin | Haggerty | Miccarelli | Simmons |
| Corbin | Hahn | Micozzie | Sims |
| Costa, D. | Haluska | Millard | Smith |
| Costa, P. | Hanna | Miller, D. | Snyder |
| Cox | Harhai | Miller, R. | Sonney |
| Cruz | Harhart | Milne | Stephens |
| Culver | Harkins | Mirabito | Stern |
| Cutler | Harper | Miranda | Stevenson |
| Daley, M. | Harris, A. | Molchaney | Sturla |
| Daley, P. | Harris, J. | Moul | Swanger |
| Davidson | Heffley | Mullery | Tallman |

| | | | |
|------------|--------------|------------|------------|
| Davis | Helm | Mundy | Taylor |
| Day | Hennessey | Murt | Thomas |
| Dean | Hickernell | Mustio | Tobash |
| Deasy | James | Neilson | Toepel |
| DeLissio | Kampf | Neuman | Toohil |
| Delozier | Kauffman | O'Brien | Truitt |
| DeLuca | Kavulich | O'Neill | Turzai |
| Denlinger | Keller, F. | Oberlander | Vereb |
| Dermody | Keller, M.K. | Painter | Vitali |
| DiGirolamo | Keller, W. | Parker | Waters |
| Donatucci | Killion | Pashinski | Watson |
| Dunbar | Kim | Payne | Wheatley |
| Ellis | Kinsey | Peifer | White |
| Emrick | Kirkland | Petrarca | Youngblood |
| English | | | |

NAYS—0

NOT VOTING—0

EXCUSED—1

Bishop

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1410, PN 2514**, entitled:

An Act designating the interchange of US Route 119 and US Route 22 in Burrell Township, Indiana County, as the Staff Sergeant Glen H. Stivison, Jr., Memorial Interchange.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Indiana County, Mr. Reed.

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

On the day when we honor the Gettysburg Address and we remember the words of a great American President and honor the memory of so many of our soldiers who fought for the freedoms we enjoy today, it seems fitting that we honor the memory of yet another soldier who was willing to make the ultimate sacrifice so that we could still live in the land of the free and home of the brave.

Today I rise in recognition of a soldier, of a patriot, and of a hero, S. Sgt. Glen Stivison, Jr.

Staff Sergeant Stivison was from my hometown of Homer City. He graduated from a neighboring high school, Blairsville High School, in 1994, where he lettered in both football and in wrestling. And in fact, when I was a football player at Homer-Center, I played against Staff Sergeant Stivison my first year.

Glen followed in the footsteps of his grandfathers and enlisted in the United States Army just 2 years later in 1996, training to be a combat engineer. Over the next 13 years, he saw service in Korea, in Iraq, and in Afghanistan. It was in Afghanistan where Staff Sergeant Stivison made the ultimate sacrifice. On October 15, 2009, while involved in a rescue mission near the Kandahar Bridge, the vehicle he was commanding was hit by an IED (improvised explosive device), killing Staff Sergeant Stivison, but also three fellow soldiers. Glen, at the age of just 34 years of age, left behind his wife Eryn, and their children, William and Andrew, back at home in Colorado.

Staff Sergeant Stivison was an American hero. He was highly decorated, having been awarded the Bronze Star and the Purple Heart following his death. Over the course of his career, he earned a number of medals, including seven Army Achievement Medals, four Army Good Conduct Medals, and two Overseas Service Ribbons.

He is highly deserving of the honor that we bestow upon him today. In fact, he is more deserving of any honor we could possibly be bestowing upon him. Today we will rename the interchange of Route 119 and Route 22 in southern Indiana County, right over the hill from Blairsville High School where he graduated, we will rename it the Staff Sergeant Glen H. Stivison, Jr., Memorial Highway. It is the least we can do to honor the service of an American hero who fought and died for the freedoms we enjoy today.

GUESTS INTRODUCED

Mr. REED. I am also honored to welcome members of Glen's family who are here with us today to the left of the rostrum. If you could please join me in welcoming his parents, Glen and Jan Stivison, along with his brothers, William and Benjamin. If you all could please rise.

So today as we vote on HB 1410 and as we rename the interchange in Blairsville, Pennsylvania, I would ask that we not only remember S. Sgt. Glen Stivison, Jr., but we also say a little prayer for each and every soldier still overseas defending the freedoms that sometimes we take for granted in the security of our homes across Pennsylvania.

Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—201

| | | | |
|-------------|------------|-----------|------------|
| Adolph | Evankovich | Knowles | Petri |
| Aument | Evans | Kortz | Pickett |
| Baker | Everett | Kotik | Pyle |
| Barbin | Fabrizio | Krieger | Quinn |
| Barrar | Farina | Kula | Rapp |
| Benninghoff | Farry | Lawrence | Ravenstahl |
| Bizzarro | Fee | Longietti | Readshaw |
| Bloom | Fleck | Lucas | Reed |
| Boback | Flynn | Mackenzie | Reese |
| Boyle, B. | Frankel | Maher | Regan |
| Boyle, K. | Freeman | Mahoney | Roae |

| | | | |
|-------------|--------------|------------|-------------|
| Bradford | Gabler | Major | Rock |
| Briggs | Gainey | Maloney | Roebuck |
| Brooks | Galloway | Markosek | Ross |
| Brown, R. | Gergely | Marshall | Rozzi |
| Brown, V. | Gibbons | Marsico | Sabatina |
| Brownlee | Gillen | Masser | Saccone |
| Burns | Gillespie | Matzie | Sainato |
| Caltagirone | Gingrich | McCarter | Samuelson |
| Carroll | Godshall | McGeehan | Sankey |
| Causser | Goodman | McGinnis | Santarsiero |
| Christiana | Greiner | McNeill | Saylor |
| Clay | Grell | Mentzer | Scavello |
| Clymer | Grove | Metcalfe | Schlossberg |
| Cohen | Hackett | Metzgar | Schreiber |
| Conklin | Haggerty | Miccarelli | Simmons |
| Corbin | Hahn | Micozzie | Sims |
| Costa, D. | Haluska | Millard | Smith |
| Costa, P. | Hanna | Miller, D. | Snyder |
| Cox | Harhai | Miller, R. | Sonney |
| Cruz | Harhart | Milne | Stephens |
| Culver | Harkins | Mirabito | Stern |
| Cutler | Harper | Miranda | Stevenson |
| Daley, M. | Harris, A. | Molchany | Sturla |
| Daley, P. | Harris, J. | Moul | Swanger |
| Davidson | Heffley | Mullery | Tallman |
| Davis | Helm | Mundy | Taylor |
| Day | Hennessey | Murt | Thomas |
| Dean | Hickernell | Mustio | Tobash |
| Deasy | James | Neilson | Toepel |
| DeLissio | Kampf | Neuman | Toohil |
| Delozier | Kauffman | O'Brien | Truitt |
| DeLuca | Kavulich | O'Neill | Turzai |
| Denlinger | Keller, F. | Oberlander | Vereb |
| Dermody | Keller, M.K. | Painter | Vitali |
| DiGirolamo | Keller, W. | Parker | Waters |
| Donatucci | Killion | Pashinski | Watson |
| Dunbar | Kim | Payne | Wheatley |
| Ellis | Kinsey | Peifer | White |
| Emrick | Kirkland | Petrarca | Youngblood |
| English | | | |

NAYS—0

NOT VOTING—0

EXCUSED—1

Bishop

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.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman from Delaware County, Mr. Adolph, for a committee announcement.

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

Mr. Speaker, there will be an immediate Appropriations Committee meeting in the majority caucus room. Thank you.

The SPEAKER. There will be an immediate Appropriations Committee meeting in the majority caucus room.

REPUBLICAN CAUCUS

The SPEAKER. The Speaker recognizes the lady from Susquehanna County, Ms. Major, for a caucus announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce Republicans will caucus today at 2:30. I would ask our Republican members to please report to our caucus room at 2:30. We would be prepared to come back on the floor at 3:30. Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The Speaker recognizes the gentleman from Allegheny County, Mr. Frankel, for a caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 2:30. Democrats will caucus at 2:30. Thank you.

RECESS

The SPEAKER. This House stands in recess until 3:30, unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 5 p.m.; further extended until 6:30 p.m.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE

HB 207, PN 2558

By Rep. ADOLPH

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for autopsies.

APPROPRIATIONS.

SB 763, PN 782

By Rep. ADOLPH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for roster of parties hunting big game.

APPROPRIATIONS.

SB 1042, PN 1578

By Rep. ADOLPH

An Act amending the act of September 26, 1951 (P.L.1539, No.389), known as The Clinical Laboratory Act, further providing for definitions, for inspection, for unlawful conduct and for penalty.

APPROPRIATIONS.

SENATE MESSAGEHOUSE AMENDMENTS
TO SENATE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to **HB 290, PN 2651**.

SENATE MESSAGEHOUSE BILLS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 390, PN 401, and HB 714, PN 805**, with information that the Senate has passed the same without amendment.

SENATE MESSAGEAMENDED HOUSE BILLS RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 1348, PN 2680, and HB 1351, PN 2681**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 290, PN 2651

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, further providing for definitions and for games of chance permitted; providing for prohibition regarding pools; further providing for prize limits and for limited sales; providing for raffle sales; further providing for distributor licenses, for registration of manufacturers, for regulations of department, for licensing of eligible organizations to conduct games of chance, for special permits and for revocation of licenses; providing for affiliated clubs; further providing for enforcement; and providing for pool selling.

HB 390, PN 401

An Act amending the act of December 13, 1988 (P.L.1190, No.146), known as the First and Second Class County Property Tax Relief Act, further providing for conditions of deferral or exemption.

HB 714, PN 805

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of identity theft.

Whereupon, the Speaker, in the presence of the House, signed the same.

CALENDAR CONTINUED**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 106, PN 2654**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for period of registration and for display of registration plate; and in fees, further providing for annual registration fees.

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

AMENDMENT A04465 RECONSIDERED

The SPEAKER. On that question, the Speaker recognizes Representatives Saylor and Reed, who move that the vote by which HB 106, PN 2654, amendment A04465, was defeated on the 18th of November be reconsidered.

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

The following roll call was recorded:

YEAS—115

| | | | |
|-------------|--------------|------------|------------|
| Adolph | Farry | Killion | Peifer |
| Aument | Fee | Kinsey | Petri |
| Benninghoff | Fleck | Kirkland | Pyle |
| Boback | Frankel | Kortz | Quinn |
| Boyle, B. | Gainey | Lucas | Reed |
| Boyle, K. | Gergely | Maher | Regan |
| Brown, V. | Gillespie | Major | Ross |
| Brownlee | Gingrich | Markosek | Sankey |
| Burns | Godshall | Marshall | Saylor |
| Caltagirone | Goodman | Marsico | Scavello |
| Carroll | Greiner | Masser | Smith |
| Christiana | Grell | McGeehan | Sonney |
| Clay | Grove | Mentzer | Stephens |
| Clymer | Hackett | Miccarelli | Stern |
| Cohen | Hahn | Micozzie | Stevenson |
| Corbin | Hanna | Millard | Tallman |
| Cruz | Harhart | Miller, R. | Taylor |
| Culver | Harper | Milne | Thomas |
| Cutler | Harris, A. | Miranda | Tobash |
| Davidson | Harris, J. | Molchany | Toepel |
| Delozier | Heffley | Moul | Toohil |
| Denlinger | Helm | Murt | Turzai |
| Dermody | Hennessey | Mustio | Vereb |
| Donatucci | Hickernell | Neilson | Vitali |
| Dunbar | James | O'Brien | Waters |
| Ellis | Kampf | O'Neill | Watson |
| English | Keller, F. | Oberlander | Wheatley |
| Evankovich | Keller, M.K. | Parker | Youngblood |
| Everett | Keller, W. | Payne | |

NAYS—86

| | | | |
|-----------|------------|-----------|------------|
| Baker | DiGirolamo | Lawrence | Ravenstahl |
| Barbin | Emrick | Longietti | Readshaw |
| Barrar | Evans | Mackenzie | Reese |
| Bizzarro | Fabrizio | Mahoney | Roae |
| Bloom | Farina | Maloney | Rock |
| Bradford | Flynn | Matzie | Roebuck |
| Briggs | Freeman | McCarter | Rozzi |
| Brooks | Gabler | McGinnis | Sabatina |
| Brown, R. | Galloway | McNeill | Sacccone |

| | | | |
|-----------|----------|------------|-------------|
| Causer | Gibbons | Metcalf | Sainato |
| Conklin | Gillen | Metzgar | Samuelson |
| Costa, D. | Haggerty | Miller, D. | Santarsiero |
| Costa, P. | Haluska | Mirabito | Schlossberg |
| Cox | Harhai | Mullery | Schreiber |
| Daley, M. | Harkins | Mundy | Simmons |
| Daley, P. | Kauffman | Neuman | Sims |
| Davis | Kavulich | Painter | Snyder |
| Day | Kim | Pashinski | Sturla |
| Dean | Knowles | Petrarca | Swanger |
| Deasy | Kotik | Pickett | Truitt |
| DeLissio | Krieger | Rapp | White |
| DeLuca | Kula | | |

NOT VOTING—0

EXCUSED—1

Bishop

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. **A04465**:

Amend Bill, page 1, lines 1 through 7, by striking out all of said lines and inserting

Amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes by:

–In Title 74:

Providing for organization.

In administrative practice and procedure, further providing for minority and women-owned business participation.

In sustainable mobility options:

further providing for definitions, for department authorization, for the Public Transportation Trust Fund, for application and approval process, for executive and legislative reports, for coordination, for asset improvement program, for Statewide programs and for capital improvements program.

Providing for multimodal transportation funding.

In airport operation and zoning, providing for first class city consolidated car rental facilities.

In Turnpike:

further providing for commission; and providing for annual hearing.

In Turnpike Commission standards of conduct, further providing for code of conduct.

Providing for traffic signals.

Establishing the Bridge Bundling Program.

Providing for public utility facilities.

Providing for steel painting.

In Public/Private Transportation Partnerships, further providing for applicability of other laws.

–In Title 75:

In registration of vehicles:

further providing for period of registration, for display of registration plate and for certain special plates.

In licensing of drivers, further providing for judicial review, for occupational limited license and for probationary license.

In commercial drivers, further providing for fees.

In financial responsibility, further providing for required financial responsibility.

In fees:

further providing for limitation on local license fees and taxes, for collection and disposition of fees and money, for motor homes, for annual registration fees, for trucks and truck tractors, for motor buses and limousines, for school buses and school vehicles, for trailers, for special mobile equipment, for implements of husbandry, for farm vehicles, for ambulances, taxis and hearses, for dealers and miscellaneous motor vehicle business, for farm equipment vehicle dealers, for transfer of registration, for temporary and electronically issued registration plates, for replacement registration plates, for legislative registration plates, for personal registration plates, for street rod registration plates, for duplicate registration cards and for commercial implements of husbandry;

providing for fee for local use; and

further providing for special hauling permits as to weight and size, for annual hauling permits, for mobile homes, modular housing units and modular housing undercarriages, for books of permits, for refund of certain fees, for driver's license and learner's permit, for certificate of title, for security interest, for information concerning drivers and vehicles, for certified copies of records, for uncollectible checks, for certificate of inspection, for messenger service, for reinstatement of operating privilege or vehicle registration and for secure power of attorney.

In motor carriers road tax identification markers:

further providing for identification markers and license or road tax registration card required.

In general provisions, further providing for obedience to traffic-control devices.

In rules of the road, further providing for maximum speed limits and for alteration of maximum limits.

In size, weight and load, further providing for restrictions on use of highways and bridges, for conditions of permits and security for damages and for permit for movement during course of manufacturing.

In powers of department and local authorities:

further providing for regulation of traffic on Turnpike; and

providing for fare evasion and for municipal police officer education and training.

In penalties and disposition of fines, further providing for surcharge.

In the Pennsylvania Turnpike, further providing for definitions and for deposit and distribution of funds.

In liquid fuels and fuels tax:

further providing for definitions, for imposition, exemptions and deductions, for distributor's report and payment, for disposition and use and for refunds; and

providing for application of Prevailing Wage Act to locally funded highway and bridge projects.

In State highway maintenance, further providing for dirt and gravel road maintenance.

In supplemental funding for municipal highway maintenance, making further provisions.

In taxes for highway maintenance and construction, further providing for imposition and for allocation of proceeds.

- Providing for permits for movement of raw milk.
- Providing for amendment of lease agreements.
- Providing for authorization to incur additional debt and appropriations.
- Making an appropriation.
- Making repeals.

The General Assembly finds and declares as follows:

(1) It is the purpose of this act to ensure that a safe and reliable system of transportation is available to the residents of this Commonwealth.

(2) The Commonwealth's transportation system includes nearly 40,000 miles of roads and 25,000 bridges owned by the Commonwealth, nearly 77,000 miles of roads and 12,000 bridges owned by counties and municipal governments, 36 fixed-route public transportation agencies, 67 railroads, 133 public use airports, the Ports of Erie, Philadelphia and Pittsburgh, and numerous bicycle and pedestrian facilities.

(3) The Commonwealth's transportation system provides for access to employment, educational services, medical care and other life-sustaining services for all residents of this Commonwealth, including senior citizens and people with disabilities.

(4) The Department of Transportation of the Commonwealth has indicated that 9,000 miles of roads owned by the Commonwealth are in poor condition and that 4,400 bridges owned by the Commonwealth are rated structurally deficient. The State Transportation Advisory Committee has indicated that 2,189 bridges exceeding 20 feet in length owned by counties and municipalities are rated structurally deficient.

(5) There is urgent public need to reduce congestion, increase capacity, improve safety and promote economic efficiency of transportation facilities throughout this Commonwealth.

(6) The Commonwealth has limited resources to fund the maintenance and expansion of its transportation facilities.

(7) The State Transportation Advisory Committee reported in 2010 that the Commonwealth's transportation system is underfunded by \$3,500,000,000 and projected that amount will grow to \$6,700,000,000 by 2020 without additional financial investment by the Commonwealth.

(8) To ensure the needs of the public are adequately addressed, funding mechanisms must be enhanced to sustain the Commonwealth's transportation system in the future.

(9) The utilization of user fees establishes a funding source for transportation needs that spreads the costs across those who benefit from the Commonwealth's transportation system.

(10) Pursuant to section 11 of Article VIII of the Constitution of Pennsylvania, all highway and bridge user fees must be used solely for construction, reconstruction, maintenance and repair of and safety on public highways and bridges and costs and expenses incident thereto.

(11) In order to ensure a safe and reliable system of public transportation, aviation, ports, rail and bicycle and pedestrian facilities, other transportation-related user fees must be deposited in the Public Transportation Trust Fund and the Multimodal Transportation Fund.

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

(13) Recognition and furtherance of all these elements is essential to promoting the health, safety and welfare of the citizens of this Commonwealth.

Amend Bill, page 2, lines 22 through 30; page 3, lines 1 through

16, by striking out all of said lines on said pages and inserting

Section 1. Title 74 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 2 ORGANIZATION

Sec.

201. Definitions.

202. Deputy secretaries.

§ 201. 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:

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

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

§ 202. Deputy secretaries.

(a) Appointment.—The secretary shall appoint the following deputy secretaries:

- (1) Deputy Secretary for Administration.
- (2) Deputy Secretary for Driver and Vehicle Services.
- (3) Deputy Secretary for Highway Administration.
- (4) Deputy Secretary for Multimodal Transportation.
- (5) Deputy Secretary for Planning.

(b) Administration.—The Deputy Secretary for Administration has the powers and duties of the department under law relating to all of the following:

- (1) Fiscal affairs.
- (2) Operations analysis and improvement.
- (3) Information services.
- (4) Office services.
- (5) Human resources.
- (6) Equal opportunity.

(c) Driver and vehicle services.—The Deputy Secretary for Driver and Vehicle Services has the powers and duties of the department under law relating to all of the following:

- (1) Drivers.
- (2) Vehicles.
- (3) Vehicle and driver safety.
- (4) Services for other modes of transportation.

(d) Highway administration.—The Deputy Secretary for Highway Administration has the powers and duties of the department under law relating to all of the following:

- (1) Design of highways and bridges.
- (2) Land acquisition for highways and bridges.
- (3) Construction and reconstruction of highways and bridges.

- (4) Maintenance and operation of highways and bridges.
- (5) Highway and bridge safety.

(e) Multimodal transportation.—The Deputy Secretary for Multimodal Transportation has the powers and duties of the department under law relating to modes of transportation other than highways, except recreational boating and ferry licensing, including all of the following:

- (1) Local and public transportation.
- (2) Rail freight.
- (3) Ports and waterways.
- (4) Aviation and airports.

(f) Planning.—The Deputy Secretary of Planning has the powers and duties of the department under law relating to all of the following:

- (1) Planning and research.
- (2) Program development and management.
- (3) Services to municipalities.

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

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

(a) General rule.—In administering contracts for construction and professional services relating to transportation projects which are funded pursuant to the provisions of this title or 75 Pa.C.S. (relating to

vehicles), the [department and any local transportation organization] contracting entities shall:

(1) Be responsible for ensuring that all competitive contract opportunities subject to this section which are issued by the [department or local transportation organization] contracting entities seek to maximize participation by [minority-owned and women-owned businesses and other disadvantaged] diverse businesses.

(1.1) Include in solicitations for bids and requests for proposals on all competitive contracting opportunities subject to this section notice to the bidder or offeror that:

(i) The bidder or offeror shall document and submit to the applicable contracting entity all good faith efforts to solicit subcontractors that are diverse businesses during the bidding or proposal process.

(ii) The bidder or offeror shall provide within seven days of being declared the low bidder or successful offeror the name and business address of each subcontractor that is a diverse business that will provide the contractor with construction or professional services in connection with the performance of the contract.

(2) [Give] Include in the solicitations for bids and requests for proposals under paragraph (1.1), language encouraging bidders and offerors to utilize and give consideration[, when possible and cost effective,] to contractors offering to utilize [minority-owned and women-owned businesses and disadvantaged] diverse businesses in the selection and award of contracts.

(3) Ensure that the [department's and local transportation organizations' commitment to the minority-owned and women-owned business program] contracting entities' commitment to participation by diverse businesses is clearly understood and appropriately implemented and enforced by all [department and local transportation organization employees] the contracting entities.

(4) Designate a responsible official to supervise the [department and local transportation organization minority-owned and women-owned] contracting entities' diverse business program and ensure compliance within the [department or local transportation organization] contracting entities.

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

(6) [Recommend sanctions to the Secretary of General Services,] Impose sanctions as may be appropriate under 62 Pa.C.S. § 531 (relating to debarment or suspension), against businesses that fail to comply with this section or the policies of the Commonwealth [minority-owned and women-owned business program] related to diverse businesses. This paragraph shall not apply to a local transportation organization.

(7) Ensure that each contract entered into with a contractor under this section includes provisions prohibiting discrimination in accordance with 62 Pa.C.S. § 3701 (relating to contract provisions prohibiting discrimination).

(a.1) Additional duties of department.—The department, with the assistance of a diverse business enterprise supportive services center, shall have the following duties:

(1) Conduct the necessary and appropriate outreach, including using the database available on the Internet website of the Department of General Services and the Federal Government's system of award management database, for purposes of identifying diverse businesses in general construction or professional services capable of performing contracts subject to this section.

(2) By October 1, 2014, and each October 1 thereafter, submit a report to the chairman and minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives summarizing the participation level of diverse

businesses in all competitive contract opportunities issued by contracting entities. The commission and local transportation organizations shall cooperate with the department to complete the report. The report shall include:

(i) The percentage of participation by diverse businesses.

(ii) The total value of all contracts executed which include participation by diverse businesses pursuant to this section in the prior year.

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

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

(a.2) Replacement of diverse business.—If, at any time during the evaluation of a bid or proposal, or the construction of a project or the performance of a professional service pursuant to a bid, proposal or contract subject to this section, it becomes necessary to replace a subcontractor that is a diverse business, the bidder, offeror or contractor, as appropriate, shall immediately notify the contracting entity of the need to replace the diverse business. The notice shall include the reasons for the replacement.

(a.3) Applicability.—The following shall apply to a contractor and contract subject to subsection (a):

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

(2) Prompt payment policies between a contractor and subcontractor adopted by the Department of General Services pursuant to 62 Pa.C.S. Pt. II (relating to general procurement provisions).

(a.4) Construction.—Nothing in this section shall be construed to supersede, nullify or otherwise affect 51 Pa.C.S. § 9603 (relating to participation goals). In the case of an inconsistency between this section and 51 Pa.C.S. Ch. 96 (relating to veteran-owned small businesses), the provisions of 51 Pa.C.S. Ch. 96 shall prevail.

(b) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

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

"Contract." As defined in 62 Pa.C.S. § 103 (relating to definitions).

"Contracting entities." The following:

(1) The Department of Transportation.

(2) The commission.

(3) A local transportation organization.

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

"Diverse business." A disadvantaged business, minority-owned or women-owned business or service-disabled veteran-owned or veteran-owned small business that has been certified by a third-party certifying organization.

"Local transportation organization." Any of the following:

(1) A political subdivision or a public transportation authority, port authority 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 of 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.

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

"Professional services." An industry of infrequent, technical or unique functions performed by independent contractors or consultants whose occupation is the rendering of the services. The term includes:

(1) Design professional services as defined in 62 Pa.C.S. § 901 (relating to definitions).

(2) Legal services.

(3) Advertising or public relations services.

(4) Accounting, auditing or actuarial services.

(5) Security consultant services.

(6) Computer and information technology services.

(7) Insurance underwriting services.

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

"Third-party certifying organization." An organization that certifies a small business, minority-owned business, women-owned business or veteran-owned small business as a diverse business. The term includes:

(1) The National Minority Supplier Development Council.

(2) The Women's Business Development Enterprise National Council.

(3) The Small Business Administration.

(4) The Department of Veterans Affairs.

(5) The Pennsylvania Unified Certification Program.

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

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

Section 3. The definitions of "base operating allocation" and "capital expenditures" in section 1503 of Title 74 are amended to read: § 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:

* * *

"Base operating allocation." The total amount of State operating assistance, reimbursement in lieu of fares for senior passengers and other assistance which was used for operating assistance as determined by the department in [fiscal year 2005-2006.] the last full fiscal year that the qualifying local transportation organization received the assistance, including the funds received under section 1517.1(c) (relating to Alternative Energy Capital Investment Program).

"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. Preventive maintenance expenses, as defined by the Federal Transit Administration, may be deemed eligible as a capital expenditure based on written approval by the department at its discretion.

* * *

Section 4. Section 1504(a) of Title 74 is amended to read: § 1504. Department authorization.

(a) General.—

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

(2) In the event of imminent service termination, the department shall make every effort to contract with a local

transportation organization to provide the programs, activities and services enumerated in this chapter. After all local transportation organization contracting options are exhausted, the department may contract with a transportation company to provide the programs, activities and services enumerated in this chapter. The operation of the programs, activities and services administered by the department and provided by the local transportation organization or transportation company under this subsection shall not be subject to the jurisdiction of the Pennsylvania Public Utility Commission.

* * *

Section 5. (Reserved).

Section 6. Section 1506(b)(1), (c) and (e) of Title 74 are amended to read:

§ 1506. Fund.

* * *

(b) Deposits to fund by department.—

(1) The following apply:

(i) [Except as provided under subparagraph (ii), upon] Upon receipt, the department shall deposit into the fund the revenues received by the department under 75 Pa.C.S. Ch. 89 (relating to Pennsylvania Turnpike) and the lease agreement executed between the department and the Pennsylvania Turnpike Commission under 75 Pa.C.S. § 8915.3 (relating to lease of Interstate 80; related agreements), [as follows:

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

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

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

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

(ii) The deposits made to the fund under this subsection shall equal [\$250,000,000 annually for each fiscal year commencing after the expiration of the conversion period if the conversion notice is not received by the secretary prior to expiration of the conversion period as set forth under 75 Pa.C.S. § 8915.3(3).] \$450,000,000 annually for each fiscal year for fiscal years 2014-2015 through 2021-2022.

(iii) The deposits made to the fund under this subsection shall equal \$50,000,000 annually for fiscal year 2022-2023 and each fiscal year thereafter.

* * *

(c) Other deposits.—The following shall be deposited into the fund annually:

(1) 4.4% of the amount collected under Article II of the Tax Reform Code. Revenues under this paragraph shall be deposited into the fund by the 20th day of each month for the preceding month. The amount deposited under this paragraph is estimated to be equivalent to the money available to the department from the following sources:

(i) The Supplemental Public Transportation Account established under former section 1310.1 (relating to supplemental public transportation assistance funding).

(ii) The amount appropriated annually by the Commonwealth from the General Fund for mass transit programs pursuant to a General Appropriations Act.

(2) An amount of proceeds of Commonwealth capital bonds as determined annually by the Secretary of the Budget.

(3) Revenue in the Public Transportation Assistance Fund established under Article XXIII of the Tax Reform Code not otherwise dedicated pursuant to law.

(3.1) (Reserved).

(3.2) The revenues deposited in the fund in accordance with 75 Pa.C.S. § 1786 (relating to required financial responsibility).

(3.3) The revenues deposited in the fund in accordance with 75 Pa.C.S. § 3111(a.1)(2)(ii) (relating to obedience to traffic-control devices).

(3.4) For fiscal year 2022-2023 and each fiscal year thereafter, an amount equal to the amount collected under Article II of the Tax Reform Code, multiplied by the ratio that \$450,000,000 is to the total amount collected under Article II of the Tax Reform Code in the fiscal year ending June 30, 2021, or \$450,000,000, whichever is greater, shall be transferred to the fund. The source of the transfer shall be the revenue collected under section 238 of the Tax Reform Code on motor vehicles, trailers and semi-trailers.

(4) Other appropriations, deposits or transfers to the fund.
* * *

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

(1) For the program established under section 1513 (relating to operating program), the following amounts shall be allocated from the fund:

(i) [All] From the revenues deposited in the fund under subsection (b)(1)[.]:

(A) For fiscal year 2013-2014, \$209,000,000 and for fiscal year 2014-2015, \$187,000,000.

(B) For fiscal years 2015-2016 and 2016-2017, \$110,000,000.

(C) For fiscal years 2017-2018 and each fiscal year thereafter, \$25,000,000.

(ii) All revenues deposited in the fund under subsection (b)(2).

(iii) [69.99%] 86.76% of the revenues deposited in the fund under subsection (c)(1).

(iv) All revenues deposited into the fund under subsection (c)(3).

(v) The following percentages of the revenue deposited in the fund in accordance with 75 Pa.C.S. § 1904 (relating to collection and disposition of fees and moneys):

(A) For fiscal year 2013-2014, 5.8%.

(A.1) For fiscal year 2014-2015, 8.8%.

(B) For fiscal years 2015-2016 and 2016-2017, 46.6%.

(C) For fiscal year 2017-2018 and each fiscal year thereafter, 69.3%.

(vi) All revenue deposited into the fund under subsection (c)(3.2).

(vii) Twenty-five million from the revenue deposited into the fund under subsection (c)(3.4).

(2) [(i) Except as provided under subparagraph (ii), for] For the program established under section 1514 (relating to asset improvement program):

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

[(A.1) For fiscal year 2007-2008, \$50,000,000 from the revenues received by the department under 75 Pa.C.S. Ch. 89 and the lease agreement executed between the department and the Pennsylvania Turnpike Commission under 75 Pa.C.S. § 8915.3. The amount received by the department under this section shall be deposited into the fund prior to distribution and shall be in addition to the amounts received under

subsection (b)(1).

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

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

(D) For fiscal year 2010-2011 and each fiscal year thereafter, the amount calculated for the prior fiscal year increased by 2.5% from the revenues received by the department under 75 Pa.C.S. Ch. 89 and the lease agreement executed between the department and the Pennsylvania Turnpike Commission under 75 Pa.C.S. § 8915.3. The amount received by the department under this section shall be deposited into the fund prior to distribution and shall be in addition to the amounts received under subsection (b)(1).]

(E) Ninety-five percent of the remaining revenue deposited in the fund under subsection (b)(1) and (c)• (3.4), after the transfer of \$30,000,000 to the Multimodal Transportation Fund under paragraph (6).

(F) The revenue deposited in the fund under subsection (c)(3.3).

(G) The following percentages of revenue deposited in the fund in accordance with 75 Pa.C.S. § 1904 (relating to collection and disposition of fees and moneys):

(I) For fiscal year 2013-2014, 28.1%.

(II) For fiscal year 2014-2015, 35.1%.

(III) For fiscal years 2015-2016 and 2016-2017, 20%.

(IV) For fiscal year 2017-2018 and each fiscal year thereafter, 7.7%.

[(ii) If the conversion notice is not received by the secretary prior to the end of the conversion period as set forth in 75 Pa.C.S. § 8915.3(3), no additional allocation shall be made under subparagraph (i).]

(3) For the program established under section 1516 (relating to programs of Statewide significance),

(i) 13.24% of the revenues deposited in the fund under subsection (c)(1), [shall be allocated from the fund.]

(ii) The revenue deposited in the fund under subsection (b)(1) and (c)(3.4) remaining after the allocation under paragraph (2)(E).

[(4) For the program established under section 1517 (relating to capital improvements program), 16.77% of the revenues deposited in the fund under subsection (c)(1). Additional funds for this program may be provided from the funds allocated but not distributed based on the limitation set

forth under section 1513(c)(3).]

(5) For the program established under section 1517.1 (relating to Alternative Energy Capital Investments Program), no more than \$60,000,000 of the revenue deposited in the fund under subsection (c) may be allocated from the fund.

(6) Thirty million dollars of the revenue deposited in the fund under subsection (b)(1) and (c)(3.4) shall be transferred to the Multimodal Transportation Fund.

Section 7. Section 1507(a)(6) and (c) of Title 74 are amended and subsection (a) is amended by adding a paragraph to read:
§ 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:

* * *

(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.], provided no later than June 30 of the applicable fiscal year. If the evidence required under this paragraph is not provided to the satisfaction of the department, subsequent funding under section 1513 (relating to operating program) shall be withheld until the applicant meets the requirements of this paragraph.

(6.1) A statement of policy outlining the basic principles for the adjustment of fare growth to meet the rate of inflation.

* * *

(c) Restriction on use of funds.—[Financial] Unless the department grants the award recipient a waiver allowing the funds to be used for a different purpose, financial assistance under this chapter shall be used only for activities set forth under the financial assistance agreement [unless the department grants the award recipient a waiver allowing the funds to be used for a different purpose]. The department's regulations shall describe circumstances under which it will consider waiver requests and shall set forth all information to be included in a waiver request. The [maximum duration of a waiver shall be one year, and a] waiver request 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. The duration of the waiver may not exceed the duration of the plan of corrective action. The department shall monitor implementation of the plan of corrective action. If the plan of corrective action is not implemented by the local transportation organization, the department shall rescind the waiver approval.

Section 8. Sections 1511 and 1512 of Title 74 are amended to read:

§ 1511. Report to Governor and General Assembly.

[The following shall apply:

(1) Except as provided in paragraph (2), the] The department shall submit a public passenger transportation performance report to the Governor and the General Assembly by April 30 of each year, covering the prior fiscal year.

(2) The report covering the 2005-2006 fiscal year shall be submitted by July 31, 2007.]

§ 1512. Coordination and consolidation.

(a) 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.

(b) Consolidation and mutual cooperation.—

(1) The department, in consultation with local governments and local transportation organizations, shall study the feasibility of consolidation and mutual cooperation among local transportation organizations as a means of reducing annual expenses without loss of service to the communities they serve. The study shall examine the creation of service regions or mutual

cooperation pacts to determine whether either method would reduce annual expenses. The feasibility analysis is to include a cost-benefit analysis and operational analysis.

(2) If the results of a feasibility analysis under paragraph (1) estimate an annual net savings at the time of completion of the study, the transportation organization and local government may implement the recommended action.

(3) The department shall waive the match requirement under sections 1513 (relating to operating program) and 1514 (relating to asset improvement program) for five fiscal years for the transportation organization's participation in the recommended action under paragraph (2) in an amount not to exceed the estimated annual net savings of the implemented recommendations.

(c) Funding for merger and consolidation incentives and mutual cooperation pacts.—A capital project that is needed to support a local transportation organization that has agreed to merge and consolidate operations and administration or share facilities or staff through a mutual cooperation pact to achieve cost and service efficiencies shall be eligible for financial assistance under this chapter. The application for financial assistance must do all the following:

(1) Identify the efficiencies in a merger and consolidation plan or mutual cooperation pact.

(2) Include the expected net dollar savings that will result from the merger, consolidation or pact.

Section 9. Sections 1514(c) and 1516(b)(1) and (e) of Title 74 are amended and the sections are amended by adding subsections to read:

§ 1514. Asset improvement program.

* * *

(c) Local match requirements.—

(1) Financial assistance under this section shall be matched by local or private cash funding in an amount not less than 3.33% of the amount of the financial assistance being provided. The source of funds for the local match shall be subject to the requirements of section 1513(d)(3) (relating to operating program).

(2) The secretary may waive up to 75% of the local match required under paragraph (1), upon the written request of an applicant accompanied by the applicant's justification for the waiver.

* * *

(e.1) Distribution.—The department shall allocate financial assistance under this section on a percentage basis of available funds each fiscal year as follows:

(1) The local transportation organization organized and existing under Chapter 17 (relating to metropolitan transportation authorities) as the primary provider of public passenger transportation for the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia shall receive 69.4% of the funds available for distribution under this section.

(2) The local transportation organization organized and existing under the act of April 6, 1956 (1955 P.L.1414, No.465), known as the Second Class County Port Authority Act, as the primary provider of public transportation for the county of Allegheny shall receive 22.6% of the funds available for distribution under this section.

(3) Other local transportation organizations organized and existing as the primary providers of public passenger transportation for the counties of this Commonwealth not identified under paragraph (1) or (2) shall receive 8% of the funds available for distribution under this section. The department shall allocate the funds under this paragraph among the local transportation organizations.

(4) Notwithstanding paragraphs (1), (2) and (3) and before distributing the funds under paragraph (1), (2) or (3), the department shall set aside 5% of the funds available for distribution under this section for discretionary use and

distribution by the secretary.

* * *

§ 1516. Programs of Statewide significance.

* * *

(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] a county of the first class may apply for financial assistance under this subsection.

* * *

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

(1) A local transportation organization or 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 3.33% 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)(3) (relating to operating program).

(4) As follows:

(i) For short-term demonstration projects awarded financial assistance under this subsection, the department shall determine if the demonstration project was successful based upon the performance criteria established prior to the commencement of the demonstration project and approved by the department.

(ii) If the department determines that the demonstration project was successful, the local transportation organization or agency or instrumentality of the Commonwealth that conducted the demonstration project shall be eligible to apply for and receive funds under section 1513 to sustain and transition the demonstration project into regularly scheduled public passenger transportation service.

(iii) During the first year in which the demonstration project is eligible for and applies for financial assistance under section 1513, the local transportation organization or agency or instrumentality of the Commonwealth that conducted the demonstration project and transitioned it to regularly scheduled public passenger transportation service shall be eligible to receive financial assistance up to 65% of the transportation service's prior fiscal year operating costs or expenses for the service as an initial base operating allocation.

(iv) The initial base operating allocation shall be taken from the growth under section 1513 over the prior year before distributing the remainder of the formula described in section 1513.

(f) Shared Ride Community Transportation Service Delivery Pilot Program.—

(1) The department may develop and implement a pilot program to test and evaluate new models of paying for and delivering shared ride and community transportation. The goals of the program are as follows:

(i) Develop a community transportation delivery model that can be managed to stay within budget.

(ii) Develop community transportation service standards with need-based priorities.

(iii) Develop a business model and fare structure that work across funding programs.

(iv) Maximize efficiency and effectiveness of the services.

(2) The department shall establish an advisory committee to provide guidance and input for pilot planning, start-up, operations, data collection and post pilot evaluation. The committee shall be comprised of the following:

(i) A member appointed by the President pro tempore of the Senate.

(ii) A member appointed by the Minority Leader of the Senate.

(iii) A member appointed by the Speaker of the House of Representatives.

(iv) A member appointed by the Minority Leader of the House of Representatives.

(v) Two members from the Pennsylvania Public Transit Association appointed by the secretary.

(vi) A member appointed by the secretary to represent people with disabilities.

(vii) A member appointed by the Secretary of Aging to represent senior citizens.

(viii) A member appointed by the Secretary of Public Welfare to represent people using medical assistance transportation.

(ix) A member of the County Commissioners Association appointed by the secretary.

(x) The secretary or a designee.

(xi) The Secretary of Aging or a designee.

(xii) The Secretary of the Budget or a designee.

(xiii) The Secretary of Public Welfare or a designee.

(3) The department shall work with the committee to define potential pilot models within 12 months of the effective date of this subsection.

(4) The department shall publish the notice of availability of the program models and framework in the Pennsylvania Bulletin and receive applications from counties and shared-ride community transportation systems interested in participating in the program for the three-month period following the publication of the notice.

(5) The department may work with the committee to redefine the basis for payment using lottery and other State funding sources currently used to support community transportation programs for selected pilot counties and shared-ride community transportation systems to test new methods of service delivery and payment. Each project must have a business plan with management controls, service standards and budget controls. The business plan shall be reviewed by the committee prior to being implemented.

Section 10. Section 1517 of Title 74 is amended by adding a subsection to read:

§ 1517. Capital improvements program.

* * *

(f) Certification ends funding.—Financial assistance under this section shall cease when the secretary certifies that funds are no longer available for the program established under this section.

Section 11. Title 74 is amended by adding a section to read:
§ 1517.1. Alternative Energy Capital Investment Program.

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

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

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

Section 12. Title 74 is amended by adding a chapter to read:

CHAPTER 21
MULTIMODAL FUND

Sec.

2101. Definitions.

2102. Multimodal Transportation Fund.

2103. Transfers and deposits to the fund.

2104. Use of money in the fund.

2105. Project selection criteria.

2106. Local match.

2107. Balanced Multimodal Transportation Policy Commission.

§ 2101. Definitions.

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

"Fund." The Multimodal Transportation Fund established in section 2102 (relating to Multimodal Transportation Fund).

"Eligible program." Any of the following:

(1) A project which coordinates local land use with transportation assets to enhance existing communities.

(2) A project related to streetscape, lighting, sidewalk enhancement and pedestrian safety.

(3) A project improving connectivity or utilization of existing transportation assets.

§ 2102. Multimodal Transportation Fund.

A special fund is established within the State Treasury to be known as the Multimodal Transportation Fund. Moneys in the fund are hereby appropriated to the department, on a nonlapsing basis.

§ 2103. Transfers and deposits to the fund.

In addition to appropriations, deposits or transfers to the fund, interest earned on money in the fund shall be deposited in the fund.

§ 2104. Use of money in the fund.

(a) Purposes.—Money in the fund shall be used as follows:

(1) To annually provide the following grants for programs administered by the department:

(i) For programs related to aviation:

(A) \$5,000,000 in fiscal year 2013-2014.

(B) \$6,000,000 in fiscal year 2014-2015

and each fiscal year thereafter.

(ii) For programs related to rail freight:

(A) \$8,000,000 in fiscal year 2013-2014.

(B) \$10,000,000 in fiscal year 2014-

2015 and each fiscal year thereafter.

(iii) For programs related to passenger rail:

(A) \$6,000,000 in fiscal year 2013-2014.

(B) \$8,000,000 in fiscal year 2014-2015

and each fiscal year thereafter.

(iv) For programs related to ports and waterways:

(A) \$8,000,000 in fiscal year 2013-2014.

(B) \$10,000,000 in fiscal year 2014-

2015 and each fiscal year thereafter.

(v) \$2,000,000 for programs related to bicycle and pedestrian facilities.

(2) To annually pay costs incurred by the department for activities directly initiated or undertaken by the department related to eligible programs in accordance with all of the following:

(i) Activities shall be initiated or undertaken in consultation with the chairman and minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives.

(ii) Costs may be incurred as follows:

(A) \$0 for fiscal year 2013-2014.

(B) Not to exceed \$20,000,000 for fiscal year 2014-2015.

(C) Not to exceed \$40,000,000 annually in fiscal year 2015-2016 and each fiscal year thereafter, \$35,000,000 of which shall be from revenues deposited into the fund under 75 Pa.C.S. § 9502(a) (relating to imposition of tax).

(3) To annually pay costs incurred by the department in the administration of the programs specified in paragraph (1) as appropriated by the General Assembly.

(4) Annually, any money not allocated under paragraphs (1), (2) and (3) or as provided in subsection (b) shall be transferred to the Commonwealth Financing Authority and used to fund eligible programs. The authority shall develop guidelines for use of the money for eligible programs, which shall include the requirements of section 2106 (relating to local match).

(b) Automatic adjustments.—For the 24-month period beginning July 1, 2015, through June 30, 2017, and each like 24-month period thereafter, the amount of grants to be made for the programs listed in subsection (a)(1) shall be increased by an amount calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the most recent 24-month period, calculated from the first day of March through the last day of February, beginning on the effective date of this section and on each subsequent date that the amount of grants were last increased under this subsection and for which figures have been officially reported by the Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect, to the then current grant amounts authorized.

§ 2105. Project selection criteria.

The department shall award grants under section 2104(a)(1) (relating to use of money in the fund) on a competitive basis. The department may not reserve, designate or set aside a specific level of funding or percentage of funds to an applicant prior to the completion of the application process; nor may the department designate a set percentage of funds to an applicant.

§ 2106. Local match.

Unless otherwise specified by law, financial assistance under section 2104(a)(2) and (4) shall be matched by local funding in an amount not less than 30% of the non-Federal share of the project costs. Matching funds from a county or municipality shall only consist of cash contributions provided by one or more counties or municipalities.

§ 2107. Balanced Multimodal Transportation Policy Commission.
(a) Commission.—There is established a Balanced Multimodal Transportation Policy Commission to study and make recommendations on developing and maintaining a balanced multimodal transportation policy for this Commonwealth.

(b) Members.—The commission shall consist of the following members:

(1) The Secretary of Transportation.

(2) The Secretary of Community and Economic

Development.(3) The Secretary of Environmental Protection.(4) One appointment from each of the following:(i) the Majority Leader of the Senate;(ii) the Minority Leader of the Senate;(iii) the Majority Leader of the House of Representatives; and(iv) the Minority Leader of the House of Representatives.(5) Two appointments from the Governor, at least one of which must have expertise in regional planning.(6) Six additional members may be appointed by the commission members under paragraphs (1), (2), (3), (4) and (5).(c) Chairperson.—The members of the commission under paragraphs (1), (2), (3), (4) and (5) shall elect a chairperson from among the members.(d) Terms.—Members of the commission may serve on the commission until replaced by an appointing authority under subsection (b).(e) Study.—The commission shall study facets on implementing balanced multimodal transportation policies for metropolitan areas in this Commonwealth, which shall include at least the cities of the first class and second class, but may include other regions as well.(f) Staff.—Upon recommendation of the commission, the Secretary of Transportation may hire independent consultants to aid the work of the commission. The commission shall be staffed by employees of the Department of Transportation. Ordinary expenses shall be paid to members of the commission.(g) Report.—No later than two years after the effective date of this section, the commission shall issue its initial report to the Governor and members of the General Assembly and a report every four years thereafter.Section 13. Chapter 59 of Title 74 is amended by adding a subchapter to read:SUBCHAPTER CFIRST CLASS CITY CONSOLIDATED CAR RENTAL FACILITY
Sec.5931. Scope of subchapter.5932. Definitions.5933. Customer facility charge.§ 5931. Scope of subchapter.This subchapter relates to consolidated rental car facilities in cities of the first class.§ 5932. Definitions.The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:"Airport." A public international airport located partially in a city of the first class and partially in an adjacent municipality."Airport owner." Any of the following:(1) A city which owns and operates an airport.(2) An authority created by a city to own and operate an airport or any portion or activities of the airport."Airport property." Property owned and operated by an airport owner, including property that is leased, licensed or available for use by the airport owner."City." A city of the first class."Concession agreement." A regulation, contract, permit, license or other agreement entered into between an airport owner and a vehicle rental company which includes the terms and conditions under which the company may conduct any aspect of its rental vehicle business at the airport or through the use of airport property, including a vehicle rental company which provides a customer access to a vehicle or executes a rental contract on or off airport property."Customer facility charge." A fee assessed on each motor vehicle rental under this subchapter for the purposes described in section 5933(g) (relating to customer facility charge)."Motor vehicle." A private passenger motor vehicle that meetsall of the following:(1) Is designed to transport not more than 15 passengers.(2) Is rented for 29 or fewer continuous days without a driver.(3) Is part of a fleet of at least five passenger vehicles used for the purpose under paragraph (2)."Rental facility." A consolidated facility for the use of a vehicle rental company to conduct business on airport property."Rental facility agreement." A written agreement entered into between an airport owner and vehicle rental companies which includes the following:(1) Location, scope of operations and general design of the rental facility, a rental facility improvement and a transportation system which connects to a terminal or related structure.(2) The manner in which the proceeds of the customer facility charge are to be used as provided in section 5933(g).(3) A procedure and requirement for a consultation with vehicle rental companies regarding the implementation of this subchapter and for the disclosure to vehicle rental companies of information relating to the collection and use of the customer facility charge.(4) A methodology and procedure by which the amount of the customer facility charge will be calculated and adjusted.(5) Any other provision agreed to by the airport owner and the vehicle rental companies."Rental facility improvement." A facility or structure on airport property needed for development or use of the rental facility. The term includes costs necessary for planning, financing, designing, constructing, equipping or furnishing the rental facility improvements."Rental facility operations and maintenance expenses." The cost of operating and maintaining a rental facility."Transportation system." A system which transports an arriving or departing vehicle rental customer between a terminal and related structure and the rental facility."Transportation system costs." The portion of total costs incurred to design, finance, construct, operate and maintain a transportation system which reflects the usage or benefit of the system to vehicle rental companies and their customers."Vehicle rental company." A person engaged in the business of renting a motor vehicle in this Commonwealth that provides a motor vehicle rental to a customer and utilizes airport property in any aspect of its business, notwithstanding if other aspects of its business are not conducted on airport property, including to do any of the following on an airport property:(1) Contact customers or pick up or drop off customers.(2) Advertise the availability of a vehicle rental service.§ 5933. Customer facility charge.(a) Imposition.—(1) Except as set forth in paragraph (2), a city may impose a customer facility charge of not more than \$8 per rental day on a customer renting a motor vehicle from a vehicle rental company doing business at an airport.(2) Notwithstanding paragraph (1), a rental facility agreement may provide for a customer facility charge in excess of \$8 per rental day.(3) A customer facility charge may be imposed notwithstanding the absence of authority in a regulation or concession agreement.(4) A customer facility charge may not affect the validity or enforceability of a concession agreement.(b) Amendment.—The following shall apply:(1) The customer facility charge may be increased beyond \$8 per rental day by written amendment to an existing rental facility agreement signed by the parties to the rental facility agreement or the parties' successors or assigns. An increase to the customer facility charge under this paragraph may only occur one time each year.

(2) A city may decrease the amount of the customer facility charge at any time without the requirement of an amendment to an existing rental facility agreement. Following a decrease in the amount of the customer facility charge by the city, the city may increase the amount of the customer facility charge without the requirement of an amendment to an existing rental facility agreement if the amount of the customer facility charge does not exceed the amount that was in effect prior to the decrease. An increase beyond that amount shall require a written amendment to the existing rental facility agreement signed by the parties to the rental facility agreement or the parties' successors or assigns.

(c) Rental facility agreement.—

(1) A rental facility agreement shall take effect and be enforceable if, at the time it is executed, it is signed by the airport owner and at least 80% of the vehicle rental companies which utilized airport property and which together provided at least 90% of the motor vehicle rentals utilizing airport property in the most recently completed calendar year.

(2) The terms of a rental facility agreement may be interpreted and enforced by a court of competent jurisdiction through the imposition of a mandatory or prohibitive injunction. Monetary damages may not be awarded to a vehicle rental company or to a person required to pay the customer facility charge for a violation of the terms and conditions of the rental facility agreement.

(d) Limitations.—

(1) Notwithstanding the authorization for the use of the proceeds of the customer facility charge under subsection (g) and except as provided in paragraph (2), until a rental facility agreement is executed, the proceeds of the customer facility charge may be used only for planning, design, feasibility studies and other preliminary expenses necessary for the uses authorized in subsection (g).

(2) If a rental facility agreement is not executed within two years following the date a vehicle rental company is required to begin collecting the customer facility charge, a city may continue to impose and collect the customer facility charge authorized under this section after notice to the vehicle rental companies. The city may use the proceeds of the customer facility charge in the manner authorized by subsection (g) except that any expenses imposed on vehicle rental companies may not exceed the proceeds of the customer facility charge.

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

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

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

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

(f) Collection.—The following shall apply:

(1) A customer facility charge shall be:

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

(ii) paid to the airport owner:

(A) by the last day of the month following the month in which the customer facility charges are collected; or

(B) if necessary to facilitate a pledge under subsection (h), at an earlier date as designated by the airport owner, but not sooner than the 15th day of the month following the

month in which the customer facility charge is collected.

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

(3) Money in a segregated trust fund under paragraph (1) may not be pledged, subjected to a lien or encumbered by a vehicle rental company.

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

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

(2) Transportation system costs.

(3) A rental facility operation and maintenance expenses.

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

(1) To support debt to finance any use authorized under subsection (g).

(2) The creation and maintenance of reasonable reserves and for the payment of debt service for any use authorized under subsection (g).

(i) Administration.—An airport owner may do any of the following:

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

(2) Conduct an examination to ensure a vehicle rental company's compliance with its obligations under this subchapter and may do the following:

(i) Collect an amount due.

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

(iii) Grant a refund.

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

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

(vi) Seek criminal penalties for failure to comply with the requirements of this subchapter in the same manner as a city is authorized to do under law for the collection of taxes.

(j) Commonwealth agreement.—The Commonwealth agrees as follows:

(1) With any person, firm or corporation, government agency, whether in this Commonwealth or elsewhere, and with any Federal agency subscribing to or acquiring debt obligations secured by customer facility charges, that the Commonwealth will not limit or alter the rights vested in the airport owner under this subchapter in a manner inconsistent with the obligations of an airport owner to the obligees of the airport owner until all debt obligations secured by customer facility charges and interest on the debt obligations are fully paid or provided for.

(2) With any Federal agency that, if the Federal agency contributes funds to support any projects needed for the implementation of this subchapter, the Commonwealth will not alter or limit the rights and powers of the airport owner in a manner which would be inconsistent with the due performance of any agreement between the airport owner and a Federal agency of which the Commonwealth has knowledge.

Section 14. Sections 8105(b)(2) and 8121 of Title 74 are amended to read:

§ 8105. Commission.

* * *

(b) Vacancies and terms.—

* * *

(2) The appointed member shall serve for a term of four years. Upon the expiration of this term, the appointed member may continue to hold office for 90 days or until his successor shall be duly appointed and qualified, whichever is less. A member may not serve more than two terms.

* * *

§ 8121. [(Reserved).] Annual hearing.

Upon request, at least one commission member shall testify at a public hearing before the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives each year to present information on turnpike operations and coordination with other State agencies.

Section 15. (Reserved).

Section 16. (Reserved).

Section 17. Sections 8204(b)(1) and 9119(a)(1) of Title 74 are amended to read:

§ 8204. Code of conduct.

* * *

(b) Audit.—

(1) At least once every [four] two years, the Department of the Auditor General shall review the performance, procedures, operating budget, capital budget and debt of the commission and shall audit the accounts of the commission.

* * *

§ 9119. Applicability of other laws.

(a) General rule.—Except as provided under subsection (b), all provisions of laws related to the development, construction, operation or financing of a transportation project in effect on the date the public-private transportation partnership agreement is fully executed shall apply to a public-private transportation partnership agreement entered into between a proprietary public entity and a development entity. The provisions shall include:

(1) The act of May 1, 1913 (P.L.155, No.104), referred to as the Separations Act[.]; however, the development entity selected under section 9109 (relating to selection of development entities) shall be the person whose duty it is to receive separate bids and award and enter into separate contracts for each of the subject branches of work required for the erection, construction and alteration of a public building under a public-private transportation partnership agreement.

* * *

Section 18. Title 74 is amended by adding chapters to read:

CHAPTER 92 TRAFFIC SIGNALS

Sec.

9201. Definitions.

9202. Maintenance agreement.

§ 9201. 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:

"Critical corridor." Either of the following:

(1) A State highway segment intersecting with a limited access ramp identified by the secretary.

(2) A State highway segment with bidirectional average annual daily traffic greater than 10,000 vehicles as determined by the department's Roadway Management System.

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

"Designated traffic corridor." A State highway segment, other than a critical corridor, determined by the secretary to be subject to the provisions of this chapter.

"Existing agreement." An agreement between the department and a municipality for the maintenance of a traffic signal existing prior to the effective date of this section.

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

"Maintenance." The activity of keeping a traffic signal in proper working condition during the useful life of the traffic signal.

"Replace." The modernization of an existing traffic signal within a designated traffic corridor.

"Synchronize." The coordination of the timing of all traffic signals within a designated traffic corridor for the purpose of operating as a single system.

"Timing." The programming of traffic signals within a designated traffic corridor in order to synchronize the signals.

§ 9202. Maintenance agreement.

(a) Agreement.—A municipality may enter into an agreement with the department to replace, synchronize and time traffic signals located within a designated traffic corridor. The terms of the agreement may specify that the municipality provide services to the department. The agreement shall not exceed the time period of the useful life of the traffic signals. The municipality shall, during the duration of the agreement, properly maintain and time the traffic signals in accordance with the agreement.

(b) Critical corridors.—A municipality shall enter into an agreement with the department under terms specified under subsection (a) for critical corridors. A municipality shall provide to the department in a timely manner all traffic and intersection data that the municipality maintains for critical corridors and establish and agree to an operations plan with the department for critical corridors.

(c) Prioritization.—The department shall prioritize critical corridors and designated traffic corridors where proper signalization will provide the most benefit to the traveling public and reduce congestion. Priorities shall be reevaluated and updated as part of the 12-year transportation improvement plan cycle.

(d) Intergovernmental cooperation.—Two or more municipalities may enter into an agreement with the department if a designated traffic corridor is located in two or more municipalities.

(e) Maintenance.—If the department determines that one or more traffic signals are not being maintained or timed in accordance with an agreement under subsection (a) or an existing agreement, the department shall provide written notice to all municipalities subject to the agreement no less than 60 days prior to taking any action to correct the deficient maintenance and timing. The written notice shall specify the maintenance and timing deficiencies that are to be corrected.

(1) A municipality subject to an agreement under subsection (a) shall have 60 days to correct the deficiencies contained in the written notice or to contest, in writing, the findings of the department within 30 days following receipt of the written notice.

(2) The requirement that the municipality correct the deficiencies within 60 days following receipt of the written notice shall be temporarily stayed, if the municipality timely contests the department's findings in writing.

(3) A municipality that contests the deficiencies specified in the written notice shall have 30 days to reach a written understanding with the department related to the deficiencies specified in the written notice.

(4) If the department and the municipality do not reach a written understanding under paragraph (3), the department and the municipality shall select a civil engineer licensed by the Commonwealth who has substantial experience in traffic engineering to mediate the dispute. The engineer chosen must not be under an existing contract with the department or municipality unless the contract is specifically related to traffic signal mediation.

(f) Failure of municipality to perform.—If a municipality that has entered into an agreement with the department under subsection (a) fails to meet the requirements of subsection (e)(1) or (2), the department may take action to correct the deficiencies specified in the notice under subsection (e).

(g) Payment for failure to correct deficiencies.—If the department takes action under subsection (f), the department may deduct the actual costs of correcting the deficiencies in maintenance and timing from the

payments made to the municipality under the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, and 75 Pa.C.S. Chs. 89 (relating to Pennsylvania Turnpike) and 95 (relating to taxes for highway maintenance and construction).

CHAPTER 93 BRIDGE BUNDLING PROGRAM

Sec.

9301. Definitions.

9302. Bundling authorization.

9303. Bridge Bundling Program.

9304. Special exceptions.

§ 9301. 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:

"Bridge capital budget act." The act of December 8, 1982 (P.L.848, No.235), known as the Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983.

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

"Determination." A decision by the department as to the eligibility, recommendation and inclusion in the program.

"Local government." A county, city, borough, town or township.

"Program." The Bridge Bundling Program.

§ 9302. Bundling authorization.

Notwithstanding any other law, the department is authorized to bundle the design and construction of bridges owned by the Commonwealth or an instrumentality of the Commonwealth or a local government as provided under this chapter.

§ 9303. Bridge Bundling Program.

(a) Establishment.—The Bridge Bundling Program is established within the department.

(b) Purpose.—The purpose of the program is to save costs and time by allowing multiple bridges to be replaced or rehabilitated as one project for design and construction purposes.

(c) Eligibility.—Bridges shall be eligible for the program if the bridges meet all of the following:

(1) Are within geographical proximity to each other.

(2) Are of similar size or design.

(3) Inclusion in the program will further the purpose of the program.

(d) Implementation.—The department shall implement the program as follows:

(1) The department shall annually develop a preliminary list from different regions of this Commonwealth, on a rotating basis, of bridges meeting eligibility requirements.

(2) The department shall notify local governments owning bridges recommended for inclusion in that year's program.

(3) Following receipt of notification from the department, the governing body of a local government shall have 60 days to agree or refuse to participate in the program. Failure to respond in writing within 60 days shall be considered a refusal to participate in the program.

(4) Based on the response from local governments under paragraph (3), the department shall make a determination of bridges to be designed and constructed under the program and provide a list of the bridges to the appropriate planning organizations.

(4.1) A determination shall not be:

(i) considered to be an adjudication under 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action); or

(ii) appealable to the department or a court of law.

(5) The following shall apply:

(i) A local government that agrees to participate in the program for one or more of its bridges shall enter into an agreement with the department. The agreement shall define the department's responsibility for the design and construction of the bridges and the continuing ownership and maintenance responsibilities of the local government for the bridges replaced or rehabilitated under the program.

(ii) The local government shall have 90 days following receipt of the agreement to execute and return the agreement to the department.

(iii) Failure to return an agreement executed by authorized local government officials under subparagraph (ii) shall be deemed a refusal to participate in the program.

(6) Upon full execution of an agreement under the program, the department shall manage the project design and construction in a manner consistent with the purpose of the program.

(f) Itemization.—Notwithstanding any other law, bridges determined to be eligible and recommended for the program by the department shall not require specific itemization in a capital budget.
§ 9304. Special exceptions.

Notwithstanding section 2(c) of the bridge capital budget act:

(1) A local government that participates in the program shall be eligible for a reduction of up to 100%, as determined by the secretary, of its share of local costs associated with the design and construction of the bridge determined to be eligible for the program by the secretary.

(2) A local government that refuses to participate, or has been deemed to have refused to participate, in the program after receiving notification from the department under section 9303(d) (relating to Bridge Bundling Program) shall be responsible for 30% of the non-Federal share of the costs incurred with respect to the local government's bridges replaced or rehabilitated under programs other than the program established in this chapter.

CHAPTER 95 PUBLIC UTILITY FACILITIES

Sec.

9501. Adjustment.

§ 9501. Adjustment.

(a) General rule.—The following shall apply:

(1) If, in the construction, reconstruction, widening or relocation of a State highway, bridge or tunnel or a part of a State highway, bridge or tunnel, it becomes necessary, in the opinion of the department, to change, alter, adjust or relocate a water line or sanitary sewer owned and operated by a public utility, as defined in 66 Pa.C.S. § 102 (relating to definitions), the department may make the change, alteration, adjustment or relocation as may be required as a part of the construction, reconstruction, widening or relocation.

(2) In addition to paragraph (1), the department may also enter into agreements with the public utility for the sharing of costs of the change, alteration, adjustment or relocation. If, in the opinion of the department, the costs should be shared by the department and a public utility and the department is unable to agree with the public utility to a division of costs, the department may proceed with the work and petition the Pennsylvania Public Utility Commission for a determination of the costs to be borne by each party.

(b) Declaration of policy.—A public utility under subsection (a) shall be entitled to a reimbursement in a similar manner as a city, borough, incorporated town, township and municipal authority under section 412.1 of the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law.

CHAPTER 96 STEEL PAINTING

Sec.9601. Definitions.9602. Prequalification of bidders.§ 9601. 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 indicated otherwise:

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

"QP1 certification." A painting contractor approval that evaluates a contractor who performs surface preparation and industrial coating application on steel structures in the field to confirm the contractor's ability to provide quality work in accordance with applicable safety, health and environmental standards.

"QP2 certification." A painting contractor approval that evaluates a contractor's ability to perform industrial hazardous paint removal in a field operation to confirm the contractor's ability to provide quality work in accordance with applicable safety, health and environmental standards.

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

§ 9602. Prequalification of bidders.

(a) Establishment.—Notwithstanding any other provision of law, the department shall establish procedures to authorize third parties to prequalify competent and responsible bidders for high performance and conventional steel painting for highway and bridge projects.

(b) Certification.—Bidders eligible for prequalification under subsection (a) shall have obtained a QP1 certification or QP2 certification, as appropriate, as developed by the Society for Protective Coatings, formerly known as the Steel Structures Painting Council, or other certification that is substantially equivalent to a QP1 or QP2 certification, as determined by the secretary.

(c) Effectiveness.—The secretary's designation of a third party to prequalify bidders under this section shall be effective for a period not exceeding one year from the date of the designation.

(d) Suspension or debarment.—Nothing under this section shall prevent the department from suspending or debarring a contractor, under the terms and conditions set forth in 67 Pa. Code §§ 457.13 (relating to suspension or debarment) and 457.14 (relating to debarment appeals procedure), that has been prequalified by a third party under this section.

Section 19. Section 1307(f) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 1307. Period of registration.

(f) Optional permanent trailer registration.—[The] Except as set forth in section 1920(c) (relating to trailers), the registration of trailers permanently registered as provided in section 1920(c) [(relating to trailers)] shall expire upon salvaging of the vehicle or transfer of ownership.

(g) Election.—Upon application on a form prescribed by the department, the owner or lessee of a motor vehicle, except a motor vehicle registered under the International Registration Plan and a motor vehicle with a seasonal registration or a circus or carnival plate, may elect to pay an annual registration fee for a two-year period. The fee shall be two times the amount of the registration fee otherwise payable for the motor vehicle under this title.

Section 19.1. Section 1332 of Title 75 is amended by adding a subsection to read:

§ 1332. Display of registration plate.

(d) Validating registration stickers.—Validating registration stickers shall not be issued or required to be displayed.

Section 20. Section 1353 of Title 75 is amended to read:

§ 1353. Preserve our heritage registration plate.

The department, in consultation with the Pennsylvania Historical and Museum Commission, shall design a special preserve our heritage registration plate. Upon receipt of an application, accompanied by a fee

of [§35] ~~§54~~ which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross weight of not more than 10,000 pounds. The Historical Preservation Fund shall receive \$15 of each additional fee for this plate.

Section 21. Section 1354 of Title 75 is repealed:

[§ 1354. Flagship Niagara commemorative registration plate.

(a) Plate.—The department, in consultation with the Pennsylvania Historical and Museum Commission, shall design a Flagship Niagara commemorative registration plate. Upon application of any person, accompanied by a fee of \$35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross weight of not more than 10,000 pounds.

(b) Use of fee.—Of each fee paid under subsection (a), \$15 shall be deposited into the Flagship Niagara Account, which is established as a special account in the Historical Preservation Fund of the Pennsylvania Historical and Museum Commission. The commission shall administer the account as follows:

(1) To preserve, maintain and operate the Flagship Niagara.

(2) After making a determination that there has been compliance with paragraph (1) for a fiscal year, to contribute to the fund.]

Section 22. Section 1355 of Title 75 is amended to read:

§ 1355. Zoological plate.

The department, in consultation with the Pennsylvania Zoological Council, shall design a special zoological registration plate. Upon application of any person, accompanied by a fee of [§35] ~~§54~~ which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross weight of not more than 10,000 pounds. The Zoological Enhancement Fund shall receive \$15 of the fee paid by the applicant for the plate.

Section 23. Section 1550(d)(2) of Title 75 is reenacted to read:

§ 1550. Judicial review.

(d) Documentation.—

(2) In any proceeding under this section, documents received by the department from any other court or from an insurance company shall be admissible into evidence to support the department's case. In addition, if the department receives information from a court by means of electronic transmission or from an insurance company which is complying with its obligation under Subchapter H of Chapter 17 (relating to proof of financial responsibility) by means of electronic transmission, it may certify that it has received the information by means of electronic transmission, and that certification shall be prima facie proof of the adjudication and facts contained in such an electronic transmission.

Section 24. Sections 1553(c), 1554(c), 1617, 1786(d), 1903, 1904, 1911, 1913, 1916(a), 1917, 1918, 1920(a) and (c), 1921, 1922, 1924, 1925, 1926(a) (b) and (c), 1926.1, 1927, 1928, 1929, 1930, 1931, 1931.1, 1932 and 1933 of Title 75 are amended to read:

§ 1553. Occupational limited license.

(c) Fee.—The fee for applying for an occupational limited license shall be [§50] ~~§65~~. This fee shall be nonrefundable and no other fee shall be required.

§ 1554. Probationary license.

(c) Fee.—The fee for applying for a probationary license shall be [§25] ~~§35~~. The fee shall be nonrefundable. The annual fee for issuance of a probationary license shall be [§50] ~~§75~~, plus the cost of the photograph required in section 1510(a) (relating to issuance and content of driver's license), which shall be in addition to all other

licensing fees.

* * *

§ 1617. Fees.

Fees relating to commercial drivers' licenses to be collected by the department under this chapter shall be in addition to any other fees imposed under the provisions of this title and are as follows:

(1) The annual fee for a commercial driver's license designation shall be [\$10] \$15.

(2) In addition to any other restoration fee required by this title, an additional restoration fee of [\$50] \$100 shall be assessed and collected before reinstating a commercial driver's operating privilege following a suspension or revocation under this title or disqualification under this chapter.

(3) If the commercial driving privilege of a driver is disqualified, a Class C noncommercial or M license, if the driver possesses the motorcycle qualification, may be obtained upon payment of the fees associated with obtaining a duplicate license.

(4) An additional fee of [\$10] \$15 shall be imposed for the initial issuance or renewal of a commercial driver's license with an "H" or "X" endorsement, in addition to the cost of a criminal history background check as required by the USA Patriot Act of 2001 (Public Law 107-56, 115 Stat. 272).

§ 1786. Required financial responsibility.

* * *

(d) Suspension of registration and operating privilege.—

(1) The Department of Transportation shall suspend the registration of a vehicle for a period of three months if it determines the required financial responsibility was not secured as required by this chapter and shall suspend the operating privilege of the owner or registrant for a period of three months if the department determines that the owner or registrant has operated or permitted the operation of the vehicle without the required financial responsibility. The operating privilege shall not be restored until the restoration fee for operating privilege provided by section 1960 (relating to reinstatement of operating privilege or vehicle registration) is paid.

(1.1) In lieu of serving a registration suspension imposed under this section, an owner or registrant may pay to the department a civil penalty of \$500, the restoration fee prescribed under section 1960 and furnish proof of financial responsibility in a manner determined by the department. An owner or registrant may exercise this option no more than once in a 12-month period.

(2) Whenever the department revokes or suspends the registration of any vehicle under this chapter, the department shall not restore or transfer the registration until the suspension has been served or the civil penalty has been paid to the department and the vehicle owner furnishes proof of financial responsibility in a manner determined by the department and submits an application for registration to the department, accompanied by the fee for restoration of registration provided by section 1960. This subsection shall not apply in the following circumstances:

(i) The owner or registrant proves to the satisfaction of the department that the lapse in financial responsibility coverage was for a period of less than 31 days and that the owner or registrant did not operate or permit the operation of the vehicle during the period of lapse in financial responsibility.

(ii) The owner or registrant is a member of the armed services of the United States, the owner or registrant has previously had the financial responsibility required by this chapter, financial responsibility had lapsed while the owner or registrant was on temporary, emergency duty and the vehicle was not operated during the period of lapse in financial responsibility. The exemption granted by this paragraph shall continue for 30 days after the owner or registrant returns from duty as

long as the vehicle is not operated until the required financial responsibility has been established.

(iii) The insurance coverage has terminated or financial responsibility has lapsed simultaneously with or subsequent to expiration of a seasonal registration, as provided in section 1307(a.1) (relating to period of registration).

(3) An owner whose vehicle registration has been suspended under this subsection shall have the same right of appeal under section 1377 (relating to judicial review) as provided for in cases of the suspension of vehicle registration for other purposes. The filing of the appeal shall act as a supersedeas, and the suspension shall not be imposed until determination of the matter as provided in section 1377. The court's scope of review in an appeal from a vehicle registration suspension shall be limited to determining whether:

(i) the vehicle is registered or of a type that is required to be registered under this title; and

(ii) there has been either notice to the department of a lapse, termination or cancellation in the financial responsibility coverage as required by law for that vehicle or that the owner, registrant or driver was requested to provide proof of financial responsibility to the department, a police officer or another driver and failed to do so. Notice to the department of the lapse, termination or cancellation or the failure to provide the requested proof of financial responsibility shall create a presumption that the vehicle lacked the requisite financial responsibility. This presumption may be overcome by producing clear and convincing evidence that the vehicle was insured at all relevant times.

(4) Where an owner or registrant's operating privilege has been suspended under this subsection, the owner or registrant shall have the same right of appeal under section 1550 (relating to judicial review) as provided for in cases of suspension for other reason. The court's scope of review in an appeal from an operating privilege suspension shall be limited to determining whether:

(i) the vehicle was registered or of a type required to be registered under this title; and

(ii) the owner or registrant operated or permitted the operation of the same vehicle when it was not covered by financial responsibility. The fact that an owner, registrant or operator of the motor vehicle failed to provide competent evidence of insurance or the fact that the department received notice of a lapse, termination or cancellation of insurance for the vehicle shall create a presumption that the vehicle lacked the requisite financial responsibility. This presumption may be overcome by producing clear and convincing evidence that the vehicle was insured at the time that it was driven.

(5) An alleged lapse, cancellation or termination of a policy of insurance by an insurer may only be challenged by requesting review by the Insurance Commissioner pursuant to Article XX of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921. Proof that a timely request has been made to the Insurance Commissioner for such a review shall act as a supersedeas, staying the suspension of registration or operating privilege under this section pending a determination pursuant to section 2009(a) of The Insurance Company Law of 1921 or, in the event that further review at a hearing is requested by either party, a final order pursuant to section 2009(i) of The Insurance Company Law of 1921.

(6) The civil penalty collected under paragraph (1.1) shall be deposited into the Public Transportation Trust Fund.

* * *

§ 1903. Limitation on local license fees and taxes.

[No] Except as set forth in section 1935 (relating to fee for local

use), no municipality shall require or collect any registration or license fee or tax for any vehicle or driver's license from any person.

§ 1904. Collection and disposition of fees and moneys.

[The] (a) General rule.—Except as provided under this section, the department shall collect all fees payable under this title and all other moneys received in connection with the administration of this title and transmit them to the State Treasurer for deposit in the Motor License Fund. Moneys paid in error may be refunded by the department.

(b) Disposition.—Fees collected under sections 1951(c) (relating to driver's license and learner's permit), 1952 (relating to certificate of title), 1953 (relating to security interest), 1955 (relating to information concerning drivers and vehicles), 1956 (relating to certified copies of records) and 1958 (relating to certificate of inspection) shall be transmitted to the State Treasurer for deposit in the following funds:

(1) For fiscal year 2013-2014:

(i) 33.9% to the Public Transportation Trust Fund;

(ii) 30.7% to the Multimodal Transportation Fund; and

(iii) 35.4% to the Motor License Fund.

(1.1) For fiscal year 2014-2015:

(i) 43.9% to the Public Transportation Trust Fund;

(ii) 23% to the Multimodal Transportation Fund; and

(iii) 33.1% to the Motor License Fund.

(2) For fiscal years 2015-2016 and 2016-2017:

(i) 66.6% to the Public Transportation Trust Fund;

(ii) 23% to the Multimodal Transportation Fund; and

(iii) 10.4% to the Motor License Fund.

(3) For fiscal years beginning after June 30, 2017:

(i) 77% to the Public Transportation Trust Fund; and

(ii) 23% to the Multimodal Transportation Fund.

(c) Automatic adjustments.—

(1) Except as provided under paragraph (2), for the 24-month period beginning July 1, 2015, through June 30, 2017, and for each like 24-month period thereafter, all fees charged under this title shall be increased by an amount calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the most recent 24-month period, calculated from the first day of March through the last day of February, beginning on the date the fees charged under this title were last increased and for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect, to the then current fee amounts authorized. If a fee is increased under this paragraph and results in a fee which is less than a whole dollar, the following apply:

(i) Except as set forth in subparagraph (ii), the fee shall be rounded to the nearest whole dollar.

(ii) If the fee is prescribed in a section referenced in subsection (b), the fee shall be rounded to the next higher dollar.

(2) Fees charged under sections 1916 (relating to trucks and truck tractors), 1917 (relating to motor buses and limousines) and 1918 (relating to school buses and school vehicles) shall be increased on July 1, 2019, for the period beginning on July 1, 2019, through June 30, 2021, and for each like 24-month period thereafter in the same manner and with the same requirements prescribed under paragraph (1). If a fee is increased in accordance with this paragraph and results in a fee which is less than a whole dollar, the fee shall be rounded to the nearest whole dollar.

§ 1911. [Annual registration] Registration fees.

(a) General rule.—[An annual] A fee for the registration of vehicles as provided in Chapter 13 (relating to the registration of vehicles) shall be charged by the department as provided in this title.

(b) Department to establish certain fees.—If a vehicle to be registered is of a type not specifically provided for by this title and is otherwise eligible for registration, the department shall determine the most appropriate fee or fee schedule for the vehicle or type of vehicle based on such factors as design and intended use.

§ 1913. Motor homes.

The annual fee for registration of a motor home shall be determined by its registered gross weight in pounds according to the following table:

| Class | Registered Gross Weight in Pounds | Fee |
|-------|-----------------------------------|------------|
| 1 | 8,000 or less | [45] \$ 65 |
| 2 | 8,001 - 11,000 | [63] 90 |
| 3 | 11,001 or more | [81] 116 |

§ 1916. Trucks and truck tractors.

(a) General rule.—

(1) The annual fee for registration of a truck or truck tractor shall be determined by its registered gross weight or combination weight in pounds according to the following table:

| Class | [Registered Gross or Combination Weight in Pounds] | Fee |
|-------|--|-----------|
| 1 | 5,000 or less | \$ 58.50 |
| 2 | 5,001 - 7,000 | 81.00 |
| 3 | 7,001 - 9,000 | 153.00 |
| 4A | 9,001 - 10,000 | 198.00 |
| 4B | 10,001 - 11,000 | 198.00 |
| 5 | 11,001 - 14,000 | 243.00 |
| 6 | 14,001 - 17,000 | 288.00 |
| 7 | 17,001 - 21,000 | 355.50 |
| 8 | 21,001 - 26,000 | 405.00 |
| 9 | 26,001 - 30,000 | 472.50 |
| 10 | 30,001 - 33,000 | 567.00 |
| 11 | 33,001 - 36,000 | 621.00 |
| 12 | 36,001 - 40,000 | 657.00 |
| 13 | 40,001 - 44,000 | 697.50 |
| 14 | 44,001 - 48,000 | 751.50 |
| 15 | 48,001 - 52,000 | 828.00 |
| 16 | 52,001 - 56,000 | 882.00 |
| 17 | 56,001 - 60,000 | 999.00 |
| 18 | 60,001 - 64,000 | 1,111.50 |
| 19 | 64,001 - 68,000 | 1,165.50 |
| 20 | 68,001 - 73,280 | 1,251.00 |
| 21 | 73,281 - 76,000 | 1,597.50 |
| 22 | 76,001 - 78,000 | 1,633.50 |
| 23 | 78,001 - 78,500 | 1,651.50 |
| 24 | 78,501 - 79,000 | 1,669.50 |
| 25 | 79,001 - 80,000 | 1,687.50] |

| Class | Gross or Combination Weight in Pounds | Registered Fees | | | | |
|-------|---------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| | | Fiscal Year 2013-2014 | Fiscal Year 2014-2015 | Fiscal Year 2015-2016 | Fiscal Year 2016-2017 | Fiscal Year 2017-2018 |
| 1 | 5,000 or less | \$58.50 | \$58.50 | \$58.50 | \$58.50 | \$58.50 |
| 2 | 5,001 - 7,000 | 81 | 81 | 81 | 81 | 81 |
| 3 | 7,001 - 9,000 | 153 | 153 | 153 | 153 | 153 |
| 4A | 9,001 - 10,000 | 198 | 198 | 198 | 198 | 198 |
| 4B | 10,001 - 11,000 | 198 | 198 | 198 | 198 | 198 |
| 5 | 11,001 - 14,000 | 243 | 263 | 283 | 303 | 323 |
| 6 | 14,001 - 17,000 | 288 | 312 | 336 | 359 | 383 |
| 7 | 17,001 - 21,000 | 355.50 | 385 | 414 | 443 | 473 |

| | | | | | | |
|----|-----------------|----------|-------|-------|-------|-------|
| 8 | 21,001 - 26,000 | 405 | 438 | 472 | 505 | 539 |
| 9 | 26,001 - 30,000 | 472.50 | 511 | 550 | 589 | 628 |
| 10 | 30,001 - 33,000 | 567 | 614 | 661 | 707 | 754 |
| 11 | 33,001 - 36,000 | 621 | 672 | 723 | 775 | 826 |
| 12 | 36,001 - 40,000 | 657 | 711 | 765 | 820 | 874 |
| 13 | 40,001 - 44,000 | 697.50 | 755 | 813 | 870 | 928 |
| 14 | 44,001 - 48,000 | 751.50 | 813 | 875 | 937 | 999 |
| 15 | 48,001 - 52,000 | 828 | 896 | 965 | 1,033 | 1,101 |
| 16 | 52,001 - 56,000 | 882 | 955 | 1,028 | 1,100 | 1,173 |
| 17 | 56,001 - 60,000 | 999 | 1,081 | 1,164 | 1,246 | 1,329 |
| 18 | 60,001 - 64,000 | 1,111.50 | 1,203 | 1,295 | 1,387 | 1,487 |
| 19 | 64,001 - 68,000 | 1,165.50 | 1,262 | 1,358 | 1,454 | 1,550 |
| 20 | 68,001 - 73,280 | 1,251 | 1,354 | 1,457 | 1,561 | 1,664 |
| 21 | 73,281 - 76,000 | 1,597.50 | 1,729 | 1,861 | 1,993 | 2,125 |
| 22 | 76,001 - 78,000 | 1,633.50 | 1,768 | 1,903 | 2,038 | 2,173 |
| 23 | 78,001 - 78,500 | 1,651.50 | 1,788 | 1,924 | 2,060 | 2,196 |
| 24 | 78,501 - 79,000 | 1,669.50 | 1,807 | 1,945 | 2,083 | 2,220 |
| 25 | 79,001 - 80,000 | 1,687.50 | 1,827 | 1,966 | 2,105 | 2,244 |

(2) A portion of the registration fee for any truck or truck tractor in Classes 9 through 25 shall be deposited in the Highway Bridge Improvement Restricted Account within the Motor License Fund according to the following table:

| Classes | Amount Deposited in Highway Bridge Improvement Restricted Account |
|---------|---|
| 9-12 | \$ 72 |
| 13-17 | 108 |
| 18-20 | 144 |
| 21-25 | 180 |

* * *

§ 1917. Motor buses and limousines.

The annual fee for registration of a motor bus or a limousine shall be determined by its seating capacity according to the [following table:

| Seating Capacity | Fee |
|------------------|--|
| 26 or less | \$ 9 per seat |
| 27 - 51 | 234 plus \$11.25 per seat in excess of 26 |
| 52 or more | 540] |

following:

(1) If the seating capacity is less than 27:

- (i) For fiscal year 2013-2014, \$9 per seat.
- (ii) For fiscal year 2014-2015, \$10 per seat.
- (iii) For fiscal year 2015-2016, \$11 per seat.
- (iv) For fiscal year 2016-2017, \$12 per seat.
- (v) For fiscal years beginning after June 30,

2017, \$13 per seat.

(2) If the seating capacity is more than 26 but less than

52:

- (i) For fiscal year 2013-2014, \$234 plus \$11.25 for each seat beyond 26.
- (ii) For fiscal year 2014-2015, \$259.50 plus \$13 for each seat beyond 26.
- (iii) For fiscal year 2015-2016, \$285 plus \$14 for each seat beyond 26.
- (iv) For fiscal year 2016-2017, \$310.50 plus \$15 for each seat beyond 26.
- (v) For fiscal years beginning after June 30, 2017, \$336 plus \$16 for each seat beyond 26.
- (3) If the seating capacity is more than 51:
 - (i) For fiscal year 2013-2014, \$540.
 - (ii) For fiscal year 2014-2015, \$600.

(iii) For fiscal year 2015-2016, \$660.

(iv) For fiscal year 2016-2017, \$720.

(v) For fiscal years beginning after June 30,

2017, \$775.

§ 1918. School buses and school vehicles.

The annual fee for registration of a school bus or school vehicle shall be [\$24.] determined as follows:

(1) For fiscal year 2013-2014, \$24.

(2) For fiscal year 2014-2015, \$27.

(3) For fiscal year 2015-2016, \$30.

(4) For fiscal year 2016-2017, \$33.

(5) For fiscal years beginning after June 30, 2017, \$35.

§ 1920. Trailers.

(a) General rule.—The annual fee for registration of a trailer shall be determined by its registered gross weight according to the following table:

| Registered Gross Weight in Pounds | Fee |
|--------------------------------------|---------|
| 3,000 or less | \$ 6 |
| 3,001 - 10,000 | 12 |
| 10,001 or more | [27] 35 |
| * * * | |

(c) Optional permanent registration.—

(1) A trailer with a registered gross weight of 10,001 or more pounds may be registered for a one-time fee of [\$135] \$165 in lieu of the annual fee at the option of the registrant.

(2) A permanent registration of a trailer under this section may be transferred to another trailer one time upon payment of the fee under section 1927 (relating to transfer of registration).

§ 1921. Special mobile equipment.

The annual fee for registration of special mobile equipment shall be [\$36] \$52.

§ 1922. Implements of husbandry.

The annual fee for registration of an implement of husbandry not exempt from registration under this title shall be [\$18] \$26.

§ 1924. Farm vehicles.

(a) General rule.—The annual fee for registration of a farm vehicle shall be [\$76.50] \$110 or one-third of the regular fee, whichever is greater.

(b) Certificate of exemption.—The biennial processing fee for a certificate of exemption issued in lieu of registration of a farm vehicle shall be determined by the type of certificate issued and the gross weight or combination weight or weight rating according to the following table:

| Certificate type | Weight in pounds | Fee |
|------------------|---|------|
| Type A | 10,000 or less | \$24 |
| Type B | greater than 10,000 and not exceeding 17,000 | 24 |
| Type C | greater than 17,000 | 50 |
| Type D | greater than 17,000 | 100 |

§ 1925. Ambulances, taxis and hearses.

The annual fee for registration of an ambulance, taxi or hearse shall be [\$54] \$77.

§ 1926. Dealers and miscellaneous motor vehicle business.

(a) General rule.—The annual fee for a dealer registration plate or miscellaneous motor vehicle business plate shall be [\$36] \$52.

(b) Motorcycle dealers.—The annual fee for each dealer registration plate issued to a motorcycle dealer other than a motor-driven cycle dealer shall be [\$18] \$26.

(c) Motor-driven cycle dealers.—The annual fee for each dealer registration plate issued to a motor-driven cycle dealer shall be [\$9] \$13.

* * *

§ 1926.1. Farm equipment vehicle dealers.

The annual fee for registration of a farm equipment dealer truck or truck tractor shall be one-half of the regular fee or [§243] \$349, whichever is greater.

§ 1927. Transfer of registration.

The fee for transfer of registration shall be [§6] \$9.

§ 1928. Temporary and electronically issued registration plates.

The fee payable by a dealer or other dispensing agent for a temporary registration plate or for a registration plate to be issued for new registration processed electronically with the department shall be [§5] \$14. The charge of the agent for providing an applicant with a plate under this section shall not exceed a total of [§10] \$14.

§ 1929. Replacement registration plates.

The fee for a replacement registration plate other than a legislative or personal plate shall be [§7.50] \$11.

§ 1930. Legislative registration plates.

The fee for issuance of a legislative registration plate shall be [§20] \$76 which shall be in addition to the annual registration fee. Only one payment of the issuance fee shall be charged for each legislative registration plate issued or replaced.

§ 1931. Personal registration plates.

The fee for issuance of a personal registration plate shall be [§20] \$76 which shall be in addition to the annual registration fee. Only one payment of the issuance fee shall be charged for each personal registration issued or replaced.

§ 1931.1. Street rod registration plates.

The fee for the issuance of a street rod registration plate shall be [§20] \$51 which shall be in addition to the annual registration fee. Only one payment of the issuance fee shall be charged for each street rod registration plate issued or replaced.

§ 1932. Duplicate registration cards.

The fee for each duplicate registration card when ordered at the time of vehicle registration, the transfer or renewal of registration or the replacement of a registration plate shall be [§1.50] \$2. The fee for each duplicate registration card issued at any other time shall be [§4.50] \$6.

§ 1933. Commercial implements of husbandry.

The annual fee for registration of a commercial implement of husbandry shall be [§76.50] \$110 or one-half of the regular fee, whichever is greater.

Section 25. Title 75 is amended by adding a section to read:

§ 1935. Fee for local use.

(a) Establishment of fund.—A special fund is established within the State Treasury to be known as the Fee for Local Use Fund. Money in the fund is appropriated to the department for the purposes set forth in this section.

(b) Levy.—Beginning after December 31, 2014, a county may, in its discretion, by ordinance, impose a fee of \$5 for each vehicle registered to an address located in the county. A county shall notify the department of the passage of the ordinance 90 days prior to the effective date of the ordinance.

(c) Collection.—The department shall collect fees imposed under subsection (a) at the time a vehicle is registered and shall deposit the money in the Fee for Local Use Fund.

(d) Distribution.—Money paid into the Fee for Local Use Fund shall be distributed by the department to each participating county in accordance with the amounts collected from the county. Funds payable to a county under this section shall be added to funds payable to the county under section 9010(b) (relating to disposition and use of tax) and shall be allocated by the county in accordance with section 9010(c).

Section 26. Sections 1942(a), 1943, 1944, 1945(b), 1947, 1951(c) and (d), 1952, 1953, 1955(a), 1956, 1957, 1958(a), 1959, 1960 and 1961 of Title 75 are amended to read:

§ 1942. Special hauling permits as to weight and size.

(a) Fee schedule.—The fee for a special hauling permit for each movement of an overweight or oversize vehicle or load, or both, shall

be as follows:

(1) Oversize vehicle or load, or both, having a width up to 14 feet and not exceeding legal weight limit, [§25] \$35.

(2) Oversize vehicle or load, or both, having a width exceeding 14 feet and not exceeding any legal weight limit, [§50] \$71.

(3) Vehicle and load weighing in excess of legal weight limit, [3¢] 4¢ per mile per ton by which the gross weight exceeds the registered gross weight.

* * *

§ 1943. Annual hauling permits.

(a) Quarry equipment and machinery.—The annual fee for operation or movement of each piece of heavy quarry equipment or machinery, as provided for in section 4966 (relating to permit for movement of quarry equipment), shall be [§500] \$706.

(c) Course of manufacture.—The annual fee for operation or movement of loads or vehicles, as provided for in section 4968 (relating to permit for movement during course of manufacture), shall be as follows:

(1) Oversized movements:

(i) Movements limited to daylight hours only - [§100] \$130.

(ii) Movements that can be conducted 24 hours per day - [§1,000] \$1,300.

(2) Overweight movements:

(i) Movements not exceeding 100,000 pounds gross weight:

(A) Not more than one mile in distance - [§50] \$69.

(B) More than one mile in distance - [§400] \$750.

(ii) Movements in excess of 100,000 pounds gross weight - [§500] \$756, plus [§100] \$152 for each mile of highway authorized under the permit.

(d) Multiple highway crossings.—The annual fee for a single permit for multiple highway crossings, as provided for in section 4965 (relating to single permits for multiple highway crossings), shall be [§300] \$415.

(e.1) Special mobile equipment.—The annual fee for hauling or towing each piece of special mobile equipment, as provided for in section 4975 (relating to permit for movement of special mobile equipment), shall be [§200] \$300.

(f) Containerized cargo.—The annual company fee for movement of any combination with overweight containerized cargo as provided for in section 4974 (relating to permit for movement of containerized cargo) shall be:

(1) [§100] \$155 for a motor carrier requesting permits for up to 15 truck tractors.

(2) [§150] \$233 for a motor carrier requesting permits for 16 to 50 truck tractors.

(3) [§250] \$388 for a motor carrier requesting permits for 51 to 100 truck tractors.

(4) [§350] \$544 for a motor carrier requesting permits for 101 to 150 truck tractors.

(5) [§400] \$622 for a motor carrier requesting permits for 151 or more truck tractors.

(g) Domestic animal feed.—The annual fee for movement of each vehicle hauling domestic animal feed, in bulk, as provided for in section 4976 (relating to permit for movement of domestic animal feed) shall be [§400] \$587.

(g.1) Eggs.—The annual fee for movement of each vehicle hauling eggs as provided for in section 4976.2 (relating to permit for movement of eggs) shall be \$400.

(h) Movement of wooden structures.—The annual fee for movement of wooden structures as provided for in section 4977 (relating to permit for movement of wooden structures) shall be [§1,000] \$1,468.

(i) Live domestic animals.—The annual permit fee for each truck

tractor authorized to transport live domestic animals, as provided in section 4976.1 (relating to permit for movement of live domestic animals), shall be [\$400] \$520.

(j) Building structural components.—The permit fee for each truck tractor authorized to transport building structural components, as provided in section 4978 (relating to permit for movement of building structural components), shall be [\$100] \$141 for each month the permit is valid.

(k) Utility construction equipment.—The permit fee for utility construction equipment, as provided for in section 4970(a) (relating to permit for movement of construction equipment), shall be [\$100] \$141 for each month the permit is valid.

(l) Particleboard or fiberboard.—The annual fee for movement of particleboard or fiberboard, as provided for in section 4979 (relating to permit for movement of particleboard or fiberboard used for the manufacture of ready-to-assemble furniture), shall be [\$800] \$1,130.

(m) Bulk refined oil.—The annual fee for movement of bulk refined oil, as provided for in section 4979.1 (relating to permit for movement of bulk refined oil), shall be:

(1) [\$800] \$1,130 for a distance up to 50 miles.

(2) [\$1,600] \$1,690 for a distance of more than 50 miles up to 125 miles.

(n) Waste coal and beneficial combustion ash.—The annual fee for the movement of waste coal and beneficial combustion ash, as provided for in section 4979.2 (relating to permit for movement of waste coal and beneficial combustion ash), shall be [\$400] \$565.

(o) Float glass or flat glass.—The annual fee for the movement of float glass or flat glass, as provided for in section 4979.3 (relating to permit for movement of float glass or flat glass for use in construction and other end uses), shall be [\$800] \$1,209.

(p) Self-propelled cranes.—The annual permit fee for each self-propelled crane, as provided for in section 4979.4 (relating to permit for movement of self-propelled cranes), shall be as follows:

(1) Cranes not exceeding 100,000 pounds gross weight, prorated up to a maximum of [\$400] \$553.

(2) Cranes in excess of 100,000 pounds gross weight, prorated up to a maximum of [\$100] \$139 plus [\$50] \$69 for each mile of highway authorized under the permit.

(q) Construction equipment.—The annual fee for the movement of construction equipment shall be [\$400] \$520.

(q.1) Nonhazardous liquid glue.—The annual fee for the movement of nonhazardous liquid glue, as provided for in section 4979.5 (relating to permit for movement of nonhazardous liquid glue), shall be [\$800] \$1,000.

(q.2) Waste tires.—The annual fee for the movement of waste tires under section 4979.6 (relating to permit for movement of waste tires) shall be [\$800] \$845.

(r) Excess damage permit.—The annual fee for excess damage permits, as provided for in section 4961(d) (relating to authority to issue permits), shall be [\$500] \$640 to cover the costs of administering the permit and inspections of the involved highway.

§ 1944. Mobile homes, modular housing units and modular housing undercarriages.

The fee for a special hauling permit for a mobile home, modular housing unit or modular housing undercarriage which exceeds the maximum size prescribed in this title but which does not exceed 14 feet in body width shall be [\$25] \$39. The fee for a special hauling permit for a mobile home or modular housing unit, as provided in section 4973 (relating to permits for movement of a mobile home or a modular housing unit and modular housing undercarriage), shall be [\$50] \$76.

§ 1945. Books of permits.

* * *

(b) Penalty.—Any person violating any of the provisions of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of [\$500] \$1,000.

§ 1947. Refund of certain fees.

The portion of the fee of an unused overweight permit based on ton-miles or the fee for an unused escort, or both, may be refunded

upon payment of a processing fee of [\$10] \$38.

§ 1951. Driver's license and learner's permit.

* * *

(c) Identification card.—The fee for an identification card fee shall be [\$5] \$19 plus the cost of the photograph.

(d) Replacement license or card.—The fee for a replacement driver's license or identification card shall be [\$5] \$19 plus the cost of the photograph.

§ 1952. Certificate of title.

(a) General rule.—The fee for issuance of a certificate of title shall be [\$22.50] \$50.

(b) Manufacturer's or dealer's notification.—The fee for a manufacturer's or dealer's notification of acquisition of a vehicle from another manufacturer or dealer for resale pursuant to section 1113 (relating to transfer to or from manufacturer or dealer) shall be [\$3] \$5.

§ 1953. Security interest.

The fee for recording or changing the amount of security interest on a certificate of title shall be [\$5] \$23.

§ 1955. Information concerning drivers and vehicles.

(a) Drivers, registrations, titles and security interests.—

(1) The fee for a copy of written or electronic information relating to a driver, registration, title or security interest shall be [\$5.] \$8.

(2) If a Commonwealth agency has entered into a contract with a third party to deliver driver information to a person that has complied with section 6114(b)(5) (relating to limitation on sale, publication and disclosure of records), the department may impose an additional fee of up to \$2 for the requested record.

(3) Upon approval from the department, a person that has received the driver information from the third party under paragraph (2) that has complied with section 6114(b)(5) may provide the information, for a fee, to a third party for the same purposes contained in section 6114(b)(5) without the payment of any additional fees under this subsection to the department.

(4) Except as provided in paragraph (3), a person that sells, publishes or discloses or offers to sell, publish or disclose the information received by the person under this subsection commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$500 nor more than \$1,000.

(5) The department shall comply with the provisions of section 6114(d) with respect to the information of a driver under 18 years of age whose information is provided to any person under this subsection.

* * *

§ 1956. Certified copies of records.

(a) Department records.—The fee for a certified copy of any department record which the department is authorized by law to furnish to the public shall be [\$5] \$22 for each form or supporting document comprising such record.

(b) State Police reports.—The fee for a certified Pennsylvania State Police record of investigation of a vehicle accident which the Pennsylvania State Police are authorized by this title to furnish to the public shall be [\$5] \$22 for each copy of the Pennsylvania State Police full report of investigation.

§ 1957. Uncollectible checks.

Whenever any check issued in payment of any fee or for any other purpose is returned to the department or a municipality as uncollectible, the department or municipality shall charge a fee of [\$10] \$38 for each driver's license, registration, replacement of tags, transfer of registration, certificate of title, whether original or duplicate, special hauling permit and each other unit of issue by the department or municipality, plus all protest fees, to the person presenting the check, to cover the cost of collection.

§ 1958. Certificate of inspection.

(a) General rule.—The department shall charge [\$2] \$5 for each annual certificate of inspection [and \$1], \$3 for each semiannual

certificate of inspection and \$2 for each certificate of exemption.
 § 1959. Messenger service.

(a) Annual registration.—The annual fee for registration of a messenger service as provided for in Chapter 75 (relating to messenger service) shall be [\$50] \$192.

(b) Additional places of business.—The annual fee for registration of additional place of business or branch office from which a messenger service may transact business shall be [\$25] \$95.

(c) Transfer of location.—The fee for the transfer of location of a registered place of business or branch office of a messenger service during a period of registration shall be [\$5] \$19.

§ 1960. Reinstatement of operating privilege or vehicle registration.

The department shall charge a fee of [\$25] \$70 or, if section 1379 (relating to suspension of registration upon sixth unpaid parking violation in cities of the first class) or 1786(d) (relating to required financial responsibility) applies, a fee of [\$50] \$88 to restore a person's operating privilege or the registration of a vehicle following a suspension or revocation.

§ 1961. Secure power of attorney.

The fee for processing a secure power of attorney submitted for the purpose of odometer disclosure when not accompanied by an application for title shall be [\$15] \$23.

Section 27. (Reserved).

Section 28. Section 2102(b) and (d)(2) and (3) of Title 75 are amended to read:

§ 2102. Identification markers and license or road tax registration card required.

* * *

(b) Fee.—The fee for issuance of identification markers shall be [\$5] \$12 per vehicle.

* * *

(d) Operation without identification markers unlawful.—Except as provided in paragraphs (2) and (3), it shall be unlawful to operate or to cause to be operated in this Commonwealth any qualified motor vehicle unless the vehicle bears the identification markers required by this section or valid and unrevoked IFTA identification markers issued by another IFTA jurisdiction.

* * *

(2) For a period not exceeding 30 days as to any one motor carrier, the Secretary of Revenue by letter or telegram may authorize the operation of a qualified motor vehicle or vehicles without the identification markers required when both the following are applicable:

(i) enforcement of this section for that period would cause undue delay and hardship in the operation of such qualified motor vehicle; and

(ii) the motor carrier is registered and/or licensed for the motor carriers road tax with the Department of Revenue or has filed an application therefor with the Department of Revenue:

(A) The fee for such temporary permits shall be [\$5] \$7 for each qualified motor vehicle which shall be deposited in the Highway Bridge Improvement Restricted Account within the Motor License Fund.

(B) Conditions for the issuance of such permits shall be set forth in regulations promulgated by the Department of Revenue.

(C) A temporary permit issued by another IFTA jurisdiction under authority similar to this paragraph shall be accorded the same effect as a temporary permit issued under this paragraph.

(3) A motor carrier may, in lieu of paying the tax imposed and filing the tax report required by Chapter 96 and in lieu of complying with any other provisions of this section that would otherwise be applicable as a result of the operation of a particular qualified motor vehicle, obtain from the Department of

Revenue a trip permit authorizing the carrier to operate the qualified motor vehicle for a period of five consecutive days. The Department of Revenue shall specify the beginning and ending days on the face of the permit. The fee for a trip permit for each qualified motor vehicle is [\$50] \$73 which shall be deposited in the Highway Bridge Improvement Restricted Account within the Motor License Fund. The report otherwise required under Chapter 96 is not required with respect to a vehicle for which a trip permit has been issued under this subsection.

* * *

Section 29. (Reserved).

Section 30. (Reserved).

Section 31. Section 3111 of Title 75 is amended by adding a subsection to read:

§ 3111. Obedience to traffic-control devices.

* * *

(a.1) Penalty.—

(1) A person who violates this section commits a summary offense and shall, upon conviction, pay a fine of \$150. No other costs or surcharges, including those described in 42 Pa.C.S. § 1725.1 (relating to costs) and section 6506 (relating to surcharge), shall be assessed or imposed upon a conviction under this paragraph.

(2) Notwithstanding any other provision of law, including 42 Pa.C.S. § 3733(a) (relating to deposits into account), the fine collected under paragraph (1) shall be deposited as follows:

(i) Twenty-five dollars of the fine shall be deposited as provided under 42 Pa.C.S. § 3733(a).

(ii) After deposit of the amount under subparagraph (i), the remaining portion of the fine shall be deposited into the Public Transportation Trust Fund.

* * *

Section 32. Sections 3362(a) and (c) and 3363 of Title 75 are amended to read:

§ 3362. Maximum speed limits.

(a) General rule.—Except when a special hazard exists that requires lower speed for compliance with section 3361 (relating to driving vehicle at safe speed), the limits specified in this section or established under this subchapter shall be maximum lawful speeds and no person shall drive a vehicle at a speed in excess of the following maximum limits:

(1) 35 miles per hour in any urban district.

(1.1) [65] 70 miles per hour for all vehicles on freeways where the department has posted a [65-miles-per-hour] 70-miles-per-hour speed limit.

(1.2) 25 miles per hour in a residence district if the highway:

(i) is not a numbered traffic route; and

(ii) is functionally classified by the department as a local highway.

(2) 55 miles per hour in other locations.

(3) Any other maximum speed limit established under this subchapter.

* * *

(c) Penalty.—

(1) Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of:

(i) \$42.50 for violating a maximum speed limit of 65 miles per hour or higher; or

(ii) \$35 for violating any other maximum speed limit.

(2) Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

§ 3363. Alteration of maximum limits.

On highways under their respective jurisdictions, local authorities subject to section 6109(e) (relating to specific powers of department and local authorities) or the department, upon the basis of an engineering and traffic investigation, may determine that the maximum speed permitted under this subchapter is greater or less than is reasonable and safe under the conditions found to exist upon any such highway or part thereof and establish a reasonable and safe maximum limit. The maximum speed limit may be made effective at all times or at times indicated and may vary for different weather conditions and other factors bearing on safe speeds. No maximum speed greater than 55 miles per hour shall be established under this section except on highways listed in section 3362(a)(1.1) (relating to maximum speed limits), where the maximum speed for all vehicles shall not be greater than [65] 70 miles per hour.

Section 33. Section 4902(a) and (c) of Title 75 are amended and the section is amended by adding subsections to read:
§ 4902. Restrictions on use of highways and bridges.

(a) Restrictions based on condition of highway or bridge.—

(1) The Commonwealth and local authorities with respect to highways and bridges under their jurisdictions may prohibit the operation of vehicles and may impose restrictions as to the weight or size of vehicles operated upon a highway or bridge only when they determine by conducting an engineering and traffic study as provided for in department regulations that the highway or bridge may be damaged or destroyed unless use by vehicles is prohibited or the permissible size or weight of vehicles is reduced.

(2) School buses, emergency vehicles and vehicles making local deliveries or pickups may be exempted from restrictions on the use of highways imposed under this subsection.

(3) The department may issue a statement of policy, which shall take effect upon publication in the Pennsylvania Bulletin, adopting an appropriate methodology to provide letters of local determination that identify particular vehicles, routes or uses as local in nature.

(4) The methodology under paragraph (3) may allow for exemptions from 67 Pa. Code Ch. 189 (relating to hauling in excess of posted weight limit) related to at-risk industry sectors experiencing a 20% decline in Statewide employment between March 2002 and March 2011, as determined by the Department of Labor and Industry.

(5) The exemptions and related requirements under paragraph (4) may remain in existence only until December 31, 2018. Exemptions for local delivery or pickup may not include traffic going to or coming from a site at which minerals, natural gas or natural resources are developed, harvested or extracted, notwithstanding whether the site is located at a residence, a commercial site or on farmland. Delivery or pickup of logs or other forest products to or from permanent processing mills located on or reachable only through posted highways shall be considered local delivery or pickup.

(c) Permits and security.—

(1) The Commonwealth and local authorities may issue permits for movement of vehicles of size and weight in excess of restrictions promulgated under subsections (a) and (b) with respect to highways and bridges under their jurisdiction and may require such [undertaking] agreement or security as they deem necessary to cover the cost of repairs and restoration necessitated by the permitted movement of vehicles. In reference to subsection (a), the Commonwealth and local authorities shall not refuse to issue a permit with respect to a highway under their jurisdiction if there is no reasonable alternate route available. For purposes of this section, "reasonable alternate route" shall mean a route meeting the criteria set forth in department regulations relating to traffic and engineering studies.

(2) The department may establish the types of permits to

be issued and agreements to be entered into, subject to the following:

(i) Permits may be for long-term or short-term use of the posted highways.

(ii) The department may require multiple vehicles traveling to or from a single destination to operate pursuant to a single permit.

(iii) The department may establish a permit type allowing the posting authority to determine that damage to the posted highway covered by the permit will be minimal. This type of permit may include categories based on the number and kinds of loads expected, including a category providing that use of the posted highway under a single minimum use permit of less than 700 loads per year shall not require an agreement or security. The department may alter the 700 loads per year minimum use threshold if it determines the structural capacity of the State highways can accept a higher or lower amount of over-posted weight traffic. The department may express the threshold as a loads-per-day, loads-per-week or loads-per-month number.

(iv) The department may restrict use of de minimis and minimum use permits during thaw periods as determined by the department.

(v) The department shall exclude hauling related to unconventional oil and gas development from minimum use status based on its disproportionate and qualitatively different impact upon highways and bridges.

(3) The department shall promulgate regulations to implement this section. During the two years immediately following the effective date of this section, the department may promulgate temporary regulations, which shall expire no later than three years following the effective date of this paragraph or upon promulgation of final regulations, whichever occurs first. Temporary regulations promulgated by the department under this paragraph shall not be subject to any of the following:

(i) Sections 201, 202 and 203 of the Act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

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

(h) (Reserved).

(i) Authority to conduct investigations and audits.—The Commonwealth and local authorities may conduct or cause to be conducted an investigation and audit of a person or entity to determine if there has been a violation of this section, pertinent regulation or agreement. Audits shall be limited to proper usage of letters of local determination and de minimis and minimum use permits.

(j) Authority to suspend, revoke or deny permits.—The Commonwealth and local authorities may suspend, revoke or deny a permit and agreement if it is determined by the Commonwealth or a local authority that there has been a violation of this section, pertinent regulation or agreement, notwithstanding any other provision of this section.

Section 33.1. Section 4962 of Title 75 is amended by adding a subsection to read:

§ 4962. Conditions of permits and security for damages.

(f.3) Additional authorized travel periods.—With respect to oversized vehicles (over-length, over-width, or over-height), a permitted vehicle, combination or load may operate under a permit from sunrise to sunset every day of the week except as follows:

(1) During a holiday period specified in department regulations or in the permit.

(2) During inclement weather as defined in department regulations.

(3) In urbanized areas as specified in department regulations or the permit.

(4) As restricted by the permit.

* * *

Section 34. Section 4968(a.1)(3), (a.2)(4) and (b) of Title 75 are amended to read:

§ 4968. Permit for movement during course of manufacture.

(a.1) General rule.—An annual permit may be issued authorizing movement on specified highways of:

* * *

(3) aircraft refueling vehicles or vehicles and combinations carrying [raw] milk, raw coal, flat-rolled steel coils, steel slabs, hot ingots, a hot box, pulpwood and wood chips, raw water or cryogenic liquid which exceed the maximum weight specified in Subchapter C while they are in the course of manufacture and under contract with or under the direct control of the manufacturer, provided that they do not exceed the maximum height, width or length specified in Subchapter B unless they also qualify under paragraph (1), subject to the provisions in subsection (a.2).

(a.2) Specifications.—

* * *

(4) A combination of vehicles which is hauling [raw] milk to or from a manufacturer may be permitted by the department and local authorities to move upon highways within their respective jurisdictions 24 hours a day, seven days a week, except during inclement weather as defined in department regulations, if the gross weight does not exceed 95,000 pounds and the weight of any nonsteering axle does not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway. An application to the department for the movement of milk, except for raw milk, shall designate the route the applicant requests to use.

* * *

(b) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Bulk milk." The term shall mean milk, as defined in section 1 of the act of July 2, 1935 (P.L.589, No.210), referred to as the Milk Sanitation Law, which is not transported in packages.

"Condensed milk" and "evaporated milk." The term shall mean manufactured dairy products as defined in section 1 of the Milk Sanitation Law, which is not transported in packages.

"Hot box." Consists of an enclosure consisting of welded steel plate chained to a semitrailer with a removable lid lined with refraction for purposes of insulation and retention of heat.

"Milk." The term shall mean any of the following:

- (1) Bulk milk.
- (2) Evaporated milk.
- (3) Raw milk.
- (4) Condensed milk.

"Raw milk." Has the meaning given to it in the act of July 2, 1935 (P.L.589, No.210), referred to as the Milk Sanitation Law.

Section 35. Section 6110 of Title 75 is amended to read:

§ 6110. Regulation of traffic on Pennsylvania Turnpike.

(a) General rule.—The provisions of this title apply upon any turnpike or highway under the supervision and control of the Pennsylvania Turnpike Commission unless specifically modified by rules and regulations promulgated by the commission which shall become effective only upon publication in accordance with law. A copy of the rules and regulations, so long as they are effective, shall be posted at all entrances to the turnpike or highway for the inspection of persons using the turnpike or highway. This section does not authorize the establishment of a maximum speed limit greater than 55 miles per hour, except that a 65-miles-per-hour or 70-miles-per-hour maximum speed limit for all vehicles may be established where the commission has posted a 65-miles-per-hour or 70-miles-per-hour speed limit.

(a.1) Posting.—No maximum speed limit established under subsection [(a)(1) or (2)] (a) shall be effective unless posted on fixed or

variable official traffic-control devices erected after each interchange on the portion of highway on which the speed limit is in effect and wherever else the commission shall determine.

(b) Penalties.—

(1) Except as otherwise provided in this subsection, any person violating any of the rules and regulations of the Pennsylvania Turnpike Commission for which no penalty has otherwise been provided by statute commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$25.

(2) Any person violating any of the rules and regulations of the commission prohibiting fare evasion or attempted fare evasion commits a summary offense and shall, upon conviction, be sentenced to pay a fine according to the classification by the commission of the vehicle driven by that person at the time of violation as follows:

- (i) Class 1 through 2: \$100.
- (ii) Class 3 through 6: \$500.
- (iii) Class 7 and higher: \$1,000.

(3) In addition to the fines imposed under this subsection, restitution shall be made to the commission in an amount equal to the full fare, for the appropriate vehicle class, from the farthest point of entry on the turnpike to the actual point of exit.]

Section 35.1. Title 75 is amended by adding sections to read:

§ 6110.1. Fare evasion.

(a) Penalty.—A person that violates a regulation of the Pennsylvania Turnpike Commission prohibiting fare evasion or attempted fare evasion commits a summary offense and shall, upon conviction, be sentenced to pay a fine according to the classification by the commission of the vehicle driven by that person at the time of violation as follows:

- (1) Class 1 through 2: \$100.
- (2) Class 3 through 6: \$500.
- (3) Class 7 and higher: \$1,000.

(b) Affirmative action.—A person that intentionally or knowingly takes an affirmative action in an attempt to evade tolls incurred for travel upon the Pennsylvania turnpike or a road under its control commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to:

- (1) pay a fine of \$3,000 for a first offense; and
- (2) pay a fine of \$6,500 or to imprisonment of not more than six months, or both, for a second or subsequent offense.

(c) Construction.—Prosecution of a violation of this section shall not preclude prosecution under section 1332 (relating to display of registration plate), section 7122 (relating to altered, forged or counterfeit documents and plates) or section 7124 (relating to fraudulent use or removal of registration plate).

(d) Restitution.—In addition to the fines imposed under this section, restitution shall be made to the commission in an amount equal to the full fare, for the appropriate vehicle class, from the farthest point of entry on the turnpike to the actual point of exit.

(e) Deposit of fines.—Notwithstanding the provision of any other law, the fines collected under subsections (a) and (b) shall be deposited into the Motor License Fund.

(f) Definition.—As used in this section, the term "affirmative action" includes:

- (1) removing a license plate from a vehicle to impede electronic toll collection;
- (2) installing a mechanism which rotates, changes, blocks or otherwise mechanically alters the ability of a license plate to be read by a violation enforcement system;
- (3) installing a mechanical apparatus upon a vehicle which serves the sole purpose of masking, hiding or manipulating the true weight of the vehicle as it appears to a mechanical scale;
- (4) conspiring with an individual or group of individuals to alter, lower or evade payment of correct tolls; and
- (5) unauthorized use of a Pennsylvania Turnpike private

gate access or otherwise unauthorized movement entering or exiting the turnpike other than at approved interchanges.

§ 6118. Municipal police officer education and training.

Beginning July 1, 2014, and each year thereafter, the sum of \$5,000,000 is appropriated annually to the Pennsylvania State Police from the Motor License Fund to make payments under 53 Pa.C.S. § 2170 (relating to reimbursement of expenses) consistent with the requirements of section 11 of Article VIII of the Constitution of Pennsylvania. If money is not available to make full payments, the Municipal Police Officers' Education and Training Commission shall make payments on a pro rata basis.

Section 35.2. Section 6506 of Title 75 is amended to read:
§ 6506. Surcharge.

(a) Levy and imposition.—In addition to any fines, fees or penalties levied or imposed as provided by law, under this title or any other statute, a surcharge shall be levied for disposition in accordance with subsection (b) as follows:

(1) Upon conviction for any violation of the provisions of this title or other statute of the Commonwealth, or regulations promulgated under this title, which is a traffic violation and which is not included within the provisions of paragraphs (2) through (7), exclusive of parking offenses, a surcharge of [\$30] \$45.

(2) Upon conviction for a violation of the following provisions of this title, a surcharge of [\$40] \$60:

(i) Section 3306(a)(1) (relating to limitations on driving on left side of roadway).

(ii) Section 3745 (relating to accidents involving damage to unattended vehicle or property).

(3) Upon conviction for a violation of section 3345(a) (relating to meeting or overtaking school bus), a surcharge of [\$50] \$75.

(4) Upon conviction for a violation of section 3362 (relating to maximum speed limits), the following applicable surcharge:

(i) [\$30] \$45 for exceeding the maximum speed limit by 6 to 10 miles per hour or 11 to 15 miles per hour.

(ii) [\$40] \$60 for exceeding the maximum speed limit by 16 to 25 miles per hour.

(iii) [\$50] \$75 for exceeding the maximum speed limit by at least 26 miles per hour.

(5) Upon conviction for violation of section 4902 (relating to restrictions on use of highways and bridges), Subchapter C of Chapter 49 (relating to maximum weights of vehicles) or Subchapter E of Chapter 49 (relating to measuring and adjusting vehicle size and weight), a surcharge of [\$150] \$225.

(6) Upon conviction for violation of Chapter 47 (relating to inspection of vehicles), by the owner or operator or driver of a vehicle which is subject to the provisions of Chapter 49 (relating to size, weight and load), a surcharge of [\$30] \$45.

(7) Upon conviction of offenses under section 1543(b)(1.1) (relating to driving while operating privilege is suspended or revoked), 3802 (relating to driving under influence of alcohol or controlled substance) or 3808(a)(2) (relating to illegally operating a motor vehicle not equipped with ignition interlock), or upon admission to programs for Accelerated Rehabilitative Disposition for offenses enumerated in section 1543(b)(1.1), 3802 or 3808(a)(2), a surcharge, respectively, of:

(i) [\$50] \$75 for the first offense.

(ii) [\$100] \$150 for the second offense.

(iii) [\$200] \$300 for the third offense.

(iv) [\$300] \$450 for the fourth and subsequent offenses.

(8) Upon conviction, in a city of the first class, of any violation of this title, a surcharge of \$10.

(9) Upon conviction of any violation of this title in a city of the second class, a surcharge of \$10.

The provisions of this subsection shall not apply to any violation committed by the operator of a motorcycle, motor-driven cycle, pedalcycle, motorized pedalcycle or recreational vehicle not intended for highway use.

(b) Disposition.—

(1) Notwithstanding any other statutory provision:

(i) All surcharges levied and collected under subsection (a)(1) by any division of the unified judicial system shall be remitted to the Commonwealth for deposit in the General Fund.

(ii) All surcharges levied and collected under subsections (a)(2) through (7) by any division of the unified judicial system shall be remitted to the Commonwealth for deposit in the Pennsylvania Transportation Trust Fund.

(iii) All surcharges levied and collected under subsection (a)(8) and (9) by any division of the unified judicial system shall be remitted to the appropriate towing and storage agent as set forth in section 6309.2(e) (relating to immobilization, towing and storage of vehicle for driving without operating privileges or registration) for purposes of funding its costs associated with Subchapter A of Chapter 63 (relating to general provisions).

(iv) If the fines, fees or penalties are being paid in installments, the surcharge shall be remitted on each installment on a pro rata basis.

(2) (Reserved).

Section 36. The definition of "annual additional payments," "annual base payments" and "scheduled annual commission contributions" in section 8901 of Title 75 are 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 payments." As follows:

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

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

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

(2) If the conversion period has expired and a conversion notice has not been received by the secretary, in each subsequent fiscal year until the end of the term of the lease agreement, the annual additional payments shall be \$250,000,000. No annual additional payments shall be due after fiscal year 2021-2022.

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

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

(2) Two hundred million dollars payable annually through fiscal year 2021-2022 in four equal installments each due the last business day of each July, October, January and April.

(3) For fiscal year 2022-2023 and each fiscal year thereafter, the amount shall be \$50,000,000 payable annually from then current revenue.

"Scheduled annual commission contribution." The following amounts:

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

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

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

(4) For fiscal year 2010-2011 [and each fiscal year thereafter] through fiscal year 2021-2022, the amount shall be the amount calculated for the previous year increased by 2.5%,

except that the amount shall be equal to the annual base payments plus \$250,000,000 if the conversion notice is not received by the secretary prior to the expiration of the conversion period. For fiscal year 2014-2015 and each fiscal year thereafter through fiscal year 2021-2022, at least \$30,000,000 of this amount shall be paid from then current revenue.

(5) For fiscal year 2022-2023 and each fiscal year thereafter, the amount shall be \$50,000,000 payable annually from then current revenue.

Section 37. Section 8915.6(a) of Title 75 is amended to read: § 8915.6. Deposit and distribution of funds.

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

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

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

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

(4) For fiscal year 2010-2011 [and each fiscal year thereafter], through fiscal year 2013-2014, the amount calculated for the previous year increased by 2.5%.

(5) For fiscal year 2014-2015 and each fiscal year thereafter, \$0.

Section 38. (Reserved).

Section 39. (Reserved).

Section 40. The definition of "average wholesale price" in section 9002 of Title 75 is amended to read:

§ 9002. 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:

"Average wholesale price." [The average wholesale price per gallon of all taxable liquid fuels and fuels, excluding the Federal excise tax and all liquid fuels taxes, as determined by the Department of Revenue for the 12-month period ending on the September 30 immediately prior to January 1 of the year for which the rate is to be set. In no case shall the average wholesale price be less than 90¢ nor more than \$1.25 per gallon.] The average wholesale price of all taxable liquid fuels and fuels, excluding the Federal excise tax and all liquid fuels taxes shall be as follows:

(1) After December 31, 2013, and before January 1, 2015, the average wholesale price shall be \$1.87 per gallon.

(2) After December 31, 2014, and before January 1, 2017, the average wholesale price shall be \$2.49 per gallon.

(3) After December 31, 2016, the average wholesale price shall be as determined by the Department of Revenue for the 12-month period ending on the September 30 immediately prior to January 1 of the year for which the rate is to be set. In no case shall the average wholesale price be less than \$2.99 per gallon.

Section 40.1. Section 9004(a), (b), (c) introductory paragraph and (e) introductory paragraph of Title 75 are amended to read: § 9004. Imposition of tax, exemptions and deductions.

(a) [Liquid fuels and fuels tax.—A permanent State tax of 12¢ a gallon or fractional part thereof is imposed and assessed upon all liquid fuels and fuels used or sold and delivered by distributors within this Commonwealth.] (Reserved).

(b) Oil company franchise tax for highway maintenance and construction.—[In addition to the tax imposed by subsection (a), the] The tax imposed by Chapter 95 (relating to taxes for highway maintenance and construction) shall [also] be imposed and collected on liquid fuels and fuels, on a cents-per-gallon equivalent basis, upon all gallons of liquid fuels and fuels [as are taxable under subsection (a)] used or sold and delivered by distributors within this Commonwealth.

(c) Aviation gasoline tax.—In lieu of the taxes under [subsections (a) and] subsection (b):

(e) Exceptions.—The tax imposed under subsections [(a),] (b), (c) and (d) shall not apply to liquid fuels, fuels or alternative fuels:

Section 40.2. Section 9006(b)(2) of Title 75 is amended to read: § 9006. Distributor's report and payment of tax.

(b) Computation and payment of tax.—

(2) The discount under paragraph (1) shall not be computed on any tax imposed and remitted with respect to the oil company franchise tax imposed under sections 9004(b) (relating to imposition of tax, exemptions and deductions) and 9502 (relating to imposition of tax), except with respect to the oil company franchise tax imposed under section 9502(a)(5) (relating to imposition of tax).

Section 40.3. Section 9010(a), (b)(1) and (e)(3) of Title 75 are amended to read:

§ 9010. Disposition and use of tax.

(a) [Payment to Liquid Fuels Tax Fund.—One-half cent per gallon of the tax collected under section 9004(a) (relating to imposition of tax, exemptions and deductions) shall be paid into the Liquid Fuels Tax Fund of the State Treasury. The money paid into that fund is specifically appropriated for the purposes set forth in this chapter.] (Reserved).

(b) Payment to counties.—

(1) The money paid into the Liquid Fuels Tax Fund under section 9502(a)(5)(i) (relating to imposition of tax), except that which is refunded, shall be paid 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 three preceding years bears to the average amount returned to all counties during the three preceding years.

(e) Appropriation.—

(3) The [remaining tax collected under section 9004(a), the] tax of 1 1/2¢ a gallon imposed and assessed on liquid fuels used or sold and delivered for use as a fuel in propeller-driven aircraft or aircraft engines, the tax of 1 1/2¢ a gallon on liquid fuels used or sold and delivered for use as a fuel in jet or turbojet-propelled aircraft or aircraft engines in lieu of other taxes, all penalties and interests and all interest earned on deposits of the Liquid Fuels Tax Fund shall be paid into the Motor License Fund. This money is specifically appropriated for the same purposes for which money in the Motor License Fund is appropriated by law.

Section 40.4. Section 9017(c)(1) of Title 75 is amended to read: § 9017. Refunds.

(c) Motorboats and watercraft.—

(1) When the tax imposed by this chapter and section 9502(a)(5) (relating to imposition of tax) has been paid and the fuel on which the tax has been imposed has been consumed in the operation of motorboats or watercraft upon the waters of this Commonwealth, including waterways bordering on this Commonwealth, the full amount of the tax shall be refunded to the Boat Fund on petition to the board in accordance with prescribed procedures.

Section 40.5. Title 75 is amended by adding a section to read: § 9024. Application of Prevailing Wage Act to locally funded highway and bridge projects.

(a) Public work.—For locally funded highway and bridge projects, the term "public work" as used in the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, shall mean construction, reconstruction, demolition, alteration and

repair work, other than maintenance work, done under contract and paid for in whole or in part out of the funds of a public body if the estimated cost of the total project is in excess of \$100,000. The term shall not include work performed under a rehabilitation or manpower training program.

(b) Applicability.—This section shall apply to a contract entered on or after the effective date of this section.

(c) Definition.—As used in this section, the term "locally funded" means a highway or bridge project that is funded entirely by funds:

(1) paid to counties under section 9010(b) (relating to disposition and use of tax), including borrowed funds under section 9010(b)(2)(ii), whether expended by the county or allocated or apportioned to political subdivisions;

(2) allocated or appropriated to municipalities under the act of June 1, 1956 (1955 P.L. 1944, No. 655), referred to as the Liquid Fuels Tax Municipal Allocation Law;

(3) made available to municipalities from the Highway Bridge Improvement Restricted Account within the Motor License Fund for expenditure on bridge rehabilitation, replacement and removal projects pursuant to the act of December 8, 1982 (P.L. 848, No. 235), known as the Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983, and its supplements;

(4) awarded to municipalities as transportation enhancement grants under section 3116 (relating to automated red light enforcement systems in first class cities) or 3117 (relating to automated red light enforcement systems in certain municipalities);

(5) allocated from municipal budgetary sources using revenues derived through municipal taxes or fees; or

(6) allocated to municipalities under 58 Pa.C.S. (relating to oil and gas).

Section 41. Sections 9106 heading, (a) and (b), 9301 and 9502(a) of Title 75 are amended to read:

§ 9106. Dirt [and gravel], gravel and low-volume road maintenance.

(a) Statement of purpose.—It is the intent and purpose of this section:

(1) To fund safe, efficient and environmentally sound maintenance of sections of dirt and gravel roads which have been identified as sources of dust and sediment pollution.

(2) To establish a dedicated and earmarked funding mechanism that provides streamlined appropriation to the county level and enables local officials to establish fiscal and environmental controls.

(3) To fund safe, efficient and environmentally sound maintenance of sections of low-volume roads that are sealed or paved with an average daily traffic count of 500 vehicles or less.

(b) General rule.—Of the funds available under section 9502(a)(1) (relating to imposition of tax), [\$1,000,000] \$7,000,000 shall be annually distributed to the Department of Conservation and Natural Resources for the maintenance and mitigation of dust and sediment pollution from parks and forestry roads. Funds in the amount of [\$4,000,000] \$28,000,000 shall be appropriated annually to the State Conservation Commission and administered in a nonlapsing, nontransferable account restricted to maintenance and improvement of dirt [and gravel], gravel and low-volume State and municipal roads. The State Conservation Commission shall apportion the funds based on written criteria it develops to establish priorities based on preventing dust and sediment pollution. In the first fiscal year, top priority shall be given to specific trouble spot locations already mapped by the Task Force on Dirt and Gravel Roads and available from the department. A minimum of \$8,000,000 of the total appropriated annually shall be for maintenance and improvement of low-volume roads.

* * *

§ 9301. Supplemental funding for municipal highway maintenance.

(a) Annual appropriation.—The General Assembly shall annually appropriate, beginning with the 1980-1981 fiscal year, the sum of \$5,000,000 for supplemental payments to municipalities to assist in the

maintenance and construction costs of municipal roads. The moneys appropriated by authority of this section shall be distributed to municipalities in accordance with the provisions of the act of June 1, 1956 (1955 P.L. 1944, No. 655), [entitled "An act providing a permanent allocation of a part of the fuels and liquids fuels tax proceeds to cities, boroughs, incorporated towns and townships, for their road, street and bridge purposes; conferring powers and imposing duties on local officers and the Department of Highways; and making an appropriation out of the Motor License Fund; and repealing existing legislation."] referred to as the Liquid Fuels Tax Municipal Allocation Law.

(b) County allocation supplement.—Commencing July 1, 2014, the amount of \$5,000,000 is appropriated out of the Motor License Fund to counties annually. The following shall apply:

(1) The distribution shall be in the ratio of:

(i) the square footage of deck area of a county's county-owned bridges; to

(ii) the total square footage of deck area of county-owned bridges throughout this Commonwealth.

(2) The amount of square footage under paragraph (1)(i) shall be the amount reported as part of the National Bridge Inspection Standards Program.

(c) Additional allocation to municipalities.—Commencing July 1, 2014, an amount of \$30,000,000 is appropriated out of the Motor License Fund and shall be distributed to municipalities pursuant to the Liquid Fuels Tax Municipal Allocation Law.

§ 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 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). Of the amount collected in fiscal year 2015-2016, and each fiscal year thereafter, \$35,000,000 shall be deposited in the Multimodal Transportation Fund established under 74 Pa.C.S. § 2101 (relating to Multimodal Transportation Fund), to be expended in accordance with section 11 of Article VIII of the Constitution of Pennsylvania.

(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 proceeds of which shall be distributed as follows:

(i) [Forty-two] Forty-five percent to county maintenance districts for highway maintenance for fiscal year 2013-2014, 29% for fiscal year 2014-2015, 25% for fiscal year 2015-2016 and 19% for fiscal year 2016-2017 and each year thereafter. 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 for highway capital projects.] Fourteen percent for highway capital projects for fiscal year 2013-2014, 30% for fiscal year 2014-2015, 34% for fiscal year 2015-2016 and 40% for fiscal year 2016-2017 and each year thereafter. Annually, until fiscal year 2023-2024, an amount equal to 15% of all appropriations to the department for highway and bridge capital programs shall be distributed at the discretion of the secretary from the amount distributed under this subparagraph.

(iii) Thirteen percent for bridges.

(iv) Two percent for bridges identified as county or forestry bridges. Distribution under this subparagraph shall be in the ratio of:

(A) the square footage of deck areas, as reported as part of the National Bridge Inspection Standards Program, of a county's county-owned bridges; to

(B) the total square footage of deck area, as reported as part of the National Bridge Inspection Standards Program, of all county-owned bridges in this Commonwealth.

(v) Twelve percent for local roads pursuant to section 9511(c) (relating to basic allocation to municipalities).

(vi) Fourteen percent 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).

(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.]

(ii) Sixty-eight percent to the department for distribution in accordance with section 9102(b)(2) for fiscal year 2013-2014; 49% for fiscal year 2014-2015 and 40% for each fiscal year thereafter.

(iii) Twenty percent to the department for expanded highway and bridge maintenance for fiscal year 2013-2014; 39% for fiscal year 2014-2015 and 48% for each fiscal year thereafter to be distributed as follows:

(A) Annually, 15% of the amount deposited in a fiscal year shall be distributed at the discretion of the secretary.

(B) Any funds deposited but not distributed under clause (A) shall be distributed in accordance with the formula under section 9102(b)(2).

(C) Temporary transfers of funds may be made between counties if required for project cash flow.

(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.

(5) An additional 64 mills in calendar year 2014, 49 mills in calendar year 2015, 48 mills in calendar year 2016, 41 mills in calendar year 2017 and 39 mills in each calendar year thereafter, is imposed upon all motor fuels as defined and provided in Chapter 90; and the tax shall also be collected as provided in section 9004(b) upon such fuels. The proceeds of the tax shall be deposited and distributed as follows:

(i) Four and seventeen hundredths percent to the Liquid Fuels Tax Fund of the State Treasury. The money paid into that fund is specifically appropriated for the purposes set forth in section 9010 (relating to disposition and use of tax).

(ii) Ninety-five and eighty-three hundredths percent to the Motor License Fund. This money is specifically appropriated for the same purposes for which money in the Motor License Fund is appropriated by law. Twenty percent of the money under this subparagraph shall be allocated to municipalities in accordance with section 9511(d).

* * *

Section 42. Section 9511(b) and (g) of Title 75 are amended and the section is amended by adding subsections to read:
§ 9511. Allocation of proceeds.

* * *

(b) State Highway Transfer Restoration Restricted Account and local bridges.—

(1) The amount of the proceeds deposited in the Motor License Fund pursuant to this chapter which[, in fiscal year 1983-1984,] is attributable to [two] three mills of the tax imposed under section 9502(a) (relating to imposition of tax) [and which, in fiscal year 1984-1985 and thereafter, is attributable to three mills of the tax,] shall be deposited as follows:

(i) For fiscal years 2013-2014 through fiscal year 2016-2017, as follows:

(A) Twenty-seven million dollars shall be deposited in the State Highway Transfer Restoration Restricted Account within the Motor

License Fund. The funds deposited in the State Highway Transfer Restoration Restricted Account shall be appropriated annually for expenditure as provided under subsection (g).

(B) All funds not deposited in accordance with clause (A) shall be deposited in the Highway Bridge Improvement Restricted Account within the Motor License Fund for local bridges, notwithstanding if the project is administered by a county, municipality or the department.

(ii) For fiscal year 2017-2018 and each fiscal year thereafter, as follows:

(A) One and one-half mill shall be deposited in the State Highway Transfer Restoration Restricted Account within the Motor License Fund, which account is hereby created. The funds deposited in the State Highway Transfer Restoration Restricted Account are hereby annually appropriated out of the account upon authorization by the Governor for expenditure as provided in subsection (g).

(B) One and one-half mill shall be deposited in the Highway Bridge Improvement Restricted Account within the Motor License Fund for local bridges, notwithstanding if the project is administered by a county, municipality or the department.

(2) If funds are available to make payments under subsection (g)(1), the department may transfer funds deposited under paragraph (1)(i) and (ii) between the State Highway Transfer Restoration Restricted Account and the Highway Bridge Improvement Restricted Account at the discretion of the secretary.

* * *

(e.1) Allocation to municipalities for traffic signals.—In addition, up to \$10,000,000 for fiscal year 2014-2015, up to \$25,000,000 for fiscal year 2015-2016 and up to \$40,000,000 for fiscal year 2016-2017 and each fiscal year thereafter, is appropriated out of the Motor License Fund to replace, synchronize, time, operate and maintain traffic signals within traffic corridors consistent with 74 Pa.C.S. Ch. 92 (relating to traffic signals). The funds shall be used and allocated in accordance with the following:

(1) During fiscal year 2014-2015, up to \$10,000,000 is allocated to municipalities for upgrading traffic signals to light-emitting diode technology and for performing regional operations such as retiming, developing special event plans and monitoring traffic signals.

(2) During fiscal year 2015-2016, up to \$25,000,000 shall be allocated to municipalities for upgrading traffic signals to light-emitting diode technology, performing regional operations such as retiming, developing special event plans and monitoring traffic signals and for maintaining and operating traffic signals.

(3) During fiscal years 2016-2017 and each fiscal year thereafter, up to \$40,000,000 shall be allocated to municipalities for upgrading traffic signals to light-emitting diode technology, performing regional operations such as retiming, developing special event plans and monitoring traffic signals and for maintaining and operating traffic signals.

(4) Financial assistance under this section shall be matched by municipal or private cash funding in an amount not less than 50% of the amount of the financial assistance being provided.

(5) The department shall establish guidelines for applications and approval of applications from municipalities for the financial assistance being provided. Applicants must enter into agreements provided for under 74 Pa.C.S. Ch. 92. Priority

will be given to multi-municipal improvements.

(g) Use of funds in the State Highway Transfer Restoration Restricted Account.—The funds appropriated in subsection (b) for deposit in the State Highway Transfer Restoration Restricted Account shall be used to pay for the costs of restoration of such highways as provided in Chapter 92 (relating to transfer of State highways) and annual payments to the municipalities for highway maintenance in accordance with the following:

(1) Annual maintenance payments shall be at the rate of \$4,000 per mile for each highway or portion of highway transferred under Chapter 92, section 222 of the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, or any statute enacted in 1981.

(2) Annual maintenance payments shall be paid at the same time as funds appropriated under the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, except that no maintenance payment shall be paid for a highway until after the year following its transfer to the municipality.

(3) Annual maintenance payments under this subsection shall be in lieu of annual payments under the Liquid Fuels Tax Municipal Allocation Law.

(4) Annual maintenance payments under this subsection shall be deposited into the municipality's liquid fuels tax account and may be used on any streets and highways in the municipality in the same manner and subject to the same restrictions as liquid fuels tax funds paid under the Liquid Fuels Tax Municipal Allocation Law or, in the case of a county, under section 10 of the act of May 21, 1931 (P.L.149, No.105), known as The Liquid Fuels Tax Act.

* * *

(i) Refund to Pennsylvania Fish and Boat Commission.—

(1) When the tax imposed by section 9502(a) (relating to imposition of tax) has been paid and the fuel on which the tax has been imposed has been consumed in the operation of motorboats or watercraft upon the waters of this Commonwealth, including waterways bordering this Commonwealth, the full amount of the tax shall be refunded to the Boat Fund on petition to the Board of Finance and Revenue in accordance with prescribed procedures.

(2) In accordance with the procedures, the Pennsylvania Fish and Boat Commission shall biannually calculate the amount of liquid fuels consumed by the motorcraft and furnish the information relating to its calculations and data as required by the Board of Finance and Revenue. The Board of Finance and Revenue shall review the petition and motorboat fuel consumption calculations of the commission, determine the amount of the oil company franchise tax paid and certify to the State Treasurer to refund annually to the Boat Fund the amount so determined. The department shall be accorded the right to appear at the proceedings and make its views known.

(3) For the fiscal years commencing July 1, 2013, July 1, 2014, July 1, 2015, July 1, 2016, and July 1, 2017, the money under paragraph (2) shall be used by the commission acting by itself or by agreement with other Federal and State agencies only for the improvement of hazardous dams impounding waters of this Commonwealth on which boating is permitted, including the development and construction of boating areas and the dredging and clearing of water areas where boats can be used. The commission shall present its plan no later than September 30 of each year through September 30, 2017, to the chairman and minority chairman of the Transportation Committee and the chairman and minority chairman of the Game and Fisheries Committee of the Senate and the chairman and minority chairman of the Transportation Committee and the chairman and minority chairman of the Game and Fisheries Committee of the House of Representatives regarding the use of the funds. For the fiscal year commencing July 1, 2018, and for each fiscal year

thereafter, this money shall be used by the commission acting by itself or by agreement with other Federal and State agencies only for the improvement of the waters of this Commonwealth on which motorboats are permitted to operate and may be used for the development and construction of motorboat areas; the dredging and clearing of water areas where motorboats can be used; the placement and replacement of navigational aids; the purchase, development and maintenance of public access sites and facilities to and on waters where motorboating is permitted; the patrolling of motorboating waters; the publishing of nautical charts in those areas of this Commonwealth not covered by nautical charts published by the United States Coast and Geodetic Survey or the United States Army Corps of Engineers and the administrative expenses arising out of the activities; and other similar purposes.

Section 43. The following shall apply:

(1) The amendment of 74 Pa.C.S. § 303 shall apply to competitive contract opportunities issued on or after the effective date of this section.

(2) The amendment of 74 Pa.C.S. § 1512 shall apply to feasibility studies performed prior to and after the effective date of this section.

(3) The amendments of 74 Pa.C.S. § 8105(b)(2) shall apply to members of the Pennsylvania Turnpike Commission appointed for the first time after the effective date of this section.

(4) The addition of 75 Pa.C.S. § 9024 shall apply to contracts entered into on or after January 1, 2014.

(5) The addition of 74 Pa.C.S. § 9202 shall apply to contracts entered into on or after the effective date of this section.

Section 44. The General Assembly declares that the amendment of 75 Pa.C.S. § 4968(a.2)(4) shall not affect requirements of the Department of Transportation regarding the permit for the movement of raw milk found at 50A on pages 83 and 84 of Publication 31 of the Department of Transportation.

Section 45. The Department of Transportation and the Pennsylvania Turnpike Commission may amend the lease agreement entered into by them pursuant to 75 Pa.C.S. § 8915.3 in order to conform the provisions of the lease to the amendments to the rights and obligations of the Department of Transportation and the Pennsylvania Turnpike Commission contained in this act.

Section 46. The maximum principal amount of additional debt to be incurred under this act for capital projects specifically itemized in a capital project itemization act pursuant to section 7(a)(4) of Article VIII of the Constitution of Pennsylvania shall be \$500,000,000. Debt shall be incurred in accordance with the act of February 9, 1999 (P.L. 1, No. 1), known as the Capital Facilities Debt Enabling Act, and the Motor License Fund shall be charged with the repayment of the debt. The net proceeds from the sale of obligations authorized in this section are appropriated to the Department of Transportation to be used exclusively to defray financial costs of capital projects specifically itemized in accordance with the Capital Facilities Debt Enabling Act. The money necessary to pay debt service or to pay arbitrage rebates required under section 148 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 148) due on the obligations under this section in fiscal year 2013-2014 is appropriated to the State Treasurer from the Motor License Fund.

Section 47. The sum of \$1,000,000 is appropriated to the Department of Transportation from the Multimodal Transportation Fund for costs incurred by the department in the administration of the programs under 74 Pa.C.S. § 2401(a)(1).

Section 48. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

- (i) This section.
- (ii) Sections 43, 44, 45 and 46 of this act.
- (iii) The addition of 74 Pa.C.S. Ch. 2.
- (iv) The amendment of 74 Pa.C.S. § 1504.
- (v) The amendment or addition of 74 Pa.C.S. §

1506(c), (e) • (1)(i), (vi) and (vii), (2), (3) and (5).

(vi) The amendment of 74 Pa.C.S. § 1512.

(vii) The amendment or addition of 74 Pa.C.S. § 1514(c) and (e.1).

(viii) The amendment or addition of 74 Pa.C.S.

§ 1516(b)(1), (e) and (f).

(ix) The addition of 74 Pa.C.S. § 1517.1.

(x) The addition of 74 Pa.C.S. Ch. 21.

(xi) The addition of 74 Pa.C.S. Ch. 59 Subch. C.

(xii) The amendment of 74 Pa.C.S. § 8105(b)(2).

(xiii) The addition of 74 Pa.C.S. Ch. 92.

(xiv) The addition of 74 Pa.C.S. Ch. 93.

(xv) The reenactment of 75 Pa.C.S. §

1550(d)(2).

(xv.1) The amendment or addition of 75 Pa.C.S.

§ 1955(a)(2).

(xv.2) The amendment or addition of 75 Pa.C.S.

§§ 3362(a) and (c) and 3363.

(xvi) The amendment or addition of 75 Pa.C.S.

§§ 4902 and 4968.

(xvi.1) The amendment or addition of 75 Pa.C.S.

§ 6110(a) and (a.1).

(xvii) The amendment of 75 Pa.C.S. § 8915.6.

(xviii) The amendment of 75 Pa.C.S. § 9002.

(xix) The amendment or addition of 75 Pa.C.S.

§§ 9502(a)(1), (2)(i) and (ii), (3), (4) and (5) and 9511.

(2) The following provisions shall take effect January 1, 2014, or immediately, whichever occurs later:

(i) The amendment or addition of 74 Pa.C.S. §

1506(e)(1)(iii) and (v) and (4).

(ii) The amendment of 75 Pa.C.S. § 1307(f).

(iii) The amendment of 75 Pa.C.S. § 1904.

(iv) The amendment of 75 Pa.C.S. § 3111.

(v) The amendment of 75 Pa.C.S. § 6506.

(vi) The amendment of 75 Pa.C.S. Ch. 90, except §§ 9002 and 9024.

(vii) The addition of 75 Pa.C.S. § 9024.

(3) The following provisions shall take effect April 1,

2014:

(i) The amendment of 75 Pa.C.S. §§ 1951, 1952, 1953, 1955 and 1956.

(ii) The amendment of 75 Pa.C.S. § 2102.

(4) The following provisions shall take effect July 1,

2014:

(i) The amendment of 74 Pa.C.S. §§ 1503 and 1506(b) and (e)(6).

(ii) The amendment of 75 Pa.C.S. §§ 1353 and 1355.

(iii) The amendment of 75 Pa.C.S. §§ 1913, 1920(a) and (c)(1), 1921, 1922, 1924, 1925, 1926, 1926.1, 1927, 1928, 1929, 1930, 1931, 1931.1, 1933, 1942, 1943, 1944, 1945, 1947 and 1958.

(iv) The amendment of 75 Pa.C.S. § 8901.

(v) The amendment of 75 Pa.C.S. § 9106.

(vi) The amendment of 75 Pa.C.S. §

9502(a)(2)(iv).

(5) The following provisions shall take effect January 1,

2015:

(i) The amendment of 75 Pa.C.S. §§ 1553(c) and 1554(c).

(ii) The amendment of 75 Pa.C.S. § 1617.

(iii) The amendment of 75 Pa.C.S. § 1786(d).

(iv) The amendment of 75 Pa.C.S. §§ 1916, 1917, 1918, 1920(c)(2), 1932, 1935, 1957, 1959, 1960 and 1961.

(6) The amendment or addition of 75 Pa.C.S. §§ 1307(g), 1332(d) and 1911 shall take effect December 31, 2016.

(7) The remainder of this act shall take effect in 60 days.

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

The SPEAKER. For what purpose does the gentleman, Mr. Metcalfe, rise?

Mr. METCALFE. To make comments in opposition to the amendment, Mr. Speaker.

The SPEAKER. The gentleman is in order on the amendment.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, it has been a few years since we have had a situation arise where we are voting the same amendment for the third time in a row, Mr. Speaker, and one of the last times that I recall was many, many years ago when Speaker Ryan was still here. I specifically remember that late evening. I think we were still here until 1 or so in the morning. So it all happened in the same period of session rather than a break after two votes, for all of those hours to pass, and votes to be worked on to come back and vote it for the third time tonight, Mr. Speaker.

Mr. Speaker, I think there are many members of my caucus that expected an up-or-down vote on this issue so we could move on to other issues. Pass or fail was what we were assured of, up-or-down vote. We had that up-or-down vote twice last night, Mr. Speaker, twice. I did not think that the message conveyed to the caucus was that we would continue to vote it up or down until it passed, Mr. Speaker, a \$2 billion tax increase on the people of Pennsylvania, Mr. Speaker.

Mr. Speaker, we certainly need to ensure that our core infrastructure is taken care of, that transportation projects are dealt with as needed across the State, but, Mr. Speaker, the Commonwealth collects far too much from the taxpayers already. As I have talked to business owners and constituents and hardworking taxpayers in my district and around the State, many of them question why this legislature and why this Governor are incapable of reprioritizing our spending, Mr. Speaker, instead of coming back to the taxpayer and trying to stick our hand deeper and deeper into their pocket, Mr. Speaker.

Mr. Speaker, a \$2 billion tax increase is what is going to be contained in this amendment, and for the public as they looked at the news stories today, they thought that the legislature had handled this. They thought that it went down last night, that they were safe, that they could go back to work and not have to worry that they were going to have to pay more in taxes in the very near future through an increased tax increase that our Governor has continued to advocate for, Mr. Speaker.

Mr. Speaker, now the public, kind of not watching what is going on and here we are going on 7 o'clock in the evening as people are probably home from work, having dinner, taking their kids to whatever activities are occurring, and now we are here in the evening once again, after laboring here until about 11 last night, to take the taxpayers to the cleaner, Mr. Speaker.

Mr. Speaker, this legislation is not in the best interest of the Commonwealth. What is in the best interest of the Commonwealth is what is in the best interest of the average man and woman working across the State to provide for their families and for themselves, Mr. Speaker, and this bill does not take care of them. It takes advantage of them – a \$2 billion tax increase.

The Corbett gas tax increase should be defeated tonight, Mr. Speaker, for a third time. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Westmoreland County, Mr. Krieger.

Mr. KRIEGER. Thank you, Mr. Speaker.

Those of you who were in the chamber last night heard I spoke on this amendment last night, and I leave my substantive arguments there. If you cared and paid attention, you know what they are. I will not repeat them tonight.

I would like to echo a little bit of what the previous speaker said. Recall we voted this last night once, we reconsidered, and we voted it a second time last night with the same result. Now we are reconsidering a third time and we are asked to consider that bill again. My question rhetorically is, what if we do not get the, quote, "right" decision again? Are we going to be asked to do this a fourth time? Maybe a fifth time? I guess we will do it until we get the right answer.

We all can stand winning and losing. We have all done it on this floor. We can stand that because we know we have had a fair fight. We make our arguments and we move on. This is not a fair fight and has not been. The trouble is sometimes we have a tendency— And I know some people are just somewhere else on this bill, and I respect that, but our people are going to look at this to how this vote occurred. They are going to look at it and how it was done twice last night and once again tonight. And the trouble is sometimes some of us think our people are stupid, and they are not stupid. They are going to see this and they are going to see what happened and they are going to understand why, and if you want to do that, let us go ahead and do that, but I will be a "no" tonight. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Somerset County, Mr. Metzgar.

Mr. METZGAR. Thank you, Mr. Speaker.

You know, I like real things. I keep hearing from people that they have money in this, they have a stake in this, and they say, "Carl, I need you to support this," and I got confused last night. I was like, I do not understand. How do they want me to support a 28-cent-a-gallon tax increase, increasing the registration and increasing the fines on them? To do what? You know, give the government more money. We have more money than we have ever had before. And so I asked my constituents, I asked my people, I said, "Is this something you want me to do?" And I liked it. I got this big response. Two hundred people responded to me, and they started out, please vote "no." I agree. No more taxes. My friend, Brian Costea, told me that he will have to get rid of employees if this happens and downsize. He cannot afford the fuel now and would have to pass it on to the customer. It is hard enough getting jobs. This is a terrible bill, and it goes on and on and on; Brian Costea in Stoystown, Pennsylvania; Scott Scherer, Brush Creek. Dave and Robin Troutman, they are trying to run a trucking company. They cannot afford this and they are telling me no. PBS Coals, they have a coal cleaning plant and PENNDOT came and posted a culvert and told them they cannot get to it, but they still cannot afford this gas tax.

I am confused whom we are listening to. Whom are you listening to? Whom are you listening to? They do not want you to pass on a 28-cent tax. They do not want you to take that money from them and give it to the government. That is not what we are here for. They think we have enough money. They

think, they think that we should make do with what we have and leave them alone.

We are wrong if we pass this. We are wrong and they are going to remember.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Crawford County, Mr. Roae.

Mr. ROAE. Thank you, Mr. Speaker.

Mr. Speaker, I just want the taxpayers to be aware that there are many options to come up with money to fix roads and bridges other than what is about to happen here. Mr. Speaker, if we, if we privatize the liquor stores like 48 other States have done and use that money to fund transportation, we would not have to do what we are doing here tonight. Mr. Speaker, if we took the sales tax money that we get from vehicle sales – that raises about \$1.7 billion a year – if we use that and the Motor License Fund rather than the General Fund, we would not have to do what we are doing here tonight.

Mr. Speaker, there is legislation that has been introduced by another member that would mandate that PENNDOT prioritize their spending and focus on things like structurally deficient bridges. If they did not do the frivolous projects and they only did the important projects, we would not have to do what we are about to do here tonight. Mr. Speaker, there are many other ways. The State Police budget is about \$500 million a year in the Motor License Fund. That could get transferred out of there into the General Fund. That would free up \$500 million for roads and bridges so we would not have to do this 28-cent gas tax increase. Mr. Speaker, those are just some of the ideas. Mr. Speaker, we could also just do a simple cutback spending in the General Fund budget and then transfer money from the General Fund to the Motor License Fund.

I want to focus on one area, Mr. Speaker, with our State-owned colleges that we have, the PASSHE (Pennsylvania State System of Higher Education) system, Mr. Speaker. Pennsylvania taxpayers, they pay for full-time college professors to teach 12 hours a week. That is considered full-time. Mr. Speaker, we allow 7 percent of PASSHE college professors to be on paid sabbatical leave at any given time. Mr. Speaker, those are examples of how the State wastes money. If the professors worked a full – if they taught a full week—

Mr. HANNA. Mr. Speaker? Mr. Speaker?

Mr. ROAE. Mr. Speaker—

The SPEAKER. Will the gentleman suspend.

Mr. ROAE. Thank you.

The SPEAKER. For what purpose does the gentleman, Mr. Hanna, rise?

Mr. HANNA. Mr. Speaker, we are questioning whether this has anything to do with the amendment in the bill that is before us.

The SPEAKER. I have been paying attention to it. The gentleman has been framing it as options as to why this amendment is good or bad and what other options. I understand the gentleman's question. I have been paying attention. I think he has been framing it on the edge but within the realm of the amendment. I will pay attention. I appreciate it.

The gentleman may proceed.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. ROAE. Thank you, Mr. Speaker.

One final thing about our State colleges and I will get to my point. We give State college professors two pay raises a year, Mr. Speaker. So my point is, we use money in the General Fund budget to let 7 percent of the State college professors on paid sabbatical at any given time, we use State tax money that they only have to teach 12 hours a week to be considered full-time, and we give the PASSHE college professors two pay raises a year. Mr. Speaker, my idea is simple. If we cut spending like that back, if we say you get—

The SPEAKER. The gentleman will suspend.

You were close, but when you started talking about your amendment, that is not what is before us. This is the amendment before us. I would caution you to stay on the amendment that is before us. I mean, I gave you a little leeway with examples of why something else would be better than this. I was okay there, but when you start talking about some other amendment that you are thinking about, I think you have gone over that line.

Mr. ROAE. Thank you, Mr. Speaker. I appreciate that.

I guess my point is, if we cut back spending in the General Fund, we would not have to make the taxpayers of Pennsylvania pay another \$2.3 billion a year in taxes.

I encourage a "no" vote. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Readshaw.

Mr. READSHAW. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment, please?

The SPEAKER. The gentleman, Mr. Micozzie, indicates he will stand for interrogation. You may proceed.

Mr. READSHAW. Thank you, Mr. Speaker.

Mr. Speaker, in the amendment, along with the other tax increases and fee increases, is there also included in the amendment a half a percent tax on real estate transfer?

Mr. MICOZZIE. No.

Mr. READSHAW. Is there any tax on real estate transfer included in this amendment?

Mr. MICOZZIE. No.

Mr. READSHAW. Okay. Thank you very much, Mr. Speaker.

That concludes my interrogation.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike; I apologize.

The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady from Warren County, Ms. Rapp.

Ms. RAPP. Thank you, Mr. Speaker.

Mr. Speaker, the citizens of Pennsylvania need to be aware that currently we spend \$6.8 billion on transportation, \$6.8 billion. Yes, billion with a "b." Mr. Speaker, this amendment will create 28 cents per gallon of new taxes for people who have to drive to work. It also creates an increase on your registration, on your license, on fines. I believe it was over

106 new taxes. The problem is, Mr. Speaker, all of these increases come from those of us who own vehicles, everybody in rural Pennsylvania who owns a vehicle – increases in tire taxes, increases in those registrations, just about everything you can think of. Not one dime, not one penny of a fair increase for mass transit.

Actually, I listened to a colleague last night talk about how he did not want any more fare increases for mass transit. Well, you know what, Mr. Speaker? We have a lot of working poor in rural PA who drive 20, 30 miles per day to a job. I have constituents when I bring up just the gas tax – I do not even talk to them about the other increases – who say to me, I cannot afford this. I cannot afford now, hardly, to put gas in my car, get to work, and put milk and bread on my table. Philadelphia is not the only area in the State that has poor people who cannot afford more of an increase to get to work; neither can rural Pennsylvanians.

I ask for a "no" vote on this legislation. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Brendan Boyle.

Mr. B. BOYLE. Thank you, Mr. Speaker.

I did not speak on this last night but just wanted to briefly speak on it tonight.

This is a tough vote for every member of this House. There are things in this bill that I do not agree with and do not like, particularly the aspect as it relates to prevailing wage. However, for those of us who believe that we can actually come together, get something done, and compromise for the good of the people, last night was a disappointing night. This is an opportunity not to agree with 100 percent of what is in this bill but to come together and fix the real problems that we have in our Commonwealth. Our State has more roads and bridges in need of repair than any other State in the country. We have a mass transit system in Philadelphia, in the Philadelphia suburbs, as well as Pittsburgh that is in desperate need of funding, was in need of those funds 3, 4 years ago, and the situation has only gotten worse.

This is the opportunity to correct the mistake of last night. This is the opportunity to show our 12.7 million fellow Pennsylvanians that we can come together and actually get something done. Let us do the right thing and pass this tonight. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—104

| | | | |
|-------------|----------|----------|---------|
| Adolph | Farry | Kirkland | Parker |
| Aument | Fee | Kortz | Payne |
| Benninghoff | Fleck | Kotik | Peifer |
| Boback | Frankel | Lucas | Pyle |
| Boyle, B. | Gainey | Maher | Quinn |
| Boyle, K. | Galloway | Major | Reed |
| Briggs | Gergely | Markosek | Roebuck |
| Brown, V. | Gingrich | Marshall | Ross |

| | | | |
|-------------|--------------|------------|-------------|
| Brownlee | Godshall | Marsico | Saylor |
| Caltagirone | Greiner | Masser | Scavello |
| Carroll | Grell | McGeehan | Schlossberg |
| Clay | Grove | Mentzer | Sims |
| Clymer | Hackett | Miccarelli | Smith |
| Cohen | Harper | Micozzie | Sonney |
| Corbin | Harris, A. | Millard | Stephens |
| Cruz | Harris, J. | Miller, R. | Stern |
| Culver | Helm | Milne | Sturla |
| Cutler | Hennessey | Miranda | Taylor |
| Davidson | Hickernell | Molchany | Thomas |
| DeLissio | James | Moul | Toepel |
| Delozier | Keller, F. | Murt | Vereb |
| Denlinger | Keller, M.K. | Mustio | Vitali |
| Donatucci | Keller, W. | Neilson | Waters |
| English | Killion | O'Brien | Watson |
| Evans | Kim | O'Neill | Wheatley |
| Everett | Kinsey | Oberlander | Youngblood |

NAYS—95

| | | | |
|------------|------------|------------|-------------|
| Baker | Dunbar | Knowles | Ravenstahl |
| Barbin | Ellis | Krieger | Readshaw |
| Barrar | Emrick | Kula | Reese |
| Bizzarro | Evankovich | Lawrence | Regan |
| Bloom | Fabrizio | Longietti | Roae |
| Bradford | Farina | Mackenzie | Rock |
| Brooks | Flynn | Mahoney | Rozzi |
| Brown, R. | Freeman | Maloney | Sabatina |
| Burns | Gabler | Matzie | Saccone |
| Causer | Gibbons | McCarter | Sainato |
| Christiana | Gillen | McGinnis | Samuelson |
| Conklin | Gillespie | McNeill | Sankey |
| Costa, D. | Goodman | Metcalfe | Santarsiero |
| Costa, P. | Haggerty | Metzgar | Schreiber |
| Cox | Hahn | Miller, D. | Simmons |
| Daley, M. | Haluska | Mirabito | Snyder |
| Daley, P. | Hanna | Mullery | Stevenson |
| Davis | Harhai | Mundy | Swanger |
| Day | Harhart | Neuman | Tobash |
| Dean | Harkins | Painter | Toohil |
| Deasy | Heffley | Pashinski | Truitt |
| DeLuca | Kampf | Petrarca | Turzai |
| Dermody | Kauffman | Pickett | White |
| DiGirolamo | Kavulich | Rapp | |

NOT VOTING—2

| | |
|-------|---------|
| Petri | Tallman |
|-------|---------|

EXCUSED—1

Bishop

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 PASSED OVER

The SPEAKER. On that question, HB 106 will be over for the day.

BILLS REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 611;
SB 607; and
SB 1131.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILLS REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 129;
HB 202;
HB 228;
HB 1045;
HB 1234; and
HB 1716.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILLS TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be removed from the active calendar and placed on the tabled calendar:

HB 129;
HB 202;
HB 228;
HB 1045;
HB 1234; and
HB 1716.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1685, PN 2333**, entitled:

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, in taxation by school districts, further providing for adoption of further referendum and for disposition of income tax revenue and property tax reduction allocation.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1685 be removed from the active calendar and placed on the tabled calendar.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1685 be removed from the tabled calendar and placed on the active calendar.

On the question,
Will the House agree to the motion?
Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 304, PN 1533**, entitled:

An Act requiring certain large mass transit agencies to purchase buses that meet certain criteria within a specific implementation schedule; and providing for the powers and duties of the Department of Transportation.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 304 be removed from the active calendar and placed on the tabled calendar.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 304 be removed from the tabled calendar and placed on the active calendar.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILL RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 106 be removed from the active calendar and recommitted to the Rules Committee.

On the question,
Will the House agree to the motion?
Motion was agreed to.

VOTE CORRECTIONS

The SPEAKER. For what purpose does the gentleman from Adams County, Mr. Tallman, rise?

Mr. TALLMAN. Thank you, Mr. Speaker.
To correct the record.

The SPEAKER. The gentleman may state his correction.

Mr. TALLMAN. And this is actual. I was pushing that button and it did not record. So I think I was not voting. I want to be voted in the affirmative.

The SPEAKER. The gentleman's remarks will be noted for the record.

For what purpose does the gentleman from Bucks County, Mr. Petri, rise?

Mr. PETRI. Mr. Speaker, you were very quick tonight and I was not as quick; I apologize. I would like to be recorded in the "yes." Thank you.

The SPEAKER. The gentleman's remarks will be noted for the record.

ANNOUNCEMENT BY MR. SCHLOSSBERG

The SPEAKER. Is the gentleman from Lehigh County, Mr. Schlossberg, seeking recognition under unanimous consent?

Mr. SCHLOSSBERG. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. SCHLOSSBERG. Mr. Speaker and to the members of the chamber, I want to apologize for taking your time, but I just wanted to wish my daughter a happy birthday. She is 1 year old today.

The SPEAKER. Happy birthday.

The gentleman may continue.

Mr. SCHLOSSBERG. Mr. Speaker, there is constantly quite a bit of conversation about the supposed various perks of being in office, but to those watching at home and to those in this chamber, I do want to take the opportunity to remind all of us that while there are perks, there are also significant sacrifices. I could not kiss my daughter on her first birthday, and that is pretty heartbreaking. So to anybody who is listening, please understand that we do make significant sacrifices in this job. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. Seeing no further business before this House, the Speaker recognizes the gentleman, Mr. Farina, from Lackawanna County, who moves that this House do now adjourn until Wednesday, November 20, 2013, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:10 p.m., e.s.t., the House adjourned.