

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, NOVEMBER 20, 2013

SESSION OF 2013 197TH OF THE GENERAL ASSEMBLY

No. 68

SENATE

WEDNESDAY, November 20, 2013

The Senate met at 1 p.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Jim Cawley) in the Chair.

PRAYER

The Chaplain, Reverend JEFF WHITEBREAD, Pastor of the Capitol Commission, Harrisburg, offered the following prayer:

Let us pray.

Lord God almighty, Creator of Heaven and earth, we bow before Your throne. As we consider the weight of divine responsibility entrusted to each person in this Chamber, we are confronted by the reality of our own human frailty and weakness. We acknowledge before You that we need Your wisdom, counsel, and guidance in order to do what is true and right and just. And to experience by Your providential hand the reality that You are a God of love, a God who cares, and a God who desires to lavish Your grace upon us. As we turn our attention to our interactions with one another, let us acknowledge the potential that resides in each of us to harm and damage our fellow man. Help us by Your grace to seek another path.

Finally, I pray for those who place their hope in Jesus, may we reflect the person we claim to follow. Jesus did not seek power and influence but emptied himself, sacrificed, served, and died so that all might live. In view of this, may all the Members of this Chamber, as they discharge the duties divinely bestowed upon them, seek to serve their constituents for their good to the greater glory of the sovereign God who is involved in the affairs of men. I ask this in the name of the One who loved us and washed us from our sins, Jesus of Nazareth. Amen.

The PRESIDENT. The Chair thanks Pastor Whitebread, who is the guest today of Senator Leach.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by those assembled.)

COMMUNICATIONS FROM THE GOVERNOR

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICINE**

November 20, 2013

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 12, 2013, for the appointment of Mike Downing, 123 Stanford Court, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Linda Meyer, Central City, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

TOM CORBETT
Governor

**MEMBER OF THE STATE BOARD OF
CERTIFIED REAL ESTATE APPRAISERS**

November 20, 2013

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 8, 2013, for the appointment of Rhea P. Simms, 740 Sutton Road, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Roberta McGettigan, Upper Darby, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

TOM CORBETT
Governor

NOMINATIONS REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS**

November 20, 2013

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve until December 12, 2015, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Diane Howarth, RN, Holtwood, resigned.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICINE

November 20, 2013

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ian D. Rosenberg, BSCCPLP, 31 Allendale Place, Pittsburgh 15228, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Linda Meyer, Central City, whose term expired.

TOM CORBETT
Governor

BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

November 20, 2013

Senators RAFFERTY, STACK, KASUNIC, WHITE, COSTA, YUDICHAK, FONTANA, BRUBAKER, BREWSTER, FARNESE, TARTAGLIONE and BROWNE presented to the Chair **SB 1183**, entitled:

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

Which was committed to the Committee on JUDICIARY, November 20, 2013.

Senators VULAKOVICH, FONTANA, ALLOWAY, BREWSTER, COSTA, ERICKSON, FARNESE, HUGHES, SCHWANK, SMITH, SOLOBAY, STACK, WARD, YUDICHAK, PILEGGI and BROWNE presented to the Chair **SB 1184**, entitled:

An Act amending the act of July 5, 2012 (P.L.1078, No.123), entitled "An act establishing a task force within the Department of Education, providing for its powers and duties and providing for administrative support," further providing for expiration of act.

Which was committed to the Committee on EDUCATION, November 20, 2013.

Senators ARGALL, MENSCH, ERICKSON, COSTA, STACK, TEPLITZ, RAFFERTY, SCHWANK, ALLOWAY, FONTANA, VULAKOVICH, WHITE, GREENLEAF, BAKER,

KASUNIC, DINNIMAN, BRUBAKER, TARTAGLIONE, SCARNATI, SOLOBAY and BROWNE presented to the Chair **SB 1187**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, providing for special plates for recipients of Combat Infantry Badge.

Which was committed to the Committee on TRANSPORTATION, November 20, 2013.

**APPOINTMENT BY THE
PRESIDENT PRO TEMPORE**

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointment:

Senator Robert M. Tomlinson as a member of the Pennsylvania Athletic Oversight Committee.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Jim Cawley) in the presence of the Senate signed the following bills:

HB 290, HB 390 and HB 714.

BILLS REPORTED FROM COMMITTEE

Senator BRUBAKER, from the Committee on Finance, reported the following bills:

SB 491 (Pr. No. 1599) (Amended)

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, providing for the definition of "farming"; and further providing for declaration and payment of income taxes and for withholding and remittance.

HB 1513 (Pr. No. 2492)

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions thereon.

LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request a temporary Capitol leave for Senator Brubaker.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Brubaker. Without objection, the leave will be granted.

JOURNALS APPROVED

The PRESIDENT. The Journals of the Sessions of October 15, 2013, and October 16, 2013, are now in print.

The Clerk proceeded to read the Journals of October 15, 2013, and October 16, 2013.

Senator PILEGGI. Mr. President, I move that further reading of the Journals be dispensed with and that the Journals be approved.

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

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Ward
Blake	Fontana	Scarnati	Washington
Boscola	Gordner	Schwank	Wauh
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak
Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	Mcllhinney	Tomlinson	
Erickson	Mensch	Vance	

NAY-0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. The Journals are approved.

GUEST OF THE PRESIDENT PRO TEMPORE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Mr. President, it is my honor today to recognize an individual who has been part of our Senate family for 35 years and will be retiring. If the Senate would give me just several minutes, I would like to read a citation that has been prepared for this individual on behalf of the entire Senate. *(Reading:)*

Whereas, The Senate of Pennsylvania is always proud to acknowledge those individuals who adhere to the highest standards of service, thereby contributing to the betterment of their communities and ultimately to all the citizens of this great Commonwealth; and

Whereas, Donald Free is being honored upon his retirement as Director of the Senate Document Room after more than thirty-four years of distinguished service with the Senate of Pennsylvania; and

Whereas, Mr. Free graduated from the Central Dauphin High School in 1974 and The Pennsylvania State University in 1979. He began his career with the Senate of Pennsylvania as Assistant Sergeant-At-Arms on May 1, 1979. He became Acting Director of the Senate Document Room on August 2, 1984, and Director of the department on November 21, 1984. Throughout his career, Mr. Free maintained the highest standards of excellence, along with an exemplary commitment to service that earned him the respect and admiration of his many coworkers and colleagues.

Now therefore, the Senate of the Commonwealth of Pennsylvania congratulates Donald Free upon his richly deserved retirement; heartily commends his exemplary record of service, in keeping with the highest ideals and traditions of this Commonwealth of Pennsylvania; offers best wishes for every future success and happiness.

Today with us are Don Free and his cousin, Diane Shoop, who are seated in the gallery. Would the Senate please join in honoring Mr. Don Free.

(Applause.)

GUEST OF SENATOR ROBERT F. TEPLITZ PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Teplitz.

Senator TEPLITZ. Mr. President, I am introducing as a guest today, the second of our two interns that we had in our office in the Capitol this semester.

Amy Gregory is a student at Lebanon Valley College where she is majoring in political science with a minor in legal studies. Amy is from Nazareth, Pennsylvania; she is a constituent of Senator Boscola, but she came to us by being a student here in the central Pennsylvania area at Lebanon Valley College. She is very active in a number of organizations, both political organizations and Greek organizations. At her previous school at Northampton Community College, she was president of the political science club, secretary of the Model United Nations, and a student Senator. She has also been a delegate at the Pennsylvania United Nations Conference. Amy has been our intern this semester, she has done a fantastic job for us dealing with constituents and helping to plan events, and we have tried to give her a great experience in seeing what goes on here in the Capitol, and today is probably as good a day as any to see that. So, I ask for my colleagues to join me in welcoming her and thanking her for her great work this semester.

The PRESIDENT. Would the guest of Senator Teplitz please rise so that the Senate may give you its usual warm welcome.

(Applause.)

GUEST OF SENATOR LLOYD K. SMUCKER PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Smucker.

Senator SMUCKER. Mr. President, I am very pleased to introduce a guest seated in the gallery, Ms. Vicki Rogers, who was crowned in July as Ms. Pennsylvania Senior America. Ms. Rogers is a resident of the 13th Senatorial District, which is my district in Lancaster County, and competed and won against five other seniors to earn the honor. Ms. Rogers is a registered nurse by profession, and has used her inspiring vocal talents to assist her hospice patients in their end-of-life transition. To some, she has even kept her promise to sing at their final worship services. With a three-octave range, Ms. Rogers is a board member and officer of the Musical Art Society of Lancaster and has participated in choral presentations with numerous groups such as the Billy Graham Crusade, Lancaster Bible College, Ocean Grove's Choral Fest, and Handel's Messiah.

The Ms. Pennsylvania Senior America pageant is based on inner beauty, and Ms. Rogers truly embodies its spirit. Mr. President, please join me in welcoming the Commonwealth's representative of the Ms. Pennsylvania Senior America pageant to the Chamber today, and I ask my fellow Senate Members to give her our usual warm welcome.

The PRESIDENT. Would the guest of Senator Smucker please rise so that the Senate may give you its usual warm welcome.

(Applause.)

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request a recess of the Senate for the purpose of a Republican caucus to be held in the Majority Caucus Room immediately.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, Senate Democrats will meet in the rear of the Chamber immediately as well for a caucus.

The PRESIDENT. For purposes of Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDENT. The time of recess having expired, the Senate will come to order.

CALENDAR

THIRD CONSIDERATION CALENDAR

HB 1060 CALLED UP OUT OF ORDER

HB 1060 (Pr. No. 2014) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator PILEGGI, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

HB 1060 (Pr. No. 2014) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for display of registration plates.

On the question,

Will the Senate agree to the bill on third consideration?

Senator RAFFERTY offered the following amendment No. 4734:

Amend Bill, page 1, lines 1 through 3, 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 regis-

tration plate and for certain special plates.

Providing for report to General Assembly.

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 transporta-

tion 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) The Department of Transportation is responsible for the operation of the Commonwealth's transportation system, including administration, driver and vehicle services, highway administration, multimodal transportation and planning. To this end, the department is charged with the registration of vehicles, including the issuance and proper mounting of license plates and special registration plates and assessing those costs and financial impact and ensuring road safety and movement by the posting of maximum speed limits on highways.

(14) 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 1, lines 6 through 12; page 2, lines 1 through 18, 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 sub-contractor 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 Penn-

sylvania 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 pro-

gram 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.

(4) A project related to transit-oriented development, as defined in section 103 of the act of December 8, 2004 (P.L.1801, No.238), known as the Transit Revitalization Investment District Act.

§ 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 appropri-

ated 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.--

(1) For the initial adjustment, the department shall do all of the following:

(i) Determine the percentage increase in the Consumer Price Index for All Urban Consumers for the period beginning August 1, 2013, and ending January 31, 2015.

(ii) Apply, as of July 1, 2015, the increase under subparagraph (i) to every grant amount under subsection (a)(1).

(2) For subsequent adjustments, the department shall do all of the following:

(i) Determine the percentage increase in the Consumer Price Index for All Urban Consumers for the period beginning February 1, 2015, and ending January 31, 2017, and for each succeeding 24-month period.

(ii) Apply, as of July 1, 2017, the increase under subparagraph (i) to the then current grant amount under subsection (a)(1).

§ 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 President pro tempore of the Senate;

(ii) the Minority Leader of the Senate;

(iii) the Speaker 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 C

FIRST 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 meets all 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 subsections to read:

§ 1332. Display of registration plate.

(a.1) Motorcycle registration plate.--

(1) A registration plate issued for a motorcycle may be mounted on the motorcycle in a vertical manner if:

(i) the identifying characters on the plate are displayed in a vertical alignment; and

(ii) the mounting complies with all other provisions of this section.

(2) A registration plate that has its identifying characters displayed horizontally shall not be displayed and mounted vertically.

(3) The department shall produce a registration plate for motorcycles which displays the identifying characters on the plate in a vertical alignment. The department shall issue such a plate upon request and upon payment of a fee of \$20, which shall be in addition to the annual registration fee.

(4) No later than January 1, 2016, the department shall 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 on the number of motorcycle registration plates issued in a vertical alignment, the cost of issuance and any required revision to the fee so as to maintain necessary financial support for the highway system in this Commonwealth.

(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] \$23 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] \$23 of the fee paid by the applicant for the plate.

Section 22.1. Title 75 is amended by adding a section to read:
§ 1370. Report to General Assembly.

No later than January 1, 2015, and on January 1 of every fifth year thereafter, the department shall 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 on the utilization of special registration plates provided for in this chapter. For each special registration plate, the report shall include the number of plates then in use, the number of new plates issued annually since the preceding report and make recommendations regarding the need for the continued issuance of such plates, including an analysis of usage, cost of issuance and any required revision to fees so as to maintain necessary financial support for the highway system in this Commonwealth.

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 regis-

trant 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) For the initial adjustment, the department shall do all of the following:

(i) Determine the percentage increase in the Consumer Price Index for All Urban Consumers for the period beginning August 1, 2013, and ending January 31, 2015.

(ii) Except as set forth in paragraph (3), apply, as of July 1, 2015, the increase under subparagraph (i) to every fee charged under this title.

(2) For subsequent adjustments, the department shall do all of the following:

(i) Determine the percentage increase in the Consumer Price Index for All Urban Consumers for the period beginning February 1, 2015, and ending January 31, 2017, and for each succeeding 24-month period.

(ii) Except as set forth in paragraph (3), apply, as of July 1, 2017, the increase under subparagraph (i) to every fee charged under this title.

(3) For 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), the department shall do all of the following:

(i) Determine the percentage increase in the Consumer Price Index for All Urban Consumers CPI for the period beginning February 1, 2017, and ending January 31, 2019, and for each succeeding 24-month period.

(ii) Apply, as of July 1, 2019, the increase under subparagraph

(i) to every fee under this paragraph.

(4) If a fee is increased under this subsection 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.

§ 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:

Table with 4 columns: Class, Registered Gross Weight in Pounds, and Fee. Rows include Class 1 (8,000 or less), Class 2 (8,001 - 11,000), and Class 3 (11,001 or more).

§ 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:

Table with 4 columns: Class, Gross or Combination Weight in Pounds, and Fee. Rows range from Class 1 (5,000 or less) to Class 25 (79,001 - 80,000).

Registered Fees

Table with 7 columns: Class, Gross or Combination Weight in Pounds, and Fiscal Year (2013-2014 to 2017-2018). Row 1 shows fees for Class 1 (5,000 or less) ranging from \$60 to \$62.

	<u>\$58.50</u>					
<u>2</u> 5,001 - 7,000	<u>81</u>	<u>83</u>	<u>83</u>	<u>86</u>	<u>86</u>	
<u>3</u> 7,001 - 9,000	<u>153</u>	<u>158</u>	<u>158</u>	<u>164</u>	<u>164</u>	
4A 9,001 - 10,000	<u>198</u>	<u>204</u>	<u>204</u>	<u>212</u>	<u>212</u>	
4B 10,001 - 11,000	<u>198</u>	<u>204</u>	<u>204</u>	<u>212</u>	<u>212</u>	
<u>5</u> 11,001 - 14,000	<u>243</u>	<u>263</u>	<u>283</u>	<u>303</u>	<u>323</u>	
<u>6</u> 14,001 - 17,000	<u>288</u>	<u>312</u>	<u>336</u>	<u>359</u>	<u>383</u>	
<u>7</u> 17,001 - 21,000		<u>385</u>	<u>414</u>	<u>443</u>	<u>473</u>	
<u>8</u> 21,001 - 26,000	<u>355.50</u>	<u>405</u>	<u>438</u>	<u>472</u>	<u>505</u>	<u>539</u>
<u>9</u> 26,001 - 30,000		<u>511</u>	<u>550</u>	<u>589</u>	<u>628</u>	
<u>10</u> 30,001 - 33,000	<u>472.50</u>	<u>567</u>	<u>614</u>	<u>661</u>	<u>707</u>	<u>754</u>
<u>11</u> 33,001 - 36,000		<u>621</u>	<u>672</u>	<u>723</u>	<u>775</u>	<u>826</u>
<u>12</u> 36,001 - 40,000		<u>657</u>	<u>711</u>	<u>765</u>	<u>820</u>	<u>874</u>
<u>13</u> 40,001 - 44,000		<u>755</u>	<u>813</u>	<u>870</u>	<u>928</u>	
<u>14</u> 44,001 - 48,000	<u>697.50</u>	<u>813</u>	<u>875</u>	<u>937</u>	<u>999</u>	
<u>15</u> 48,001 - 52,000	<u>751.50</u>	<u>828</u>	<u>896</u>	<u>965</u>		<u>1,033</u> <u>1,101</u>
<u>16</u> 52,001 - 56,000		<u>882</u>	<u>955</u>	<u>1,028</u>	<u>1,100</u>	<u>1,173</u>
<u>17</u> 56,001 - 60,000		<u>999</u>	<u>1,081</u>	<u>1,164</u>	<u>1,246</u>	<u>1,329</u>
<u>18</u> 60,001 - 64,000		<u>1,111.50</u>	<u>1,203</u>	<u>1,295</u>	<u>1,387</u>	<u>1,487</u>
<u>19</u> 64,001 - 68,000		<u>1,165.50</u>	<u>1,262</u>	<u>1,358</u>	<u>1,454</u>	<u>1,550</u>
<u>20</u> 68,001 - 73,280		<u>1,251</u>	<u>1,354</u>	<u>1,457</u>	<u>1,561</u>	<u>1,664</u>
<u>21</u> 73,281 - 76,000		<u>1,597.50</u>	<u>1,729</u>	<u>1,861</u>	<u>1,993</u>	<u>2,125</u>
<u>22</u> 76,001 - 78,000		<u>1,633.50</u>	<u>1,768</u>	<u>1,903</u>	<u>2,038</u>	<u>2,173</u>
<u>23</u> 78,001 - 78,500		<u>1,651.50</u>	<u>1,788</u>	<u>1,924</u>	<u>2,060</u>	<u>2,196</u>
<u>24</u> 78,501 - 79,000		<u>1,669.50</u>	<u>1,807</u>	<u>1,945</u>	<u>2,083</u>	<u>2,220</u>
<u>25</u> 79,001 - 80,000		<u>1,687.50</u>	<u>1,827</u>	<u>1,966</u>	<u>2,105</u>	<u>2,244</u>

(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	24
Type C	greater than	50
	17,000	
Type D	greater than	100
	17,000	

§ 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 nonexempt 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 used by the county for transportation purposes or 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 move-

ment of wooden structures as provided 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. Delivery or pickup of coal to or from permanent coal reprocessing or preparation plants located on or reachable only through posted highways and not on the same posted highway as a site at which coal is extracted 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 Common-

wealth 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 over-sized 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.

(c) 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 liquid fuels and 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)(1), (2), (3) and (4) (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 July 1, 2014.

(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 or addition 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 addition of 75 Pa.C.S. § 1332(a.1) shall take effect in
- 90 days.
- (8) The remainder of this act shall take effect in 60 days.

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

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Rafferty.

Senator RAFFERTY. Mr. President, before I begin my remarks, I want to quote one of our former Presidents. In fact, the gentleman was very instrumental in this Capitol. Theodore Roosevelt dedicated the Capitol in 1906. He said, "In any moment of decision, the best thing you can do is the right thing, the next best thing is the wrong thing, and the worst thing you can do is nothing."

Mr. President, we have before us for consideration an amendment that the House has debated for two nights now, and, as a matter of fact, passed last night, regarding transportation. Just to go back, when we undertook transportation in the Senate of Pennsylvania, which was a number-one priority for us, and despite the fact that some people say we do not need it, we are in desperate need here in the Commonwealth of Pennsylvania. With Ohio, New Jersey, Delaware, Virginia, and Maryland, all undertaking highway transportation and infrastructure programs to enlarge their keystone infrastructure, we, the Keystone State, are lagging far behind. We have bridges that have become weight-restricted or closed. We have highways that are unsafe, rail lines that need maintenance work, freight rail lines that need additional work, and our gravel roads are in disrepair.

So, we undertook an aggressive posture on the transportation bill. The Senate Committee on Transportation, along with my friend and colleague, Senator Wozniak, began to hold hearings for 2 years on transportation in the Commonwealth of Pennsylvania. We fashioned Senate Bill No. 1, which this body passed 45 to 5 at the end of May of this year, that would have raised \$2.5 billion for transportation needs. Both Governor Rendell and Governor Corbett had appointed commissions to look at the transportation needs for us here in the Commonwealth. Those commissions came back with an assessment of \$3 billion to \$3.5 billion in needs annually. We were at least getting to \$2.5 billion and working in conjunction with the bill that this Assembly and the House got to the Governor last Session, the private-public partnership money, we would have that much more income coming into the Commonwealth of Pennsylvania strictly for transportation needs. We looked very methodically at all the ways to raise money. We looked to make sure that any money that was raised in a certain area went to roads and bridges. Despite some of the rhetoric going on, any money raised on oil franchise, gasoline, registration fees, driver's license fees must, per the Constitution of Pennsylvania, Article VIII, Section 11, must go to roads and bridges. It is not going to anything else.

So, we looked hard at this, and Senator Wozniak's office and my office came up with draft language and we met with, and I give them kudos, Senator Scarnati and his office, Senator Pileggi and his office, Senator Costa and his office, Senator Hughes and his office to come up with the funding for Senate Bill No. 1. It went over to the House at the end of May and the House had some reservations about it. The Governor, to his credit, came up with a plan in February for funding transportation. His number was less than what we felt we could do in the General Assembly, so we built upon the Governor's plan. The House was uncomfortable for a while on the transportation funding package but then looked hard at Senate Bill No. 1 and used that as a framework to build the amendment before us today. Their total amount is \$2.4 billion, not \$2.5 billion--they said they wanted to do less and they did--\$2.4 billion out of the House of Representatives.

We are faced today with the situation to make the choice, do we move ahead for the Commonwealth of Pennsylvania or stand

pat? There are things in this amendment I do not like. We did not include prevailing wage in our bill that went over to the House. The House feels they need that issue in order to get the required number to pass this bill. So, they came to an agreement to raise the threshold of prevailing wage from \$25,000 to \$100,000 for construction only in local governments. This does not impact State government, this does not impact State buildings or county buildings. This is for construction projects only and for local governments. That is what the House came up with in order to get the requisite number of votes, and that is what they sent over to us as a requirement for this legislation. We are looking now to agree with the House in this amendment and get it over to them.

I would like to highlight a few points of it. Again, I want to say that the Senate of Pennsylvania stood tall. This was our number-one priority. From both sides of the aisle, we heard Senator Scarnati, Senator Pileggi, and Senator Costa say this was a number-one priority for Pennsylvania, a transportation bill. We kept the issue alive. When it started to falter, and during the summer months when people have the tendency to lose focus, we took the Committee on Transportation on the road. We went to different areas of the State, took testimony from principles involved, met with the chambers of commerce, met with the business community, met with the farmers, and met with the building and trades to keep this issue first and foremost in Pennsylvania because of the importance of it. Transportation is a core function of government. Despite what people may say to the contrary, and we have heard a lot of that rhetoric in the past few days, this is a core function of government to provide the health, safety, and welfare of our residents which we need to do with our roadways, with our bridges and rail system, and we have to safely and efficiently move people and goods through the Commonwealth of Pennsylvania and restore ourselves to the Keystone State status.

So, the amendment before us, Mr. President, as I said, totals a little over \$2.4 billion in the fifth year of the bill. The total fifth year highway funding and bridge funding is a little over \$1.8 billion. Mass transit funding, not coming out of anything but those items in this budget that are not per the Constitution determined and designated for certain use, \$497 million; and multimodal fund of \$144 million, which must be used for transportation-related projects.

Mr. President, we worked with a number of our colleagues over in the House. And I have to say that Representative Reed from Indiana County has been a tremendous asset in this process and well serves his constituents. Representative Vereb has been a real firebrand to get this piece of legislation through, as has Representative Harper and Representative Briggs. They have stood tall, on both sides of the aisle, to get this legislation through. Representative Pyle has been an arch-advocate for the farmers and timber industry. I do not mean to leave anybody out, but I know they have stood tall on this. I am going to give credit to Representative Dermody, the Minority Leader of the House, and a man who I was not sure where he was, but he certainly showed me these past few weeks, and he was out front wanting to get transportation passed, and to the Speaker of the House, Representative Smith. I want to credit them for their involvement in this piece of legislation.

Why I want to especially single out Representative Reed--when we were looking at lifting the oil franchise cap, which is an artificial cap that was set many years ago in the Commonwealth of Pennsylvania at a dollar-something a gallon,

and we all know there is no dollar-something a gallon anywhere in the Commonwealth or in this country, we looked at different ways we could handle this, and Representative Reed came up with a creative idea that we eliminate the gas tax at the pump. So, if you vote "no" on this bill, you are voting to keep a gas tax. If you vote "yes" on the bill, you are voting to get rid of the gas tax. What we are doing is lifting the oil franchise tax, which will be on those wholesalers, to make sure that that money gets to the right people and that money will flow through to the roads and bridges.

The amendment eliminates the 12-cent flat tax of gasoline and diesel by adopting increased millage for the oil franchise tax. Counties and municipalities will be held harmless for the funding they receive under the flat tax. Motor vehicle fees will be increased by the rate of inflation for the periods since they were last increased and indexed to inflation every 2 years thereafter. Mr. President, it has been years since there have been any adjustments to the motor license fees and registration fees, I think, since the 1980s and 1990s. So, the registration fees would include those and be indexed every 2 years. Registration fees for passenger vehicles, light trailers, light trucks, motorcycles, and antique cars are increased by the rate of inflation but not until July 1, 2015. The same applies to driver's licenses and learner's permits and they will be indexed every 2 years afterwards.

As we did in Senate Bill No. 1, and we are addressing it with this amendment, Act 44, which has been a burden on the Pennsylvania Turnpike, this was the money that was to be paid out by the Pennsylvania Turnpike under Act 44 in the hopes that I-80 would be tolled. We know what happened there, tolling of I-80 was turned down, however, Act 44 payments from the Pennsylvania Turnpike to PennDOT have continued, so we are phasing that out. The House has included a \$50 million public transportation fund payment beginning in 2022 to mass transit to make sure that the money is there. We are moving some of the sales tax money from new vehicles to mass transit as well to ease the burden on the Pennsylvania Turnpike.

We are protecting fees in the Motor License Fund and moving those to the Transportation Trust Fund. These are fees that do not fall within the constitutional restriction for highway bridges, and that includes certificates of titles, inspection stickers, request for driver's records, which is often numerous, and that money can be used by the Secretary for mass transit or other areas of concern in transportation. All vehicle surcharges under Section 6506, which are existing surcharges on vehicle violations, are increased. So, if you are going to break traffic laws, you are going to pay more money. Section 3111 will be increased as well. There will be a \$500 fee for drivers who have their registration suspended due to the lack of vehicle insurance. If they wish to pay this amount, they will have their registration reinstated. What happens now is you have a period of time that your registration is suspended, you cannot drive. This will allow you to be able to start driving so you can keep your job and drive your family.

This amendment establishes a multimodal transportation fund to provide funding for rail freight, passenger rail, ports, waterways, aviation, bicycle and pedestrian facilities, and other eligible transportation uses. Specific uses will be designated by the Secretary of the Department of Transportation, Commonwealth Funding Authority, and the four chairs to make the determination on those.

Additionally, Mr. President, and I am kind of highlighting the points here because the past two nights this whole amendment has been vetted in the House of Representatives. I mention the prevailing wage threshold beginning January 1, 2014. We did not have that in Senate Bill No. 1, but we need that in there for the House to pass a transportation bill. There is an optional countywide vehicle registration fee of \$5 allowing the counties to adopt--not us, counties--and this fee would be used to fund their highway and bridge projects. The maximum posted speed limit on limited access highways is increased to 70 miles per hour at the Secretary's discretion. Optional biennial vehicle registration is included beginning January 2014. That is up to you whether you want to do it annually or biennially. And the registration stickers are now eliminated. So, we will no longer have to think about which side of the plate do I put it on? Where do they go on the plate? They are done.

Five million dollars is appropriated annually for the Motor License Fund for municipal police officer education and training related to the Vehicle Code. This is something that has been done in the past, we put it in statute, this will help the local police departments with their funding issues as they school their police officers. Grants to municipalities eventually totaling \$40 million for the upgrade of traffic signals are approved, and dirt and gravel roads, which are huge for our farmers, our timber industry, and our recreational users, are funded at \$35 million in the Commonwealth of Pennsylvania. There are several hundred miles of dirt and gravel roads throughout the Commonwealth of Pennsylvania, and this is sorely needed.

Mr. President, I thought the perfect bill was Senate Bill No. 1. This is a good compromise, this is a good amendment that has been offered by the House of Representatives that we could support and move the Commonwealth of Pennsylvania forward. Again, I want to stress the comradery between the Senate Republicans and the Senate Democrats in keeping the transportation legislation first and foremost and moving the Commonwealth of Pennsylvania forward. This is, again, an elimination of the gas tax at the pump. There are blogs out there that are saying we are increasing it. No, we are not, we are eliminating it. The oil franchise cap that we are lifting has been frozen at a dollar-something a gallon, and that will be passed on to the big guys. Then we will be able to ascertain and draw revenue from there for our roads and bridges.

General Schwarzkopf once said, "The truth of the matter is that you always know the right thing to do. The hard part is doing it." Mr. President, I ask for an affirmative vote on this amendment, then we can get this processed, get the amendment into the bill, keep this process continuing, get it back to the House of Representatives, then to the Governor's desk, so once again it will be Pennsylvania, the Keystone State, now with an improved infrastructure system. We are looking at not only refurbishing bridges and repaving highways, but actually for the first time in 20 years expanding our transportation system in the Commonwealth of Pennsylvania - our ports in Erie, Philadelphia, Pittsburgh; our roadways, our shortline railroads, and our mass transit. The Keystone State will once again be known in the country as the Keystone State. I ask for an affirmative vote.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Brubaker has returned, and his temporary Capitol leave is cancelled.

And the question recurring,
Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Ferlo.

Senator FERLO. Mr. President, first of all, I want to thank and draw attention to the leadership of the Transportation Advisory Commission. I think they deserve a lot of credit. It was very diverse, unlike the Marcellus Shale group that was convened, the actual transportation commission group was actually extremely diverse, and I credit the Governor. I do not think we have ever had a better Secretary of Transportation, I mean this respectfully to all of his predecessors, but I think we can all be proud in a very strong, bipartisan fashion. Also, I thank the leadership of the Governor as well as our Secretary of Transportation, Barry Schoch, who, I think, did an outstanding job in really understanding and defining many of the guiding principles that led the commission to its work product, which was really comprehensive in nature, much more comprehensive than any previously authorized major transportation funding bill which, in the past, has usually dealt with the amount of money. I think the analysis that they went through, the broad-based public input process, the eloquence of many House and Senate Members who have a long-term understanding of transportation issues both statewide throughout the Commonwealth, and even parochial, local--we have a very diverse geology and geography, and have many diverse priorities within our cities, municipalities, rural areas, and counties. I think that is reflected in that comprehensive approach, and reflective in this final bill is an understanding about the comprehensive nature of how we deal progressively with transportation broadly defined. So, it has been a soup-to-nuts process of the level of participation, guidance, and input, and I think that is reflected in all of the priority expenditures.

I have stated on the floor before, and I do not think we should hide it from the public, this is a major increase in revenue, in the billions. You could call it a major tax increase, a fee increase, a fine increase, it is a lot of money, and I think you could fairly say that it is a user tax, user fee, or user increase related. Those who benefit from and utilize the various forms of transportation that are enumerated under all these expenditures are now being asked to put up additional revenue and into the future for the next 5 or 6 years, but I think we have to evaluate that for what we are getting. I think a lot of times people feel that they are confronted with a fee or tax increases and maybe it is somewhat nebulous about what is going to happen with that money. I think we can proudly say, regardless of how we feel about this issue, that this is a comprehensive approach and that all of the money that is being generated, not only will first and foremost generate significant economic development with the immediate hiring of well-paying jobs throughout the Commonwealth, but I do not think we should forget the core motivating factor for support of this legislation, and that is vital public safety. Every one of us in this room would hang our head in shame should we have a

bridge collapse, or a major road accident, and I do not think any one of us wants to be a part of that. So, we cannot sit on past laurels, we have to bite the bullet, we have to stand up, we have to take votes, that is why we got elected: to lead. So, I want to be supportive of all those elements that are enumerated in this bill, regardless of how painful some people might feel it is to take what some might consider a tax vote, however we want to describe that.

I want to thank the Secretary of Transportation, Barry Schoch. I think he traveled the length and breadth of all of the 67 counties. He met with any group that was willing to talk about it. And I do say this about the administration, to their credit, because I am usually critical of the administration, I want to compliment the administration that, whoever the audience was, they gave a consistent message. They did not play to one audience in one county who wanted to hear one issue. Wherever they went to speak, at least from my observation, they spoke comprehensively. So, if they were in rural areas where certain legislators, like some in the House who are stuck on stupid and make comments like transit is public welfare on wheels, which is just an outrageous, if not a racist comment, based on the intonation of the comment that was made, I am very pleased that the Secretary of Transportation stood up and said, look, this is going to be a comprehensive approach to intermodal - rails, trails, port of Pittsburgh, port of Erie, and port of Philadelphia. It is going to address the accessibility needs of those who have physical challenges. We recognize that transportation is an environmental issue as well as a getting to work every day issue, whether it is the big systems of Allegheny County or Philadelphia SEPTA or smaller paratransit in many of the counties throughout the Commonwealth, we have to have a comprehensive approach. And, I, for one, want to thank the Secretary of Transportation and all of the folks at PennDOT for standing up, defending, explaining, and advocating in a progressive fashion for a comprehensive approach, because we are talking about a few billion dollars, and after a few billion dollars here, a few billion dollars there, you begin to start talking about real money. So, I am very pleased about that.

However, I am extremely upset at the tactics that are being pulled here today. The fact of the matter is that we are being attempted, through parliamentary procedures, to be shut out of an opportunity to raise the substantive issue of prevailing wage. Many of us object to the fact that in this amendment by substitution that the chairman of the Committee on Transportation, Senator Rafferty, has offered is a fundamental policy shift to weaken the living wages and the quality of life for many of the people about whom we care.

I want to just make it very clear that I am upset, in the comprehensive nature of this bill, in the middle of the evening almost, that attempts were made successfully to add other things into this bill. And as is typical with Senate procedure, unfortunately, when there is controversy, it always seems to come up in the final twilight hours of passage of important legislation. That has been the case for the 11 years that I have been here, where things were added at the last minute. I will not harangue my good friend and colleague, one of our officers here today, about the 70 miles per hour legislation, the amendment that was put into this bill, which would increase the 70 miles per hour, which I am not necessarily opposed to, I just thought there should have been an opportunity for some public hearing input, some oppor-

tunity for the committee to discuss safety issues--and I, for one, wanted the opportunity to ban text messaging, which is really a distraction that is causing a lot of havoc and death for those individuals in public streets, sidewalks, urban streets, rural roadways, and certainly on the highways and byways of Pennsylvania. But when the chairman of the Committee on Transportation got up earlier today and said that the House vote on prevailing wage was needed in order to move it out of the House, I am not clear that that was the reality. In fact, those who were standing up demanding the elimination of the prevailing wage obligations, if I am not mistaken, did not actually vote for the bill in the end, anyway. So, what, do they get their cake and to eat it too?

I am tired of people who do not vote for projects, do not vote to raise the revenue, but they are the first ones there to show up for groundbreaking or the first ones there to show up at the ribbon cutting. I have seen that time and time again. Do not be two-faced. If you are not going to take a vote to raise revenue, do not go back to your district with big cardboard checks. Do not go back and take part in grand ceremonies for ribbon cuttings on highways if you were not willing to stand up and take a tough vote. Nobody likes the opportunity that we have to have to raise revenue. We would all like to sit on our hands and just buy the world an ice cream cone, but we cannot buy the world an ice cream cone if we are going to make systematic and substantial changes to the capital needs of our infrastructure in this State. We are a unique State. We have heard time and time again how many interstates we have in our Commonwealth. We are so different than most other States. In the city of Pittsburgh alone, there are over 2,000 bridges. I could go on and on, but again, just to close, I am very upset that we are being shut down or are about to be shut down because we want to offer the amendment to take out an extraneous issue.

On the prevailing wage, some people are saying this is just a minor issue. Some have said it is only 17 contractors. There is a very high moral principle here regarding the prevailing wage, and I will ask and close with this thought: What is happening to our great nation? We have the greatest disparity in this nation since the beginning of industrial capitalism, the greatest disparity of wealth and income. Even today, Members of Congress, the Obama administration, some Members of Congress, both Democratic and Republican alike, are trying to reduce Social Security benefits through a chained CPI and through cuts in Medicare. We know that over 45 percent of those on Social Security, many of whom disproportionately are women and those who are disabled and have physical challenges, do not have the benefit of the so-called three-legged stool where they have a pension, either union or non-union, a public sector pension, or they have an IRA or retirement savings account, and then they have the benefit of the trusted and cherished Social Security program. Over 45 percent of Americans just have that Social Security check. They do not have the long-term benefit of IRA savings or 401k. They do not have the benefit of a union pension. And I, for one, think that we should stand up and defend the rights of working people and defend the rights of people to have equity in this society. We no longer have a middle class. We have all but wiped it out, and the fact of the matter is, this is not a little minor issue of a few contracts involving prevailing wage.

This is a very moral economic issue about the ability of working people in this capitalist society to survive and feed their families and pay their bills and pay their taxes. Every dollar that a

worker earns from prevailing wage gets returned back to businesses, to corporations, to the Commonwealth through taxes and fees. It is circular money. It is not money that the wealthy in our capitalist society take and invest it overseas or squirrel it away in an offshore island. This is money that is recirculated throughout our economy and provides livelihoods and economic activity. So I, for one, am a proud defender of the Federal Davis-Bacon Act, a proud defender of the prevailing wage, and always a proud defender of the rights and the ability and the livelihoods of working people in this country and our society. I find it reprehensible when it was not needed, given the comprehensive approach that was in the transportation bill, for people to put their sneakers on, slither around the hallways in the middle of the night, and stick on an amendment to get rid of the prevailing wage. I think that is wrong, and it is equally wrong, at a time when we are about to celebrate Thanksgiving, for some in this room to play parliamentary games when it comes to Thanksgiving; it is like thanks, but no giving. I find that reprehensible, and we will fight like heck in the next half-hour to offer our amendment to get rid of this prevailing wage provision. Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. Mr. President, why does this always happen to me, that I have to follow Senator Ferlo? Mr. President, we have had this debate before in this Chamber. We passed a really good transportation infrastructure bill last summer and I think we worked together, we passed it by a 45 to 5 margin and we did a nice job. We presented that legislation to the House to pass, and I agree with what my esteemed colleague referred to. What happened with this bill is, it went to the House and instead of the folks over there passing this responsible piece of legislation that I think all of us agree--or most of us agree--has to be done, has to be done. I mean, we are not even talking about being responsible in Pennsylvania. We are bordering on negligence with the number of unsafe bridges that could collapse on people's heads, kill people, let alone the millions if not billions of dollars wasted every year by people sitting in traffic simply because the roads are in such horrid condition that we cannot move people forward in a normal and responsible way, so we have to do this. But there are right ways to do things and there are wrong ways to do things, and I think that this bill and this issue of infrastructure spending and transportation funding is so important that it stands on its own as something that we should be dealing with, and that is why the people send us here.

One of the things that I find very problematic is, we have another issue out there, which folks have a great amount of difference of opinion on, and it is an issue which to this very moment is still being debated, and that is the prevailing wage issue. For folks at home, what does this mean? Is this Harrisburg insider speak? Prevailing wage simply means, for a number of years in Pennsylvania we have had this idea that if a contract that is dealt by the State is a certain dollar value, that there is a threshold, and right now it is about \$20,000 and I understand it has been that for a long, long time, that in that particular area you pay a fair wage that is set by a standard, and it is often a union wage. That is a whole other issue of whether we adjust that or whether we look into that, and what that calls for is hearings and discussions and a legislative process and openness and transparency, and we have not had that at all on this particular issue. I know that the Senate passed a bill without a prevailing wage

issue in it, and that was the right thing to do. Then it goes over to the House and they have added the prevailing wage issue, and that has really been why we have had some problems on passing this bill because it is a whole other big issue. I think that is what folks at home and across Pennsylvania are sick and tired of about Harrisburg. Why can we not just be honest with people? Why can we not just pass the legislation that solves the problem that we are dealing with and not try to sneak other things in the legislation without giving people a right to know what we are talking about and what is going on? People are sick and tired of the backroom deals, the special coded speak, and slipping stuff in the legislation that maybe should not be there. I know that is what we are trying to talk about now. A lot of Members, and it does not necessarily have to be all Democrat or Republican, a lot of Members think we should not pass a transportation infrastructure bill that has this whole issue of prevailing wage in it because it is for another day and it is something that deserves greater discussion. What it has been is, it has been thrown into the process and it is almost like blackmail because a lot of people say we have to do this infrastructure/spending/tax/fees bill because that is the responsible thing to do, and if you are offended, or you are concerned about prevailing wage, you are trapped because you still want to do the right thing on roads, bridges, and moving the State forward in creating jobs and improving the lives of Pennsylvanians.

So that is the insincere part about it. It is a lack of earnestness and straightforwardness with people. When I go out and I meet people and they are frustrated, that is the kind of thing. And most people I have found that if you are straight with them and tell them this is why I want to do something, they may disagree with perhaps your ideology, your philosophy, or what you are thinking, but the fact that you are straight with them, they respect and they can support you whether they agree with that or not. So that is where when the legislature has some of the lowest ratings in the country for a legislature, that is the kind of thing that gets people frustrated.

Another thing that we have to be straightforward about is, really, we can say we are uncapping a certain fee and taxes, and what we are really talking about straightforward is: Taxpayers, we want more money from you. So, I think Senator Rafferty did a great job in this process, along with Senator Wozniak, and of course Leadership and others. At the end of the day I want to thank them, but who I really want to thank are the people across Pennsylvania, because guess who is footing the bill? It is the people of Pennsylvania. So, Governor Corbett is likely to thank the Leaders, other Members, and his staunch supporters for getting this piece of legislation through. I want to thank the taxpayers, because whether you like it or not, you are going to be paying for this.

By the way, I think that is another issue, that if you are straightforward with people and you say, look, I would like us to spend every dollar like it is a sacred thing and not squander money, but if you tell the taxpayers, we are looking at ways to spend responsibly and this is what we have come up with and I realize it is a tax and you work hard, but we need to do this for our roads because we are all in it together. I think that is another issue that you can tell people and they will support you.

So, there have been some crazy things going around. One of those things is, I got a call from former Governor Rendell trying to explain this bill to me and telling me all about the prevailing

wage issue. So, I am using as one of my chief sources of information Governor Ed Rendell, and he is putting it in perspective. It just goes back to--and I love former Governor Ed Rendell--but it shows you that this is an issue that needed to be explored, debated, discussed much further and not just snuck into a bill. We knew that and that is why we passed it the last time 45 to 5 without that language in there. Yet, here we are stuck in this situation.

So, I really hope we get a chance, just even on the procedure, to strip that prevailing wage language out of there, and not saying it can never be discussed, but let us discuss it on another day and really let the people get involved and let all the folks who have a stake in this understand it. If folks on the other side or in the House really believe it is something that should be done, once again, let us be straight with the taxpayers, the voters, the other people out there, let us open it up to discussion. So, that is my biggest problem. No matter how I vote, at the end of the day, I know we have to get this done. I know we can create jobs. I know we have to get this State out of the bottom in economic development and to the top.

Another thing to be pointed out is, had we passed this legislation last summer, when we in this Chamber did the responsible thing, we would have saved millions, if not hundreds of millions, on the cost of doing these projects, which goes up from year to year. So, we have already cost the people of Pennsylvania more money. When I say "we," I do not mean in this Chamber, I will say as a collective bicameral group, the House, the Senate, the Governor, we are spending more money than we should. Nonetheless, I hope we get it done. I hope we do it in a fair and decent way. The bottom line is, this is one of a number of issues where Pennsylvania has to move forward, and we are moving forward much slower than we should. I am glad, at least, that today we are really at step one, but we are still behind.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Teplitz.

Senator TEPLITZ. Mr. President, I was a proud, enthusiastic, and vocal supporter of Senate Bill No. 1. I agreed with the Majority of this Chamber in a bipartisan vote and sent that bill out with a strong message to the other side of this building that it was time for us to invest in transportation infrastructure, and that the jobs that would be created, the public safety that would be insured by that bill, was important and necessary. I commend the two real heroes of this story, the two statesmen on this issue, the two chairs of the Senate Committee on Transportation for putting together that bill, and their struggle over the past year to try to get that bill passed. It is disappointing, therefore, that I feel the obligation to vote against this amendment and against this bill if it is amended. This already was a tough, challenging vote for many of us, from both directions. On the one hand, Senate Bill No. 1, I think we all know did not invest enough money in transportation infrastructure. At \$2.5 billion per year, it was less than what the Governor's own Transportation Advisory Commission recommended, \$3.5 billion per year, but it was what we thought, what the chairmen thought could pass.

At the other end, what made it tough to support was the fact that as a matter of reality, it was going to cost drivers more money in order to pay for the funding streams that would invest in our roads and bridges. But to go one step further, and then cut the wages of the workers who are going to be doing this work,

making these repairs, fixing the roads and bridges, is just a step too far for me and I know for many of my colleagues. This is simply a different bill than the bill that we passed in June. We do not know all of the details because we were just presented with the amendment, but at the very least, there are two significant changes, one of which has already been talked about at length, the prevailing wage issue. The other is increasing the speed limit to 70 miles per hour, which may be worthy of discussion, but certainly is not worthy of a vote without any kind of a discussion whatsoever.

The idea of including the prevailing wage issue in this transportation bill, this necessary bill, is also a matter of principle. We saw this happen in June when there was an attempt made to attach liquor privatization to the transportation bill, which is why we could not get it done in June. Then, in the fall, the prevailing wage became the issue. There has to be a matter of principle of not attaching, not combining a controversial issue that cannot pass muster on its own to something that is necessary, that is a must-do for this State. I mean, what is next? Are we only going to pass an education funding bill if we ban public employee unions? Are we only going to pass a tax bill if we eliminate the minimum wage? Are we only going to pass a budget if we ban a woman's right to make her own healthcare decisions? When is this going to end? It is a matter of principle that these issues should be debated on their own merits, but a must-do bill should not be used as a vehicle for other controversial ideological bills that could not possibly pass on their own.

It appears that this bill may pass, in the end, although I have to vote against it for the reasons I just stated. I hope that we are able to see the investments that are necessary, see the roads and bridges repaired, see the jobs that are created, but I am afraid that we are going to see more of these types of games played and put other priorities at risk if we allow this to happen today.

Thank you very much, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, I think you can see that this is a difficult way to build a house, but we are finally getting down to the end game. I want to make it clear that this Caucus very strongly feels very put-out for the activity that happened over in the House by placing prevailing wage into probably what is the most important decision we will make in the first quarter of the 21st century. But the real consternation is some of the minority, the small cadre of very conservative people that insisted the prevailing wage issue be addressed in the transportation bill, did not even vote for the final passage of the issue, and I think that is tremendously disingenuous.

I have also listened to a number of people who have talked about mass transit and how that should not be possible and why should we have to pay for mass transportation. Mostly that came from rural legislators. The cold, hard facts are--and I come from rural Pennsylvania--that we are net receivers of transportation dollars coming from our urban centers of Pittsburgh and its suburbs, Philadelphia and its suburbs, the Lehigh Valley, and Scranton. They send their money to places that do not have the population. But ultimately, as we stand here and look, and my good friend and colleague, Senator Rafferty, did an excellent job in Senate Bill No. 1, we knew that the House would have to put their fingerprints to make some strategic changes and give them a comfort level, and we now face the final hurdle. I want to thank

his staff, I want to thank the Democratic Leadership and their staff, and the Republican Leadership in the Senate and their staff. The joint effort on Senate Bill No. 1, and this is, as always, a consensus and a compromise of a very difficult journey.

Yes, to the citizens of Pennsylvania, we are going to be asking you to dig deeper into your pockets. We are not happy about it, but we have the responsibility to govern and to make difficult decisions. It has been almost 15 years since any gasoline taxes in Pennsylvania have been raised. I do not think there is any place in the private sector that has not raised their prices in 15 years. Government is not immune from the inflationary cycle or spiral: the price of fuel, the price of labor, the price of macadam, the price of concrete, the price of equipment, et cetera, et cetera, increases for government, as well as individuals. Interestingly enough, when we talk about our roads and bridges, almost 80 percent of those dollars are put back in the public with the lowest responsible bidder. It is the private sector that these jobs are being created for. We have a difficult situation in Pennsylvania. You have read about it in a newspaper about our bridges, our roads, and our infrastructure. If you want to stimulate an economy, you do it through public works: highways, bridges, ports, our rails, and all of the other intermodal activities that we have within this bill. It is a lot of money. It does not get the whole way as what the Governor's commission says, and I do want to thank the Governor, I would be remiss, because it was his leadership and influence in getting it to this point, but we are now poised to make a decision. I think what we have is, if you play poker, you get five cards, four excellent cards are in this deck, and there is one in there that I think a lot of people do not like, but, unfortunately, the greater good has the most importance here.

I want to thank all of those who have been involved historically with this and my staff. The opportunity to create tens of thousands of good-paying jobs is in front of us. The safety of our children, our parents, our loved ones is in front of us. The opportunity to compete with New York and Baltimore for the bigger cargo ships that will be coming through the Panama Canal is in front of us. The opportunity to run short-line and rail lines to reach into rural Pennsylvania is in front of us. We have two more votes to make here tonight, and I want to urge my colleagues to make sure that on final passage of this issue, that vote is affirmative for the greater good of Pennsylvania.

Thank you very much, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, I ask that the chairman of the Committee on Transportation and the gentleman who is presenting the amendment, if he could, stand for a brief period of interrogation.

The PRESIDENT. The gentleman, Senator Rafferty, agrees to interrogation. Senator Williams, you may proceed.

Senator WILLIAMS. Mr. President, my period of questioning is not lengthy but it is direct and, hopefully, provides some local transparency for those of us who are concerned about a section of this amendment. And off the record, and outside the mikes, there was a question about would I support this particular piece of legislation? Of course, I want to, as all of us do. But there is a particular section which draws great pause and concern because it changes the historical nature of how we treat workers in the State of Pennsylvania.

So, to that question regarding prevailing wage, why and how, or most appropriately, why is it connected to this particular piece of legislation? Because it seems that transportation stands on its own, as was suggested by Senator Stack. So, the question is why is the prevailing wage section necessary to be a part of this?

Senator RAFFERTY. Mr. President, as I said in my opening remarks, Senate Bill No. 1 did not include prevailing wage. We did not have that issue in here. That was inserted in the House of Representatives. They are insisting it is needed. For me to try to clearly state why the House needs that would do an injustice to all of us here. That might be something better asked of the House, but they insisted that the prevailing wage aspect be included in the amendment that is being considered here today.

Senator WILLIAMS. Mr. President, well, the question prevails, there are 23 Democrats who are unalterably opposed to the prevailing wage language. So, while we respect that this is a process of give-and-take legislatively, and that the House is certainly important, when we change things of institutional and historical nature, that tends to be bigger than the personality or, frankly, bigger than one party or bigger than one Chamber. So, the question is, if we speak as one body, that being the Senate, then that would drive a message certainly back to the House that while we all believe transportation is necessary, and while we believe this bill is necessary, there is a way to conduct themselves. And so with that in mind, is it appropriate, and would it be appropriate, or could it be supported that we could send that collective message back to the House denying the prevailing wage aspect?

Senator RAFFERTY. Mr. President, the questioner knows my feelings on this matter, but it is to the point where the House has insisted on this, and if we opt to take it out, it is our belief that the House will not act on the transportation bill and we will sit, once again, in the same place we have been for 19 years. We have a chance now to enact a transportation bill to begin moving Pennsylvania forward and to employ 60,000 people, estimated, by this transportation bill. That is why we are asking for an affirmative vote on this matter.

Senator WILLIAMS. So, Mr. President, then would it be appropriate, and would the gentleman agree to this that if we are going to conduct ourselves as a body and, frankly, be held hostage by the House and allow them to insert items that they think are necessary, why would it not be appropriate for us also to be allowed to offer amendments and items that we think are necessary, whatever they may be? Because, clearly, we are not only doing prevailing wage, we are increasing the speed limit. And with all due respect, that begins the slippery slope of Christmas-treeing the bill, and it only seems to be on one side of the aisle where that is allowed. I am not sure that is appropriate and I hope the public understands that. It seems that one side gets to include itself on the Christmas tree and not the other side. So, if we are going to do this in fairness and urgency, and we all think it is necessary, and the House will only entertain prevailing wage, can we include something from this side of the aisle that we think is necessary also? And we can also, by the way, suspend the rules before we get to that, get the amendment appropriately drafted, and we can include something that this side of the aisle also thinks is important, because our votes are necessary to move this bill forward, and we are more than happy to do that.

Senator RAFFERTY. Mr. President, part of that question is above my pay grade. I happen to be chairman of the Committee

on Transportation. I am not Majority Leader or President pro tempore. If he is moving for that, I would be very interested, but Mr. President, only kidding. When we negotiated--

Senator WILLIAMS. Mr. President, I am not.

Senator RAFFERTY. Mr. President, when we negotiated Senate Bill No. 1, and even when this was being negotiated, both sides of this aisle had people at the table. There are items included in Senate Bill No. 1 and in this amendment before us that the other side of the aisle wanted and the other side of the aisle in the House wanted. So, there was that free-flowing negotiation. If you are asking for, and I believe the question was, can something be offered here on the floor? That is not my call. Senator Scarnati and Senator Pileggi can deal with Senator Costa on that. But I am just saying in the part that I was involved in, all four Caucuses were there, all four Caucuses had input, all four Caucuses made suggestions, and there are items in here that are important to both Democratic Caucuses.

Senator WILLIAMS. Mr. President, in that regard, I certainly agree that, as it relates to transportation, Senator Rafferty and others did a magnificent job of making sure that, frankly, all four Caucuses were allowed to be involved in this and so that is not a debatable issue with regard to me. The question though is, that there are items which clearly were beyond, as you described, your pay grade that we are all now required to respond to, one in particular we find to be repugnant. I am not sure that anybody at that table negotiated that. So, again, the question resounds, and I understand it as you described it, that it resides at the level of the Majority Leader and the President pro tempore, and so my Leader is going to come forward and I am going to allow him to ask that question, but I want you to understand, the question needs to be answered. If, at this late hour, we are going to increase the speed limit without hearings, without public input, frankly, without this Chamber being included, and we are going to ask that prevailing wage be included because of one particular body of the legislative branch demands it, then frankly, that is not fair and is not inclusive. That is what we are going to be asking about as we proceed toward this vote. I think it is very important that those of us who represent a different perspective understand that we are willing to negotiate, and we have been negotiating, but this inclusion of items, Christmas-treeing a bill with issues that do not relate to the matter at hand are very significant and they change not just a word or two, but frankly, the way we do business in Pennsylvania. So from that perspective, I believe we should have the opportunity to include information beyond just the scope of transportation.

Senator RAFFERTY. Mr. President, all I will say is, it is my understanding that negotiations of all four Caucuses signed off on the 70 mile-an-hour speed limit. Additionally, Mr. President, only at my pay grade level, there were 40-some Members of the Democratic Caucus in the House who voted for this amendment last night. So, obviously, there is some discussion back and forth and there has been give-and-take. If there is something that wanted to be offered here on the floor, that is something that Leaders in the two Caucuses can discuss. I will be sitting out there as a vote "yes" or "no," Mr. President.

Senator WILLIAMS. Mr. President, I thank the gentleman. That concludes my period of interrogation, and I will provide some closing comments.

The PRESIDENT. The gentleman is in order and may proceed.

Senator WILLIAMS. Mr. President, I greatly respect the work, time, commitment--we have had three governors, it is kind of ironic, we received letters from two governors who all had the same opportunity to offer a transportation bill but did not. This one did. There is a legislative body which has taken this on. There are Members of four Caucuses who are willing to put up a tax vote and, hopefully, talk about it. But, there is a period that should be behind that sentence which relates to prevailing wage. Prevailing wage has nothing to do with this particular piece of legislation, as it has been stated time and time again. If we are going to deal with prevailing wage, then we should have done it in an open-handed manner, not one of arm twisting and, frankly, forcing an item down our throat. I do not mean that from a Republican or Democratic perspective, I mean that simply from a Senate respecting the House of Representatives' perspective, because I recognize that there are Members on both sides of the aisle who find prevailing wage a repugnant item to be included in this particular piece of legislation. And I would hope we would find a way to remove it from this particular bill.

So, while we proceed forward, the clock is ticking, but we have an opportunity to include amendments to this that will allow us to address this particular area. I would hope, just like we respected the House, that the Members of the Senate would also be similarly respected.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I rise today to echo many of the articulate comments of my colleagues who have expressed their very sincere disappointment that we are dealing with a wonderful transportation bill, quite frankly, which includes a provision regarding prevailing wage that impacts the quality of life of so many Pennsylvania workers as we go forward with this particular piece of legislation. Mr. President, since this discussion started well over a year ago, working closely with our Republican colleagues, in particular Senator Rafferty, and also Senator Wozniak and the great work that they have done over the course, and how they have been steadfast in making certain that we have a comprehensive transportation funding bill that allows for and addresses the many needs of this Commonwealth. It was not until this measure made its way over to the House that the injection of the prevailing wage discussion took place, and that is very, very disappointing.

As was stated earlier by my colleagues, we have a comprehensive bill that addresses a number of the needs of the Commonwealth. It does not quite get to us where the Governor's Transportation Advisory Commission wanted us to get to, but at the end of the day it was a comprehensive bill that was important for all of us in this Chamber to support. In fact, 45 out of 50 Members of this Chamber supported a comprehensive bill that provided for significant funding for roads and bridges, transit, and a multimodal fund. Of that amount, Mr. President, there was nothing relating to prevailing wage. That conversation took place--and it was a very brief conversation--in this Chamber, but we as a unit, we as a group, we as a Chamber, said that we did not want to address this issue.

Over the course of the summer, Mr. President, our Members, the Members on both sides of the aisle, talked about how important it was to make certain that we do not couple, that we do not allow another substantive issue, another significant issue to be

tioned to transportation funding. Back in April and May when we had this conversation, it was the coupling with the Wine & Spirits privatization matter. At the end of the day, this General Assembly, and this Chamber, more importantly, decided to keep two separate and distinct issues along those lines. We passed the transportation bill but we did not pass the Wine & Spirits provision. We had the courage to stand up to the other side of this building to say, no, we are not going to do that because it was the right thing to do. It was the right thing to say no to a privatization plan that was bad for Pennsylvania, harmful to workers, and not appropriate for our Commonwealth residents.

But we said yes to a comprehensive transportation plan that did not include a prevailing wage provision, that did not impact the quality of life of our workers. Do not let anybody tell you that it is not going to impact projects across this Commonwealth. We know because we have heard from people who are saying, do not worry about it, it is only going to impact a few projects. Well, let me tell you, folks, let us talk to the folks in the building trades in particular who are going to lose those projects and who are going to lose the ability to take home wages that are respectable, prevailing wages that are not determined by that individual member or by any labor group, but rather determined by our labor and statistics folks. That is who determines what an appropriate prevailing wage is. To strip that language out and to raise that threshold in this comprehensive piece of legislation is not appropriate. As my colleague, Senator Teplitz, the Democrat from Dauphin County, mentioned, this is not the way we should conduct business here. We should be able to have this legislation stand on its own. Let us do what we did with Wine & Spirits privatization and allow an up-or-down vote on that matter by itself, separate and apart from this conversation.

There is a lot of great work that has gone into the issue as it relates to the funding plan that has been put together, and I want to take a moment--I am not sure whether or not I will have an opportunity to speak at any other point in time on this particular bill as we go forward this evening. At the end of the day, there are a number of folks who did a very, very good job laying out a plan trying to invest in Pennsylvania's roads, bridges, and transit in a multimodal fund. Senator Rafferty and his staff, Senator Wozniak and his staff, our staff on the Senate side, along with Senator Pileggi's and Senator Scarnati's staffs, worked in a very cooperative and bipartisan way to put together a product that we can all be proud of, a product that was a four-Caucus recognition of how we need to fund transportation in this Commonwealth.

That product should not have included prevailing wage on three last-minute tries. Three times they tried to get that measure in. It is disappointing in terms of the process that we are going to accept by virtue of an affirmative vote today to keep the prevailing wage language in there and to allow the prevailing wage rate to be increased. In light of how the process took place on the other side of the building, we are going to accept that and say that it is okay is something that is very troublesome to me. This Chamber has stood tall and said no when it is not right, and yes when it is right. In this particular instance, Mr. President, coupling the prevailing wage language together with a transportation funding plan is something that is not appropriate. There are a number of people who will be harmed by this piece, and I think that is what we need to recognize. At the end of the day, Mr. President, we are going to try to continue to offer an amendment that is going to try to strip out the prevailing wage language, and

I do not know whether or not we will be given that opportunity or whether or not that vote will fail or pass.

At the end of the day, I am asking my colleagues to join me in a negative vote on this particular amendment not because of the content of the bill as it relates to transportation funding, but rather because of the inclusion of a prevailing wage increase that is of the highest importance to a number of our constituents across this Commonwealth who believe that it is an inappropriate thing to do, to couple it and tie it together with a transportation funding plan. It is wrong. We should not allow the House to dictate that policy to us. We should stand strong, like we did in June on Wine & Spirits measures, and how we stood strong on the implementation of Senate Bill No. 1 and continue to go down that path.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Rafferty, for the second time.

Senator RAFFERTY. Mr. President, before I offer my comments, I want to take a moment to specifically thank some individuals who have been key to Senate Bill No. 1 in reviewing some of the additions to this amendment. I want to be clear, this amendment is identical to an amendment that passed the House of Representatives last night with 106 affirmative votes. They have indicated to us this is the type of legislation that they would consider. This is not Senate Bill No. 1, though parts of Senate Bill No. 1 may be found in this amendment.

I want to specifically thank Nate Spade, who is the executive director of the Senate Committee on Transportation. Nate has been the go-to guy for figures, for how the money flows through transportation, and has knowledge of the Vehicle Code and transportation methods here in the Commonwealth of Pennsylvania. Kelly Phenicie from Senator Pileggi's office has been fantastic in working through the legal aspects; as well as Casey Long from Senator Scarnati's office, who has provided the input and guidance of Senator Scarnati's office in the process; and Ryan Boop, who is chief of staff and an excellent wordsmith in my office, and he was very instrumental in drafting legislation as well. On Senator Costa's side, he himself has been a tremendous asset, and Randy Albright. Randy is a very good numbers and procedures man. Ron Jumper, who has been par excellence in his offerings for Senate Bill No. 1, and Cheryl Hicks. And I want to take this time to single them out and thank them for their efforts on behalf of Senate Bill No. 1, and for their input on different clauses in this amendment that we have before us.

Mr. President, this piece of legislation that we are about to vote on had its genesis in Senate Bill No. 1. It is different than Senate Bill No. 1, but had we not pressed and passed Senate Bill No. 1, I do not believe we would be here doing transportation today. I had a solid partner not only in Senator Wozniak, my friend and colleague in the Democratic chair, but in Barry Schoch. I know he was mentioned earlier by the gentleman from Allegheny County. Barry Schoch is a man with a great deal of respect and admiration here in the General Assembly. He is admired in all four Caucuses and his word is his bond. I cannot speak highly enough of Barry. In the number of Secretaries that I have seen since I have been here, he is at the top of the list. So Barry Schoch really deserves a lot of credit for a transportation bill getting through both Chambers and to the Governor's Office.

Both the present Governor, Governor Corbett, and his predecessor, Governor Rendell, have been very involved in the trans-

portation bill process as well. I want to thank them and single them out for their efforts. Governor Corbett, when he announced the plan for transportation in February, allowed us to begin our process here in the Senate of Pennsylvania.

The oil franchise cap that is being lifted is currently capped at \$1.25 a gallon. I do not know of anywhere in this Commonwealth that you are going to find it at \$1.25 a gallon. A vote today, a vote on this amendment, would eliminate the gas tax at the pump. That is 12 cents at the pump that would disappear. Now, will the oil companies pass down some of that? We do not know. The worldwide companies, some may, some may not, but the gas tax that we charge at the pump will go away. So I want that to be understood because people are calling in saying, the news reports say 28 cents. No, the 12 cents will disappear. So, anything that comes through will pass through lifting the oil franchise cap on the oil companies that so many people said, how can they make \$60 billion a year? So, we are trying to make sure that our roads and bridges are taken care of by those people that are producing and selling oil here in the Commonwealth of Pennsylvania.

Lastly, I want to stress that the House put the 70 mile-an-hour speed limit into the legislation. We did not have it over here in the Senate at the time. I believe all four Caucuses agree, but it was in the House amendment, the 70 miles an hour.

Mr. President, I know there are some differences on parts of this legislation. There are parts of this amendment that I am not crazy about, but I want to get us moving forward. I want to make sure that in the next construction cycle we begin to start seeing improvements to our infrastructure here in the Commonwealth of Pennsylvania. What could be vast improvements, moving us forward in the 21st century for at least 8 years under this current legislation, we should be in good shape going forward. Mass transit, we will not have to be worrying about flexing Federal dollars, mass transit is up to close to \$500 million by the fifth year and could possibly be more. Our short-line railroads will be taken care of because they are so vital and key in moving products throughout the Commonwealth of Pennsylvania. And so are our ports in the central part of the State and the northern tier of the State. So we have addressed every aspect of transportation - the pedestrians, the bicyclists, AARP, have all supported this, the Farm Bureau, the timber industry, have all supported this, the Chamber of Commerce, the Pennsylvania Business Council, most of the building and trades, they all had supported Senate Bill No. 1, and a number of the building and trades are supportive of this amendment before us here today.

It is amazing that so many people in Pennsylvania recognize that we need to move forward and we need to get a transportation bill to the Governor's desk and begin this process here in Pennsylvania, all worthwhile and all in earnest effort. So I encourage an affirmative vote on this amendment, passed by the House by 106 affirmative votes. Get this amendment into this bill so we can get the bill over to the House for their concurrence. Get it to Governor Corbett's desk before we break here for Thanksgiving and then really begin the process now of prioritizing those projects in PennDOT and get a workforce back up here, employed again in Pennsylvania, some 50,000 to 60,000 strong. Most importantly, the safety and welfare of our residents will be addressed. School buses will be able to go over bridges and not around bridges. Ambulances will be able to get to residents a lot quicker and not have to detour because of structurally deficient,

weight-limited bridges. So, I ask for an affirmative vote. I thank you, Mr. President. I thank all of my colleagues here. I notice the difference on the amendment, but we all pulled together on transportation for Senate Bill No. 1, and I ask for that same consideration for this amendment.

Thank you, Mr. President.

And the question recurring,
Will the Senate agree to the amendment?

The yeas and nays were required by Senator RAFFERTY and were as follows, viz:

YEA-26

Alloway	Erickson	Rafferty	Vulakovich
Argall	Folmer	Robbins	Ward
Baker	Gordner	Scarnati	Waugh
Browne	Greenleaf	Smucker	White
Brubaker	McIlhinney	Tomlinson	Yaw
Corman	Mensch	Vance	
Eichelberger	Pileggi	Vogel	

NAY-24

Blake	Ferlo	Leach	Teplitz
Boscola	Fontana	Schwank	Washington
Brewster	Hughes	Smith	Wiley
Costa	Hutchinson	Solobay	Williams
Dinniman	Kasunic	Stack	Wozniak
Farnese	Kitchen	Tartaglione	Yudichak

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Senator COSTA. Mr. President.

On the question,
Will the Senate agree to the bill on third consideration, as amended?

PREVIOUS QUESTION MOVED

Senator COSTA. Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator COSTA. Mr. President.

Senator ROBBINS. Mr. President, I move the previous question.

Senator COSTA. Mr. President, I--

Senator ROBBINS. Mr. President, I move the previous question.

The PRESIDENT. Are there four seconds?

Senator COSTA. Mr. President.

Senator BRUBAKER. I second the motion.

Senator ERICKSON. I second the motion.

The PRESIDENT. Senator Brubaker, Senator Erickson.

Senator COSTA. Mr. President.

Senator WAUGH. I second the motion.

Senator VANCE. I second the motion.

The PRESIDENT. Senator Waugh, Senator Vance.

Senator COSTA. Mr. President.

POINT OF ORDER

The PRESIDENT. Does the gentleman have a point of order?
 Senator COSTA. Yes, Mr. President, I have a point of order. Prior to anybody on the other side of the aisle trying to get your attention I called three times, you can review the tape, if you want, to try to get your attention to offer a Senate amendment that I have that I want to offer that excludes the prevailing wage language from this and adopts the amendment as it is provided in the Micozzie amendment that we are discussing today excluding the prevailing wage provision. I want the opportunity to offer that amendment.

Senator DINNIMAN. Be fair, Mr. President. Respect democracy, Mr. President.

The PRESIDENT. The Chair recognized Senator Robbins. It has been duly seconded and the motion is not debatable.

On the question,
 Shall the main question now be put?

POINT OF ORDER

Senator COSTA. Mr. President.

The PRESIDENT. If the gentleman has a point of order, he may raise it.

Senator COSTA. Yes, Mr. President. I think you selectively determined that Senator Robbins was the person to stand up along those lines. It is inappropriate for you to select that person after ignoring the fact that I stood here three times and asked for your attention to be able to offer my amendment. You selectively ignored my call for this amendment, to allow us to offer an amendment that would strip out the prevailing wage language, would revert to a position where we have a comprehensive transportation funding bill that is consistent with what this bill has said throughout this process dating back to June, until the process was hijacked by the other side of this building to not allow us the opportunity to have a comprehensive discussion about this bill. We are coupling legislation--

POINT OF ORDER

Senator PILEGGI. Mr. President, point of order.

The PRESIDENT. The gentleman may state his point of order, Senator Pileggi.

Senator PILEGGI. Mr. President, the motion is not debatable. This is getting into debate on the motion, the propriety of the motion.

The PRESIDENT. The gentleman's point of order is well-taken.

POINT OF ORDER

Senator COSTA. Mr. President, point of order.

The PRESIDENT. Senator Costa, point of order.

Senator COSTA. Thank you very much, Mr. President. I appreciate you recognizing me at this point, albeit a little bit late, but that is beside the point.

The fact of the matter is, I am not debating the merits of the motion itself, I am debating the issue of the fact that you failed to recognize this side of the Chamber and not being fair to this

side of the Chamber by not acknowledging our side of the Chamber, I should say, and acknowledging somebody else after we made three distinct calls for your attention to be able to--

POINT OF ORDER

Senator PILEGGI. Mr. President, point of order.

The PRESIDENT. The gentleman may state his point of order, Senator Pileggi.

Senator PILEGGI. Mr. President, the debate is confined to the subject of the debate. It cannot be a criticism of an individual, which I think is exactly what the gentleman is offering here.

The PRESIDENT. The gentleman's point of order is well-taken.

The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, all I want to do is to have the opportunity to present an amendment that reflects what I think in the heart of the people of this Chamber is to demonstrate that we want to do a comprehensive transportation plan without prevailing wage language. This procedural move that has not been used in decades, that has not been used in decades is something that is going to be used against us for the opportunity to be able to do that. I think what could have been done should be done is the opportunity to ask Senator Robbins to withdraw his motion and we revert to a point where I have the opportunity to present this amendment that is a comprehensive amendment, very similar to all the positive things we talked about as it relates to a transportation funding bill but for the issue of prevailing wage. It is harmful for--

POINT OF ORDER

Senator PILEGGI. Mr. President, point of order.

The PRESIDENT. The gentleman will state his point of order, Senator Pileggi.

Senator PILEGGI. Mr. President, again, we are debating the motion. I would ask for a vote on the motion.

The PRESIDENT. The gentleman's request is in order.

And the question recurring,
 Shall the main question now be put?

The PRESIDENT. The Clerk will call the roll.
 (The Clerk proceeded to call the roll. During the calling of the roll, the following occurred:)

Senator WILLIAMS. Mr. President.

Senator COSTA. Mr. President.

The PRESIDENT. The Clerk has started the roll call. We cannot stop the roll call.

Senator WILLIAMS. No, Mr. President.

The PRESIDENT. The Clerk will call the roll.

The yeas and nays were required by Senator ROBBINS and were as follows, viz:

YEA-27

Alloway	Erickson	Pileggi	Vogel
Argall	Folmer	Rafferty	Vulakovich
Baker	Gordner	Robbins	Ward

Browne	Greenleaf	Scarnati	Waugh
Brubaker	Hutchinson	Smucker	White
Corman	McIlhinney	Tomlinson	Yaw
Eichelberger	Mensch	Vance	

NAY-23

Blake	Ferlo	Schwank	Washington
Boscola	Fontana	Smith	Wiley
Brewster	Hughes	Solobay	Williams
Costa	Kasunic	Stack	Wozniak
Dinniman	Kitchen	Tartaglione	Yudichak
Farnese	Leach	Teplitz	

A majority of the Senators having voted "aye," the question was determined in the affirmative.

And the question recurring,
Will the Senate agree to the bill on third consideration, as amended?

The PRESIDENT. And the question recurs.

Senator WILLIAMS. Mr. President.

The PRESIDENT. For what purpose does the gentleman rise?

Senator WILLIAMS. Point of privilege, Mr. President.

The PRESIDENT. The gentleman may state his point of privilege.

Senator WILLIAMS. I want to understand what just happened. There have to be rules that guide the Chamber when it comes to recognizing Members. It is clear that we do not understand what those rules are, and it goes to the heart of what just occurred. Clearly, the mikes on some sides work and some do not. I do not know who controls that switch. But what is the rule as it relates to what just occurred in terms of if there is a tie or a failure to be seen in that process? And I am not challenging the integrity. What I am simply questioning is if truly somebody stood up before someone else and someone else was inadvertently recognized, what is it that we are able to do when that occurs?

The PRESIDENT. Under Rule 3, Senator, of the Rules of the Senate under the duties of the President, Section 4 says it is the duty of the President to "Decide, when two or more Senators arise, who shall be first to speak." So it is one of the duties of this office, one of the duties of the Chair.

Senator WILLIAMS. How does one prevent bias in that process, given that the President of this Chamber is to be nonpartisan in the nature of guiding the Chamber, and that means that before one makes that selection, I am assuming they are to scan the entire body. But I am sure that is not in the rules. The question for us is we feel that that was not done, for whatever the reasons were. I want to understand what it is that we can do to fairly go forward in this conversation, given the fact that the Members in one particular body feel that they were biased towards.

The PRESIDENT. The rules are clear. Currently, the rules are silent to the question that the gentleman has raised. Perhaps in the future, if the gentleman has an amendment to the rules to recommend, he may; but the rules are silent to that provision. It is simply the duty of this Chair when two or more Senators rise at the same time to choose and to recognize one of them.

Senator WILLIAMS. Well, is it appropriate to appeal to the Chair, that given what was recognized by all Members that there

may have been an inability to recognize Members in the manner that they rose, is it appropriate to appeal to the Chair that we return to the previous request of the Minority Leader?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT. If the gentleman is asking for an appeal of the ruling of the Chair, that motion should have taken place before the roll call for the previous question, for calling the question.

Senator WILLIAMS. Well, I recognize that that is what occurred. What I am asking is, is there any provision beyond that that allows for appeal in the process, given what just occurred?

The PRESIDENT. It is the Chair's ruling that, no, there is no provision under the rules or parliamentary procedure that would allow that.

Senator WILLIAMS. I would suggest this, and I conclude and I appreciate the time and the talent and the temperament. I clearly think that both sides, Majority and Minority, need to come to some understanding of how this is supposed to work. There will be a time when someone of a different persuasion will sit at that particular podium where you stand and may be of a different affiliation. I would hope, I would hope that there is balance in terms of the approach. Now, I recognize that it is about winning sometimes in this place, but there is something to be said about how we win and there is something to be said about the public who is watching us conduct our business. And so to that end, I think we need to come to some point and perspective about guidance specifically in this area of how we stand in the Chamber, how we fail to recognize those who do stand, and how we recognize those.

Thank you, Mr. President.

Senator HUGHES. Mr. President.

Senator PILEGGI. Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Hughes. For what purpose do you seek recognition?

Senator HUGHES. Mr. President, I believe this is a point of privilege, but I would like to interrogate the maker of the previous motion.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT. The gentleman has indicated an unwillingness to stand for interrogation.

Senator HUGHES. Oh, that is a shame. And I have all respect for the gentleman, but if I may, Mr. President, if this was--

Senator PILEGGI. Mr. President--

Senator HUGHES. I am trying to make comments, Mr. President, point of privilege.

Senator PILEGGI. --point of order.

The PRESIDENT. Senator Hughes, Senator Pileggi has asked -- I am going to ask, is it a point of order, sir?

Senator PILEGGI. It is a point of order.

POINT OF ORDER

The PRESIDENT. Senator Pileggi, you may proceed.

Senator PILEGGI. Mr. President, I have been patient, but in the last 10 minutes I have been listening to remarks that are contrary to the rules that this body has adopted. I would remind the Members and those people who are listening or watching us, we

have a rule book, it is about 80 pages, I think, and that our rules are adopted by a vote of this body. And my recollection is, as chairman of the Committee on Rules and Executive Nominations, that our rules were adopted by unanimous vote. So all the folks who are standing up complaining about our rules or lack of rules voted for our rules in exactly the same way, and I do not recall any supplemental rules that were offered by any of the speakers that were voted down. So there is a set of rules that we work by here, and there is a process for amending them and changing them. But this is not the time to be debating the rules of the Senate. We have an issue, a bill before us, and we have rules that govern how we move that issue and that bill forward. And these comments violate those rules.

The PRESIDENT. The Chair thanks the gentleman. The gentleman's point is well-taken.

Senator COSTA. Mr. President.

The PRESIDENT. Senator Hughes has the floor.

Senator HUGHES. Please.

The PRESIDENT. And may continue.

Senator HUGHES. Thank you, Mr. President.

A point of privilege. If this was the NFL, I would drop a red flag and ask for a review of the tapes. Now, we have a set of rules that the Leader indicates we need to follow, and I agree with that. But with all due respect, Mr. President, the rules have to be followed. And the rules indicate that if the gentleman, Senator Costa, stood up and made a request on three occasions before the gentleman on the other side of the aisle spoke, but he was not recognized. So if we have a set of rules that need to be followed, we need to follow the set of rules and recognize the gentleman who stood up three times and said: Mr. President, Mr. President, Mr. President. Now, the tapes will show that. We do not have a red flag to drop, so we cannot review the tapes. So we are here to try to move an issue forward, but we are also here to try to follow a process and to encourage democracy to allow us to address a very grievous issue in this piece of legislation, but the process is not being followed. The gentleman, Senator Costa, our Leader, stood up and said three times: Mr. President, Mr. President, Mr. President, but he was ignored based on apparently a script that was set prior to us getting to the floor.

Now, I want to follow the rules, Mr. Leader, I do. And we are following the rules. But the rules and the process have to be followed by the Majority in this Chamber. The tyranny of the Majority cannot rule in this situation. The gentleman stood up and said three times: Mr. President, Mr. President, Mr. President, before our good friend, the Senator, said anything on the other side and wished to be recognized. That is all we are talking about here. We have the same set of rules that we want to follow. We just need them to be followed and for us to not be the subject, the tyranny of the Majority in this case--

POINT OF ORDER

Senator PILEGGI. Mr. President, point of order.

Senator HUGHES. --because that is what is happening here, Mr. President.

The PRESIDENT. The gentleman will suspend.

Senator Pileggi, if you would state your point of order.

Senator PILEGGI. Mr. President, it is clear in our rules that impugning the integrity or the judgment of a Member of this body is out of order, is a violation of our rules, and all I keep

hearing is a criticism of the President's recognition of a Member, which is solely in the President's discretion. That is completely in violation of the rules that we have all agreed to live by in this body. And I do not know how much longer it is intended to continue to make that same type of an argument, but I think it is out of order and should be stopped and we should move on to what is before us, which is the consideration of the bill before us.

The PRESIDENT. The Chair thanks the gentleman. His point of order is well-taken.

POINT OF ORDER

The PRESIDENT. Senator Costa, do you rise with a point of order?

Senator COSTA. Yes, Mr. President.

The PRESIDENT. Would you state it please, sir?

Senator COSTA. I will state the point of order. I would like to go back to the issue relative to the rules of this Chamber. As the Democratic chairman of the Committee on Rules and Executive Nominations, I concur that we do have a set of rules that we must abide by and we must follow, and in most instances we do. But we have to be certain and we have to be clear in this General Assembly and in this Chamber that when we want to follow the rules, they are for what I would call the appropriate purpose. We tried to offer an amendment and were thwarted by procedural steps to stop that from happening, and that is not in the rules. That may not be written in the rules, but at the end of the day it is the effect. It is not the black letter of the rule that is what I am talking about here, it is the intent of this General Assembly, or excuse me, this Chamber, the other side of this Chamber, preventing us from offering an amendment and utilizing the rules that is cover for that purpose. That is not what we meant. It violates the spirit of all the rules that we have in this Chamber that we conduct our business by.

For the most part, we get along very, very well in this Chamber. We get along very well and work together in a very cooperative way, as evidenced by the underlying transportation bill that we are talking about. But at the end of the day, when we rely upon the rules, let us rely upon the black letter law of the rules, but also the spirit, the spirit of the rules, and not violate the spirit of the rules by trying to do something to prevent someone in this Chamber from offering--

POINT OF ORDER

Senator PILEGGI. Mr. President, point of order.

The PRESIDENT. The gentleman will state his point of order, Senator Pileggi.

Senator PILEGGI. The gentleman is out of order. He is again trying to debate what is clearly Rule 11, subsection g, "Motion for previous question," which he voted for. That is the rule that we are using. Now we are trying to get to calling the roll on whether the Senate would agree to House Bill No. 1060, as amended. That is the question before this body. I ask for a roll call on that question.

The PRESIDENT. The gentleman's point is in order.

The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, I rise to state a personal point.

The PRESIDENT. You may, sir.
 Senator DINNIMAN. I just simply want to express my sadness of what has occurred here today.
 Thank you, Mr. President.
 The PRESIDENT. The Clerk will call the roll.

And the question recurring,
 Will the Senate agree to the bill on third consideration, as amended?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-31

Alloway	Dinniman	Mensch	Vance
Argall	Eichelberger	Pileggi	Vogel
Baker	Erickson	Rafferty	Vulakovich
Blake	Folmer	Robbins	Waugh
Brewster	Gordner	Scarnati	White
Browne	Greenleaf	Smucker	Wozniak
Brubaker	Leach	Solobay	Yaw
Corman	McIlhinney	Tomlinson	

NAY-19

Boscola	Hughes	Smith	Washington
Costa	Hutchinson	Stack	Wiley
Farnese	Kasunic	Tartaglione	Williams
Ferlo	Kitchen	Teplitz	Yudichak
Fontana	Schwank	Ward	

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. House Bill No. 1060 will go over in its order on Final Passage.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 802 (Pr. No. 1524) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 18, 1998 (P.L.655, No.85), known as the Boiler and Unfired Pressure Vessel Law, further providing for definitions, for design and construction, for construction of act, for registration of boilers and unfired pressure vessels, for shop inspection, for repairs and alterations and for field inspection; repealing provisions relating to issuance of certificates of operation, inspector commissions and fees for examination, enforcement, placement of equipment out of service, regulatory authority, right of entry, accident report, fees, procedure in prosecutions and penalties; and providing for field inspection frequency, for certificates of operation, for inspector commissions and for authorized private inspection agencies, for powers of department, for department investigation, for accident report, for fees, for department enforcement and for administrative penalties.

On the question,
 Will the Senate concur in the amendments made by the House to Senate Bill No. 802?

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 802.

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

LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I request a legislative leave for Senator Washington.

The PRESIDENT. Senator Costa requests a legislative leave for Senator Washington. Without objection, the leave will be granted.

And the question recurring,
 Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Ward
Blake	Fontana	Scarnati	Washington
Boscola	Gordner	Schwank	Waugh
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak
Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	McIlhinney	Tomlinson	
Erickson	Mensch	Vance	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 27 (Pr. No. 2064) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
 Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Ward
Blake	Fontana	Scarnati	Washington
Boscola	Gordner	Schwank	Waugh
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak
Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	McIlhinney	Tomlinson	
Erickson	Mensch	Vance	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

HB 89 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 267 (Pr. No. 1576) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, further providing for excuses from attending school; in school health services, further providing for automated external defibrillators; and making an editorial change.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, I want to express my thanks to Senator Pileggi, Senator Corman, and Senator Greenleaf in allowing an amendment that has already been put in the bill which will make sure our schools have AEDs, defibrillators, so that we can save the lives of so many people and so many young people in this Commonwealth.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Ward
Blake	Fontana	Scarnati	Washington
Boscola	Gordner	Schwank	Waugh
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak
Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	McIlhinney	Tomlinson	
Erickson	Mensch	Vance	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

HB 388 (Pr. No. 1794) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, further providing for municipal and tax claims and liens.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. Mr. President, this is an important piece of legislation, an issue that a number of us in this Chamber have been working on for responsible tax collecting methods to be available in Philadelphia. We have had a lot of tough issues in this Chamber, many of them dealing with fiscal crises and not being able to fund the programs that we feel really need to be funded. In Philadelphia, we have had a huge problem with funding our school district adequately. One of the issues that I talked about, and my colleague, Representative Parker, and others have talked about, is the ability of the city to have the power to attach liens to properties and businesses that have not paid their taxes, to delinquent deadbeats who have not paid their taxes. Philadelphia, of all of the big cities in our country, has one of the highest levels of delinquencies, between \$400 million and \$500 million of uncollected revenue that could be collected, Mr. President, perhaps not that high of a number could be collected, but a large share of it could be if we had the right tools to do it. So, this is the beginning of that process, and I want to salute Representative Parker for her great work on this issue and others who supported her in the House. I ask my colleagues here in the Senate to help us be fiscally responsible in Philadelphia and vote in favor of this legislation.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, Senator Brubaker and I would like to submit some written remarks for the record on this bill.

The PRESIDENT. Without objection, the remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentleman from Lackawanna, Senator BLAKE, and the gentleman from Lancaster, Senator BRUBAKER:)

Mr. President, I would like to briefly address the intent of House Bill No. 388. House Bill No. 388 allows a claim for unpaid property taxes to be enforced as a judgment against the delinquent taxpayer in the form of a lien against other real property the delinquent taxpayer owns.

It is important to note at the outset that the underlying tax claim will have already been subject to the procedural requirements for a claim to be rendered absolute under the Real Estate Tax Sale Law, or to be given the effect of a judgment under the Municipal Claim and Tax Lien Law. Both laws require the docketing of delinquent tax claims, which can be searched by the public. It is the intent of this legislation, and I believe that the language accomplishes this, that these liens must be treated in the same manner as other judgment liens, subject to the same filing requirements and the same rules of priority. It is critical that property owners, mortgage companies, parties to real estate transactions, and the world at large be able to know where to find them, and understand their effect. The liens must be recorded in the manner provided and will be given priority in accordance with Pa.C.S. §§ 4303 and 8141 and the Pennsylvania Rules of Civil Procedure.

In short, no lien will be effective unless all of the requirements of law are satisfied to give notice that the lien exists, and no lien authorized by this legislation will be given priority over a previously recorded interest in the property subject to the lien.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, I want to thank the gentleman from the other side of the aisle and the Members for allowing us to move this legislation forward.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Ward
Blake	Fontana	Scarnati	Washington
Boscola	Gordner	Schwank	Waugh
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak
Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	McIlhinney	Tomlinson	
Erickson	Mensch	Vance	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 391 (Pr. No. 2491) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in assessments of persons and property, providing for installment payments and further providing for limitations; and, in payment and collection of taxes, providing for cities and counties of the first class.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Ward
Blake	Fontana	Scarnati	Washington
Boscola	Gordner	Schwank	Waugh
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak
Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	McIlhinney	Tomlinson	
Erickson	Mensch	Vance	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILLS OVER IN ORDER

SB 923 and **SB 1040** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS REREFERRED

SB 1045 (Pr. No. 1510) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, making extensive substantive and editorial changes; further providing for definitions, exempt securities, exempt transactions, required documents for registration statements, rules for filing federally covered securities, exemptions from registration provisions, powers for the Department of Banking and Securities, administration of the act, increasing assessments, methods of payment of funds and requirements for administrative proceedings under the act; making a repeal; and establishing a restricted account in the General Fund.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

SB 1108 (Pr. No. 1472) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for special plates for individuals in the service of the United States Merchant Marine.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1193 (Pr. No. 2695) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for removals and for appointment, compensation and training of police officers.

Considered the third time and agreed to, And the amendments made thereto having been printed as required by the Constitution,

On the question, Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Table with 4 columns: Alloway, Farnese, Pileggi, Vogel, Argall, Ferlo, Rafferty, Vulakovich, Baker, Folmer, Robbins, Ward, Blake, Fontana, Scarnati, Washington, Boscola, Gordner, Schwank, Waugh, Brewster, Greenleaf, Smith, White, Browne, Hughes, Smucker, Wiley, Brubaker, Hutchinson, Solobay, Williams, Corman, Kasunic, Stack, Wozniak, Costa, Kitchen, Tartaglione, Yaw, Dinniman, Leach, Teplitz, Yudichak, Eichelberger, McIlhinney, Tomlinson, Erickson, Mensch, Vance

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER

HB 1225 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1356 (Pr. No. 1751) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in wiretapping and electronic surveillance, further providing for expiration of chapter.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Table with 4 columns: Alloway, Farnese, Pileggi, Vogel, Argall, Ferlo, Rafferty, Vulakovich, Baker, Folmer, Robbins, Ward, Blake, Fontana, Scarnati, Washington, Boscola, Gordner, Schwank, Waugh, Brewster, Greenleaf, Smith, White, Browne, Hughes, Smucker, Wiley, Brubaker, Hutchinson, Solobay, Williams, Corman, Kasunic, Stack, Wozniak, Costa, Kitchen, Tartaglione, Yaw, Dinniman, Leach, Teplitz, Yudichak, Eichelberger, McIlhinney, Tomlinson, Erickson, Mensch, Vance

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

HB 1425, HB 1439 and HB 1594 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

SB 75 (Pr. No. 41) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, extensively revising the law on human trafficking in the areas of prosecution, prevention, victim protection, evidentiary confidentiality, limitation of actions and victim impact statements; and making editorial changes.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILLS ON SECOND CONSIDERATION
AND REREFERRED

HB 261 (Pr. No. 273) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1993 (P.L.345, No.48), entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," further providing for civil penalties.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

HB 321 (Pr. No. 2693) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sexual offenses, further providing for definitions; in minors, further providing for the offense of sexual abuse of children; and, in sentencing, providing for sentencing for offenses involving sexual abuse of children.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

BILL REREFERRED

SB 405 (Pr. No. 1554) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 24, 1976 (P.L.1163, No.259), referred to as the Generic Equivalent Drug Law, further providing for definitions, for substitutions, for posting requirements, for powers and duties of Department of Health and for immunity of pharmacists under certain circumstances.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

SB 411 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION
AND REREFERRED

HB 431 (Pr. No. 2694) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for education and training.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 453, SB 703 and SB 704 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS REREFERRED

SB 720 (Pr. No. 741) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for the Pennsylvania Disaster Emergency Assistance Program; establishing the Individual Disaster Assistance Grant Program and the Public Disaster Assistance Grant Program; providing for the deposit of liquor tax revenues into the Disaster Emergency Assistance Account; and making an appropriation.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

SB 771 (Pr. No. 1584) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for the State Geospatial Coordinating Board.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 807, SB 850, SB 901, SB 903, SB 904, HB 920, SB 1037 and HB 1056 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 1077 (Pr. No. 1582) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 9, 2008 (P.L.1408, No.113), known as the Scrap Material Theft Prevention Act, further providing for definitions and for restricted materials.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

SB 1085, SB 1113, SB 1118 and SB 1168 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION

SB 1181 (Pr. No. 1598) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in additional special funds, further providing for the Pennsylvania Race Horse Development Fund.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

HB 1201 (Pr. No. 1792) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in depositions and witnesses, further providing for declaration of policy, for definitions and for victims of sexual or physical abuse; and in post-trial matters, further providing for report by district attorney.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1274 (Pr. No. 1637) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for criminal laboratory user fee.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

HB 1285, HB 1424, HB 1504, HB 1523 and HB 1706 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

MOTION PURSUANT TO RULE 12

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, as a special order of business, I call up Senate Supplemental Calendar No. 1, House Bill No. 1060, and move the Senate do consider House Bill No. 1060, notwithstanding the provisions of Senate Rule 12.

On the question,
Will the Senate agree to the motion?
A voice vote having been taken, the question was determined in the affirmative.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1**

BILL ON FINAL PASSAGE

HB 1060 (Pr. No. 2697) -- The Senate proceeded to consideration of the bill, entitled:

An Act 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. Providing for report to General Assembly.

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.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I will not repeat many of the points that have been made during the comments and debate on the adoption of the amendment offered by Senator Rafferty. We are now at the point of final passage of the bill as amended. This is the transportation infrastructure funding bill that we have been working on for some time. I will say that this is not exactly Senate Bill No. 1, which we voted on in this Chamber with a strong bipartisan 45 to 5 vote. It does contain changes that, in my opinion, are necessary in order to win passage of this bill in the House. I think we are presented with a very clear choice. We either compromise with the Members of the House so that this bill ends up on the Governor's desk, or we stay where we started with Senate Bill No. 1 and remain in a stalemate position. I do not think that is an acceptable alternative, and that is why I am supporting some of the compromises to language that we started out with here in the Senate with Senate Bill No. 1. I think it is important that we get this funding to work for ordinary Pennsylvanians in much needed areas of our transportation infrastructure. I ask for an affirmative vote. I commend Senator Rafferty, our chairman of the Committee on Transportation, and his counterpart on the other side of the aisle, Senator Wozniak, their

staffs, and all of the Members who had been mentioned earlier in Senator Rafferty's remarks. Again, Mr. President, I ask for an affirmative vote.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I, too, do not wish to reargue the points that we attempted to make earlier tonight in our conversation. While I agree that this is a very fine comprehensive transportation funding plan, as I stated earlier, my concern relates very specifically to a very narrowly tailored provision that is harmful, in my opinion. For that reason, and that reason alone, I will be voting "no" on this measure. While I was a strong supporter, and probably just as strong of an advocate as anybody in this Chamber in terms of transportation funding and how important it is and why we needed to do it, I cannot bring myself to support the bill because it includes provisions along the lines of harming working Pennsylvanians. As my colleagues, Senator Teplitz and Senator Ferlo, said earlier this evening, the impact that this bill will have on individuals across this Commonwealth in terms of being able to put food on the table, going to dinner, and doing things appropriate to pay their bills and keep that economic cycle going, this diminishes that by virtue of that provision. And while I do not agree that the process is appropriate here today, or over the course of the past 2 days in the House, at the end of the day, I recognize that that is an inappropriate provision and needs to be added. I fully understand and appreciate the wonderful work that was done by Senator Rafferty and Senator Wozniak, the two chairmen of the Committee on Transportation, and the work that they did and how they stood tall for many months in this whole debate and discussion, and I want to thank them for their effort. But I want folks to know that while I support the transportation funding piece that is part of this, I cannot in good conscience put up a vote that will be harmful to folks in this Commonwealth who I have identified as friends and people who I understand and respect their opinion relative to the nature and conduct of this Commonwealth as it relates to labor issues in this Commonwealth and this country. For those reasons alone, Mr. President, I will be voting "no."

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Farnese.

Senator FARNESE. Mr. President, very briefly, I really believe that the legislation we will be voting on final passage right now, the transportation funding package, I think represents what is both some of the best and brightest parts of our legislature and our system here in Pennsylvania and across this country and, unfortunately, I think it also shows some of the worst and some of the most, in my opinion, things that we need to be embarrassed about, not only as a legislative body but as elected officials. The fact that we have the work that was done on this bill in June, and months before then, was some of the finest work that I think I have seen here, and I commend both Chairman Wozniak and Chairman Rafferty and Leadership on both sides of the aisle for their work in preparing a comprehensive transportation funding bill.

We did our part, Mr. President, in June. Forty-five votes were taken, 45 folks in this Chamber rose and supported a comprehensive funding bill for transportation realizing what has been said time and time, over and over again is that we need sustainable transportation funding. We answered that call in the spring. Unfortunately, the Republican Leadership in the House did not be-

lieve that that was the time. They believed that they needed to sweeten the bill, they needed to play politics, to play with the process, which is why we are here today, literally days before the Thanksgiving holiday in November on a final vote on a bill, which despite what any of us want to say, is different than what we voted for.

Again, I supported, and still do support today, dedicated funding for transportation. I believe in the bill that I voted for in June and I would have voted for it again today, but what we saw when we came back here today, and of course over the last several hours, like I said, some of the worst behavior and some of the worst aspects of government. It is about a process that is being denied, it is about a legislative attempt to quiet a voice, literally, what I believe is a voice of millions of people whom we represent on this side of the aisle who, in many respects, were denied their say today or denied their opportunity to have their say.

We understand that the Majority will have their way, but it is imperative that the Minority has their say. To add insult to injury, when Senate Democrats rose to remove the prevailing wage language from House Bill No. 1060 with an amendment, unfortunately, the individual who presides over this Chamber, I will not say his name, but the individual who presides over this Chamber during Session refused to recognize our request and proceeded without allowing a full vote on an amendment which would have given an opportunity to be heard. So, what we are left here with on final passage is I believe yet another situation where the process has taken away from what we were sent here to do.

And there used to be people, Mr. President, in this building and in this Chamber who believed in the process, who used to stand up and say, you know what, this is not right. What we are doing here today is not right. We voted on a bill in June, we supported a bill with 45 votes. The vote here today on this bill is different, this bill does not represent what was worked out before. We should be given an opportunity to be heard. There were people who used to believe in that. Unfortunately, those voices are now silent.

So, again, I am not going to be supporting this bill on final passage. It does not change my feeling, my belief, or my continued support for transportation funding. The work of the chairmen of the Committee on Transportation, from both sides of the aisle; Secretary Schoch, the work that he has done, an honorable man, a man who I believe has worked extremely hard to get this bill passed. But I think what we have really seen today is some of the worst aspects of government in play, some of the things that make the people whom we represent angry, frustrated, and simply just tired of the gamesmanship and the party politics that have come to be a part of the legislative process. It did not have to come down to this. It did not have to come down to the inclusion of a prevailing wage provision which, like an earlier speaker said, places many of us in a trap. This legislation does nothing, Mr. President, nothing but place folks like myself, who supported transportation funding the first time around, places us in a trap because although I believe that transportation funding is critical, I do not believe it should be at the expense of working families across the Commonwealth of Pennsylvania at any cost. At any cost. Especially, when we did this in June. Especially, when we came together like we should in June, when we worked together and we got it done. When we leave here today, do not forget what we did in June because that was government working at its best. That is what we did the right way. Today is not that.

We can take pride in the fact that we are getting a bill passed that this Commonwealth needs, I understand that. But it is not without a cost, and the cost, no matter how you slice it, is to working families, and that, Mr. President, is the reason I will not be voting for this bill on final passage.

I want to thank, once again, the hard work and the efforts of both sides of the aisle and, of course, Chairman Rafferty and Chairman Wozniak. My support is still with you today and my support for transportation funding is as strong as it ever was. I hope that when we leave here today, when we go home and spend the holidays with our families, we can take a moment and reflect why we were sent here. We were not sent here to argue, to make decisions behind closed doors, to cast a die without giving a say to the people who send us here to do our business, and that is really exactly what happened. Let us be very clear about this, when we showed up here today, the die was already cast. This bill was going to pass. It was going to pass with prevailing wage, it was going to pass without an opportunity for many of us to have our say, and a decision was made that we were not even going to be able to offer an amendment. That is the way the process, unfortunately, works. I understand that. I am not being naive. I understand that.

So, today, right now for me, this is not about transportation funding. I did that in June. This is about a process that, unfortunately, once again has gone off the tracks. Hopefully, when we return in December, we can put our efforts in actually getting something done by working together because that shows the best that this Chamber has to offer. When we work together we take away the backroom deals, we take away the secret meetings, we give everybody here, not just one party, but both parties a say.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, there has been a lot of discussion about this legislation, a fair amount of critics, not so much in this Chamber, but I have heard around the building and outside the building about the cost of this bill. Let us be honest with each other, even though the chairman of the Committee on Transportation laid out to us that this bill actually eliminates the gas tax, at the end of the day, is it likely that our traveling public will be paying more at the pump at some point even though there is no direct relation to that in this bill? The likelihood is yes. As someone who represents a commuting district, I represent Perry, Juniata, and Mifflin Counties, and a lot of those individuals travel every day to and from Harrisburg to work. In Centre County, which I represent, many of the people who live in the valley travel up to Penn State and back every day to work. So, an increase at the pump is not just a nuisance, it is a family budget decision. That is a tough decision, a tough thing that they have to go through and certainly something that none of us would like to see at the end of the day.

Let us focus on what is the cost of doing nothing. Well, the cost for one of my constituents whom I met the other day who lives in Belleville, Pennsylvania, a gentleman by the name of Dale Yoder, who owns Big Valley Concrete in Mifflin County, and part of his concrete company is near Huntingdon County, the Senator from Blair County's district, Route 655, which recently had a bridge weight-limited. The reason the Secretary of Transportation had to weight-limit bridges is because without any funding in sight in the near future, you have to lengthen the life

of these bridges. Therefore, you have to begin to reduce the amount of wear and tear on these bridges. Therefore, you have to begin to, as I said, weight-limit them, as the Secretary did, and rightfully so. Well, for this particular small business person, a concrete company which has large trucks, he can no longer go over that bridge in Huntingdon County to deliver his product. So, now he has to find a new route to go which is a significant amount of more money for him to pay at the pump because he has to use a lot more gasoline to get to where he needs to get his product. That is just one example in my district, but there are hundreds in my district and there are thousands of examples like that in this Commonwealth. Because of the wear and tear of our infrastructure and the reduction of the ability to handle the traffic on some of these bridges, that is going to continue as we continue to have to weight-limit bridges. That is going to provide these small business people and commuting traffic to have to live with and pay more at the pump to get to where they need to go, whether it is delivering product or whether it is going to work and back.

Another part of doing nothing, Mr. President, in my particular district, as this transportation bill is probably the most regional district for everybody to look at. We say that all politics is local, this really is. Route 322 from Harrisburg to almost Centre County is a four-lane road, and the last stretch from Potters Mills in Centre County to Boalsburg in Centre County is still a two-lane road, Mr. President. That particular stretch is a very dangerous road because there is a high speed of traffic, there is no buffer between the two lanes, and there is very poor sight lines. In the last decade, Mr. President, there have been over 100 accidents, some of them fatal, on that particular stretch of road. If we do nothing, that will continue to be the case. That will continue to be the case because we will not be able to upgrade the safety of that road, that highway, and we will continue to have accidents and, more than likely, continue to have more fatal accidents.

Now, we are here to govern. We are here to do our job. Whether we like it or not, whether there are tough votes or politically sensitive votes, at the end of the day, we have a job to do. Transportation infrastructure is the responsibility of the legislature and the executive branch. No one else can do this. It is our job, the buck stops here. So, we can ignore our job and be politically safe and ignore these problems and allow our small business people to live with these detours, and to allow dangerous roads to continue, and by not properly repairing our highways, which is causing wear and tear on our vehicles. Mr. President, I have always looked at my job from a business perspective. What would a business person do? The business person—I do not know of a successful business in this country that did not invest in themselves at some point in time. Do you want to pay for the deterioration of your system? Which you are going to pay through, as I mentioned, detours, wear and tear on your vehicles, or do you want to pay to upgrade your infrastructure? I think the choice is obvious, Mr. President. I have a mass transit agency in Centre County which is very important, but what do we do in Pittsburgh if we do not pass this bill? The Port Authority negotiated a union contract recently where the unions made concessions on the deal that the State was going to put in money.

Well, if we do not pass this bill, the State is not going to be able to put in its share, which means it reverts back to the prior contract, which means we would get about a 30-percent, my

understanding is, about a 30-percent reduction in services. What is that going to do to the parkway? I am not from Pittsburgh, but I like to vote for Pennsylvania. I like to vote for the Commonwealth. It is good for my district, but it is also good for Pittsburgh. When I go to a Steelers game, I want to be able to get in and out of the parkway. What does this bill do for SEPTA in Philadelphia? SEPTA is one of the best run mass transit agencies in the country. Our Senator from Montgomery County, I believe, is on the board. This is a big bill for that as well.

So, again, a lot of critics will focus on what is the cost of doing this bill. I think at the same time, to be fair, you need to focus on what is the cost of not doing this bill. So, Mr. President, I have been here for a number of years. I served 8 years with Governor Rendell, and Governor Rendell is of the opposite party, we did not always agree on everything. I served 2 years as the chairman of the Committee on Appropriations, and so, I always knew when I passed a budget, he had to sign it. So that means there was going to be something in there that he liked that I did not like, there was probably going to be something in there that I liked and he did not like, but that is governing. Are there things in this bill that I do not particularly like that other Caucuses may have had an interest in? Absolutely. Absolutely, but we have to govern, and governing is passing what we can, and all four Caucuses are at the table, all four Caucuses have priorities, some were less than mine but, nevertheless, this is what gets the vote. So this is a great day. I compliment the two chairmen of the Committee on Transportation, the gentleman from Montgomery County and the gentleman from Cambria County. This is a great day for Pennsylvania. It is a great investment in ourselves, and I am a strong supporter of this bill. I ask for an affirmative vote.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Ferlo.

Senator FERLO. Mr. President, I want to be clear so there is no confusion on my earlier comment. Fundamentally, this transportation bill, which we are about to give final passage, represents the common good for our Commonwealth. The fact of the matter is, notwithstanding dissension and disagreement that was displayed earlier, this was a debate and dissension that had nothing to do, really, with the rules of the Senate or even points of privilege. I mean, basically, we were denied the opportunity in a democratic process to offer a specific amendment on removing language in this proposed adopted bill on the prevailing wage. I think the fact that we got into a tangential discussion about the protocols or the rules of the Senate, that was not fundamentally the issue on the floor. It was the fact that we were shut out of the democratic process of being able to offer and then debate, up or down, an important amendment to remove a portion of the bill that we are now about to finally vote on.

Having said that, there are times when you have to stand up and be counted for the greater good. I ultimately have to vote my constituencies and I want to reflect on the three-county district that I represent, both rural, suburban, as well as the heart of the city of Pittsburgh. I think it is very important that this bill takes a comprehensive approach to all types of transportation, proudly defined as I stated earlier. I think everyone is committed, from the Secretary of Transportation to this administration, as well as the future administration, to the principles that have been enumerated in the Transportation Advisory Commission. I do not want to enumerate them all, but we know that to be comprehen-

sive in nature. And the resources that have been generated, the revenue that is being generated in this bill would clearly sustain and endure a significant spending for the next 5 years in all aspects of intermodal - roads, bridges, ports, rail, you name it, it is contained in this bill.

I do want to just point out a couple of footnotes very quickly and then I will close. We keep conveying to the public that prevailing rate is a union rate. There are many contractors--I have been on the board of the Urban Redevelopment Authority for many years and have been a local official--there are many contractors, be they union or non-union contractors, that are obligated to pay the prevailing rate. It is not always the case that it may be or may not be a union trade skilled worker. The fact of the matter is, that you have competitive bidding and there are times when you have a non-union contractor and a non-union workforce and they are technically obligated to pay the prevailing rate. What is better about a union worker and a union contract and a union contractor is that we can be assured that they are paying into the pension fund, and that indirectly relates back to relieving some of the burden of the taxpayers because the quality of life of that worker is enhanced with pension benefits, healthcare, and the like. So I just want to clarify that.

Given my district, there is no greater concern right now in the hearts and minds of so many of my residents, people who need to get to work each and every day, and that is critical funding that is needed for the Port Authority of Allegheny County. An authority both at the workforce level, at the board and the administration level at the Port Authority, that have taken it on the chin. They have had to grapple with some very serious financial shortcomings and shortfalls. We can talk about the fare box and some of the moves that they needed to make or did have to make, but the fact of the matter is, this bill moves progressively forward to try to replenish and sustain vital funding for the Port Authority, which is needed. I also want to point out that we keep talking about the fact that tomorrow we are going to get all these jobs. And that is true, we are going to jump-start Pennsylvania's economy with a lot of construction activity once we have competitive bidding. But having worked on a lot of major projects in the region, where I am from in Pittsburgh and in the surrounding area, Hess Run bridge is an example. This is a project that I started advocating for 20 years ago. It is now at the point of reconstruction. This is the bridge at the foot of Butler Street and the Highland Park Zoo. So the notion that all this is going to be spent and jump-started immediately, everybody in this room knows a little bit more about the process. Certainly, there are emergency bridges that can be expedited, but by the time you put on a transportation improvement plan, go through the environmental assessment studies, and all the other related bidding processes, this is a journey we are going to take over the next 5 or 6 years to substantially replenish, through capital dollars, vital needs of our Commonwealth as it relates to roads and bridges and the like. For those who might be expecting tomorrow we are going to build a road, there are a lot of steps in between and issues that have to be followed and tasks to be performed before something just gets enumerated.

To my good friends on the aisle opposite, who always rail against so-called WAMs, this legislation has \$50 million of WAMs. It has \$50 million of discretionary spending. Now, I hope and pray that these WAMs are going to be utilized in the way that the administration says, that they are going to critique

the prioritization of those capital projects based on urgent need through some prioritization, and I hope that it is going to be geographically represented in the Commonwealth and that the WAMs that are in here are not the WAMs that were paid off to some of the House Members, many of whom in the end did not even vote for the darn bill. So again, yes, this bill has WAMs. Republicans do not like to admit it. They refer to it as discretionary spending. I personally like WAMs. Give me my fair share to make sure that I can get jobs done in my three-county area. But fine, the Republicans do not want WAMs. So, that is just the way it is. Having said that, I am going to be voting in the affirmative. Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, I rise as chairman of the Senate Committee on Labor and Industry to just take about 2 minutes, hopefully, at the most, to put into perspective the prevailing wage law in Pennsylvania. The prevailing wage law was set back in 1962, and the threshold was set that year at \$25,000. Meaning, those projects that were less than \$25,000 were not subject to prevailing wage, and those projects that were more than \$25,000 in Pennsylvania would be subject to the prevailing wage. That threshold amount that was set in 1962 was still the threshold in 1972, still the threshold in 1982, same in 1992, in 2002, in 2012, and yet today. Some 51 years after that threshold was initially set, it has, up to this point, never been changed, never been adjusted for inflation, or anything along those lines. I have been in the legislature for 21 years. I can tell you that multiple times over that period, both in the House and Senate, there have been efforts to adjust that, or to account for inflation. Someone may ask, well, what would \$25,000 in 1962 dollars equal in 2013? Well, if you were to take \$25,000 based on 1962 dollars, it would equal about \$190,000 today. So if you just wanted to say, hey, what was good back in 1962, we ought to make good here in 2013, we would set the threshold at \$190,000, give or take a few.

So what is in this bill? What is in this bill is language that would, for the first time in 51 years, raise the threshold from \$25,000 to \$100,000. Does it affect all projects? No. Does it affect normal type of construction projects on buildings and other types of efforts around the State? No, it does not. It is very limited. Does it affect all transportation projects? No, it does not. It is limited to local transportation projects up to \$100,000. That is all that is in this bill, and it is extremely limited to that.

And basically, the purpose behind that were maybe for districts like mine. I have a lot of rural districts. I represent parts of six counties. I have communities and townships with 300, 400, or 500 people in them. They do \$26,000 or \$45,000 or \$65,000 projects, and they believe, very strongly, that this will allow them, as small municipalities, to do more projects for their constituents in their district.

So, I rise, Mr. President, to put this into perspective. This is the first change in 51 years. It is very limited to only local transportation projects and does not involve the larger sphere of projects around this Commonwealth and this State.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, I know it is late, we are a little bit tired, and we would like to get out of here, but I felt

compelled to stand and speak on final passage of this bill because it is a bill of such important gravity to the Commonwealth. I have been a proponent of transportation investment since my arrival here in the Senate 3 years ago, and have held transportation summits back home and have heard the needs of not only the engineering and construction communities, but also of the transit community, the County of Lackawanna Transit System, the transit system of Luzerne County, the transit system in Monroe County, all of which will be beneficiaries of the investment that will occur here if this bill becomes law. I regret, Mr. President, that I had an amendment that cannot be presented because parliamentary procedure and the rules of the Senate precluded my ability to raise that amendment. It was an amendment meant to provide some additional liquid fuels money for Act 47 distressed communities that I think are under distinct pressure throughout in the State. Twenty-one communities are in Act 47, and I would have very much liked to provide some additional assistance and enhancement of dollars to their own transportation needs locally but, unfortunately, was unable to do so.

Nevertheless, I did feel it important for me to call and express my gratitude to Senator Wozniak and Senator Rafferty for their yeoman's work here. I regret that ideology has found a way into good governance here. I wish it could have been avoided. I do not like to be held hostage by a subset of one Caucus in the General Assembly. I feel in some measure that has occurred here. But I am also a cost benefit person and I take a look at the benefits to the entire Commonwealth, and I believe that the prospect of creating 50,000 to 60,000 jobs and generating some economic activity that is vitally important for not only our public safety, but for the economic competitiveness and the long-term utility of the assets that will be built with these dollars, that it is deserving of my support. I will be voting "yes" on the bill.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, just for a few minutes, the hour is late, we are not changing any votes, and I believe this bill is now a fait accompli. I think everybody here and the people who have been watching know what is in the bill, what is liked about the bill, and what is disliked about the bill, but I am here to urge an affirmative vote for final passage. This bill can potentially create over 60,000 good-paying construction jobs. The contractors will be purchasing heavy equipment because theirs is outdated and outmoded, and I am sure that they will be purchased by some factory that builds them here in the United States, creating additional jobs. If you have bridges that are now weight-restricted, they will be prioritized and those weight restrictions will be eliminated so that your heavy trucks, your oil tankers, your farm tractors, and other heavy equipment, particularly in rural Pennsylvania, will be able to traverse those roads. If you want to reduce congestion in urban Pennsylvania, you should support this bill. If you want to improve access in rural Pennsylvania, you should support this bill. It has an intermodal fund, that money was brought about earlier, of discretionary spending. It is limited to roads and bridges and has a fail-safe mechanism to make sure that money remains committed to roads and bridges.

To the citizens who have been told that their gasoline tax, or user's fees, or registrations will be used in the big cities for mass transit, that is not true. Your money that you pay at the pump, the

money that you pay for your registration, goes back to roads and bridges in all of Pennsylvania. It is stretched out over 5 years to try to take the bite out of the cost, but as I said earlier, it has been almost 15 years since Pennsylvania has raised revenues. Since that time, our fleets have become more efficient, using less fuel to go farther, reducing the treasury of the Department of Transportation.

This is an ambitious bill. This is a bill that deals with the port of Philadelphia to keep them competitive, to the port of Erie, and the port of Pittsburgh. For our rail freight, it has an intermodal, interconnected transportation system that will propel Pennsylvania into the middle of the 21st century. We do not just compete with our other States, we compete against other nations. This is our economic stimulus package, this is our job creator, and this is how we bring people back to Pennsylvania. I would consider it a privilege and honor if my colleagues would give this an affirmative vote on final passage. Thank you very much.

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Rafferty.

Senator RAFFERTY. Mr. President, this is a key component to the economic development of the Commonwealth of Pennsylvania. Today is a very important vote and I urge an affirmative vote on final passage. This transportation bill has been worked through both Chambers. There are things in there that I do not like, there are things in the bill that other people do not like, but overall, we are driving Pennsylvania--pardon the pun--forward with a \$2.4 billion revenue bill. Yes, it is a revenue bill, and we recognize the fact that they are user fees. People driving the roads and the bridges, getting their licenses and getting registrations are going to be paying more, but we recognize that so we took the step of eliminating the gas tax at the pump. The State tax will disappear with a "yes" vote. The Commonwealth will be able to begin working on its transportation infrastructure that takes in all 67 counties. From dirt and gravel roads to our highways to our bridges to our short-line railroads to mass transit to our three ports, which are very important to the economy of Pennsylvania.

Mr. President, I want to be clear that a lot of thought has gone into the concept of Senate Bill No. 1 and this bill. I heard reference to WAMs being discussed and pointing the finger at our side of the aisle. I want to be clear, the multimodal fund was created by the Secretary of Transportation, the Republican chair and the Democratic chair of the Senate Committee on Transportation, and they are to be used for specific purposes within the transportation bill, and they must be transportation related. Mr. President, we tried very hard to make sure that all of the money raised with the revenue enhancers in this legislation will be used for transportation, not going into the black hole of the General Fund. Any oil franchise tax money, any oil franchise cap lifting money, any driver's license fees, registration fees must be used for roads and bridges. So, when these blogs write something different, they are wrong.

The point of the matter is, it is a necessary step. Nobody in this building likes to vote for a revenue bill, but this is one that has been long overdue. It has been 20 years since we have addressed transportation in the Commonwealth of Pennsylvania. Yes, we paid for the highways 50 years ago, but like anything else that is 50 years old, it needs attention, and we need to pay attention to our highways, to our bridges, and begin to expand our transportation system, benefitting everyone. When I hear the

comments made about, well, we do not have mass transit, there are 36 transit agencies in this Commonwealth. The gentleman who is in charge of the Altoona/Johnstown transit agency said, if we do not get additional funds, the people who rely on us will be prisoners in their homes. These are the same people who cannot get to a doctor's office on their own, or get to kidney dialysis on their own. We have to transport them. Many of those contracts are with private carriers. Seventy-six cents of every dollar PennDOT collects today goes out the door to private business - private engineering firms, private contractors who do the work. PennDOT has streamlined itself under both Secretary Biehler and certainly now under Secretary Schoch, down to 11,500 employees. So, we are making the necessary management steps here in the Commonwealth of Pennsylvania.

This legislation would also expedite the process of delivering and enhancing the funds to our local municipalities where so many of our counties and townships are facing bridge closures. So, this is a vital piece of legislation, one that is key to the success of Pennsylvania and for the health, safety, and welfare of its residents. I urge an affirmative vote on final passage of this bill. Once again, I thank my colleagues, those who have stood tall on the transportation issue.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-43

Alloway	Ferlo	Rafferty	Vogel
Argall	Folmer	Robbins	Vulakovich
Baker	Fontana	Scarnati	Washington
Blake	Gordner	Schwank	Waugh
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Kitchen	Solobay	Williams
Corman	Leach	Stack	Wozniak
Dinniman	McIlhinney	Tartaglione	Yaw
Eichelberger	Mensch	Tomlinson	Yudichak
Erickson	Pileggi	Vance	

NAY-7

Boscola	Farnese	Kasunic	Ward
Costa	Hutchinson	Teplitz	

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**UNFINISHED BUSINESS
SENATE RESOLUTIONS ADOPTED**

Senators TEPLITZ, ERICKSON, FERLO, WASHINGTON, KITCHEN, EICHELBERGER, DINNIMAN, FARNESE, WOZNIAK, BAKER, STACK, RAFFERTY, SMITH, FONTANA, GREENLEAF, ALLOWAY, COSTA, VULAKOVICH, MENSCH and BRUBAKER, by unanimous consent, offered **Senate Resolution No. 270**, entitled:

A Resolution recognizing the month of November 2013 as "Adoption Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Teplitz.

Senator TEPLITZ. Mr. President, as we heard, my resolution recognizes November 2013 as "Adoption Awareness Month" in Pennsylvania. The family, as we know, is the foundation of any society. Children need the permanent love, care, and protection of a family in order to grow into healthy and productive adults. But sadly, many children here in Pennsylvania do not know that feeling. As of 2012, there were 1,924 children in Pennsylvania waiting to be adopted. For those children, the wait for a permanent home is often a long one, and older children are not as likely to be adopted as younger ones. In fact, the average age of Pennsylvania's adopted children is about 6 years old, with research showing that for youth over 9 years old, the likelihood of being adopted significantly drops. It is important that we recognize the collaboration of both public and private adoption agencies for their commitment to the needs of our children throughout the Commonwealth. They are working very hard to find a permanent home and a loving family for those children in need. So, Mr. President, I ask my colleagues to join me in recognizing the month of November 2013 as Adoption Awareness Month in Pennsylvania. Thank you.

And the question recurring,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

Senators WILEY, KASUNIC, BOSCOLA, FONTANA, DINNIMAN, ERICKSON, FARNESE, FERLO, KITCHEN, RAFFERTY, SMITH, STACK, TEPLITZ, WASHINGTON, WHITE, WOZNIAK, GREENLEAF, ALLOWAY, PILEGGI, HUGHES, COSTA, VULAKOVICH, BLAKE, SOLOBAY and BRUBAKER, by unanimous consent, offered **Senate Resolution No. 271**, entitled:

A Resolution designating the month of November 2013 as "Epilepsy Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Erie, Senator Wiley.

Senator WILEY. Mr. President, there are more than 200,000 people in the Commonwealth of Pennsylvania and 5 million Americans of all ages who are affected by a chronic brain condition known as epilepsy. Epilepsy, one of the world's oldest known medical conditions, is characterized by recurring seizures that are physical reactions to sudden, brief excessive electrical charges in brain cells. It is also one of the most misunderstood disorders, often leading to fear, discrimination, and isolation. Approximately 200,000 new cases of epilepsy are diagnosed each year, most often in young children or senior citizens. One

of three people with epilepsy must endure uncontrollable seizures because no available treatments work for them.

Mr. President, by raising awareness and helping people understand epilepsy, fear and misunderstanding can be reduced and the lives of millions who are affected by the condition, as well as those who care for them, can be much improved. In addition, encouraging the support of epilepsy research programs can help make the future of those with epilepsy much better and brighter. So I ask, Mr. President, that my colleagues join me in unanimously adopting this resolution recognizing November 2013 as "Epilepsy Awareness Month" in Pennsylvania.

And the question recurring,

Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered, and adopted by voice vote:

Congratulations of the Senate were extended to the Honorable Lori Biesecker, Michael H. Toomey and to the Dover Area High School Geospatial Technology Program by Senator Alloway.

Congratulations of the Senate were extended to Chief Joseph H. Murton V, Senior Master Sergeant Leon Zechman, Connor T. Veglia, Edward J. Hampford, Dakota S. Reber, Agnes Barrow, Koch's Turkey Farm and to Kepner-Scott Shoe Company by Senator Argall.

Congratulations of the Senate were extended to Mr. and Mrs. William Helgemo and to Andrew J. Blatzheim by Senator Baker.

Congratulations of the Senate were extended to Leo Moskovitz and to Saint Joseph's Center of Scranton by Senator Blake.

Congratulations of the Senate were extended to Mr. and Mrs. Robert E. Sterling and to Bryce Joseph Orloski by Senator Boscola.

Congratulations of the Senate were extended to Anthony Alexander Sagrestano by Senators Boscola and Mensch.

Congratulations of the Senate were extended to William G. Kiger by Senator Brewster.

Congratulations of the Senate were extended to Sara J. Turley, Melva S. Vogler, Richard N. Rose and to Glen S. Galante by Senators Browne and Farnese.

Congratulations of the Senate were extended to Joseph Pomrink, Jr., Rosemary French and to Bobby Gunther Walsh by Senator Browne and others.

Congratulations of the Senate were extended to Mr. and Mrs. Arthur Graybill and to Mr. and Mrs. Richard Copenhaver by Senator Brubaker.

Congratulations of the Senate were extended to Mr. and Mrs. Robert W. Baumgardner, Sr., Master Sergeant Kenneth R. Stanton, Randy S. Hoffman, Michael D. Baker, Alison R. Krajewski and to Daria M. Oller by Senator Corman.

Congratulations of the Senate were extended to the Honorable Alexander Bennett and to Joseph O'Connor by Senator Costa.

Congratulations of the Senate were extended to William Mitman, Jr., Leslie Stauffer and to Barry Hinkle by Senator Dinniman.

Congratulations of the Senate were extended to Kyle Smith by Senator Eichelberger.

Congratulations of the Senate were extended to John Anthony DeSantis by Senator Ferlo.

Congratulations of the Senate were extended to Betty L. Brown by Senator Folmer.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Weller, Mr. and Mrs. Donald E. Bickhart, Jr., Joshua Brown, Ryan Douglas Hoke and to Sarah Koons by Senator Gordner.

Congratulations of the Senate were extended to Isabella DiLisio, Patrick May, Douglas A. Tweddale and to Wesley Enhanced Living by Senator Greenleaf.

Congratulations of the Senate were extended to Bishop Lorraine C. Thomas-Ware by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Eisenman by Senator Hutchinson.

Congratulations of the Senate were extended to Edward J. Franczyk, David Slusarick, Eric Plisko and to David Meredith by Senator Kasunic.

Congratulations of the Senate were extended to the Reverend and Mrs. Leonard Goins by Senator Kitchen.

Congratulations of the Senate were extended to Dr. Clifford L. Stanley, Reverend George Searfoss, Grace Di Adezzio and to Emily's Entourage by Senator Leach.

Congratulations of the Senate were extended to Jack B. Bauer, Kristen Upton, Alex Leone, Joseph Postiglione, Emma Rosenthal, Matthew Pfeiffer, Nicholas Messina, Cody Kulick, Diana Penn and to Congregation Brothers of Israel of Newton by Senator McIlhinney.

Congratulations of the Senate were extended to William S. Aichele by Senators McIlhinney and Mensch.

Congratulations of the Senate were extended to the Honorable Jay Stover by Senators McIlhinney, Mensch and Greenleaf.

Congratulations of the Senate were extended to Vincent Landis by Senator Mensch.

Congratulations of the Senate were extended to Chief Daniel C. Trexler by Senators Mensch and Browne.

Congratulations of the Senate were extended to Russell Kilmer by Senator Pileggi.

Congratulations of the Senate were extended to Blair Mahoney by Senator Pileggi and others.

Congratulations of the Senate were extended to Taylor Rank-Delaney, William J. Delaney and to Michael A. Goodman by Senator Rafferty.

Congratulations of the Senate were extended to Dr. Fredric M. Leeds, Christopher C. Shultz, Alexander Ross Rowden, John Choffel, Jr., Thomas Stanton, Hope Couch and to the Saegertown High School Boys' Cross Country Team by Senator Robbins.

Congratulations of the Senate were extended to Dr. Marlene J. Wust-Smith by Senator Scarnati.

Congratulations of the Senate were extended to Lois A. Richards by Senators Scarnati and White.

Congratulations of the Senate were extended to Tyler Knarr by Senator Schwank.

Congratulations of the Senate were extended to Callie Frey, Alexis O'Shea, West Allegheny High School Boys' Soccer Team, South Fayette High School Boys' Cross Country Team,

Mt. Lebanon High School Girls' Cross Country Team, Upper St. Clair High School Boys' Soccer Team and to the Peters Township High School Boys' Soccer Team by Senator Smith.

Congratulations of the Senate were extended to William H. Schall by Senator Smucker.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Nelson, John Gilbert Dornan, William Garrow, Robert Minor, Beverly Houston, Martha Kirschner and to Lois Smith by Senator Solobay.

Congratulations of the Senate were extended to Matthew Lawson, David Jay Wolf and to Jared Donnelly by Senator Stack.

Congratulations of the Senate were extended to the Honorable Nelson A. Diaz, Jose Garces, Pedro Ramos, Mara D. Quiones-Snchez, Ruben Amaro, Jr., Romulo L. Diaz, Jr., and to Kenneth I. Trujillo by Senator Tartaglione.

Congratulations of the Senate were extended to Robert Stakem by Senator Teplitz.

Congratulations of the Senate were extended to the Honorable Chris Blaydon, James Barrett Humphreys, Rachel Clemens, Neshaminy High School Girls' Soccer Team and to the Filipino-American Association of Bucks County, Inc., by Senator Tomlinson.

Congratulations of the Senate were extended to Samuel T. Jones, Holly Laufer, Howard D. Lauffer, Jr., and to Chick Zoll by Senator Vance.

Congratulations of the Senate were extended to Bailyn Allison Bench, Donald M. Lammers, Patricia M. Mirth, Vincent Jones and to Walter Edward Gaida III by Senator Vulakovich.

Congratulations of the Senate were extended to Kelly D. Hoyle, Robert E. Pallitto, Robin W. Long and to C. R. McCauley II by Senator Ward.

Congratulations of the Senate were extended to Paul M. Smith and to Warren Klunk by Senator Waugh.

Congratulations of the Senate were extended to Lillian Moore by Senator White.

Congratulations of the Senate were extended to Mr. and Mrs. Jason O'Neill by Senator Wiley.

Congratulations of the Senate were extended to the Reverend Dr. Albert Franklin Campbell, Honorable Jayne Young, Sharon P. Coleman and to Ellen Lustgarten by Senator Williams.

Congratulations of the Senate were extended to Robert B. Diehl by Senator Wozniak.

Congratulations of the Senate were extended to Craig A. Harting by Senator Yaw.

Congratulations of the Senate were extended to Catherine M. Bat by Senator Yudichak.

Congratulations of the Senate were extended to the Marian Catholic High School Girls' Volleyball Team by Senators Yudichak and Argall.

CONDOLENCE RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered, and adopted by voice vote:

Condolences of the Senate were extended to the family of the late Leon George Kern, Jr., to the family of the late Frank John Roginski, Sr., to the family of the late Clifford King Parker, to the family of the late Joseph A. Habersky and to the family of the late Alice E. Dollard by Senator Baker.

Condolences of the Senate were extended to the family of the late Charles Baughman by Senator Boscola.

Condolences of the Senate were extended to the family of the late Howard Gailloux and to the family of the late Barbara LaRie Dean by Senator McIlhinney.

Condolences of the Senate were extended to the family of the late Carl E. Zettlemoyer by Senator Schwank.

Condolences of the Senate were extended to the family of the late Charles W. Ballein, to the family of the late Sherrie Lynn Nottingham Sorge, to the family of the late Kyle D. Deliere and to the family of the Robert P. Romero by Senator Solobay.

BILLS ON FIRST CONSIDERATION

Senator RAFFERTY. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committee for the first time at today's Session.

The motion was agreed to by voice vote.

The bills were as follows:

SB 491 and HB 1513.

And said bills having been considered for the first time, Ordered, To be printed on the Calendar for second consideration.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Jim Cawley) in the presence of the Senate signed the following bill:

SB 802.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, DECEMBER 3, 2013

12:30 P.M.	LABOR AND INDUSTRY (public hearing on nomination of Keren Putman to the Unemployment Compensation Board of Review; and to consider Senate Bill No. 1195)	Room 461 Main Capitol
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12:30 P.M.	STATE GOVERNMENT (to consider Senate Bills No. 833, 885, 1096 and 1191; Senate Resolution No. 207; and House Bill No. 1247)	Room 8E-B East Wing
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Off the Floor	URBAN AFFAIRS AND HOUSING (to consider House Bill No. 1644)	Rules Cmte. Conf. Rm.
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WEDNESDAY, DECEMBER 4, 2013

10:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (public hearing to consider the nominations of Ellen M. Ferretti as Secretary of Conservation and Natural Resources and E. Christopher Abruzzo as Secretary of Environmental Protection)	Hrg. Rm. 1 North Off.
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Off the Floor	URBAN AFFAIRS AND HOUSING (to consider House Bill No. 1644) C A N C E L L E D	Rules Cmte. Conf. Rm.
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WEDNESDAY, DECEMBER 11, 2013

10:00 A.M.	SPECIAL EDUCATION FUNDING FORMULA COMMISSION (public hearing to consider final recommendations and release final report)	Hrg. Rm. 1 North Off.
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RECESS

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Tuesday, December 3, 2013, at 1 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 4:59 p.m., Eastern Standard Time.