

REPORT TO THE 120TH DISTRICT FROM Rep. Phyllis Mundy

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Dear Friends:

I hope this newsletter finds you and your loved ones well.

Last month, parts of our region were devastated by Hurricane Irene and Tropical Storm Lee. Many of you were affected beyond belief, and the days and weeks since the storms have no doubt been stressful and exhausting for you and your families. Please know that my most heartfelt sympathy and concern go out to you. I know that the clean-up process and the journey to get your lives back to normal seem long and frustrating. However, I hope you were able to take the necessary steps to report your damage to the proper agencies so you can get the help you deserve and need.

The Pennsylvania Emergency Management Agency (PEMA) and the Federal Emergency Management Agency (FEMA) are key points of contact for accessing flood-related assistance and information. If your property has been damaged by either Hurricane Irene or Tropical Storm Lee, you may apply for Federal Disaster Assistance to aid in repairing flood damage to your home or business. This is called Individual Assistance or "IA," and you can apply for it at www.disasterassistance.gov or by calling 1-800-621-FEMA (3362). I also encourage you to visit www.pema.state.pa.us to access post-flooding updates and resources.

To further assist flood victims, Luzerne County legislators introduced several bills that would, among other things, provide financial assistance to those who do not qualify for federal aid, as well as to provide additional funding to the Hazard Mitigation Grant Program to help prevent future flood-related damage from taking place. Be assured I will advocate for timely passage of these bills.

In addition, I will continue to push for full restoration of the flood-related funding cuts enacted under the Fiscal Year 2011-2012 state budget. As you may recall, Governor Tom Corbett and the Republican-controlled House and Senate completely eliminated funding for flood control projects under the Department of Environmental Protection. This could not have come at a worse time. I also will be calling on the Governor to make the reauthorization of the Growing Greener Program a top priority. Growing Greener, which was established to fund a variety of environmental needs, including flood control projects, is almost out of funding. Some believe that any tax or fee imposed on Marcellus Shale drilling should help to fund programs like Growing Greener. I want to know what you think, so please take time to answer the related survey question on the back of this newsletter.

I also would like to take this opportunity to express my sincere thanks for the heroic efforts of our county workers, emergency responders, and multitude of volunteers from local churches, schools, and the community, who put in countless hours to assist during this historic flood. From lifesaving efforts to providing meals, clothing and shoulders to lean on, the people of our area demonstrated that we may be wounded by these storms, but we are not broken. By working together, we will get through this time of transition and renewal even better than before.

Again, my heart goes out to all of you affected by these storms. If my office can assist you with any state-related matter, please do not hesitate to contact me.

Phyllis Mundy

Pennsylvania's transportation funding crisis

Pennsylvania has the unofficial and dubious distinction of being a state with some of the most structurally deficient roads and bridges. Though Pennsylvania once had bragging rights to being a leader in innovative transportation infrastructure, over time we have fallen behind on the maintenance of over 25,000 state-owned bridges and 43,600 miles of state-owned roads.

Pennsylvania's transportation system is the backbone that supports the state's economy and impacts every resident by enabling – or hindering – delivery of goods and travel to work, school, family functions, and recreational activities. Every state has its own unique mechanism to fund its transportation infrastructure. Pennsylvania relies on funding from a variety of sources, including: federal funds for highway and public transit; liquid fuels taxes (see box with definition of liquid fuels taxes); consumer fees; transfers from the Pennsylvania Turnpike Commission; a portion of lottery proceeds; General Fund money and other miscellaneous sources like fines from moving vehicle violations. All of the revenue generated from these sources is deposited into the state Motor License Fund, which then pays for projects and expenditures.

In Fiscal Year 2010-11, Pennsylvania invested \$4.26 billion in its highways and bridges with \$2.33 billion coming from state funds and \$1.93 billion coming from federal funds.

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Rep. Mundy is joined by Bethany Mullins of Brdaric Excavating, Martin Skovish, president of the Toby Creek Watershed Association and Shawn Rybka and Josh Longmore from the Luzerne County Conservation District. They viewed repairs to the flood-damaged banks of Toby Creek that were funded by grants from the state's Growing Greener program.

Even with over \$4 billion invested in our roads and bridges, Pennsylvania still faces a funding gap of \$3.5 billion. And this funding gap is growing, mainly because of a decline in fuel tax revenue due to increased vehicle efficiency and higher costs for construction materials due to inflation. The funding gap will reach an estimated \$7.2 billion in the next 10 years if we do not take action to address these needs. Public safety hangs in the balance.

In May 2010, Pennsylvania's Transportation Advisory Committee (TAC) issued a report that first identified the \$3.5 billion funding shortfall. Then, in April 2011, Governor Corbett appointed a 40-member Transportation Funding Advisory Commission (TFAC) to develop a comprehensive proposal for addressing this shortfall. The TFAC recently issued its report with recommendations to raise \$2.5 billion in new annual transportation revenue over a five-year period.

Among the major recommendations to raise revenue, the TFAC called for: lifting the cap on the Oil Company Franchise Tax, which is paid by fuel distributors; increasing annual consumer fees for vehicle registration and driver's licenses; and deploying red light enforcement cameras (currently only legal in Philadelphia).

Other ideas discussed were raising the state gas tax, consolidating driver's license centers, issuing eight-year driver's licenses and implementing biennial vehicle registrations.

Another topic in the debate on how to best fund our transportation needs is the authorization of public-private partnerships, commonly known as P3s. In short, a P3 is a financing tool that allows the private sector to undertake state transportation projects in exchange for the opportunity to make a profit.

The following is an example of how this would work – Pennsylvania allows a private company to build a toll road running near a busy highway in order to alleviate traffic congestion. The Commonwealth is not responsible for paying for the project, and Pennsylvania residents see the benefit of

a less congested road, but the private company in return has the opportunity to profit from toll fare collections.

P3s are certainly not considered a cure-all to address our transportation funding problems; however, they are seen by many as a tool to help stretch state dollars by bringing in private sector money for projects that benefit state infrastructure and residents.

Without a doubt, Pennsylvania's transportation and infrastructure needs are complex. While all of the proposals are varied, the underlying message is clear – a crippled transportation system poses safety risks and makes access to jobs, health care, schools and other essential services much more difficult for all Pennsylvanians, especially our senior citizens and people with disabilities.

I am interested in hearing from you on this issue. Please answer the survey question on the back of this newsletter so I can learn how you think Pennsylvania should fill its transportation funding gap.

There are four taxes pertaining to the use or purchase of motor fuel in the state which make up the liquid fuels taxes*:

- The Liquid Fuels and Fuels Tax;
- the Motor Carriers Road Tax;
- the Alternative Fuels Tax; and
- the Oil Company Franchise Tax.

Vehicle and aviation gasoline, diesel, tractor and jet fuel are included in the liquid fuels and fuels tax. The state "gas tax" is 12 cents per gallon and revenue from the state gas tax does not change with the price of fuel. The state gas tax has not been increased since 1987.

**For more information about these taxes, visit the Department of Revenue's Motor Fuel Taxes page at http://pa.gov/portal/server.pt/community/motor_fuel_taxes/14353.*

LIHEAP can keep your family warm

The state has begun mailing out applications for Pennsylvania's Low Income Home Energy Assistance Program (LIHEAP) to those who received LIHEAP assistance last year.

If you received an application, please consider applying now. Because of funding cuts, less money is expected to be available for the program. Only those receiving an application may apply early; however, everyone will be able to apply when LIHEAP officially opens November 1st, 2011.

LIHEAP helps limited-income families pay their heating bills through home energy assistance grants and crisis grants. Cash grants are awarded based on household income, family size, type of heating fuel and region.

Crisis grants will be available beginning January 3rd, 2012, but the program will accept crisis applications early. Crisis grants are provided in the event of a heating emergency, including broken heating equipment or leaking lines that must be fixed or replaced, lack of fuel, termination of utility service or danger of being without fuel or of having utility service terminated.

For more information, contact my constituent service office, the Luzerne County Assistance Office at (570) 826-2041 or go to www.dpw.state.pa.us, click on "For Adults" on the left side of the screen, and then click on "Heating Assistance/LIHEAP" under "Topics Related to For Adults." Those interested in applying for a crisis grant are encouraged to directly contact the Commission on Economic Opportunity of Luzerne County at 1-800-822-0359.

Free legal advice for older adults

The SeniorLAW Helpline is a statewide confidential telephone service that provides free legal information, advice and referrals to Pennsylvanians 60 or older. The helpline is staffed by experienced attorneys who can provide information on a variety of legal issues, including:

- ✓ **Consumer problems – credit, debt and bankruptcy;**
- ✓ **Health care – including Medicare Part D;**
- ✓ **Estate planning – wills and powers of attorney;**
- ✓ **Pensions – government and private;**
- ✓ **Family law – divorce, custody and domestic violence;**
- ✓ **Housing – landlord-tenant issues, deeds and utilities;**
- ✓ **Financial Exploitation; and**
- ✓ **Many other areas of law.**

To contact the helpline, call toll free at 1-877-PA SR LAW or 1-877-727-7529 Monday through Friday from 10 a.m. to 4 p.m. The helpline provides interpretation services in 150 languages. Additional information about the program is available by visiting www.seniorlawcenter.org.

Recently introduced legislation

In my previous newsletter, I included a list of legislation that I introduced in the first few months of the 2011-2012 legislative session. Since that time, I have introduced additional bills which address a variety of issues, such as strengthening safeguards for Marcellus Shale drilling, ensuring greater tax equity for Pennsylvania businesses, and raising awareness on the importance of early childhood education.

- **House Bill 1396** would level the playing field for Pennsylvania companies by closing the Delaware Loophole, which enables large multi-state corporations to avoid paying their full share of Pennsylvania's Corporate Net Income Tax (CNIT) by establishing shell companies in Delaware. Instead, corporations and their subsidiaries would be required to file one tax report jointly and pay taxes according to the amount of business activity conducted in Pennsylvania. The bill also would reduce the CNIT rate from 9.9% to 7.4% to place Pennsylvania in the middle of the pack of the 45 other states with a CNIT.
- **House Bill 1741** would expand the definition of "hazardous material" under Title 75 (Vehicles) to include "hydraulic fracturing wastewater." This bill would require the proper labeling of fracking wastewater transport trucks to alert the public and first responders of truck contents in case of an accident.
- **House Bill 1796** would prohibit natural gas gathering line companies that do not serve the public interest from obtaining public utility status. Should such a company get certified as a public utility, it would be able to seize land through eminent domain for construction of its pipelines. These companies could utilize the power of eminent domain to circumvent discussions and negotiations with homeowners on the issues of land easements and property and mineral rights.
- **House Bill 1874** would set minimum staffing ratios of registered nurses to patients in Pennsylvania hospitals. Statistics show that patients cared for in hospitals with higher RN staffing levels are far less likely to acquire preventable infections. And not only do preventing these

infections and other medical errors reduce loss of life, but they could also reduce health care costs by as much as 30%.

- **House Resolution 407** would direct the Legislative Budget and Finance Committee to conduct a comprehensive study of the state's Patient Safety Authority (PSA). The PSA was created in 2002 to aid in reducing and eliminating medical errors in health care facilities. My resolution seeks to find out if the PSA is achieving its mission and how it spends its \$5 million annual budget.
- **House Resolution 430** designated the month of October 2011 as "Pennsylvania's Promise for Children Month." PA's Promise for Children is a campaign to raise awareness about the importance of providing young children with access to quality early learning opportunities. October was a month to celebrate the families, teachers and leaders that help young children reach their promise through quality early education. Please visit www.papromiseforchildren.com to learn more.
- **House Resolution 296** would urge the U.S. Congress to pass the Fracturing Responsibility and Awareness of Chemicals (FRAC) Act. The FRAC Act would repeal an exemption to the Safe Drinking Water Act currently given to natural gas and oil companies. By removing the exemption, these companies would be required to disclose the chemicals used in the hydraulic fracturing process, as well as the chemical constituents (currently considered proprietary rights of the company) in cases of a medical emergency.

Additionally, in an effort to protect consumers, I offered several amendments to House Bill 1294. This bill would give the Public Utility Commission unprecedented power to enable natural gas, electric and wastewater utility companies to automatically increase their customer rates by way of a monthly surcharge on your utility bills, without having to prove that these increases are needed and without authentic public input. This goes far beyond the fundamental concepts embodied in current ratemaking requirements that have protected consumers for decades.

One amendment would have only allowed utilities to recover the net or overall increase in their capital costs through their automatic rates. Another amendment would have required these utilities to make infrastructure improvements more quickly than they have been over the past 20 years. This amendment also would have provided the public the opportunity to voice their concerns at public hearings.

My third amendment would have required utilities to file periodic base rate cases to ensure their overall cost savings are reflected in ratepayers' rates, and the fourth amendment would have placed a cap on automatic rates.

I am sorry to say that each of my amendments was defeated on largely party-line votes, and the bill passed the House on October 4th, 2011. It now goes to the state Senate for consideration. I strongly encourage you to contact your state senator and ask him or her to oppose this dangerous bill. You can't afford not to.



Rep. Mundy joins a reception held by the Youth Advisory Board of the Northeast Region to celebrate her legislation, the Foster Children's Bill of Rights, becoming law. The advisory board comprises people ages 16 to 21 who are currently in or were in foster care.

SENIOR ASSISTANCE

Property Tax/Rent Rebate Program extended

If you think you qualify for the Pennsylvania Property Tax/Rent Rebate (PTRR) Program, you still have time to apply.

The application deadline has been extended until December 31st, 2011, for rebates on property taxes and rent paid in 2010. The PTRR Program benefits eligible Pennsylvanians 65 or older, widows and widowers 50 or older and people with permanent disabilities 18 or older.

The income limit is \$35,000 for homeowners and \$15,000 for renters, excluding half of Social Security, Supplemental Security Income and/or federal Railroad Retirement Tier 1 benefits. As a result, you can earn more than the income limit and still qualify.

The maximum rebates, based on income level, are as follows:

- **\$650** for both homeowners and renters with **\$0 to \$8,000 in income**
- **\$500** for both homeowners and renters with **\$8,001 to \$15,000 in income**
- **\$300** for homeowners with **\$15,001 to \$18,000 in income**
- **\$250** rebate for homeowners with **\$18,001 to \$35,000 in income**

Supplemental rebates (equal to 50% of the base rebate) are available for senior households with incomes under \$30,000 and that pay more than 15 percent of their income in property taxes.

Property Tax Rent Rebate applications are available online at www.papropertytaxrelief.com or by visiting my constituent service office. My staff is available to help you complete the forms.

If you already applied and need to check the status of a claim, please call 1-888-728-2937 or visit the Pennsylvania Department of Revenue's website at www.revenue.state.pa.us and click "Individuals" on the left side of the screen, followed by "Property Tax/Rent Rebate Program" and then "Where's My Rebate."

PACE and PACENET

PACE and PACENET are Pennsylvania's prescription assistance programs for older adults, offering low-cost prescription medication to qualified residents 65 and older.

To be eligible for PACE, you must be 65 or older, a Pennsylvania resident for at least 90 days before applying for the program, and cannot be enrolled in the Department of Public Welfare's Medicaid prescription benefit. For a single person, your total income must be \$14,500 or less. For a married couple, your combined total income must be \$17,700 or less.

To be eligible for PACENET, you must be 65 or older, a Pennsylvania resident for at least 90 days before the date of application, and cannot be enrolled in the Department of Public Welfare's Medicaid prescription benefit. A single person's total income can be between \$14,500 and \$23,500. A couple's combined total income can be between \$17,700 and \$31,500.

Under **PACE Plus Medicare**, PACE/PACENET coverage is supplemented by federal Medicare Part D prescription coverage. Older adults continue to receive the same prescription benefits while, in many cases, saving more money.

For additional information about these programs, as well as to obtain a PACE/PACENET application, visit my constituent service office or go online at www.aging.state.pa.us and click on "Prescription Assistance."

Reduced-fee vehicle registration

If you are retired and meet certain income requirements, you may qualify for a reduced rate when registering your vehicle with the Pennsylvania Department of Transportation (PennDOT).

Rather than pay the regular annual \$36 vehicle registration fee, eligible drivers are able to register one vehicle (passenger vehicle or light truck not over 9,000 pounds) for \$10. To qualify for the "Retired Status Registration," drivers must be retired and receive Social Security, Supplemental Security Income payments, retirement benefits or other pensions and annuities, and their annual income must not exceed \$19,200. Income from other sources such as interest dividends, capital gains, business income, rental income, wages, public assistance, unemployment compensation, cash gifts, life insurance and death benefits must be counted when calculating total income.

For more information about the eligibility requirements, visit <http://www.dmv.state.pa.us/registration/retired.shtml> and click "Retired Status Fact Sheet."

To apply, all you need to do is obtain Form MV-371, "Application for Retired Status," from any notary, tag service or through PennDOT's Bureau of Motor Vehicles at 1-800-932-4600 or online at www.dmv.state.pa.us/pdotforms/mv_forms/mv-371.pdf. Then, complete the form and include it with your regular registration renewal, along with a check or money order for \$10 made payable to the Commonwealth of Pennsylvania. My constituent service office also has forms available and can help to process your paperwork.

Assistance available for older adults

The Area Agency on Aging for Luzerne and Wyoming Counties offers senior citizens access to a wide range of programs and services, including:

- ✓ Adult day care and home health care;
- ✓ Counseling and legal assistance;
- ✓ Assisted transportation;
- ✓ Protective services;
- ✓ Family caregiver support; and
- ✓ Senior centers and volunteer services.

For more information, contact:

Area Agency on Aging
Luzerne/Wyoming Counties
111 North Pennsylvania Boulevard
Wilkes-Barre, PA 18701
1-800 252-1512
570-822-1158
www.aginglw.org

Official state ID card available

The Pennsylvania Department of Transportation (PennDOT) offers an official state identification (ID) card that can be used as legal identification in place of a driver's license.

If you don't have a driver's license, I encourage you to obtain a state ID card as more and more places, e.g. doctor's offices, are requiring photo identification. In addition, there is an effort – House Bill 934 – by some in the Pennsylvania General Assembly to require voters to present photo ID at every election. Although I strongly oppose and voted against HB 934, the bill passed the House of Representatives along a party-line vote and now awaits action in the Senate.

The forms for obtaining a state ID card are available in my constituent service office, online at www.dmv.state.pa.us, or by calling PennDOT's Driver and Vehicle Services Customer Care Center at 1-800-932-4600.

Legislative issues survey

Knowing your thoughts and views enables me to best represent the needs of our district. Please make your voice heard by completing the following legislative survey. You can mail your responses to my office or save a stamp and complete the survey online at www.pahouse.com/Mundy.

Sunday hunting

Over the past few months, many constituents have contacted me about House Bill 1760, a proposal to allow hunting on Sundays. Proponents of this legislation claim that the economic benefits of Sunday hunting would be tremendous. However, those opposed to the bill argue that Sunday is a day to enjoy the outdoors with their families without fear of being shot by a hunter.

Do you support legalizing Sunday hunting?

- Yes
 No

Comments: _____

Utilization of potential Marcellus Shale drilling revenue

Many proposals have been put forth to enact a local impact fee or severance tax on Marcellus Shale drilling in Pennsylvania. Some of the proposals direct revenue generated from natural gas drilling only toward local governments that are impacted by the drilling. Others would distribute revenue in a multitude of ways, including to the state's General Fund to support programs under the Pennsylvania Department of Environmental Protection such as Growing Greener and flood mitigation projects. These programs would benefit residents across the Commonwealth, not just in communities where drilling is occurring.

There has been controversy as to whether money generated by a Marcellus Shale severance tax or impact fee should go to the General Fund. Should a local impact fee or a severance tax be enacted, do you believe a portion of the generated revenue should be directed to the General Fund to support environmental programs?

- Yes
 No

OR

- I do not believe a severance tax or impact fee on Marcellus Shale drilling is needed.

Comments: _____

Transportation funding

Pennsylvania is facing a \$3.5 billion transportation funding shortfall while our roads, bridges and public transportation system need major repairs. The funding shortfall could grow to over \$7 billion, and the safety of residents and travelers could be at risk if the state does not find a way to make adequate investments in our infrastructure. The Governor's

Transportation Funding Advisory Commission (TFAC) developed a comprehensive proposal to help address Pennsylvania's transportation funding shortfall.

The TFAC's report highlights several recommendations to raise new revenue to pay for our transportation needs. Please place a check next to the recommendations you support.

- Increase annual consumer fees for vehicle registration and driver's licenses.
 Consolidate PennDOT centers and implement longer time frames to apply for driver's licenses and vehicle registrations.
 Participate in Public-Private Partnerships (P3s) – see *Transportation newsletter article for more information*.
 Increase the Oil and Company Franchise Tax on fuel distributors.
 Deploy red light enforcement cameras.
 Raise the state gas tax.

Comments: _____

Red Light Camera Enforcement

On the topic of red light camera enforcement, not only has the Transportation Funding Advisory Commission recommended extending Philadelphia's red light enforcement program across the Commonwealth as noted in the transportation article and the above question, but two bills have been introduced in the General Assembly to extend Philadelphia's Red Light Enforcement Pilot Program to other municipalities across the state. One bill, Senate Bill 595, extends the program to 3rd Class Cities such as Wilkes-Barre. The other bill, House Bill 821, is more broad-based and extends the program to other classes of cities.

Advocates cite Philadelphia's success and say that extending this program outside of Philadelphia will further deter drivers from dangerous driving behavior, result in a cost savings for local governments and reduce red light traffic violations – thus preventing serious accidents at intersections. Opponents say that this program could be abused as a "money-maker" for local governments, result in police officers losing their jobs or encourage "Big Brother" to monitor motorists.

Do you support extending the use of red light cameras outside of Philadelphia?

- Yes, but only for 3rd Class Cities.
 Yes, extend it across the state.
 No, I do not support the use of red light cameras.

Comments: _____



Rep. Mundy recently welcomed players and coaches from the Greater Wyoming Area Senior Boys Baseball Team and the Greater Wyoming Area Girls Softball Team to the State Capitol. The boys won the 2011 Senior League Pennsylvania Championship and the girls won the 2011 Pennsylvania Little League Softball Championship. Both teams were recognized in the House Chamber and presented with citations from Rep. Mundy acknowledging their impressive state championship wins.

Rep. Phyllis Mundy

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Coming to the Capitol?

If you are planning on spending a day in Harrisburg, there is plenty to do. Call my Harrisburg office at (717) 783-1614, and we can help to arrange tours. Here's a sampling of what Harrisburg has to offer.

Pennsylvania State Capitol



Pennsylvania's State Capitol is a National Historic Landmark. Guided tours of the Capitol are offered every half-hour, Monday through Friday, from 8:30 a.m. to 4 p.m. On weekends

and most holidays, tours are offered at 9 a.m., 11 a.m., 1 p.m. and 3 p.m. The Capitol is closed for tours on New Year's Day, Easter Sunday, Thanksgiving Day and Christmas Day. The schedule is subject to change without notice.

Governor's Residence

The Governor's Residence is open for public tours on Tuesdays and Thursdays from 10 a.m. to 2 p.m. during April, May,

June, September and October. Tours are conducted at no charge. Reservations are required.

The Governor's Residence also holds two evening candlelight open houses and limited weekday tours during the month of December so visitors can see the residence decorated in its holiday splendor. For more information about holiday tours, call (717) 772-9130.

The State Museum of Pennsylvania

The State Museum of Pennsylvania offers exhibits and activities and a multimedia planetarium, which allows visitors to learn about and explore the stars and planets. You can also view archaeological artifacts, minerals, paintings, decorative arts, animal dioramas, industrial and technological innovations and military objects representing the Commonwealth's heritage.

The museum is open 9 a.m. to 5 p.m. Wednesday to Saturday and from noon to 5 p.m. on Sunday. Curiosity Connection, a themed hands-on play environment, where children ages 1 to 5 and their families can learn together, is open

from 10 a.m. to 4 p.m. Wednesday to Saturday and from noon to 4 p.m. on Sundays.

Admission is \$5 for adults (13-59) and \$4 for children (1-12) and adults 60 and older.

Guest page opportunities available

Students 12 or older may serve as guest pages in the Pennsylvania House of Representatives. To participate, students must be accompanied to Harrisburg by a parent or legal guardian. For more information, contact my constituent service office at (570) 283-9622 or (570) 655-3375.

Grant/loan workshop for volunteer fire and ambulance companies Nov. 10

I will soon host an educational workshop with State Fire Commissioner Ed Mann for volunteer firefighter and ambulance (EMS) companies in our area. These organizations are invited to come and learn about available state/federal grant and loan opportunities, as well as to receive financial planning advice from Commissioner Mann.

This event will take place on **Thursday, November 10th**, at **6:30 P.M.** at **Luzerne County Community College's Educational Conference Center, 1333 South Prospect Street, Nanticoke**. Any person affiliated with a volunteer firefighter/EMS organization in any part of Luzerne County is encouraged to attend.

