



STATE REPRESENTATIVE

DAVE HICKERNELL

98th Legislative District

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Summer 2011

Dear Neighbor:

I hope you are enjoying your summer. We have just completed the first half of the legislative session for this year, and I would like to update you on legislative activity in Harrisburg, my work on your behalf here in the 98th District, and important legislation we will consider when the session resumes.

This newsletter includes information on the 2011-12 state budget, our efforts to reform school property taxes, and other important legislative developments. You will also find a survey on several issues which will likely come before the Legislature soon.

Please take a moment to read through this newsletter and complete the survey. If you have any questions or would like to discuss an issue in further detail, please feel free to contact my Columbia office at (717) 684-5525, or my Elizabethtown office at (717) 367-5525. Also, be sure to visit my website **RepHickernell.com** for important news and updates.

Sincerely,

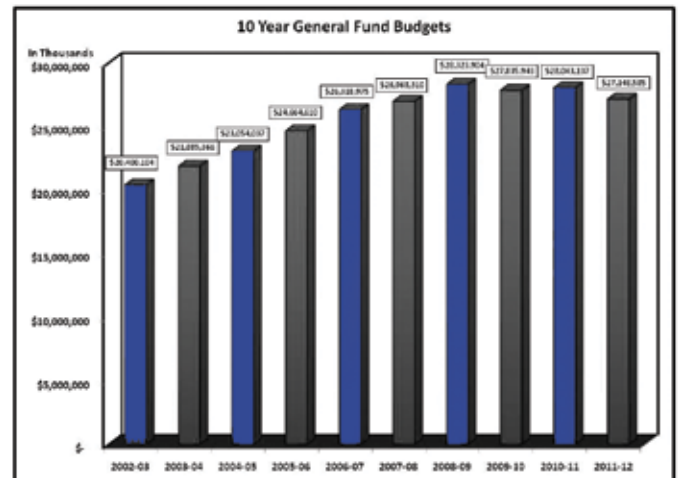
Dave Hickernell
State Representative
98th Legislative District

State Budget Restores Fiscal Responsibility

For the first time in eight years, a new state budget was in place by the legally mandated June 30 deadline. Over those eight years, state spending increased 31 percent, while the rate of inflation grew only 21 percent. State spending was out of control and Pennsylvania was facing a \$4 billion dollar deficit.

The 2011-12 budget takes a different approach. It spends \$1 billion less than the previous year's budget, marking only the third time in nearly 40 years a state budget spends less than the previous year. Although \$2.7 billion in federal stimulus funds have expired and were not available to us, we were able to maintain critical services, including a safety net for those truly in need, health care and quality education. It is important to note that we accomplished these goals without new borrowing and without increasing taxes on Pennsylvania families or employers.

During the House debate over this budget, there was some discussion of the higher than expected revenue collections reported by the Department of Revenue. Estimates have put these additional revenues at around \$700 million. While that is good news, I do not agree with those who call those funds a "surplus" and see them as an opportunity for us to spend more. In reality, there is no surplus. Those additional revenues pale in comparison to Pennsylvania's \$50.5 billion in outstanding liabilities, which include \$12.9 billion in outstanding debt payments, \$29.4 billion in pension obligations, and \$4 billion owed to the federal government for borrowed unemployment compensation funds, among



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others.

We have passed a realistic, responsible, and sustainable plan. It eliminates wasteful spending and closes a \$4 billion structural deficit while maintaining critical government services. After years of overspending, overtaxing and borrowing, state government has begun to live within its means.

New Law Requires Voter Approval for School Property Tax Increases

The Legislature has tried for years to control skyrocketing school property taxes. Act 1 of 2006 was passed to require school districts to gain voter approval for tax increases above the rate of inflation. However, Act 1 provides for 10 exceptions, which have allowed school districts to circumvent the referendum process and increase property taxes.

In June, the Legislature approved with my support and Gov. Tom Corbett signed, legislation to amend Act 1 by eliminating every exception by which school districts can currently increase property taxes beyond the state index except special education costs, pension obligations, and grandfathered/electoral debt. In the House, I was a co-sponsor of this legislation, which will hold school districts to property tax increases within the index and force them to seek voter approval for any increase above and beyond the index.

I have heard from residents who are concerned about ever-increasing property taxes and who feel powerless to stop them. With passage of this legislation, we are helping Pennsylvania's property owners by giving them a voice in how they are taxed and by requiring school districts to control their spending.

Property tax relief will continue to be a major issue when the Legislature reconvenes in the fall. I am very interested in your views on this issue. Please take a moment to complete the survey on page 4 of this newsletter and return it to my office.

Hickernell Appointed Chief Deputy Whip

House Majority Whip Stan Saylor (R-York) has appointed me to serve as Chief Deputy House Majority Whip for the 2011-12 legislative session.

As Chief Deputy Whip, I serve as Saylor's primary assistant and work with him and his Deputy Whips to unify the party, build support for policy initiatives, educate House members and answer questions about policy. If Saylor is not on the House floor, I serve as Whip in his absence.

In addition to my service as Chief Deputy Whip, I have retained my seats on the House Transportation Committee, Local Government Committee, Agriculture and Rural Affairs Committee, and Professional Licensure Committee, on which I serve as vice chairman.

Pennsylvania is facing some very difficult challenges in this legislative session. I look forward to working with my colleagues on these committees to confront these challenges head-on.



House Majority Whip Stan Saylor (left) has appointed Rep. Hickernell to serve as chief deputy whip during the 2011-12 legislative session.

Restoring Accountability and Integrity to Pennsylvania's Welfare System

Our efforts to reduce spending and streamline state government must include eliminating waste, fraud and abuse at every level of government. One example is the Department of Public Welfare (DPW), which consumes about one-third of the state budget.

Clearly, our welfare system is in need of serious reform, and we have already taken steps to fix this broken system. Earlier this year, my House Republican colleagues and I introduced a package of bills known as WelFAIR, which seek to restore fairness, accountability, integrity and responsibility to Pennsylvania's welfare system. I am a co-sponsor of all the bills in the WelFAIR package.

Since then, the House passed House Bill 1251, which strengthens penalties for those convicted of more than \$1,000 worth of welfare fraud by increasing the offense to a third-degree felony. In addition, the bill clarifies existing law on welfare fraud to include the use of benefit access devices such as ACCESS cards or EBT cards, which are debit cards that allow recipients of public assistance benefits to authorize transfer of funds from their account to a retailer account to pay for products received.

Several other pieces of the WelFAIR initiative were included in the Welfare Code the governor signed along with the state budget in June:

- **Drug Testing** -- Drug felons applying for welfare public assistance will be subjected to random drug testing before receiving benefits. Tests will also be applied to drug felons currently in the welfare system.
- **Anti-Benefit Shopping** -- Cash benefit levels differ from county to county, and welfare recipients were able to apply for benefits in counties other than their home county as "temporary" residents and receive that county's benefit level. Now, residents receiving public assistance benefits are now only eligible for benefits based on the levels allowed in their county of legal residence, regardless of where benefit applications are made in the Commonwealth.
- **Income Eligibility Verification System** -- DPW will now be required to use an electronic cross-reference system to provide a 19-point check on applicants' eligibility and create a standard fraud detection system. This measure will help prevent welfare abuse before it can happen.
- **Reforming the Special Allowance Program** -- Audit reports have shown that the Special Allowance program was extensively abused, wasting millions of dollars. DPW must now look at ways to scale back this program. This measure requires reductions of up to 25 percent and provides leeway to eliminate allowances within the program.

Castle Doctrine Guarantees Citizens' Right to Self Defense

In June, Gov. Tom Corbett signed legislation establishing the Castle Doctrine as Pennsylvania's legal standard for the use of force in self-defense.

The legislation, which I co-sponsored, creates the presumption that an attacker or intruder in one's legally occupied home or vehicle intends to do great bodily harm and holds that protective force – even lethal force – may be used to protect oneself, one's family, and others from attack. The bill also offers specific protections against civil liability for the lawful use of force in self-defense.

Before the Castle Doctrine became law, Pennsylvania's laws favored the rights of criminals over law-abiding citizens. I believe Pennsylvanians should have the legal right to defend themselves and their families from attack, even if it means using lethal force. This bill accomplishes that goal.

It is important to recognize that this legislation does not create a legal right to misuse lethal force. However, it does assure citizens they have the right to protect themselves and their families if they need to.

Ceremony Honors Vietnam Veterans

Veterans returning from the Vietnam War did not receive the heroes' welcome given to soldiers returning from previous wars. In many cases, they were disrespected and abused by an angry public.

I recently held a ceremony to thank these veterans and to show them their service is appreciated. During the ceremony, which was held at Elizabethtown College, I presented each veteran with a specially minted bronze medal and certificate in honor of their service.

To see photos from the ceremony, please visit the photo gallery on my website at RepHickernell.com.



Rep. Hickernell held a ceremony honoring the service of Vietnam veterans living in the 98th Legislative District.

House Designates July 2011 as MECP2 Duplication Syndrome Awareness Month

The House of Representatives has passed House Resolution 308, which I introduced to designate July 2011 as MECP2 Duplication Syndrome Awareness Month in Pennsylvania.

MECP2 Duplication Syndrome is a neurological disorder that occurs almost exclusively in boys and is usually caused by duplication of DNA on the Xq28 region of the chromosome.

MECP2 Duplication Syndrome is characterized by hypotonia, developmental delay, mental retardation, limited or absent speech, constipation, reflux, ataxia, progressive spasticity, stereotyped movements of hands, teeth grinding, recurrent respiratory infections in eight of ten patients, epilepsy in half of patients, and developmental regression.

MECP2 Duplication Syndrome was not formally recognized until 2005, and research is currently taking place on this Syndrome with efforts to find effective treatments. I am hopeful my resolution will help raise awareness of this condition and aid in efforts to find a cure.



Rep. Hickernell was joined on the House floor by Pam Albert, her son Braden, who has MECP2, and her daughter Amber.

Deadline for Property Tax/Rent Rebate Applications Extended

The deadline to file for the state's Property Tax/Rent Rebate program has been extended from June 30 to December 31, 2011.

Eligible participants can receive a rebate of up to \$650 based on their rent or property taxes paid in 2010. The program benefits eligible Pennsylvanians who are 65 years or older, widows and widowers 50 years or older, and those 18 years or older with disabilities.

Eligibility income limits for homeowners are set at the following levels, excluding 50 percent of Social Security, Supplemental Security Income, and Railroad Retirement Tier 1 benefits:

- \$0 to \$8,000, maximum \$650 rebate (Homeowners and renters)
- \$8,001 to \$15,000, maximum \$500 rebate (Homeowners and renters)
- \$15,001 to \$18,000, maximum \$300 rebate (Homeowners only)
- \$18,001 to \$35,000, maximum \$250 rebate (Homeowners only)

Applicants are reminded to provide all the necessary income, property tax or rental information required to process claims quickly and accurately.

Property Tax/Rent Rebate claim forms are available by contacting my district office or by visiting my website at RepHickernell.com.



Rep. Hickernell welcomes Jonathan Cunningham, Nicole Trayer, and Alice Greider to the House floor. Jonathan, Nicole, and Alice, who attend Elizabethtown Area High School, served as guest pages during a recent legislative session.

98th Legislative District Survey

As your state representative, I value your views and I want to make sure I accurately represent those views in Harrisburg. With that in mind, I am asking that you complete this survey and return it to my district office at 222 S. Market Street, Suite 103, Elizabethtown, PA 17022 at your earliest convenience. Please note that I have provided space for two members of your household to respond. If you prefer, you can complete this survey on my website, RepHickernell.com.

- Property tax reform is likely to be one of the major issues we will tackle when legislative session resumes this fall. School districts require a revenue source to operate. When school property taxes are reduced or eliminated, some other source of revenue must be indentified to replace them. A number of proposals have been discussed to address this very serious issue. Please indicate which of these concepts you support:
 School property taxes should be reduced or eliminated and the state sales and use tax increased to cover the loss in revenue.
 School property taxes should be reduced or eliminated and the state personal income tax increased to cover the loss in revenue.
 School property taxes should be reduced or eliminated and a local income tax imposed to cover the loss in revenue.
 The school property tax system is fine the way it is and it should not be changed.
- Pennsylvania sits in the middle of one the largest natural gas fields in the world. The natural gas lies under the Marcellus Shale rock formation between 4,000 and 8,000 feet underground. As Pennsylvania's natural gas industry grows, there has been a great deal of discussion about charging the industry a special tax or impact fee. I am very interested in your views on this. Please indicate which of these concepts you support:
 The natural gas industry should be taxed and the revenue placed in the General Fund to fund the state budget.
 The industry should pay a fee which will be used to help local communities offset the cost of repairing roads and other infrastructure impacted by the industry.
 The industry already pays state business taxes and should not be charged an additional tax or fee of any kind.
- This year, the Legislature is likely to consider a proposal to privatize the sale of wine and spirits under the Pennsylvania Liquor Control Board. Would you support such a proposal?
 Yes, Pennsylvania should not be in the business of selling liquor.
 No, the state liquor store system should remain a government function.



Please cut along dotted line and return



Bill Protects Integrity of Pennsylvania Elections

The House of Representatives has passed House Bill 934, the Pennsylvania Voter Identification Protection Act. This legislation, of which I am a co-sponsor, would amend the state election code to require voters to present valid photo ID before voting.

Under current law, it is impossible to board a commercial airplane, cash a paycheck, operate a motor vehicle or even purchase a season pass to an amusement park without displaying valid photo ID. Certainly, the integrity of our election process should be extended as much legal protection.

Although opponents of this bill claim minority, poor, and elderly voters will be denied their right to vote, numerous academic studies have proven that requiring voter photo identification has had absolutely no disenfranchising impact on voter turnout. In fact, in Indiana and Georgia, where showing valid photo ID at the polls is now law, voter turnout has increased.

House Bill 934 will not deny anyone their legitimate right to vote. Rather, it guarantees the integrity of our election process and ensures that anyone who casts a vote in a Pennsylvania election has a legal right to do so.

House Bill 934 is now awaiting consideration by the Senate.

Fair Share Act Signed Into Law

Pennsylvania is struggling to recover from some of the worst economic conditions in generations. Unfortunately, the abuse of our legal system is making that task more difficult.

We have begun the process of reforming Pennsylvania's legal system with passage of the Fair Share Act, which Gov. Tom Corbett signed in June. This measure would reform the system of "joint-and-several" liability under which a party minimally responsible for an injury can be forced to pay one hundred percent of damages. Trial lawyers have taken advantage of joint-and-several liability to go after "deep pockets" even if those "deep pockets" are minimally responsible for the damages in the lawsuit. The result is an undue, unjust burden on Pennsylvania employers, job creators and medical providers. Under the Fair Share Act, a defendant will be held responsible only for his or her proportionate share of the total damages awarded to compensate a plaintiff.

It is important to note that the Fair Share Act as it is written in House Bill 1 has passed the Legislature twice before. In 2005, it was struck down by Pennsylvania's Commonwealth Court on procedural grounds and in 2006 it was vetoed by Gov. Ed Rendell.

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