

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 428

Session of  
1981

INTRODUCED BY DeVERTER AND NOYE, FEBRUARY 9, 1981

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 9, 1981

AN ACT

1 Amending the act of June 1, 1956 (1955 P.L.1944, No.655),  
2 entitled "An act providing a permanent allocation of a part  
3 of the fuels and liquids fuels tax proceeds to cities,  
4 boroughs, incorporated towns and townships, for their road,  
5 street and bridge purposes; conferring powers and imposing  
6 duties on local officers and the Department of Highways; and  
7 making an appropriation out of the Motor License Fund; and  
8 repealing existing legislation," further providing for the  
9 use of the tax proceeds.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. Clause (2) of section 4, act of June 1, 1956  
13 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax  
14 Municipal Allocation Law, amended March 27, 1980 (No.20), is  
15 amended to read:

16 Section 4. The money hereby appropriated to municipalities  
17 shall be paid to the municipalities in accordance with the  
18 following formula and subject to the provisions of this act:

19 \* \* \*

20 (2) Twenty-five per centum of all money allocated to each  
21 municipality shall be used for construction, reconstruction or

1 widening of roads and streets, bridges and drainage structures  
2 unless the governing authority of the municipality shall, by  
3 [unanimous] majority vote of the members present, determine to  
4 use the twenty-five percentum of moneys required to be used for  
5 road and street improvement for the purposes of maintenance and  
6 repair of existing roads, streets, bridges, drainage structures  
7 and the lining of streams incidental to the drainage of  
8 highways. [The] In those cases where all the roads and streets  
9 of a municipality are not classified as improved according to  
10 the standards of the department, the governing authority shall  
11 be required to give notice by advertisement in accordance with  
12 the act of July 19, 1974 (P.L.486, No.175), referred to as the  
13 Public Agency Open Meeting Law, of its intention to adopt a  
14 resolution authorizing the said twenty-five percentum of liquid  
15 fuels tax moneys set aside for new construction for purposes of  
16 maintenance and repair and shall provide opportunity for public  
17 comment at a hearing on the resolution before action is taken.  
18 In those cases where all the roads and streets of a municipality  
19 are classified as improved according to the standards of the  
20 department, the governing authority shall not be required to  
21 give notice by advertisement, hold a public hearing or adopt a  
22 special annual resolution to use such money otherwise set aside  
23 for new construction for purposes of maintenance and repair.

24 \* \* \*

25 Section 2. This act shall take effect immediately and shall  
26 be retroactive to May 26, 1980. Any municipality which failed to  
27 provide notice by advertisement, hold a public hearing or pass a  
28 resolution by a unanimous vote as required by clause (2) of  
29 section 4 as amended by Act 1980-20, shall be held harmless for  
30 such failure if the municipality is not required to perform such

1 actions pursuant to clause (2) of section 4 as amended by this  
2 act and the municipality otherwise conformed to the provisions  
3 of this act.