

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1785 Session of  
2003

INTRODUCED BY CALTAGIRONE, CASORIO, SURRA AND TRAVAGLIO,  
JUNE 30, 2003

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, FEBRUARY 9, 2004

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, further providing ~~for the prohibition~~ <—  
3 ~~on certain political activity and for the governing body of~~  
4 ~~the authorities; and providing local choice for fluoridation~~ <—  
5 ~~of public water~~ THE AUTHORITIES AND FOR SPECIAL PROVISIONS <—  
6 FOR PARKING AUTHORITIES IN CITIES OF THE FIRST CLASS; AND  
7 MAKING A RELATED REPEAL.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 ~~Section 1. Section 2166.1 of Title 53 of the Pennsylvania~~ <—  
11 ~~Consolidated Statutes, amended December 30, 2002 (P.L.2001,~~  
12 ~~No.230), is amended to read:~~

13 ~~{§ 2166.1. Prohibition on political activity.~~

14 ~~A police officer as defined in section 2162 (relating to~~  
15 ~~definitions) who is subject to civil service under the~~  
16 ~~provisions of a statute, law or home rule charter and who is~~  
17 ~~certified under this subchapter may not engage or participate in~~  
18 ~~the conducting of any political or election campaign otherwise~~  
19 ~~than to exercise the police officer's own right of suffrage.]~~

1       ~~Section 2. The Title is amended by adding a section to read:~~

2       ~~§ 2166.2. Prohibition on political activity.~~

3       ~~(a) Prohibition on political activity. Except as provided~~  
4 ~~in subsection (b), a police officer as defined in section 2162~~  
5 ~~(relating to definitions) who is subject to civil service under~~  
6 ~~the provisions of a statute, law or home rule charter and who is~~  
7 ~~certified under this subchapter may not engage or participate in~~  
8 ~~the conducting of any political or election campaign.~~

9       ~~(b) Exception. Notwithstanding the provisions of subsection~~  
10 ~~(a), a police officer may engage or participate in the~~  
11 ~~conducting of any political or election campaign under any of~~  
12 ~~the following:~~

13               ~~(1) To exercise the police officer's own right of~~  
14 ~~suffrage.~~

15               ~~(2) While the police officer is off duty and out of~~  
16 ~~uniform.~~

17       ~~Section 3. Section 5508(b)(1) of Title 53 is amended to~~  
18 ~~read:~~

19       SECTION 1. SECTION 5508(B)(1) OF TITLE 53 OF THE  
20 PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:

21       § 5508. Governing body.

22       \* \* \*

23       (b) Board.--

24               (1) The powers of an authority shall be exercised by a  
25 board composed of five members. The majority of the members  
26 must be residents of the municipality where the authority is  
27 located. [All members] Each member must be [residents] a  
28 resident of the county in which the municipality is located  
29 or maintain a business in the municipality served by the  
30 authority.

1           \* \* \*

2       ~~Section 4. Title 53 is amended by adding a chapter to read:~~       <—

3                               ~~CHAPTER 57 A~~

4                               ~~FLUORIDATION OF PUBLIC WATER~~

5   ~~Sec.~~

6   ~~5701 A. Scope.~~

7   ~~5702 A. Purpose.~~

8   ~~5703 A. Local fluoridation option.~~

9   ~~5704 A. Notification.~~

10   ~~§ 5701 A. Scope.~~

11       ~~This chapter relates to Fluoridation of Public Water.~~

12   ~~§ 5702 A. Purpose.~~

13       ~~It is the purpose of this chapter to allow municipalities and~~  
14   ~~public water authorities the option of removing fluoride or~~  
15   ~~fluoridation systems from public water supplies in this~~  
16   ~~Commonwealth.~~

17   ~~§ 5703 A. Local fluoridation option.~~

18       ~~Notwithstanding any other law, a municipality or public water~~  
19   ~~authority may remove an existing water fluoridation system from~~  
20   ~~a public water system.~~

21   ~~§ 5704 A. Notification.~~

22       ~~At least 60 days prior to taking action, a municipality or~~  
23   ~~public water authority which intends to cease adding fluoride to~~  
24   ~~a public water supply must communicate its intent in writing to~~  
25   ~~all customers served by that water supply and to the Department~~  
26   ~~of Environmental Protection. The municipality or public water~~  
27   ~~authority shall hold a public hearing on the proposal within 30~~  
28   ~~days after notifying the public.~~

29       ~~Section 5-2. This act shall take effect in 60 days.~~       <—

30       SECTION 2.   SECTION 5508.1 OF TITLE 53 IS AMENDED BY ADDING A       <—

SUBSECTION TO READ:

§ 5508.1. SPECIAL PROVISIONS FOR AUTHORITIES IN CITIES OF THE  
FIRST CLASS.

\* \* \*

(Q.1) DELEGATION OF POWERS AND FUNDING.--

(1) NOTWITHSTANDING ANY CONTRARY PROVISION OF TITLE 75  
(RELATING TO VEHICLES) OR THIS CHAPTER, THE AUTHORITY SHALL  
ENFORCE AND ADMINISTER A SYSTEM OF ON-STREET PARKING  
REGULATION IN A CITY OF THE FIRST CLASS ON BEHALF OF THE  
CITY. THE SYSTEM OF ON-STREET PARKING REGULATION SHALL  
FUNCTION AND BE ADMINISTERED PURSUANT TO SECTION  
5505(D)(21)(RELATING TO PURPOSES AND POWERS) AND THE CITY'S  
ORDINANCES AS IN EFFECT JANUARY 1, 2004, AS IMPLEMENTED  
PURSUANT TO AN AGREEMENT BETWEEN THE AUTHORITY AND THE CITY  
AS IN EFFECT ON JANUARY 1, 2004. IN ADMINISTERING THE SYSTEM  
OF ON-STREET PARKING REGULATION, THE AUTHORITY SHALL HAVE THE  
SAME POWERS AND BE SUBJECT TO THE SAME RESTRICTIONS AS WERE  
IN EFFECT ON JANUARY 1, 2004, UNDER THE ORDINANCES AND  
AGREEMENT. THE PROCEDURES TO BE FOLLOWED IN OPERATING THE  
SYSTEM OF ON-STREET PARKING REGULATION INCLUDE THE BUDGETARY  
PROCEDURES AND THE ALLOCATION OF RESPONSIBILITY BETWEEN THE  
AUTHORITY AND THE CITY EXISTING ON JANUARY 1, 2004, UNDER THE  
ORDINANCES AND AGREEMENT. THE AUTHORITY AND THE CITY, BY  
MUTUAL CONSENT, MAY MODIFY THE SYSTEM OF ON-STREET PARKING  
REGULATION TO THE EXTENT PERMITTED BY APPLICABLE LAW. THE  
AUTHORITY AND CITY ARE AUTHORIZED TO DO ALL ACTS AND THINGS  
NECESSARY OR CONVENIENT TO IMPLEMENT THE PROVISIONS OF THIS  
SUBSECTION.

(2) ANY REVENUES GENERATED PURSUANT TO THE SYSTEM OF ON-  
STREET PARKING REGULATION AUTHORIZED BY THIS SUBSECTION SHALL

1 BE COLLECTED BY THE AUTHORITY ON BEHALF OF THE CITY OF THE  
2 FIRST CLASS AND DISBURSED AS PROVIDED IN THIS PARAGRAPH,  
3 SUBJECT TO ADJUSTMENT UNDER PARAGRAPH (3). SUCH REVENUES  
4 SHALL NOT BE DEEMED TO CONSTITUTE REVENUES OR RECEIPTS OF THE  
5 AUTHORITY OR, EXCEPT FOR AGREEMENTS WITH THE CITY IN PLACE ON  
6 THE EFFECTIVE DATE OF THIS SUBSECTION TO USE ON-STREET  
7 PARKING REVENUES TO PAY OR SECURE OBLIGATIONS OF THE  
8 AUTHORITY AND IN ANY OTHER SIMILAR SITUATION WHICH MAY ARISE  
9 IN THE FUTURE TO WHICH THE CITY CONSENTS, SUCH REVENUE SHALL  
10 NOT BE SUBJECT TO ANY DEBT OR OBLIGATION OF THE AUTHORITY.  
11 BEGINNING WITH ITS FISCAL YEAR ENDING IN 2004, UPON THE  
12 CONCLUSION OF EACH OF ITS FISCAL YEARS, THE AUTHORITY SHALL  
13 TRANSFER THE REVENUES OF THE SYSTEM OF ON-STREET PARKING  
14 REGULATION NET OF THE OPERATING AND ADMINISTRATIVE EXPENSES  
15 OF THE SYSTEM OF ON-STREET PARKING REGULATION AS FOLLOWS:

16 (I) UP TO \$25,000,000 IN THE AGGREGATE AFTER TAKING  
17 INTO ACCOUNT MONTHLY REMITTANCES REQUIRED PURSUANT TO  
18 PARAGRAPH (1) TO THE CITY IN WHICH IT IS LOCATED.

19 (II) IN THE EVENT THE NET ANNUAL REVENUE OF THE  
20 SYSTEM OF ON-STREET PARKING REGULATION EXCEEDS  
21 \$25,000,000, THE AUTHORITY SHALL TRANSFER ALL OF THE  
22 EXCESS TO THE GENERAL FUND OF A SCHOOL DISTRICT OF THE  
23 FIRST CLASS COTERMINOUS WITH THE CITY.

24 (3) THE AMOUNT SET FORTH IN PARAGRAPH (2)(I) SHALL BE  
25 ADJUSTED EACH FISCAL YEAR BEGINNING WITH THE FISCAL YEAR  
26 ENDING IN 2005 BY INCREASING THE \$25,000,000 AGGREGATE AMOUNT  
27 BY AN AMOUNT EQUAL TO \$25,000,000 MULTIPLIED BY THE  
28 PERCENTAGE INCREASE, IF ANY, IN THE GROSS REVENUE GENERATED  
29 BY THE SYSTEM OF ON-STREET PARKING REGULATION. NO ADJUSTMENT  
30 SHALL BE MADE IF THE GROSS REVENUE GENERATED BY THE SYSTEM OF

1 ON-STREET PARKING REGULATION DID NOT INCREASE OVER THE PRIOR  
2 FISCAL YEAR.

3 (4) THE PROVISIONS OF SECTION 696(H)(1) OF THE ACT OF  
4 MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL  
5 CODE OF 1949, SHALL NOT APPLY TO AMOUNTS TRANSFERRED TO A  
6 SCHOOL DISTRICT OF THE FIRST CLASS UNDER THIS SUBSECTION. ANY  
7 PORTION OF THE EXCESS NET REVENUE OF THE SYSTEM OF ON-STREET  
8 PARKING REGULATION NOT TRANSFERRED TO A SCHOOL DISTRICT OF  
9 THE FIRST CLASS MUST BE TRANSFERRED TO THE CITY OF THE FIRST  
10 CLASS IN WHICH THE AUTHORITY IS LOCATED.

11 (5) IF A DISPUTE ARISES BETWEEN THE CITY AND THE  
12 AUTHORITY CONCERNING THE ADMINISTRATION OF THE SYSTEM OF ON-  
13 STREET PARKING REGULATION AS PROVIDED FOR IN THIS SUBSECTION  
14 OR IN THE EVENT OF A BREACH OR THREATENED BREACH OF THE  
15 PROVISIONS OF THIS SUBSECTION, EITHER THE CITY OR THE  
16 AUTHORITY MAY, IN THE COMMONWEALTH COURT, BY MANDAMUS OR  
17 OTHER PROCEEDING AT LAW OR IN EQUITY:

18 (I) ENFORCE THE PROPER MANNER OF ADMINISTRATION OF  
19 THE SYSTEM OF ON-STREET PARKING REGULATION AS PROVIDED  
20 FOR IN THIS SUBSECTION;

21 (II) COMPEL THE OTHER PARTY AND THE OFFICERS,  
22 EMPLOYEES AND AGENTS THEREOF TO CARRY OUT THE PROVISIONS  
23 OF THIS SUBSECTION; OR

24 (III) REQUIRE THE OTHER PARTY TO ACCOUNT, AS IF IT  
25 WERE THE TRUSTEE OF AN EXPRESS TRUST FOR THE OTHER PARTY,  
26 FOR ANY REVENUES RECEIVED THAT ARE REQUIRED TO BE PAID TO  
27 THE OTHER PARTY.

28 THE PARTY INTENDING TO INITIATE AN ACTION UNDER THIS  
29 SUBSECTION SHALL GIVE EACH PARTY AGAINST WHICH AN ACTION IS  
30 PROPOSED TO BE BROUGHT NOTICE OF THE OTHER PARTY'S INTENTION

1 TO INITIATE AN ACTION UNDER THIS PARAGRAPH AND SUCH AN ACTION  
2 SHALL NOT BE INITIATED EARLIER THAN TEN DAYS AFTER THE GIVING  
3 OF SUCH NOTICE.

4 (6) THIS SUBSECTION SHALL EXPIRE MARCH 31, 2014.

5 \* \* \*

6 SECTION 3. THE PROVISIONS OF 75 PA.C.S. § 6109(G), ADDED  
7 FEBRUARY , 2004 (P.L. , NO. ) (IN PREPARING THIS BILL FOR  
8 PUBLICATION IN THE LAWS OF PENNSYLVANIA (2004), THE LEGISLATIVE  
9 REFERENCE BUREAU IS INSTRUCTED TO REPLACE THE BLANKS WITH THE  
10 APPROPRIATE REFERENCE TO THE ENACTMENT OF SENATE BILL NO. 279,  
11 PRINTER'S NO. 1061 (2003).), ARE REPEALED.

12 SECTION 4. NOTWITHSTANDING SECTION 6 OF THE ACT OF FEBRUARY  
13 , 2004 (P.L. , NO. ), ENTITLED "AN ACT AMENDING TITLE 75  
14 (VEHICLES) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, FURTHER  
15 PROVIDING FOR DISPLAY OF REGISTRATION PLATE; PROVIDING FOR A  
16 SPECIAL MOTORCYCLE REGISTRATION PLATE FOR VETERANS; FURTHER  
17 PROVIDING FOR AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS IN FIRST  
18 CLASS CITIES, FOR ENUMERATION OF POLICE POWERS AND FOR CERTAIN  
19 SURCHARGES; AND PRESCRIBING A PENALTY," (IN PREPARING THIS BILL  
20 FOR PUBLICATION IN THE LAWS OF PENNSYLVANIA (2004), THE  
21 LEGISLATIVE REFERENCE BUREAU IS INSTRUCTED TO REPLACE THE BLANKS  
22 WITH THE APPROPRIATE REFERENCE TO THE ENACTMENT OF SENATE BILL  
23 NO. 279, PRINTER'S NO. 1061 (2003).), THE FOLLOWING PROVISIONS  
24 OF TITLE 75, AS AMENDED OR ADDED BY THAT ACT, SHALL TAKE EFFECT  
25 ON THE EFFECTIVE DATE OF THIS SECTION:

26 (1) SECTION 1332(B) AND (C).

27 (2) SECTION 3116(L)(2) AND (Q).

28 (3) SECTION 6109(A)(1) AND (F).

29 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

30 (1) THE AMENDMENT OF 53 PA.C.S. § 5508(B)(1) SHALL TAKE

1       EFFECT IN 60 DAYS.

2           (2)   THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
3       IMMEDIATELY.