

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1849 Session of
2013

INTRODUCED BY BARBIN, CALTAGIRONE, READSHAW, KORTZ, MCNEILL,
KOTIK, BARRAR, MAHONEY, DeLUCA, KIRKLAND, D. COSTA AND QUINN,
NOVEMBER 21, 2013

REFERRED TO COMMITTEE ON LIQUOR CONTROL, NOVEMBER 21, 2013

AN ACT

1 Amending the act of June 9, 1936 (1st Sp.Sess., P.L.13, No.4),
2 entitled, as reenacted and amended, "An act imposing an
3 emergency State tax on liquor, as herein defined, sold by the
4 Pennsylvania Liquor Control Board; providing for the
5 collection and payment of such tax; and imposing duties upon
6 the Department of Revenue and the Pennsylvania Liquor Control
7 Board," further providing for the emergency State tax on
8 liquor.

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

11 Section 1. Section 2 of the act of June 9, 1936 (1st
12 Sp.Sess., P.L.13, No.4), entitled "An act imposing an emergency
13 State tax on liquor, as herein defined, sold by the Pennsylvania
14 Liquor Control Board; providing for the collection and payment
15 of such tax; and imposing duties upon the Department of Revenue
16 and the Pennsylvania Liquor Control Board," reenacted and
17 amended May 29, 1951 (P.L.479, No.112) and amended January 1,
18 1968 (1967, P.L.917, No.413), is amended to read:

19 Section 2. (a) An emergency State tax is hereby imposed and
20 assessed at the rate of eighteen per centum of the net price of

1 all liquors sold by the board. The tax herein imposed shall be
2 collected by the board from the purchasers of the liquor from
3 the board. The amount of such eighteen per centum so collected
4 by the board, under the provisions of this act, shall be paid
5 into the State Treasury, through the department, in the manner
6 and within the times herein specified, and shall be credited [to
7 the General Fund.] fifty per centum to the General Fund and
8 fifty per centum to the Commonwealth Financing Authority for
9 deposit in the Johnstown Flood Tax Trust Fund.

10 (b) The tax shall be phased out as follows:

11 (1) From January 1, 2013, through December 31, 2013, the tax
12 shall be credited thirty per centum to the General Fund and
13 seventy per centum to the Commonwealth Financing Authority for
14 deposit in the Johnstown Flood Tax Trust Fund.

15 (2) From January 1, 2014, through December 31, 2014, the tax
16 shall be credited twenty per centum to the General Fund and
17 eighty per centum to the Commonwealth Financing Authority for
18 deposit in the Johnstown Flood Tax Trust Fund.

19 (3) From January 1, 2015, through December 31, 2015, the tax
20 shall be credited ten per centum to the General Fund and ninety
21 per centum to the Commonwealth Financing Authority for deposit
22 in the Johnstown Flood Tax Trust Fund. Beginning on January 1,
23 2016, any amounts remaining in the Johnstown Flood Tax Trust
24 Fund shall be accumulated, paying out no more than five per
25 centum of the principal per year from January 1, 2016, through
26 December 31, 2064, for the purposes specified in section 2.2(d)
27 and (e). Beginning on January 1, 2065, such funds shall have
28 accumulated and shall be paid out in amounts equal to no more
29 than ten per centum of the principal per year for the purposes
30 specified in section 2.2(e) only.

1 (4) From January 1, 2016, through December 31, 2020, the tax
2 shall be distributed equally between the State Employees'
3 Retirement Fund and the Public School Employees' Retirement
4 Fund.

5 (5) Starting January 1, 2021, and thereafter, the tax shall
6 be collected at the rate of zero per centum.

7 Section 2. The act is amended by adding sections to read:

8 Section 2.1. All money distributed to the State Employees'
9 Retirement Fund and the Public School Employees' Retirement Fund
10 under section 2(b) shall be over and above the amount set forth
11 for employer contribution rates provided by 24 Pa.C.S. (relating
12 to education) and 71 Pa.C.S. (relating to State government).

13 Section 2.2. (a) There is established a separate account in
14 the Commonwealth Financing Authority to be known as the
15 Johnstown Flood Tax Trust Fund. This fund shall be administered
16 by the State Treasurer as determined by the Commonwealth
17 Financing Authority. All interest earned from the investment or
18 deposit of money accumulated in the fund shall be deposited in
19 the fund for the same uses.

20 (b) All money deposited into the fund shall be held in trust
21 and shall not be considered general revenue of the Commonwealth
22 but shall be used only to effectuate the purposes of this
23 section as determined by the Commonwealth Financing Authority
24 and shall be subject to audit by the Auditor General. No funds
25 allocated from the Johnstown Flood Tax Trust Fund shall be used
26 to supplant Federal funds otherwise available in the absence of
27 State financial relief.

28 (c) The money deposited in the Johnstown Flood Tax Trust
29 Fund shall be used fifty per centum to remove blighted
30 properties from all cities of the first class, second class,

1 second class A and third class and fifty per centum to provide
2 disaster assistance projects in disaster areas.

3 (d) Blighted property grants shall be awarded to all
4 municipalities that make requests for such grants to the
5 Commonwealth Financing Authority by December 1 of each year. The
6 Commonwealth Financing Authority shall determine the specific
7 amount of a grant to a municipality by taking into consideration
8 the following: the proportionate number of blighted properties
9 in the municipality, whether the municipality is considered a
10 distressed municipality under the act of July 10, 1987 (P.L.246,
11 No.47), known as the Municipalities Financial Recovery Act, and
12 the general financial status of the municipality.

13 (e) Disaster assistance grants shall be awarded to
14 municipalities in areas where the Governor has declared a threat
15 to public safety resulting from fire, flood, storm, tidal wave,
16 earthquake, terrorism, epidemic or other public calamity.
17 Applications from municipalities or redevelopment authorities
18 shall be made to the director of the Pennsylvania Emergency
19 Management Agency no later than December 1 of each year for
20 road, bridge and highway projects. The Commonwealth Finance
21 Authority shall determine the specific amount of the grant by
22 taking into consideration matching fund assistance, the effect
23 on business and employment in the area subject to the disaster
24 declaration and whether applications are submitted individually
25 or with the joint support of surrounding communities.

26 Section 3. This act shall take effect in 60 days.