

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2218 Session of
2003

INTRODUCED BY HERMAN, HESS, WATSON, WILT, BASTIAN, BELFANTI,
BENNINGHOFF, BOYD, BUNT, CAPPELLI, DENLINGER, DeWEESE,
FABRIZIO, FICHTER, GINGRICH, GRUCELA, HARRIS, HICKERNELL,
HORSEY, HUTCHINSON, KILLION, McILHATTAN, MELIO, O'NEILL,
PALLONE, PISTELLA, READSHAW, RUBLEY, SATHER, SCAVELLO,
SHANER, SOLOBAY, SURRA, TIGUE, YOUNGBLOOD AND HARPER,
NOVEMBER 25, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 14, 2004

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," adding a definition of
9 "computer-related hardware, software and training"; and <—
10 further providing for moneys appropriated to municipalities; <—
11 AND MAKING EDITORIAL CHANGES.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 2 of the act of June 1, 1956 (1955
15 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal
16 Allocation Law, is amended by adding a paragraph to read:

17 Section 2. As used in this act--

18 * * *

19 (7) "Computer-related hardware, software and training" means

1 electronic devices and their proper and related programming
2 necessary for the electronic processing of information and the
3 associated instruction requisite for the exclusive operation of
4 those devices.

5 ~~Section 2. Section 4(1) of the act, amended December 3, 1998~~ <—
6 ~~(P.L.922, No.114), is amended to read:~~

7 SECTION 2. SECTION 4(1) AND (3) OF THE ACT, AMENDED MARCH <—
8 27, 1980 (P.L.53, NO.20) AND DECEMBER 3, 1998 (P.L.922, NO.114),
9 ARE AMENDED TO READ:

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

13 (1) The money hereby allocated shall be paid to the cities,
14 boroughs, towns and townships in accordance with the following
15 formula:

16 Five-tenths of this		The number of miles
17 allocation divided	Multiplied	in the particular
18 by the total miles	By	municipality.
19 of public roads and		
20 streets which are		
21 maintained by		
22 municipalities.		

23	Plus	
24 Five-tenths of this		The official
25 allocation divided	Multiplied	population of the
26 by the total official	By	particular
27 population of the		municipality as of
28 municipalities as of		January first of said
29 January first of the		year.
30 year in which the		

1 money is to be paid
2 to the municipalities.
3
4 (Amount due the
5 particular municipality)
6 To be expended by the authorities of the respective
7 municipalities (i) for the maintenance, repair, construction or
8 reconstruction of such public roads or streets, including
9 bridges, culverts and drainage structures for which they are
10 legally responsible and including the lining of streams
11 incidental to the drainage of highways, and for the maintenance,
12 repair, construction or reconstruction of curb ramps from a
13 road, street or highway to provide for access by individuals
14 with disabilities consistent with Federal and State law; (ii)
15 for the acquisition, maintenance, repair and operation of street
16 signs, traffic signs and traffic signal control systems; [and]
17 (iii) for the maintenance, repair, construction or
18 reconstruction of alleys, ways and courts for which they are
19 legally responsible. Where road, bridge, alley, way or court
20 work is performed by the political subdivision the moneys herein
21 allocated may be used only for labor, hiring of equipment,
22 payrolls, purchase of material, including repair parts necessary
23 for the maintenance of equipment, small tools, road drags and
24 snow fences and, in addition, an amount not to exceed twenty per
25 centum of the total annual allocation received by each
26 municipality, may be used for the purchase of road machinery and
27 road equipment[.]; and (iv) for the acquisition of computer-
28 related hardware, software and training required for the
29 electronic processing of information concerning the funds
30 appropriated and allocated under this act, including the

1 preparation and electronic submission of the required annual
2 reports for payment certification, provided that expenditures
3 under this subclause may not exceed one thousand dollars
4 (\$1,000) annually.

5 No municipality shall receive less than the amount allocated
6 to such municipality during the fiscal year ending June 30,
7 1969. So much as is necessary of the taxes collected on each
8 gallon of liquid fuel under "The Liquid Fuel Tax Act" and on
9 each gallon of fuel under the "Fuel Use Tax Act" is hereby
10 appropriated out of the Motor License Fund to municipalities of
11 the Commonwealth for the purpose of making any additional
12 payments required under the provisions hereof. Funds hereby
13 appropriated shall be in addition to funds appropriated under
14 the provisions of section 3 of this act.

15 * * *

16 (3) THE MONEYS ALLOCATED IN CLAUSE (1) SHALL BE PAID OVER, <—
17 IN THE MANNER PROVIDED BY LAW, BY THE [DEPARTMENT OF HIGHWAYS]
18 DEPARTMENT TO THE RESPECTIVE CITIES, BOROUGHS, TOWNS AND
19 TOWNSHIPS, ON THE FIRST DAYS OF JULY AND DECEMBER, 1956, AND THE
20 FIRST DAY OF APRIL OF EACH SUBSEQUENT YEAR.

21 SECTION 3. SECTION 5 OF THE ACT IS AMENDED TO READ:

22 SECTION 5. IN ORDER TO QUALIFY FOR ITS SHARE OF THE MONEYS
23 HEREIN PROVIDED, EACH CITY, BOROUGH, TOWN AND TOWNSHIP, SHALL--

24 (1) FURNISH EVIDENCE, ANNUALLY, TO THE [DEPARTMENT OF
25 HIGHWAYS] DEPARTMENT THAT ITS TREASURER IS BONDED IN ACCORDANCE
26 WITH LAW;

27 (2) SUBMIT A REPORT, ON FORMS FURNISHED BY THE [DEPARTMENT
28 OF HIGHWAYS] DEPARTMENT, CONCERNING THE WAY OR WAYS THE FUNDS
29 PROVIDED IN SECTION ONE OF THIS ACT SHALL BE EXPENDED;

30 (3) SUBMIT A PROPER REPORT, ON FORMS FURNISHED BY THE

1 [DEPARTMENT OF HIGHWAYS] DEPARTMENT, ON THE FIFTEENTH DAY OF
2 JANUARY FOR THE PERIOD ENDING DECEMBER THIRTY-FIRST EACH YEAR,
3 SHOWING THE COST OF WORK DONE PURSUANT TO THE FUNDS PROVIDED IN
4 SECTION FOUR CLAUSE (1) OF THIS ACT;

5 (4) ESTABLISH AND MAINTAIN A SPECIAL FUND INTO WHICH THE
6 MONEYS PROVIDED IN SECTION FOUR CLAUSE (1) OF THIS ACT SHALL BE
7 DEPOSITED AND INTO WHICH NO OTHER MONEYS MAY BE DEPOSITED OR
8 COMINGLED;

9 (5) FURNISH EVIDENCE TO THE [DEPARTMENT OF HIGHWAYS]
10 DEPARTMENT THAT A TAX TO PROVIDE FUNDS FOR ROAD AND STREET
11 PURPOSE IS BEING LEVIED FOR THE YEAR IN WHICH THE ALLOCATION IS
12 MADE.

13 SECTION 4. SECTION 6 OF THE ACT, AMENDED AUGUST 13, 1963
14 (P.L.804, NO.398), IS AMENDED TO READ:

15 SECTION 6. ALL MATERIALS USED AND WORK DONE WITH MONEYS
16 HEREIN ALLOCATED SHALL CONFORM TO THE CURRENT SPECIFICATIONS OF
17 THE [DEPARTMENT OF HIGHWAYS] DEPARTMENT OR SPECIFICATIONS
18 APPROVED BY THE [DEPARTMENT OF HIGHWAYS] DEPARTMENT. ALL WORK
19 DONE ON STATE HIGHWAYS SHALL BE SUBJECT TO THE APPROVAL,
20 SUPERVISION AND CONTROL OF THE [DEPARTMENT OF HIGHWAYS]
21 DEPARTMENT.

22 SECTION 5. SECTION 7 OF THE ACT, AMENDED MAY 9, 1957
23 (P.L.125, NO.52), IS AMENDED TO READ:

24 SECTION 7. (A) THE CALCULATION OF MILEAGE SHALL BE
25 DETERMINED, ANNUALLY, AS OF THE FIRST DAY OF JANUARY BY THE
26 [DEPARTMENT OF HIGHWAYS] DEPARTMENT FROM REPORTS SUBMITTED BY
27 THE MUNICIPALITIES.

28 (B) THE CALCULATIONS INVOLVING POPULATION SHALL BE MADE BY
29 THE [DEPARTMENT OF HIGHWAYS] DEPARTMENT, AND SHALL BE BASED ON
30 THE LATEST AVAILABLE OFFICIAL CENSUS FIGURES DETERMINED ON OR

1 BEFORE THE FIRST DAY OF JANUARY IN THE YEAR THE MONEY IS TO BE
2 PAID TO THE MUNICIPALITIES. WHERE THE POPULATION OF ANY
3 MUNICIPALITY CHANGES BY REASON OF ANNEXATION, WITHDRAWAL OR
4 DISSOLUTION, THE [DEPARTMENT] DEPARTMENT SHALL NOT BE PRESUMED
5 TO HAVE NOTICE OF SUCH CHANGE UNTIL FURNISHED WITH A STATEMENT
6 APPROVED BY ALL AFFECTED POLITICAL SUBDIVISIONS OR WITH AN ORDER
7 OF A COURT OF COMPETENT JURISDICTION.

8 SECTION 6. SECTION 8 OF THE ACT IS AMENDED TO READ:

9 SECTION 8. THE [DEPARTMENT OF HIGHWAYS] DEPARTMENT SHALL
10 MAKE AVAILABLE, TO THE CORPORATE AUTHORITIES OF THE
11 MUNICIPALITIES, COPIES OF THE LAWS WITH SPECIAL REFERENCE TO THE
12 PERTINENT PROVISIONS THEREOF, AND REGULATIONS RELATING TO THE
13 RECEIPT AND EXPENDITURE OF ANY FUNDS AUTHORIZED HEREIN.

14 Section ~~3~~ 7. This act shall take effect in 60 days.

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