

No. 2004-138

AN ACT

HB 2218

Amending the act of June 1, 1956 (1955 P.L.1944, No.655), entitled "An act providing a permanent allocation of a part of the fuels and liquids fuels tax proceeds to cities, boroughs, incorporated towns and townships, for their road, street and bridge purposes; conferring powers and imposing duties on local officers and the Department of Highways; and making an appropriation out of the Motor License Fund; and repealing existing legislation," adding a definition of "computer-related hardware, software and training"; further providing for moneys appropriated to municipalities; and making editorial changes.

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

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

Section 2. As used in this act—

\* \* \*

(7) *"Computer-related hardware, software and training" means electronic devices and their proper and related programming necessary for the electronic processing of information and the associated instruction requisite for the exclusive operation of those devices.*

Section 2. Section 4(1) and (3) of the act, amended March 27, 1980 (P.L.53, No.20) and December 3, 1998 (P.L.922, No.114), are amended to read:

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

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

Five-tenths of this allocation divided by the total miles of public roads and streets which are maintained by municipalities.	Multiplied By	The number of miles in the particular municipality.
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	Plus	
Five-tenths of this allocation divided by the total official population of the municipalities as of January first of the	Multiplied By	The official population of the particular municipality as of January first of said year.

year in which the money is to be paid to the municipalities.

.....  
(Amount due the particular municipality)

To be expended by the authorities of the respective municipalities (i) for the maintenance, repair, construction or reconstruction of such public roads or streets, including bridges, culverts and drainage structures for which they are legally responsible and including the lining of streams incidental to the drainage of highways, and for the maintenance, repair, construction or reconstruction of curb ramps from a road, street or highway to provide for access by individuals with disabilities consistent with Federal and State law; (ii) for the acquisition, maintenance, repair and operation of street signs, traffic signs and traffic signal control systems; **[and]** (iii) for the maintenance, repair, construction or reconstruction of alleys, ways and courts for which they are legally responsible. Where road, bridge, alley, way or court work is performed by the political subdivision the moneys herein allocated may be used only for labor, hiring of equipment, payrolls, purchase of material, including repair parts necessary for the maintenance of equipment, small tools, road drags and snow fences and, in addition, an amount not to exceed twenty per centum of the total annual allocation received by each municipality, may be used for the purchase of road machinery and road equipment[.]; **and (iv) for the acquisition of computer-related hardware, software and training required for the electronic processing of information concerning the funds appropriated and allocated under this act, including the preparation and electronic submission of the required annual reports for payment certification, provided that expenditures under this subclause may not exceed one thousand dollars (\$1,000) annually.**

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

\* \* \*

(3) The moneys allocated in clause (1) shall be paid over, in the manner provided by law, by the **[Department of Highways] department** to the respective cities, boroughs, towns and townships, on the first days of July and December, 1956, and the first day of April of each subsequent year.

Section 3. Section 5 of the act is amended to read:

Section 5. In order to qualify for its share of the moneys herein provided, each city, borough, town and township, shall—

(1) Furnish evidence, annually, to the **[Department of Highways] department** that its treasurer is bonded in accordance with law;

(2) Submit a report, on forms furnished by the **[Department of Highways] department**, concerning the way or ways the funds provided in section one of this act shall be expended;

(3) Submit a proper report, on forms furnished by the **[Department of Highways] department**, on the fifteenth day of January for the period ending December thirty-first each year, showing the cost of work done pursuant to the funds provided in section four clause (1) of this act;

(4) Establish and maintain a special fund into which the moneys provided in section four clause (1) of this act shall be deposited and into which no other moneys may be deposited or comingled;

(5) Furnish evidence to the **[Department of Highways] department** that a tax to provide funds for road and street purpose is being levied for the year in which the allocation is made.

Section 4. Section 6 of the act, amended August 13, 1963 (P.L.804, No.398), is amended to read:

Section 6. All materials used and work done with moneys herein allocated shall conform to the current specifications of the **[Department of Highways] department** or specifications approved by the **[Department of Highways] department**. All work done on State highways shall be subject to the approval, supervision and control of the **[Department of Highways] department**.

Section 5. Section 7 of the act, amended May 9, 1957 (P.L.125, No.52), is amended to read:

Section 7. (a) The calculation of mileage shall be determined, annually, as of the first day of January by the **[Department of Highways] department** from reports submitted by the municipalities.

(b) The calculations involving population shall be made by the **[Department of Highways] department**, and shall be based on the latest available official census figures determined on or before the first day of January in the year the money is to be paid to the municipalities. Where the population of any municipality changes by reason of annexation, withdrawal or dissolution, the **[Department] department** shall not be presumed to have notice of such change until furnished with a statement approved by all affected political subdivisions or with an order of a court of competent jurisdiction.

Section 6. Section 8 of the act is amended to read:

Section 8. The **[Department of Highways] department** shall make available, to the corporate authorities of the municipalities, copies of the laws with special reference to the pertinent provisions thereof, and regulations relating to the receipt and expenditure of any funds authorized herein.

Section 7. This act shall take effect in 60 days.

APPROVED—The 23rd day of November, A.D. 2004.

EDWARD G. RENDELL