

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1302 Session of  
1991

INTRODUCED BY COWELL, TRELLO, PRESTON, MICHLOVIC, PISTELLA AND  
GIGLIOTTI, MAY 6, 1991

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 22, 1992

AN ACT

1 Amending the act of July 28, 1953 (P.L.723, No.230), entitled,  
2 as amended, "An act relating to counties of the second class  
3 and second class A; amending, revising, consolidating and  
4 changing the laws relating thereto," authorizing the county  
5 commissioners in counties of the second class to impose a fee  
6 on civil and criminal cases filed in the court of common  
7 pleas to help defray the cost of maintaining records; AND  
8 FURTHER PROVIDING FOR FISCAL YEARS AND BUDGETS. <—

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

11 Section 1. Section 405 of the act of July 28, 1953 (P.L.723,  
12 No.230), known as the Second Class County Code, is amended by  
13 adding a subsection to read:

14 Section 405. Offices, Records and Papers.--\* \* \*

15 (a.2) The county commissioners shall have the power to  
16 impose a fee on recorded instruments required to be kept  
17 permanently that are filed with the county. The county  
18 commissioners, with the approval of the president judge shall  
19 have the power to impose a fee on civil or criminal cases filed  
20 in the court of common pleas. The fees will be collected by the

appropriate row officer and deposited in a special records  
management fund, administered by the county's records management  
program in the Office of Management and Productivity OR, IN THE <—  
ABSENCE OF SUCH AN OFFICE, AN OFFICE THAT HANDLES THE SAME OR  
SIMILAR FUNCTIONS. The fund shall be solely used to help defray  
the cost of maintaining, administering, preserving and caring  
for the records of the county.

\* \* \*

SECTION 2. SECTION 1980(A) OF THE ACT, AMENDED DECEMBER 10, <—  
1980 (P.L.1159, NO.211), IS AMENDED TO READ:

SECTION 1980. FISCAL YEAR; PREPARATION OF ANNUAL BUDGET IN  
COUNTIES OF THE SECOND CLASS.--(A) THE FISCAL YEAR OF THE  
COUNTY SHALL BEGIN ON THE FIRST DAY OF JANUARY AND END ON THE  
THIRTY-FIRST DAY OF DECEMBER OF EACH YEAR. ON OR BEFORE THE  
FIFTEENTH DAY OF NOVEMBER OF EACH YEAR THE CONTROLLER OF EACH  
COUNTY OF THE SECOND CLASS SHALL TRANSMIT TO THE COMMISSIONERS A  
PROPOSED BUDGET GIVING A DETAILED ESTIMATE OF AND FOR THE  
LEGITIMATE PURPOSES OF THE COUNTY FOR THE NEXT YEAR, INCLUDING  
INTEREST DUE AND TO FALL DUE ON ALL LAWFUL DEBTS OF THE COUNTY  
BEARING INTEREST. SUCH BUDGET, WHEN FINALLY ADOPTED BY THE  
COMMISSIONERS, SHALL BE THE GUIDE TO THE COMMISSIONERS IN FIXING  
THE TAX RATE. SAID BUDGET SHALL BE PREPARED AS PROVIDED HEREIN.

\* \* \*

SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 1980.1. FISCAL YEAR; PREPARATION OF ANNUAL BUDGET IN  
COUNTIES OF THE SECOND CLASS A.--(A) THE FISCAL YEAR OF THE  
COUNTY SHALL BEGIN ON THE FIRST DAY OF JANUARY AND END ON THE  
THIRTY-FIRST DAY OF DECEMBER OF EACH YEAR. THE COMMISSIONERS IN  
COUNTIES OF THE SECOND CLASS A, AT LEAST THIRTY DAYS PRIOR TO  
ADOPTING THE BUDGET, SHALL BEGIN PREPARATION OF THE PROPOSED

1 BUDGET FOR THE SUCCEEDING FISCAL YEAR.

2 (B) THE CONTROLLER SHALL TRANSMIT TO THE COMMISSIONERS A  
3 COMPARATIVE STATEMENT OF REVENUES FOR THE CURRENT AND THE  
4 IMMEDIATELY PRECEDING FISCAL YEAR, AND A COMPARATIVE STATEMENT  
5 OF EXPENDITURES, INCLUDING INTEREST DUE AND TO FALL DUE ON ALL  
6 LAWFUL INTEREST BEARING DEBTS OF THE COUNTY FOR THE SAME YEARS.

7 (C) THE CONTROLLER'S STATEMENT SHALL ALSO INDICATE THE  
8 AMOUNTS OF ALL APPROPRIATION REQUESTS, SUBMITTED TO THE  
9 CONTROLLER OR TO THE COMMISSIONERS AND SUPPLIED BY THEM TO THE  
10 CONTROLLER, FROM THE SEVERAL COUNTY OFFICES AND AGENCIES,  
11 INCLUDING ESTIMATES OF EXPENDITURES CONTEMPLATED BY THE  
12 COMMISSIONERS AS FORWARDED BY THEM TO THE CONTROLLER.

13 (D) SAID STATEMENTS, IN SUCH FORM AND DETAIL AS THE  
14 COMMISSIONERS DIRECT, SHALL BE PREPARED UPON A FORM OR FORMS  
15 FURNISHED, AS PROVIDED IN THIS SUBDIVISION, BY THE DEPARTMENT OF  
16 COMMUNITY AFFAIRS. WITH THIS INFORMATION AS A GUIDE, THE  
17 COMMISSIONERS SHALL, WITHIN A REASONABLE TIME, BEGIN THE  
18 PREPARATION OF A PROPOSED BUDGET FOR THE SUCCEEDING FISCAL YEAR.

19 SECTION 4. SECTION 1981(A) OF THE ACT, AMENDED DECEMBER 10,  
20 1980 (P.L.1159, NO.211), IS AMENDED TO READ:

21 SECTION 1981. ANNUAL BUDGET; CONTROL OF EXPENDITURES.--(A)  
22 [THE CONTROLLER] IN COUNTIES OF THE SECOND CLASS THE CONTROLLER,  
23 OR IN COUNTIES OF THE SECOND CLASS A THE COMMISSIONERS, SHALL  
24 ANNUALLY PREPARE A PROPOSED BUDGET FOR ALL FUNDS FOR THE NEXT  
25 FISCAL YEAR NO LATER THAN NOVEMBER 15 OF THE CURRENT FISCAL  
26 YEAR. SAID BUDGET SHALL REFLECT, AS NEARLY AS POSSIBLE, THE  
27 ESTIMATED REVENUES AND EXPENDITURES OF THE COUNTY FOR THE YEAR  
28 FOR WHICH THE BUDGET IS PREPARED. IT SHALL BE UNLAWFUL TO  
29 PREPARE AND ADVERTISE NOTICE OF A PROPOSED BUDGET WHEN THE SAME  
30 IS KNOWINGLY INACCURATE. WHERE, UPON ANY REVISION OF THE BUDGET,

1 IT APPEARS THAT THE ESTIMATED EXPENDITURES IN THE ADOPTED BUDGET  
2 WILL BE INCREASED MORE THAN TEN PER CENT IN THE AGGREGATE OVER  
3 THE PROPOSED BUDGET, IT SHALL BE PRESUMED THAT THE TENTATIVE  
4 BUDGET WAS INACCURATE, AND SUCH BUDGET MAY NOT BE LEGALLY  
5 ADOPTED WITH ANY SUCH INCREASES THEREIN UNLESS THE SAME IS AGAIN  
6 ADVERTISED ONCE AS IN THE CASE OF THE PROPOSED BUDGET AND AN  
7 OPPORTUNITY AFFORDED TO TAXPAYERS TO EXAMINE THE SAME AND  
8 PROTEST SUCH INCREASES. SAID BUDGET SHALL BE PREPARED ON FORMS  
9 FURNISHED AS PROVIDED HEREIN. FINAL ACTION SHALL NOT BE TAKEN ON  
10 THE PROPOSED BUDGET BY THE COUNTY COMMISSIONERS UNTIL AFTER AT  
11 LEAST TEN DAYS PUBLIC NOTICE. THE PROPOSED BUDGET SHALL BE  
12 PUBLISHED OR OTHERWISE MADE AVAILABLE FOR PUBLIC INSPECTION, BY  
13 ALL PERSONS WHO MAY INTEREST THEMSELVES, AT LEAST TWENTY DAYS  
14 PRIOR TO THE DATE SET FOR THE ADOPTION OF THE BUDGET. THE COUNTY  
15 COMMISSIONERS SHALL, AFTER MAKING SUCH REVISIONS AND CHANGES  
16 THEREIN AS APPEAR ADVISABLE, ADOPT A BUDGET FOR THE NEXT FISCAL  
17 YEAR PRIOR TO DECEMBER 31 OF THE CURRENT FISCAL YEAR AND  
18 NECESSARY APPROPRIATION MEASURES REQUIRED TO PUT IT INTO EFFECT.

19 \* \* \*

20 Section 2 5. This act shall take effect in 60 days.

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