

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1405

 Session of 2001

INTRODUCED BY BARD, HERMAN, ROSS, LESCOVITZ AND TANGRETTI,
APRIL 24, 2001

AS RE-REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 5, 2001

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled,
2 as amended, "An act relating to counties of the first, third,
3 fourth, fifth, sixth, seventh and eighth classes; amending,
4 revising, consolidating and changing the laws relating
5 thereto; relating to imposition of excise taxes by counties,
6 including authorizing imposition of an excise tax on the
7 rental of motor vehicles by counties of the first class; and
8 providing for regional renaissance initiatives," further
9 providing ~~for filling district attorney vacancies,~~ FOR <—
10 ASSISTANT COUNTY SOLICITORS, for reports and for preparation
11 and filing of proposed budget; and making editorial changes.

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

14 ~~Section 1. Section 1404 of the act of August 9, 1955~~ <—
15 ~~(P.L.323, No.130), known as The County Code, is amended to read:~~

16 ~~Section 1404. Filling of Vacancies. If any vacancy shall~~
17 ~~occur in the office of district attorney, either by death,~~
18 ~~resignation, removal from office or from the county, or~~
19 ~~otherwise, the first assistant district attorney shall serve as~~
20 ~~district attorney for the balance of the unexpired term. If~~
21 ~~there is no first assistant district attorney or if the first~~

~~1 assistant refuses to serve as district attorney, then the judges~~
~~2 of the court of common pleas shall supply such vacancy by the~~
~~3 appointment of a competent person to fill the office during the~~
~~4 balance of the unexpired term.~~

~~5 Section 2. Section 1720 of the act, amended May 6, 1981~~
~~6 (P.L.49, No.16), is amended to read:~~

7 SECTION 1. SECTION 904 OF THE ACT OF AUGUST 9, 1955 <—
8 (P.L.323, NO.130), KNOWN AS THE COUNTY CODE, AMENDED DECEMBER
9 22, 1981 (P.L.524, NO.147), IS AMENDED TO READ:

10 SECTION 904. ASSISTANT COUNTY SOLICITORS.--THE COUNTY
11 COMMISSIONERS MAY APPOINT [NOT MORE THAN THREE] ONE OR MORE
12 ASSISTANT COUNTY SOLICITORS, AND, WITH THE APPROVAL OF THE COURT
13 OF COMMON PLEAS, SPECIAL COUNSEL WHO SHALL BE ATTORNEYS AT LAW
14 ADMITTED TO PRACTICE IN THE COURTS OF THIS COMMONWEALTH. EACH
15 ASSISTANT AND SPECIAL COUNSEL SHALL PERFORM SUCH DUTIES IN
16 CONNECTION WITH THE LEGAL AFFAIRS OF THE COUNTY AS MAY BE
17 ASSIGNED TO HIM BY THE COUNTY COMMISSIONERS OR THE COUNTY
18 SOLICITOR.

19 SECTION 2. SECTION 1720 OF THE ACT, AMENDED MAY 6, 1981
20 (P.L.49, NO.16), IS AMENDED TO READ:

21 Section 1720. Controller's Settlement of Accounts; Report to
22 Common Pleas; Publications; Financial Report to Department of
23 Community [Affairs] and Economic Development.--The controller
24 shall, at the end of each fiscal year, complete the audit,
25 settlement and adjustment of the accounts of all county
26 officers. He shall, before the first day of April in every year,
27 make a report, verified by oath or affirmation, to the Court of
28 Common Pleas of said county, of all receipts and expenditures of
29 the county for the preceding year, in detail, and classified by
30 reference to the object thereof, together with a full statement

1 of the financial conditions of the county. A concise summary of
2 this report shall thereupon be published one time in such
3 newspapers published in said county as the controller may
4 direct, but the aggregate cost thereof shall not exceed fifteen
5 hundred dollars (\$1500) in any one year in any county, to be
6 paid for out of the county treasury. Such report may also be
7 published in printed pamphlets at the cost of the county, the
8 number and cost of such pamphlets to be determined by the
9 controller and the county commissioners. The controller shall
10 also, before the first day of April, make an annual report to
11 the Department of Community [Affairs] and Economic Development
12 of the financial condition of the county, on forms furnished by
13 the Secretary of Community [Affairs] and Economic Development,
14 and subject to the penalties provided in section one thousand
15 seven hundred twenty-one of this act for auditors refusing or
16 neglecting to make similar reports. Within the summary of the
17 auditor's or controller's report, there shall be a notice to the
18 public that the entire text of the report shall be available for
19 public inspection during regular business hours in the office of
20 the auditor or controller.

21 Section 3. Sections 1781 and 1782.1 of the act, amended or
22 added December 14, 1967 (P.L.831, No.357), are amended to read:

23 Section 1781. Preparation of Proposed Annual Budget.--(a)
24 The commissioners, at least thirty days prior to adopting the
25 budget, shall begin the preparation of the proposed budget for
26 the succeeding fiscal year.

27 (b) The controller shall transmit to the commissioners a
28 comparative statement of revenues for the current and the
29 immediately preceding fiscal year, and a comparative statement
30 of expenditures, including interest due and to fall due on all

1 lawful interest bearing debts of the county for the same years.

2 (c) The controller's statement shall also indicate the
3 amounts of all appropriation requests, submitted to the
4 controller or to the commissioners and supplied by them to the
5 controller, from the several county offices and agencies,
6 including estimates of expenditures contemplated by the
7 commissioners as forwarded by them to the controller.

8 (d) Said statements, shall be in such form and detail as the
9 commissioners direct [, shall be prepared upon a form or forms
10 furnished, as provided in this subdivision, by the Department of
11 Community Affairs of the Commonwealth]. With this information as
12 a guide, the commissioners shall, within a reasonable time,
13 begin the preparation of a proposed budget for the succeeding
14 fiscal year.

15 (e) In counties not having a controller, the commissioners
16 shall prepare the statements hereinbefore required.

17 Section 1782.1. Amending Budget; Notice.--During the month
18 of January next following any municipal election the
19 commissioners of any county may amend the budget and the levy
20 and tax rate to conform with its amended budget. A period of ten
21 days' public inspection at the office of the chief clerk of the
22 proposed amended budget, after notice by the chief clerk to that
23 effect is published once in a newspaper as provided in section
24 110 of this act, shall intervene between the proposed amended
25 budget and the adoption thereof. Any amended budget must be
26 adopted by county commissioners on or before the fifteenth day
27 of February.

28 No such proposed amended budget shall be revised upward in
29 excess of ten per centum in the aggregate thereof or as to an
30 individual item in excess of twenty-five per centum of the

1 amount of such individual item in the proposed amended budget.

2 [Within fifteen days after the adoption of an amended budget
3 the chief clerk shall file a copy thereof in the office of the
4 Department of Community Affairs.]

5 Section 4. Section 1782.3 of the act, added August 18, 1977
6 (P.L.198, No.58), is amended to read:

7 Section 1782.3. Amending Budget, Levy and Tax Rate; Revising
8 Tax Duplicates; Filing.--[(a)] At any time prior to the time
9 tax duplicates are sent by the county in any year, the
10 commissioners of any county may amend the budget and the levy
11 and tax rate and revise the tax duplicate to conform with its
12 amended budget when such county shall receive unanticipated
13 revenues which may be expended during such county's fiscal year
14 where such unanticipated revenues may enable the commissioners
15 of such county to reduce the levy and tax rate to conform with
16 its amended budget.

17 [(b) Within fifteen days after any amendment to the budget
18 and levy and tax rate, the commissioners shall file a copy
19 thereof in the office of the Department of Community Affairs.]

20 Section 5. Section 1783 of the act, amended October 5, 1967
21 (P.L.342, No.147), is amended to read:

22 Section 1783. Annual Budget Appropriations and Tax Rate[;
23 Filing Budget].--The budget shall reflect as nearly as possible
24 the estimated revenues and expenditures for the year for which
25 it is prepared. [It shall be prepared on forms provided in
26 accordance with this subdivision by the Department of Community
27 Affairs.] The commissioners shall, upon adopting the budget,
28 adopt the appropriation measures required to put it into effect,
29 and shall fix such rate of taxation upon the valuation of the
30 property taxable for county purposes as will, together with all

1 other estimated revenues of the county, raise a sufficient sum
2 to meet the said expenditures. [Within fifteen days after the
3 adoption of the budget, the commissioners shall file a copy
4 thereof in the office of the Department of Community Affairs.]

5 Section 6. This act shall take effect in 60 days.