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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL  
No. 1405 Session of  
2001

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

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SENATOR BRIGHTBILL, RULES AND EXECUTIVE NOMINATIONS, IN SENATE,  
RE-REPORTED AS AMENDED, DECEMBER 10, 2001

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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 assistant county solicitors,~~ FOR CLASSIFICATION <—  
10 OF COUNTIES, FOR EXPENSES OF ELECTED COUNTY OFFICERS  
11 ATTENDING THE ANNUAL MEETINGS OF THEIR ASSOCIATIONS, FOR  
12 OTHER MEETING EXPENSES PAID BY THE COUNTIES, for reports and  
13 for preparation and filing of proposed budget; and making  
14 editorial changes.

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

17 ~~Section 1. Section 904 of the act of August 9, 1955~~ <—  
18 ~~(P.L.323, No.130), known as The County Code, amended December~~  
19 ~~22, 1981 (P.L.524, No.147), is amended to read:~~

20 ~~Section 904. Assistant County Solicitors. The county~~  
21 ~~commissioners may appoint [not more than three] one or more~~  
22 ~~assistant county solicitors, and, with the approval of the court~~

1 ~~of common pleas, special counsel who shall be attorneys at law~~  
2 ~~admitted to practice in the courts of this Commonwealth. Each~~  
3 ~~assistant and special counsel shall perform such duties in~~  
4 ~~connection with the legal affairs of the county as may be~~  
5 ~~assigned to him by the county commissioners or the county~~  
6 ~~solicitor.~~

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

9 ~~SECTION 1. SECTION 1720 OF THE ACT OF AUGUST 9, 1955~~ <—  
10 ~~(P.L.323, NO.130), KNOWN AS THE COUNTY CODE, AMENDED MAY 6, 1981~~  
11 ~~(P.L.49, NO.16), IS AMENDED TO READ:~~

12 SECTION 1. SECTION 210 OF THE ACT OF AUGUST 9, 1955 <—  
13 (P.L.323, NO.130), KNOWN AS THE COUNTY CODE, AMENDED FEBRUARY 5,  
14 1982 (P.L.7, NO.3), IS AMENDED TO READ:

15 SECTION 210. COUNTIES DIVIDED INTO NINE CLASSES.--FOR THE  
16 PURPOSES OF LEGISLATION AND THE REGULATION OF THEIR AFFAIRS,  
17 COUNTIES OF THIS COMMONWEALTH, NOW IN EXISTENCE AND THOSE  
18 HEREAFTER CREATED, SHALL BE DIVIDED INTO NINE CLASSES AS  
19 FOLLOWS:

20 (1) FIRST CLASS COUNTIES, THOSE HAVING A POPULATION OF  
21 1,500,000 INHABITANTS AND OVER.

22 (2) SECOND CLASS COUNTIES, THOSE HAVING A POPULATION OF  
23 800,000 AND MORE BUT LESS THAN 1,500,000 INHABITANTS.

24 (2.1) SECOND CLASS A COUNTIES, THOSE HAVING A POPULATION OF  
25 500,000 AND MORE BUT LESS THAN 800,000 INHABITANTS.

26 (3) THIRD CLASS COUNTIES, THOSE HAVING A POPULATION OF  
27 [225,000] 210,000 AND MORE BUT LESS THAN 500,000 INHABITANTS.

28 (4) FOURTH CLASS COUNTIES, THOSE HAVING A POPULATION OF  
29 [150,000] 145,000 AND MORE BUT LESS THAN [225,000] 210,000  
30 INHABITANTS.

(5) FIFTH CLASS COUNTIES, THOSE HAVING A POPULATION OF 95,000 AND MORE BUT LESS THAN [150,000] 145,000 INHABITANTS.

(6) SIXTH CLASS COUNTIES, THOSE HAVING A POPULATION OF 45,000 AND MORE BUT LESS THAN 95,000 INHABITANTS AND THOSE HAVING A POPULATION OF 35,000 AND MORE BUT LESS THAN 45,000 INHABITANTS WHICH BY ORDINANCE OR RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ELECT TO BE A COUNTY OF THE SIXTH CLASS.

(7) SEVENTH CLASS COUNTIES, THOSE HAVING A POPULATION OF 20,000 OR MORE BUT LESS THAN 45,000 INHABITANTS AND THOSE HAVING A POPULATION OF 35,000 AND MORE BUT LESS THAN 45,000 INHABITANTS WHICH HAVE NOT ELECTED TO BE A COUNTY OF THE SIXTH CLASS.

(8) EIGHTH CLASS COUNTIES, THOSE HAVING A POPULATION OF LESS THAN 20,000 INHABITANTS.

SECTION 2. SECTION 443 OF THE ACT, AMENDED NOVEMBER 23, 1994 (P.L.640, NO.98), IS AMENDED TO READ:

SECTION 443. EXPENSES OF ATTENDING MEMBERS TO BE PAID BY COUNTY; TIME LIMIT ON MEETINGS.--(A) THE ACTUAL EXPENSES OF ALL AUTHORIZED ELECTED COUNTY OFFICERS ATTENDING THE ANNUAL MEETINGS OF THEIR ASSOCIATIONS SHALL BE PAID BY THE SEVERAL COUNTIES OUT OF THE GENERAL COUNTY FUND. EACH OF THESE OFFICERS, EXCEPT THE COUNTY COMMISSIONERS, SHALL BE REIMBURSED FOR ACTUAL EXPENSES NOT TO EXCEED [ONE HUNDRED TEN DOLLARS (\$110)] ONE HUNDRED SEVENTY-FIVE DOLLARS (\$175) PER DAY FOR THE NUMBER OF DAYS SPECIFIED IN SUBSECTION (B) OF THIS SECTION, TOGETHER WITH MILEAGE GOING TO AND RETURNING FROM SUCH MEETING AND THE REGISTRATION FEE. THE SUM OF ONE HUNDRED SEVENTY-FIVE DOLLARS (\$175) PER DAY AS SET FORTH IN THIS SUBSECTION SHALL BE ADJUSTED ANNUALLY BY THE ANNUAL INCREASE IN THE COST OF LIVING AS DETERMINED ANNUALLY BY THE UNITED STATES DEPARTMENT OF LABOR.

(A.1) THE ACTUAL EXPENSES OF ALL AUTHORIZED NONELECTED

1 COUNTY OFFICERS AND EMPLOYES ATTENDING THE ANNUAL MEETINGS OF  
2 THEIR ASSOCIATIONS MAY BE PAID BY THE SEVERAL COUNTIES OUT OF  
3 THE COUNTY GENERAL FUND. EACH OF THESE OFFICERS MAY BE  
4 REIMBURSED FOR ACTUAL EXPENSES IN AN AMOUNT NOT TO EXCEED [ONE  
5 HUNDRED TEN DOLLARS (\$110)] ONE HUNDRED SEVENTY-FIVE DOLLARS  
6 (\$175) PER DAY FOR THE NUMBER OF DAYS SPECIFIED IN SUBSECTION  
7 (B) OF THIS SECTION, TOGETHER WITH MILEAGE GOING TO AND  
8 RETURNING FROM SUCH MEETINGS AND THE REGISTRATION FEE. THE SUM  
9 OF ONE HUNDRED SEVENTY-FIVE DOLLARS (\$175) PER DAY SHALL BE  
10 ADJUSTED ANNUALLY AS SET FORTH IN SUBSECTION (A) OF THIS  
11 SECTION.

12 (A.2) EVERY DELEGATE ATTENDING THE ANNUAL MEETING SHALL  
13 SUBMIT TO THE COUNTY AN ITEMIZED ACCOUNT OF EXPENSES INCURRED AT  
14 THE MEETING. THE COUNTY MAY AUTHORIZE EMPLOYES TO BE COMPENSATED  
15 AT THEIR REGULAR EMPLOYEE RATE DURING THEIR ATTENDANCE AT THE  
16 ANNUAL MEETING. THE ACTUAL EXPENSES FOR ELECTED OFFICERS SHALL,  
17 AND FOR NONELECTED OFFICERS MAY, BE PAID FOR THE NUMBER OF DAYS  
18 SPECIFIED IN SUBSECTION (B). IN ADDITION, ELECTED COUNTY  
19 OFFICERS SHALL RECEIVE, AND NONELECTED COUNTY OFFICERS AND  
20 EMPLOYES MAY RECEIVE, ACTUAL EXPENSES NOT TO EXCEED [ONE HUNDRED  
21 TEN DOLLARS (\$110)] ONE HUNDRED SEVENTY-FIVE DOLLARS (\$175) PER  
22 DAY FOR EACH DAY NOT IN EXCESS OF TWO IN GOING TO AND RETURNING  
23 FROM SUCH MEETING. THE SUM OF ONE HUNDRED SEVENTY-FIVE DOLLARS  
24 (\$175) PER DAY SHALL BE ADJUSTED ANNUALLY AS SET FORTH ABOVE.

25 (B) THE ANNUAL MEETING OF THE ASSOCIATION OF COUNTY  
26 COMMISSIONERS, COUNTY SOLICITORS AND CHIEF CLERKS SHALL NOT  
27 EXCEED FOUR DAYS, THAT OF THE DISTRICT ATTORNEYS SHALL NOT  
28 EXCEED THREE DAYS, AND THOSE OF ALL OTHER STATE ASSOCIATIONS  
29 SHALL NOT EXCEED THREE DAYS IN EVERY CASE, EXCLUSIVE OF THE TIME  
30 SPENT IN TRAVELING TO AND FROM THE SAID MEETINGS.

SECTION 3. SECTION 444 OF THE ACT, AMENDED DECEMBER 12, 1980  
(P.L.1174, NO.216), IS AMENDED TO READ:

SECTION 444. OTHER MEETING EXPENSES PAID BY COUNTIES.--(A)  
IN ADDITION TO THE EXPENSES HEREINBEFORE AUTHORIZED, THE  
NECESSARY EXPENSES OF THE ANNUAL MEETINGS OF THE ASSOCIATIONS  
HEREINAFTER NAMED, INCLUDING ANNUAL ASSOCIATION DUES, PRINTING,  
COMMITTEE EXPENSES AND STENOGRAPHICAL EXPENSE, SHALL BE PAID IN  
EQUAL PARTS BY THE SEVERAL COUNTIES WHOSE OFFICERS ARE MEMBERS  
OF THE RESPECTIVE ASSOCIATIONS.

(B) IN THE CASE OF COUNTY COMMISSIONERS, COUNTY SOLICITOR  
AND COUNTY CLERK, COUNTY CONTROLLERS, COUNTY AUDITORS, SHERIFFS,  
REGISTER OF WILLS, CLERKS OF ORPHANS' COURTS, COUNTY TREASURERS,  
RECORDERS OF DEEDS, PROTHONOTARIES, CLERKS OF COURTS, PUBLIC  
DEFENDERS, DISTRICT ATTORNEYS, JURY COMMISSIONERS AND CORONERS,  
THE PORTION OF THE ANNUAL EXPENSES CHARGED TO EACH COUNTY OF THE  
THIRD AND FOURTH CLASS SHALL NOT EXCEED [FOUR HUNDRED DOLLARS  
(\$400)] SIX HUNDRED DOLLARS (\$600), TO EACH COUNTY OF THE FIFTH  
AND SIXTH CLASS, [THREE HUNDRED DOLLARS (\$300)] FIVE HUNDRED  
DOLLARS (\$500), TO EACH COUNTY OF THE SEVENTH AND EIGHTH CLASS,  
[TWO HUNDRED DOLLARS (\$200)] FOUR HUNDRED DOLLARS (\$400), AND IN  
THE CASE OF THE DIRECTORS OF VETERANS' AFFAIRS THE PORTION  
CHARGED TO EACH COUNTY SHALL NOT EXCEED [FIFTY DOLLARS (\$50)]  
ONE HUNDRED DOLLARS (\$100), AND IN THE CASE OF THE PROBATION  
OFFICERS AN ANNUAL MEMBERSHIP SUBSCRIPTION NOT EXCEEDING [SIX  
DOLLARS (\$6)] TEN DOLLARS (\$10) PER MEMBER SHALL BE PAID BY THE  
COUNTY, AND SHALL BE IN LIEU OF THE EXPENSES HEREINBEFORE IN  
THIS SECTION PROVIDED FOR OTHER COUNTY OFFICERS.

SECTION 4. SECTION 1720 OF THE ACT, AMENDED MAY 6, 1981  
(P.L.49, NO.16), IS AMENDED TO READ:

Section 1720. Controller's Settlement of Accounts; Report to

1 Common Pleas; Publications; Financial Report to Department of  
2 Community [Affairs] and Economic Development.--The controller  
3 shall, at the end of each fiscal year, complete the audit,  
4 settlement and adjustment of the accounts of all county  
5 officers. He shall, before the first day of April in every year,  
6 make a report, verified by oath or affirmation, to the Court of  
7 Common Pleas of said county, of all receipts and expenditures of  
8 the county for the preceding year, in detail, and classified by  
9 reference to the object thereof, together with a full statement  
10 of the financial conditions of the county. A concise summary of  
11 this report shall thereupon be published one time in such  
12 newspapers published in said county as the controller may  
13 direct, but the aggregate cost thereof shall not exceed fifteen  
14 hundred dollars (\$1500) in any one year in any county, to be  
15 paid for out of the county treasury. Such report may also be  
16 published in printed pamphlets at the cost of the county, the  
17 number and cost of such pamphlets to be determined by the  
18 controller and the county commissioners. The controller shall  
19 also, before the first day of April, make an annual report to  
20 the Department of Community [Affairs] and Economic Development  
21 of the financial condition of the county, on forms furnished by  
22 the Secretary of Community [Affairs] and Economic Development,  
23 and subject to the penalties provided in section one thousand  
24 seven hundred twenty-one of this act for auditors refusing or  
25 neglecting to make similar reports. Within the summary of the  
26 auditor's or controller's report, there shall be a notice to the  
27 public that the entire text of the report shall be available for  
28 public inspection during regular business hours in the office of  
29 the auditor or controller.

30 Section ~~3-2~~ 5. Sections 1781 and 1782.1 of the act, amended <—

1 or added December 14, 1967 (P.L.831, No.357), are amended to  
2 read:

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

7 (b) The controller shall transmit to the commissioners a  
8 comparative statement of revenues for the current and the  
9 immediately preceding fiscal year, and a comparative statement  
10 of expenditures, including interest due and to fall due on all  
11 lawful interest bearing debts of the county for the same years.

12 (c) The controller's statement shall also indicate the  
13 amounts of all appropriation requests, submitted to the  
14 controller or to the commissioners and supplied by them to the  
15 controller, from the several county offices and agencies,  
16 including estimates of expenditures contemplated by the  
17 commissioners as forwarded by them to the controller.

18 (d) Said statements, shall be in such form and detail as the  
19 commissioners direct [, shall be prepared upon a form or forms  
20 furnished, as provided in this subdivision, by the Department of  
21 Community Affairs of the Commonwealth]. With this information as  
22 a guide, the commissioners shall, within a reasonable time,  
23 begin the preparation of a proposed budget for the succeeding  
24 fiscal year.

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

27 Section 1782.1. Amending Budget; Notice.--During the month  
28 of January next following any municipal election the  
29 commissioners of any county may amend the budget and the levy  
30 and tax rate to conform with its amended budget. A period of ten

1 days' public inspection at the office of the chief clerk of the  
2 proposed amended budget, after notice by the chief clerk to that  
3 effect is published once in a newspaper as provided in section  
4 110 of this act, shall intervene between the proposed amended  
5 budget and the adoption thereof. Any amended budget must be  
6 adopted by county commissioners on or before the fifteenth day  
7 of February.

8 No such proposed amended budget shall be revised upward in  
9 excess of ten per centum in the aggregate thereof or as to an  
10 individual item in excess of twenty-five per centum of the  
11 amount of such individual item in the proposed amended budget.

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

15 Section ~~4-3~~ 6. Section 1782.3 of the act, added August 18, <—  
16 1977 (P.L.198, No.58), is amended to read:

17 Section 1782.3. Amending Budget, Levy and Tax Rate; Revising  
18 Tax Duplicates; Filing.--[(a)] At any time prior to the time  
19 tax duplicates are sent by the county in any year, the  
20 commissioners of any county may amend the budget and the levy  
21 and tax rate and revise the tax duplicate to conform with its  
22 amended budget when such county shall receive unanticipated  
23 revenues which may be expended during such county's fiscal year  
24 where such unanticipated revenues may enable the commissioners  
25 of such county to reduce the levy and tax rate to conform with  
26 its amended budget.

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

30 Section ~~5-4~~ 7. Section 1783 of the act, amended October 5, <—



1 1967 (P.L.342, No.147), is amended to read:

2 Section 1783. Annual Budget Appropriations and Tax Rate[;  
3 Filing Budget].--The budget shall reflect as nearly as possible  
4 the estimated revenues and expenditures for the year for which  
5 it is prepared. [It shall be prepared on forms provided in  
6 accordance with this subdivision by the Department of Community  
7 Affairs.] The commissioners shall, upon adopting the budget,  
8 adopt the appropriation measures required to put it into effect,  
9 and shall fix such rate of taxation upon the valuation of the  
10 property taxable for county purposes as will, together with all  
11 other estimated revenues of the county, raise a sufficient sum  
12 to meet the said expenditures. [Within fifteen days after the  
13 adoption of the budget, the commissioners shall file a copy  
14 thereof in the office of the Department of Community Affairs.]

15 ~~Section 6 5. This act shall take effect in 60 days.~~ <—

16 SECTION 8. ANY COUNTY WHOSE CLASSIFICATION UPON THE <—  
17 EFFECTIVE DATE OF THIS SECTION WOULD BE ADVANCED FROM ITS  
18 CLASSIFICATION DURING THE PRECEDING DECADE AS A RESULT OF THE  
19 AMENDMENT OF SECTION 210 OF THE ACT SHALL RETAIN THE  
20 CLASSIFICATION OF THE COUNTY EXISTING DURING THE PRECEDING  
21 DECADE UNLESS THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY  
22 ELECTS BY ORDINANCE OR RESOLUTION TO ADVANCE ITS CLASSIFICATION.

23 SECTION 9. PRIOR TO JANUARY 1, 2002, THE GOVERNOR SHALL  
24 NOTIFY, IN ACCORDANCE WITH SECTION 211(B) OF THE ACT, THE BOARD  
25 OF COUNTY COMMISSIONERS OF THE AMENDMENT OF SECTION 210 OF THE  
26 ACT AND OF THE EFFECT OF THAT AMENDMENT.

27 SECTION 10. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

28 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT  
29 IMMEDIATELY:

30 (I) THE AMENDMENT OF SECTIONS 210, 443 AND 444 OF

1           THE ACT.

2           (II)   SECTIONS 8 AND 9 OF THIS ACT.

3           (III)   THIS SECTION.

4           (2)   THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
5   DAYS.