

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2778 Session of
1990

INTRODUCED BY VAN HORNE, KUKOVICH, PESCI, LASHINGER, HALUSKA,
D. R. WRIGHT, PISTELLA, E. Z. TAYLOR, TANGRETTI, MICHLOVIC,
RICHARDSON, BORTNER AND LaGROTTA, JUNE 28, 1990

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 28, 1990

AN ACT

1 Empowering the boards of commissioners of counties to modify the
2 amount of fees collected by county row officers for the costs
3 of providing certain products and services; providing for
4 petitions to the courts of common pleas in the case of
5 disputes; providing for public meetings and official actions
6 through ordinance adoption; and repealing inconsistent acts.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the County Fee
11 Modification Law.

12 Section 2. Authority to increase or decrease fees or charges;
13 disputes; application of act.

14 (a) Authorization.--Notwithstanding any other provision of
15 law which prescribes an amount or otherwise limits the amount of
16 a fee or charge which may be levied by a county or a county row
17 officer, a county board of commissioners shall have the
18 authority to increase or decrease any such fee or charge,
19 otherwise authorized to be levied by another provision of law,

1 in the amount reasonably necessary to recover the cost of
2 providing any product or service or the cost of enforcing any
3 regulation for which the fee or charge is levied. Such change in
4 fees shall be approved only upon completion of a certified
5 public audit verifying the necessity of the change. The fee or
6 charge may reflect the cost of providing any product or service
7 or enforcing any regulation. For purposes of this act, the cost
8 of providing any product or service or the cost of enforcing any
9 regulation for which the fee or charge is levied shall include:

10 (1) The actual cost of any materials or supplies
11 required for printing or otherwise providing for the product,
12 service, regulation or enforcement provided by the county or
13 county row officer.

14 (2) The actual cost of processing the necessary
15 paperwork, forms and related documentation required by law.

16 (3) The actual cost of apportioned labor required to
17 provide the service, including employee salaries and
18 benefits.

19 (4) The indirect costs associated with providing the
20 product or service, including, but not limited to, office
21 space charges, communication and equipment costs, and utility
22 charges.

23 (5) The pro rata cost of the certified public audit
24 apportioned against the various fees and offices audited.

25 (b) Disputes.--If any person disputes whether a fee or
26 charge levied pursuant to subsection (a) is reasonable, the
27 person may petition the court of common pleas for the issuance
28 of a rule directed to the county to show cause why the change in
29 a fee or charge to be levied is necessitated. The court shall
30 consider all relevant evidence required by subsection (a),

1 including the certified public audit.

2 (c) Applicability.--This act shall not apply to any of the
3 following:

4 (1) Any fee, tax or charge which is levied by the
5 Commonwealth for Commonwealth purposes in which the county or
6 county row officer acts as the collection agent for the
7 Commonwealth.

8 (2) Any fee or charge that is prescribed by the Supreme
9 Count of Pennsylvania in accordance with 42 Pa.C.S. (relating
10 to judiciary and judicial procedure).

11 (3) Any fee charged or collected by a county recorder of
12 deeds for filing, recording or indexing of any document,
13 performing any service, issuing any certificate, or providing
14 a copy of any document.

15 (4) Any fees levied pursuant to 13 Pa.C.S. (relating to
16 commercial code).

17 (5) Any fee, tax or charge which is levied by the
18 Federal Government for Federal purposes and for which the
19 county or county row officer acts as collection agent for the
20 Federal Government.

21 Section 3. Public meetings; notice; public data; action of
22 board by ordinance; costs.

23 (a) Public meeting required.--Prior to approving an increase
24 in an existing fee or charge pursuant to section 1, the county
25 board of commissioners shall hold at least one public meeting
26 pursuant to the act of July 3, 1986 (P.L.388, No.84), known as
27 the Sunshine Act, at which oral or written presentations
28 relating to the increase may be made as part of a regularly
29 scheduled or special meeting. Notice of the time and place of
30 the meeting, including a general explanation of the matter to be

1 considered, and a statement that the data required by this
2 section is available shall be mailed, at least 14 days prior to
3 the meeting, to any interested party who files a written request
4 with the clerk of the county board of commissioners for mailed
5 notice of the meeting on increased fees or charges. Any written
6 request for such mailed notices shall be valid for one year from
7 the date on which it is filed unless a renewal request is filed.
8 Renewal requests for such mailed notices shall be filed on or
9 before October 1 of each year. The county board of commissioners
10 may establish a reasonable annual charge for sending these
11 notices based on the estimated cost of providing this service.
12 At least ten days prior to the meeting, the county board of
13 commissioners shall make available to the public data indicating
14 the amount of cost, or estimated cost, required to provide the
15 product or service or the cost of enforcing any regulation for
16 which the fee or charge is levied, as well as the revenue
17 sources, including general fund revenues, anticipated to provide
18 the product or service or the cost of enforcing any regulation.

19 (b) Ordinance required.--Any action by a county board of
20 commissioners to levy a new fee or charge or to approve an
21 increase in an existing fee or charge shall be taken only by
22 ordinance.

23 Section 4. Construction of act.

24 (a) General rule.--This act shall not be construed as
25 granting authority to levy any fee or charge which is not
26 otherwise authorized by law, nor shall its provisions be
27 construed as granting authority to levy a new fee or charge when
28 other provisions of law specifically prohibit the levy of a fee
29 or charge.

30 (b) Exclusive use.--Increases in fees or charges authorized

1 by this act shall be used exclusively to support operation of
2 the county row office rendering the service for which the fee
3 was levied.

4 (c) Specific limitation.--This act shall not be construed as
5 authorizing counties to utilize its provisions in supporting the
6 operations of general county government.

7 Section 5. Repeals.

8 All acts and parts of acts are repealed insofar as they are
9 inconsistent with this act.

10 Section 6. Effective date.

11 This act shall take effect in 60 days.