

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 1405 Session of 2001

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

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MAY 1, 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 reports and for preparation and filing of proposed budget;  
11 and making editorial changes.

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

14 ~~Section 1. Section 1720 of the act of August 9, 1955~~ <—  
15 ~~(P.L.323, No.130), known as The County Code, amended May 6, 1981~~  
16 ~~(P.L.49, No.16), is amended to read:~~

17 SECTION 1. SECTION 1404 OF THE ACT OF AUGUST 9, 1955 <—  
18 (P.L.323, NO.130), KNOWN AS THE COUNTY CODE, IS AMENDED TO READ:

19 SECTION 1404. FILLING OF VACANCIES.--IF ANY VACANCY SHALL  
20 OCCUR IN THE OFFICE OF DISTRICT ATTORNEY, EITHER BY DEATH,  
21 RESIGNATION, REMOVAL FROM OFFICE OR FROM THE COUNTY, OR

1 OTHERWISE, THE FIRST ASSISTANT DISTRICT ATTORNEY SHALL SERVE AS  
2 DISTRICT ATTORNEY FOR THE BALANCE OF THE UNEXPIRED TERM. IF  
3 THERE IS NO FIRST ASSISTANT DISTRICT ATTORNEY OR IF THE FIRST  
4 ASSISTANT REFUSES TO SERVE AS DISTRICT ATTORNEY, THEN THE JUDGES  
5 OF THE COURT OF COMMON PLEAS SHALL SUPPLY SUCH VACANCY BY THE  
6 APPOINTMENT OF A COMPETENT PERSON TO FILL THE OFFICE DURING THE  
7 BALANCE OF THE UNEXPIRED TERM.

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

10 Section 1720. Controller's Settlement of Accounts; Report to  
11 Common Pleas; Publications; Financial Report to Department of  
12 Community [Affairs] and Economic Development.--The controller  
13 shall, at the end of each fiscal year, complete the audit,  
14 settlement and adjustment of the accounts of all county  
15 officers. He shall, before the first day of April in every year,  
16 make a report, verified by oath or affirmation, to the Court of  
17 Common Pleas of said county, of all receipts and expenditures of  
18 the county for the preceding year, in detail, and classified by  
19 reference to the object thereof, together with a full statement  
20 of the financial conditions of the county. A concise summary of  
21 this report shall thereupon be published one time in such  
22 newspapers published in said county as the controller may  
23 direct, but the aggregate cost thereof shall not exceed fifteen  
24 hundred dollars (\$1500) in any one year in any county, to be  
25 paid for out of the county treasury. Such report may also be  
26 published in printed pamphlets at the cost of the county, the  
27 number and cost of such pamphlets to be determined by the  
28 controller and the county commissioners. The controller shall  
29 also, before the first day of April, make an annual report to  
30 the Department of Community [Affairs] and Economic Development

1 of the financial condition of the county, on forms furnished by  
2 the Secretary of Community [Affairs] and Economic Development,  
3 and subject to the penalties provided in section one thousand  
4 seven hundred twenty-one of this act for auditors refusing or  
5 neglecting to make similar reports. Within the summary of the  
6 auditor's or controller's report, there shall be a notice to the  
7 public that the entire text of the report shall be available for  
8 public inspection during regular business hours in the office of  
9 the auditor or controller.

10 Section ~~2~~ 3. Sections 1781 and 1782.1 of the act, amended or <—  
11 added December 14, 1967 (P.L.831, No.357), are amended to read:

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

16 (b) The controller shall transmit to the commissioners a  
17 comparative statement of revenues for the current and the  
18 immediately preceding fiscal year, and a comparative statement  
19 of expenditures, including interest due and to fall due on all  
20 lawful interest bearing debts of the county for the same years.

21 (c) The controller's statement shall also indicate the  
22 amounts of all appropriation requests, submitted to the  
23 controller or to the commissioners and supplied by them to the  
24 controller, from the several county offices and agencies,  
25 including estimates of expenditures contemplated by the  
26 commissioners as forwarded by them to the controller.

27 (d) Said statements, shall be in such form and detail as the  
28 commissioners direct [, shall be prepared upon a form or forms  
29 furnished, as provided in this subdivision, by the Department of  
30 Community Affairs of the Commonwealth]. With this information as

1 a guide, the commissioners shall, within a reasonable time,  
2 begin the preparation of a proposed budget for the succeeding  
3 fiscal year.

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

6 Section 1782.1. Amending Budget; Notice.--During the month  
7 of January next following any municipal election the  
8 commissioners of any county may amend the budget and the levy  
9 and tax rate to conform with its amended budget. A period of ten  
10 days' public inspection at the office of the chief clerk of the  
11 proposed amended budget, after notice by the chief clerk to that  
12 effect is published once in a newspaper as provided in section  
13 110 of this act, shall intervene between the proposed amended  
14 budget and the adoption thereof. Any amended budget must be  
15 adopted by county commissioners on or before the fifteenth day  
16 of February.

17 No such proposed amended budget shall be revised upward in  
18 excess of ten per centum in the aggregate thereof or as to an  
19 individual item in excess of twenty-five per centum of the  
20 amount of such individual item in the proposed amended budget.

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

24 Section 3 4. Section 1782.3 of the act, added August 18, <—  
25 1977 (P.L.198, No.58), is amended to read:

26 Section 1782.3. Amending Budget, Levy and Tax Rate; Revising  
27 Tax Duplicates; Filing.--[(a)] At any time prior to the time  
28 tax duplicates are sent by the county in any year, the  
29 commissioners of any county may amend the budget and the levy  
30 and tax rate and revise the tax duplicate to conform with its

1 amended budget when such county shall receive unanticipated  
2 revenues which may be expended during such county's fiscal year  
3 where such unanticipated revenues may enable the commissioners  
4 of such county to reduce the levy and tax rate to conform with  
5 its amended budget.

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

9 Section 4 5. Section 1783 of the act, amended October 5, <—  
10 1967 (P.L.342, No.147), is amended to read:

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

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