

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2276 Session of  
2008

INTRODUCED BY DALLY, BRENNAN, CARROLL, FLECK, FREEMAN, GEIST,  
GINGRICH, GRUCELA, HARHAI, HARHART, HENNESSEY, KOTIK, MAJOR,  
MILLARD, R. MILLER, MILNE, MOYER, MURT, PEIFER, PETRONE,  
PICKETT, SCAVELLO, SIPTROTH, SWANGER, J. WHITE, YOUNGBLOOD,  
THOMAS AND SCHRODER, FEBRUARY 28, 2008

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 26, 2008

## AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, in employees, providing for basic  
3 education and continuing education programs for municipal  
4 secretaries.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Chapter 21 of Title 53 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a subchapter to read:

9 SUBCHAPTER F

10 BASIC AND CONTINUING EDUCATION PROGRAMS

11 FOR MUNICIPAL SECRETARIES

12 Sec.

13 2191. Short title of subchapter.

14 2192. Nonapplicability.

15 2193. Definitions.

16 2194. Basic and continuing education programs for municipal  
17 secretaries.

1 2195. CONSTRUCTION.

2 § 2191. Short title of subchapter.

3 This subchapter shall be known and may be cited as the  
4 Municipal Secretary Education Act.

5 § 2192. Nonapplicability.

6 This subchapter does not apply to cities of the first class,  
7 second class or second class A.

8 § 2193. Definitions.

9 The following words and phrases when used in this subchapter  
10 shall have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Association." The Pennsylvania Local Governmental  
13 Secretaries Association.

14 "Department." The Department of Community and Economic  
15 Development of the Commonwealth.

16 "IIMC." The International Institute of Municipal Clerks.

17 "Municipal secretary." Any of the following:

18 (1) The appointed municipal secretary of a borough,  
19 incorporated town, township of the first class or township of  
20 the second class, including any municipal corporation as  
21 described in this paragraph which has adopted a home rule  
22 charter or optional plan.

23 (2) The appointed city clerk in a city of the third  
24 class, including any city of the third class which has  
25 adopted a home rule charter, optional plan or optional  
26 charter.

27 § 2194. Basic and continuing education programs for municipal  
28 secretaries.

29 (a) Establishment and implementation.--The department, in  
30 consultation with the association, shall establish and implement

programs of basic training, examination and qualification of municipal secretaries and of continuing education to be met by persons qualified as municipal secretaries as condition for renewal. The department may contract with a third party to provide the basic training, examination, qualification and continuing education.

(b) Contents of basic training program.--

(1) The basic training program shall include, but not be limited to, the following courses:

(i) Structure and function of Pennsylvania local government.

(ii) Municipal administration/personnel management.

(iii) Basic budgeting.

(iv) Accounting and financial control.

(v) Community development/municipal services.

(vi) Meeting management.

(vii) Bidding and contracting.

(viii) Records management.

(ix) Management theory and practice.

(x) Intergovernmental cooperation.

(xi) Public relations.

(xii) Working with emergency service organizations.

(xiii) Municipal minutes and records and the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

(xiv) Public notice and advertising requirements and 65 Pa.C.S. Ch. 7 (relating to open meetings).

(xv) Other laws and recent court decisions affecting the duties of municipal secretaries.

(xvi) Ethics.

1           (xvii) Computers and technology.

2           (2) As a prerequisite to taking the qualification  
3 examination, the individual shall complete the basic training  
4 program authorized by the department.

5           (3) (i) An individual shall have the option to sit for  
6 the qualification examination relating to the basic  
7 education program.

8           (ii) No individual shall obtain qualification unless  
9 that individual has passed the basic qualification  
10 examination.

11           (iii) An individual who passes the basic  
12 qualification examination shall be known as a qualified  
13 municipal secretary.

14 (c) Duties of department.--The department shall:

15           (1) Make certain a qualified municipal secretary  
16 certificate is issued to an individual who passes the basic  
17 qualification examination. The certificate shall expire one  
18 year from the date of issuance, but may be renewed.

19           (2) Maintain a register that lists all qualified  
20 municipal secretaries. The register shall be open to public  
21 inspection and copying upon payment of a nominal fee.

22           (3) Publish, once each year, a list of all qualified  
23 municipal secretaries on the department's Internet website.

24           (4) Determine and approve reasonable fees for the  
25 training program and for testing and qualification. The  
26 municipal secretary shall be personally liable for the cost  
27 of the program, testing and qualification unless the  
28 governing body that appointed the municipal secretary agrees  
29 to pay for the cost in whole or in part.

30 (d) Prohibition.--It shall be unlawful on or after the

effective date of this subchapter for any individual to hold himself out as being qualified in training under this section unless the individual holds a current, valid certificate.

(e) Construction.--Nothing in this section shall be construed to prevent any individual from participating in the department's basic training program and obtaining qualification.

(f) Hours required.--Each qualified municipal secretary shall be required to obtain eight hours of mandatory continuing education during each year.

(g) Updates.--The department, in consultation with the association, shall devise the continuing education program to include, but not be limited to, updates for basic training course topics and other contemporary issues.

(h) Notification of requirements.--The department shall inform qualified municipal secretaries of the continuing education requirement when it issues the certificates.

(i) Renewals.--Renewal of qualification shall be on an annual basis upon completion of continuing education requirements as provided in this subchapter. The municipal secretary shall be personally liable for the cost of the program and qualification unless the governing body that appointed the municipal secretary agrees to pay for the cost in whole or in part.

(j) Criteria for existing education.--The department, in consultation with the association, shall adopt criteria to provide municipal secretaries with existing education the right to receive credit toward the Qualified Municipal Secretary Program, including, but not limited to:

(1) Completion of the IIMC programs of Certified Municipal Clerk designation or Advanced Academy for

1     Education.

2             (2) A bachelor of science degree in public  
3     administration or a bachelor of arts degree in political  
4     science.

5             (3) IIMC certification programs for municipal  
6     secretaries not currently holding the Certified Municipal  
7     Clerk or Advanced Academy for Education designation.

8     § 2195. CONSTRUCTION.

<—

9             NOTHING IN THIS SUBCHAPTER SHALL BE CONSTRUED TO REQUIRE A  
10    MUNICIPAL SECRETARY TO BECOME A QUALIFIED MUNICIPAL SECRETARY OR  
11    MAINTAIN THAT QUALIFICATION, UNLESS REQUIRED BY THE MUNICIPAL  
12    GOVERNING BODY THAT APPOINTED THE SECRETARY.

13    Section 2. This act shall take effect in 60 days.