

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 293

Session of
1985

INTRODUCED BY TRELLO, MAYERNIK, SEVENTY, PETRARCA, PETRONE,
FRYER, CESSAR, J. L. WRIGHT, FEE, DALEY, MICOZZIE, SIRIANNI,
COHEN, DAWIDA, COLAFELLA, BOOK, LANGTRY AND FISCHER,
FEBRUARY 11, 1985

SENATOR PECORA, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
NOVEMBER 19, 1986

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled
2 "An act relating to counties of the third, fourth, fifth,
3 sixth, seventh and eighth classes; amending, revising,
4 consolidating and changing the laws relating thereto,"
5 ~~allowing certain contracts or purchases to be made without~~ <—
6 ~~advertising or bidding.~~ FURTHER PROVIDING FOR REPORTS OF THE <—
7 CONTROLLER OR AUDITORS AND FOR APPEALS FROM REPORTS.

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

10 Section 1. ~~Section 1802(h)~~ SECTIONS 1730 AND 1731 of the act <—
11 of August 9, 1955 (P.L.323, No.130), known as The County Code,
12 ~~is amended by adding a clause~~ ARE AMENDED to read: <—

13 ~~Section 1802. Contract Procedures; Terms and Bonds;~~ <—
14 ~~Advertising for Bids. * * *~~

15 ~~(h) The contracts or purchases made by the commissioners~~
16 ~~involving an expenditure of over four thousand dollars (\$4,000)~~
17 ~~which shall not require advertising or bidding, as hereinbefore~~
18 ~~provided, are as follows:~~

1 * * *

2 ~~(6) Those involving tangible client services provided by~~
3 ~~nonprofit agencies. For the purposes of this clause "tangible~~
4 ~~client services" shall mean congregate meals, home delivered~~
5 ~~meals, transportation and chore services provided through area~~
6 ~~agencies on aging.~~

7 * * *

8 SECTION 1730. FILING REPORTS.--(A) THE REPORTS OF THE <—
9 CONTROLLER OR AUDITORS SHALL BE FILED AMONG THE RECORDS OF THE
10 COURT OF COMMON PLEAS OF THE COUNTY[, AND FROM THE TIME OF SUCH
11 FILING SHALL HAVE THE EFFECT OF A JUDGMENT AGAINST THE REAL
12 ESTATE OF THE OFFICER WHO SHALL THEREBY APPEAR TO BE INDEBTED
13 EITHER TO THE COMMONWEALTH OR TO THE COUNTY].

14 (B) THE AMOUNT OF ANY BALANCE OR SHORTAGE, OR OF ANY
15 EXPENDITURE OF A KIND, OR MADE IN A MANNER, PROHIBITED OR NOT
16 AUTHORIZED BY STATUTE, WHICH CAUSES A FINANCIAL LOSS TO THE
17 COUNTY SHALL BE A SURCHARGE AGAINST ANY OFFICER AGAINST WHOM
18 SUCH BALANCE OR SHORTAGE SHALL APPEAR, OR WHO BY VOTE, ACT, OR
19 NEGLECT, HAS PERMITTED OR APPROVED SUCH EXPENDITURE, BUT NO
20 ELECTED OR APPOINTED OFFICIAL OF A COUNTY SHALL BE SURCHARGED
21 FOR ANY ACT, ERROR OR OMISSION IN EXCESS OF THE ACTUAL FINANCIAL
22 LOSS SUSTAINED BY THE COUNTY, AND ANY SURCHARGE SHALL TAKE INTO
23 CONSIDERATION AS ITS BASIS THE RESULTS OF SUCH ACT, ERROR OR
24 OMISSION AND THE RESULTS HAD THE PROCEDURE BEEN STRICTLY
25 ACCORDING TO LAW. THE PROVISIONS HEREOF LIMITING THE AMOUNT OF
26 ANY SURCHARGE SHALL NOT APPLY TO CASES INVOLVING FRAUD OR
27 COLLUSION ON THE PART OF OFFICERS, NOR TO ANY PENALTY ENURING TO
28 THE BENEFIT OR PAYABLE TO THE COMMONWEALTH.

29 SECTION 1731. APPEALS FROM REPORTS.--AN APPEAL MAY BE TAKEN
30 FROM SUCH REPORTS TO THE COURT OF COMMON PLEAS, EITHER BY THE

1 COMMONWEALTH, THE COUNTY OR THE OFFICER. SUCH APPEAL MAY ALSO BE
2 TAKEN BY TEN OR MORE TAXPAYERS IN BEHALF OF THE COUNTY, IN THE
3 MANNER AND SUBJECT TO THE RESTRICTIONS PROVIDED BY ARTICLE
4 TWENTY-EIGHT OF THIS ACT.

5 SUCH APPEAL SHALL BE ENTERED BY THE COMMONWEALTH WITHIN FOUR
6 MONTHS, AND BY THE COUNTY AND THE OFFICER WITHIN SIXTY DAYS
7 AFTER THE FILING OF THE REPORT. [IF THE OFFICER IS THE
8 APPELLANT, HE SHALL ENTER INTO A RECOGNIZANCE WITH TWO
9 SUFFICIENT SURETIES IN DOUBLE THE SUM FOUND DUE BY SUCH REPORT,
10 WITH CONDITION TO PROSECUTE THE APPEAL WITH EFFECT AND TO PAY
11 THE COSTS AND SUCH SUM OF MONEY AS SHALL APPEAR ON THE FINAL
12 DETERMINATION OF THE APPEAL TO BE DUE FROM HIM.] UPON APPEAL TO
13 THE COURT OF COMMON PLEAS, THE CONTROLLER OR AUDITORS SHALL BE
14 REQUIRED TO ESTABLISH THE VALIDITY OF THE SURCHARGE AND SHALL
15 ESTABLISH THE LOSS SUSTAINED TO THE COUNTY. IF THE SURCHARGE IS
16 UPHELD ON APPEAL TO THE COURT OF COMMON PLEAS, THE OFFICER SO
17 SURCHARGED SHALL IMMEDIATELY PAY THE COSTS AND MONEY DUE TO THE
18 COUNTY.

19 SECTION 2. THIS ACT SHALL BE RETROACTIVE TO JANUARY 1, 1978.

20 Section ~~2~~ 3. This act shall take effect ~~in 60 days~~
21 IMMEDIATELY.

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