

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1795

Session of  
1993

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INTRODUCED BY ITKIN, PETRONE, McNALLY, VAN HORNE, MURPHY,  
COWELL, KAISER, TRELLO AND PISTELLA, JUNE 15, 1993

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AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, SEPTEMBER 28, 1993

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## AN ACT

1 Amending the act of April 13, 1972 (P.L.184, No.62), entitled  
2 "An act giving municipalities the right and power to adopt  
3 home rule charters or one of several optional plans of  
4 government and to exercise the powers and authority of local  
5 self-government subject to certain restrictions and  
6 limitations; providing procedures for such adoption and  
7 defining the effect thereof," providing an additional limited  
8 optional procedure for the adoption of a home rule charter by  
9 second class counties.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. The act of April 13, 1972 (P.L.184, No.62), known  
13 as the Home Rule Charter and Optional Plans Law, is amended by  
14 adding an article to read:

15 ARTICLE II-A

16 OPTIONAL PROCEDURES FOR

17 SECOND CLASS COUNTIES

18 Section 201-A. In addition to any other procedures set forth  
19 in Article II, the registered electors and governing body of a  
20 county of the second class shall have the power and may adopt a

home rule charter in the manner specified in this article.

Section 202-A. The question of whether a county of the second class shall adopt a home rule charter under this article may be brought before the registered electors of the second class county by either:

(1) the governing body of a county of the second class adopting an ordinance pursuant to section 204-A; or

(2) the registered electors presenting a petition pursuant to section 205-A.

Section 203-A. The question to be presented to the registered electors of the second class county shall be in the following form:

Shall \_\_\_\_\_ County become a home rule county as authorized by Article II-A of the Home Rule Charter and Optional Plans Law, adopting as its home rule charter the provisions of the Second Class County Code in effect on the date of the election?

Section 204-A. (a) The governing body of a county of the second class shall have the power and may adopt an ordinance providing for the submission of the question in section 203-A to the registered electors of that second class county.

(b) The ordinance shall contain the question in the form prescribed in section 203-A, the date of the election at which the question will be presented and, at the option of the governing body, an interpretative statement to accompany the question.

(c) Within five days of the adoption of an ordinance under subsection (a) the chief clerk of the county shall certify and file a copy of the adopted ordinance to the county board of elections.

1     (d) The county board of elections, upon receipt of the  
2     certified copy of the adopted ordinance, shall cause the  
3     question to be placed on the ballot at the election specified in  
4     the ordinance, or the first election held sixty days after the  
5     county board of elections receives the ordinance, whichever  
6     election occurs later. The submission of the question and the  
7     conduct of the election shall be in conformity with the  
8     provisions of the act of June 3, 1937 (P.L.1333, No.320), known  
9     as the "Pennsylvania Election Code."

10    Section 205-A. (a) The registered electors of a county of  
11    the second class shall have the power and may present to the  
12    county board of elections a petition which meets the  
13    requirements of this section and requests that the question set  
14    forth in section 203-A be submitted to the registered electors  
15    of that county.

16    (b) The petition shall be circulated as prescribed in  
17    subsection (c), shall be signed by at least five per cent of the  
18    registered electors who voted for the Office of Governor in the  
19    last gubernatorial GENERAL election in that county and shall  
20    indicate that the governing body has received that petition.

21    (c) A referendum petition under this section shall be filed  
22    not later than the thirteenth Tuesday prior to the election, and  
23    the petition and the proceedings therein shall be in the manner  
24    and subject to the provisions of the election laws which relate  
25    to the signing, filing and adjudication of nomination petitions  
26    insofar as such provisions are applicable, except that no  
27    referendum petition shall be signed or circulated prior to the  
28    twentieth Tuesday before the election nor later than the  
29    thirteenth Tuesday before the election.

30    (d) At least two weeks prior to the filing date set forth in

1 subsection (c), the petition shall be submitted to the governing  
2 body for review. The governing body shall have the right to make  
3 necessary clarifications to the referendum petition.

4 Clarifications shall be by majority vote of the governing body.  
5 Should a majority vote not exist to make clarifications, the  
6 referendum petition shall proceed as set forth in subsection  
7 (c).

8 Section 206-A. The provisions of sections 231, 232 and 233  
9 shall control the initiation of and procedures for amendments to  
10 any home rule charter adopted under this article.

11 Section 207-A. (a) No ordinance may be passed and no  
12 petition may be filed for the election of a government study  
13 commission pursuant to section 201 of this act while proceedings  
14 are pending under an ordinance as authorized by this article,  
15 nor may the same question be submitted to the registered  
16 electors, if it has been defeated within four years after an  
17 election shall have been held pursuant to any ordinance.

18 (b) For the purpose of this section, proceedings shall be  
19 considered as having started upon the final vote of the  
20 governing body in favor of the ordinance, notwithstanding the  
21 fact that the ordinance cannot take effect until a certain  
22 number of days thereafter.

23 Section 208-A. Whenever the legally qualified voters of any  
24 county of the second class by a majority of those voting on the  
25 question vote in favor of adopting a home rule charter, that  
26 charter shall take effect on January 1 of the year following the  
27 vote on the question.

28 Section 209-A. All elective officials of the county in  
29 office at the time of the adoption of a home rule charter or an  
30 amendment to an existing charter which changes the form of

1 government shall continue in office until their terms expire.

2 Section 210-A. The voters of any county of the second class  
3 which has adopted a home rule charter pursuant to this article  
4 may not vote on the question of changing that form of government  
5 for two years after that home rule charter became effective.

6 Section 211 A. Effective January 1 of the year following <—  
7 adoption of a home rule charter under this article, the  
8 provisions of the act of July 28, 1953 (P.L.723, No.230), known  
9 as the "Second Class County Code," are to be repealed as to  
10 counties adopting the home rule charter.

11 Section 2. This act shall take effect immediately.