

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 329 Session of  
1997

INTRODUCED BY PISTELLA, PIPPY, LEDERER, GEIST, GIGLIOTTI,  
FAIRCHILD, PESCI, SHANER, HERSHEY, ROBINSON, YOUNGBLOOD,  
TRELLO, E. Z. TAYLOR, WOJNAROSKI AND J. TAYLOR,  
FEBRUARY 6, 1997

SENATOR ULIANA, URBAN AFFAIRS AND HOUSING, IN SENATE, RE-  
REPORTED AS AMENDED, MAY 7, 1997

AN ACT

1 Amending the act of July 28, 1953 (P.L.723, No.230), entitled,  
2 as amended, "An act relating to counties of the second class  
3 and second class A; amending, revising, consolidating and  
4 changing the laws relating thereto," requiring a jointly  
5 appointed tax collector for a certain home rule municipality  
6 and school district in counties of the second class; ~~and~~ <—  
7 further providing for the membership of boards of managers  
8 for monuments and memorials to war veterans; AND PROVIDING <—  
9 FOR CHARTERS IN SECOND CLASS COUNTIES.

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

12 Section 1. The act of July 28, 1953 (P.L.723, No.230), known  
13 as the Second Class County Code, is amended by adding a section  
14 to read:

15 Section 1970.3. Joint Tax Collector.--Notwithstanding the  
16 provisions of section 10(b) of the act of December 31, 1965  
17 (P.L.1257, No.511), known as "The Local Tax Enabling Act," if a  
18 municipality having a population of at least 50,000 and less  
19 than 100,000 located in a second class county has adopted a home

1 rule charter under 53 Pa.C.S. Pt. III Subpt. E (relating to home  
2 rule and optional plan government), the governing body of the  
3 municipality and board of school directors for the school  
4 district in which the municipality is located shall annually  
5 agree on and jointly appoint a collector or collectors of taxes  
6 for taxes levied under "The Local Tax Enabling Act." In the  
7 event the governing body of the municipality and the board of  
8 school directors for the school district in which the  
9 municipality is located cannot agree on the appointment of a  
10 collector or collectors of taxes levied under this act within  
11 ninety days of the commencement of each ensuing municipal fiscal  
12 year, then three arbitrators shall be appointed who by majority  
13 vote shall choose a tax collector to collect taxes levied under  
14 this act; one person shall be appointed by the governing body of  
15 the municipality who is a resident of the municipality and who  
16 is not a member of the governing body, one person shall be  
17 appointed by the board of school directors who is a resident of  
18 the school district and who is not a school director, and one  
19 resident shall be appointed by the elected controller of the  
20 municipality.

21 Section 2. Sections 2565 and 2566 of the act, amended June  
22 19, 1961 (P.L.463, No.232), are amended to read:

23 Section 2565. Personnel.--The board of managers shall  
24 consist of:

25 (a) Ex-officio members (five): the president judge of the  
26 court of common pleas of such county; the judge of said court  
27 next oldest in commission; the county commissioners of the  
28 county.

29 (b) Elective members [(fifteen): the present elective  
30 members representing the Veterans of the Civil War shall be and

1 continue as members of such board until removed by death,  
2 resignation, or otherwise. The remaining members of the elective  
3 (fifteen) shall be filled by the following organizations out of  
4 their membership: (three) by the county organization of the  
5 United Spanish War Veterans; (three)] ~~(twenty one)~~ (TWENTY- <—  
6 THREE): the elective members shall be filled by the following  
7 veterans' organizations out of their membership: (four) by the  
8 county organization of the American Legion; [(three)] (four) by  
9 the county organization of the Veterans of Foreign Wars;  
10 +(three) by the county organizations of the Italian American War <—  
11 Veterans of the United States, Incorporated;+(two) by the <—  
12 county organization of the Disabled American Veterans; (eleven <—  
13 TEN: one, each) by the county organizations of Vietnam Veterans, <—  
14 Incorporated, the American Veterans of World War II, the Jewish  
15 War Veterans, the Catholic War Veterans, the Military Order of  
16 the Purple Heart, the Paralyzed Veterans of America, the Korean  
17 War Veterans Association, the Italian American War Veterans of <—  
18 the United States, Incorporated, the Black Vietnam Veterans  
19 Association, the WAVES National Organization and the Military  
20 Order of World Wars; within thirty days from the date when this  
21 act becomes effective; and they shall certify such election to  
22 the secretary of the existing board, whereupon the persons so  
23 elected shall be members of the board.

24 (c) Additional members: the board may extend its membership  
25 by adding one member for each group approved under section 2566.

26 Section 2566. Vacancies.--Vacancies occurring among the  
27 elective members of the board shall be filled by the  
28 organization which chose the members whose place it is desired  
29 to fill: Provided, however, That whenever it may appear that it  
30 is impossible to fill any vacancy in the board caused by the

1 death or resignation of a member thereof [who represented the  
2 Veterans of the Civil War] because no organization survives to  
3 choose such members or no person survives who can qualify for  
4 such membership, vacancies so created and existing shall, upon  
5 notice from the secretary, be filled by the county organizations  
6 of the [United Spanish War Veterans and the] American Legion and  
7 the Veterans of Foreign Wars and the Italian American War  
8 Veterans of the United States, Incorporated. That is to say, the  
9 first vacancy so caused shall be filled by the county  
10 organization of the [United Spanish War Veterans, the second by  
11 the county organization of the] American Legion, and the [third]  
12 second by the county organization of the Veterans of Foreign  
13 Wars, and the third by the Italian American War Veterans of the  
14 United States, Incorporated, and so on in rotation. [That is to  
15 say, that when no member representing the Veterans of the Civil  
16 War shall remain on said board, the elective personnel of the  
17 board shall be as follows: Elective members sixteen; United  
18 Spanish War Veterans (four); American Legion (four); Veterans of  
19 Foreign Wars (four); Italian American War Veterans of the United  
20 States, Incorporated (four).] If there is a loss of membership  
21 on the board or if an additional veterans' group seeks  
22 membership on the board, the General Assembly shall consider any  
23 veterans' group which applies in writing for membership. The  
24 General Assembly shall MAY admit a group to membership if all of <—  
25 the following apply:

26     (1) The group is a chartered non-profit veterans'  
27 organization whose goals are relevant to the representation of  
28 veterans' organizations and whose membership consists solely of  
29 honorably discharged veterans of the armed forces of the United  
30 States and all components of the armed forces, including reserve

1 and Pennsylvania National Guard forces.

2 (2) The group supports and promotes the Constitution of the  
3 United States and policies and laws of the United States and  
4 this Commonwealth.

5 SECTION 3. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ: <—

6 ARTICLE XXXI-C

7 SECOND CLASS COUNTY CHARTER LAW

8 SECTION 3101-C. LEGISLATIVE FINDINGS AND DECLARATIONS.--THE  
9 GENERAL ASSEMBLY HEREBY DETERMINES, DECLARES AND FINDS THAT  
10 THERE IS A NEED FOR GREATER EFFICIENCY, ECONOMY AND  
11 EFFECTIVENESS IN THE GOVERNANCE OF SECOND CLASS COUNTIES.

12 SECTION 3102-C. DEFINITIONS.--UNLESS THE CONTEXT CLEARLY  
13 INDICATES OTHERWISE, THE FOLLOWING WORDS AND PHRASES WHEN USED  
14 IN THIS ARTICLE SHALL HAVE THE FOLLOWING MEANINGS:

15 "CHARTER," A COUNTY HOME RULE CHARTER AS AUTHORIZED BY  
16 SECTIONS 2 AND 4 OF ARTICLE IX OF THE CONSTITUTION OF  
17 PENNSYLVANIA.

18 "COMMISSION" OR "APPORTIONMENT COMMISSION," THE BODY THAT  
19 SHALL INITIALLY APPORTION THE COUNTY INTO LEGISLATIVE DISTRICTS.

20 "COMMITTEE" OR "CHARTER DRAFTING COMMITTEE," THE BODY  
21 COMPOSED OF APPOINTEES WHO SHALL DRAFT THE INITIAL CHARTER OF  
22 THE COUNTY.

23 "COUNTY," A COUNTY OF THE SECOND CLASS.

24 "GOVERNING BODY," THE BOARD OF COMMISSIONERS OF THE COUNTY.

25 "PROPOSED CHARTER," THE CHARTER PREPARED AND WRITTEN BY THE  
26 CHARTER DRAFTING COMMITTEE AND PRESENTED TO THE ELECTORS OF THE  
27 COUNTY FOR ADOPTION BY REFERENDUM.

28 SECTION 3103-C. CONSTRUCTION OF ARTICLE.--(A) THE TERMS AND  
29 PROVISIONS OF THIS ARTICLE ARE TO BE LIBERALLY CONSTRUED TO BEST  
30 ACHIEVE AND EFFECTUATE THE GOALS AND PURPOSES OF THIS ARTICLE.

1       (B) THIS ARTICLE SHALL BE CONSIDERED AND CONSTRUED IN PARI  
2 MATERIA WITH 53 PA.C.S. PT. III SUBPT. E (RELATING TO HOME RULE  
3 AND OPTIONAL PLAN GOVERNMENT), EXCEPT THAT:

4       (1) THE CHARTER DRAFTING COMMITTEE RESPONSIBLE FOR PROPOSING  
5 A CHARTER FOR THE COUNTY SHALL SERVE IN LIEU OF A GOVERNMENT  
6 STUDY COMMISSION AND SHALL BE APPOINTED PURSUANT TO THIS ARTICLE  
7 RATHER THAN ELECTED PURSUANT TO 53 PA.C.S. CH. 29 SUBCH. B  
8 (RELATING TO PROCEDURE FOR ADOPTION OF HOME RULE CHARTER OR  
9 OPTIONAL PLAN OF GOVERNMENT).

10       (2) ANY VACANCY IN THE MEMBERSHIP OF THE CHARTER DRAFTING  
11 COMMITTEE SHALL BE FILLED BY APPOINTMENT BY THE BODY THAT MADE  
12 THE APPOINTMENT THAT HAS BEEN VACATED, PROVIDED, HOWEVER, THAT  
13 IF THE BODY FAILS TO FILL A VACANCY WITHIN TWENTY (20) CALENDAR  
14 DAYS OF THE OCCURRENCE OF THE VACANCY, THE VACANCY MAY BE FILLED  
15 IN THE MANNER OTHERWISE PROVIDED BY LAW.

16       (3) THE FUNCTION OF THE CHARTER DRAFTING COMMITTEE SHALL BE  
17 TO PREPARE A SPECIFIC CHARTER FOR THE COUNTY WHICH PROVIDES FOR  
18 AN ELECTED COUNTY EXECUTIVE, AN APPOINTED PROFESSIONAL COUNTY  
19 MANAGER AND AN ELECTED COUNTY LEGISLATIVE COUNCIL.

20       (4) AN ORDINANCE MAY NOT BE PASSED AND A PETITION MAY NOT BE  
21 FILED FOR THE ELECTION OF A GOVERNMENT STUDY COMMISSION PURSUANT  
22 TO 53 PA.C.S. § 2911 (RELATING TO SUBMISSION OF QUESTION FOR  
23 ELECTION OF GOVERNMENT STUDY COMMISSION) WHILE PROCEEDINGS TO  
24 PREPARE AND ADOPT A CHARTER ARE PENDING PURSUANT TO THIS  
25 ARTICLE.

26       (5) THE CHARTER DRAFTING COMMITTEE SHALL PREPARE A CHARTER  
27 AND REPORT IT TO THE CITIZENS OF THE COUNTY WITHIN THE TIME SET  
28 FORTH BY THIS ARTICLE, RATHER THAN AS ESTABLISHED BY 53 PA.C.S.  
29 § 2921 (RELATING TO REPORT OF FINDINGS AND RECOMMENDATIONS).

30       (6) THE APPORTIONMENT COMMISSION SHALL APPORTION THE COUNTY

1 INTO LEGISLATIVE DISTRICTS PURSUANT TO THIS ARTICLE FOLLOWING  
2 THE APPROVAL OF THE CHARTER BY THE ELECTORS OF THE COUNTY RATHER  
3 THAN AS ESTABLISHED BY 53 PA.C.S § 2921.

4 (7) ANY VACANCY IN THE MEMBERSHIP OF THE APPORTIONMENT  
5 COMMISSION SHALL BE FILLED BY APPOINTMENT BY THE GOVERNING BODY  
6 FOLLOWING THE PROVISIONS FOR NOMINATION MADE FOR THE APPOINTMENT  
7 THAT HAS BEEN VACATED: PROVIDED, HOWEVER, THAT IF THE BODY FAILS  
8 TO FILL A VACANCY WITHIN TWENTY (20) CALENDAR DAYS OF THE  
9 OCCURRENCE OF THE VACANCY, THE REMAINING MEMBERS OF THE  
10 COMMISSION SHALL FILL IT BY APPOINTING SOME OTHER PROPERLY  
11 QUALIFIED ELECTOR OF THE COUNTY.

12 (C) THIS ARTICLE SHALL NOT APPLY TO COUNTIES OF THE SECOND  
13 CLASS A.

14 SECTION 3104-C. CHARTER DRAFTING COMMITTEE.--(A) THE  
15 GOVERNING BODY SHALL, BY ORDINANCE, ESTABLISH A CHARTER DRAFTING  
16 COMMITTEE.

17 (B) THE COMMITTEE SHALL CONSIST OF EIGHT MEMBERS, EACH OF  
18 WHOM SHALL BE A RESIDENT AND REGISTERED VOTER OF THE COUNTY  
19 APPOINTED BY UNANIMOUS VOTE OF THE GOVERNING BODY. ONE MEMBER  
20 SHALL BE NOMINATED BY THE PRESIDENT PRO TEMPORE OF THE SENATE,  
21 WHO MUST BE A PERSON SUBMITTED BY A MEMBER OF ONE OF THE  
22 SENATE'S LEGISLATIVE CAUCUSES DULY ELECTED FROM THE COUNTY. ONE  
23 MEMBER SHALL BE NOMINATED BY THE PRESIDENT PRO TEMPORE OF THE  
24 SENATE, WHO MUST BE A PERSON SUBMITTED BY A MEMBER OF THE OTHER  
25 OF THE SENATE'S LEGISLATIVE CAUCUSES DULY ELECTED FROM THE  
26 COUNTY. ONE MEMBER SHALL BE NOMINATED BY THE SPEAKER OF THE  
27 HOUSE OF REPRESENTATIVES, WHO MUST BE A PERSON SUBMITTED BY A  
28 MEMBER OF ONE OF THE HOUSE OF REPRESENTATIVES' LEGISLATIVE  
29 CAUCUSES DULY ELECTED FROM THE COUNTY. ONE MEMBER SHALL BE  
30 NOMINATED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, WHO

1 MUST BE A PERSON SUBMITTED BY A MEMBER OF THE OTHER OF THE HOUSE  
2 OF REPRESENTATIVES' LEGISLATIVE CAUCUSES DULY ELECTED FROM THE  
3 COUNTY. NO MEMBER OF THE CHARTER DRAFTING COMMITTEE SHALL BE A  
4 CANDIDATE FOR NOMINATION OR ELECTION TO THE OFFICE OF ELECTED  
5 COUNTY EXECUTIVE FOR A PERIOD COMMENCING WITH THE MEMBER'S  
6 APPOINTMENT TO THE CHARTER DRAFTING COMMITTEE AND CONTINUING  
7 UNTIL FIVE (5) YEARS FOLLOWING THE EFFECTIVE DATE OF THE  
8 CHARTER. IN MAKING THE APPOINTMENTS, THE GOVERNING BODY OF THE  
9 COUNTY SHALL CONSIDER THE RACIAL, GEOGRAPHIC AND GENDER  
10 DIVERSITY OF THE COUNTY.

11 (C) ANY VACANCY IN THE MEMBERSHIP OF THE CHARTER DRAFTING  
12 COMMITTEE SHALL BE FILLED BY APPOINTMENT BY THE BODY THAT MADE  
13 THE APPOINTMENT THAT HAS BEEN VACATED: PROVIDED, HOWEVER, THAT  
14 IF THE BODY FAILS TO FILL A VACANCY WITHIN TWENTY (20) CALENDAR  
15 DAYS OF THE OCCURRENCE OF THE VACANCY, THE VACANCY MAY BE FILLED  
16 IN THE MANNER OTHERWISE PROVIDED BY LAW.

17 (D) THE MEMBERS OF THE COMMITTEE SHALL SERVE WITHOUT  
18 COMPENSATION, BUT SHALL BE REIMBURSED BY THE COUNTY FOR  
19 NECESSARY EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR  
20 DUTIES. THE GOVERNING BODY OF THE SECOND CLASS COUNTY SHALL  
21 APPROPRIATE MONEYS NECESSARY FOR SUCH PURPOSE.

22 SECTION 3105-C. PROPOSED CHARTER.--(A) THE CHARTER DRAFTING  
23 COMMITTEE SHALL PREPARE A CHARTER AND REPORT IT TO THE CITIZENS  
24 AND THE GOVERNING BODY OF THE COUNTY WITHIN THREE (3) MONTHS  
25 FROM THE DATE OF ITS APPOINTMENT. BY AN AFFIRMATIVE VOTE OF AT  
26 LEAST FIVE MEMBERS OF THE COMMITTEE, THE COMMITTEE MAY, ONE TIME  
27 ONLY, EXTEND THE TIME TO PREPARE THE CHARTER FOR UP TO AN  
28 ADDITIONAL THREE (3) MONTHS. ADOPTION OF THE CHARTER BY THE  
29 COMMITTEE SHALL REQUIRE AN AFFIRMATIVE VOTE OF AT LEAST SIX  
30 MEMBERS OF THE COMMITTEE.

1       (B) THE CHARTER SHALL PROVIDE FOR AN ELECTED COUNTY  
2 EXECUTIVE, AN ELECTED COUNTY LEGISLATIVE COUNCIL AND AN  
3 APPOINTED PROFESSIONAL COUNTY MANAGER. THE CHARTER SHALL LIMIT  
4 THE ELECTED COUNTY EXECUTIVES TO THREE CONSECUTIVE TERMS OF  
5 OFFICE. THE COUNTY COUNCIL SHALL CONSIST OF THIRTEEN TO FIFTEEN  
6 MEMBERS ELECTED BY DISTRICT, AND ONE TO THREE MEMBERS ELECTED AT  
7 LARGE SO THAT THE NUMBER OF COUNCIL MEMBERS TAKEN AS A WHOLE  
8 SHALL BE AN ODD NUMBER. IN THE EVENT THAT THE NUMBER OF AT-LARGE  
9 MEMBERS SHALL BE EITHER ONE OR TWO, EACH POLITICAL PARTY OR BODY  
10 SHALL BE ENTITLED TO NOMINATE ONE CANDIDATE; AND EACH QUALIFIED  
11 ELECTOR SHALL VOTE FOR ONE AT-LARGE MEMBER. IN THE EVENT THAT  
12 THE NUMBER OF AT-LARGE MEMBERS SHALL BE THREE, EACH POLITICAL  
13 PARTY OR BODY SHALL BE ENTITLED TO NOMINATE TWO CANDIDATES; AND  
14 EACH QUALIFIED ELECTOR SHALL VOTE FOR TWO AT-LARGE MEMBERS. NO  
15 COUNCIL MEMBER SHALL BE A CANDIDATE FOR NOMINATION OR ELECTION  
16 TO ANY POLITICAL OFFICE EXCEPT FOR THE OFFICE OF MEMBER OF  
17 COUNCIL, UNLESS THE MEMBER SHALL HAVE FIRST RESIGNED FROM  
18 COUNCIL. COUNCIL MEMBERS SHALL NOT BE SALARIED, BUT THE CHARTER  
19 MAY PROVIDE REIMBURSEMENT FOR EXPENSES AND A PER-MEETING  
20 STIPEND. THE CHARTER SHALL PROVIDE REASONABLE LIMITS ON COUNCIL  
21 STAFF AND OFFICE EXPENSES.

22       (C) THE CHARTER ADOPTED BY THE COUNTY SHALL NOT ELIMINATE  
23 ANY ELECTED COUNTY OFFICERS OTHER THAN THE COUNTY COMMISSIONERS.  
24 THE CHARTER SHALL BE SUBJECT TO 53 PA.C.S. CH. 29 SUBCH. E  
25 (RELATING TO GENERAL POWERS AND LIMITATIONS OF HOME RULE CHARTER  
26 MUNICIPALITIES).

27       SECTION 3106-C. PUBLIC HEARINGS.--AT LEAST FIVE PUBLIC  
28 HEARINGS SHALL BE HELD BY THE CHARTER DRAFTING COMMITTEE WITHIN  
29 FOUR (4) WEEKS OF THE ORGANIZATION OF THE COMMITTEE. AT LEAST  
30 FIVE PUBLIC HEARINGS SHALL BE HELD BY THE CHARTER DRAFTING

1 COMMITTEE WITHIN FOUR (4) WEEKS OF THE ADOPTION OF THE PROPOSED  
2 CHARTER BY THE COMMITTEE. AT A MINIMUM, A PUBLIC HEARING SHALL  
3 BE HELD IN THE NORTHERN, SOUTHERN, EASTERN AND WESTERN PARTS OF  
4 THE COUNTY AND IN THE LARGEST MUNICIPALITY IN THE COUNTY. PUBLIC  
5 HEARINGS CONDUCTED UNDER THIS SECTION SHALL BE CONSIDERED AN  
6 OPEN MEETING FOR WHICH PUBLIC NOTICE MUST BE GIVEN IN ACCORDANCE  
7 WITH THE ACT OF JULY 3, 1986 (P.L.388, NO.84), KNOWN AS THE  
8 "SUNSHINE ACT." EXPENSES INCURRED IN CONDUCTING THE PUBLIC  
9 HEARINGS SHALL BE BORNE BY THE COUNTY.

10 SECTION 3107-C. CHARTER LIMITATIONS.--(A) THE CHARTER SHALL  
11 BE SUBJECT TO ANY LIMITATIONS ESTABLISHED BY THE CONSTITUTION OF  
12 THE UNITED STATES AND THE CONSTITUTION OF PENNSYLVANIA.

13 (B) THE CHARTER SHALL INCLUDE THE PROPERTY TAX RATE LIMITS  
14 FOR THE COUNTY THAT ARE IN EFFECT AT THE EFFECTIVE DATE OF THIS  
15 ARTICLE. THESE LIMITS ARE FOR GENERAL COUNTY PURPOSES UNDER  
16 SECTION 1970 OF THIS ACT, COUNTY INSTITUTION DISTRICTS UNDER  
17 SECTION 307 OF THE ACT OF JUNE 24, 1937 (P.L.2017, NO.396),  
18 KNOWN AS THE "COUNTY INSTITUTION DISTRICT LAW," AND COMMUNITY  
19 COLLEGES UNDER SECTION 1909-A OF THE ACT OF MARCH 10, 1949  
20 (P.L.30, NO.14), KNOWN AS "THE PUBLIC SCHOOL CODE OF 1949."

21 (C) THE CHARTER SHALL INCLUDE THE ASSESSMENT LIMITATION  
22 PROVISIONS OF SECTION 3110-C OF THIS ACT AS THEY APPLY TO THE  
23 COUNTY.

24 (D) THE CHARTER SHALL NOT AFFECT THE HOTEL ROOM RENTAL TAX  
25 UNDER SECTION 1970.2 OR THE SALES AND USE TAX UNDER SECTION  
26 3152-B.

27 (E) THE CHARTER SHALL MAINTAIN THE INTEGRITY OF MUNICIPAL  
28 BOUNDARIES AND SHALL PROHIBIT THE COUNTY FROM FORCING  
29 ANNEXATION, MERGER OR CONSOLIDATIONS OF MUNICIPALITIES.

30 (F) THE CHARTER SHALL PROHIBIT THE COUNTY FROM EXERCISING

1 ANY POWER OR FUNCTION WITHIN A MUNICIPALITY THAT IS BEING  
2 EXERCISED BY THAT MUNICIPALITY IF THE MUNICIPALITY ELECTS BY  
3 ORDINANCE TO BE EXCLUDED FROM THE COUNTY EXERCISE OF THAT POWER  
4 OR FUNCTION.

5 (G) THE CHARTER SHALL BE SUBJECT TO 53 PA.C.S. CH. 29 SUBCH.  
6 E (RELATING TO GENERAL POWERS AND LIMITATIONS OF HOME RULE  
7 CHARTER MUNICIPALITIES).

8 (H) WITH RESPECT TO THE FOLLOWING SUBJECTS, THE CHARTER  
9 SHALL NOT GIVE ANY POWER OR AUTHORITY TO THE COUNTY CONTRARY TO,  
10 OR IN LIMITATION OR ENLARGEMENT OF, POWERS GRANTED BY ACTS OF  
11 THE GENERAL ASSEMBLY WHICH ARE APPLICABLE TO COUNTIES OF THE  
12 SECOND CLASS:

13 (1) THE FILING AND COLLECTION OF MUNICIPAL TAX CLAIMS OR  
14 LIENS AND THE SALE OF REAL OR PERSONAL PROPERTY IN SATISFACTION  
15 THEREOF.

16 (2) THE PROCEDURE IN THE EXERCISE OF THE POWERS OF EMINENT  
17 DOMAIN, AND THE ASSESSMENT OF DAMAGES AND BENEFITS FOR PROPERTY  
18 TAKEN, INJURED OR DESTROYED.

19 (3) BOUNDARY CHANGES OF MUNICIPALITIES.

20 (4) THE REGULATION OF PUBLIC SCHOOLS.

21 (5) THE REGISTRATION OF ELECTORS AND THE CONDUCT OF  
22 ELECTIONS.

23 (6) THE FIXING OF SUBJECTS OF TAXATION.

24 (7) THE FIXING OF RATES OF NONPROPERTY OR PERSONAL TAXES  
25 LEVIED UPON NONRESIDENTS.

26 (8) THE ASSESSMENT OF REAL OR PERSONAL PROPERTY AND PERSONS  
27 FOR TAXATION PURPOSES.

28 (9) DEFINING OR PROVIDING FOR THE PUNISHMENT OF ANY FELONY  
29 OR MISDEMEANOR.

30 (10) MUNICIPAL PLANNING UNDER THE PROVISIONS OF THE ACT OF

JULY 31, 1968 (P.L.805, NO.247), KNOWN AS THE "PENNSYLVANIA  
MUNICIPALITIES PLANNING CODE."

(I) NO COUNTY SHALL:

(1) ENGAGE IN ANY PROPRIETARY OR PRIVATE BUSINESS EXCEPT AS  
AUTHORIZED BY THE GENERAL ASSEMBLY.

(2) EXERCISE POWERS CONTRARY TO, OR LIMITATION OR  
ENLARGEMENT OF, POWERS GRANTED BY ACTS OF THE GENERAL ASSEMBLY  
WHICH ARE APPLICABLE IN EVERY PART OF THIS COMMONWEALTH.

(3) BE GIVEN THE POWER TO DIMINISH THE RIGHTS OR PRIVILEGES  
OF ANY FORMER EMPLOYE ENTITLED TO BENEFITS OR ANY PRESENT  
EMPLOYE IN HIS PENSION OR RETIREMENT SYSTEM.

(4) ENACT OR PROMULGATE ANY ORDINANCE OR REGULATION WITH  
RESPECT TO DEFINITIONS, SANITATION, SAFETY, HEALTH, STANDARDS OF  
IDENTITY OR LABELING PERTAINING TO THE MANUFACTURE, PROCESSING,  
STORAGE, DISTRIBUTION AND SALE OF ANY FOODS, GOODS OR SERVICES  
SUBJECT TO ANY COMMONWEALTH LAWS OR REGULATIONS UNLESS SUCH  
ORDINANCE OR REGULATION IS UNIFORM IN ALL RESPECTS WITH SUCH  
COMMONWEALTH LAWS AND REGULATIONS. NOTHING CONTAINED IN THIS  
ARTICLE SHALL BE CONSTRUED TO IN ANY WAY AFFECT THE POWER OF ANY  
COUNTY TO ENACT AND ENFORCE ORDINANCES RELATING TO BUILDING  
CODES OR ANY OTHER SAFETY, SANITATION OR HEALTH REGULATION  
PERTAINING THERETO.

(5) ENACT ANY PROVISION INCONSISTENT WITH ANY STATUTE  
HERETOFORE ENACTED BY THE GENERAL ASSEMBLY AFFECTING THE RIGHTS,  
BENEFITS OR WORKING CONDITIONS OF ANY EMPLOYE OF A POLITICAL  
SUBDIVISION OF THE COMMONWEALTH.

(J) ACTS OF THE GENERAL ASSEMBLY IN EFFECT ON THE EFFECTIVE  
DATE OF THIS ARTICLE THAT ARE UNIFORM AND APPLICABLE IN EVERY  
PART OF THIS COMMONWEALTH SHALL REMAIN IN EFFECT AND SHALL NOT  
BE CHANGED OR MODIFIED BY THIS ARTICLE. ACTS OF THE GENERAL

1 ASSEMBLY ENACTED AFTER THE EFFECTIVE DATE OF THIS ARTICLE THAT  
2 ARE UNIFORM AND APPLICABLE IN EVERY PART OF THIS COMMONWEALTH  
3 SHALL SUPERSEDE ANY MUNICIPAL ORDINANCE OR RESOLUTION ON THE  
4 SAME SUBJECT.

5 (K) NO COUNTY SHALL ENACT ANY ORDINANCE OR TAKE ANY OTHER  
6 ACTION DEALING WITH THE REGULATION OF THE TRANSFER, OWNERSHIP,  
7 TRANSPORTATION OR POSSESSION OF FIREARMS.

8 (L) NO COUNTY WHICH ADOPTS A HOME RULE CHARTER MAY  
9 RETROACTIVELY INCREASE ANY FEE OR CHARGE FOR ANY SERVICE WHICH  
10 HAS BEEN PROVIDED.

11 SECTION 3108-C. REFERENDUM.--THE CHIEF CLERK OF THE COUNTY  
12 SHALL CERTIFY A COPY OF THE REPORT AND PROPOSED CHARTER TO THE  
13 COUNTY BOARD OF ELECTIONS WITHIN FIVE (5) DAYS OF ITS PUBLIC  
14 REPORT BY THE CHARTER DRAFTING COMMITTEES, WHICH SHALL CAUSE THE  
15 QUESTION OF THE ADOPTION OR REJECTION OF THE PROPOSED CHARTER TO  
16 BE PLACED UPON THE BALLOT OR VOTING MACHINES AT THE NEXT  
17 GENERAL, MUNICIPAL OR PRIMARY ELECTION, AS THE CASE MAY BE,  
18 OCCURRING NOT LESS THAN SIXTY (60) DAYS FOLLOWING THE FILING OF  
19 A COPY OF THE COMMITTEE'S REPORT WITH THE COUNTY BOARD OF  
20 ELECTIONS. AT THE ELECTION, THE QUESTION OF ADOPTING THE CHARTER  
21 SHALL BE SUBMITTED TO THE ELECTORS OF THE COUNTY IN THE SAME  
22 MANNER AS OTHER QUESTIONS ARE SUBMITTED TO THE ELECTORS UNDER  
23 THE ACT OF JUNE 3, 1937 (P.L.1333, NO.320), KNOWN AS THE  
24 "PENNSYLVANIA ELECTION CODE." THE COMMITTEE SHALL FRAME THE  
25 QUESTION TO BE PLACED UPON THE BALLOT AS PROVIDED FOR IN 53  
26 PA.C.S. § 2925 (RELATING TO FORM OF QUESTION ON FORM OF  
27 GOVERNMENT) AND, IF IT DEEMS APPROPRIATE, AN INTERPRETATIVE  
28 STATEMENT TO ACCOMPANY THE QUESTION.

29 SECTION 3109-C. APPORTIONMENT COMMISSION.--(A) IF THE  
30 PROPOSED CHARTER IS APPROVED BY THE ELECTORS AS PROVIDED IN THIS

1 ARTICLE, THE GOVERNING BODY SHALL, BY ORDINANCE, ESTABLISH AN  
2 APPORTIONMENT COMMISSION TO APPORTION THE COUNTY INTO  
3 LEGISLATIVE DISTRICTS TO EFFECT THE PROVISIONS OF SECTION  
4 3105(B).

5 (B) THE APPORTIONMENT COMMISSION SHALL CONSIST OF FIVE  
6 MEMBERS EACH OF WHOM SHALL BE A RESIDENT AND REGISTERED VOTER OF  
7 THE COUNTY APPOINTED BY UNANIMOUS VOTE OF THE GOVERNING BODY.  
8 ONE MEMBER SHALL BE NOMINATED BY THE PRESIDENT PRO TEMPORE OF  
9 THE SENATE, WHO MUST BE A PERSON SUBMITTED BY A MEMBER DULY  
10 ELECTED FROM THE COUNTY AND OF THE SAME SENATE LEGISLATIVE  
11 CAUCUS AS THE PRESIDENT PRO TEMPORE OF THE SENATE. ONE MEMBER  
12 SHALL BE NOMINATED BY THE MINORITY LEADER OF THE SENATE, WHO  
13 MUST BE A PERSON SUBMITTED BY A MEMBER DULY ELECTED FROM THE  
14 COUNTY AND OF THE SAME SENATE LEGISLATIVE CAUCUS AS THE MINORITY  
15 LEADER OF THE SENATE. ONE MEMBER SHALL BE NOMINATED BY THE  
16 SPEAKER OF THE HOUSE OF REPRESENTATIVES, WHO MUST BE A PERSON  
17 SUBMITTED BY A MEMBER DULY ELECTED FROM THE COUNTY AND OF THE  
18 SAME HOUSE LEGISLATIVE CAUCUS AS THE SPEAKER OF THE HOUSE OF  
19 REPRESENTATIVES. ONE MEMBER SHALL BE NOMINATED BY THE MINORITY  
20 LEADER OF THE HOUSE OF REPRESENTATIVES, WHO MUST BE A PERSON  
21 SUBMITTED BY A MEMBER DULY ELECTED FROM THE COUNTY AND OF THE  
22 SAME HOUSE LEGISLATIVE CAUCUS AS THE MINORITY LEADER OF THE  
23 HOUSE OF REPRESENTATIVES. THE FIFTH MEMBER SHALL BE NOMINATED BY  
24 THE OTHER FOUR MEMBERS. IN THE EVENT THAT THE FOUR MEMBERS FAIL  
25 TO NOMINATE THE FIFTH MEMBER WITHIN TWENTY (20) DAYS, THE  
26 GOVERNING BODY OF THE COUNTY SHALL UNANIMOUSLY APPOINT THE FIFTH  
27 MEMBER OF THE COMMISSION. NO INDIVIDUAL WHO HAS SERVED AS A  
28 MEMBER OF THE CHARTER DRAFTING COMMITTEE SHALL BE APPOINTED TO  
29 SERVE AS A MEMBER OF THE APPORTIONMENT COMMISSION.

30 (C) ANY VACANCY IN THE MEMBERSHIP OF THE APPORTIONMENT

1 COMMISSION SHALL BE FILLED BY APPOINTMENT BY THE GOVERNING BODY  
2 FOLLOWING THE PROVISIONS FOR NOMINATION MADE FOR THE MEMBERSHIP  
3 THAT HAS BEEN VACATED: PROVIDED, HOWEVER, THAT IF THE BODY FAILS  
4 TO FILL A VACANCY WITHIN TWENTY (20) CALENDAR DAYS OF THE  
5 OCCURRENCE OF THE VACANCY, THE REMAINING MEMBERS OF THE  
6 COMMISSION SHALL FILL IT BY APPOINTING SOME OTHER PROPERLY  
7 QUALIFIED ELECTOR OF THE COUNTY.

8 (D) THE MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT  
9 COMPENSATION, BUT SHALL BE REIMBURSED BY THE COUNTY FOR THEIR  
10 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.  
11 THE GOVERNING BODY OF THE COUNTY SHALL APPROPRIATE MONEYS  
12 NECESSARY FOR SUCH PURPOSE AND FOR NECESSARY STAFF AND SUPPORT  
13 SERVICES INCLUDING, BUT NOT LIMITED TO, NECESSARY FUNDS FOR THE  
14 DEFENSE OF THE APPORTIONMENT PLAN AND THE DEFENSE AND  
15 INDEMNIFICATION OF THE APPORTIONMENT COMMISSION.

16 (E) IN ORDER TO ASSIST THE APPORTIONMENT COMMISSION IN ITS  
17 UNDERSTANDING OF THE GEOGRAPHIC DIVERSITY WITHIN THE COUNTY, THE  
18 APPORTIONMENT COMMISSION SHALL APPOINT AND CONSULT WITH AN  
19 APPORTIONMENT ADVISORY COMMITTEE. THE ADVISORY COMMITTEE SHALL  
20 CONSIST OF APPOINTEES WHO ARE RESIDENTS AND REGISTERED ELECTORS  
21 OF THE COUNTY AND ARE APPOINTED FROM NOMINATIONS PROVIDED BY  
22 EACH OF THE GOVERNING BODIES OF THE COUNCILS OF GOVERNMENT  
23 WITHIN THE COUNTY, THREE APPOINTEES NOMINATED BY THE CITY  
24 COUNCIL OF ANY CITY OF THE SECOND CLASS WITHIN THE COUNTY THAT  
25 IS NOT A MEMBER OF A COUNCIL OF GOVERNMENTS AND ONE APPOINTEE  
26 WHO SHALL BE A RESIDENT AND REGISTERED ELECTOR OF ANY BOROUGH,  
27 TOWNSHIP OR CITY OF THE THIRD CLASS THAT IS NOT A MEMBER OF A  
28 COUNCIL OF GOVERNMENTS.

29 (F) WITHIN FOUR (4) WEEKS FOLLOWING THE PUBLICATION OF A  
30 DRAFT APPORTIONMENT PLAN, THE APPORTIONMENT COMMISSION SHALL

1 HOLD FIVE HEARINGS THROUGHOUT THE COUNTY TO PRESENT THE  
2 APPORTIONMENT PLAN AND RECEIVE COMMENTS PRIOR TO THE ADOPTION OF  
3 THE APPORTIONMENT. AT A MINIMUM, A PUBLIC HEARING SHALL BE HELD  
4 IN THE NORTHERN, SOUTHERN, EASTERN AND WESTERN PARTS OF THE  
5 COUNTY AND IN THE LARGEST MUNICIPALITY IN THE COUNTY. EXPENSES  
6 INCURRED IN CONDUCTING THE PUBLIC HEARINGS SHALL BE BORNE BY THE  
7 COUNTY.

8 (G) THE COMMISSION SHALL COMPLETE THE APPORTIONMENT WITHIN  
9 ONE HUNDRED TWENTY (120) DAYS OF THE VOTERS' APPROVAL OF THE  
10 CHARTER. THE FINAL APPORTIONMENT SHALL REQUIRE AN AFFIRMATIVE  
11 VOTE OF A MAJORITY OF THE MEMBERS OF THE COMMISSION.

12 (H) THE COUNTY SHALL BE DIVIDED INTO DISTRICTS WHICH SHALL  
13 BE COMPOSED OF COMPACT AND CONTIGUOUS TERRITORY AS NEARLY EQUAL  
14 IN POPULATION AS PRACTICABLE AS OFFICIALLY AND FINALLY REPORTED  
15 IN THE MOST RECENT FEDERAL CENSUS, DECENNIAL OR SPECIAL. UNLESS  
16 ABSOLUTELY NECESSARY, NO CITY, INCORPORATED TOWN, BOROUGH,  
17 TOWNSHIP OR WARD SHALL BE DIVIDED IN FORMING LEGISLATIVE  
18 DISTRICTS. NO CITY BLOCK SHALL BE DIVIDED INTO MORE THAN ONE  
19 DISTRICT. NO "ELECTION DISTRICT," AS DEFINED IN SECTION 102(G)  
20 OF THE ACT OF JUNE 3, 1937 (P.L.1333, NO.320), KNOWN AS THE  
21 "PENNSYLVANIA ELECTION CODE," SHALL BE DIVIDED INTO MORE THAN  
22 ONE DISTRICT. A MUNICIPALITY SHALL BE DIVIDED INTO AS FEW  
23 DISTRICTS AS POSSIBLE. THE NUMBER OF WARDS WHOSE TERRITORY IS  
24 DIVIDED INTO MORE THAN ONE DISTRICT SHALL BE AS SMALL AS  
25 POSSIBLE. THE AGGREGATE LENGTH OF ALL DISTRICT BOUNDARIES SHALL  
26 BE AS SHORT AS REASONABLE AND PRACTICABLE.

27 (I) SUBSEQUENT REAPPORTIONMENT OF THE COUNTY SHALL BE  
28 GOVERNED BY THE ACT OF DECEMBER 13, 1974 (P.L.947, NO.312),  
29 KNOWN AS THE "MUNICIPAL REAPPORTIONMENT ACT."

30 SECTION 3110-C. ASSESSMENT LIMITS ON COUNTIES OF THE SECOND

1 CLASS.--NOTWITHSTANDING ANY PROVISIONS OF THE ACT OF JUNE 21,  
2 1939 (P.L.626, NO.294), REFERRED TO AS THE SECOND CLASS COUNTY  
3 ASSESSMENT LAW, TO THE CONTRARY, WHEN A COUNTY OF THE SECOND  
4 CLASS MAKES ITS ANNUAL REASSESSMENT AT VALUES BASED UPON AN  
5 ESTABLISHED PREDETERMINED RATIO, AS REQUIRED BY LAW, OR WHEN A  
6 COUNTY OF THE SECOND CLASS CHANGES ITS PREDETERMINED RATIO, THE  
7 COUNTY, WHICH HEREAFTER LEVIES ITS REAL ESTATE TAXES ON THAT  
8 REVISED ASSESSMENT OR VALUATION, SHALL FOR THAT YEAR REDUCE ITS  
9 TAX RATE, IF NECESSARY FOR THE PURPOSE OF HAVING A TOTAL AMOUNT  
10 OF PROPERTY TAX REVENUE RECEIVED EXCLUSIVELY AS A RESULT OF THE  
11 REASSESSMENT OR CHANGE IN RATIO NOT TO EXCEED ONE HUNDRED FIVE  
12 PER CENTUM (105%) OF THE TOTAL AMOUNT OF PROPERTY TAX REVENUE  
13 RECEIVED IN THE PRECEDING YEAR, NOTWITHSTANDING THE INCREASED  
14 VALUATIONS OF PROPERTIES UNDER THE ANNUAL REASSESSMENT SYSTEM.  
15 FOR THE PURPOSES OF DETERMINING THE TOTAL AMOUNT OF REVENUE  
16 RECEIVED EXCLUSIVELY AS A RESULT OF THE REASSESSMENT OR CHANGE  
17 IN RATIO FOR THE YEAR, THE AMOUNT TO BE LEVIED ON NEWLY  
18 CONSTRUCTED BUILDINGS OR STRUCTURES OR ON INCREASED VALUATIONS  
19 BASED ON NEW IMPROVEMENTS MADE TO EXISTING STRUCTURES SHALL NOT  
20 BE CONSIDERED.

21 SECTION 3111-C. TRANSITION.--(A) THE ELECTION OF THE COUNTY  
22 EXECUTIVE AND THE COUNTY LEGISLATIVE COUNCIL SHALL OCCUR AT  
23 EITHER THE MUNICIPAL ELECTION OCCURRING IN 1999 OR AT THE NEXT  
24 MUNICIPAL ELECTION, AS THE CASE MAY BE, FOLLOWING APPROVAL OF  
25 THE CHARTER AND APPORTIONMENT AS PROVIDED IN THIS ARTICLE.

26 (B) EXCEPT AS PROVIDED IN SUBSECTION (A) AND IN THE CHARTER,  
27 ALL PROVISIONS OF THE CHARTER SHALL BE EFFECTIVE ON EITHER  
28 JANUARY 1, 2000, OR ON THE NEXT JANUARY 1 FOLLOWING THE ELECTION  
29 AT WHICH THE COUNTY EXECUTIVE AND COUNTY COUNCIL ARE ELECTED,  
30 WHICHEVER OCCURS LATER.

1        (C) THE QUESTION OF CHANGING THE FORM OF GOVERNMENT APPROVED  
2 BY THE VOTERS AS SET FORTH IN THE CHARTER MAY NOT BE SUBMITTED  
3 TO THE ELECTORS EARLIER THAN FIVE YEARS (5) AFTER THE DATE WHICH  
4 THE PROPOSED CHARTER WAS APPROVED BY REFERENDUM.

5        SECTION 3112-C. SEVERABILITY.--IF ANY PROVISION OF THIS  
6 ARTICLE, OR THE APPLICATION OF SUCH PROVISION TO ANY PERSON OR  
7 CIRCUMSTANCES, SHALL BE INVALID, THE REMAINDER OF THIS ARTICLE  
8 AND THE APPLICATION OF SUCH PROVISION TO PERSONS OR  
9 CIRCUMSTANCES OTHER THAN THOSE AS TO WHICH IT IS HELD INVALID  
10 SHALL NOT BE AFFECTED THEREBY.

11        SECTION 3113-C. EXPIRATION.--THIS ARTICLE, WITH THE  
12 EXCEPTION OF SECTIONS 3107-C AND 3111-C(C) OF THIS ARTICLE SHALL  
13 EXPIRE UPON THE PUBLICATION IN THE PENNSYLVANIA BULLETIN OF  
14 NOTICE OF THE SWEARING-IN OF THE FIRST OFFICIAL ELECTED PURSUANT  
15 TO A CHARTER ADOPTED UNDER THIS ARTICLE.

16        ~~SECTION 3.~~ THIS SECTION 4. THE ADDITION OF SECTION 1970.3        <—  
17 OF THE act shall be implemented no later than July 1 of the  
18 first year following the effective date of this act.

19        SECTION 5. ALL ACTS AND PARTS OF ACTS ARE REPEALED INsofar        <—  
20 AS THEY ARE INCONSISTENT WITH THIS ACT.

21        Section 4 6. This act shall take effect ~~in 60 days~~        <—  
22 IMMEDIATELY.        <—