

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 2073

PRINTER NO. 3052

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

November 20, 2019

PRIME SPONSOR

Representative Moul

DESCRIPTION

House Bill 2073 recodifies and incorporates the First Class Township Code into Title 73 (Townships).

This bill provides for revisions, modernizations and clarifications; reflects case law; makes consistent with provisions of other municipal codes and the First Class Township Code; and recodifies it within Title 73. Changes include but are not limited to the following:

- Article I – definitions are added for “board of commissioners”, “individual”, “person”, “municipal corporation”, “municipal authority”, “municipality authority”, and “Pennsylvania Municipalities Planning Code”;
- Article II – provisions are streamlined for creating a first class township and for reverting back to a second class township;
- Article III – removes the power of the court to alter township lines but maintains jurisdiction to ascertain disputed boundaries;
- Article IV – provides that township commissioners are empowered to erect, abolish and change wards by ordinance instead of the courts;
- Article V – provides that no individual may hold more than one elective township office at the same time and makes clarifications regarding appointed tax collectors;
- Article VI – increases the minimum and maximum fines for refusing or neglecting to obey a subpoena issued by the township civil service commission to \$250 and \$500, respectively;
- Article VII – increases the maximum allowable salary of each township commissioner to \$210 per year per 1,000 residents or fraction of 1,000 and provides that commissioners may receive compensation on a per-meeting attendance basis;
- Article VIII-A – prohibits the township treasurer from being a member of the board of commissioners and provides for the ability of the board to appoint a deputy to perform the duties if the treasurer is incapable;
- Article VIII-B – only editorial modifications made;

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

- Article IX – allows for the assistant secretary to assist in the performance of duties without the secretary needing to be absent or under disability;
- Article X – provides for changes relating to elected auditors, surcharges and appeals, and provides for the appointment of an independent auditor;
- Article XI – changes the bond requirements for the controller to a sum determined by ordinance by the board of commissioners, removes the salary maximum of \$5,000 and provides that any salary change shall take effect the beginning of the next term of the controller;
- Article XII – eliminates the two-year term of the solicitor and provides for appointed solicitors to serve at the pleasure of the board;
- Article XIII – eliminates the two-year term of the engineer and provides for the engineer to serve at the pleasure of the board;
- Article XIII-A - provides for the appointment of the township manager and that no township manager may be able to hold the office of township commissioner;
- Article XIII-B – allows for the expansion of appropriations for expenses of services on Veterans’ Day or similar day provided for by federal or state law;
- Article XIV – provides that the board of commissioners may, but is not required to, establish a police force;
- Article XV – increases the threshold for required advertising of bids for the sale of real property to \$6,000 with additional specific powers of a township outlined;
- Article XV-A – provides for conformance with the Uniform Municipal Deed Registration Act of 2008;
- Article XVI – allows for the establishment by ordinance of either a board of health or a health officer that must be certified by the Department of Health within six months and provides that a board of health may be comprised of three members instead of the current five;
- Article XVII – provides that a published notice in a newspaper is required when the budget is available for inspection and that the budget must be on file for at least 20 days prior to adoption, removes a requirement that 2/3 of board members approve transfers of more than 5% between funds, and streamlines the procedure for a request to exceed the maximum levy of 30 mills for general township purposes;
- Article XVIII – provides that the lowest responsible bidder does not necessarily submit the lowest dollar amount but includes the consideration of other criteria, reduces the number of publications required for contracts or purchases from two to one and makes changes to the bonding requirements for public works or improvements projects;
- Article XIX – changes are primarily editorial;

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

- Article XX – encompasses provisions regarding streets, maintenance and development;
- Article XXI – this section is repealed and encompassed in Article XX;
- Article XXII – encompasses provisions regarding bridges and maintenance;
- Article XXIII – encompasses provisions providing for sidewalks and maintenance;
- Article XXIV – encompasses provisions regarding sewer systems;
- Article XXV – this article is repealed and moved to Article XXV-A;
- Article XXV-A – consolidates the current methods for the assessing of benefits on real property owners for various public improvements;
- Article XXVI – this article is repealed;
- Article XXVII – encompasses provisions regarding water systems, including criteria for property connection to the system;
- Article XXVII-A – only editorials changes are made;
- Article XXVIII – provides clarification for the acquisition of lots for township purposes and reduces the number of required advertisements from two to one for the taking of public land which is no longer being used for its original purpose;
- Article XXIX – provides that the cost of business license fees must bear a reasonable relationship to the cost of administering the ordinance and regulating, inspecting and supervising each business;
- Article XXX – allows for the creation of a recreation board and specifies that its powers are derived from the establishing ordinance and reduces the number of required publications from two to one for regulations of a shade tree commission;
- Article XXX-A – this article is repealed;
- Article XXXI – this article is repealed;
- Article XXXI-A – no changes were made to this article;
- Article XXXII – this article is repealed;
- Article XXXIII – this article is repealed;
- Article XXXIII-A – this article codifies all provisions relating to ordinances including publication, effective date, recording, advertising and proof, and codification and appeals of ordinances;
- Article XXXIV – provides that actions to collect municipal claims shall be commenced within six years as opposed to three;
- Article XXXV – provides for the repeal of three specific acts: Act 20 of 1931, Act 588 of 1937 and Act 381 of 1935.

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

FISCAL IMPACT:

House Bill 2073 will have no fiscal impact on state funds. According to the Local Government Commission, this bill would likely save money for taxpayers of first class townships since multiple publication requirements have been reduced or eliminated. The average cost to publish an advertisement in a medium size paper in the Legal Notice section for a full page add is about \$1,500, half-page \$700 and quarter-page \$375.

This legislation also allows for the increase in the maximum allowable salary for township commissioners. If a township chooses to increase commissioner salaries, the increase would become effective at the beginning of the next term for the commissioner.