
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

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MAY 12, 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 PROPOSED CHARTER FOR THE COUNTY WHICH <—
18 PROVIDES FOR AN ELECTED COUNTY EXECUTIVE, AN APPOINTED
19 PROFESSIONAL COUNTY MANAGER AND AN ELECTED COUNTY LEGISLATIVE
20 COUNCIL.

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

27 (5) ~~THE~~ NOTWITHSTANDING THE PROVISIONS OF 53 PA.C.S. § 2921 <—
28 (RELATING TO REPORT OF FINDINGS AND RECOMMENDATIONS), THE
29 CHARTER DRAFTING COMMITTEE SHALL PREPARE A CHARTER AND REPORT IT
30 TO THE CITIZENS OF THE COUNTY WITHIN THE TIME SET FORTH BY THIS

~~ARTICLE., RATHER THAN AS ESTABLISHED BY 53 PA.C.S. § 2921~~

~~(RELATING TO REPORT OF FINDINGS AND RECOMMENDATIONS).~~

~~(6) THE NOTWITHSTANDING THE PROVISIONS OF 53 PA.C.S. § 2921,~~

~~THE APPORTIONMENT COMMISSION SHALL APPORTION THE COUNTY INTO~~

~~LEGISLATIVE DISTRICTS PURSUANT TO THIS ARTICLE FOLLOWING THE~~

~~APPROVAL OF THE CHARTER BY THE ELECTORS OF THE COUNTY. RATHER~~

~~THAN AS ESTABLISHED BY 53 PA.C.S. § 2921.~~

~~(7) ANY VACANCY IN THE MEMBERSHIP OF THE APPORTIONMENT~~

~~COMMISSION SHALL BE FILLED BY APPOINTMENT BY THE GOVERNING BODY~~

~~FOLLOWING THE PROVISIONS FOR NOMINATION MADE FOR THE APPOINTMENT~~

~~THAT HAS BEEN VACATED: PROVIDED, HOWEVER, THAT IF THE BODY FAILS~~

~~TO FILL A VACANCY WITHIN TWENTY (20) CALENDAR DAYS OF THE~~

~~OCCURRENCE OF THE VACANCY, THE REMAINING MEMBERS OF THE~~

~~COMMISSION SHALL FILL IT BY APPOINTING SOME OTHER PROPERLY~~

~~QUALIFIED ELECTOR OF THE COUNTY.~~

~~(C) THIS ARTICLE SHALL NOT APPLY TO COUNTIES OF THE SECOND~~

~~CLASS A.~~

~~SECTION 3104-C. CHARTER DRAFTING COMMITTEE.--(A) THE~~

~~GOVERNING BODY SHALL MAY, BY ORDINANCE, ESTABLISH A CHARTER~~

~~DRAFTING COMMITTEE.~~

~~(B) THE COMMITTEE SHALL CONSIST OF EIGHT MEMBERS, EACH OF~~

~~WHOM SHALL BE A RESIDENT AND REGISTERED VOTER OF THE COUNTY FOR~~

~~AT LEAST FIVE (5) YEARS APPOINTED BY UNANIMOUS VOTE OF THE~~

~~GOVERNING BODY. ONE MEMBER SHALL BE NOMINATED BY THE PRESIDENT~~

~~PRO TEMPORE OF THE SENATE, WHO MUST SHALL BE A PERSON SUBMITTED~~

~~BY A MEMBER OF ONE OF THE SENATE'S LEGISLATIVE CAUCUSES DULY~~

~~ELECTED FROM THE COUNTY. ONE MEMBER SHALL BE NOMINATED BY THE~~

~~PRESIDENT PRO TEMPORE OF THE SENATE, WHO MUST SHALL BE A PERSON~~

~~SUBMITTED BY A MEMBER OF THE OTHER OF THE SENATE'S LEGISLATIVE~~

~~CAUCUSES DULY ELECTED FROM THE COUNTY. ONE MEMBER SHALL BE~~

1 NOMINATED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, WHO
2 MUST SHALL BE A PERSON SUBMITTED BY A MEMBER OF ONE OF THE HOUSE <—
3 OF REPRESENTATIVES' LEGISLATIVE CAUCUSES DULY ELECTED FROM THE
4 COUNTY. ONE MEMBER SHALL BE NOMINATED BY THE SPEAKER OF THE
5 HOUSE OF REPRESENTATIVES, WHO MUST SHALL BE A PERSON SUBMITTED <—
6 BY A MEMBER OF THE OTHER OF THE HOUSE OF REPRESENTATIVES'
7 LEGISLATIVE CAUCUSES DULY ELECTED FROM THE COUNTY. IT IS THE <—
8 INTENT OF THIS LEGISLATION THAT NO MORE THAN TWO OF THE
9 REMAINING FOUR APPOINTEES SHALL BE OF THE SAME PARTY. NO MEMBER
10 OF THE CHARTER DRAFTING COMMITTEE SHALL BE A CANDIDATE FOR
11 NOMINATION OR ELECTION TO THE OFFICE OF ELECTED COUNTY EXECUTIVE
12 FOR A PERIOD COMMENCING WITH THE MEMBER'S APPOINTMENT TO THE
13 CHARTER DRAFTING COMMITTEE AND CONTINUING UNTIL FIVE (5) YEARS
14 FOLLOWING THE EFFECTIVE DATE OF THE CHARTER. IN MAKING THE
15 APPOINTMENTS, THE GOVERNING BODY OF THE COUNTY SHALL CONSIDER
16 THE RACIAL, GEOGRAPHIC, AGE AND GENDER DIVERSITY OF THE COUNTY. <—
17 (C) ANY VACANCY IN THE MEMBERSHIP OF THE CHARTER DRAFTING
18 COMMITTEE SHALL BE FILLED BY APPOINTMENT BY THE BODY THAT MADE <—
19 THE APPOINTMENT THAT HAS BEEN VACATED NOMINATIONS, IF REQUIRED, <—
20 AND APPOINTMENT AS WAS THE CASE FOR ORIGINAL APPOINTMENTS UNDER
21 SUBSECTION (B): PROVIDED, HOWEVER, THAT IF THE BODY FAILS TO
22 FILL A VACANCY WITHIN TWENTY (20) CALENDAR DAYS OF THE
23 OCCURRENCE OF THE VACANCY, THE VACANCY MAY BE FILLED IN THE
24 MANNER OTHERWISE PROVIDED BY LAW.
25 (D) THE MEMBERS OF THE COMMITTEE SHALL SERVE WITHOUT
26 COMPENSATION, BUT SHALL BE REIMBURSED BY THE COUNTY FOR
27 NECESSARY EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR
28 DUTIES. THE GOVERNING BODY OF THE ~~SECOND CLASS~~ COUNTY SHALL <—
29 APPROPRIATE MONEYS NECESSARY FOR SUCH PURPOSE.

30 SECTION 3105-C. PROPOSED CHARTER.--(A) THE CHARTER DRAFTING

COMMITTEE SHALL PREPARE A CHARTER AND REPORT IT TO THE CITIZENS
AND THE GOVERNING BODY OF THE COUNTY WITHIN THREE (3) MONTHS
FROM THE DATE OF ITS APPOINTMENT. BY AN AFFIRMATIVE VOTE OF AT
LEAST FIVE MEMBERS OF THE COMMITTEE, THE COMMITTEE MAY, ONE TIME
ONLY, EXTEND THE TIME TO PREPARE THE CHARTER FOR UP TO AN
ADDITIONAL THREE (3) MONTHS. ADOPTION OF THE CHARTER BY THE
COMMITTEE SHALL REQUIRE AN AFFIRMATIVE VOTE OF AT LEAST SIX
MEMBERS OF THE COMMITTEE.

(B) THE CHARTER SHALL PROVIDE FOR AN ELECTED COUNTY
EXECUTIVE, AN ELECTED COUNTY LEGISLATIVE COUNCIL AND AN
APPOINTED PROFESSIONAL COUNTY MANAGER. THE CHARTER SHALL LIMIT
THE ELECTED COUNTY ~~EXECUTIVES~~ EXECUTIVE TO THREE CONSECUTIVE <—
TERMS OF OFFICE. THE COUNTY COUNCIL SHALL CONSIST OF THIRTEEN TO
FIFTEEN MEMBERS ELECTED BY DISTRICT, AND ONE TO THREE MEMBERS
ELECTED AT LARGE SO THAT THE NUMBER OF COUNCIL MEMBERS TAKEN AS
A WHOLE SHALL BE AN ODD NUMBER. IN THE EVENT THAT THE NUMBER OF
AT-LARGE MEMBERS SHALL BE EITHER ONE OR TWO, EACH POLITICAL
PARTY OR BODY SHALL BE ENTITLED TO NOMINATE ONE CANDIDATE; AND
EACH QUALIFIED ELECTOR SHALL VOTE FOR NO MORE THAN ONE AT-LARGE <—
MEMBER. IN THE EVENT THAT THE NUMBER OF AT-LARGE MEMBERS SHALL
BE THREE, EACH POLITICAL PARTY OR BODY SHALL BE ENTITLED TO
NOMINATE TWO CANDIDATES; AND EACH QUALIFIED ELECTOR SHALL VOTE
FOR NO MORE THAN TWO AT-LARGE MEMBERS. NO COUNCIL MEMBER SHALL <—
BE A CANDIDATE FOR NOMINATION OR ELECTION TO ANY POLITICAL
OFFICE EXCEPT FOR THE OFFICE OF MEMBER OF COUNCIL, UNLESS THE
MEMBER SHALL HAVE FIRST RESIGNED FROM COUNCIL. COUNCIL MEMBERS
SHALL NOT BE SALARIED, BUT THE CHARTER MAY PROVIDE REIMBURSEMENT
FOR EXPENSES AND A PER-MEETING STIPEND. THE CHARTER SHALL
PROVIDE REASONABLE LIMITS ON COUNCIL STAFF AND OFFICE EXPENSES.
THE CHARTER SHALL PROVIDE THAT THERE SHALL BE NO PAID PERSONAL <—

1 STAFF FOR INDIVIDUAL COUNCIL MEMBERS.

2 (C) THE CHARTER ADOPTED BY THE COUNTY SHALL NOT ELIMINATE
3 ANY ELECTED COUNTY OFFICERS OTHER THAN THE COUNTY COMMISSIONERS.
4 THE CHARTER SHALL BE SUBJECT TO 53 PA.C.S. CH. 29 SUBCH. E
5 (RELATING TO GENERAL POWERS AND LIMITATIONS OF HOME RULE CHARTER
6 MUNICIPALITIES).

7 SECTION 3106-C. PUBLIC HEARINGS.--AT LEAST FIVE PUBLIC
8 HEARINGS SHALL BE HELD BY THE CHARTER DRAFTING COMMITTEE WITHIN
9 FOUR (4) WEEKS OF THE ORGANIZATION OF THE COMMITTEE. AT LEAST
10 FIVE PUBLIC HEARINGS SHALL BE HELD BY THE CHARTER DRAFTING
11 COMMITTEE WITHIN FOUR (4) WEEKS OF THE ADOPTION OF THE PROPOSED
12 CHARTER BY THE COMMITTEE. AT A MINIMUM, A PUBLIC HEARING SHALL
13 BE HELD IN THE NORTHERN, SOUTHERN, EASTERN AND WESTERN PARTS OF
14 THE COUNTY AND IN THE LARGEST MUNICIPALITY IN THE COUNTY. PUBLIC
15 HEARINGS CONDUCTED UNDER THIS SECTION SHALL BE CONSIDERED AN
16 OPEN MEETING FOR WHICH PUBLIC NOTICE MUST BE GIVEN IN ACCORDANCE
17 WITH THE ACT OF JULY 3, 1986 (P.L.388, NO.84), KNOWN AS THE
18 "SUNSHINE ACT." PUBLIC NOTICE OF ANY HEARING SHALL BE GIVEN AT <—
19 LEAST ONE (1) WEEK IN ADVANCE AND SHALL BE ADEQUATELY ANNOUNCED
20 TO INFORM THE GENERAL PUBLIC. EXPENSES INCURRED IN CONDUCTING
21 THE PUBLIC HEARINGS SHALL BE BORNE BY THE COUNTY.

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

25 (B) THE CHARTER SHALL INCLUDE THE PROPERTY TAX RATE LIMITS
26 FOR THE COUNTY THAT ARE IN EFFECT AT THE EFFECTIVE DATE OF THIS
27 ARTICLE. THESE LIMITS ARE FOR GENERAL COUNTY PURPOSES UNDER
28 SECTION 1970 OF THIS ACT, COUNTY INSTITUTION DISTRICTS UNDER
29 SECTION 307 OF THE ACT OF JUNE 24, 1937 (P.L.2017, NO.396),
30 KNOWN AS THE "COUNTY INSTITUTION DISTRICT LAW," AND COMMUNITY

1 COLLEGES UNDER SECTION 1909-A OF THE ACT OF MARCH 10, 1949
2 (P.L.30, NO.14), KNOWN AS "THE PUBLIC SCHOOL CODE OF 1949."

3 (C) THE CHARTER SHALL INCLUDE THE ASSESSMENT LIMITATION
4 PROVISIONS OF SECTION 3110-C OF THIS ACT AS THEY APPLY TO THE
5 COUNTY.

6 (D) THE CHARTER SHALL NOT AFFECT THE HOTEL ROOM RENTAL TAX
7 UNDER SECTION 1970.2 OR THE SALES AND USE TAX UNDER SECTION
8 3152-B.

9 (E) THE CHARTER SHALL MAINTAIN THE INTEGRITY OF MUNICIPAL
10 BOUNDARIES AND SHALL PROHIBIT THE COUNTY FROM FORCING
11 ANNEXATION, MERGER OR ~~CONSOLIDATIONS~~ CONSOLIDATION OF
12 MUNICIPALITIES.

13 (F) THE CHARTER SHALL PROHIBIT THE COUNTY FROM EXERCISING
14 ANY POWER OR FUNCTION WITHIN A MUNICIPALITY THAT IS BEING
15 EXERCISED BY THAT MUNICIPALITY IF THE MUNICIPALITY ELECTS BY
16 ORDINANCE TO BE EXCLUDED FROM THE COUNTY EXERCISE OF THAT POWER
17 OR FUNCTION.

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

21 (H) WITH RESPECT TO THE FOLLOWING SUBJECTS, THE CHARTER
22 SHALL NOT GIVE ANY POWER OR AUTHORITY TO THE COUNTY CONTRARY TO,
23 OR IN LIMITATION OR ENLARGEMENT OF, POWERS GRANTED BY ACTS OF
24 THE GENERAL ASSEMBLY WHICH ARE APPLICABLE TO COUNTIES OF THE
25 SECOND CLASS:

26 (1) THE FILING AND COLLECTION OF MUNICIPAL TAX CLAIMS OR
27 LIENS AND THE SALE OF REAL OR PERSONAL PROPERTY IN SATISFACTION
28 THEREOF.

29 (2) THE PROCEDURE IN THE EXERCISE OF THE POWERS OF EMINENT
30 DOMAIN, AND THE ASSESSMENT OF DAMAGES AND BENEFITS FOR PROPERTY

1 TAKEN, INJURED OR DESTROYED.

2 (3) BOUNDARY CHANGES OF MUNICIPALITIES.

3 (4) THE REGULATION OF PUBLIC SCHOOLS.

4 (5) THE REGISTRATION OF ELECTORS AND THE CONDUCT OF
5 ELECTIONS.

6 (6) THE FIXING OF SUBJECTS OF TAXATION.

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

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

11 (9) DEFINING OR PROVIDING FOR THE PUNISHMENT OF ANY FELONY
12 OR MISDEMEANOR.

13 (10) MUNICIPAL PLANNING UNDER THE PROVISIONS OF THE ACT OF
14 JULY 31, 1968 (P.L.805, NO.247), KNOWN AS THE "PENNSYLVANIA
15 MUNICIPALITIES PLANNING CODE."

16 (I) NO COUNTY SHALL:

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

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

22 (3) BE GIVEN THE POWER TO DIMINISH THE RIGHTS OR PRIVILEGES
23 OF ANY FORMER EMPLOYE ENTITLED TO BENEFITS OR ANY PRESENT
24 EMPLOYE IN HIS THAT FORMER OR PRESENT EMPLOYE'S PENSION OR
25 RETIREMENT SYSTEM.

26 (4) ENACT OR PROMULGATE ANY ORDINANCE OR REGULATION WITH
27 RESPECT TO DEFINITIONS, SANITATION, SAFETY, HEALTH, STANDARDS OF
28 IDENTITY OR LABELING PERTAINING TO THE MANUFACTURE, PROCESSING,
29 STORAGE, DISTRIBUTION AND SALE OF ANY FOODS, GOODS OR SERVICES
30 SUBJECT TO ANY COMMONWEALTH LAWS OR REGULATIONS UNLESS SUCH

<—

1 ORDINANCE OR REGULATION IS UNIFORM IN ALL RESPECTS WITH SUCH
2 COMMONWEALTH LAWS AND REGULATIONS. NOTHING CONTAINED IN THIS
3 ARTICLE SHALL BE CONSTRUED TO IN ANY WAY AFFECT THE POWER OF ANY
4 COUNTY TO ENACT AND ENFORCE ORDINANCES RELATING TO BUILDING
5 CODES OR ANY OTHER SAFETY, SANITATION OR HEALTH REGULATION
6 PERTAINING THERETO.

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

11 (J) ACTS OF THE GENERAL ASSEMBLY IN EFFECT ON THE EFFECTIVE
12 DATE OF THIS ARTICLE THAT ARE UNIFORM AND APPLICABLE IN EVERY
13 PART OF THIS COMMONWEALTH SHALL REMAIN IN EFFECT AND SHALL NOT
14 BE CHANGED OR MODIFIED BY THIS ARTICLE. ACTS OF THE GENERAL
15 ASSEMBLY ENACTED AFTER THE EFFECTIVE DATE OF THIS ARTICLE THAT
16 ARE UNIFORM AND APPLICABLE IN EVERY PART OF THIS COMMONWEALTH
17 SHALL SUPERSEDE ANY ~~MUNICIPAL~~ ORDINANCE OR RESOLUTION ON THE
18 SAME SUBJECT.

<—

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

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

25 SECTION 3108-C. REFERENDUM.--THE CHIEF CLERK OF THE COUNTY
26 SHALL CERTIFY A COPY OF THE REPORT AND PROPOSED CHARTER TO THE
27 COUNTY BOARD OF ELECTIONS WITHIN FIVE (5) DAYS OF ITS PUBLIC
28 REPORT BY THE CHARTER DRAFTING COMMITTEES, WHICH SHALL CAUSE THE
29 QUESTION OF THE ADOPTION OR REJECTION OF THE PROPOSED CHARTER TO
30 BE PLACED UPON THE BALLOT OR VOTING MACHINES AT THE NEXT

1 GENERAL, MUNICIPAL OR PRIMARY ELECTION, AS THE CASE MAY BE,
2 OCCURRING NOT LESS THAN SIXTY (60) DAYS FOLLOWING THE FILING OF
3 A COPY OF THE COMMITTEE'S REPORT WITH THE COUNTY BOARD OF
4 ELECTIONS. AT THE ELECTION, THE QUESTION OF ADOPTING THE CHARTER
5 SHALL BE SUBMITTED TO THE ELECTORS OF THE COUNTY IN THE SAME
6 MANNER AS OTHER QUESTIONS ARE SUBMITTED TO THE ELECTORS UNDER
7 THE ACT OF JUNE 3, 1937 (P.L.1333, NO.320), KNOWN AS THE
8 "PENNSYLVANIA ELECTION CODE." THE COMMITTEE SHALL FRAME THE
9 QUESTION TO BE PLACED UPON THE BALLOT AS PROVIDED FOR IN 53
10 PA.C.S. § 2925 (RELATING TO FORM OF QUESTION ON FORM OF
11 GOVERNMENT) AND, IF IT DEEMS APPROPRIATE, AN INTERPRETATIVE
12 STATEMENT TO ACCOMPANY THE QUESTION. IF THE COMMITTEE FRAMES AN <—
13 INTERPRETIVE STATEMENT, SUCH STATEMENT SHALL BE DEEMED TO
14 FULFILL THE REQUIREMENTS OF SECTION 201.1 OF THE "PENNSYLVANIA
15 ELECTION CODE" AND SUCH STATEMENT SHALL BE PUBLISHED AND POSTED
16 PURSUANT TO THE REQUIREMENTS FOR STATEMENTS CONTAINED IN SECTION
17 201.1.

18 SECTION 3109-C. APPORTIONMENT COMMISSION.--(A) IF THE
19 PROPOSED CHARTER IS APPROVED BY THE ELECTORS AS PROVIDED IN THIS
20 ARTICLE, THE GOVERNING BODY SHALL, BY ORDINANCE, ESTABLISH AN
21 APPORTIONMENT COMMISSION TO APPORTION THE COUNTY INTO
22 LEGISLATIVE DISTRICTS TO EFFECT THE PROVISIONS OF SECTION
23 3105(B).

24 (B) THE APPORTIONMENT COMMISSION SHALL CONSIST OF FIVE
25 MEMBERS EACH OF WHOM SHALL BE A RESIDENT AND REGISTERED VOTER OF
26 THE COUNTY FOR AT LEAST FIVE (5) YEARS APPOINTED BY UNANIMOUS <—
27 VOTE OF THE GOVERNING BODY. ONE MEMBER SHALL BE NOMINATED BY THE
28 PRESIDENT PRO TEMPORE OF THE SENATE, WHO MUST SHALL BE A PERSON <—
29 SUBMITTED BY A MEMBER DULY ELECTED FROM THE COUNTY AND OF THE
30 SAME SENATE LEGISLATIVE CAUCUS AS THE PRESIDENT PRO TEMPORE OF

1 THE SENATE. ONE MEMBER SHALL BE NOMINATED BY THE MINORITY LEADER
2 OF THE SENATE, WHO MUST SHALL BE A PERSON SUBMITTED BY A MEMBER <—
3 DULY ELECTED FROM THE COUNTY AND OF THE SAME SENATE LEGISLATIVE
4 CAUCUS AS THE MINORITY LEADER OF THE SENATE. ONE MEMBER SHALL BE
5 NOMINATED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, WHO
6 MUST SHALL BE A PERSON SUBMITTED BY A MEMBER DULY ELECTED FROM <—
7 THE COUNTY AND OF THE SAME HOUSE LEGISLATIVE CAUCUS AS THE
8 SPEAKER OF THE HOUSE OF REPRESENTATIVES. ONE MEMBER SHALL BE
9 NOMINATED BY THE MINORITY LEADER OF THE HOUSE OF
10 REPRESENTATIVES, WHO MUST SHALL BE A PERSON SUBMITTED BY A <—
11 MEMBER DULY ELECTED FROM THE COUNTY AND OF THE SAME HOUSE
12 LEGISLATIVE CAUCUS AS THE MINORITY LEADER OF THE HOUSE OF
13 REPRESENTATIVES. THE FIFTH MEMBER SHALL BE NOMINATED BY THE
14 OTHER FOUR MEMBERS. IN THE EVENT THAT THE FOUR MEMBERS FAIL TO
15 NOMINATE THE FIFTH MEMBER WITHIN TWENTY (20) DAYS, THE GOVERNING
16 BODY OF THE COUNTY SHALL UNANIMOUSLY APPOINT THE FIFTH MEMBER OF
17 THE COMMISSION. NO INDIVIDUAL WHO HAS SERVED AS A MEMBER OF THE
18 CHARTER DRAFTING COMMITTEE SHALL BE APPOINTED TO SERVE AS A
19 MEMBER OF THE APPORTIONMENT COMMISSION.

20 (C) ANY VACANCY IN THE MEMBERSHIP OF THE APPORTIONMENT
21 COMMISSION SHALL BE FILLED BY APPOINTMENT BY THE GOVERNING BODY
22 FOLLOWING THE PROVISIONS FOR NOMINATION MADE FOR THE MEMBERSHIP
23 THAT HAS BEEN VACATED: PROVIDED, HOWEVER, THAT IF THE BODY FAILS
24 TO FILL A VACANCY WITHIN TWENTY (20) CALENDAR DAYS OF THE
25 OCCURRENCE OF THE VACANCY, THE REMAINING MEMBERS OF THE
26 COMMISSION SHALL FILL IT BY APPOINTING SOME OTHER PROPERLY
27 QUALIFIED ELECTOR OF THE COUNTY.

28 (D) THE MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT
29 COMPENSATION, BUT SHALL BE REIMBURSED BY THE COUNTY FOR THEIR
30 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

1 THE GOVERNING BODY OF THE COUNTY SHALL APPROPRIATE MONEYS
2 NECESSARY FOR SUCH PURPOSE AND FOR NECESSARY STAFF AND SUPPORT
3 SERVICES INCLUDING, BUT NOT LIMITED TO, NECESSARY FUNDS FOR THE
4 DEFENSE OF THE APPORTIONMENT PLAN AND THE DEFENSE AND
5 INDEMNIFICATION OF THE APPORTIONMENT COMMISSION.

6 (E) IN ORDER TO ASSIST THE APPORTIONMENT COMMISSION IN ITS
7 UNDERSTANDING OF THE GEOGRAPHIC DIVERSITY WITHIN THE COUNTY, THE
8 APPORTIONMENT COMMISSION SHALL APPOINT AND CONSULT WITH AN
9 APPORTIONMENT ADVISORY COMMITTEE. THE ADVISORY COMMITTEE SHALL
10 CONSIST OF APPOINTEES WHO ARE RESIDENTS AND REGISTERED ELECTORS
11 OF THE COUNTY AND ARE APPOINTED FROM NOMINATIONS PROVIDED BY
12 EACH OF THE GOVERNING BODIES OF THE COUNCILS OF GOVERNMENT
13 WITHIN THE COUNTY, THREE APPOINTEES NOMINATED BY THE CITY
14 COUNCIL OF ANY CITY OF THE SECOND CLASS WITHIN THE COUNTY THAT
15 IS NOT A MEMBER OF A COUNCIL OF GOVERNMENTS AND ONE APPOINTEE
16 WHO SHALL BE A RESIDENT AND REGISTERED ELECTOR OF ANY BOROUGH,
17 TOWNSHIP OR CITY OF THE THIRD CLASS THAT IS NOT A MEMBER OF A
18 COUNCIL OF GOVERNMENTS.

19 (F) WITHIN FOUR (4) WEEKS FOLLOWING THE PUBLICATION OF A
20 DRAFT APPORTIONMENT PLAN, THE APPORTIONMENT COMMISSION SHALL
21 HOLD FIVE HEARINGS THROUGHOUT THE COUNTY TO PRESENT THE
22 APPORTIONMENT PLAN AND RECEIVE COMMENTS PRIOR TO THE FINAL <—
23 ADOPTION OF THE APPORTIONMENT. AT A MINIMUM, A PUBLIC HEARING
24 SHALL BE HELD IN THE NORTHERN, SOUTHERN, EASTERN AND WESTERN
25 PARTS OF THE COUNTY AND IN THE LARGEST MUNICIPALITY IN THE
26 COUNTY. PUBLIC HEARINGS CONDUCTED UNDER THIS SECTION SHALL BE <—
27 CONSIDERED AN OPEN MEETING FOR WHICH PUBLIC NOTICE MUST BE GIVEN
28 IN ACCORDANCE WITH THE ACT OF JULY 3, 1986 (P.L.388, NO.84),
29 KNOWN AS THE "SUNSHINE ACT." PUBLIC NOTICE OF ANY HEARING SHALL
30 BE GIVEN AT LEAST ONE (1) WEEK IN ADVANCE AND SHALL BE

ADEQUATELY ANNOUNCED TO INFORM THE GENERAL PUBLIC. EXPENSES
INCURRED IN CONDUCTING THE PUBLIC HEARINGS SHALL BE BORNE BY THE
COUNTY.

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

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

(I) SUBSEQUENT REAPPORTIONMENT OF THE COUNTY SHALL BE
GOVERNED BY THE ACT OF DECEMBER 13, 1974 (P.L.947, NO.312),
KNOWN AS THE "MUNICIPAL REAPPORTIONMENT ACT." 53 PA.C.S. CH. 9
(RELATING TO MUNICIPAL REAPPORTIONMENT).

SECTION 3110-C. ASSESSMENT LIMITS ON COUNTIES OF THE SECOND
CLASS.--NOTWITHSTANDING ANY PROVISIONS OF THE ACT OF JUNE 21,
1939 (P.L.626, NO.294), REFERRED TO AS THE SECOND CLASS COUNTY
ASSESSMENT LAW, TO THE CONTRARY, WHEN A COUNTY OF THE SECOND

1 CLASS MAKES ITS ANNUAL REASSESSMENT AT VALUES BASED UPON AN
2 ESTABLISHED PREDETERMINED RATIO, AS REQUIRED BY LAW, OR WHEN A
3 COUNTY OF THE SECOND CLASS CHANGES ITS PREDETERMINED RATIO, THE
4 COUNTY, WHICH HEREAFTER LEVIES ITS REAL ESTATE TAXES ON THAT
5 REVISED ASSESSMENT OR VALUATION, SHALL FOR THAT YEAR REDUCE ITS
6 TAX RATE, IF NECESSARY FOR THE PURPOSE OF HAVING A TOTAL AMOUNT
7 OF PROPERTY TAX REVENUE RECEIVED EXCLUSIVELY AS A RESULT OF THE
8 REASSESSMENT OR CHANGE IN RATIO NOT TO EXCEED ONE HUNDRED FIVE
9 PER CENTUM (105%) OF THE TOTAL AMOUNT OF PROPERTY TAX REVENUE
10 RECEIVED IN THE PRECEDING YEAR, NOTWITHSTANDING THE INCREASED
11 VALUATIONS OF PROPERTIES UNDER THE ANNUAL REASSESSMENT SYSTEM.
12 FOR THE PURPOSES OF DETERMINING THE TOTAL AMOUNT OF REVENUE
13 RECEIVED EXCLUSIVELY AS A RESULT OF THE REASSESSMENT OR CHANGE
14 IN RATIO FOR THE YEAR, THE AMOUNT TO BE LEVIED ON NEWLY
15 CONSTRUCTED BUILDINGS OR STRUCTURES OR ON INCREASED VALUATIONS
16 BASED ON NEW IMPROVEMENTS MADE TO EXISTING STRUCTURES SHALL NOT
17 BE CONSIDERED.

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

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

28 (C) THE QUESTION OF CHANGING THE FORM OF GOVERNMENT APPROVED
29 BY THE ~~VOTERS~~ ELECTORS AS SET FORTH IN THE CHARTER MAY NOT BE
30 SUBMITTED TO THE ELECTORS EARLIER THAN FIVE YEARS (5) AFTER THE

<—

1 DATE WHICH THE PROPOSED CHARTER WAS APPROVED BY REFERENDUM. <—

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

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

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

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

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