

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 741

Session of
1977

INTRODUCED BY RENWICK, FRYER AND YAHNER, MARCH 28, 1977

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 28, 1977

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 granting commissioners the power and a procedure to further
6 amend the county budget under certain circumstances.

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

9 Section 1. The act of August 9, 1955 (P.L.323, No.130),
10 known as "The County Code," is amended by adding a section to
11 read:

12 Section 1782.3. Amending Budget, Levy and Tax Rate;
13 Petition, Hearing, Appeal; Amending Tax Duplicates; Filing.--(a)
14 At any time prior to June 1 in any year, the commissioners of
15 any county may amend the budget and the levy and tax rate to
16 conform with its amended budget when such county shall prior to
17 June 1 receive unanticipated revenues which may be expended
18 during such county's fiscal year where such unanticipated
19 revenues may enable the commissioners of such county to reduce
20 the county's budget and the levy and tax rate to conform with

1 its amended budget by not less than five per centum, by
2 petitioning the court of common pleas of such county to examine
3 into the receipt of such unanticipated revenues and the
4 reasonableness of the various items in the budget of the county,
5 and the reasonableness of amending the budget and reducing the
6 levy and tax rate to conform with the county's amended budget.
7 Each such petition shall contain a specification of the source
8 of such unanticipated income and shall be accompanied by the
9 affidavit of two of the commissioners of such county that the
10 facts set forth in the petition are true and correct to the best
11 of their knowledge and belief.

12 (b) Upon the filing of such petition, the court shall fix a
13 day for a hearing not less than ten nor more than fifteen days
14 after such petition has been filed. Notice of such hearing shall
15 be given in such manner as the court shall direct. On such
16 hearing, it shall be the duty of the court to examine into the
17 necessity for and reasonableness of the amended budget and the
18 reduction of the levy and the tax rate to conform with the
19 amended budget. The court shall thereupon make an order
20 approving or refusing to approve the amended budget and the
21 reduced levy and tax rate to conform with the amended budget.

22 (c) If no appeal shall be taken from such order as herein
23 provided, the budget and levy and tax rate shall remain as
24 constituted by the court.

25 (d) Any interested person who is a taxpayer of such county
26 and who has appeared of record at or prior to hearing may appeal
27 to the Supreme Court within ten days after the entry of the
28 order by the court of common pleas. Such appeal shall be taken
29 and prosecuted in the same manner and form and with the same
30 effect as is provided in other cases of appeal to the Supreme

1 Court.

2 (e) If such final order by the court of common pleas or
3 Supreme Court reduces the proposed levy, the commissioners shall
4 revise the tax duplicates in conformity with such order and any
5 levy made during the pendency of the proceedings shall be
6 subject to revision in accordance with such order.

7 (f) Within fifteen days after such final order, in the event
8 the final order allows any amendment to the budget and levy and
9 tax rate, the commissioners shall file a copy thereof in the
10 office of the Department of Community Affairs.

11 Section 2. This act shall take effect in 60 days.