

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1145 Session of
1985

INTRODUCED BY PECORA, BODACK, FISHER, HELFRICK, WILT, HESS,
STOUT, LYNCH, ROSS AND ZEMPRELLI, OCTOBER 9, 1985

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 24, 1986

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," further providing for~~
5 ~~certain annual assessments.~~
6 AMENDING THE ACT OF APRIL 13, 1972 (P.L.184, NO.62), ENTITLED <—
7 "AN ACT GIVING MUNICIPALITIES THE RIGHT AND POWER TO ADOPT
8 HOME RULE CHARTERS OR ONE OF SEVERAL OPTIONAL PLANS OF
9 GOVERNMENT AND TO EXERCISE THE POWERS AND AUTHORITY OF LOCAL
10 SELF-GOVERNMENT SUBJECT TO CERTAIN RESTRICTIONS AND
11 LIMITATIONS; PROVIDING PROCEDURES FOR SUCH ADOPTION AND
12 DEFINING THE EFFECT THEREOF," PROVIDING FOR ELECTION DISTRICT
13 AMENDMENTS AND FOR QUESTIONS ON THE BALLOT.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 ~~Section 1. Section 437(a) of the act of July 28, 1953~~ <—
17 ~~(P.L.723, No.230), known as the Second Class County Code,~~
18 ~~amended July 30, 1975 (P.L.154, No.78), is amended to read:~~
19 ~~Section 437. Annual Assessments for County Commissioners,~~
20 ~~Etc. (a) In addition to the expenses hereinbefore authorized,~~
21 ~~the necessary expenses of the association of county~~
22 ~~commissioners, county solicitors and chief clerks shall be~~

~~apportioned among the counties holding membership in the association in amounts provided for by the rules and regulations of the association, but shall not total more than [one thousand six hundred dollars (\$1,600)] two thousand dollars (\$2,000) for counties of the second and second A class.~~

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~~Section 2. This act shall take effect immediately.~~

SECTION 1. SECTION 221 OF THE ACT OF APRIL 13, 1972 (P.L.184, NO.62), KNOWN AS THE HOME RULE CHARTER AND OPTIONAL PLANS LAW, AMENDED DECEMBER 13, 1974 (P.L.958, NO.314), IS AMENDED TO READ:

SECTION 221. (A) THE PROCEDURE FOR AMENDING A HOME RULE CHARTER OR OPTIONAL PLAN OF GOVERNMENT SHALL BE THROUGH THE INITIATIVE PROCEDURE AND REFERENDUM OR ORDINANCE OF THE GOVERNING BODY AS HEREINAFTER PROVIDED FOR IN THIS ACT.

~~(B) IN CITIES WHICH WOULD BE CLASSIFIED SECOND CLASS BUT HAVE ADOPTED A HOME RULE CHARTER, CHANGES IN THE METHOD OF ELECTION OF A MUNICIPAL GOVERNING BODY FROM AT-LARGE ELECTIONS TO ELECTIONS BY DISTRICT, MAINTAIN AT-LARGE ELECTIONS OR A COMBINATION OF AT-LARGE ELECTIONS AND ELECTIONS BY DISTRICT MAY BE IMPLEMENTED BY AMENDING A HOME RULE CHARTER OR OPTIONAL PLAN WITHOUT CREATION OF A GOVERNMENT STUDY COMMISSION. IF AN AMENDMENT TO CHANGE THE METHOD OF ELECTION OF A MUNICIPAL GOVERNING BODY DOES NOT PROVIDE NECESSARY PROCEDURES FOR APPORTIONMENT, APPORTIONMENT SHALL BE GOVERNED BY THE ACT OF DECEMBER 13, 1974 (P.L.947, NO.312), KNOWN AS THE "MUNICIPAL REAPPORTIONMENT ACT."~~

~~(C) IF TWO OR MORE QUESTIONS APPEAR ON THE BALLOT AT THE SAME ELECTION AND SUCH QUESTIONS ARE IN CONFLICT AND MORE THAN ONE RECEIVES THE APPROVAL OF THE VOTERS, THE QUESTION WHICH~~

1 RECEIVES THE LARGEST NUMBER OF AFFIRMATIVE VOTES SHALL PREVAIL
2 OVER THE OTHERS.

3 (D) IF THE REFERENDUM ON THE QUESTION RESULTS IN THE <—
4 APPROVAL BY THE VOTERS TO AMEND THE HOME RULE CHARTER TO PROVIDE
5 FOR THE ELECTION OF THE GOVERNING BODY OF SUCH CITY EITHER BY
6 DISTRICTS OR PARTIALLY BY DISTRICTS AND PARTIALLY AT LARGE, OR
7 IN A CHANGE IN THE NUMBER OF MEMBERS OF THE GOVERNING BODY THE
8 INITIAL APPORTIONMENT OF THE DISTRICTS SHALL BE MADE BY AN
9 APPORTIONMENT COMMISSION CONSISTING OF SEVEN MEMBERS, ALL OF
10 WHOM SHALL RESIDE IN SUCH CITY. TWO MEMBERS OF THE APPORTIONMENT
11 COMMISSION SHALL BE APPOINTED BY THE MAYOR OF SUCH CITY. TWO
12 MEMBERS OF THE APPORTIONMENT COMMISSION SHALL BE APPOINTED BY
13 THE GOVERNING BODY OF SUCH CITY; ONE SHALL BE APPOINTED BY THE
14 CITY CHAIRMAN OF THE POLITICAL PARTY WHOSE MAYORAL CANDIDATE
15 RECEIVED THE HIGHEST NUMBER OF VOTES CAST IN THE MOST RECENT
16 MUNICIPAL ELECTION; ONE SHALL BE APPOINTED BY THE CITY CHAIRMAN
17 OF THE POLITICAL PARTY WHOSE MAYORAL CANDIDATE RECEIVED THE
18 SECOND HIGHEST VOTES IN THE MOST RECENT MUNICIPAL ELECTION. THE
19 SEVENTH MEMBER OF THE COMMISSION SHALL BE ELECTED AT LARGE BY A
20 MAJORITY VOTE OF THE OTHER SIX MEMBERS AND SHALL SERVE AS
21 CHAIRMAN OF THE COMMISSION.

22 SECTION 2. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.