

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1795 Session of 1993

INTRODUCED BY ITKIN, PETRONE, McNALLY, VAN HORNE, MURPHY, COWELL, KAISER, TRELLO AND PISTELLA, JUNE 15, 1993

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 28, 1993

AN ACT

1 Amending the act of April 13, 1972 (P.L.184, No.62), entitled
2 "An act giving municipalities the right and power to adopt
3 home rule charters or one of several optional plans of
4 government and to exercise the powers and authority of local
5 self-government subject to certain restrictions and
6 limitations; providing procedures for such adoption and
7 defining the effect thereof," providing an additional limited
8 optional procedure for the adoption of a home rule charter by
9 second class counties.

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

12 Section 1. The act of April 13, 1972 (P.L.184, No.62), known
13 as the Home Rule Charter and Optional Plans Law, is amended by
14 adding an article to read:

ARTICLE II-A

OPTIONAL PROCEDURES FOR

SECOND CLASS COUNTIES

18 Section 201-A. In addition to any other procedures set forth
19 in Article II, the registered electors and governing body of a
20 county of the second class shall have the power and may adopt a

1 home rule charter in the manner specified in this article.

2 Section 202-A. The question of whether a county of the
3 second class shall adopt a home rule charter under this article
4 may be brought before the registered electors of the second
5 class county by either:

6 (1) the governing body of a county of the second class
7 adopting an ordinance pursuant to section 204-A; or

8 (2) the registered electors presenting a petition pursuant
9 to section 205-A.

10 Section 203-A. The question to be presented to the
11 registered electors of the second class county shall be in the
12 following form:

13 Shall _____ County become a home rule county as
14 authorized by Article II-A of the Home Rule Charter and
15 Optional Plans Law, adopting as its home rule charter the
16 provisions of the Second Class County Code in effect on
17 the date of the election?

18 Section 204-A. (a) The governing body of a county of the
19 second class shall have the power and may adopt an ordinance
20 providing for the submission of the question in section 203-A to
21 the registered electors of that second class county.

22 (b) The ordinance shall contain the question in the form
23 prescribed in section 203-A, the date of the election at which
24 the question will be presented and, at the option of the
25 governing body, an interpretative statement to accompany the
26 question.

27 (c) Within five days of the adoption of an ordinance under
28 subsection (a) the chief clerk of the county shall certify and
29 file a copy of the adopted ordinance to the county board of
30 elections.

1 (d) The county board of elections, upon receipt of the
2 certified copy of the adopted ordinance, shall cause the
3 question to be placed on the ballot at the election specified in
4 the ordinance, or the first election held sixty days after the
5 county board of elections receives the ordinance, whichever
6 election occurs later. The submission of the question and the
7 conduct of the election shall be in conformity with the
8 provisions of the act of June 3, 1937 (P.L.1333, No.320), known
9 as the "Pennsylvania Election Code."

10 Section 205-A. (a) The registered electors of a county of
11 the second class shall have the power and may present to the
12 county board of elections a petition which meets the
13 requirements of this section and requests that the question set
14 forth in section 203-A be submitted to the registered electors
15 of that county.

16 (b) The petition shall be circulated as prescribed in
17 subsection (c), shall be signed by at least five per cent of the
18 registered electors who voted for the Office of Governor in the
19 last gubernatorial GENERAL election in that county and shall ←
20 indicate that the governing body has received that petition.

21 (c) A referendum petition under this section shall be filed
22 not later than the thirteenth Tuesday prior to the election, and
23 the petition and the proceedings therein shall be in the manner
24 and subject to the provisions of the election laws which relate
25 to the signing, filing and adjudication of nomination petitions
26 insofar as such provisions are applicable, except that no
27 referendum petition shall be signed or circulated prior to the
28 twentieth Tuesday before the election nor later than the
29 thirteenth Tuesday before the election.

30 (d) At least two weeks prior to the filing date set forth in

1 subsection (c), the petition shall be submitted to the governing
2 body for review. The governing body shall have the right to make
3 necessary clarifications to the referendum petition.

4 Clarifications shall be by majority vote of the governing body.
5 Should a majority vote not exist to make clarifications, the
6 referendum petition shall proceed as set forth in subsection
7 (c).

8 Section 206-A. The provisions of sections 231, 232 and 233
9 shall control the initiation of and procedures for amendments to
10 any home rule charter adopted under this article.

11 Section 207-A. (a) No ordinance may be passed and no
12 petition may be filed for the election of a government study
13 commission pursuant to section 201 of this act while proceedings
14 are pending under an ordinance as authorized by this article,
15 nor may the same question be submitted to the registered
16 electors, if it has been defeated within four years after an
17 election shall have been held pursuant to any ordinance.

18 (b) For the purpose of this section, proceedings shall be
19 considered as having started upon the final vote of the
20 governing body in favor of the ordinance, notwithstanding the
21 fact that the ordinance cannot take effect until a certain
22 number of days thereafter.

23 Section 208-A. Whenever the legally qualified voters of any
24 county of the second class by a majority of those voting on the
25 question vote in favor of adopting a home rule charter, that
26 charter shall take effect on January 1 of the year following the
27 vote on the question.

28 Section 209-A. All elective officials of the county in
29 office at the time of the adoption of a home rule charter or an
30 amendment to an existing charter which changes the form of

1 government shall continue in office until their terms expire.

2 Section 210-A. The voters of any county of the second class
3 which has adopted a home rule charter pursuant to this article
4 may not vote on the question of changing that form of government
5 for two years after that home rule charter became effective.

6 Section 211 A. Effective January 1 of the year following <—
7 adoption of a home rule charter under this article, the
8 provisions of the act of July 28, 1953 (P.L.723, No.230), known
9 as the "Second Class County Code," are to be repealed as to
10 counties adopting the home rule charter.

11 Section 2. This act shall take effect immediately.