

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, HOUSE OF REPRESENTATIVES,
APRIL 28, 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.

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

11 ~~Section 1. Sections 2565 and 2566 of the act of July 28,~~ <—
12 ~~1953 (P.L.723, No.230), known as the Second Class County Code,~~
13 ~~amended June 19, 1961 (P.L.463, No.232), are amended to read:~~

14 SECTION 1. THE ACT OF JULY 28, 1953 (P.L.723, NO.230), KNOWN <—
15 AS THE SECOND CLASS COUNTY CODE, IS AMENDED BY ADDING A SECTION
16 TO READ:

17 SECTION 1970.3. JOINT TAX COLLECTOR.--NOTWITHSTANDING THE
18 PROVISIONS OF SECTION 10(B) OF THE ACT OF DECEMBER 31, 1965
19 (P.L.1257, NO.511), KNOWN AS "THE LOCAL TAX ENABLING ACT," IF A

1 MUNICIPALITY HAVING A POPULATION OF AT LEAST 50,000 AND LESS
2 THAN 100,000 LOCATED IN A SECOND CLASS COUNTY HAS ADOPTED A HOME
3 RULE CHARTER UNDER 53 PA.C.S. PT. III SUBPT. E (RELATING TO HOME
4 RULE AND OPTIONAL PLAN GOVERNMENT), THE GOVERNING BODY OF THE
5 MUNICIPALITY AND BOARD OF SCHOOL DIRECTORS FOR THE SCHOOL
6 DISTRICT IN WHICH THE MUNICIPALITY IS LOCATED SHALL ANNUALLY
7 AGREE ON AND JOINTLY APPOINT A COLLECTOR OR COLLECTORS OF TAXES
8 FOR TAXES LEVIED UNDER "THE LOCAL TAX ENABLING ACT." IN THE
9 EVENT THE GOVERNING BODY OF THE MUNICIPALITY AND THE BOARD OF
10 SCHOOL DIRECTORS FOR THE SCHOOL DISTRICT IN WHICH THE
11 MUNICIPALITY IS LOCATED CANNOT AGREE ON THE APPOINTMENT OF A
12 COLLECTOR OR COLLECTORS OF TAXES LEVIED UNDER THIS ACT WITHIN
13 NINETY DAYS OF THE COMMENCEMENT OF EACH ENSUING MUNICIPAL FISCAL
14 YEAR, THEN THREE ARBITRATORS SHALL BE APPOINTED WHO BY MAJORITY
15 VOTE SHALL CHOOSE A TAX COLLECTOR TO COLLECT TAXES LEVIED UNDER
16 THIS ACT; ONE PERSON SHALL BE APPOINTED BY THE GOVERNING BODY OF
17 THE MUNICIPALITY WHO IS A RESIDENT OF THE MUNICIPALITY AND WHO
18 IS NOT A MEMBER OF THE GOVERNING BODY, ONE PERSON SHALL BE
19 APPOINTED BY THE BOARD OF SCHOOL DIRECTORS WHO IS A RESIDENT OF
20 THE SCHOOL DISTRICT AND WHO IS NOT A SCHOOL DIRECTOR, AND ONE
21 RESIDENT SHALL BE APPOINTED BY THE ELECTED CONTROLLER OF THE
22 MUNICIPALITY.

23 SECTION 2. SECTIONS 2565 AND 2566 OF THE ACT, AMENDED JUNE
24 19, 1961 (P.L.463, NO.232), ARE AMENDED TO READ:

25 Section 2565. Personnel.--The board of managers shall
26 consist of:

27 (a) Ex-officio members (five): the president judge of the
28 court of common pleas of such county; the judge of said court
29 next oldest in commission; the county commissioners of the
30 county.

1 (b) Elective members [(fifteen): the present elective
2 members representing the Veterans of the Civil War shall be and
3 continue as members of such board until removed by death,
4 resignation, or otherwise. The remaining members of the elective
5 (fifteen) shall be filled by the following organizations out of
6 their membership: (three) by the county organization of the
7 United Spanish War Veterans; (three)] (twenty-one): the elective
8 members shall be filled by the following veterans' organizations
9 out of their membership: (four) by the county organization of
10 the American Legion; [(three)] (four) by the county organization
11 of the Veterans of Foreign Wars; [(three) by the county
12 organizations of the Italian American War Veterans of the United
13 States, Incorporated;] (two) by the county organization of the
14 Disabled American Veterans; (eleven: one, each) by the county
15 organizations of Vietnam Veterans, Incorporated, the American
16 Veterans of World War II, the Jewish War Veterans, the Catholic
17 War Veterans, the Military Order of the Purple Heart, the
18 Paralyzed Veterans of America, the Korean War Veterans
19 Association, the Italian American War Veterans of the United
20 States, Incorporated, the Black Vietnam Veterans Association,
21 the WAVES National Organization and the Military Order of World
22 Wars; within thirty days from the date when this act becomes
23 effective; and they shall certify such election to the secretary
24 of the existing board, whereupon the persons so elected shall be
25 members of the board.

26 (c) Additional members: the board may extend its membership
27 by adding one member for each group approved under section 2566.

28 Section 2566. Vacancies.--Vacancies occurring among the
29 elective members of the board shall be filled by the
30 organization which chose the members whose place it is desired

1 to fill: Provided, however, That whenever it may appear that it
2 is impossible to fill any vacancy in the board caused by the
3 death or resignation of a member thereof [who represented the
4 Veterans of the Civil War] because no organization survives to
5 choose such members or no person survives who can qualify for
6 such membership, vacancies so created and existing shall, upon
7 notice from the secretary, be filled by the county organizations
8 of the [United Spanish War Veterans and the] American Legion and
9 the Veterans of Foreign Wars and the Italian American War
10 Veterans of the United States, Incorporated. That is to say, the
11 first vacancy so caused shall be filled by the county
12 organization of the [United Spanish War Veterans, the second by
13 the county organization of the] American Legion, and the [third]
14 second by the county organization of the Veterans of Foreign
15 Wars, and the third by the Italian American War Veterans of the
16 United States, Incorporated, and so on in rotation. [That is to
17 say, that when no member representing the Veterans of the Civil
18 War shall remain on said board, the elective personnel of the
19 board shall be as follows: Elective members sixteen; United
20 Spanish War Veterans (four); American Legion (four); Veterans of
21 Foreign Wars (four); Italian American War Veterans of the United
22 States, Incorporated (four).] If there is a loss of membership
23 on the board or if an additional veterans' group seeks
24 membership on the board, the General Assembly shall consider any
25 veterans' group which applies in writing for membership. The
26 General Assembly shall admit a group to membership if all of the
27 following apply:

28 (1) The group is a chartered non-profit veterans'
29 organization whose goals are relevant to the representation of
30 veterans' organizations and whose membership consists solely of

1 honorably discharged veterans of the armed forces of the United
2 States and all components of the armed forces, including reserve
3 and Pennsylvania National Guard forces.

4 (2) The group supports and promotes the Constitution of the
5 United States and policies and laws of the United States and
6 this Commonwealth.

7 SECTION 3. THIS ACT SHALL BE IMPLEMENTED NO LATER THAN JULY <—
8 1 OF THE FIRST YEAR FOLLOWING THE EFFECTIVE DATE OF THIS ACT.

9 Section ~~2~~ 4. This act shall take effect in 60 days. <—