

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 669 Session of
1997

INTRODUCED BY ROBBINS, CORMAN, THOMPSON, STOUT AND AFFLERBACH,
MARCH 12, 1997

REFERRED TO LOCAL GOVERNMENT, MARCH 12, 1997

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, further providing for business
3 improvement districts, for definitions and for small
4 borrowing for capital purposes; making a repeal; and making
5 editorial changes.

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

8 Section 1. Sections 1385(a), 2163(a)(1)(ii), 2328, 2329,
9 2515, 2522(b), 2536, 2543, 2921(c), 2943(b), 2951, 2965, 2972
10 and 2984(b) of Title 53 of the Pennsylvania Consolidated
11 Statutes, added December 19, 1996 (P.L. , No.177), are
12 amended to read:

13 § 1385. Local Government Records Committee.

14 (a) Establishment.--There shall be established under the
15 commission the Local Government Records Committee which shall
16 consist of the Auditor General, the State Treasurer, the General
17 Counsel, the Executive Director of the Historical and Museum
18 Commission, the Secretary of Community [Affairs] and Economic
19 Development and five other members to be appointed by the

1 Governor to represent each of the following municipal
2 associations: the League of Cities, the State Association of
3 Boroughs, the State Association of Township Commissioners, the
4 State Association of Township Supervisors and the Municipal
5 Authorities' Association. Each ex officio member of the
6 committee may designate in writing a representative to act in
7 place of the member. The Secretary of Community [Affairs] and
8 Economic Development shall serve as chairman and the executive
9 director of the commission shall serve as secretary. Meetings of
10 the committee shall be at the call of the chairman.

11 * * *

12 § 2163. Commission members.

13 (a) Selection.--The commission shall be composed of 20
14 members as follows:

15 (1) The following members shall serve by virtue of their
16 office:

17 * * *

18 (ii) The Secretary of Community [Affairs] and
19 Economic Development.

20 * * *

21 § 2328. Assistance from [Department of Environmental Resources]
22 State Conservation Commission.

23 The State Conservation Commission [in the Department of
24 Environmental Resources] shall establish a program of assistance
25 to environmental advisory councils that may include educational
26 services, exchange of information, assignment of technical
27 personnel for natural resources planning assistance and the
28 coordination of State and local conservation activities.

29 § 2329. Assistance from Department of Community [Affairs] and
30 Economic Development.

1 The Department of Community [Affairs] and Economic
2 Development shall establish a program of assistance to
3 environmental advisory councils in planning for the management,
4 use and development of open space and recreation areas.

5 § 2515. Distribution of petition.

6 When the election officials find that the petition as
7 submitted is in proper order, they shall send copies of the
8 initiative petition without signatures thereon to the governing
9 body of the municipalities involved and to the Department of
10 Community [Affairs] and Economic Development.

11 § 2522. Filing of referendum ordinance.

12 * * *

13 (b) Department of Community [Affairs] and Economic
14 Development.--When the ordinances are filed with the election
15 officials, copies of the referendum ordinance shall be
16 immediately filed with the Department of Community [Affairs] and
17 Economic Development.

18 § 2536. Results of election.

19 The election officials shall certify the results of the
20 referendum to the governing bodies and the Department of
21 Community [Affairs] and Economic Development.

22 § 2543. Election returns.

23 The result of the votes cast for members of the board at the
24 municipal election shall be returned by the election officials
25 to the governing bodies of municipalities involved and to the
26 Department of Community [Affairs] and Economic Development.

27 § 2921. Report of findings and recommendations.

28 * * *

29 (c) Filing copy with Department of Community [Affairs] and
30 Economic Development.--A copy of the final report of the

1 commission with its findings and recommendations shall be filed
2 with the Department of Community [Affairs] and Economic
3 Development.

4 * * *

5 § 2943. Petition for referendum or ordinance proposing
6 amendment.

7 * * *

8 (b) Review and disposition of petition.--The election
9 officials shall review the initiative petition as to the number
10 and qualifications of signers. If the petition appears to be
11 defective, the election officials shall immediately notify the
12 persons filing the petition of the defect. When the election
13 officials find that the petition as submitted is in proper
14 order, they shall send copies of the initiative petition without
15 signatures thereon to the governing body and to the Department
16 of Community [Affairs] and Economic Development. The initiative
17 petition as submitted to the election officials, along with a
18 list of signatories, shall be open to inspection in the office
19 of the election officials.

20 § 2951. Conduct and results of election.

21 All elections provided for in this subpart shall be conducted
22 by the election officials for such municipality in accordance
23 with the act of June 3, 1937 (P.L.1333, No.320), known as the
24 Pennsylvania Election Code. The election officials shall count
25 the votes cast and make return thereof to the county board of
26 elections. The results of the election shall be computed by the
27 county board of elections in the same manner as is provided by
28 law for the computation of similar returns. Certificates of the
29 results of the election shall be filed by the county board of
30 elections with the municipal council or board, the Department of

1 State and the Department of Community [Affairs] and Economic
2 Development.

3 § 2965. Recording and filing of charter.

4 The municipal clerk or secretary shall have the new charter
5 as approved by the qualified electors recorded in the ordinance
6 books and shall also file a certified copy of the charter with
7 the Department of State, the Department of Community [Affairs]
8 and Economic Development and the county board of elections.

9 § 2972. Recording and filing of plan.

10 The municipal clerk or secretary shall immediately cause the
11 new plan of government as adopted to be recorded in the
12 ordinance book of the municipality and shall also file a
13 certified copy thereof with the Department of State, the
14 Secretary of Community [Affairs] and Economic Development and
15 the county board of elections.

16 § 2984. Assumption of functions previously assumed by other
17 municipality.

18 * * *

19 (b) Procedure for adjustment and apportionment.--The
20 adjustment and apportionment shall be reduced to a written
21 agreement which shall be filed with the court of common pleas of
22 the county and the Department of Community [Affairs] and
23 Economic Development.

24 * * *

25 Section 2. Section 5402 of Title 53, added December 19, 1996
26 (P.L. , No.177), is amended by adding a definition to read:
27 § 5402. Definitions.

28 The following words and phrases when used in this chapter
29 shall have the meanings given to them in this section unless the
30 context clearly indicates otherwise:

1 * * *

2 Municipal corporation. Any city, borough or incorporated
3 town.

4 Section 3. The definition of "department" in section
5 8002(c), added December 19, 1996 (P.L. , No.177), is amended
6 to read:

7 § 8002. Definitions.

8 * * *

9 (c) Other definitions.--Subject to additional definitions
10 contained in subsequent provisions of this subpart which are
11 applicable to specific provisions of this subpart, the following
12 words and phrases when used in this subpart shall have the
13 meanings given to them in this section unless the context
14 clearly indicates otherwise:

15 * * *

16 "Department." The Department of Community [Affairs] and
17 Economic Development of the Commonwealth.

18 * * *

19 Section 4. Section 8109(a)(1) Title 53, added December 19,
20 1996 (P.L. , No.177), is amended to read:

21 § 8109. Small borrowing for capital purposes.

22 (a) General rule.--Any local government unit may incur debt
23 by resolution rather than by ordinance to be evidenced by notes
24 to provide funds for a project as defined in this subpart
25 without complying with the requirements of Subchapter A of
26 Chapter 82 (relating to Department of Community [Affairs] and
27 Economic Development) if:

28 (1) The aggregate amount of the debt outstanding at any
29 one time shall not exceed the lesser of [\$100,000]
30 \$125,000 or 30% of the [borrowing base] nonelectoral debt

1 limit as authorized in section 8022(a) (relating to limitations
2 on incurring of other debt).

3 * * *

4 Section 5. Chapter 82 Subchapter A heading of Title 53,
5 added December 19, 1996 (P.L. , No.177), is amended to read:

6 SUBCHAPTER A

7 DEPARTMENT OF COMMUNITY [AFFAIRS] AND ECONOMIC DEVELOPMENT

8 Section 6. Section 409(a) of the act of July 12, 1972
9 (P.L.781, No.185), known as the Local Government Unit Debt Act,
10 as amended October 16, 1996 (P.L.710, No.125), is repealed.

11 Section 7. This act shall take effect in 60 days.