

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 869 Session of
2001

INTRODUCED BY ORIE, CALTAGIRONE, LEVDANSKY, READSHAW, COSTA,
FRANKEL, LAUGHLIN, PIPPY, YOUNGBLOOD, TRELLO, THOMAS,
PISTELLA, DIVEN, PRESTON AND PALLONE, MARCH 8, 2001

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 21, 2001

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 monthly retirement allowance increase, FOR OPTIONAL <—
6 LIMITATIONS ON ASSESSED VALUE AND FOR SHARING OF INFORMATION;
7 PROVIDING FOR A REAPPORTIONMENT COMMISSION IN COUNTIES OF THE
8 SECOND CLASS; FURTHER PROVIDING for building for juvenile
9 offenders, for management of juvenile detention houses by
10 board, for appointment and compensation of board employees
11 ~~and, for annual report and expenses of board; and providing~~ <—
12 AND FOR FURNISHING ROOMS FOR MEETINGS OF CERTAIN VETERANS AND <—
13 OF SONS OF VETERANS; AND PROVIDING for county council
14 authority to make certain appropriation.

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

17 Section 1. Section 1708(e) of the act of July 28, 1953
18 (P.L.723, No.230), known as the Second Class County Code, added
19 December 10, 1980 (P.L.1165, No.213), is amended to read:

20 Section 1708. Compulsory Membership; Payments Into Fund;
21 Exceptions; Vested Interest.--* * *

22 (e) (1) The board, [guided by] based solely upon the annual

1 actuarial valuation of the retirement system and the actuarial
2 indicator described in clause (2), shall [have the authority]
3 each year [to] increase the monthly retirement allowance which
4 is required to be paid to all employees who have been, for at
5 least one year, prior to the preceding annual actuarial study,
6 eligible to receive a retirement allowance.

7 (2) The actuarial indicator to be used for purposes of
8 clause (1) shall be known as the Total Funded Status Ratio
9 (TFSR) and shall be determined by the system's actuary. TFSR
10 equals the sum of the fair market value of assets available for
11 plan benefits as of the valuation date plus the actuarial
12 present value of total projected future contributions computed
13 as a percentage of the sum of the actuarial present value of
14 future benefits and the actuarial present value of future
15 expenses. The actuary shall determine the TFSR using an interest
16 rate equal to the arithmetic average of the rate used in the
17 current actuarial valuation and the rates used for the preceding
18 four annual actuarial valuations. The level of the TFSR shall
19 determine the range in which the retirement allowance increase
20 may fall. The board shall implement retirement allowance
21 increases within the permitted range determined from the
22 following table:

23	<u>TFSR</u>	<u>Percentage increase</u>
24	<u>Under one hundred</u>	<u>Zero per centum minimum, or more</u>
25	<u>ten per centum</u>	<u>at the discretion of the board</u>
26	<u>One hundred ten</u>	<u>Two per centum minimum, or more</u>
27	<u>per centum and</u>	<u>at the discretion of the board,</u>
28	<u>above</u>	<u>provided, however, that</u>
29		<u>the two per centum minimum increase</u>
30		<u>does not result in a TFSR less than</u>

1 one hundred ten per centum in which
2 case the percentage shall be reduced
3 so as to maintain a one hundred ten
4 per centum TFSR increase.

5 The per centum increase determined shall be applied to the
6 average monthly retirement allowance in pay status during the
7 month of December immediately preceding the current actuarial
8 valuation, producing a monthly dollar equivalent for the
9 retirement allowance increase. The dollar amount so determined
10 shall be rounded down to the next lower dollar and such rounded
11 amount shall be added to the retirement allowance of those
12 eligible for the increase effective for the month of January
13 next following.

14 SECTION 2. SECTIONS 1902-A AND 1906-A OF THE ACT, ADDED JUNE <—
15 8, 2001 (P.L.114, NO.16), ARE AMENDED TO READ:

16 SECTION 1902-A. OPTIONAL LIMITATIONS ON ASSESSED VALUE.--A
17 COUNTY OF THE SECOND CLASS OR A POLITICAL SUBDIVISION LOCATED
18 WITHIN A COUNTY OF THE SECOND CLASS MAY, BY ADOPTING AN
19 ORDINANCE OR RESOLUTION, UTILIZE THE TAX-NEUTRAL ASSESSED VALUE
20 WHEN LEVYING THE REAL PROPERTY TAX ON THE HOMESTEAD OF A
21 QUALIFIED OWNER-OCCUPANT AFTER A MANDATED COUNTY-WIDE
22 REASSESSMENT. FOR A COUNTY-WIDE REASSESSMENT THAT BECOMES
23 EFFECTIVE IN 2000, SUCH ORDINANCE OR RESOLUTION BY A POLITICAL
24 SUBDIVISION LOCATED WITHIN A COUNTY OF THE SECOND CLASS MAY BE
25 ADOPTED AT ANY TIME PRIOR TO JUNE 30, 2002, AND MAY BE
26 RETROACTIVE TO NO EARLIER THAN JANUARY 1, 2001. IN THE EVENT
27 THAT SUCH RESOLUTION OR ORDINANCE IS ADOPTED RETROACTIVELY AFTER
28 REAL PROPERTY TAXES ARE LEVIED DURING 2001, THE LEVY SHALL BE
29 ADJUSTED FOR QUALIFYING HOMESTEADS AS IF THE RESOLUTION OR
30 ORDINANCE HAD BEEN ADOPTED BEFORE REAL PROPERTY TAXES HAD BEEN

LEVIED IN 2001. ANY OVERPAYMENTS OF REAL ESTATE TAXES WHICH
ARISE FROM THIS ADJUSTMENT SHALL BE REFUNDED BY THE POLITICAL
SUBDIVISION.

SECTION 1906-A. SHARING OF INFORMATION.--THE SECRETARY OF
REVENUE IS AUTHORIZED AND DIRECTED TO PROVIDE A COUNTY OF THE
SECOND CLASS WITH THE NAMES AND ADDRESSES[, AS WELL AS MUNICIPAL
AND SCHOOL DISTRICT CODES,] OF INDIVIDUALS RESIDING IN THE
COUNTY WHO RECEIVED A PROPERTY TAX REBATE DURING THE LAST
COMPLETED CALENDAR YEAR. THE INFORMATION PROVIDED BY THE
SECRETARY SHALL BE CONFIDENTIAL AND SHALL NOT BE USED FOR
PURPOSES OTHER THAN THE ADMINISTRATION OF THIS ACT.

SECTION 3. ARTICLE XXI OF THE ACT IS AMENDED BY ADDING A
SUBDIVISION TO READ:

(D.1) REAPPORTIONMENT

SECTION 2132. REAPPORTIONMENT COMMISSION.--(A) WITHIN THE
YEAR FOLLOWING THAT IN WHICH THE FEDERAL CENSUS, DECENNIAL OR
SPECIAL, IS OFFICIALLY AND FINALLY REPORTED, EACH COUNTY OF THE
SECOND CLASS SHALL BE REAPPORTIONED INTO DISTRICTS BY A
REAPPORTIONMENT COMMISSION COMPRISED OF:

(1) TWO MEMBERS APPOINTED BY THE MAJORITY CAUCUS OF THE
COUNTY COUNCIL.

(2) TWO MEMBERS APPOINTED BY THE MINORITY CAUCUS OF THE
COUNTY COUNCIL.

(3) ONE MEMBER SELECTED BY UNANIMOUS VOTE OF THE APPOINTEES
UNDER CLAUSES (1) AND (2) WHO SHALL SERVE AS CHAIRMAN OF THE
COMMISSION. THE CHAIRMAN SHALL BE A RESIDENT OF THIS
COMMONWEALTH OTHER THAN A PARTY OFFICER OR A FEDERAL, STATE OR
LOCAL OFFICIAL HOLDING AN OFFICE TO WHICH COMPENSATION IS
ATTACHED. IN THE EVENT THE APPOINTEES FAIL TO AGREE ON A MEMBER
UNDER THIS CLAUSE WITHIN ONE HUNDRED TWENTY DAYS OF THE

1 EFFECTIVE DATE OF THIS SECTION OR, BEGINNING JANUARY 1, 2010,
2 WITHIN ONE HUNDRED TWENTY DAYS OF THE OFFICIAL REPORTING OF THE
3 FEDERAL CENSUS AS REQUIRED BY LAW, THE MEMBER SHALL BE APPOINTED
4 BY THE PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS OF THE
5 COUNTY.

6 (B) THE COUNTY SHALL BE DIVIDED INTO DISTRICTS WHICH SHALL
7 BE COMPOSED OF COMPACT AND CONTIGUOUS TERRITORY AS NEARLY EQUAL
8 IN POPULATION AS PRACTICABLE AS OFFICIALLY AND FINALLY REPORTED
9 IN THE MOST RECENT FEDERAL CENSUS, DECENNIAL OR SPECIAL. UNLESS
10 ABSOLUTELY NECESSARY, NO CITY, BOROUGH, TOWNSHIP OR WARD SHALL
11 BE DIVIDED IN FORMING LEGISLATIVE DISTRICTS. NO CITY BLOCK SHALL
12 BE DIVIDED INTO MORE THAN ONE DISTRICT. NO "ELECTION DISTRICT,"
13 AS DEFINED IN SECTION 102(G) OF THE ACT OF JUNE 3, 1937
14 (P.L.1333, NO.320), KNOWN AS THE "PENNSYLVANIA ELECTION CODE,"
15 SHALL BE DIVIDED INTO MORE THAN ONE DISTRICT. A MUNICIPALITY
16 SHALL BE DIVIDED INTO AS FEW DISTRICTS AS POSSIBLE. THE NUMBER
17 OF WARDS WHOSE TERRITORY IS DIVIDED INTO MORE THAN ONE DISTRICT
18 SHALL BE AS SMALL AS POSSIBLE. THE AGGREGATE LENGTH OF ALL
19 DISTRICT BOUNDARIES SHALL BE AS SHORT AS REASONABLE AND
20 PRACTICABLE.

21 (C) THE PROVISIONS OF 53 PA.C.S. CH. 9 (RELATING TO
22 MUNICIPAL REAPPORTIONMENT) NOT INCONSISTENT WITH THIS SECTION
23 SHALL APPLY TO COUNTIES OF THE SECOND CLASS, AND ANY REFERENCE
24 TO A GOVERNING BODY IN 53 PA.C.S. CH. 9 SHALL BE DEEMED A
25 REFERENCE TO A REAPPORTIONMENT COMMISSION UNDER THIS SECTION.

26 (D) THIS SECTION ONLY APPLIES TO HOME RULE COUNTIES OF THE
27 SECOND CLASS WHOSE CHARTERS DERIVED FROM ARTICLE XXXI-C.

28 SECTION 2 4. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—
29 SECTION 2536.1. SCOPE.--EXCEPT AS OTHERWISE PROVIDED FOR,
30 THIS SUBDIVISION SHALL APPLY ONLY TO COUNTIES OF THE SECOND

1 CLASS.

2 Section ~~2-3~~ 5. Section 2537 of the act is amended to read: <—

3 Section 2537. Room or Building for Juvenile Offenders
4 Waiting Trial.--The [commissioners] county shall provide,
5 furnish and heat within the county a separate room or rooms or a
6 suitable building to be used exclusively for the confinement of
7 any and all children under the age of sixteen years who may be
8 in custody awaiting trial or hearing in the courts of the
9 county, and provide for the maintenance and care of such
10 children while in custody.

11 Section ~~3-4~~ 6. Section 2538 of the act, amended February 18, <—
12 1982 (P.L.84, No.30), is amended to read:

13 Section 2538. Management of Houses for Detention of
14 Juveniles; Appointment of Board; Ex-officio Members.--[The]
15 Advisory oversight for the management of houses for the
16 detention and reception of juveniles under the age of sixteen
17 years awaiting trial, hearing or judicial investigation,
18 heretofore or hereafter established under existing law to which
19 this is a supplement or its amendment or under the provision of
20 any other law of the Commonwealth, shall be in a board of
21 [managers] advisors consisting of [three county commissioners]
22 the county chief executive, the county controller, and [six]
23 eight private citizens, three to be appointed by the president
24 judge of the court of common pleas and the other [three] five to
25 be appointed by the [chairman of the board of county
26 commissioners.] county chief executive. The [commissioners]
27 chief executive and the controller may appoint persons to act as
28 their designees for the purpose of attending meetings of the
29 board and the designees shall have the right to vote at such
30 meetings. The private citizen members of the board shall not be

1 officers or employees of the county. The members of the board or
2 boards of managers existing in the county shall remain as
3 members of the board or boards of [managers] advisors created
4 herein until the expiration of the terms to which they were
5 respectively appointed. Annually thereafter, they or their
6 successors shall be appointed for a term of three years.
7 Vacancies occurring in the membership of the board shall be
8 filled for the unexpired term by the [chairman of the board of
9 county commissioners] county chief executive or the president
10 judge of the court of common pleas depending upon who originally
11 appointed the board member. The members of the board shall serve
12 without compensation.

13 Section ~~4-5~~ 7. Sections 2539, 2540 ~~and 2541~~, 2541 AND 2543 <—
14 of the act are amended to read:

15 Section 2539. Appointment and Compensation of Employees.--The
16 [board of managers] county manager may appoint a
17 [superintendent] director and such additional staff members as
18 may be necessary, whose salaries shall be paid by the county.
19 The number and compensation of such employees shall be fixed by
20 the [salary board of the] county manager.

21 Section 2540. Annual Report; Expenses.--The board of
22 [managers] advisors shall annually report to the county
23 [commissioners] manager and Department of Budget and Finance, on
24 or before the first day of [November] September, the amount of
25 money [required] recommended for the maintenance of such house
26 or houses of detention. The county [commissioners] council shall
27 make an annual appropriation [to the board of managers] for the
28 payment of the expenses of administering such house or houses of
29 detention. Expenses incurred in the performance of duties by the
30 board of [managers] advisors shall be itemized and presented

1 with vouchers to the county [commissioners] controller for
2 payment, and a semi-annual report thereof shall be made to the
3 county [commissioners.] chief executive and county council. All
4 expenses in connection with the management and administration of
5 any such house of detention shall be paid by the county in the
6 manner provided by law for the payment of county obligations.

7 Section 2541. Appropriation and Bond Issues.--The county
8 [commissioners] council shall have power and authority, for the
9 purpose of housing such children, to appropriate money from the
10 public funds or to issue bonds in the manner provided by law for
11 the purchase of lands or erecting, constructing and equipping a
12 building or buildings thereon.

13 SECTION 2543. FURNISHING ROOMS FOR MEETINGS OF CERTAIN <—
14 VETERANS AND OF SONS OF VETERANS.--(A) THE COMMISSIONERS MAY IN
15 THEIR DISCRETION, UPON APPLICATION THEREFOR, FURNISH TO EACH
16 ORGANIZATION COMPOSED OF VETERANS OF THE SPANISH-AMERICAN WAR,
17 VETERANS OF WORLD WAR I AND OF WORLD WAR II, OR OF ANY OTHER WAR
18 IN WHICH THE UNITED STATES ENGAGED, AND SONS OF UNION VETERANS,
19 A ROOM OR ROOMS IN ANY PUBLIC BUILDING OF SUCH COUNTY,
20 SUFFICIENT FOR THE MEETING OF EACH OF SUCH ORGANIZATIONS AT
21 LEAST ONCE EACH MONTH.

22 (B) THIS SECTION SHALL APPLY TO COUNTIES OF THE SECOND CLASS
23 AND SECOND CLASS A.

24 SECTION ~~5-1~~ 8. THE ACT IS AMENDED BY ADDING A SUBDIVISION TO <—
25 READ:

26 (E.1) SPECIAL PROVISIONS FOR TEMPORARY COUNTY BUILDINGS
27 AND FOR ROOMS IN COUNTY BUILDINGS IN COUNTIES OF THE
28 SECOND CLASS A

29 SECTION 2543.1. SCOPE.--THIS SUBDIVISION SHALL APPLY ONLY TO
30 COUNTIES OF THE SECOND CLASS A.

1 SECTION 2543.2. ROOM OR BUILDING FOR JUVENILE OFFENDERS
2 WAITING TRIAL.--THE COMMISSIONERS SHALL PROVIDE, FURNISH AND
3 HEAT WITHIN THE COUNTY A SEPARATE ROOM OR ROOMS OR A SUITABLE
4 BUILDING TO BE USED EXCLUSIVELY FOR THE CONFINEMENT OF ANY AND
5 ALL CHILDREN UNDER THE AGE OF SIXTEEN YEARS WHO MAY BE IN
6 CUSTODY AWAITING TRIAL OR HEARING IN THE COURTS OF THE COUNTY,
7 AND PROVIDE FOR THE MAINTENANCE AND CARE OF SUCH CHILDREN WHILE
8 IN CUSTODY.

9 SECTION 2543.3. MANAGEMENT OF HOUSES FOR DETENTION OF
10 JUVENILES; APPOINTMENT OF BOARD; EX-OFFICIO MEMBERS.--THE
11 MANAGEMENT OF HOUSES FOR THE DETENTION AND RECEPTION OF
12 JUVENILES UNDER THE AGE OF SIXTEEN YEARS AWAITING TRIAL, HEARING
13 OR JUDICIAL INVESTIGATION, HERETOFORE OR HEREAFTER ESTABLISHED
14 UNDER EXISTING LAW TO WHICH THIS IS A SUPPLEMENT OR ITS
15 AMENDMENT OR UNDER THE PROVISION OF ANY OTHER LAW OF THE
16 COMMONWEALTH, SHALL BE IN A BOARD OF MANAGERS CONSISTING OF
17 THREE COUNTY COMMISSIONERS, THE COUNTY CONTROLLER, AND SIX
18 PRIVATE CITIZENS, THREE TO BE APPOINTED BY THE PRESIDENT JUDGE
19 OF THE COURT OF COMMON PLEAS AND THE OTHER THREE TO BE APPOINTED
20 BY THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS. THE
21 COMMISSIONERS AND THE CONTROLLER MAY APPOINT PERSONS TO ACT AS
22 THEIR DESIGNEES FOR THE PURPOSE OF ATTENDING MEETINGS OF THE
23 BOARD AND THE DESIGNEES SHALL HAVE THE RIGHT TO VOTE AT SUCH
24 MEETINGS. THE PRIVATE CITIZEN MEMBERS OF THE BOARD SHALL NOT BE
25 OFFICERS OR EMPLOYES OF THE COUNTY. THE MEMBERS OF THE BOARD OR
26 BOARDS OF MANAGERS EXISTING IN THE COUNTY SHALL REMAIN AS
27 MEMBERS OF THE BOARD OR BOARDS OF MANAGERS CREATED HEREIN UNTIL
28 THE EXPIRATION OF THE TERMS TO WHICH THEY WERE RESPECTIVELY
29 APPOINTED. ANNUALLY THEREAFTER, THEY OR THEIR SUCCESSORS SHALL
30 BE APPOINTED FOR A TERM OF THREE YEARS. VACANCIES OCCURRING IN

1 THE MEMBERSHIP OF THE BOARD SHALL BE FILLED FOR THE UNEXPIRED
2 TERM BY THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OR THE
3 PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS DEPENDING UPON WHO
4 ORIGINALLY APPOINTED THE BOARD MEMBER. THE MEMBERS OF THE BOARD
5 SHALL SERVE WITHOUT COMPENSATION.

6 SECTION 2543.4. APPOINTMENT AND COMPENSATION OF EMPLOYES.--
7 THE BOARD OF MANAGERS MAY APPOINT A SUPERINTENDENT AND SUCH
8 ADDITIONAL STAFF MEMBERS AS MAY BE NECESSARY, WHOSE SALARIES
9 SHALL BE PAID BY THE COUNTY. THE NUMBER AND COMPENSATION OF SUCH
10 EMPLOYES SHALL BE FIXED BY THE SALARY BOARD OF THE COUNTY.

11 SECTION 2543.5. ANNUAL REPORT; EXPENSES.--THE BOARD OF
12 MANAGERS SHALL ANNUALLY REPORT TO THE COUNTY COMMISSIONERS, ON
13 OR BEFORE THE FIRST DAY OF NOVEMBER, THE AMOUNT OF MONEY
14 REQUIRED FOR THE MAINTENANCE OF SUCH HOUSE OR HOUSES OF
15 DETENTION. THE COUNTY COMMISSIONERS SHALL MAKE AN ANNUAL
16 APPROPRIATION TO THE BOARD OF MANAGERS FOR THE PAYMENT OF THE
17 EXPENSES OF ADMINISTERING SUCH HOUSE OR HOUSES OF DETENTION.
18 EXPENSES INCURRED IN THE PERFORMANCE OF DUTIES BY THE BOARD OF
19 MANAGERS SHALL BE ITEMIZED AND PRESENTED WITH VOUCHERS TO THE
20 COUNTY COMMISSIONERS FOR PAYMENT, AND A SEMI-ANNUAL REPORT
21 THEREOF SHALL BE MADE TO THE COUNTY COMMISSIONERS. ALL EXPENSES
22 IN CONNECTION WITH THE MANAGEMENT AND ADMINISTRATION OF ANY SUCH
23 HOUSE OF DETENTION SHALL BE PAID BY THE COUNTY IN THE MANNER
24 PROVIDED BY LAW FOR THE PAYMENT OF COUNTY OBLIGATIONS.

25 SECTION 2543.6. APPROPRIATION AND BOND ISSUES.--THE COUNTY
26 COMMISSIONERS SHALL HAVE POWER AND AUTHORITY, FOR THE PURPOSE OF
27 HOUSING SUCH CHILDREN, TO APPROPRIATE MONEY FROM THE PUBLIC
28 FUNDS OR TO ISSUE BONDS IN THE MANNER PROVIDED BY LAW FOR THE
29 PURCHASE OF LANDS OR ERECTING, CONSTRUCTING AND EQUIPPING A
30 BUILDING OR BUILDINGS THEREON.

1 Section ~~5-6~~ 9. Actions taken prior to the effective date of <—
2 this act by the board constituted under section 2538 of the act
3 are hereby ratified.

4 ~~Section 6. The amendment of sections 2537, 2538, 2539, 2540 <—~~
5 ~~and 2541 of the act shall be retroactive to January 1, 2001.~~

6 SECTION 7 10. THE AMENDMENT OR ADDITION OF SECTIONS 2536.1, <—
7 2537, 2538, 2539, 2540, 2541 AND 2543 OF THE ACT SHALL BE
8 RETROACTIVE TO JANUARY 1, 2001.

9 Section ~~7-8~~ 11. This act shall take effect immediately. <—