

## No. 2000-35

## AN ACT

## HB 1157

Amending the act of May 1, 1933 (P.L.103, No.69), entitled, as reenacted and amended, "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," providing for school crossing guards; and further regulating the annual budget and uniform report forms.

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

Section 1. Sections 1915, 3202 and 3203 of the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, reenacted and amended November 9, 1995 (P.L.350, No.60), are amended to read:

Section 1915. **[Special School Police] School Crossing Guards.**—(a) Upon request of the board of school directors of a school district located wholly or partially within the township, the board of supervisors by resolution may appoint **[special school police] school crossing guards** to control and direct traffic at or near schools. The **[officers] school crossing guards** shall be in uniform and **[display a badge or other sign of authority, and they have all the power of local police officers] shall be authorized only in the management of traffic and pedestrians**. **[Special school police] School crossing guards** serve at the pleasure of the board of supervisors **[and], except as provided in subsection (c), and** are not eligible to join any **[police] township** pension fund **[maintained for the township police]**. The board of supervisors shall determine the compensation of **[special school police] school crossing guards**, to be paid by the township or jointly by the township and the school district in a ratio to be determined by the two boards. If the township and school district cannot determine the ratio of compensation to be paid by each board, each board shall pay one-half of the compensation of the **[police] school crossing guards**.

(b) The board of supervisors may create an educational service agency under section 402.1 of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law," to provide **[special school police service] school crossing guards** to one or more educational institutions **[by the school crossing guards appointed]** in conjunction with the school district. The educational service agency shall serve as the agency for management and control of the school crossing guards.

(c) *The board of supervisors may approve an ordinance allowing a board of school directors to assume hiring and oversight of school crossing guards. Before the board of supervisors may approve such an ordinance, the board of directors of the school district shall approve a*

*resolution requesting the authority to assume the hiring and oversight of school crossing guards. The ordinance shall outline how the police department will provide any necessary training and assistance of the school crossing guards while on duty. Such school crossing guards will be authorized only in the management of traffic and pedestrians in and around areas identified by the police department and the school district superintendent or his or her designees. The school crossing guards shall not come within the civil service provision of this act, nor shall they fall under the bargaining unit of the school district nor be considered an employe as defined under section 1101-A of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," or a school employee as defined under 24 Pa.C.S. § 8102 (relating to definitions) or under any plans hereafter effective. Once the ordinance receives approval by the board of supervisors, the school district shall assume the cost of compensation, including fixing such compensation, if any, of the school crossing guards. Auxiliary policemen, appointed as prescribed by general law, may be hired by the school district to serve as school crossing guards. The board of school directors shall notify the board of supervisors of those hired to serve as school crossing guards and request the necessary training or assistance be provided as outlined by the ordinance.*

Section 3202. Annual Budget.—(a) The board of supervisors shall annually prepare a proposed budget for all funds for the ensuing fiscal year. The proposed budget shall reflect as nearly as possible the estimated revenues and expenses of the township for the year for which the budget is prepared. A township shall not prepare and advertise notice of a proposed budget when it is knowingly inaccurate. Upon any revision of the proposed budget, if the estimated revenues or expenses in the final budget are increased more than ten percent in the aggregate or more than twenty-five percent in any major category over the proposed budget, it may not be legally adopted with those increases unless it is again advertised once, the same as the original proposed budget, and an opportunity given to taxpayers to examine the amended proposed budget. A major category is a group of related revenue or expense items, the combined total of which is listed as a line item. **[on the annual budget forms furnished by the Department of Community Affairs under section 3203.]** The budget shall be prepared on a uniform form prepared and furnished under section 3203. The estimates in the budget shall specify the amount of money necessary for each governmental activity of the township for which a special tax levy may or may not be authorized and the amount of money necessary for the payment of debts and other miscellaneous purposes.

(b) Upon the preparation of the proposed budget, the board of supervisors shall give public notice by advertisement once in one newspaper of general circulation in the township that the proposed budget is available for public inspection at a designated place in the township. After the proposed budget has been available for public inspection for twenty days,

the board of supervisors shall, after making revisions as are appropriate, adopt the final budget not later than the thirty-first day of December and the necessary appropriation measures required to put it into effect.

(c) The total appropriation shall not exceed the revenues estimated as available for the fiscal year. **[The board of supervisors shall within fifteen days after the adoption of the budget file a copy of the budget with the Department of Community Affairs.]**

(d) During the month of January next following any municipal election, the board of supervisors may amend the budget and the levy and tax rate to conform with its amended budget. A period of ten days' public inspection at the office of the township secretary of the proposed amended budget, after notice by the township secretary to that effect is published once in a newspaper of general circulation in the township, shall intervene between the adoption of the proposed amended budget and the final adoption of the amended budget. Any amended budget must be adopted by the board of supervisors on or before the fifteenth day of February. No proposed amended budget shall before final adoption be revised upward in excess of ten percent in the aggregate or in excess of twenty-five percent of the amount of any major category in the proposed amended budget. A major category is a group of related revenue or expense items, the combined total of which is listed as a line item. **[on the annual budget forms furnished by the Department of Community Affairs under section 3203. Within fifteen days after the adoption of an amended budget, the township secretary shall file a copy of it with the Department of Community Affairs.]**

(e) The board of supervisors may by resolution make supplemental appropriations for any purpose from any funds on hand or estimated to be received within the fiscal year and not otherwise appropriated, including the proceeds of any borrowing authorized by law. Supplemental appropriations may be made whether or not an appropriation for that purpose was included in the original budget as adopted.

(f) The board of supervisors may by resolution transfer unencumbered moneys from one township account to another, but no moneys may be transferred from the fund allocated for the payment of debts or from any fund raised by a special tax levy or assessment for a particular purpose. Transfers shall not be made during the first three months of the fiscal year. No moneys shall be paid out of the township treasury except upon appropriation made according to law.

Section 3203. Uniform Report Forms.—(a) The uniform forms for **[the annual budget and]** the annual financial **[statement]** *report* required to be made by the auditors shall be prepared by a committee consisting of four representatives of the State Association of Township Supervisors and one representative each from the Department of Transportation and the Department of Community **[Affairs.] and Economic Development.**

(b) Representatives of the State Association of Township Supervisors shall be appointed by the president of that organization. The representatives may be township supervisors, auditors or secretaries and should represent townships in the various population groups. The president of the State Association of Township Supervisors shall supply to the Department of Community [Affairs] *and Economic Development* the names and addresses of the representatives immediately upon their appointment.

(c) Representatives of the townships shall serve without compensation but shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee from appropriations made to the Department of Community [Affairs.] *and Economic Development*. The committee shall meet at the call of the Secretary of Community [Affairs] *and Economic Development*, or an agent of the secretary, who shall chair the committee.

**[(d) In preparing the uniform forms, the committee shall give careful consideration to the fiscal needs and procedures of townships of the various population groups, producing separate forms, if necessary, to meet the needs of townships of varying sizes. The form for annual reports shall contain the information required to be furnished under this act and any other information the committee believes proper and shall be arranged to correlate with the forms for the budget, respecting order of items and division of revenues by major classifications and disbursements by major functions. The committee shall also prescribe the form of the statement summarizing the annual report which is required to be published under this act.]**

(e) The Department of Community [Affairs] *and Economic Development* shall prepare and furnish the forms required by this act in cooperation with the committee. If the committee fails to cooperate, the Department of Community [Affairs] *and Economic Development* shall issue the forms and distribute them annually, as needed, to the proper township officers.

Section 2. This act shall take effect in 60 days.

APPROVED—The 22nd day of June, A.D. 2000.

THOMAS J. RIDGE