

No. 367

AN ACT

HB 2043

Amending the act of July 28, 1953 (P.L.723, No.230), entitled, as amended, "An act relating to counties of the second class and second class A; amending, revising, consolidating and changing the laws relating thereto," changing in counties of the second class the method of reducing the number of policemen, firemen or fire inspectors who were appointed at the same time and the superannuation retirement age and years of service for members of the fire department and changing the limits of certain tax levies in counties of the second class A.

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

Section 1. Section 1519, act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code," amended August 13, 1963 (P.L.662, No.347), is amended to read:

Section 1519. Reduction in Number of Policemen, Firemen or Fire Inspectors; Reinstatement.—If, for reasons of economy or other reasons, it shall be deemed necessary by the board of county commissioners to reduce the number of policemen in the police force or firemen or fire inspectors, then such reduction in numbers shall be made in the following manner: (1) if there are any policemen, firemen or fire inspectors eligible for retirement under the terms of any retirement or pension system or law, then such reduction in numbers shall be made by retirement, if the party to be retired has served in the police force or as a fireman or fire inspector for a period of at least twenty-five years and reached the age of fifty-five years or over; (2) if the number of policemen, firemen or fire inspectors eligible for retirement is insufficient to effect the reduction in numbers decided upon by the board of county commissioners, or if no retirement or pension system or law exists, or if there are no policemen, firemen or fire inspectors eligible for retirement or pension, then the reduction shall be made by furloughing the last policeman, fireman or fire inspector, including the probationers, that have been appointed to the police force or as fireman or fire inspector, and continue in numerical order until the reduction decided upon by the board of county commissioners has been effected. In any case where there has been more than one employe appointed at the same time, then such furloughing shall be determined by **[the alphabetical order of the first letter of their surname] the standing on the civil service list as hired, the individual having the lowest civil service score to be furloughed first.** In the event the said police force, firemen or fire inspectors shall again be increased in numbers, then the employes furloughed shall be reinstated, in the inverse order of that in which they were furloughed, before any new appointments shall be made to the police force or as firemen or fire inspectors.

Section 2. Subsection (b) of section 1710 of the act, amended February 1, 1974 (No.8), is amended to read:

Section 1710. Employees Eligible for Retirement Allowances.—\*\*\*

(b) Every present or future county employe, other than a member of the police force *or the fire department or a fire inspector*, who has reached the age of sixty years or upwards and who shall have been a county employe during a period of twenty or more years, and every county employe who is a member of the police force *or the fire department or a fire inspector*, and who shall have been a county employe during a period of twenty or more years and has reached the age of fifty years or upward, shall, upon application to the board, be retired from service, and shall thereafter receive, during life, except as hereinafter provided, a retirement allowance plus a service increment if any, in accordance with the provisions of section 1712. The time spent in the employ of the county or county institution district need not necessarily have been continuous: Provided, That when any county employe has twenty or more years service, not necessarily continuous, and has reached the age of fifty years or upwards, and shall be separated from the service of the county or county institution district by reason of no cause or act of his or her own, upon application to the board he or she shall thereafter receive, during life, except as hereinafter provided, a retirement allowance plus a service increment if any, in accordance with the provisions of section 1712. The aforesaid retirement allowance plus a service increment if any, shall be subject to a suspension thereof in accordance with the provisions of subsection (h) of this section 1710 and subsection (c) of section 1712.

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Section 3. Section 1970 of the act, amended December 29, 1971 (P.L.658, No.173), is amended to read:

Section 1970. Tax Levies.—No tax shall be levied on personal property taxable for county purposes where the rate of taxation thereon is fixed by law other than at the rate so fixed. The county commissioners shall fix, by resolution, the rate of taxation for each year. No tax for general county purposes, exclusive of the requirements for the payment of the interest and principal of the funded debt of any county of the second class, shall in any one year exceed the rate of ten mills on every dollar of the adjusted valuation and no tax for general county purposes exclusive of the requirements for the payment of the interest and principal of the funded debt of any county of the second class A shall in any one year exceed the rate of **[twenty-five]** *thirty* mills on every dollar of the adjusted valuation. In fixing the rate of taxation, the county commissioners if the rate is fixed in mills, shall also include in the resolution a statement expressing the rate of taxation in dollars and cents on each one hundred dollars of assessed valuation of taxable property.

Section 4. The act is amended by adding a section to read:

**Section 1970.1. Tax Levy for Institution Districts in Second Class A Counties.**—*The county commissioners in counties of the second class A shall have the power to levy a tax for institution district purposes and for the payment of the obligations of the predecessor poor districts on real estate, trades, occupations and professions, in the same manner and at the same time as county taxes, annual taxes to pay the current expense of the institution district, none of which shall exceed fifteen mills on the dollar of the last adjusted assessed valuation for county purposes: Provided, That no tax shall be levied and collected on trades, occupations and professions at the same time a per capita tax on individuals is levied and collected.*

Section 5. This act shall take effect immediately.

APPROVED—The 30th day of December, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 367.

A handwritten signature in cursive script, reading "C. McLaughlin Tucker". The signature is written in black ink and is positioned above the printed name of the Secretary of the Commonwealth.

*Secretary of the Commonwealth.*