

No. 1992-99

AN ACT

HB 1302

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," authorizing the county commissioners in counties of the second class to impose a fee on civil and criminal cases filed in the court of common pleas to help defray the cost of maintaining records; and further providing for fiscal years and budgets.

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

Section 1. Section 405 of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, is amended by adding a subsection to read:

Section 405. Offices, Records and Papers.—* * *

(a.2) The county commissioners shall have the power to impose a fee on recorded instruments required to be kept permanently that are filed with the county. The county commissioners, with the approval of the president judge, shall have the power to impose a fee on civil or criminal cases filed in the court of common pleas. The fees will be collected by the appropriate row officer and deposited in a special records management fund, administered by the county's records management program in the Office of Management and Productivity or, in the absence of such an office, an office that handles the same or similar functions. The fund shall be solely used to help defray the cost of maintaining, administering, preserving and caring for the records of the county.

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Section 2. The heading and subsection (a) of section 1980 of the act, amended December 10, 1980 (P.L.1159, No.211), are amended to read:

Section 1980. Fiscal Year; Preparation of Annual Budget *in Counties of the Second Class*.—(a) The fiscal year of the county shall begin on the first day of January and end on the thirty-first day of December of each year. On or before the fifteenth day of November of each year the controller *of each county of the second class* shall transmit to the commissioners a proposed budget giving a detailed estimate of and for the legitimate purposes of the county for the next year, including interest due and to fall due on all lawful debts of the county bearing interest. Such budget, when finally adopted by the commissioners, shall be the guide to the commissioners in fixing the tax rate. Said budget shall be prepared as provided herein.

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Section 3. The act is amended by adding a section to read:

Section 1980.1. Fiscal Year; Preparation of Annual Budget in Counties of the Second Class A.—(a) The fiscal year of the county shall begin on the first day of January and end on the thirty-first day of December of each

year. The commissioners in counties of the second class A, at least thirty days prior to adopting the budget, shall begin preparation of the proposed budget for the succeeding fiscal year.

(b) The controller shall transmit to the commissioners a comparative statement of revenues for the current and the immediately preceding fiscal year and a comparative statement of expenditures, including interest due and to fall due on all lawful interest-bearing debts of the county, for the same years.

(c) The controller's statement shall also indicate the amounts of all appropriation requests, submitted to the controller or to the commissioners and supplied by them to the controller, from the several county offices and agencies, including estimates of expenditures contemplated by the commissioners as forwarded by them to the controller.

(d) Said statements, in such form and detail as the commissioners direct, shall be prepared upon a form or forms furnished, as provided in this subdivision, by the Department of Community Affairs. With this information as a guide, the commissioners shall, within a reasonable time, begin the preparation of a proposed budget for the succeeding fiscal year.

Section 4. Section 1981(a) of the act, amended December 10, 1980 (P.L. 1159, No. 211), is amended to read:

Section 1981. Annual Budget; Control of Expenditures.—(a) **[The controller]** *In counties of the second class the controller or in counties of the second class A the commissioners shall annually prepare a proposed budget for all funds for the next fiscal year no later than November 15 of the current fiscal year. Said budget shall reflect, as nearly as possible, the estimated revenues and expenditures of the county for the year for which the budget is prepared. It shall be unlawful to prepare and advertise notice of a proposed budget when the same is knowingly inaccurate. Where, upon any revision of the budget, it appears that the estimated expenditures in the adopted budget will be increased more than ten per cent in the aggregate over the proposed budget, it shall be presumed that the tentative budget was inaccurate, and such budget may not be legally adopted with any such increases therein unless the same is again advertised once as in the case of the proposed budget and an opportunity afforded to taxpayers to examine the same and protest such increases. Said budget shall be prepared on forms furnished as provided herein. Final action shall not be taken on the proposed budget by the county commissioners until after at least ten days public notice. The proposed budget shall be published or otherwise made available for public inspection, by all persons who may interest themselves, at least twenty days prior to the date set for the adoption of the budget. The county commissioners shall, after making such revisions and changes therein as appear advisable, adopt a budget for the next fiscal year prior to December 31 of the current fiscal year and necessary appropriation measures required to put it into effect.*

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Section 5. This act shall take effect in 60 days.

APPROVED—The 9th day of July, A. D. 1992.

ROBERT P. CASEY