

No. 1998-79

## AN ACT

SB 220

Amending the act of August 9, 1955 (P.L.323, No.130), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto," authorizing the abolition of jury commissioners in certain counties of the third class; further providing for the collection of county taxes during vacancies in the office of elected tax collectors in municipalities; providing for an excise tax in certain counties and for appropriations for radio broadcasting companies; further providing for municipal approval for certain expenditures for airports in certain counties of the second class A; and making a repeal.

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

Section 1. Sections 401 and 1701.1 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, are amended by adding subsections to read:

Section 401. Enumeration of Elected Officers.—\* \* \*

*(d) The office of jury commissioner may be abolished by referendum at the option of each county which on the effective date of this subsection is a county of the third class having a population under the 1990 Federal decennial census in excess of 237,000 residents, but less than 240,000 residents, or a population under the 1990 Federal decennial census in excess of 337,000 residents, but less than 341,000 residents, whenever electors equal to at least five per centum of the highest vote cast for any office in the county at the last preceding general election shall file a petition with the county board of elections, or the governing body of the county adopts, by a majority vote, a resolution to place such a question on the ballot and a copy of the resolution is filed with the county board of elections for a referendum on the question of abolishing the office of jury commissioner. Proceedings under this subsection shall be in accordance with the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code." Upon approval of the referendum the office of jury commissioner shall expire at the completion of the current jury commissioners' terms of office. The referendum shall not take place in any year in which the office of jury commissioners is on the ballot.*

Section 1701.1. Billing and Collection of Third, Fourth, Fifth, Sixth, Seventh and Eighth Class County Taxes.—\* \* \*

*(b.2) Notwithstanding any law to the contrary, if, as a result of a vacancy in the office of elected tax collector in a municipality within a county of the third, fourth, fifth, sixth, seventh or eighth class, an employe or paid official of the municipality is appointed or directed by the governing*

*body of the municipality to assume the duties of tax collector, the county commissioners may, by resolution, provide, until a successor tax collector is elected in accordance with law, for the following:*

*(1) the county treasurer to have the duties and responsibilities of billing and collecting all county and county institution district taxes levied within the municipality;*

*(2) payment to the municipality, rather than the employe or paid official appointed or directed by the governing body of the municipality to assume the duties of tax collector, the compensation that otherwise would be attributable to the billing and collecting of county and county institution district taxes levied within the municipality; or*

*(3) an agreement with the tax collector in an adjoining or conveniently located municipality to assume the duties of the tax collector and receive the compensation that otherwise would be attributable to the billing and collecting of county and county institution district taxes levied within the municipality.*

Section 2. The definition of "county" in section 1770.2(f) of the act, added June 18, 1997 (P.L.179, No.18), is amended to read:

Section 1770.2. Authorization of Excise Tax.—\* \* \*

(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

\* \* \*

"County." Any county which is on the effective date of this act a county of the third class having a population under the 1990 Federal Decennial Census in excess of 337,000 residents, but less than 341,000 residents, or a county of the fourth class having a population under the 1990 Federal Decennial Census in excess of 159,000 residents, but less than 175,000 residents, or a county of the fifth class having a population under the 1990 Federal Decennial Census in excess of 123,000 residents[.], *or a county of the sixth class having a population under the 1990 Federal Decennial Census in excess of 87,000 residents.*

\* \* \*

Section 3. Section 1943 of the act is amended to read:

Section 1943. Appropriations for Radio Broadcasting Station.—The board of commissioners of any county may [**appropriate annually a sum not in excess of five hundred dollars (\$500)**] *make an appropriation* for the purpose of assisting any naval reserve unit or amateur radio league in maintaining, equipping and operating a short wave radio broadcasting station *or cable television community access stations geared to public access, educational access or governmental access*, which shall be available [**at all times**] for public use in the event of emergency or disaster.

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

**Section 2210. Municipal Approval Required.**—*No Federal or State money from the Aviation Restricted Revenue Account in the Motor License Fund or any other State money may be expended for airport operations or*

*airport development in any county of the second class A having a population in excess of 675,000 persons without the approval of the municipality or municipalities wherein such airport is situated.*

Section 5. If the conditions placed on "county" in section 401(d) of the act are found to be an unconstitutional classification, then section 401(d) of the act is nonseverable and void.

Section 6. As much of the appropriations for airport operations and airport development as reads "No Federal or State money may be used for any purpose for an airport in a county of the second class A without the approval of the municipality or municipalities involved but not including any international airport providing service to a city of the first class." in section 821 of the act of April 22, 1998 (P.L.1341, No.6A), known as the General Appropriation Act of 1998, is repealed.

Section 7. This act shall take effect as follows:

- (1) The addition of section 2210, section 6 and this section shall take effect immediately.
- (2) The remainder of this act shall take effect in 60 days.

APPROVED—The 18th day of June, A.D. 1998.

THOMAS J. RIDGE