

No. 1998-89

AN ACT

SB 1296

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," further providing for county employee retirement allowances and for the appointment of a joint tax collector.

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

Section 1. Section 1710(b) of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, amended January 27, 1998 (P.L.1, No.1), 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 or a sheriff or deputy sheriff, who has reached the age of sixty years or upwards and who has to his or her credit a period of service of twenty years or more, 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 upwards shall, upon application to the board, be eligible for retirement 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. Every county officer or employe who is a sheriff, deputy sheriff [or], prison guard *or probation officer* who shall have been a county officer or employe during a period of twenty or more years and has reached the age of fifty-five years or upward, shall, upon application to the board, be eligible for retirement from service and shall thereafter receive, during life, except as hereafter provided, a retirement allowance in accordance with 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 not reached the age of sixty 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 1713. 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.

* * *

Section 2. Section 1970.3 of the act, added May 20, 1997 (P.L.149, No.12), is amended to read:

Section 1970.3. Joint Tax Collector.—Notwithstanding the provisions of section 10(b) of the act of December 31, 1965 (P.L.1257, No.511), known as “The Local Tax Enabling Act,” if a municipality having a population of at least 50,000 and less than 100,000 located in a second class county has adopted a home rule charter under 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and optional plan government), the governing body of the municipality and board of school directors for the school district in which the municipality is located shall annually agree on and jointly appoint a collector or collectors of taxes for taxes levied under “The Local Tax Enabling Act.” In the event the governing body of the municipality and the board of school directors for the school district in which the municipality is located cannot agree on the appointment of a collector or collectors of taxes levied under this act within ninety days of the commencement of each ensuing municipal fiscal year, then three arbitrators shall be appointed who by majority vote shall choose a tax collector to collect taxes levied under this act: one person shall be appointed by the governing body of the municipality who is a resident of the municipality and who is not a member of the governing body, one person shall be appointed by the board of school directors who is a resident of the school district and who is not a school director, and one resident shall be appointed by the elected controller of the municipality. *If the arbitrators fail to make the appointment of the tax collector within sixty days of the commencement of the municipal fiscal year, the governing body of the municipality or the board of school directors shall, and any taxpayer of the municipality or school district may, petition the court of common pleas of the judicial district encompassing the respective municipality and school district to appoint the tax collector. In making the appointment of a tax collector in accordance with this section, the arbitrators or the court shall have the power to determine and settle issues relating to the appointment, compensation and service of the tax collector if such issues are not previously agreed to by the municipality and school district which shall have the authority to approve joint regulations governing these matters. No appeal challenging the determination reached by the arbitrators or the court as provided herein shall be allowed to any court unless the determination resulted from fraud, corruption or wilful misconduct of the arbitrators or the court. If a court determines that this has occurred, it shall declare the determination null and void. An appeal of the determination of the arbitrators shall be made to the court of common pleas. An appeal of the determination of the court of common pleas shall be made to the Commonwealth Court.*

Section 3. This act shall take effect in 60 days.

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

THOMAS J. RIDGE