

No. 2000-38

AN ACT

HB 1158

Amending the act of June 24, 1931 (P.L.1206, No.331), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," providing for school crossing guards; further providing for budget forms, for filing copies and for uniform forms; and making editorial changes.

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

Section 1. Section 1416 of the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, reenacted and amended May 27, 1949 (P.L.1955, No.569) and amended December 7, 1965 (P.L.1044, No.392), is amended to read:

Section 1416. **[Special Police] School Crossing Guards.**—(a) The board of township commissioners, by resolution, may appoint **[special police] school crossing guards** who shall **[have the duty of controlling and directing traffic at or near schools and churches, and who shall be in uniform and shall display a badge or other sign of authority, and who shall be vested with all of the powers of local police officers.]** *be in uniform and be authorized only in the management of traffic and pedestrians.* Such **[police] school crossing guards** shall serve at the pleasure of the board of township commissioners, *except as provided in subsection (b)*, and shall not come within the civil service provisions of this act, nor shall they be eligible to join any **[police] township** pension fund. **[maintained for the township police.]** Their compensation shall be fixed by the board of township commissioners and they shall be paid by the board of township commissioners, or jointly by the board of township commissioners and the board of school directors in a ratio to be determined by the two boards. If the board of township commissioners and board of school directors are unable to determine the ratio of compensation of the **[police] school crossing guards** to be paid by each board, each such board shall pay one-half of the compensation of such **[police] school crossing guards** who shall have the duty of controlling and directing traffic at or near schools.

(b) *The board of township commissioners may approve an ordinance allowing a board of school directors to assume hiring and oversight of school crossing guards. Before the board of township commissioners 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 employe 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 township commissioners, 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 township commissioners of those hired to serve as school crossing guards and request that the necessary training or assistance be provided as outlined by the ordinance.

Section 2. Sections 1701 and 1701.1 of the act, amended or added August 11, 1967 (P.L.213, No.74) and December 14, 1967 (P.L.819, No.351), are amended to read:

Section 1701. Fiscal Year; Annual Budget; Regulation of Appropriations.—(a) The fiscal year in townships of the first class shall commence on the first day of January of each year.

(b) The board of township commissioners shall each year, at least thirty days prior to the adoption of the annual budget, begin preparation of a proposed budget for all funds showing an estimate of the several amounts of money which will be required for the several specific purposes of township government and expenses for the ensuing fiscal year, and by ordinance appropriate, out of the revenues available for the year, the specific sums required as shown by the budget as finally adopted. At the option of the township commissioners, such budget may be prepared and adopted prior to the first Monday of January of the fiscal year to which such budget shall apply. Whenever the township commissioners shall exercise such option, the first reading of the budget shall take place in November and the budget shall be finally adopted in the month of December prior to the fiscal year to which such budget shall apply. Said budget shall reflect as nearly as possible the estimated revenues and expenditures of the township 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 percent in the aggregate, or more than twenty-five percent in any individual item, 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. The tax levied by the township commissioners shall be fixed at such figure within the limit allowed by law, as with all other sources of revenue will meet and cover said appropriations. The total appropriation shall not exceed the revenues available for the fiscal year. If the funds available from taxation and other sources shall be estimated to be in excess of the requirements of the ensuing fiscal year, an appropriation may be made for the payment of township orders or indebtedness of the previous years. A budget adopted in the December prior to the fiscal year to which the budget applies may be amended.

[The budget shall be prepared on a uniform form prepared and furnished as provided in section one thousand seven hundred and one A of this act.] Final action shall not be taken on the proposed budget until after at least ten days public notice. The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the adoption of the budget. The township commissioners after making such revisions and changes therein, as appear advisable, shall adopt the budget not later than the thirty-first day of December.

(c) The township commissioners may at any time by resolution make supplemental appropriations for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not appropriated to any other purpose, including the proceeds of any borrowing now or hereafter authorized by law.

(d) The township commissioners shall have power to authorize the transfer within the same fund of any unencumbered balance, or any portion thereof, from one spending agency to another, but such action shall be taken only during the last nine months of the fiscal year. However, when a transfer of over five percent of an appropriation item is made within a fund, or when a transfer of over five percent of the total appropriation to a fund is made from said fund to another fund, an affirmative vote of two-thirds of the township commissioners shall be required.

[(e) Within fifteen days after the adoption of the budget, the township commissioners shall file a copy of the same in the office of the Department of Community Affairs.]

Section 1701.1. Amending Budget; Notice.—During the month of January next, following any municipal election, the commissioners of any township may amend the budget and levy and tax rate to conform with its amended budget. A period of ten days' public inspection at the office of township secretary of the proposed amended budget after notice by the township secretary to that effect is published once in a newspaper, as provided in section 110 of this act, shall intervene between the proposed amended budget and the adoption thereof. Any amended budget must be adopted by the township commissioners on or before the fifteenth day of February.

No such proposed amended budget shall be revised upward in excess of ten percent in the aggregate thereof, or as, to an individual item in excess of twenty-five percent of the amount of such individual item in the proposed amended budget.

[Within fifteen days after the adoption of an amended budget, the township secretary shall file a copy thereof in the office of the Department of Community Affairs.]

Section 3. Section 1701a of the act, amended October 5, 1967 (P.L.345, No.148), is amended to read:

Section 1701a. Committee to Prepare Uniform Forms.—Uniform forms for the annual reports of township auditors and controllers to the Department of Community **[Affairs] and Economic Development**, as required in sections 1003 and 1103 of this act, **[and the uniform form for the annual budget, as required in section 1701,]** shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Township Commissioners and the Secretary of Community **[Affairs] and Economic Development**, or his agent who shall be a person trained in the field of municipal finance.

Such representatives shall be appointed by the president of said organization within sixty days after the effective date of this act. As far as possible, such representatives shall be chosen to represent townships in the various population groups within the range of townships of the first class. The president of said organization shall supply to the Department of Community **[Affairs] and Economic Development** the names and addresses of such representatives immediately upon their appointment.

Said representatives shall serve without compensation, but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee. The committee shall meet at the call of the Secretary of Community **[Affairs] and Economic Development**, or his agent, who shall serve as chairman of the committee.

It shall be the duty of the Secretary of Community **[Affairs] and Economic Development**, or his agent, to see to it that the forms required by this act are prepared in cooperation with said committee. In the event that said committee should for any reason fail to furnish such cooperation, the Secretary of Community **[Affairs] and Economic Development**, or his agent, shall complete the preparation of the forms. After their preparation, he shall issue said forms and distribute them annually, as needed, to the proper officers of each township.

Section 4. This act shall take effect in 60 days.

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

THOMAS J. RIDGE