

No. 2001-80

AN ACT

HB 869

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 monthly retirement allowance increase, for optional limitations on assessed value and for sharing of information; further providing for building for juvenile offenders, for management of juvenile detention houses by board, for appointment and compensation of board employees, for annual report and expenses of board and for furnishing rooms for meetings of certain veterans and of sons of veterans; and providing for county council authority to make certain appropriation.

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

Section 1. Section 1708(e) of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, added December 10, 1980 (P.L.1165, No.213), is amended to read:

Section 1708. Compulsory Membership; Payments Into Fund; Exceptions; Vested Interest.—* * *

(e) (1) The board, **[guided by]** *based solely upon* the annual actuarial valuation of the retirement system *and the actuarial indicator described in clause (2)*, shall **[have the authority]** each year [to] increase the monthly retirement allowance which is required to be paid to all employes who have been, for at least one year, prior to the preceding annual actuarial study, eligible to receive a retirement allowance.

(2) *The actuarial indicator to be used for purposes of clause (1) shall be known as the Total Funded Status Ratio (TFSR) and shall be determined by the system's actuary. TFSR equals the sum of the fair market value of assets available for plan benefits as of the valuation date plus the actuarial present value of total projected future contributions computed as a percentage of the sum of the actuarial present value of future benefits and the actuarial present value of future expenses. The actuary shall determine the TFSR using an interest rate equal to the arithmetic average of the rate used in the current actuarial valuation and the rates used for the preceding four annual actuarial valuations. The level of the TFSR shall determine the range in which the retirement allowance increase may fall. The board shall implement retirement allowance increases within the permitted range determined from the following table:*

<i>TFSR</i>	<i>Percentage increase</i>
<i>Under one hundred ten per centum</i>	<i>Zero per centum minimum, or more at the discretion of the board</i>
<i>One hundred ten</i>	<i>Two per centum minimum, or more</i>

per centum and above

at the discretion of the board, provided, however, that the two per centum minimum increase does not result in a TFSR less than one hundred ten per centum in which case the percentage shall be reduced so as to maintain a one hundred ten per centum TFSR increase.

The per centum increase determined shall be applied to the average monthly retirement allowance in pay status during the month of December immediately preceding the current actuarial valuation, producing a monthly dollar equivalent for the retirement allowance increase. The dollar amount so determined shall be rounded down to the next lower dollar, and such rounded amount shall be added to the retirement allowance of those eligible for the increase effective for the month of January next following.

Section 2. Sections 1902-A and 1906-A of the act, added June 8, 2001 (P.L.114, No.16), are amended to read:

Section 1902-A. Optional Limitations on Assessed Value.—A county of the second class or a political subdivision located within a county of the second class may, by adopting an ordinance or resolution, utilize the tax-neutral assessed value when levying the real property tax on the homestead of a qualified owner-occupant after a mandated county-wide reassessment. *For a county-wide reassessment that becomes effective in 2000, such ordinance or resolution by a political subdivision located within a county of the second class may be adopted at any time prior to June 30, 2002, and may be retroactive to no earlier than January 1, 2001. In the event that such resolution or ordinance is adopted retroactively after real property taxes are levied during 2001, the levy shall be adjusted for qualifying homesteads as if the resolution or ordinance had been adopted before real property taxes had been levied in 2001. Any overpayments of real estate taxes which arise from this adjustment shall be refunded by the political subdivision.*

Section 1906-A. Sharing of Information.—The Secretary of Revenue is authorized and directed to provide a county of the second class with the names and addresses[, as well as municipal and school district codes,] of individuals residing in the county who received a property tax rebate during the last completed calendar year. The information provided by the secretary shall be confidential and shall not be used for purposes other than the administration of this act.

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

Section 2536.1. Scope.—Except as otherwise provided for, this subdivision shall apply only to counties of the second class.

Section 4. Section 2537 of the act is amended to read:

Section 2537. Room or Building for Juvenile Offenders Waiting Trial.—The [commissioners] *county* shall provide, furnish and heat within the county a separate room or rooms or a suitable building to be used exclusively for the confinement of any and all children under the age of sixteen years who may be in custody awaiting trial or hearing in the courts of the county, and provide for the maintenance and care of such children while in custody.

Section 5. Section 2538 of the act, amended February 18, 1982 (P.L.84, No.30), is amended to read:

Section 2538. Management of Houses for Detention of Juveniles; Appointment of Board; Ex-officio Members.—[The] *Advisory oversight for the* management of houses for the detention and reception of juveniles under the age of sixteen years awaiting trial, hearing or judicial investigation, heretofore or hereafter established under existing law to which this is a supplement or its amendment or under the provision of any other law of the Commonwealth, shall be in a board of [managers] *advisors* consisting of [three county commissioners] *the county chief executive*, the county controller, and [six] *eight* private citizens, three to be appointed by the president judge of the court of common pleas and the other [three] *five* to be appointed by the [chairman of the board of county commissioners.] *county chief executive*. The [commissioners] *chief executive* and the controller may appoint persons to act as their designees for the purpose of attending meetings of the board and the designees shall have the right to vote at such meetings. The private citizen members of the board shall not be officers or employees of the county. The members of the board or boards of managers existing in the county shall remain as members of the board or boards of [managers] *advisors* created herein until the expiration of the terms to which they were respectively appointed. Annually thereafter, they or their successors shall be appointed for a term of three years. Vacancies occurring in the membership of the board shall be filled for the unexpired term by the [chairman of the board of county commissioners] *county chief executive* or the president judge of the court of common pleas depending upon who originally appointed the board member. The members of the board shall serve without compensation.

Section 6. Sections 2539, 2540, 2541 and 2543 of the act are amended to read:

Section 2539. Appointment and Compensation of Employees.—The [board of managers] *county manager* may appoint a [superintendent] *director* and such additional staff members as may be necessary, whose salaries shall be paid by the county. The number and compensation of such employes shall be fixed by the [salary board of the] *county manager*.

Section 2540. Annual Report; Expenses.—The board of [managers] *advisors* shall annually report to the county [commissioners] *manager and Department of Budget and Finance*, on or before the first day of [November] *September*, the amount of money [required] *recommended*

for the maintenance of such house or houses of detention. The county [commissioners] *council* shall make an annual appropriation [to the board of managers] for the payment of the expenses of administering such house or houses of detention. Expenses incurred in the performance of duties by the board of [managers] *advisors* shall be itemized and presented with vouchers to the county [commissioners] *controller* for payment, and a semi-annual report thereof shall be made to the county [commissioners.] *chief executive and county council*. All expenses in connection with the management and administration of any such house of detention shall be paid by the county in the manner provided by law for the payment of county obligations.

Section 2541. Appropriation and Bond Issues.—The county [commissioners] *council* shall have power and authority, for the purpose of housing such children, to appropriate money from the public funds or to issue bonds in the manner provided by law for the purchase of lands or erecting, constructing and equipping a building or buildings thereon.

Section 2543. Furnishing Rooms for Meetings of Certain Veterans and of Sons of Veterans.—(a) The commissioners may in their discretion, upon application therefor, furnish to each organization composed of veterans of the Spanish-American War, veterans of World War I and of World War II, or of any other war in which the United States engaged, and Sons of Union Veterans, a room or rooms in any public building of such county, sufficient for the meeting of each of such organizations at least once each month.

(b) *This section shall apply to counties of the second class and second class A.*

Section 7. The act is amended by adding a subdivision to read:

(e.1) *Special Provisions for Temporary County Buildings and for Rooms in County Buildings in Counties of the Second Class A*

Section 2543.1. *Scope.—This subdivision shall apply only to counties of the second class A.*

Section 2543.2. *Room or Building for Juvenile Offenders Waiting Trial.—The commissioners shall provide, furnish and heat within the county a separate room or rooms or a suitable building to be used exclusively for the confinement of any and all children under the age of sixteen years who may be in custody awaiting trial or hearing in the courts of the county and provide for the maintenance and care of such children while in custody.*

Section 2543.3. *Management of Houses for Detention of Juveniles; Appointment of Board; Ex-officio Members.—The management of houses for the detention and reception of juveniles under the age of sixteen years awaiting trial, hearing or judicial investigation, heretofore or hereafter established under existing law to which this is a supplement or its amendment or under the provision of any other law of the*

Commonwealth, shall be in a board of managers consisting of three county commissioners, the county controller, and six private citizens, three to be appointed by the president judge of the court of common pleas and the other three to be appointed by the chairman of the board of county commissioners. The commissioners and the controller may appoint persons to act as their designees for the purpose of attending meetings of the board, and the designees shall have the right to vote at such meetings. The private citizen members of the board shall not be officers or employes of the county. The members of the board or boards of managers existing in the county shall remain as members of the board or boards of managers created herein until the expiration of the terms to which they were respectively appointed. Annually thereafter, they or their successors shall be appointed for a term of three years. Vacancies occurring in the membership of the board shall be filled for the unexpired term by the chairman of the board of county commissioners or the president judge of the court of common pleas depending upon who originally appointed the board member. The members of the board shall serve without compensation.

Section 2543.4. Appointment and Compensation of Employes.—The board of managers may appoint a superintendent and such additional staff members as may be necessary, whose salaries shall be paid by the county. The number and compensation of such employes shall be fixed by the salary board of the county.

Section 2543.5. Annual Report; Expenses.—The board of managers shall annually report to the county commissioners, on or before the first day of November, the amount of money required for the maintenance of such house or houses of detention. The county commissioners shall make an annual appropriation to the board of managers for the payment of the expenses of administering such house or houses of detention. Expenses incurred in the performance of duties by the board of managers shall be itemized and presented with vouchers to the county commissioners for payment, and a semi-annual report thereof shall be made to the county commissioners. All expenses in connection with the management and administration of any such house of detention shall be paid by the county in the manner provided by law for the payment of county obligations.

Section 2543.6. Appropriation and Bond Issues.—The county commissioners shall have power and authority, for the purpose of housing such children, to appropriate money from the public funds or to issue bonds in the manner provided by law for the purchase of lands or erecting, constructing and equipping a building or buildings thereon.

Section 8. Actions taken prior to the effective date of this act by the board constituted under section 2538 of the act are hereby ratified.

Section 9. The amendment or addition of sections 2536.1, 2537, 2538, 2539, 2540, 2541 and 2543 of the act shall be retroactive to January 1, 2001.

Section 10. This act shall take effect immediately.

APPROVED—The 30th day of October, A.D. 2001.

MARK S. SCHWEIKER