



Pennsylvania State Association of Boroughs

2941 North Front Street, Harrisburg, PA 17110

Phone: 717-236-9526

www.boroughs.org

Fax: 717-236-8164

President
Kathleen N. DePuy

First Vice President
Edward A. Child

Second Vice President
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Christopher Cap

TO: Members of the House Local Government Committee

FROM: Edward C. Troxell, Director of Government Affairs

DATE: October 16, 2013

RE: House Bill 1719 – Borough Code into Title 8 of PA Consolidated Statutes

The Pennsylvania State Association of Boroughs is pleased to endorse **House Bill 1719 PN 2400**, sponsored by Representative Mauree Gingrich and the Pennsylvania Local Government Commission. We wish to thank the Local Government Committee for scheduling this meeting, and we look forward to working with you as the bill moves through the legislative process.

HB 1719 builds upon the successful enactment of the modernized Pennsylvania Borough Code in Act 43 of 2012. As many of you remember, Act 43 was the product of an eight year revision project of the Pennsylvania Local Government Commission and PSAB's Borough Code Revision Committee. During the legislative process of Act 43, the logical question arose- why not consolidate the Borough Code into Title 8 of the Pennsylvania Consolidated Statutes? Ultimately, a decision was made in favor of a two-step legislative process. First, enact the major revisions of the Borough Code using the unconsolidated law, and second, consolidate it into Title 8.

HB 1719 is the second step in the legislative process that will consolidate the Pennsylvania Borough Code into Title 8. PSAB endorses the substantive changes and technical changes made to Act 43 in HB 1719. In addition, PSAB is proposing four minor changes for the committee's consideration:

1. **Section 901 (Vacancies)**, page 58 & 59 – When an elected borough official resigns their position, the provisions of Section 901 govern the filling of the vacancy. The borough council has 30 days to fill the vacancy. Over the years, borough officials have been confused, in cases of resignation, as to when the 30 days actually begins. Does it begin from the date of their resignation letter or the date council accepts the resignation? Appellate court decisions have established when a resignation begins, which PSAB suggests incorporating into the Borough Code. We suggest amending a clarification into Section 901 stating that a resignation is effective when the borough council accepts the resignation at a duly advertised public meeting.
2. **Section 1202 (46) (Investments for public works)**, page 170, lines 10 & 11- reference to “for its own municipal purposes” needs to be removed to conform with the addition of Section 1202(60)(ii).
3. **Section 1315(a)(4) (Capital improvements for certain public service facilities)**, page 188, lines 26 & 27 - reference to “for its own municipal purposes” needs to be removed to conform with the addition of Section 1202(60)(ii).

4. **Section 2701(e) (Recreation)**, page 304, lines 17 – 20 / **Section 1302 (Tax Levy)**, page 179, between lines 21 & 22- Currently, boroughs are allowed to levy a special purpose millage tax for recreation purposes. However, the reference to the tax is in Chapter 27 and not under Section 1302 with the other nine special purpose taxes. We suggest listing the special purpose tax for recreation under Section 1302 (10) and simply reference that power in Section 2701(e).

We hope you agree that moving the Pennsylvania Borough Code into the Pennsylvania Consolidated Statutes will provide a more useful and efficient law. Again, we wish to thank the committee for considering this piece of legislation and look forward to working with you on its enactment. If you have questions on any aspect of HB 1719 or our suggestions, please contact me at (717) 236-9526 ext- 1021 or etroxell@boroughs.org.