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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1542 Session of  
2021

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INTRODUCED BY ZIMMERMAN, T. DAVIS, GREINER, ROZZI, HILL-EVANS,  
MALONEY, JONES AND MILLARD, JUNE 3, 2021

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 3, 2021

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AN ACT

1 Amending Title 8 (Boroughs and Incorporated Towns) of the  
2 Pennsylvania Consolidated Statutes, in powers and duties of  
3 elected officials, further providing for powers of council  
4 and providing for waiver.

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

7 Section 1. Section 1005(1) of Title 8 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 1005. Powers of council.

10 The council shall have power:

11 (1) To, by motion, ordinance or resolution, create the  
12 offices of and appoint a treasurer, a secretary, a solicitor,  
13 [an engineer,] a street commissioner and other officers as it  
14 deems necessary. Subject to section 1005.1 (relating to  
15 waiver), the council shall also appoint, through a  
16 competitive bid process, and determine the compensation of at  
17 least two engineers. The treasurer and the secretary shall  
18 not be members of council. A bank or bank and trust company  
19 may be appointed as treasurer. All officers and employees

1 appointed by the council, with the exception of those who  
2 under this part or any other act are under civil service or  
3 have a definite term of office, shall serve for an indefinite  
4 term at the pleasure of the council.

5 \* \* \*

6 Section 2. Title 8 is amended by adding a section to read:

7 § 1005.1. Waiver.

8 (a) Waiver of requirement and certification form.--If the  
9 council cannot obtain offers from qualified registered civil  
10 engineers to fulfill the requirement under section 1005(1)  
11 (relating to powers of council) to appoint at least two  
12 engineers, the council may be relieved from the requirement by  
13 completing a certification form, subject to the following:

14 (1) The council must complete the certification form  
15 before the contract with the selected engineer is executed  
16 and must maintain the form throughout the life of the  
17 contract with the engineer.

18 (2) The certification form must be completed annually.

19 (3) A copy of the certification form must be filed with  
20 the department.

21 (4) The department shall furnish the certification form,  
22 which must:

23 (i) Require the council to disclose the methods and  
24 dates of the public solicitation. For purposes of meeting  
25 this requirement, the council shall advertise requests  
26 for proposals and announce the solicitation at a public  
27 meeting.

28 (ii) Require the council to disclose the number of  
29 qualified bids received to the public solicitation.

30 (iii) Contain a statement that the information

1 provided by the council is in compliance with 18 Pa.C.S.  
2 § 4904 (relating to unsworn falsification to  
3 authorities).

4 (iv) Contain a statement that the department does  
5 not have the discretion to deny waiver requests.

6 (b) Definitions.--As used in this section, the following  
7 words and phrases shall have the meanings given to them in this  
8 subsection unless the context clearly indicates otherwise:

9 "Department." The Department of Labor and Industry of the  
10 Commonwealth.

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