



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 1005

PRINTERS NO. 2026

PRIME SPONSOR: Eichelberger

COST / (SAVINGS)

| FUND | FY 2018/19 | FY 2019/20 |
|--------------|---------------------|---------------------|
| County Funds | See "Fiscal Impact" | See "Fiscal Impact" |

SUMMARY: Comprehensive rewrite and modernization of the entire County Code; moves the provisions pertaining to second class A Counties into the County Code as well. This legislation would take effect in 60 days.

ANALYSIS: This legislation updates the County Code and moves the Second Class County A provisions into the County Code. The County Code is updated to reflect case law and current practices, standards and requirements, and to update outdated or archaic language.

Below are the more substantial updates to the Code:

Article I (Preliminary Provisions) Modifies the application of the County Code to include counties of the Second Class A.

Article II (Names and Corporate Powers; Classification of Counties) In order to address that Montgomery County's current population estimate is above the current Second Class A limit of 799,999, the lower population threshold is increased for second class counties from 800,000 to 1,000,000 and the upper population threshold for Second Class A counties is increased to 999,999 in order to maintain Allegheny County as the only Second Class County.

Article IV (County Officers) Allowances for county officers to attend annual association meetings are modernized.

Article XII-A (Sheriff) Provides that if a vacancy occurs in the office of Sheriff, the ranking deputy shall petition the court of common pleas, and upon the court finding that no other individual can legally discharge the duty of the office, the court shall authorize the deputy to perform the duty during the vacancy.

Article XII-B (Coroners) New language is added in Section 1219-B related to retention of DNA for official purposes, disposal of medical waste and civil immunity. The fee schedule within Section 1252-B (Fees for Reports) is updated to permit a greater recovery of the actual costs of these services.

Article XVII (Fiscal Affairs) Provisions for a request for proposal to contract with an independent certified public accountant (CPA) for preparing a report or audit of fiscal affairs, an opportunity for the controller to comment on the contract before it is executed and clarification on the function of the CPA contract relative to the controller's official duties are added. The threshold for an annual appropriation to the operating reserve fund is increased from 10% to 25% of the current fiscal year general fund revenues, and an authorization is added for appropriations from the fund to counterbalance potential budget deficits resulting from increases in anticipated costs of goods or services.

Article XVIII (Contracts) The value of personal property or surplus farm products below which a county need not publicly advertise for bids is increased from \$1,000 to \$2,000; and a uniform procedure for conducting auctions of personal property through the Internet is added.

Article XIX (Special Powers and Duties of Counties) Currently, Section 1947 provides for the use of eminent domain by counties to acquire property to prevent and control flooding. This legislation extends those provisions to Second Class A counties.

Article XIX-A (Military and Veterans Affairs) Provides that counties may coordinate with local veterans' organizations to ensure that cemeteries are in compliance with the provisions relating to the requirement that counties provide flags to be placed on the graves of deceased services persons on Memorial Day. Allows a cemetery to remove flags as part of the cemetery's normal course of maintenance not before the first working day after Independence Day but prior to Veterans' Day provided that the cemetery makes the flags available to family members, veterans' organizations or other community organizations for the purpose of decorating graves in recognition of Veterans' Day. Finally, it states that family members may remove and keep the flag after Veterans' Day.

FISCAL IMPACT: According to the Local Government Commission, this legislation would likely result in net savings to counties. Savings would occur from increasing the advertising threshold for the county sale of personal property from \$1,000 to \$2,000 as well as from the increase in fees for coroner autopsy reports, toxicology reports and inquest reports, which are typically requested by insurance companies and attorneys engaged in civil lawsuits. County expenses would increase for certain counties whose commissioners and other row officers attend annual meetings. Any specific net impact is indeterminable at this point and would be on a per-county basis.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: September 25, 2018

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.