

**SENATE APPROPRIATIONS COMMITTEE
FISCAL NOTE**

BILL NO. Senate Bill 1005

PRINTER NO. 1563

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

December 28, 2017

PRIME SPONSOR

Senator Eichelberger

DESCRIPTION

Senate Bill 1005 provides revisions to and consolidates the County Code and the Second Class County Code (SCCC).

Article I – Preliminary Provisions (analogous to SCCC Article I)

The article modifies the application of the County Code to include counties of the second class A.

Article II – Names and Corporate Powers; Classification of Counties (analogous to SCCC Article II)

Given Montgomery County’s 2016 population estimate above 800,000, and unique constitutional and statutory provisions for Allegheny County, the lower population threshold for second class counties is increased by 200,000 to 1,000,000, and the upper population threshold for second class A counties is increased by 200,000 to less than 1,000,000 to maintain Allegheny County as the only second class county.

Article III – Fixing and Relocating Lines and Boundaries (analogous to SCCC Article III)

The article’s modifications reflect the power of Commonwealth Court to vest a neutral county court with jurisdiction to determine county lines in accordance with the article. In terms of boundary procedure, the office charged with maintaining boundary information is changed from the clerk of court to the prothonotary.

Article IV – County Officers (analogous to SCCC Article IV)

The article is amended by adding a subsection specific to certain vacancies in counties of the second class A. An added provision, requiring the authorization of the president judge prior to storage of county records outside the county, is restricted to records of the court, the prothonotary, the clerk of court, the register of wills and the clerk of the orphans’ court. A new subsection, applicable to only counties of the second class A regarding the collection of a records management fee, is carried over from the SCCC. Provisions addressing expenses for meetings of county officer organizations are modernized. As provided in the SCCC, public defenders are added as officers eligible to organize an association. Reimbursement limits for actual expenses are increased to reflect inflation since the last adjustment. Association dues are similarly adjusted, and an annual “indexing” mechanism is added to mitigate the necessity of periodically increasing the amounts by statute.

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Article V – County Commissioners and Chief Clerks (analogous to SCCC Article V)

Changes of significance in this article involve the procedures for the enactment of ordinances, rules and regulations.

Article VI – Controller (analogous to SCCC Article VI)

The article is amended primarily to include counties of the second class A.

Article VII – Auditors (no elected auditors provided for in SCCC)

The article is amended to specify that a vacancy in the Office of Auditor shall be filled by the court of common pleas sitting en banc with a registered elector of the same political party as the auditor vacating the office. Section 702 (Eligibility) is substantially amended to modify the offices that are incompatible with that of auditor. The amendment prohibits an elected auditor from serving in municipal elected or appointed office or as a municipal manager, and from being employed in any administrative capacity by a school district or any entity that may be audited by the board.

Article VIII – Treasurer (analogous to SCCC Article VIII)

This section is amended to tie the penalty for misapplication of funds to Title 18 of Pa.C.S., Section 3927 (relating to theft by failure to make required disposition of funds received), and repeals the self-contained penalty.

Article IX – County Solicitor (analogous to SCCC Article IX)

The article is modified in two sections to recognize that in counties of the second class A the county solicitor is authorized, with the consent of the commissioners, to employ assistants and appoint a deputy solicitor.

Article X – Engineer (analogous to SCCC Article X)

The amendment specifies that the county engineer may be a firm.

Article XI – Board of Viewers

Previously repealed.

Article XII – Sheriff and Coroners (Repealed)

Article XII-A – Sheriff (analogous to SCCC Article XII, in part)

The new Article XI-A is comprised of old sections 1201 through 1215 of the County Code, applicable only to sheriffs.

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Article XII-B – Coroners (generally analogous to SCCC Article XII, in part)

The article is comprised of material that was contained in House Bill 1931 of 2015, a comprehensive revision of County Code provisions related to coroners advanced by the Pennsylvania State Coroners Association (PSCA).

Article XIII – Prothonotary, Clerks of Courts, Clerk of Orphans' Court, Register of Wills, Recorder of Deeds (analogous to SCCC Article XIII)

The article reflects current provisions in law as they apply to the different classes of counties with the following two exceptions. The authority for the register of wills to appoint a deputy or deputies is removed and the provision pertaining to functions in certain offices in counties of the second class A on Saturday is removed.

Article XIV – District Attorney, Assistants and Detectives (analogous to SCCC Article XIV)

The article reflects current provisions in law as they apply to the different classes of counties. In consultation with the Pennsylvania District Attorneys Association, revisions added a commission in the Pennsylvania Guard or the Pennsylvania National Guard as an exception to eligibility requirements for a district attorney, and removed part-time to full-time district attorney transitional provisions as established by Act 57 of 2005, which are no longer operative.

Article XV.2 – Salaries of County Officers (analogous to SCCC Article XVIII, in part)

Article XV.1 is repealed in its entirety and is replaced by a new Article XV.2, containing only two remaining sections. A single section in Article XV.2 cross referencing Act 113 remains. The last section pertaining to insurance and other employee benefits also remains.

Article XVI – Fees of Salaried County Officers; Salary Boards; Payment of Solicitors Appointed by County Officers (analogous to SCCC Article XVIII, in part)

Modifications of this article pertain to retention, return and collection of fees and taxes; county representation in labor deliberations; structure, function and effect of the salary board; and compensation of solicitors of county officers.

Article XVII – Fiscal Affairs (analogous to SCCC Article XIX)

Subdivision (a) (Section 1701 et seq.) Fiscal Policy and Systems

The function of the County Commissioners provision is extended to second class A counties. The section on investment of funds is substantially modified.

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Subdivision (b) (Section 1720 et seq.) Accounts, Audits and Reports by Controller or Auditors

Two largely duplicative sections for the controller's or auditors' settlement of accounts, report to the court of common pleas, publication, and report to DCED are merged into one, with added clarifications, and broken into subsections to improve readability.

Subdivision (c) (Section 1750 et seq.) Disbursals of County Moneys

Subdivision (c) of the SCCC largely comports with this subdivision of the County Code. The two subdivisions are merged, primarily using language from the County Code.

Subdivision (d) (Section 1760 et seq.) County Treasury and County Depositories

Procedures in the County Code for receiving and disbursing moneys due or accruing to the county, and associated recordkeeping and reporting, are made applicable to second class A counties.

Subdivision (e) (Section 1770 et seq.) County Taxation, Borrowing and Transfer of Funds

Tax levy provisions from the SCCC, which pertain to second class A counties, are integrated into, but kept separate from, like provisions in the County Code without any substantive changes to either code's language.

Subdivision (f) (Section 1780 et seq.) Budgets

Fiscal year and preparation of annual budget provisions from the SCCC are integrated with like provisions in the County Code to provide a consolidated budget process.

Subdivision (g) (Section 1790 et seq.) Sinking Fund Commission

Sinking fund commission provisions in the SCCC are identical to the County Code.

Article XVIII – Contracts (analogous to SCCC Article XX)

This article retains the overall contract and bid limit requirements, and methods of opening and accepting bids as they currently apply by class of county. The procedures that apply to the disposition of personal property and surplus farm products are made uniform for all counties; 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, modelled after similar provisions that have been enacted in the Borough Code.

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Article XIX – Special Powers and Duties of Counties (analogous to SCCC Article XXI, in part)

Article XIX-A – Military and Veterans Affairs (analogous to SCCC Article XXI, in part)

Article XIX-A is a new article derived from subdivisions (a), (b) and (c) of article XIX.

Article XXI – Public Health (analogous to SCCC Article XXIII, in part)

The Public Health Article is amended to address as many outdated provisions as possible, which may conflict with other laws and statewide regulatory programs.

Article XXII – Aeronautics and Transportation (analogous to SCCC Article XXIV and Article XXII, in part)

Article XXIII – Grounds and Buildings (analogous to SCCC Article XXV)

Third Class County Convention Center Authority Act is amended only to prevent a third class county with a convention center authority from losing its statutory authorization for the convention center if it were to become a second class A county in the future.

XXIV-A – Eminent Domain and Injury to Property (analogous to SCCC Article XXVI)

The eminent domain article is completely repealed and replaced by Article XXIV-A because existing provisions conflict with the provisions of the Eminent Domain Code (Title 26 of Pa.C.S.).

Article XXV – Recreation Places (analogous to SCCC Article XXX)

Article XXVI – Bridges, Viaducts and Culverts (analogous to SCCC Articles XXVII and XXVIII)

Article XXVII – Roads (analogous to SCCC Article XXIX)

FISCAL IMPACT:

There is no fiscal impact to Commonwealth funds.

The bill includes increases to the amount counties are required to cover for expenses for commissioners to attend the annual commissioners associations meeting, from \$175 per day to not more than \$220 per day. The amount of expenses covered for annual meetings of other county row officers are also adjusted to not exceed, \$1,000 for second class A counties, \$750 for third and fourth class counties, \$625 for fifth and sixth class counties and \$500 for seventh and eighth class counties. These amounts are subject to annual adjustment by the increase in the cost of living as determined by the U.S. Department of Labor. The costs to counties will vary due to actual costs as itemized accounts of expenses are required and depend on attendance at these association meetings.

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The bill also includes increasing the amount for which a bid for sale is required to be published from \$1,000 to \$2,000. The cost to publish in the Legal Notice section of medium sized newspaper is for a full page \$6,800, half-page \$3,400 and quarter-page \$1,700. If a bid for sale must be advertised and utilizes a quarter-page advertisement, the county would lose money on any sale less than \$1,700. The increase of the threshold to \$2,000 will allow counties to recognize increased revenue from the sale of the property. The amount of the increased revenue will be dependent on the value of the property sold under the increased threshold.