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ACT 67 OF 2015 (Senate Bill 775, Printer's Number 834)

Consolidation (Title 11) of the Third Class City Code

PROPOSAL/SUMMARY: Senate Bill 775 incorporates Act 22 of 2014, the reenactment and amendment of the Third Class City Code (Code), Act 317 of 1931, into the Pennsylvania Consolidated Statutes (Pa.C.S.) as Part V (Third Class Cities) of Title 11 (Cities). Act 22 was a decade-long effort among the Pennsylvania Municipal League, the Local Government Commission and other stakeholders to modernize the Code. The effort included modifying language to conform to case law developments, removing obsolete provisions, and incorporating other substantive changes. The Commission website, www.lgc.state.pa.us, contains extensive information on Act 22, including an executive summary of major changes, a section-by-section commentary, and derivation and disposition tables.

The Legislative Reference Bureau assisted Commission staff by converting the Code into consolidated statute format, and then participating in a review of the product to ensure that the conversion was substantively consistent with Act 22. **With the exception of the sections noted below, the bill provides that it is to be construed as substantively identical to the Third Class City Code.**

1. 11 Pa.C.S. § 11018.11(e) – [See p. 58, line 2] – This subsection is modified to correct an erroneous reference to a date. Although this change is substantive, it does not change the legal effect of the subsection.
2. 11 Pa.C.S. § 11401(6) – [See p. 87, lines 17-21] – This amendment adds, as a qualification for the office of city treasurer, that the elected individual be, or become, certified as a “qualified tax collector” in accordance with the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law. Subsequent to the enactment of Act 22, Act 164 of 2014 required all tax collectors, as a qualification for office, to undergo basic training and continuing education in accordance with the Act. City treasurers are officials subject to the mandatory qualification. Again, this modification does not change the qualifications of city treasurers, but instead serves as a reference to a requirement contained in another act.

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3. 11 Pa.C.S. § 11402(b)(2) – [See p. 88, line 21] – This modification removes an erroneous reference to indemnification of a county in the context of the requirements of city treasurer bonds.
4. 11 Pa.C.S. § 11813(b) – [See p. 117, lines 1-2] – This modification removes an archaic date relating back to the enactment of the provision for purposes of appointing members of a uniform financial reporting forms committee. Instead, the new language requires that the members “shall be appointed by the president of the Pennsylvania Municipal League within 60 days of notification by the Secretary of Community and Economic Development or the secretary’s agent or designee that the committee will convene.”
5. 11 Pa.C.S. §12448 – [See p. 184, lines 28-30, p. 185, lines 1-14] – This **new section** will place within the Third Class City Code the same amendment introduced by the Commission in the 2015 session for townships of the first and second classes and boroughs (see HBs 1228, 1226, 1227, SBs 871, 872, 873). It expressly authorizes, as a specific municipal power, cities to appropriate up to \$100 for tangible gifts in memory or appreciation of city officers, employees, or volunteers.
6. 11 Pa.C.S. § 14406(11)(ii) – [See p. 314, lines 1-2] – This modification removes a misplaced reference to city council in the context of removing a name from a civil service list.
7. 11 Pa.C.S. § 144A11(d) – [See p. 320, line 6] – This modification replaces reference to the city controller with the independent auditor for purposes of auditing funds relating to national guard appropriations. This was necessary to be consistent with the change within Act 22 which vested the independent auditor with the duty to audit city funds.