



Senate Box 203078  
Harrisburg, PA 17120-3078  
(717) 787-7680  
Fax (717) 772-4524  
lgc@palegislature.us  
www.lgc.state.pa.us

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House Bill 1762, Printer's Number 2146

**CONSOLIDATION (TITLE 16) OF THE COUNTY CODE**

**PROPOSAL/SUMMARY:** House Bill 1762 incorporates Act 154 of 2018, the reenactment and amendment of the County Code (Code), Act 130 of 1955, into the Pennsylvania Consolidated Statutes (Pa.C.S.) as Part IV (Counties of the Second Class A through Eighth Class) of Title 16 (Counties). Act 154 was a seven-year effort by the Pennsylvania State Association of Elected County Officials (PSAECO)<sup>1</sup> County Code Revision Committee, the Local Government Commission, and other stakeholders to modernize the Code. The effort included integrating the Second Class County Code to the extent it applied to counties of the second class A into the County Code, modifying language to conform to case law developments, removing obsolete provisions, and incorporating other substantive changes. The Commission website, [www.lgc.state.pa.us](http://www.lgc.state.pa.us), contains extensive information on Act 154, including an executive summary of major changes, a section-by-section commentary, and derivation and disposition tables. The Legislative Reference Bureau assisted 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 154. The original bill provides that it is to be construed as substantively identical to the County Code. Previous introductions in the 2019-2020 and 2021-2022 Sessions included the following changes, which are also reflected in the current House Bill 1762:

1. Authorize the commissioners, with the approval of the appropriate officer and, in the case of the "judicial offices," the president judge, to provide off-site space for the conduct of business.
2. Clarify that nothing in the County Code precludes the use of electronic bidding in accordance with Title 62.
3. Remove unnecessary statutory restrictions on appropriations for paid and volunteer fire companies in counties of the 7th and 8th classes.
4. Incorporation of Act 7 of 2021, providing for the filling of a vacancy in the office of District Attorney with the first Deputy District Attorney, as conditioned.

October 16, 2023

5. Amend the county classification provisions consistent with Act 74 of 2021 to provide for a freeze in county classification following the release of the 2020 decennial Census unless a County chooses to change its classification.
6. Amend the surcharge provisions in a manner consistent with pending Local Government Commission legislation affecting the other municipal codes to provide a safe-harbor against surcharge for elected officials who act in good faith reliance on the advice of a solicitor.
7. Incorporation of Act 88 of 2021, requiring the District Attorney to continually hold an active law license, and providing for procedure in the event of disbarment or suspension of license.
8. Removes the surcharge provisions (*see* 6, above), as it relates to Controllers, in Chapter 149, Fiscal Affairs, Subchapter B, Accounts Audits and Reports by Controller or Auditors, and makes numerous technical changes to language to more closely conform to the language within the freestanding County Code.

House Bill 1762 also includes language specifying that aside from these changes, no other substantive changes to the County Code as amended by Act 154 of 2018 are provided in the consolidation.