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Senate Bill 945, Printer's Number 1111

CONSOLIDATION (TITLE 16) OF THE COUNTY CODE

PROPOSAL/SUMMARY: Senate Bill 945 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)¹ 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, 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 Senate Bill:

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 archaic language related to appropriations to 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.

¹ PSAECO represents the statewide associations of county commissioners, auditors, controllers, coroners, district attorneys, prothonotaries and clerks of courts, recorders of deeds, registers of wills and clerks of orphans' courts, sheriffs and treasurers.

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. 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.
7. Makes numerous technical changes to language to more closely conform to the language within the freestanding County Code.
8. Add CPI-U contracting “escalator” language to the Third Class County Convention Center Authority provisions of the Code, bringing such authorities in line with the bidding limits applicable to counties.

Senate Bill 945 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.