

LOCAL GOVERNMENT COMMISSION LAW
Act of May. 29, 1935, P.L. 244, No. 102
AN ACT

Cl. 46

Creating a Local Government Commission to study and report on functions of local government; their allocation and elimination; the cost of local government and means of reducing it; and the consolidation of local government; and making an appropriation.

Whereas, Local government of small areas was developed in the past principally because of the lack of adequate means of transportation and communication; and

Whereas, The development of local government has not kept step with the development of transportation and communication, and functions of government have been added, from time to time, without proper study or knowledge of the correct allocation of such functions; and

Whereas, The support of local government has become a financial problem, and ways and means should be devised to lessen the existing and ever-increasing cost of local government which is now mainly a burden on real property, and of creating a more scientific and simplified system; therefore

Section 1. Be it enacted, &c., That a commission is hereby created which shall consist of ten members to serve without compensation, five of whom shall be appointed by the President pro tempore of the Senate, three from among the majority party and two from among the minority party, and five shall be appointed by the Speaker of the House, three from among the majority party and two from among the minority party. The commission shall be known as the "Local Government Commission." The term of each member of the commission shall run from the date of his respective appointment until thirty days after the convening of the next regular session of the General Assembly in odd numbered years and until his successor is appointed and qualified. The President pro tempore and the Speaker shall make the appointments authorized by this section. Such appointments shall take effect thirty-one days after the convening of each regular session of the General Assembly in odd numbered years. Any vacancy happening in the membership of the commission shall be filled by the appointing power making the original appointment for the unexpired term. The commission shall organize as soon as may be after the appointment of members thirty-one days after the convening of each regular session of the General Assembly in odd numbered years, at the call of the President pro tempore of the Senate, by electing a chairman, vice-chairman, and a secretary. The secretary need not be a member of the commission.

(1 amended May 29, 1963, P.L.48, No.42)

Section 2. It shall be the duty of the commission to study and investigate (a) the functions of local government, their proper allocation, and the possibility of eliminating unnecessary functions, and the duplication and overlapping of functions, (b) the cost of local government, and ways and means of reducing this cost and lessening the burden on local taxpayers, (c) the advisability and feasibility of increasing the areas or changing the boundaries of local governments; of establishing larger units for administration by consolidation of units by cooperative arrangements between them for the performance of certain functions, or by other means; and generally ways and means of organizing a simple system of local government, and to exercise such other functions as may be

deemed necessary to carry into effect the spirit and intent of this act.

Section 2.1. (a) It shall be the duty of the commission to arrange for the compilation and distribution of The County Code, The Third Class City Code, The Borough Code, The First Class Township Code, The Second Class Township Code, a uniform procedural code relating to all classes of local government and all temporary or permanent supplements or amendments to the aforementioned codes.

(b) The commission shall adopt a statement of policy relating to the distribution of the aforementioned codes without reference to the restrictions placed upon or fixed for the distribution of other publications of the Commonwealth. Initially, the commission shall distribute an updated copy of the appropriate code to each elected official of the political subdivision governed by the specific code and such appointed officials of the political subdivisions as the commission in its discretion deems necessary. Thereafter the statement of policy shall provide for free distribution upon request, of at least one copy of every publication printed under authority of this act to each:

1. Political subdivision governed by such code;
 2. County for use of its Law Library;
 3. Member of the General Assembly;
 4. Law School Library which pursuant to rules of court receives copies of printed briefs and records filed in the Supreme Court of Pennsylvania;
 5. State Law Library of the Commonwealth of Pennsylvania.
- A statement of policy adopted pursuant to this subsection may amend, repeal, suspend or replace inconsistent provisions of any rule, regulation, policy, guideline or interpretation previously promulgated by the commission concerning the distribution of the aforementioned codes.

((b) amended Dec. 17, 1990, P.L.696, No.172)

(c) Upon request by a member of the General Assembly, copies of those publications referred to in section 2.1 will be distributed to the indicated parties either through the member's office or through the commission as indicated by the member.

(2.1 added July 9, 1976, P.L.909, No.164)

Compiler's Note: Section 2 of Act 110 of 2013 provided that section 2.1 is repealed insofar as it is inconsistent with the addition of 45 Pa.C.S. Ch. 7 Subch. C.

Section 2.2. (2.2 repealed Dec. 17, 1990, P.L.696, No.172)

Section 3. The commission shall have power to recommend tentative plans for the consolidation or reorganization of any units of local government or changes in the boundaries thereof. The commission, after holding public hearings, shall prepare and recommend for adoption a plan or plans of local government consolidation, or changes of political boundaries, for any or all units of local government.

Section 4. The commission shall make a first report to the Legislature of the session of one thousand nine hundred and thirty-seven, not later than February first of that year, said report to contain a statement of the progress of its work and such drafts of legislation and constitutional amendments, if any, as it deems necessary to carry into effect the provisions and objectives of this act, and as will, if enacted, enable the commission to complete its work.

Section 5. The commission shall have power to employ and fix the compensation of such experts, stenographers, and assistants as may be deemed necessary to carry out the work of

the commission, but due diligence shall be exercised by the commission to enlist such voluntary assistance as may be available from citizens, research organizations, and other agencies in Pennsylvania or elsewhere, generally recognized as qualified to aid the commission with information as to existing conditions or advice as to possibilities in governmental economies or reorganization. The Legislative Reference Bureau, The Bureau of Statistics of the Department of Internal Affairs, and other agencies of the Commonwealth, as well as all local governments within the Commonwealth, shall give the commission, on request, such information and assistance as may be reasonably accessible.

Section 6. The term "local government," as used in this act, shall be construed to include counties, cities, boroughs, towns, townships, school districts, and poor districts, except counties of the first and second class, and cities of the first, second, and second class A.

Section 7. Any appropriation to the commission shall be used in accordance with the purposes, if any, expressed in the appropriation act and for the payment of the expenses of the members of the commission; for the compensation and expenses of the secretary and other appointees of the commission; for printing; for postage, supplies, telephone, telegraph, rent, and miscellaneous expenses; and generally for the purposes of carrying into effect the provisions of this act.

(7 amended Dec. 8, 1959, P.L.1742, No.647)