
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 980

Session of
1981

INTRODUCED BY STEIGHNER, D. R. WRIGHT AND F. E. TAYLOR,
MARCH 25, 1981

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 25, 1981

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled
2 "An act relating to counties of the third, fourth, fifth,
3 sixth, seventh and eighth classes; amending, revising,
4 consolidating and changing the laws relating thereto,"
5 further providing for change of class.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 211, act of August 9, 1955 (P.L.323,
9 No.130), known as "The County Code," amended August 22, 1961
10 (P.L.1048, No.478), is amended to read:

11 Section 211. Ascertainment, Certification and Effect of
12 Change of Class.--(a) The classification of counties shall be
13 ascertained and fixed according to their population by reference
14 from time to time to the decennial United States census as
15 hereinafter provided, deducting therefrom the number of persons
16 residing on any lands that have been ceded to the United States.

17 (a.1) Any county, the population of which has reached within
18 five per centum of the upper limit of its existing class shall
19 elect, within nine months after the end of the census year,

1 either to remain in its existing class for the next ten years or
2 to advance to the next higher class. The county shall forward a
3 written declaration of its intention to the Governor following
4 its adoption so that he may take any action required under
5 subsection (b). This option shall be exercised only once in any
6 two decades.

7 (b) [Whenever] Except as otherwise provided in subsection
8 (a.1), whenever it shall appear by any such census that any
9 county has attained a population entitling it to an advance in
10 classification, or whenever it shall appear by the last two
11 preceding censuses that a county has heretofore or hereafter
12 decreased in population so as to recede in classification, as
13 herein prescribed, it shall be the duty of the Governor, under
14 the great seal of this Commonwealth, to certify that fact
15 accordingly, to the board of county commissioners on or before
16 the first day of October of the year succeeding that in which
17 the census was taken or as soon thereafter as may be, which
18 certificate shall be forwarded by the commissioners to the
19 recorder of deeds and be recorded in his office.

20 It is the intent of this section that the classification of
21 any county shall not be changed because its population has:

22 (1) increased with the exercise of the no change option set
23 forth in subsection (a.1); or

24 (2) has decreased at the time of one United States decennial
25 census, because it is recognized that a change in the form of
26 local government is attended by certain expense and hardship,
27 and such change should not be occasioned by a temporary
28 fluctuation in population, but rather only after it is
29 demonstrated by two censuses that the population of a county has
30 remained below the minimum figure or has increased, as set forth

1 in subsection (a.1), above the maximum figure of its class for
2 at least a decade.

3 (c) Changes of class ascertained and certified as aforesaid
4 shall become effective on the first day of January next
5 following the year in which the change was so certified by the
6 Governor to the county commissioners but the salaries of county
7 officers shall not thereby be increased or decreased during the
8 term for which they shall have been elected. In the municipal
9 election following such certification of change of class and
10 preceding the effective date of such change, the proper number
11 of persons shall be elected to fill any elective office which
12 will exist in the county by the change of classification
13 certified. No election shall be held for any office which will
14 be abolished as a result of such change of classification.

15 Section 2. This act shall take effect immediately.