

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2239 Session of
2014

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OBERLANDER, WATSON AND MCGINNIS, MAY 5, 2014

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 5, 2014

AN ACT

1 Amending Title 62 (Procurement) of the Pennsylvania Consolidated
2 Statutes, providing for public-private partnerships, for
3 prerequisite for operation, for approval by responsible local
4 agency, for service contracts, for affected local
5 jurisdictions, for dedication of public property, for powers
6 and duties of operator, for comprehensive agreement, for
7 Federal, State and local assistance, for material default and
8 remedies, for condemnation and for utility crossing; imposing
9 duties on the Pennsylvania Public Utility Commission; and
10 providing for governmental immunity, for procurement, for use
11 of intellectual property and for regulations.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Title 62 of the Pennsylvania Consolidated
15 Statutes is amended by adding a chapter to read:

16 CHAPTER 47

17 LOCAL AGENCY PUBLIC-PRIVATE PARTNERSHIPS

18 FOR WATER AND SEWER PROJECTS

19 Sec.

20 4701. Definitions.

21 4702. Unsolicited submission of public-private partnership
22 agreement proposals to local agency.

1 4703. Solicitation of proposals for public-private partnership
2 agreements.
3 4704. Evaluation and selection of public-private partnership
4 agreement proposal.
5 4705. Implementation of public-private partnership agreement.
6 4706. Service contracts.
7 4707. Affected local jurisdictions.
8 4708. Dedication of public property.
9 4709. Powers and duties of operator.
10 4710. Federal, State and local assistance.
11 4711. Material default and remedies.
12 4712. Utility crossing.
13 4713. Governmental immunity.
14 4714. Special approval.
15 4715. Exclusivity.
16 4716. Use of intellectual property.
17 4717. Applicability.
18 4718. Regulations.
19 § 4701. Definitions.

20 The following words and phrases when used in this chapter
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 "Affected local jurisdiction." A political subdivision in
24 which all or a portion of a qualifying project is located.

25 "Commission." The Pennsylvania Public Utility Commission.

26 "Department." The Department of General Services of the
27 Commonwealth.

28 "Eligible project." A building or facility used for public
29 water supply or treatment, storm water treatment and disposal or
30 waste treatment and disposal.

1 "Lease payment." A form of payment, including a land lease,
2 by a local agency to the operator for the use of an eligible
3 project.

4 "Local agency." A county, city, borough, incorporated town,
5 township, county institution, local authority or a joint or
6 cooperative body of local agencies or an instrumentality,
7 authority or corporation thereof which has authority to enter
8 into a contract.

9 "Material default." A default by the operator in the
10 performance of its duties under section 4709(e) (relating to
11 powers and duties of operator) which jeopardizes adequate
12 service to the public from a qualifying project.

13 "Operator." The private entity that is responsible for an
14 eligible project or a portion of an eligible project, including
15 acquisition, design, construction, improvement, renovation,
16 expansion, equipping, maintenance and operation.

17 "Private entity." An individual, corporation, limited
18 liability company, partnership, joint venture or other private
19 business entity.

20 "Public-private partnership agreement." An agreement between
21 a local agency and a private entity which involves the
22 development or operation, or combination thereof, of an eligible
23 project by the private entity. The agreement may consist of the
24 following:

25 (1) Predevelopment agreements leading to other
26 implementing agreements.

27 (2) A design-build agreement.

28 (3) A design-build-operate agreement.

29 (4) A design-build-maintain agreement.

30 (5) A design-build-finance-operate agreement.

1 (6) A design-build-operate-maintain agreement.

2 (7) A design-build-finance-operate-maintain agreement.

3 (8) An operate-maintain agreement.

4 (9) A concession providing for the private entity to
5 design, build, operate, maintain, manage or lease an eligible
6 project.

7 (10) Any other delivery method or agreement or
8 combination of methods or agreements that the local agency
9 determines will address the needs of the Commonwealth and the
10 public entity and serve the public interest.

11 "Revenue." Any of the following generated by an eligible
12 project:

13 (1) A user fee.

14 (2) A lease payment.

15 (3) A service payment.

16 "Service payment." Payment to the operator of an eligible
17 project pursuant to a public-private partnership agreement.

18 "User fee." The rate or other charge imposed by the operator
19 of an eligible project for use of the eligible project pursuant
20 to a public-private partnership agreement.

21 § 4702. Unsolicited submission of public-private partnership
22 agreement proposals to local agency.

23 (a) Unsolicited request for approval.--A private entity may
24 request consideration and approval of a proposed public-private
25 partnership agreement for an eligible project. The request may
26 be submitted to the applicable local agency, and any proposal
27 under this section shall not be approved unless the local agency
28 follows procedures outlined in sections 4703 (relating to
29 solicitation of proposals for public-private partnership
30 agreements) and 4704 (relating to evaluation and selection of

1 public-private partnership agreement proposal). A request shall
2 be accompanied by the following material and information unless
3 waived by the local agency:

4 (1) A topographic map of 1:2,000 or other appropriate
5 scale indicating the location of the qualifying project.

6 (2) A description of the eligible project, including the
7 conceptual design of the facility or a conceptual plan for
8 the provision of services and a schedule for the initiation
9 of and completion of the eligible project to include the
10 proposed major responsibilities and timeline for activities
11 to be performed by both the local agency and private entity.

12 (3) A statement setting forth the method by which the
13 private entity proposes to secure a necessary property
14 interests required for the eligible project. The statement
15 shall include the following:

16 (i) The names and addresses, if known, of the
17 current owners of the property needed for the eligible
18 project.

19 (ii) The nature of the property interests to be
20 acquired.

21 (4) Information relating to the current plans for
22 development of facilities to be used by a local agency that
23 are similar to the eligible project being proposed by the
24 private entity of each affected local jurisdiction.

25 (5) A list of all permits and approvals required for the
26 eligible project from Federal, State or political
27 subdivisions and a projected schedule for obtaining the
28 permits and approvals.

29 (6) A list of any public utility facilities that may be
30 crossed by the eligible project and a statement of the plans

1 of the operator to accommodate the crossings.

2 (7) A statement setting forth the private entity's
3 general plans for financing the eligible project, including
4 the sources of the private entity's funds.

5 (8) The names and addresses of the persons who may be
6 contacted for further information concerning the request.

7 (9) User fees, lease payments and other service payments
8 included in the comprehensive agreement, including frequency
9 of assessments and the methodology and circumstances for
10 changes to the user fees, lease payments and other service
11 payments.

12 (10) Any additional material and information as the
13 local agency may reasonably request.

14 § 4703. Solicitation of proposals for public-private
15 partnership agreements.

16 (a) Solicitation of proposals.--A local agency may issue a
17 request for proposals for public-private partnerships for an
18 eligible project. Subject to the provisions of this section, the
19 procedure for the request for proposals shall be the same
20 provisions of procurement law otherwise applicable to the local
21 agency.

22 (b) Availability to general public.--Copies of a request for
23 proposals shall be made available to any interested person
24 residing within the affected local jurisdiction upon request to
25 the local agency. A local agency may establish procedures for
26 the distribution of a request for proposals, including the
27 imposition of a fee to reimburse the public entity for the costs
28 of photocopying and mailing.

29 (c) Receipt of proposals.--Offerors shall submit their
30 sealed proposals to ensure that they are received prior to the

1 time and date established for receipt of the proposals. Sealed
2 proposals shall be submitted in the format required by the local
3 agency. Sealed proposals shall be opened so as to avoid
4 disclosure of their contents to competing offerors.

5 (d) Fee.--The local agency may charge a reasonable fee to
6 cover the costs of processing, reviewing and evaluating the
7 request, including reasonable attorney fees and fees for
8 financial and other necessary advisers or consultants.

9 § 4704. Evaluation and selection of public-private partnership
10 agreement proposal.

11 (a) Evaluation criteria.--A local agency shall evaluate each
12 proposal to determine which one, if any, has the best value for
13 and is in the best interest of the local agency. In making this
14 determination, a local agency may consider any of the following:

15 (1) Cost.

16 (2) Price.

17 (3) Financial commitment.

18 (4) Innovative financing.

19 (5) Bonding.

20 (6) Technical, scientific, technological or
21 socioeconomic merit.

22 (7) Financial strength and viability.

23 (8) Design, operation and feasibility of the eligible
24 project.

25 (9) Public reputation, qualifications, industry
26 experience and financial capacity of the private entity.

27 (10) The compatibility of the proposal with existing
28 local and regional land use plans.

29 (11) The commitment of local communities to approve land
30 use plans in preparation for the project.

1 (12) Other factors deemed appropriate by the local
2 agency.

3 (b) Weighted consideration.--The relative importance of each
4 evaluation factor shall be fixed prior to opening the proposals.

5 (c) Discussion with responsible offerors and revision of
6 proposals.--As provided in the request for proposals,
7 discussions and negotiations may be conducted with responsible
8 offerors for the purpose of clarification and of obtaining best
9 and final offers. Responsible offerors shall be accorded fair
10 and equal treatment with respect to any opportunity for
11 discussion and revision of proposals. In conducting discussions,
12 there shall be no disclosure of any information derived from
13 proposals submitted by competing offerors.

14 (d) Selection for negotiation.--The responsible offeror
15 whose proposal is determined in writing to be the best value for
16 and in the best interests of the local agency and the general
17 public, taking into consideration all evaluation factors, shall
18 be selected for contract negotiation.

19 (e) Cancellation.--A request for proposals may be canceled
20 at any time prior to the time a partnership contract is executed
21 by all parties when it is in the best interests of the local
22 agency.

23 (f) Award.--Upon reaching an agreement with a selected
24 offeror, the local agency shall enter into a public-private
25 partnership agreement with the offeror. The public-private
26 partnership agreement shall be consistent with the requirements
27 of this chapter. If agreement cannot be reached with the
28 selected offeror, then negotiations shall be formally terminated
29 with the offeror. If proposals were submitted by one or more
30 other responsible offerors, negotiations may be conducted with

the other offeror or offerors in the order of their respective qualification ranking. The contract may be awarded to the responsible offeror then ranked as best qualified.

(g) Resolution of controversies.--If a private entity is aggrieved by a selection under this section and the proprietary local agency in the contract is an entity other than the Commonwealth, an offeror may file a claim with the court of common pleas where the proprietary local agency is located. The process for the filing and resolution of claims, including rights, contents, timing, evaluation, determination and remedies, which are established in Chapter 17 shall apply insofar as they are practicable.

§ 4705. Implementation of public-private partnership agreement.

(a) Final approval.--The approval of the local agency is contingent upon the private entity's agreement to enter into a comprehensive partnership contract with the local agency.

(b) Partnership contracts.--Prior to acquiring, designing, constructing, improving, renovating, expanding, equipping, maintaining or operating the eligible project, the private entity shall enter into a comprehensive partnership contract detailing the public-private partnership agreement with the local agency. The partnership contract shall provide for all of the following:

(1) Delivery of maintenance, performance and payment bonds or letters of credit in connection with the acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance or operation of the eligible project, in the forms and amounts satisfactory to the responsible local agency.

(2) Review of plans and specifications for the eligible

1 project by the local agency and approval by the local agency
2 if the plans and specifications conform to standards
3 acceptable to the local agency. This paragraph may not
4 require the private entity to complete design of an eligible
5 project prior to the execution of a comprehensive contract.

6 (3) Inspection of the eligible project by the
7 responsible local agency to ensure that the operator's
8 activities are acceptable to the local agency in accordance
9 with the comprehensive agreement.

10 (4) Maintenance of a policy of liability insurance,
11 copies of which shall be filed with the local agency
12 accompanied by proofs of coverage, self-insurance, in form
13 and amount satisfactory to the responsible local agency and
14 reasonably sufficient to insure coverage of tort liability to
15 the public and employees and to enable the continued
16 operation of the qualifying project.

17 (5) Monitoring of the practices of the operator by the
18 local agency to ensure that the eligible project is properly
19 maintained.

20 (6) Reimbursement to be paid to the local agency for
21 services provided by the local agency.

22 (7) Filing of appropriate financial statements on a
23 periodic basis.

24 (8) Policies and procedures governing the rights and
25 responsibilities of the local agency and the operator in the
26 event the comprehensive contract is terminated or there is a
27 material default by the operator. The policies and procedures
28 shall include conditions governing assumption of the duties
29 and responsibilities of the operator by the local agency and
30 the transfer or purchase of property or other interests of

1 the operator by the local agency.

2 (c) Fees.--The partnership contract may provide for a user
3 fee, lease payment or service payment. A copy of a service
4 contract must be filed with the local agency. When negotiating a
5 user fee under this section, the parties shall establish
6 payments or fees that are the same for a person using the
7 facility under like conditions and that will not materially
8 discourage use of the eligible project. The execution of the
9 partnership contract or an amendment to the partnership contract
10 constitutes conclusive evidence that the user fee, lease payment
11 or service payment provided for complies with this chapter. A
12 user fee or lease payment established in the partnership
13 contract as a source of revenue may be in addition to or in lieu
14 of a service payment.

15 (d) Grants or loans.--In the partnership contract, the local
16 agency may agree to make a grant or loan to the operator from an
17 amount received from the Federal or State government or a
18 political subdivision or from one of their agencies or
19 instrumentalities.

20 (e) Duties.--The partnership contract shall incorporate the
21 duties of the operator under this chapter and may contain other
22 terms and conditions that the local agency determines serve the
23 public purpose under section 4704(d) (relating to evaluation and
24 selection of public-private partnership agreement proposal). The
25 partnership contract may contain any of the following:

26 (1) Provisions under which the local agency agrees to
27 provide notice of default and right to cure for the benefit
28 of the operator and the persons specified in the notice as
29 providing financing for the eligible project.

30 (2) Other lawful terms and conditions to which the

1 operator and the local agency mutually agree, including
2 provisions regarding unavoidable delays or provisions
3 providing for a loan of public funds to the operator to
4 acquire, design, construct, improve, renovate, expand, equip,
5 maintain or operate one or more eligible projects.

6 (3) Provisions under which the authority and duties of
7 the operator under this chapter shall cease and the eligible
8 project is dedicated to the local agency or, if the eligible
9 project was initially dedicated by an affected local
10 jurisdiction, to the affected local jurisdiction for public
11 use.

12 (f) Amendments.--Change in the terms of the partnership
13 contract, as may be agreed upon by the parties, shall be added
14 by written amendment.

15 (g) Date.--In connection with its approval of the eligible
16 project, the responsible local agency shall establish a date for
17 the commencement of activities related to the eligible project.
18 The local agency may extend the date.

19 (h) Public access.--Any documents created by or provided to
20 a local agency under this chapter shall be subject to inspection
21 and copying only to the extent required under the act of
22 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

23 (i) Debt capacity.--A partnership contract entered into
24 under this chapter shall not enlarge, diminish or affect the
25 authority otherwise possessed by the local agency to take action
26 that would impact the debt capacity of the Commonwealth or any
27 of its political subdivisions.

28 § 4706. Service contracts.

29 In addition to any authority conferred by statute, a local
30 agency may contract with an operator for the delivery of

1 services to be provided as part of an eligible project in
2 exchange for service payment and other consideration as the
3 local agency may deem appropriate.

4 § 4707. Affected local jurisdictions.

5 (a) Notification.--A private entity submitting a proposal to
6 a local agency under section 4703 (relating to solicitation of
7 proposals for public-private partnership agreements) shall
8 notify each affected local jurisdiction by furnishing a copy of
9 its request or proposal to each affected local jurisdiction.

10 (b) Comments.--Each affected local jurisdiction that is not
11 the applicable local agency for the respective eligible project
12 shall, within 60 days after receiving the notice, submit any
13 comments it may have in writing on the proposed eligible
14 project to the applicable local agency and indicate whether the
15 facility is compatible with the local ordinance requirements and
16 other local requirements. The comments shall be given
17 consideration by the local agency prior to entering a public-
18 private partnership agreement with a private entity.

19 § 4708. Dedication of public property.

20 A local agency may dedicate any property interest, including
21 land, improvements and tangible personal property, that it has
22 for public use in an eligible project if it finds that doing so
23 will serve the public purpose under section 4704(a) (relating to
24 evaluation and selection of public-private partnership agreement
25 proposal) by minimizing the cost of an eligible project to the
26 local agency or reducing the delivery time of a qualifying
27 project. In connection with the dedication, a local agency may
28 convey any property interest that it has, subject to the
29 conditions imposed by law, to the operator, subject to the
30 provisions of this chapter, for consideration as the local

1 agency may determine.

2 § 4709. Powers and duties of operator.

3 (a) Powers.--The operator shall have the power under
4 existing law to a private entity having the same form of
5 organization as the operator and shall have the power to
6 acquire, design, construct, improve, renovate, maintain, expand,
7 equip or operate the eligible project and collect lease
8 payments, impose a user fee or enter into a service contract in
9 connection with the use of its power.

10 (b) Right.--The operator may own, lease or acquire any other
11 right to use or operate the eligible project.

12 (c) Financing.--

13 (1) Notwithstanding paragraph (2), any financing of the
14 eligible project may be in an amount and upon terms and
15 conditions as may be determined by the operator.

16 (2) The operator may issue debt, equity or other
17 securities or obligations, enter into sale and leaseback
18 transactions and secure any financing with a pledge of,
19 security interest in or lien on any or all of its property,
20 including all of its property interests in the eligible
21 project.

22 (d) Operation.--In operating the eligible project, the
23 operator may do all of the following:

24 (1) Make classifications according to reasonable
25 categories for assessment of user fees.

26 (2) With the consent of the local agency, make and
27 enforce reasonable rules to the same extent that the local
28 agency may make and enforce rules with respect to similar
29 facilities.

30 (e) Duties.--The operator shall do the following:

1 (1) Acquire, design, construct, improve, renovate,
2 expand, equip, maintain or operate the eligible project in
3 accordance with the public-private partnership agreement.

4 (2) Keep the eligible project open for use by members of
5 the public at all times or as appropriate based upon the use
6 of the facility after its initial opening upon payment of the
7 applicable user fee, lease payment or service payment except
8 that the eligible project may be temporarily closed because
9 of emergencies or with the consent of the local agency, to
10 protect the safety of the public or for reasonable
11 construction or maintenance procedures as set forth under the
12 public-private partnership agreement.

13 (3) Maintain or provide by contract for the maintenance
14 of the eligible project, if required by the public-private
15 partnership agreement.

16 (4) Cooperate with the local agency in making best
17 efforts to establish any interconnection with the eligible
18 project requested by the local agency.

19 (5) Comply with the public private-partnership agreement
20 and any service contract.

21 (f) Additional services.--This section does not prohibit an
22 operator of an eligible project from providing additional
23 services for the eligible project to local agencies or private
24 entities other than the local agency if the provision of
25 additional service does not impair the operator's ability to
26 meet its commitments to the local agency under the comprehensive
27 agreement.

28 § 4710. Federal, State and local assistance.

29 The local agency may obtain assistance from the Federal or
30 State government or one of its political subdivisions for an

eligible project in accordance with the purposes under section
4704 (relating to evaluation and selection of public-private
partnership agreement proposal) and may enter into a contract in
order to receive the assistance. The local agency may pay a
portion of the costs of an eligible project directly or
indirectly from the proceeds of a grant or loan made by the
Federal or State government or one of its political
subdivisions.

§ 4711. Material default and remedies.

(a) General rule.--If there is a material default by the
operator of an eligible project, the local agency may assume the
responsibilities and duties of the operator, in which case it
shall succeed to any right, title and interest in the eligible
project, subject to any liens on revenue previously granted by
the operator to any person providing financing.

(b) Condemnation.--A local agency which is a party to a
partnership contract, and which has the power of condemnation
under State law, may exercise the power of condemnation to
acquire the eligible project in the event of a material default
by the operator. A person who has provided financing for the
eligible project, and the operator to the extent of its capital
investment, may participate in the condemnation proceedings with
the standing of a property owner.

(c) Termination.--For cause shown, the local agency may
terminate the comprehensive agreement and exercise any other
rights and remedies that may be available at law or in equity.

(d) Claims.--The local agency may make or cause to be made
any appropriate claims under maintenance, performance or payment
bonds or lines of credit required under section 4705(b)(1)
(relating to implementation of public-private partnership

1 agreement).

2 (e) Procedure after takeover.--If a local agency takes over
3 an eligible project pursuant to (a), it may acquire, design,
4 construct, improve, renovate, operate, expand, equip or maintain
5 the eligible project, impose user fees, impose and collect lease
6 payments for the use of the project and comply with service
7 contracts as if it were the operator. Revenue subject to a lien
8 shall be collected for the benefit of and paid to secured
9 parties, as their interests may appear, to the extent necessary
10 to satisfy the operator's obligations to secured parties,
11 including the maintenance of reserves. Liens shall be
12 correspondingly reduced and released when they are paid off.
13 Before a payment to or for the benefit of secured parties, the
14 local agency may use revenue to pay current operation and
15 maintenance costs of the qualifying project, including
16 compensation to the responsible local agency for its services in
17 operating and maintaining the qualifying project. The right to
18 receive payment, if any, is just compensation for the eligible
19 project. The full faith and credit of the local agency may not
20 be pledged to secure any financing of the operator by the
21 election to take over the eligible project. Assumption of
22 operation of the eligible project may not obligate the local
23 agency to pay an obligation of the operator from sources other
24 than revenue.

25 § 4712. Utility crossing.

26 (a) General rule.--The operator and each public service
27 company, public utility, railroad and cable television provider
28 whose facilities are to be crossed or affected shall cooperate
29 fully in planning and arranging the manner of the crossing or
30 relocation of the facilities. An amount paid for the crossing,

1 construction, moving or relocating facilities must be paid by
2 the operator.

3 (b) Disputes.--If the operator and a public service company,
4 public utility, railroad or cable television provider are unable
5 to agree upon a plan for the crossing or relocation, the
6 commission may determine the manner in which the crossing or
7 relocation is to be accomplished and any damages due arising out
8 of the crossing or relocation. The determination shall be made
9 within 90 days of notification by the private entity that the
10 project will cross utilities subject to the commission's
11 jurisdiction. The commission may employ expert engineers who
12 shall examine the location and plans for the crossing or
13 relocation, hear any objections, consider modifications and make
14 a recommendation to the commission. The cost of the experts must
15 be borne by the operator.

16 § 4713. Governmental immunity.

17 This chapter shall not be construed or deemed to constitute a
18 waiver of the governmental immunity of a local agency or an
19 affected local jurisdiction with respect to participation in or
20 approval of an eligible project or its operation, including
21 interconnection of the eligible project with another
22 infrastructure or project. A political subdivision in which an
23 eligible project is located has governmental immunity with
24 respect to its design, construction and operation.

25 § 4714. Special approval.

26 A local agency may enter into an agreement under this chapter
27 only with the approval of its governing body.

28 § 4715. Exclusivity.

29 The provisions of this chapter and regulations adopted in
30 accordance with section 4718 (relating to regulations) shall

constitute the exclusive method of procurement for agreements entered into under this chapter, notwithstanding any other law. In the event of a conflict with another statute or regulation, the provisions of this chapter and the regulations promulgated under this chapter shall govern.

§ 4716. Use of intellectual property.

Unless otherwise agreed and except to the extent not transferable by law, the local agency shall have the right to use all or a portion of a submitted proposal, including the technologies, techniques, methods, processes and information contained in the proposal. Notice of nontransferability by law shall be given to the local agency in response to the request for proposals.

§ 4717. Applicability.

Eligible projects that are subject to a public-private partnership agreement under this chapter shall not be subject to the requirements of the following:

(1) The act of May 1, 1913 (P.L.155, No.104), referred to as the Separations Act.

(2) Section 1909 of the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code.

(3) Section 1805 of act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code.

(4) Section 3107 of the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code.

(5) Section 751 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

(6) Section 5 of the act of May 27, 1953 (P.L.244, No.34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties."

1 (7) Section 2517 of the act of July 28, 1953 (P.L.723,
2 No.230), known as the Second Class County Code.

3 (8) Section 2317 of the act of August 9, 1955 (P.L.323,
4 No.130), known as The County Code.

5 (9) Section 1405 of the act of February 1, 1966 (1965
6 P.L.1656, No.581), known as The Borough Code.

7 § 4718. Regulations.

8 The Department of General Services shall, within 12 months of
9 the effective date of this section, promulgate proposed
10 regulations which are necessary to implement the provisions of
11 this chapter.

12 Section 2. This act shall take effect in 60 days.