

COUNTY CODE, THE - OMNIBUS AMENDMENTS
Act of Jun. 18, 1997, P.L. 179, No. 18

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Session of 1997
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SB 125

AN ACT

Amending the act of August 9, 1955 (P.L.323, No.130), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto," providing for an excise tax in certain counties, for appointment of auxiliary board of assessment appeals and for the Southwestern Pennsylvania Regional Renaissance Initiative; authorizing any third class county having a second class A city to enact a hotel tax for tourist and recreation facilities; repealing certain mandates imposed on counties; and discharging certain liabilities of counties.

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

Section 1. The title of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, is amended to read:

AN ACT

Relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto; **and providing for regional renaissance initiatives.**

Section 2. Section 102(a) of the act, amended December 14, 1967 (P.L.856, No.377), is amended to read:

Section 102. Applicability.--(a) Except incidentally, as in sections 108, 201, 210 and 211, **or as provided in Article XXX**, this act does not apply to counties of the first, second A, or second classes.

* * *

Section 3. The act is amended by adding sections to read:

Section 1770.2. Authorization of Excise Tax.--(a) The county commissioners of any county which has a recognized tourist promotion agency designated to act within the county may impose an excise tax not to exceed two per centum of the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to transients. The tax shall be collected by the operator from the patron of the room or rooms and paid over to the county as herein provided.

(b) The county commissioners may by ordinance impose requirements for keeping of records, the filing of tax returns and the time and manner of collection and payment of tax. The county commissioners may also impose by ordinance penalties and interest for failure to comply with recordkeeping, filing, collection and payment requirements.

(c) The treasurer of each county electing to impose the tax authorized under this section shall collect the tax and deposit the revenues received from the tax in a special fund established for that purpose. After deducting from the fund any direct or indirect costs attributable to collection of the tax, the county shall distribute to the recognized tourist promotion agency

designated to act within the county all revenues received from the tax not later than sixty days after receipt of the tax revenues. The revenues from the special fund shall be used by the recognized tourist promotion agency to directly fund countywide tourist promotion.

(d) The tax year for a tax imposed under this section shall run concurrently with the calendar year.

(e) An audited report on the income and expenditures incurred by a recognized tourist promotion agency receiving any revenues from the tax authorized under this section shall be submitted annually by the recognized tourist promotion agency to the county commissioners.

(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Consideration." Receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature, or other payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for any temporary period.

"County." Any county which is on the effective date of this act a county of the third class having a population under the 1990 Federal Decennial Census in excess of 337,000 residents, but less than 341,000 residents, or a county of the fourth class having a population under the 1990 Federal Decennial Census in excess of 159,000 residents, but less than 175,000 residents, or a county of the fifth class having a population under the 1990 Federal Decennial Census in excess of 123,000 residents.

"Hotel." A hotel, motel, inn, guest house or other structure which holds itself out by any means, including advertising, license, registration with an innkeepers' group, convention listing association, travel publication or similar association or with a government agency, as being available to provide overnight lodging or use of facility space for consideration to persons seeking temporary accommodation; any place which advertises to the public at large or any segment thereof that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large; or any place recognized as a hostelry. The term does not include any portion of a facility that is devoted to persons who have an established permanent residence or a college or university student residence hall or any private campground, or any cabins, public campgrounds or other facilities located on State land.

"Occupancy." The use or possession or the right to the use or possession by any person other than a permanent resident of any room in a hotel for any purpose or the right to the use or possession of the furnishings or to the services accompanying the use and possession of the room.

"Operator." An individual, partnership, nonprofit or profit-making association or corporation or other person or group of persons who maintain, operate, manage, own, have custody of or otherwise possess the right to rent or lease overnight accommodations in a hotel to the public for consideration.

"Patron." A person who pays the consideration for the occupancy of a room or rooms in a hotel.

"Permanent resident." A person who has occupied or has the right to occupancy of a room or rooms in a hotel as a patron or otherwise for a period exceeding sixty consecutive days.

"Recognized tourist promotion agency." The nonprofit corporation, organization, association or agency which is engaged in planning and promoting programs designed to stimulate and increase the volume of tourist, visitor and vacation

business within counties served by the agency as that term is defined in the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law."

"Room." A space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodation in a room or group of rooms.

"Transaction." The activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration is payable to the operator under an express or an implied contract.

"Transient." An individual who obtains accommodation in a hotel by means of registering at the facility for the temporary occupancy of a room for the personal use of the individual by paying a fee to the operator.

Section 1770.3. Appointment of Auxiliary Board of Assessment Appeals.--(a) In conjunction with a countywide revision of assessments involving either a change in the established predetermined ratio or revaluing the properties and applying the predetermined ratio, the county commissioners of a county of the fourth, fifth, sixth, seventh or eighth class may, notwithstanding any other provision of law to the contrary, create up to four temporary auxiliary appeal boards, each to be known as an auxiliary appeal board. The county commissioners shall establish the term of existence for an auxiliary appeal board, not to exceed eighteen months. An auxiliary appeal board shall be composed of three members who shall be appointed by the county commissioners to serve for the time that the auxiliary appeal board is in existence. Members of an auxiliary appeal board shall be competent and qualified residents of the county. Vacancies on an auxiliary appeal board shall be filled by appointment by the county commissioners for the duration of the auxiliary appeal board's existence. Any salary of members of an auxiliary appeal board shall be fixed by the salary board of the county. The authority of an auxiliary appeal board shall be limited to hearing and determining appeals from assessments in accordance with applicable provisions of law. After one or more auxiliary appeal boards have been established in accordance with this section, additional auxiliary appeal boards may be established only in conjunction with a succeeding countywide revision of assessments.

(b) Subject to the approval of the county commissioners, the authority in the county responsible for assessment appeals may adopt, amend, alter and rescind rules and regulations for the administration of and the conduct of business and proceedings for itself and for auxiliary appeal boards. The rules and regulations may require a witness providing testimony at a hearing relative to any aspect of the value of the real estate which is the subject of the assessment or reassessment appeal to disclose under oath whether any compensation paid for the testimony is contingent on the result obtained. The rules and regulations shall be in writing and shall be a public record open to examination, inspection and copying in accordance with the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

(c) For the purpose of this section, an "auxiliary appeal board" shall mean an auxiliary board of assessment appeals in counties of the fourth, fifth, sixth, seventh or eighth class created in accordance with this section.

Section 1770.4. Authorization of Hotel Tax.--(a) The county commissioners of any county of the third class having a second

class A city located therein may impose a hotel tax not to exceed four per centum of the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to transients. The tax shall be collected by the operator from the patron of the room or rooms and paid over to the county as herein provided.

(b) The county commissioners may by ordinance impose requirements for keeping of records, the filing of tax returns and the time and manner of collection and payment of tax. The county commissioners may also impose by ordinance penalties and interest for failure to comply with recordkeeping, filing, collection and payment requirements.

(c) The county commissioners of each county shall designate the entity or agency responsible to collect and to enforce the collection of the tax on their behalf. All revenues received from the tax shall be deposited into a special fund which is to be established by the county's legally sanctioned and duly designated Tourist Promotion Agency (TPA). The disposition of the revenues from the TPA hotel tax fund shall be as follows: a minimum of twenty per centum of all revenues received per annum shall be used by the TPA for the appropriate and reasonable operational, marketing and promotional expenses of the TPA. Other tax revenues received and amounting to not more than eighty per centum of total annual revenues shall be used for reasonable expenses associated with collection and enforcement of the tax; for county-owned tourist and recreational facilities, sports facilities or visitor centers; or for other tourism-related activities as determined by the county commissioners.

(d) The treasurer of each county electing to impose the tax authorized under this section shall collect the tax and deposit the revenues received from the tax in a special fund established for that purpose. The revenues from the special fund shall be used for county-owned tourist and recreational facilities, sports facilities, visitors center or use of any county-municipal authority as determined by the county commissioners.

(e) The tax year for a tax imposed under this section shall run concurrently with the calendar year.

(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Consideration." Receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature, or other payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for any temporary period.

"Hotel." A hotel, motel, inn, guest house or other structure which holds itself out by any means, including advertising, license, registration with an innkeepers' group, convention listing association, travel publication or similar association or with a government agency, as being available to provide overnight lodging or use of facility space for consideration to persons seeking temporary accommodation; any place which advertises to the public at large or any segment thereof that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large; or any place recognized as a hostelry. The term does not include any portion of a facility that is devoted to persons who have an established permanent residence or a college or university student residence hall.

"Occupancy." The use or possession or the right to the use or possession by any person other than a permanent resident of

any room in a hotel for any purpose or the right to the use or possession of the furnishings or to the services accompanying the use and possession of the room.

"Operator." An individual, partnership, nonprofit or profit-making association or corporation or other person or group of persons who maintain, operate, manage, own, have custody of or otherwise possess the right to rent or lease overnight accommodations in a hotel to the public for consideration.

"Patron." A person who pays the consideration for the occupancy of a room or rooms in a hotel.

"Permanent resident." A person who has occupied or has the right to occupancy of a room or rooms in a hotel as a patron or otherwise for a period exceeding sixty consecutive days.

"Room." A space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodation in a room or group of rooms.

"Tourist Promotion Agency (TPA)." An organization, agency or corporation designated to be such by the board of commissioners of the county in which the tax is imposed. The TPA shall be duly established, designated and recognized as the county's TPA in accordance with and pursuant to the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law."

"Transaction." The activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration is payable to the operator under an express or an implied contract.

"Transient." An individual who obtains accommodation in a hotel by means of registering at the facility for the temporary occupancy of a room for the personal use of the individual by paying a fee to the operator.

Section 4. The act is amended by adding an article to read:

ARTICLE XXX

SOUTHWESTERN PENNSYLVANIA REGIONAL RENAISSANCE INITIATIVE

(a) Preliminary Provisions

Section 3011. Short Title.--This article shall be known and may be cited as the "Southwestern Pennsylvania Regional Renaissance Initiative Act."

Section 3012. Findings and Declaration of Policy.--(a) The General Assembly finds the following:

(1) The health, safety and general welfare of the people of the southwestern region of this Commonwealth are directly dependent upon the continual encouragement, development, growth and expansion of business, industry, commerce and tourism within that region.

(2) Unemployment, the spread of indigence and the heavy burden of public assistance and unemployment compensation in southwestern Pennsylvania can be avoided by the promotion, attraction, stimulation, development and expansion of business, industry, commerce and tourism in that region.

(3) Supplemental sources of revenue are needed by municipalities in southwestern Pennsylvania to invest in facilities that will promote economic development and tourism and improve the quality of life of their residents.

(4) Supplemental sources of public and private revenue are required to improve and develop the region's existing economy and to develop new civic, convention, sports, cultural, industrial, transportation and other facilities.

(5) Local governments in southwestern Pennsylvania lack adequate resources to maintain, improve and modernize the

region's civic, convention, sports, cultural, industrial, transportation and other facilities, the continued availability of which is vital to the economic growth and development of southwestern Pennsylvania, to the ability of the region to compete globally for visitors, residents and investment in quality jobs at living wages and to the health, welfare, education and quality of life of the citizens of the region.

(b) It is hereby declared to be the public policy of the Commonwealth to promote the health, welfare and quality of life of the citizens of southwestern Pennsylvania and to enhance economic development and employment in that region by supporting the construction of regional destination facilities and other regional growth projects for the public purpose of promoting, attracting, stimulating, developing and expanding business, industry, commerce and tourism. That purpose is declared to be a public purpose supporting the enactment of all of the provisions of this article and for which public money may be spent, taxes may be imposed and private property may be acquired by the exercise of the power of eminent domain.

Section 3013. Definitions.--As used in this article,

"Auditorium authority" shall mean the authority created to operate the convention center under the act of July 29, 1953 (P.L.1034, No.270), known as the "Public Auditorium Authorities Law."

"Authority" shall mean the Regional Renaissance Authority established under this article.

"Authority employe" shall mean the chairman and members of the board of the authority, counsel retained by the authority either as an employe or otherwise, the chief administrative officer of the authority and any employe with discretionary powers who may affect the outcome of a decision by the authority in relation to a private corporation or business or any employe who by virtue of the employe's job function could influence the outcome of such a decision.

"Baseball park" shall mean a baseball park to be constructed in the central city, designed for the purpose of playing major league baseball games.

"Board" shall mean the governing body of the Regional Renaissance Authority.

"Bonds" shall mean notes, bonds, refunding notes and bonds, interim certificates, debentures and other evidences of indebtedness or obligations that the authority is authorized to issue under this article. Bonds may be either tax-exempt bonds, the interest on which is excludable from gross income for Federal income tax purposes, or taxable bonds, the interest on which is includable in gross income for Federal income tax purposes.

"Central city" shall mean a city of the second class located in a county of the second class.

"Central county" shall mean a county of the second class.

"Construction" or "construct" shall include site acquisition, demolition and other preparation for and the design, renovation, improvement, expansion, erection, furnishing, fixturing and equipping of the facility or building involved.

"Contiguous county" shall mean a county, other than a county of the second class, that:

(1) has a boundary that touches, even at a single point, a county of the second class;

(2) is a county of the fourth, fifth or sixth class and shares common boundaries at more than a single point with two counties described in clause (1); or

(3) is a county of the sixth class and is located to the south and west of a county described in clause (2).

"Convention and visitors bureau" shall mean the tourist promotion agency located in the central city that receives funds from the hotel tax imposed by section 1970.2 of the act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code."

"Convention center" shall mean the real property described in section 3081(a), together with the structures, facilities, buildings, fixtures and improvements located thereon, and known as the David L. Lawrence Convention Center.

"County account" shall mean a special account established within the Regional Growth Fund as provided in section 3021(c).

"County growth board" shall mean a new or existing entity designated under section 3022(c)(2)(ii) for the purpose of developing a county growth plan.

"County growth plan" shall mean a plan for the use of moneys in a county account that is developed and submitted to the authority in accordance with section 3022(c).

"Cultural district" shall mean a geographic area within a city of the second class adjacent to the convention center that is not more than one-half square mile in size and that has located within it at least three theaters for the performing arts.

"Department" shall mean the Department of Revenue of the Commonwealth.

"Design commission" shall mean the Southwestern Pennsylvania Convention Center Design Commission established under this article.

"Football stadium" shall mean a football stadium to be constructed in the central city, designed for the purpose of playing National Football League games.

"Governing body" shall mean the board of county commissioners or the county executive or other person exercising the functions of the county executive in a county without a board of county commissioners.

"Immediate family" shall mean a parent, spouse, child, brother, sister, the spouse of a child, brother or sister or the parent of a spouse.

"Participating county" shall mean a county in which the referendum provided for in section 3054 has been approved by the voters.

"Party officer" shall mean the following members or officers of any political party:

(1) A member of a national committee.

(2) A chairman, vice-chairman, secretary, treasurer or counsel of a State committee or members of the executive committee of a State committee.

(3) A county chairman, vice-chairman, counsel, secretary or treasurer of a county committee.

(4) A city chairman, vice-chairman, counsel, secretary or treasurer of a city committee.

"Public employe" shall mean any individual employed by the Commonwealth or a political subdivision within the Commonwealth.

"Public officer" shall mean any person elected to any public office of Commonwealth government or any political subdivision within the Commonwealth.

"Public official" shall mean any elected or appointed official in the executive, legislative or judicial branch of Commonwealth government or any political subdivision within the Commonwealth. The term does not include members of advisory boards who do not have authority to expend public funds other

than reimbursement for personal expenses or to otherwise exercise the power of the Commonwealth or any political subdivision within the Commonwealth. The term also does not include any appointed official who does not receive compensation other than reimbursement for actual expenses.

"Regional Destination Facilities Fund" shall mean the Regional Destination Facilities Fund established under sections 3071 and 3072.

"Regional destination facility" shall mean any of the following:

- (1) The convention center.
- (2) The baseball park.
- (3) The football stadium.
- (4) Parks, parking facilities and at least two theaters to be constructed in the cultural district.

"Regional Growth Fund" shall mean the Regional Growth Fund established under sections 3021 and 3022.

(b) Regional Growth Fund

Section 3021. Establishment of Regional Growth Fund.--(a) There is hereby established the Regional Growth Fund. The treasurer of the authority shall be custodian of the Regional Growth Fund which shall be subject to the provisions of law applicable to funds listed in section 302 of the act of April 9, 1929 (P.L.343, No.176) , known as "The Fiscal Code."

(b) Taxes imposed under sections 3051 through 3057 shall be received by the department and paid to the treasurer of the authority and, along with interest and penalties less any collection costs allowed under such sections and any refunds and credits paid, shall be credited in the manner provided in section 3052(f) to the Regional Growth Fund not less frequently than every two weeks. There shall also be credited to the Regional Growth Fund any amounts appropriated to it by the General Assembly and any contributions received from any other source.

(c) A special account shall be established within the Regional Growth Fund for each participating county. All of the taxes, interest and penalties that are collected under section 3052 from a particular county and deposited in the Regional Growth Fund in accordance with section 3052(f) shall be credited to the special account for that county. All of the moneys in a county account must be spent on projects located in whole or in part within that county unless the governing body of that county authorizes by resolution the use of a portion of the moneys in its county account for a regional project located outside of the county.

(d) The authority may also establish other special accounts within the Regional Growth Fund to which shall be credited any amounts appropriated to the Regional Growth Fund by the General Assembly and any contributions received from any other source. Moneys in such special accounts shall be used for eligible projects in a participating county as determined by the board, subject to any limitations imposed by the source of the moneys.

(e) All moneys in the Regional Growth Fund, including, but not limited to, moneys credited to it under this section, prior year encumbrances and the interest earned thereon, shall not lapse or be transferred to any other fund but shall remain in the Regional Growth Fund and must be used exclusively as provided in this article.

(f) Pending their disbursement, moneys received on behalf of or deposited into the Regional Growth Fund shall be invested or reinvested in the same manner as are moneys in the custody of the State Treasurer. All earnings received from the

investment or reinvestment of the moneys shall be credited to the Regional Growth Fund and shall be allocated on a proportional basis to each special account within the Regional Growth Fund.

Section 3022. Use of Regional Growth Fund.--(a) Subject to the limitations in subsections (b) and (c), moneys in the Regional Growth Fund shall be used by the authority to fund the capital costs of new or improved economic development projects of the following types:

(1) Industrial site development, including, but not limited to, site acquisition, preparation and clearance, construction of necessary infrastructure such as water and sewer facilities, and construction of buildings for use by businesses.

(2) Cultural, recreational, historical and entertainment facilities, including, without limitation, African-American cultural facilities, regional destination facilities and projects in heritage areas.

(3) Transportation facilities that will assist in the attraction and retention of jobs in the region, including construction of highways, bridges, transit facilities, airports, ports, rail lines and related facilities.

(4) Revolving loan funds to assist in the establishment, location and expansion of businesses, including, without limitation, small or minority-owned businesses, in the region.

(5) New or improved water or sewer facilities serving residential customers.

(b) Expenditures from the Regional Growth Fund for an eligible project shall be subject to the following limitations:

(1) The funding provided from the Regional Growth Fund for an eligible project shall not exceed fifty per centum of the total cost of the project.

(2) No funds may be expended from the Regional Growth Fund for operating costs of any project or facility.

(3) No more than twenty per centum of the funds in a county account may be used for the purpose described in subsection

(a) (4).

(4) No more than forty per centum of the funds in a county account may be used for the purpose described in subsection

(a) (5).

(c) (1) Not later than March 31, 1998, each participating county shall initially notify the board whether it intends to develop and submit a county growth plan and which of the optional methods described in clause (2) will be used. As part of its notification, the county shall also indicate what portion of the moneys in its county account shall be reserved for implementation of the plan. In establishing the long-term budget and capital budget under sections 3035 and 3036, the board shall reserve funds in each county account in accordance with the notification and shall not approve projects using reserved funds unless they are contained in the county growth plan.

(2) If it chooses to develop and submit a county growth plan to the authority, the governing body of a participating county shall select one of the following three methods for developing the plan:

(i) The redevelopment authority of the county created under the act of May 24, 1945 (P.L.991, No.385), known as the "Urban Redevelopment Law," may adopt a county growth plan by resolution and submit it to the authority. The redevelopment authority must hold at least one public hearing regarding the plan or any revision to the plan prior to adopting the plan or revision and submitting it to the authority.

(ii) The governing body may create a county growth board or designate an existing public or nonprofit agency to serve as the county growth board. The county growth board must hold at least one public hearing regarding the plan or any revision to the plan prior to adopting the plan or revision and submitting it to the authority.

(iii) The governing body may directly adopt a county growth plan by resolution and submit it to the authority. The governing body must hold at least one public hearing regarding the plan or any revision to the plan prior to adopting the plan or revision and submitting it to the authority.

(3) The governing body of a participating county that has not previously submitted a county growth plan may elect to submit one at any time by giving the authority notice to that effect. The governing body of a participating county that has submitted a county growth plan may at any time change the method of developing its county growth plan by giving the authority notice to that effect.

(4) All expenditures from the Regional Growth Fund for projects contained in a county growth plan must meet the criteria and limitations contained in subsections (a) and (b). The total expenditures that the county growth plan requests from the county account shall not exceed the total funds projected to be deposited in that account.

(d) The authority shall automatically approve funding from a county account for any project in the participating county that meets the eligibility criteria of this section and that is contained in a county growth plan, up to the amount of moneys available in the county account.

(c) Regional Renaissance Authority

Section 3031. Authority Established.--(a) A body corporate and politic to be known as the Regional Renaissance Authority is established as a special purpose areawide unit of local government pursuant to section 7 of Article IX of the Constitution of Pennsylvania, exercising powers as a unit of local government under this article and having territorial limits that encompass the geographic areas of the participating counties. The exercise by the authority of the powers conferred by this article is hereby declared to be and shall for all purposes be deemed and held to be the performance of an essential public function.

(b) The authority shall be deemed to be established at the time set forth in section 3054(e).

(c) Once established, the authority shall continue in existence perpetually.

(d) It is declared to be the intent of the General Assembly that the authority and its board members, officers and employees shall enjoy sovereign and official immunity as provided in 1 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed; specific waiver) and shall remain immune from suit except as provided by and subject to the provisions of 42 Pa.C.S. Ch. 85 Subchs. A (relating to general provisions) and B (relating to actions against Commonwealth parties). Notwithstanding the provisions of 42 Pa.C.S. § 8525 (relating to legal assistance), the authority, through its legal counsel, shall defend actions brought against the authority or its board members, officers and employees when acting within the scope of their official duties.

(e) Members of the board shall not be liable personally on the bonds or other obligations of the authority, and the rights of creditors shall be solely against the authority.

Section 3032. Board of Authority.--(a) The powers of the authority shall be exercised by a governing body having full authority to manage the properties and business of the authority and to prescribe, amend and repeal bylaws, rules and regulations governing the manner in which the business of the authority may be conducted and the powers given to it may be exercised. All bylaws, rules and regulations and amendments thereto shall be filed with the secretary of the authority.

(b) The members of the board of the authority shall be appointed as follows:

(1) The governing body of the central county shall appoint a member to represent that county.

(2) The governing body of each other participating county shall appoint a member to represent that county.

(3) The mayor of the central city shall appoint a member to represent that city.

(4) The President pro tempore of the Senate shall appoint a member.

(5) The Minority Leader of the Senate shall appoint a member.

(6) The Speaker of the House of Representatives shall appoint a member.

(7) The Minority Leader of the House of Representatives shall appoint a member.

(8) The Governor shall appoint three members, not all of whom are members of the same political party and at least one of whom has experience and expertise in convention and tourism promotion programs.

(c) (1) The number of members of the board appointed under each of subsection (b) (4) through (7) shall be increased to two if the number of participating counties is greater than five.

(2) The persons appointing members of the board under subsection (b) (4) through (8) shall consult with each other about those appointments so that:

(i) if there is more than one participating county, not more than a majority of the members of the board appointed under subsection (b) (4) through (8) are residents of any one participating county.

(ii) The board is reflective, to the extent feasible, of the cultural, racial, ethnic and gender demographic proportions of the participating counties.

(d) The governing body of each participating county shall only appoint individuals from lists of three or more names submitted by the members of the General Assembly who represent any portion of that county. In developing such lists, the members of the General Assembly shall solicit nominations from public and private economic development agencies within the county and may solicit nominations from other sources as well. The individuals appointed must have the unanimous approval of all of the members of the governing body in office at the time.

(e) (1) The term of office of a member of the board appointed:

(i) under subsection (b) (1) through (3) shall be four years; and

(ii) under subsection (b) (4) through (8) shall be five years.

(2) The term of office of a member shall begin on the date of appointment. Members may hold office until their successors have been appointed and qualified or until their earlier death or resignation.

(3) A person may not serve more than two consecutive full terms on the board.

(4) A person appointed to the board when a vacancy occurs during the term of office of a member of the board shall serve for the remainder of the term. A vacancy in the office of a member appointed under subsection (b) (4) through (7) shall be filled for the balance of the term by appointment made by the person who at the time is the ranking member in the same chamber of the General Assembly and of the same political party as the person who appointed the vacating member.

(f) The Governor shall select one of the initial members of the board as the interim chair of the authority and shall, within ten days after the effective date of the establishment of the authority, set a date, time and place for the initial organizational meeting of the board. The members shall elect from among themselves a chair, vice-chair, secretary, treasurer and other officers as they may determine. A member may not hold more than one office of the board at any time. Members may serve successive terms as officers of the board.

(g) The board shall meet as frequently as it deems appropriate, but at least once a month during the first year that the authority is in existence and thereafter at least once during each quarter of its fiscal year. In addition, a meeting of the board shall be called by the chair if a request for a meeting is submitted to the chair by at least two members of the board. A majority of the members of the board in office shall constitute a quorum for the purpose of conducting the business of the board and for all other purposes. The acts of a majority of the members of the board taken at a meeting of the board at which a quorum is present shall be the acts of the board, except that, for the purposes of making decisions regarding personnel matters, contracts and capital and operating budgets, the affirmative vote of at least six members of the board shall be required.

(h) There shall be nonvoting advisory members of the board with the right to attend and be heard at every meeting of the board who are appointed as follows:

(1) An advisory member shall be appointed by each of the following:

- (i) The convention and visitors bureau.
- (ii) The principal tenant of the baseball park.
- (iii) The principal tenant of the football stadium.
- (iv) The private nonprofit corporation with the largest membership supporting the development of the entire cultural district.

(v) The private nonprofit corporation with the largest membership supporting the development, preservation and expansion of African-American culture and history in southwestern Pennsylvania.

(vi) The labor organization representing the largest number of members of the building trades.

(2) In addition to the six advisory members provided for in clause (1), the authority may also appoint one or more other advisory members.

Section 3033. Purposes and Powers.--(a) (1) The purposes of the authority shall be to accomplish the following:

(i) Supporting and financing the construction of regional destination facilities.

(ii) Assuring the efficient and effective operation and development of regional destination facilities.

(iii) Supporting and financing the construction of other economic development projects.

(2) The enumeration of purposes in clause (1) shall not be construed to limit the powers granted to the authority under this article.

(b) Subject to the limitations in subsection (d), the authority is granted all powers necessary or convenient for the carrying out of its purposes, including the following:

(1) To have continuing succession.

(2) To sue and be sued, implead and be impleaded, complain and defend in all courts.

(3) To adopt, use and alter at will a corporate seal.

(4) To acquire by gift or otherwise, purchase, hold, receive, lease, sublease and use any license, franchise or property, real, personal or mixed, tangible or intangible, or any interest therein, including a regional destination facility or parts thereof.

(5) To sell, transfer or dispose of any property or interest therein for adequate and fair consideration.

(6) To acquire, hold, develop, construct, maintain, manage, operate, repair, own, lease or sublease a regional destination facility or parts thereof and projects funded from the Regional Growth Fund.

(7) To make, enter into and award contracts with any person for the development, financing, construction, maintenance, operation and repair of regional destination facilities or parts thereof and projects funded from the Regional Growth Fund.

(8) To conduct financial and performance reviews and audits of regional destination facilities and projects funded from the Regional Growth Fund.

(9) To conduct long-term planning necessary for the efficient and effective operation and development of regional destination facilities and projects funded from the Regional Growth Fund.

(10) To make bylaws for the regulation of its affairs and to promulgate rules, regulations and policies in connection with the performance of its functions and duties.

(11) (i) To borrow money for the purpose of paying the costs of any project and to evidence such borrowing in any customary and appropriate fashion.

(ii) To make and issue taxable or tax-exempt negotiable bonds of the authority and secure the payment of the bonds or any part of the bonds by pledge or deed of trust of all or any of its revenues, rentals, receipts and contract rights.

(iii) To make agreements with the purchasers or holders of the bonds or with other obligees of the authority in connection with any bonds, whether issued or to be issued, as the authority shall deem advisable, which agreements shall constitute contracts with the holders or purchasers.

(iv) To obtain credit enhancement or liquidity facilities in connection with any bonds as the authority shall determine to be advantageous.

(v) To provide, in general, for the security for the bonds and for the rights of the holders of the bonds.

(12) To make, enter into and award contracts of every name and nature and to execute all instruments necessary or convenient for the carrying out of its business.

(13) To borrow money and accept grants and to enter into contracts, leases, subleases, licenses or other transactions with any Federal agency, State public body, political subdivision or person.

(14) To mortgage, pledge, hypothecate or otherwise encumber any of its property, real, personal or mixed, tangible or intangible, and its revenues or receipts, including, but not

limited to, any tax revenues or interest the authority may have in any lease or sublease of regional destination facilities or parts of regional destination facilities.

(15) To procure insurance containing coverage, including, without limitation, insurance covering the timely payment in full of principal and interest on bonds of the authority, in the amounts and from the insurers the authority may determine to be necessary or desirable for its purposes.

(16) To invest its money.

(17) To cooperate with any Federal agency, State public body or political subdivision.

(18) To invest any funds not required for immediate disbursement in reserve or sinking funds.

(19) To appoint all officers, agents and employees required for the performance of its duties and fix and determine their qualifications, duties and compensation and to retain or employ other agents or consultants.

(20) To enroll its employees in a retirement system, including an existing retirement system of a participating county or any other governmental entity located within a participating county.

(21) To appoint and fix the compensation of chief counsel and assistant counsel, who shall not be required to be employees of the authority, to provide it with legal assistance. Notwithstanding the provisions of 42 Pa.C.S. § 8525 (relating to legal assistance), the authority through its counsel shall defend actions brought against the authority and its officers and employees when acting within the scope of their official duties.

(22) To do all acts and things necessary or convenient for the promotion of its purposes and the general welfare of the authority and to carry out the powers granted to it by this article or any other acts.

(c) The authority, upon making a finding that it is necessary or convenient to acquire any real or personal property in the central city for its immediate or future use for purposes related to the construction of regional destination facilities or related developments, may acquire property by the exercise of the power of eminent domain pursuant to the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code," and for those purposes shall have the power of eminent domain. The authority may use its eminent domain power to acquire property already devoted to a public use, except that the power may not be used to acquire property owned or used by the Commonwealth. The board shall not exercise the authority's eminent domain power without the approval of the mayor of the central city and the members of the board appointed pursuant to section 3032(b)(1) and (3).

(d) Notwithstanding any purpose of the authority or a general or specific power granted by this article or any other act, whether express or implied, the following limitations and conditions shall apply to the operations of the authority:

(1) The authority shall have no power to pledge the credit or taxing powers of the Commonwealth or any other government agency, except the credit of the authority, nor shall any of the bonds of the authority be deemed a debt or liability of the Commonwealth or of any other government agency, except as otherwise agreed by the Commonwealth or a government agency.

(2) Neither the Commonwealth nor any government agency except the authority shall be liable for payment of the principal or maturity value of or interest or premium on any

of the bonds of the authority, except as otherwise agreed by the Commonwealth or a government agency.

(3) Notwithstanding any provision of this article or any other act to the contrary or of any implication that may be drawn from this article or any other act, the Commonwealth and all other government agencies, except the authority, shall have no legal or moral obligation for the payment of any expenses or obligations of the authority, including, but not limited to, bond principal and interest, the funding or refunding of any reserve and any administrative or operating expenses whatsoever, except as otherwise agreed to by the Commonwealth or another government agency.

(4) Bonds of the authority shall contain a prominent statement of the limitations set forth in this subsection and a further statement to the effect that obligees of the authority shall have no recourse, either legal or moral, to the Commonwealth or to any other government agency for payment of the bonds, except as otherwise agreed to by the Commonwealth or another government agency.

(5) The authority shall not assume the responsibility of employing personnel directly engaged in the operation of regional destination facilities described in clauses (1) and (4) of the definition of "regional destination facility" but may enter into contracts for the operation, maintenance and ongoing improvement of those facilities with public and private organizations that have expertise in operating the type of facility involved.

(6) The authority shall not operate, maintain or, after the completion of initial construction, design or perform subsequent improvements to the baseball park or football stadium but shall contract for the performance of those functions with the principal tenant of each of those facilities.

Section 3034. Fiscal Matters.--(a) The fiscal year of the authority shall commence on July 1 of each year and end on June 30 of the next year, except as otherwise provided by the board.

(b) The board of the authority shall, no later than the start of each fiscal year, prepare a comprehensive annual report of its activities and operations for the previous year, make the report publicly available and conduct public meetings and hearings to receive public comments and recommendations regarding the activities and operations of the board. The board shall forward a copy of the annual report each year to the Governor and to the General Assembly.

(c) The board shall provide for an annual audit of the authority by an independent certified public accounting firm.

Section 3035. Initial Financial Plan.--(a) Immediately upon the creation of the authority, the board shall commence the negotiation, with such public or private entities as it considers appropriate, of agreements relating to the construction of regional destination facilities. Agreements regarding the construction of the baseball park and the football stadium shall provide that those facilities shall not be owned by the teams that will be their principal tenants but that the authority shall either own or enter into long-term leases with the owner of the land, building and fixtures for each of those facilities regardless of what public or private entities are responsible for the construction of those facilities. Each agreement regarding a regional destination facility shall provide for:

(1) The development of long-term plans for the financing, development and operation of the facility.

(2) Performance and financial goals, objectives and standards for the operation of the facility.

(3) Assurances that adequate measures will be undertaken to maintain and improve the facility.

(4) Assurances that the operating and capital budgeting for the facility will occur in a financially responsible manner.

(b) Prior to the start of the first full fiscal year of the authority, the board shall adopt, in addition to the operating and capital budgets required under sections 3036 and 3037, long-term budgets for the Regional Destination Facilities Fund and the Regional Growth Fund. The long-term budget for the Regional Destination Facilities Fund shall estimate the total revenues required to complete the construction of all of the projects included in the definition of "regional destination facility" and the amount of revenues to be received by the authority during the first seven calendar years of its existence. At least ninety days before commencement of the second and third full fiscal years of the authority, the board shall update and revise the operating and capital budgets as required under the long-term budget.

Section 3036. Capital Budgets.--(a) At least ninety days before commencement of the ensuing fiscal year of the authority, the board shall cause to be prepared and submitted to it recommended capital budgets relating to the Regional Destination Facilities Fund and the Regional Growth Fund. The capital budgets shall show in detail the capital expenditures to be made or incurred in the next fiscal year which are to be financed from each fund. The capital budgets shall be adopted by the board no later than the date of the adoption of its annual operating budget as required under section 3037.

(b) Except for projects contained in a county growth plan, a majority of the members of the board who are residents of a particular participating county must vote in favor of the inclusion in a capital budget for the Regional Growth Fund of any expenditure relating to a project within that county. Projects contained in a county growth plan shall be approved in accordance with the provisions of sections 3021 and 3022.

(c) The board shall conduct an annual public hearing regarding the proposed annual capital budget for the Regional Growth Fund.

Section 3037. Operating Budget.--(a) At least ninety days before commencement of the ensuing fiscal year of the authority, the board shall cause to be prepared and submitted to it a recommended operating budget. The operating budget shall set forth the estimated receipts and revenues of the authority during the next fiscal year. The operating budget for the next fiscal year shall be adopted by the board at least thirty days before the end of the current fiscal year.

(b) The money necessary to pay the administrative expenses of the authority during each fiscal year may be drawn from the Regional Destination Facilities Fund and the Regional Growth Fund. Any moneys so drawn shall be drawn from the funds in proportion to the amount of time and expense involved in administering each fund. The authority shall not use more than one per centum of the total revenues from the taxes imposed pursuant to sections 3051 through 3057 to pay the administrative expenses of the authority.

(c) The board shall conduct public hearings and meetings regarding its operating budget.

Section 3038. Restrictions Upon Activities of Board Members and Employees.--A member of the board or an employe of the authority shall not, concurrent with the service of the member

or employee with the authority, be a party officer, public officer, public official, public employee or a member of the immediate family of a party officer, public officer or public official. This section shall not apply to members of the board appointed pursuant to section 3032(b)(4) through (8).

(b) The provisions of the act of October 4, 1978 (P.L.883, No.170), referred to as the Public Official and Employee Ethics Law, and the act of July 19, 1957 (P.L.1017, No.451), known as the "State Adverse Interest Act," are hereby made specifically applicable to board members, officers and employees of the authority. For the purposes of application of such acts, employees of the authority shall be regarded as public employees of the Commonwealth, and officers or board members of the authority shall be regarded as public officials of the Commonwealth, whether or not they receive compensation. The authority shall also be subject to the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act," relating to open meetings, and the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, relating to the inspection and copying of public records.

Section 3039. Exemption from Taxation.--The effectuation of the authorized purpose of the authority shall and will be in all respects for the benefit of the people of this Commonwealth, for the increase of their commerce and prosperity and for the improvement of their health and living conditions; and, since as a public instrumentality it will be performing essential governmental functions in effectuating such purposes, the authority shall not be required to pay any taxes or assessments upon any property acquired or used by it for such purposes, and the bonds issued by the authority and the interest and income therefrom shall at all times be free from State and local taxation.

(d) Bonds and Funds of Authority

Section 3041. Bonds.--The authority may authorize issues of bonds, sell bonds, use net proceeds of bond sales, refund bonds, adopt pledges, mortgages, covenants, indentures and trusts, exercise remedies and confer additional remedies upon persons holding bonds in the same manner as provided by sections 7 through 10 of the act of June 27, 1986 (P.L.267, No.70), known as the "Pennsylvania Convention Center Authority Act," as in effect on June 18, 1997.

Section 3042. Governmental Immunity.--It is hereby declared to be the intent of the General Assembly that the authority and its officers, officials and employees shall enjoy governmental immunity except as provided by and subject to the provisions of 42 Pa.C.S. Ch. 85 Subch s. A (relating to general provisions) and C (relating to actions against local parties).

Section 3043. Funds of Authority.--All moneys of the authority from whatever source derived shall be paid to the treasurer of the authority and invested in the same manner as is provided for in section 13(a) through (d) of the act of June 27, 1986 (P.L.267, No.70), known as the "Pennsylvania Convention Center Authority Act," as in effect on June 18, 1997.

Section 3044. Transfer of Funds.--(a) (1) The central city, the central county or any contiguous county, regardless of whether any such county is a participating county, and any special-purpose areawide unit of local government located or operating in whole or in part in any such county may and are hereby authorized to make grants from current and future revenues to the authority and to assist in defraying the costs of managing, operating, maintaining, financing and servicing

the debt of regional destination facilities or parts of regional destination facilities, to enter into long-term agreements providing for payment of the costs and to enter into long-term leases or subleases as lessee or sublessee of all or part of a regional destination facility.

(2) Such a city or county may issue general obligation bonds for the purpose of obtaining funds for the acquisition or improvement of regional destination facilities or parts of regional destination facilities.

(b) The Commonwealth may contribute to the capital costs of constructing regional destination facilities by the issuance of Commonwealth bonds and notes under Article XVI-B of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code." A project undertaken by the authority is hereby deemed to be a redevelopment assistance project under which capital funds of the Commonwealth may be expended under the provisions of the act of May 20, 1949 (P.L.1633, No.493), known as the "Housing and Redevelopment Assistance Law," and, notwithstanding any provisions of the "Housing and Redevelopment Assistance Law," the Department of Community and Economic Development is hereby authorized to make capital grants directly to the authority.

(e) Additional Sales and Use Taxes

Section 3051. Construction of Sections 3051 through 3057.--The tax imposed under sections 3051 through 3057 shall be in addition to any tax imposed by the Commonwealth under Article II of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971." Except for the differing situs provisions in section 3053, the provisions of Article II of the "Tax Reform Code of 1971" shall apply to the tax.

Section 3052. Imposition of Additional Sales and Use Taxes.--(a) If the electorate in a particular county approves the referendum provided for in section 3054 levying the taxes authorized in this section, there shall be levied, assessed and collected upon each separate sale at retail of tangible personal property or services, as defined in Article II of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," within the boundaries of the participating county a tax on the purchase price. The tax shall be collected by the vendor from the purchaser and shall be paid over to the Commonwealth for deposit in the Regional Destination Facilities Fund and the Regional Growth Fund as provided in subsection (f).

(b) In each participating county in which the electorate approves the referendum levying the tax authorized in subsection (a), there shall be levied, assessed and collected upon the use within the county of tangible personal property purchased at retail and on services purchased at retail as defined in Article II of the "Tax Reform Code of 1971" a tax on the purchase price. The tax shall be paid over to the Commonwealth by the person who makes the use for deposit in the Regional Destination Facilities Fund and the Regional Growth Fund as provided in subsection (f). The use tax imposed under this subsection shall not be paid over to the Commonwealth by any person who has paid the tax imposed by subsection (a) or who has paid the tax imposed by this subsection to the vendor with respect to the use.

(c) The taxes authorized by subsections (a) and (b) shall be imposed at the rate of one-half per centum and shall be uniform, upon the same class of subjects, within the territorial limits of the participating counties.

(d) The taxes imposed by subsections (a) and (b) shall be collected only on sales or uses occurring during the seven-year period from July 1, 1998, through June 30, 2005.

(e) The taxes imposed under subsections (a) and (b) shall be computed in the manner set forth in section 503(e) of the act of June 5, 1991 (P.L.9, No.6), known as the "Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class."

(f) The taxes imposed under subsections (a) and (b) and any interest and penalties thereon shall be received by the department and paid by the State Treasurer as follows:

(1) Seventy-five per centum of the taxes, interest and penalties collected in the central county shall be paid to the Regional Destination Facilities Fund and twenty-five per centum to the Regional Growth Fund.

(2) Twenty-five per centum of the taxes, interest and penalties collected in each contiguous county that is a participating county shall be paid to the Regional Destination Facilities Fund and seventy-five per centum to the Regional Growth Fund.

(g) The governing body of a county in which the electorate has approved a referendum levying the taxes provided for in sections 3051 through 3057 shall not be required to adopt an ordinance levying the tax. Instead, upon approval of the referendum as provided in section 3054, those taxes will be deemed to have been levied by the governing board pursuant to the requirements of sections 3051 through 3057.

Section 3053. Situs.--The situs of sales at retail or uses, including leases, of motor vehicles, aircraft, motorcraft and utility services shall be determined in the manner specified by section 504 of the act of June 5, 1991 (P.L.9, No.6), known as the "Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class."

Section 3054. Referenda Levying Additional Taxes.--(a) The county board of elections of the central county and each contiguous county shall cause to be printed on the official ballot and ballot labels at the municipal election in November 1997 a referendum to determine the will of the electorate within the county with respect to levying the additional sales and use taxes provided for in sections 3051 through 3057.

(b) The question as printed on the official ballot and ballot labels in the central county shall be in the following form:

REGIONAL RENAISSANCE INITIATIVE

Do you favor supporting job creation projects in this county by temporarily increasing the sales tax by 0.5% for seven years, with 75% of the revenues used to fund not more than 1/2 the cost of expanding the Lawrence Convention Center, and constructing facilities in the cultural district, a baseball park and a football stadium; and with the remaining 25% of the revenues used for other economic development projects in Allegheny County?

(c) The question as printed on the official ballot and ballot labels in the contiguous counties shall be in the following form:

REGIONAL RENAISSANCE INITIATIVE

Do you favor supporting job creation projects in this county by temporarily increasing the sales tax by 0.5% for seven years, with 75% of the revenues used for economic development, transportation and tourism projects in (name) County; and with 25% of the revenues used to fund not more than 1/2 the cost of expanding the Lawrence Convention Center and constructing

facilities in the cultural district, a baseball park and a football stadium in Pittsburgh?

(d) The referenda required under this section shall be advertised and conducted in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

(e) Except as provided in subsections (f), (g) and (h), upon certification that the referendum provided for in subsection (a) has been approved in any county, the authority shall be established as provided in section 3031.

(f) If the referendum provided for in this section is not approved by the voters in the central county but is approved by the voters in at least one contiguous county:

(1) The Regional Destination Facilities Fund shall not be established and all taxes collected by participating counties under section 3052 shall be deposited in the Regional Growth Fund.

(2) Members of the board shall not be appointed pursuant to section 3032(b)(1) and (3).

(g) If the referendum provided for in this section is approved by the voters in at least one county but is not approved by the voters in a particular contiguous county, the defeat of the referendum in that contiguous county shall not affect the establishment of the authority or the operation of the provisions of this article, except that the additional taxes provided for in section 3052 shall not be collected in the contiguous county and the contiguous county shall not be a participating county.

(h) If the referenda provided for in this section are defeated in the central county and all of the contiguous counties, sections 3021 through 3057, 3071 through 3081 and 3903 shall be of no further force and effect.

(i) If the referendum provided for in this section is approved by the voters in the central county, the increase in the hotel tax in the central county provided for in section 3061 shall be reduced to one and one-half per centum during the period that the taxes imposed by section 3052 are collected in the central county.

Section 3055. Licenses.--A license for the collection of the taxes imposed by sections 3051 through 3057 shall be issued in the same manner as is provided for in section 505 of the act of June 5, 1991 (P.L.9, No.6), known as the "Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class."

Section 3056. Rules and Regulations.--Rules and regulations shall be applicable to the taxes imposed under sections 3051 through 3057 in the same manner as is provided for in section 506(1) and (2) of the act of June 5, 1991 (P.L.9, No.6), known as the "Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class."

Section 3057. Collection Costs.--(a) The department, to cover its costs of administration, shall be entitled to retain a sum equal to the reasonable and necessary costs of collection and shall inform the authority in writing monthly of the sum retained and the costs of collection reimbursed. To provide a timely forecast and assure consideration of the sum retained, the department shall estimate its costs of collection for the next succeeding fiscal year and provide the estimate, with all supporting detail, to the authority. When the annual operating budget for the department is submitted to the General Assembly, the department shall also submit to the chairman and minority chairman of the Appropriations Committee of the Senate and to

the chairman and minority chairman of the Appropriations Committee of the House of Representatives the actual sums retained for costs of collection in the preceding fiscal year, together with all supporting details.

(b) As used in this section, the term "costs of collection" shall not include any charge for overhead or capital costs.

(f) Increase in Hotel Tax

Section 3061. Increase in Rate of Hotel Tax in Central County.--(a) The rate at which the tax imposed by section 1970.2 of the act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code," is collected is hereby increased by two per centum to a rate of seven per centum, subject to adjustment as provided in section 3054(i), for the period provided in subsection (c). Following the end of the period provided in subsection (c), that tax shall be collected at the rate in effect immediately prior to the effective date of this article.

(b) Words used in this section that are not otherwise defined in this act but are defined in section 1970.2 of the "Second Class County Code" shall have the meanings ascribed to them in that section of that act.

(c) The increased tax rate required by this section shall apply to and be collected only on rentals of a room or rooms to accommodate transients that occur during the period from September 1, 1997, through the earliest of:

(1) February 28, 1999, if the auditorium authority has not, in the period between June 18, 1997, and February 28, 1999, issued any bonds that are secured by the increased tax revenues to be collected pursuant to sections 3061 through 3064 and are for the purpose of financing the costs of any of the activities described in subsection (d);

(2) the date on which all bonds issued by the auditorium authority that are secured by the increased tax revenues to be collected pursuant to sections 3061 through 3064 and are for the purpose of financing construction of the convention center have been retired in full; or

(3) August 31, 2027.

(d) The incremental additional revenues received from the tax increase provided for in this section shall be distributed as follows:

(1) One-third of the incremental additional tax revenues collected by hotels located within a municipality other than the central city that at the time receives revenues under section 1970.2(b.1)(2) of the "Second Class County Code" shall be returned to that municipality and otherwise handled in the same fashion as if the incremental additional revenues returned to the municipality under this clause were part of the base revenues disbursed to it under that section.

(2) All other incremental additional revenues shall be deposited by the treasurer of the central county with the treasurer of the auditorium authority, who shall deposit them in a special fund to be used solely for the following purposes:

(i) For project design and property acquisition in connection with construction of the convention center until the cost of those phases has been completely paid or full funding for those phases from whatever source has been committed.

(ii) Following completion of the purpose described in subclause (i), for the costs of constructing the convention center.

(e) No moneys may be disbursed under subsection (d)(2)(i) for project design purposes without the approval of the design commission established under section 3062.

Section 3062. Southwestern Pennsylvania Convention Center Design Commission.--(a) A body corporate and politic to be known as the Southwestern Pennsylvania Convention Center Design Commission is hereby established as a special-purpose government instrumentality exercising the powers conferred by this article. The exercise by the design commission of the powers conferred by this article is hereby declared to be and shall for all purposes be deemed and held to be the performance of an essential public function.

(b) The design commission shall be deemed to be established on June 18, 1997. Once established, the design commission shall continue in existence until the renovations, improvements and expansion of the convention center have been completed.

(c) It is hereby declared to be the intent of the General Assembly that the members, employees and staff of the design commission shall enjoy sovereign and official immunity, as provided in 1 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed; specific waiver), and shall remain immune from suit except as provided by and subject to the provisions of 42 Pa.C.S. Ch. 85 Subchs. A (relating to general provisions) and B (relating to actions against Commonwealth parties). Notwithstanding the provisions of 42 Pa.C.S. § 8525 (relating to legal assistance), the design commission through its legal counsel shall defend actions brought against the design commission or its board members, officers and employees when acting within the scope of their official duties.

(d) The design commission shall be composed of the following fifteen members:

(1) One member appointed by the mayor of the central city.

(2) One member appointed by the city council of the central city.

(3) Two members appointed by the governing body of the central county.

(4) One member appointed by the Governor.

(5) One member appointed by the regional planning commission established under the act of May 29, 1956 (1955 P.L.1845, No.611), known as the "Regional Planning Law," of which the central county is a member.

(6) Two members appointed by the Governor who have been nominated by the governing board of the largest private trade or industry association formed to represent the owners of hotels located in the central county only.

(7) Two members appointed by the Governor who have been nominated by the governing board of the largest private trade or industry association formed to represent the owners of restaurants located in the central county only.

(8) Four members appointed by the governing board of the convention and visitors bureau.

(9) The chair of the auditorium authority.

(e) The term of office of the members of the design commission shall be coincident with the term of existence of the design commission.

(f) The members appointed pursuant to subsection (d)(8) shall have the following qualifications:

(1) One member shall have experience and expertise in planning and marketing national meetings and conventions.

(2) One member shall have experience and expertise in planning and marketing consumer shows.

(3) One member shall have experience and expertise in marketing convention centers.

(4) One member shall have experience and expertise in providing support services for conventions and shows.

(g) The members of the design commission shall elect from among themselves a chair, secretary and such other officers as they may determine. Each officer shall serve for a term of two years and until a successor is elected and qualified or until an earlier death or resignation. A member may not hold more than one office of the design commission at any time. Members may serve successive terms as officers of the design commission.

(h) The design commission shall meet as frequently as it deems appropriate, but at least once a month during the first year that it is in existence and thereafter at least once during each calendar quarter. In addition, a meeting of the design commission shall be called by the chair if a request for a meeting is submitted to the chair by at least two members of the design commission. A majority of the members of the design commission in office shall constitute a quorum for the purpose of conducting the business of the design commission and for all other purposes. The acts of a majority of the members of the design commission taken at a meeting at which a quorum is present shall be the acts of the design commission.

(i) The design commission is granted all powers necessary or convenient for the carrying out of its purposes under this article.

(j) The members of the design commission shall serve without compensation but shall be entitled to reimbursement of any reasonable expenses incurred while participating in the business of the design commission. Such expense reimbursements, as well as all costs associated with conducting the business of the design commission, shall be paid by the auditorium authority out of the special fund established under section 3061(d).

Section 3063. Restrictions upon Activities of Design Commission Members and Employees.--(a) A member or employee of the design commission shall not, concurrent with the service of the member or employee with the design commission, be a party officer, public officer, public official, public employee or a member of the immediate family of a party officer, public officer or public official.

(b) The provisions of the act of October 4, 1978 (P.L.883, No.170), referred to as the Public Official and Employee Ethics Law, and the act of July 19, 1957 (P.L.1017, No.451), known as the "State Adverse Interest Act," are hereby made specifically applicable to members and employees of the design commission. For the purposes of application of such acts, employees of the design commission shall be regarded as public employees of the Commonwealth, and members of the design commission shall be regarded as public officials of the Commonwealth, whether or not they receive compensation. The design commission shall also be subject to the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act," and the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

Section 3064. Design of Convention Center.--(a) Contracts for the design and planning of the renovations, improvements and expansion of the convention center that are to be funded in whole or in part under this article shall not be let without the approval of the design commission. The power of the design commission to approve contracts under this subsection shall include all aspects of the contracts, including, without limitation, the identity of the architects, engineers, surveyors and other persons who are parties to the contracts and the terms of the contracts.

(b) No capital project for construction of the convention center may be undertaken unless and until the schematic design and the preliminary design development documents have been

approved by the design commission. The design and construction of the convention center may be divided into stages or phases for which schematic design and preliminary design development documents may be approved separately by the design commission and which may be undertaken as if each stage or phase were a separate capital project. Further design approval shall not be required if the construction documents are consistent with the design set forth in the schematic and preliminary design development documents.

(g) Regional Destination Facilities Fund

Section 3071. Establishment of Regional Destination Facilities Fund.--(a) Subject to section 3054(f)(1), there is established the Regional Destination Facilities Fund. The treasurer of the authority shall be custodian of the Regional Destination Facilities Fund, which shall be subject to the provisions of law applicable to funds listed in section 302 of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code."

(b) Taxes imposed under sections 3051 through 3057 shall be received by the department and paid to the treasurer of the authority and, along with interest and penalties less any collection costs allowed under those sections and any refunds and credits paid, shall be credited in the manner provided in section 3052(f) to the Regional Destination Facilities Fund not less frequently than every two weeks. There shall also be credited to the Regional Destination Facilities Fund any amounts appropriated to it by the General Assembly and any contributions received from any other source.

(c) All moneys in the Regional Destination Facilities Fund, including, but not limited to, moneys credited to it under this section, prior year encumbrances and the interest earned thereon, shall not lapse or be transferred to any other fund, except as provided in section 3072(c), but shall remain in the Regional Destination Facilities Fund and must be used exclusively as provided in this article.

(d) Pending their disbursement, moneys received on behalf of or deposited into the Regional Destination Facilities Fund shall be invested or reinvested in the same manner as are moneys in the custody of the State Treasurer. All earnings received from the investment or reinvestment of the moneys shall be credited to the Regional Destination Facilities Fund.

Section 3072. Use of Regional Destination Facilities Fund.--(a) Each long-term budget required by section 3035(b) shall be prepared in such a manner that the total expenditure of moneys in the Regional Destination Facilities Fund that have already been made plus the expenditures provided for in that budget are allocated such that the total amount ultimately expected to be deposited in the fund is allocated as follows:

(1) Except for that portion of the Regional Destination Facilities Fund used to defray the operating expenses of the authority as provided in section 3037(b), all of the moneys in the fund shall be used to fund the construction of regional destination facilities and related developments. Not less than eighty-five per centum shall be used for the construction of regional destination facilities themselves, with the remaining fifteen per centum available for the construction of related developments, such as parking facilities for the baseball park and football stadium.

(2) Subject to clauses (3) through (7), the total amount of the fund shall be allocated in the manner most likely, in the judgment of the authority, to permit the completion of the construction of all of the regional destination facilities.

(3) Not less than thirty per centum nor more than forty per centum shall be spent on construction of the convention center, but in no event shall the moneys provided from the fund represent more than fifty per centum of the cost of that project.

(4) Not less than twenty-eight per centum nor more than thirty-two per centum shall be spent on construction of the baseball park, but in no event shall the moneys provided from the fund represent more than fifty per centum of the cost of that project.

(5) Not less than twenty-eight per centum nor more than thirty-two per centum shall be spent on construction of the football stadium, but in no event shall the moneys provided from the fund represent more than fifty per centum of the cost of that project.

(6) Not less than five per centum nor more than ten per centum shall be spent on construction of the projects described in clause (4) of the definition of "regional destination facility," but in no event shall the moneys provided from the fund represent more than fifty per centum of the individual cost of any of those projects.

(b) The authority shall ensure that a portion of the cost of constructing the baseball park and the football stadium shall be paid for from private funding sources. The cost of retiring the bonds issued by the authority organized under the act of July 29, 1953 (P.L.1034, No.270), known as the "Public Auditorium Authorities Law," and known as the Stadium Authority of The City of Pittsburgh that are outstanding at the time that the stadium now owned by that authority is used neither for professional baseball games nor for professional football games and the cost of demolishing the stadium may be treated as eligible for funding from the Regional Destination Facilities Fund, but none of those costs may be funded under subsection (a) (3) or (6).

(c) Any moneys in the Regional Destination Facilities Fund that cannot be disbursed because any of the limitations in subsection (a) have not been satisfied shall be transferred on July 1, 2005, to the Regional Growth Fund.

(h) Conveyance of David L. Lawrence Convention Center
Section 3081. Conveyance of Convention Center.--(a) The Department of General Services, with the approval of the Governor, is authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to the authority, for a consideration of one dollar (\$1), as soon as practicable after the approval in the central county of the referendum required by section 3054, the tract of land, with the structures, facilities, buildings, fixtures and improvements erected thereon, situate in the City of Pittsburgh, Allegheny County, Pennsylvania, and known as the David L. Lawrence Convention Center. The conveyance shall include any property adjacent to the convention center that is acquired by the Commonwealth prior to the date of the conveyance and any options to acquire such adjacent property held by the Commonwealth on the date of the conveyance.

(b) The conveyance of the convention center shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon. The authority shall be bound by

the terms of any labor contracts relating to the convention center that are in effect at the time of its conveyance to the authority.

(c) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth.

(d) Costs and fees incidental to the conveyance of the convention center shall be borne by the grantee.

(e) The conveyance of the convention center pursuant to this section shall not affect the availability of the revenues from the hotel tax authorized in section 1970.2 of the act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code," to fund the operational and maintenance expenditures of the convention center.

Section 5. Article XXIX of the act is amended to read:

ARTICLE [XXIX] **XXXIX**

ACTS OF ASSEMBLY REPEALED

Section [2901] **3901**. Repeal.--The following acts and parts of acts and all amendments thereof are hereby repealed to the extent hereinafter specified.

Section seventy-eight of the act, approved April fifteen, one thousand eight hundred thirty-four (Pamphlet Laws 537), entitled "An act relating to counties and townships and county and township officers", as to counties of the third to the eighth class.

The act, approved April one, one thousand eight hundred thirty-five (Pamphlet Laws 101), entitled "An act relative to the bonds of County Treasurers in the Auditor General's office", as to counties of the third to the eighth class.

Sections three and ten of the act, approved May twenty-seven, one thousand eight hundred forty-one (Pamphlet Laws 400), entitled "An act relating to the Election of County Treasurers and for other purposes", as to counties of the third to the eighth class.

Sections one, three and seven of the act, approved May three, one thousand eight hundred fifty (Pamphlet Laws 654), entitled "An act providing for the election of district attorneys", as to counties of the third to the eighth class.

Sections seventeen and eighteen of the act, approved March thirty-one, one thousand eight hundred sixty (Pamphlet Laws 382), entitled "An act to Consolidate, Revise and Amend the Penal Laws of this Commonwealth", as to counties of the third to the eighth class.

The act, approved March twelve, one thousand eight hundred sixty-six (Pamphlet Laws 85), entitled "A further supplement to an act, entitled 'An Act to consolidate, revise and amend the penal laws of this Commonwealth', so far as relates to the duties of district attorneys", as to counties of the third to the eighth class.

The act, approved April seventeen, one thousand eight hundred sixty-nine (Pamphlet Laws 66), entitled "An act relating to the payment of county auditors", as to counties of the third to the eighth class.

Sections one, two, three, four, five, six, seven, eight, nine, ten, fifteen and sixteen of the act, approved March thirty-one, one thousand eight hundred seventy-six (Pamphlet Laws 13), entitled "An act to carry into effect section five, of article fourteen, of the constitution, relative to the salaries of county officers and the payment of fees received by them into the state or county treasury, in counties containing over one hundred and fifty thousand inhabitants", as to counties of the third and fourth class.

The act, approved April twenty-two, one thousand eight hundred seventy-nine (Pamphlet Laws 30), entitled "An act extending the powers and authority of county auditors, authorizing them to settle, audit and adjust the accounts of the directors of the poor of the several counties of the commonwealth", as to counties of the third to the eighth class.

The act, approved June eight, one thousand eight hundred eighty-one (Pamphlet Laws 81), entitled "An act to authorize the courts of common pleas of this commonwealth, on sale of real estate by surety for the sheriff or coroner, on application by petition, to release the lien of recognizance on said real estate", as to counties of the third to the eighth class.

The act, approved June twenty-seven, one thousand eight hundred eighty-three (Pamphlet Laws 163), entitled "An act providing for the satisfaction and discharge of sheriff's recognizance", as to counties of the third to the eighth class.

The act, approved April nineteen, one thousand eight hundred eighty nine (Pamphlet Laws 38), entitled "An act providing for the appointment of librarians for law libraries connected with the courts of this Commonwealth", as to counties of the third to the eighth class.

The act, approved May thirteen, one thousand eight hundred eighty-nine (Pamphlet Laws 200), entitled "An act regulating the payment of traveling expenses of directors of the poor and county commissioners within this Commonwealth", as to counties of the third to the eighth class.

The act, approved June twelve, one thousand eight hundred ninety-three (Pamphlet Laws 457), entitled "An act to provide for the erection, maintenance and regulation of public morgues in the several counties of this Commonwealth, for the care and disposal of bodies removed thereto, and providing for the payment of certain expenses of the same by the proper county or district or by the estate of the deceased person, and providing for the disposal of the personal effects of unclaimed dead", as to counties of the third to the eighth class.

The act, approved June eighteen, one thousand eight hundred ninety-five (Pamphlet Laws 209), entitled "An act regulating the printing and publication of notices and advertisements authorized by the county commissioners of the counties of this Commonwealth containing a population of five hundred thousand and not exceeding one million, as shown by the last United States census, providing how newspapers shall be designated in which such publications shall be made, and repealing an act, entitled 'An act authorizing the county commissioners of Allegheny county to select four morning newspapers for official county advertising', approved the second day of April, Anno Domini one thousand eight hundred and seventy-three, and also repealing the tenth section of an act, entitled 'A supplement to an act approved the first day of May, Anno Domini one thousand eight hundred and sixty-one, entitled 'An act relating to Allegheny county', approved the eighth day of April, Anno Domini one thousand eight hundred and sixty-two", as to counties of the third class.

The act, approved April fourteen, one thousand eight hundred ninety-seven (Pamphlet Laws 22), entitled "An act making it the duty of the various county officials to furnish, on demand therefor, information from their respective offices to the head of any department of the State government, and providing a compensation therefor", as to counties of the third to the eighth class.

The act, approved July fifteen, one thousand eight hundred ninety-seven (Pamphlet Laws 285), entitled "An act authorizing

the commissioners of the counties of the Commonwealth to transfer and cover into the general fund of the several counties, any money now placed to the credit of any city, borough or township, upon any duplicate for taxes where the same has remained uncalled for during a period of ten years: Provided, The right to the same is not in litigation or a matter of dispute", as to counties of the third to the eighth class.

The act, approved April eighteen, one thousand eight hundred ninety-nine (Pamphlet Laws 56), entitled "An act authorizing the county commissioners of the several counties in this Commonwealth to appoint a clerk, fix his compensation, and prescribe the term and duties of the clerk, except in counties where the clerk to the county commissioners is elected by the people", as to counties of the third to the eighth class.

The act, approved May eleven, one thousand nine hundred one (Pamphlet Laws 165), entitled "An act relative to the purchase of a law library in counties of this Commonwealth having a population of less than one hundred and fifty thousand inhabitants, and authorizing one-half of the fines and forfeitures, to which said counties would under existing laws be entitled, to be expended for the purchase and support of said library", as to counties of the third to the eighth class.

The act, approved May twenty-one, one thousand nine hundred one (Pamphlet Laws 271), entitled "An act to provide for the election of recorders of deeds and registers of wills in counties having a population of over one hundred and fifty thousand", as to counties of the third and the fourth class.

The act, approved April eleven, one thousand nine hundred three (Pamphlet Laws 164), entitled "An act to provide for the construction of bridges over or under existing railroads, at the expense of the county, where a public highway or a road, about to be opened, intersects or will intersect an existing railroad or railroads, and the township within which the bridges may be necessary is reasonably unable to bear the expense of the same", as to counties of the third to the eighth class.

The act, approved February fourteen, one thousand nine hundred seven (Pamphlet Laws 3), entitled "An act enlarging the powers of county commissioners to erect county bridges; empowering them to erect and construct new bridges whenever the existing bridge or bridges are not sufficient, for any cause, to accommodate the public travel", absolutely.

Section one of the act, approved April sixteen, one thousand nine hundred seven (Pamphlet Laws 92), entitled as amended "An act defining the duty of coroners, where death is sudden or violent, or is of a suspicious nature and character, and of police, and health authorities in this Commonwealth, in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner, but where it appears the cause of death is not surrounded by suspicious circumstances", as reenacted and amended by the act, approved July twelve, one thousand nine hundred thirty-five (Pamphlet Laws 710), insofar as it is inconsistent with the provisions of this act, in counties of the third to the eighth class.

The act, approved April twenty-two, one thousand nine hundred nine (Pamphlet Laws 104), entitled "An act providing for the support and maintenance of law libraries in the counties of this Commonwealth", as to counties of the third to the eighth class.

The act, approved April twenty-seven, one thousand nine hundred nine (Pamphlet Laws 242), entitled "An act providing for the payment to the treasurer of any County Soldiers' Memorial Association, within the commonwealth of Pennsylvania,

incorporated under the laws of the said Commonwealth, of any moneys unexpended, which were appropriated by the county commissioners of any county in the Commonwealth, under the act of April third, one thousand nine hundred and three, to be used solely and exclusively for the erection or completion of any monument or memorial to the memory of the soldiers and sailors of American wars", as to counties of the third to the eighth class.

The act, approved June eight, one thousand nine hundred eleven (Pamphlet Laws 717), entitled "An act relating to coroners and the holding of post-mortems in the several counties of the Commonwealth", as to counties of the third to the eighth class.

The act, approved March twenty-seven, one thousand nine hundred thirteen (Pamphlet Laws 11), entitled "An act fixing the salary of controllers, in counties having over one hundred thousand inhabitants, where no provision for such salary has heretofore been made", as to counties of the third to the fifth class.

The act, approved May fourteen, one thousand nine hundred thirteen (Pamphlet Laws 204), entitled "An act authorizing the board of county commissioners of the several counties of the State to appropriate money for cooperative agricultural extension work, for the purpose of improving and developing the agricultural resources of the proper counties", as to counties of the third to the eighth class.

The act, approved June twenty-five, one thousand nine hundred thirteen (Pamphlet Laws 559), entitled "An act providing for and regulating appeals, when county auditors have surcharged a county officer, and such surcharge has not been allowed by the court", absolutely.

The act, approved May seventeen, one thousand nine hundred seventeen (Pamphlet Laws 237), entitled "An act regulating the practice and procedure of the sheriff or deputy sheriff, under writs of inquisition, condemnation, inquiry of damages, lunacy or habitual drunkard proceedings, partition proceedings, or by virtue of any other writ or process, issued by the courts of this Commonwealth, wherein the existing laws require the sheriff to be present in person", as to counties of the third to the eighth class.

The act, approved May twenty-four, one thousand nine hundred seventeen (Pamphlet Laws 297), entitled "An act authorizing the establishment of contagious disease hospitals in the several counties of the Commonwealth, to be constructed and maintained out of county funds", as to counties of the third to the eighth class.

The act, approved July eighteen, one thousand nine hundred seventeen (Pamphlet Laws 1042), entitled "An act authorizing county controllers, in counties having a population of more than one hundred thousand and less than one hundred and fifty thousand inhabitants, to appoint a solicitor; prescribing the duties of said solicitor, and fixing his salary", absolutely.

The act, approved May eight, one thousand nine hundred nineteen (Pamphlet Laws 163), entitled "An act authorizing county commissioners to appoint county engineers, and to fix their compensation, and prescribing the duties of such engineers", as to counties of the third to the eighth class.

The act, approved April thirteen, one thousand nine hundred twenty-one (Pamphlet Laws 132), entitled "An act authorizing county commissioners to appropriate moneys for the maintenance of duly incorporated organizations for the prevention of cruelty to animals", as to counties of the third to the eighth class.

The act, approved May twenty, one thousand nine hundred twenty-one (Pamphlet Laws 1006), entitled "An act relating to certain county officers in counties of the fifth class; providing for their salaries, and the compensation of deputies and clerks in the respective county offices; establishing a salary board, and defining its powers and duties; placing certain duties on the county commissioners, county controllers, and county auditors; requiring the payment into the respective county treasury of the fees of such county officers; and providing penalties for violation of this act", absolutely.

The act, approved April twelve, one thousand nine hundred twenty-three (Pamphlet Laws 62), entitled "An act relating to treasurers in counties of the fifth class; providing for their salaries, bonds, offices and supplies, and the compensation of deputies and clerks", absolutely.

The act, approved April twenty-seven, one thousand nine hundred twenty-three (Pamphlet Laws 112), entitled "An act fixing the compensation of jury commissioners in counties of the seventh class", absolutely.

The act, approved May nineteen, one thousand nine hundred twenty-three (Pamphlet Laws 275), entitled "An act fixing the salary of sheriffs in counties of the eighth class; providing for the payment for the care and maintenance of prisoners, where the sheriff is the keeper or warden of the jail; requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county; and prescribing penalties", absolutely.

The act, approved May nineteen, one thousand nine hundred twenty-three (Pamphlet Laws 283), entitled "An act providing a means whereby the individual justice of the peace may better inform himself as to the law, changes in the law, and decisions of the courts on the law, of this Commonwealth", as to counties of the third to the eighth class.

The act, approved June twenty-eight, one thousand nine hundred twenty-three (Pamphlet Laws 875), entitled "An act relating to county bridges, authorizing counties to issue and sell bonds for the erection thereof, and for the acquisition of toll bridges, and providing for the division of the cost of construction and erection or acquisition of joint county bridges or toll bridges and the collection of tolls thereon", as to counties of the third to the eighth class.

The act, approved June twenty-nine, one thousand nine hundred twenty-three (Pamphlet Laws 944), entitled "An act relating to salaries, compensation, bonds, offices, and supplies of certain county officers, their deputies and clerks, in counties of the sixth class", absolutely.

The act, approved June twenty-nine, one thousand nine hundred twenty-three (Pamphlet Laws 973), entitled "An act providing for the payment by counties of expenses incurred by the district attorney, and making such expenses a part of the costs of the case where the defendant is convicted", as to counties of the third to the eighth class.

The act, approved July eleven, one thousand nine hundred twenty-three (Pamphlet Laws 1054), entitled "An act relating to certain county officers in counties of the fifth class; providing for their salaries, and the compensation of deputies and clerks in the respective county offices; establishing a salary board, and defining its powers and duties; placing certain duties on the county commissioners, county controllers, and county auditors; requiring the payment into the respective county treasury of the fees of such county officers; and providing penalties for violation of this act", absolutely.

The act, approved April nine, one thousand nine hundred twenty-five (Pamphlet Laws 222), entitled "An act providing for the payment by counties and poor districts of the salaries of officers where pending the settlement of a dispute the salary paid to such officer was less than the amount to which he was legally entitled", absolutely.

The act, approved May eleven, one thousand nine hundred twenty-five (Pamphlet Laws 559), entitled "An act fixing the salary of sheriffs in counties of the sixth class; providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail; requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county; providing for the appointment and compensation of deputies and clerks; and prescribing penalties", absolutely.

The act, approved May twelve, one thousand nine hundred twenty-five (Pamphlet Laws 596), entitled "An act providing for the alteration of the boundaries of counties in certain cases for the adjustment of the indebtedness thereof; providing the effect thereof", as to counties of the third to the eighth class.

The act, approved May thirteen, one thousand nine hundred twenty-five (Pamphlet Laws 676), entitled, as amended, "An act providing for the burial of certain persons who are, have been, or shall be soldiers, sailors, marines or members of the enlisted nurse corps designated as 'deceased service men' defining the term 'deceased service men' authorizing county commissioners to provide markers and burial plots for such deceased service men at the expense of such county in which they shall die or have a legal residence at the time of their death and providing for the burial of widows of soldiers, sailors or marines", as to counties of the third to the eighth class.

The act, approved May thirteen, one thousand nine hundred twenty-seven (Pamphlet Laws 1020), entitled "An act authorizing and empowering the cities of the third class to acquire by lease, purchase or condemnation proceedings any land within or without the limits of said cities, but within the limits of the counties in which such cities are located, for the purpose of establishing and maintaining municipal airdromes or aviation landing fields; providing for the procedure in cases of condemnation and the extent of title acquired; authorizing the lease by the cities of portions thereof to individuals or corporations upon such terms as may be fixed, and the lease thereof to the Government of the United States upon nominal rental; and empowering said cities to operate and maintain said fields jointly with any county within said city is situate where the county is empowered to operate and maintain an airdrome or aviation landing field", as to counties of the third to eighth class.

The act, approved March twenty-one, one thousand nine hundred twenty-nine (Pamphlet Laws 38), entitled "An act authorizing and regulating the establishment and operation, by counties, of hospitals for the treatment of women afflicted with nervous diseases; providing for the acquisition of property for such hospitals by the power of eminent domain, the incurring of indebtedness, and the levying of taxes", authorizing counties to pay for patients cared for in hospitals of other counties; and authorizing counties to receive gifts or trust funds for the erection and maintenance of such hospitals", as to counties of the third to the eighth class.

The act, approved May two, one thousand nine hundred twenty-nine (Pamphlet Laws 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto", as to counties of the third to the eighth class.

The act, approved May fifteen, one thousand nine hundred twenty-nine (Pamphlet Laws 1767), entitled "An act validating the action of the salary board of any county of this Commonwealth in providing additional assistants to the district attorneys in the respective counties, when such appointments became necessary, or on account of sickness of assistant district attorneys, or on account of increased business or unusual conditions or circumstances, provided the salary for such appointees did not exceed the minimum salary provided for assistant district attorneys in the respective counties", as to counties of the third to the eighth class.

The act, approved May sixteen, one thousand nine hundred twenty-nine (Pamphlet Laws 1794), entitled "An act permitting the district attorney or any assistant district attorney to be present during the presentation of all matters to the grand juries in their sessions in the several third class counties of this Commonwealth, lay before them matters upon which they are to pass, and to aid them in their examination of witnesses", absolutely.

The act, approved June twenty-three, one thousand nine hundred thirty-one (Pamphlet Laws 929), entitled "An act fixing the qualifications of deputy sheriffs in this Commonwealth", as to counties of the third to the eighth class.

The act, approved March seventeen, one thousand nine hundred thirty-three (Pamphlet Laws 14), entitled "An act fixing the salary of sheriffs in counties of the seventh class; providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail; providing for deputies and their compensation; requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county; and prescribing penalties", absolutely.

Section two of the act, approved May twenty-three, one thousand nine hundred thirty-three (Pamphlet Laws 948), entitled "An act to amend section one hundred thirty-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight), entitled 'An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto', changing the procedure to create the office of county controller, including procedures where decrees have heretofore been entered", as to counties of the third to the eighth class.

The act, approved July ten, one thousand nine hundred thirty-five (Pamphlet Laws 641), entitled "An act providing for the eradication of mosquitoes; authorizing the establishment of county mosquito extermination commission, after popular referendum, and the appointment of their members by the county commissioners; prescribing the powers and duties of such commissions", as to counties of the third to the eighth class.

The act, approved June four, one thousand nine hundred thirty-seven (Pamphlet Laws 1595), entitled "An act relating to peace officers; providing for the qualifications and appointments of deputy sheriffs; regulating the manner of their selection and compensation; regulating the source of compensation for other peace officers; declaring void certain

contracts inconsistent with the provisions hereof; providing penalties; and repealing inconsistent acts", as to counties of the third to the eighth class.

The act, approved July one, one thousand nine hundred thirty-seven (Pamphlet Laws 2612), entitled "An act authorizing county commissioners of any county to hold in trust for the inhabitants and citizens of the county, any real estate and property appropriate for agriculture fairs or exhibits; and to lease the same, without expense or liability to the county, to any incorporated agriculture association to operate and conduct an annual fair within the county", as to counties of the third to the eighth class.

The act, approved June fifteen, one thousand nine hundred thirty-nine (Pamphlet Laws 359), entitled "An act relating to recognizances and official bonds of present and future sheriffs and coroners and to their sureties thereon; imposing the expense of corporate suretyships on such obligations upon the several counties and various duties upon the courts of common pleas and county officers thereof; authorizing the substitution of approved surety companies for individual or corporate sureties upon such obligations and the release of any surety upon any such recognizance by such court upon certain conditions; dispensing with sureties on such recognizances but providing for the acknowledgment, recording and indexing of same as liens on certain real estate; regulating such liens and releases therefrom; providing for refunds to sheriffs and coroners of certain premiums paid to sureties on their official bonds and recognizances; and repealing inconsistent laws, except as to existing claims or pending suits thereunder, subject to certain limitations", as to counties of the third to the eighth class.

The act, approved June twenty-one, one thousand nine hundred thirty-nine (Pamphlet Laws 649), entitled "An act authorizing counties to convey or lease property, needed or convenient as a site for a county courthouse, to the General State Authority; to acquire additional property for such purposes; and to contract with and lease property from said Authority", as to counties of the third to the eighth class.

The act, approved May sixteen, one thousand nine hundred fifty-one (Pamphlet Laws 300), entitled "An act authorizing counties of the second and fourth classes to establish fire training schools for the paid and volunteer firemen of municipalities within the county", as to counties of the fourth class.

Section [2902] **3902.** General Repeal.--All other acts and parts of acts general, local and special are repealed in so far as they are inconsistent herewith.

Section 3903. Repeals Related to Article XXX.--(a) Article XXXI-B of the act of July 28, 1953 (P.L.723, No.230) , known as the "Second Class County Code," is repealed insofar as it would restrict or interfere with the making of grants to the Regional Renaissance Authority as authorized by section 3044(a) (4) .

(b) The definition of "redevelopment assistance capital project" in sections 1602-B and 1616.1-B(b) of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code," are repealed insofar as they would restrict or interfere with the provision of funding by the Commonwealth for the construction of regional destination facilities, as defined in section 3013, as redevelopment assistance capital projects.

(c) The following acts and parts of acts are repealed insofar as they are inconsistent with Article XXX:

Section 8(6) of the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act."

The third sentence of section 1003(g) and the second sentence of section 1110(b) of the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

(d) All other acts and parts of acts are repealed insofar as they are inconsistent with Article XXX.

Section 6. The following acts and parts of acts are repealed:

Section 505(a) of the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Mental Retardation Act of 1966.

Section 408 of the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act.

Section 7. All liability of counties and county authorities under section 505(a) of the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Mental Retardation Act of 1966, in existence on the effective date of this act is discharged.

Section 8. This act shall take effect immediately.

APPROVED--The 18th day of June, A. D. 1997.

THOMAS J. RIDGE