

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 148 Session of
1999

INTRODUCED BY DEMPSEY, GEORGE, HENNESSEY, SCHULER, PHILLIPS,
ARMSTRONG, FAIRCHILD, WILT, HESS, BAKER, SAYLOR, S. MILLER,
STABACK, PISTELLA, FARGO, E. Z. TAYLOR, TRELLO, McCALL,
SOLOBAY, SEYFERT, ROBINSON, RUBLEY, HARHAI, BENNINGHOFF AND
STETLER, JANUARY 27, 1999

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, OCTOBER 19, 1999

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled,
2 as amended, "An act relating to counties of the third,
3 fourth, fifth, sixth, seventh and eighth classes; amending,
4 revising, consolidating and changing the laws relating
5 thereto; and providing for regional renaissance initiatives,"
6 authorizing county appropriations for the observance of Flag
7 Day; ~~AND further providing for payments to historical~~ <—
8 ~~societies; and providing for the establishment of a~~ <—
9 ~~commission on the status of women; PROVIDING FOR CONVENTION~~ <—
10 CENTER FACILITIES IN COUNTIES OF THE THIRD CLASS, FOR
11 CREATION OF CONVENTION CENTER AUTHORITIES AND DEFINING THEIR
12 POWERS AND DUTIES; AUTHORIZING A HOTEL ROOM RENTAL TAX; AND
13 MAKING A REPEAL.

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

16 Section 1. The heading and subsection (a) of section 1921 of
17 the act of August 9, 1955 (P.L.323, No.130), known as The County
18 Code, amended October 4, 1978 (P.L.964, No.190), are amended to
19 read:

20 Section 1921. Appropriations to Veterans' Organizations for
21 Expenses of Memorial Day; Veterans' Day, Flag Day and

1 Independence Day.--(a) The board of commissioners may
2 appropriate, annually, to each camp of the United Spanish War
3 Veterans, and to each post o the American Legion, and to each
4 post of the Veterans of Foreign Wars, and to each post of the
5 Veterans of World War I of the U. S. A., Inc., and to each post
6 of the American War Veterans of World War II (AMVETS), and to
7 each post of the Society of the Twenty-eighth Division, AEF,
8 Incorporated, and to each post of the Italian American War
9 Veterans of the United States, Incorporated, and to each
10 detachment of the Marine Corps League, and to each Naval
11 Association, and to each post of the Grand Army of the Republic,
12 and to each post of the Disabled American Veterans of the World
13 War, and to each organization of American Gold Star Mothers, and
14 to each organization of ex-service persons incorporated under
15 the act of April twenty-nine, one thousand eight hundred
16 seventy-four (Pamphlet Laws 73), and the supplements thereto, in
17 the county, any sum budgeted to aid in defraying the expenses of
18 Memorial Day, Veterans' Day, Flag Day and Independence Day.

19 * * *

20 Section 2. Section 1929 of the act, amended July 1, 1978
21 (P.L.695, No.120), is amended to read:

22 Section 1929. Payment to Historical Societies.--The board of
23 commissioners may pay, out of the county funds not otherwise
24 appropriated, a sum of money [not exceeding ten thousand dollars
25 (\$10,000) annually] to [the] a county historical society or to
26 county historical societies, to assist in paying the running
27 expenses [thereof]. [If there is more than one such society in
28 the county, such payment may be made only to the oldest
29 society.] Where [any such] a society is comprised of residents
30 of more than one county, the commissioners of [said] the

1 AND EXPANSION OF BUSINESS, INDUSTRY, COMMERCE AND TOURISM IN
2 THIS COMMONWEALTH.

3 (3) THAT DEVELOPMENT OF CONVENTION CENTERS IS APPROPRIATE
4 WITHIN THE REDEVELOPMENT ASSISTANCE ELIGIBLE AREA OF A THIRD
5 CLASS COUNTY AND THAT THE ATTRACTION OF BUSINESS TO THIS
6 COMMONWEALTH AS A RESULT OF SUCH DEVELOPMENT IS AN IMPORTANT
7 FACTOR IN THE CONTINUAL ENCOURAGEMENT, PROMOTION, ATTRACTION,
8 STIMULATION, DEVELOPMENT, GROWTH AND EXPANSION OF BUSINESS,
9 INDUSTRY, COMMERCE AND TOURISM WITHIN THE COUNTY SEAT, THE
10 SURROUNDING COUNTIES AND THIS COMMONWEALTH AS A WHOLE.

11 (4) THAT THE PURPOSE OF A CONVENTION CENTER SHOULD BE THE
12 PROMOTION, ATTRACTION, STIMULATION, DEVELOPMENT AND EXPANSION OF
13 BUSINESS, INDUSTRY, COMMERCE AND TOURISM IN THE COUNTY SEAT, THE
14 SURROUNDING COUNTIES AND THIS COMMONWEALTH AS A WHOLE.

15 (5) THAT THE DEVELOPMENT OF A CONVENTION CENTER WILL PROVIDE
16 BENEFITS TO THE HOTEL INDUSTRY THROUGHOUT THE ENTIRE AREA OF THE
17 COUNTY WHERE THE CENTER IS DEVELOPED.

18 (6) THAT THE DEVELOPMENT OF A CONVENTION CENTER WILL ALSO
19 PROVIDE BENEFITS TO THE RESTAURANT AND ENTERTAINMENT INDUSTRIES
20 THROUGHOUT THE ENTIRE COUNTY WHERE THE CENTER IS LOCATED, TO ALL
21 OTHER BUSINESSES AND INDIVIDUALS BENEFITED BY THE ATTRACTION OF
22 MAJOR CONVENTIONS AND TOURISTS, TO OTHER INDIVIDUAL BUSINESSES
23 WHOSE LIVELIHOOD IS DEPENDENT ON MAJOR CONVENTIONS AND TOURISTS
24 AND TO THE GENERAL PUBLIC.

25 (7) THAT THE NEED FOR AND PROMOTION OF THE TYPE OF FACILITY
26 WHICH WILL PROVIDE SIGNIFICANT BENEFITS TO THE GENERAL PUBLIC
27 WILL REQUIRE THE EXPENDITURE OF PUBLIC MONEY AND THAT IT IS
28 THEREFORE APPROPRIATE TO AUTHORIZE A COUNTY TO IMPOSE AND
29 COLLECT A TAX APPLICABLE WITHIN THE ENTIRE TERRITORIAL LIMITS OF
30 THE COUNTY TO FACILITATE THE DEVELOPMENT OF A CONVENTION

1 FACILITY AND THE PROMOTION OF TOURISM WITHIN THE COUNTY.

2 (8) THAT, TO PROMOTE THE DEVELOPMENT OF CONVENTION CENTERS
3 WITHIN THIS COMMONWEALTH, IT IS NECESSARY TO PROVIDE ADDITIONAL
4 AND FLEXIBLE MEANS OF DEVELOPING, CONSTRUCTING, DESIGNING,
5 MANAGING, FINANCING AND OPERATING CONVENTION CENTERS.

6 (9) THAT AN IMPORTANT ASPECT OF THE DEVELOPMENT OF
7 CONVENTION CENTERS SHOULD BE THE REMOVAL AND REDEVELOPMENT OF
8 BLIGHTED AREAS.

9 (B) IT IS HEREBY DECLARED TO BE THE POLICY OF THE
10 COMMONWEALTH TO PROMOTE THE HEALTH, SAFETY, EMPLOYMENT, BUSINESS
11 OPPORTUNITIES AND GENERAL WELFARE OF THE PEOPLE OF THIS
12 COMMONWEALTH BY PROVIDING FOR THE CREATION OF THIRD CLASS COUNTY
13 CONVENTION CENTER AUTHORITIES WHICH SHALL EXIST AND OPERATE AS
14 PUBLIC INSTRUMENTALITIES OF THE COMMONWEALTH FOR THE PUBLIC
15 PURPOSE OF PROMOTING, ATTRACTING, STIMULATING, DEVELOPING AND
16 EXPANDING BUSINESS, INDUSTRY, COMMERCE AND TOURISM IN THIS
17 COMMONWEALTH. THIS PURPOSE IS HEREBY DECLARED TO BE A PUBLIC
18 PURPOSE SUPPORTING THE ENACTMENT OF ALL PROVISIONS OF THIS
19 SUBDIVISION FOR WHICH PUBLIC MONEY MAY BE SPENT AND TAXES MAY BE
20 IMPOSED.

21 (C) (1) THIS SUBDIVISION SHALL NOT APPLY TO A COUNTY WHICH
22 HAS AN EXISTING CONVENTION CENTER OWNED BY, LEASED BY OR
23 OPERATED BY AN EXISTING AUTHORITY OR THE COMMONWEALTH WHICH
24 COVERS AN AREA OF MORE THAN FORTY THOUSAND SQUARE FEET.

25 (2) THIS SUBDIVISION SHALL NOT APPLY TO A COUNTY WHICH IS
26 SERVED, TOGETHER WITH ONE OR MORE OTHER COUNTIES, BY A JOINT
27 PLANNING COMMISSION.

28 (3) NO PROVISION OF THIS SUBDIVISION OTHER THAN SECTION
29 2399.23 SHALL APPLY TO AN EXISTING AUTHORITY.

30 SECTION 2399.3. DEFINITIONS.--THE FOLLOWING WORDS AND

1 PHRASES WHEN USED IN THIS SUBDIVISION SHALL HAVE THE MEANINGS
2 GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY
3 INDICATES OTHERWISE OR UNLESS THERE IS A SPECIFIC DEFINITION IN
4 ANOTHER SECTION:

5 "AUTHORITY" OR "THIRD CLASS COUNTY CONVENTION CENTER
6 AUTHORITY" SHALL MEAN AN AGENCY AND PUBLIC INSTRUMENTALITY OF
7 THE COMMONWEALTH AND A BODY POLITIC AND CORPORATE CREATED
8 PURSUANT TO THIS SUBDIVISION.

9 "BOARD" SHALL MEAN THE GOVERNING BODY OF AN AUTHORITY.

10 "BONDS" SHALL MEAN NOTES, BONDS, REFUNDING NOTES AND BONDS,
11 INTERIM CERTIFICATES, DEBENTURES AND OTHER EVIDENCE OF
12 INDEBTEDNESS OR OBLIGATIONS WHICH AN AUTHORITY IS AUTHORIZED TO
13 ISSUE PURSUANT TO THIS SUBDIVISION.

14 "CONSTRUCT," "TO CONSTRUCT" OR "CONSTRUCTION" SHALL MEAN THE
15 ACQUISITION, DESIGN, ERECTION, EXTENSION, RENOVATION,
16 REHABILITATION, CONVERSION, FURNISHING, FIXTURING, EQUIPPING,
17 ENLARGEMENT OR SUBSTANTIAL REPAIR OF A CONVENTION CENTER, OR
18 PART THEREOF, AND ACTIVITIES SUBSTANTIALLY RELATED TO THE
19 ACQUISITION, DESIGN, ERECTION, EXTENSION, RENOVATION,
20 REHABILITATION, CONVERSION, FURNISHING, FIXTURING, EQUIPPING,
21 ENLARGEMENT OR SUBSTANTIAL REPAIR OF A CONVENTION CENTER, OR
22 PART THEREOF.

23 "CONVENTION CENTER" SHALL MEAN ANY LAND, IMPROVEMENT,
24 STRUCTURE, BUILDING, OR PART THEREOF, OR PROPERTY INTEREST
25 THEREIN, WHETHER OWNED BY OR LEASED BY OR TO OR OTHERWISE
26 ACQUIRED BY AN AUTHORITY, APPROPRIATE FOR ANY OF THE FOLLOWING:
27 LARGE PUBLIC ASSEMBLIES, THE HOLDING OF CONVENTIONS,
28 CONFERENCES, TRADE EXHIBITIONS AND OTHER BUSINESS, SOCIAL,
29 CULTURAL, SCIENTIFIC AND PUBLIC INTEREST EVENTS, AND ALL
30 FACILITIES, FURNITURE, FIXTURES AND EQUIPMENT NECESSARY OR

1 INCIDENT THERETO, INCLUDING MEETING ROOMS, DINING ROOMS,
2 KITCHENS, BALLROOMS, RECEPTION AREAS, REGISTRATION AND
3 PREFUNCTION AREAS, TRUCK LOADING AREAS, INCLUDING ACCESS
4 THERE TO, ACCESS WAYS, COMMON AREAS, LOBBIES, OFFICES AND AREAS
5 APPURTENANT TO ANY OF THE PRECEDING, TOGETHER REFERRED TO AS THE
6 MAIN CONVENTION AREA, AND ALSO INCLUDING OTHER BUILDINGS,
7 STRUCTURES OR FACILITIES FOR USE IN CONJUNCTION WITH THE
8 FOREGOING, INCLUDING, BUT NOT LIMITED TO, PROVISION FOR OFF-
9 STREET PARKING, RETAIL AREAS AND OTHER IMPROVEMENTS RELATED TO
10 THE CENTER OWNED BY OR LEASED BY OR TO AN AUTHORITY FOR THE
11 PURPOSE OF PRODUCING REVENUES TO ASSIST IN DEFRAYING THE COSTS
12 OR EXPENSES OF THE CONVENTION CENTER.

13 "COST OF A PROJECT" SHALL MEAN ALL OR ANY PART OF THE COST OF
14 CONSTRUCTION, ACQUISITION, ALTERATION, ENLARGEMENT, FURNISHING,
15 FIXTURING AND EQUIPPING, RECONSTRUCTION AND REHABILITATION OF A
16 CONVENTION CENTER PROJECT, INCLUDING, WITHOUT LIMITATION, THE
17 COST OF ALL LANDS, STRUCTURES, REAL OR PERSONAL PROPERTY,
18 RIGHTS, RIGHTS-OF-WAY, ROADS, FRANCHISES, EASEMENTS AND
19 INTERESTS ACQUIRED OR USED FOR OR IN CONNECTION WITH A PROJECT,
20 THE COST OF DEMOLISHING OR REMOVING BUILDINGS OR STRUCTURES ON
21 LAND SO ACQUIRED, INCLUDING THE COST OF ACQUIRING LANDS TO WHICH
22 THE BUILDINGS OR STRUCTURES MAY BE MOVED OR LOCATED, THE COST OF
23 ALL UTILITY LINES, STRUCTURES OR EQUIPMENT, THE CHARGES,
24 INTEREST PRIOR TO, DURING AND FOR A PERIOD OF SIX MONTHS AFTER
25 COMPLETION OF CONSTRUCTION AND ACQUISITION, PROVISIONS FOR
26 RESERVES FOR PRINCIPAL AND INTEREST AND FOR EXTENSIONS,
27 ENLARGEMENTS, ADDITIONS AND IMPROVEMENTS, COST OF ARCHITECTURAL,
28 ENGINEERING, FINANCIAL AND LEGAL SERVICES, PLANS,
29 SPECIFICATIONS, STUDIES, SURVEYS, ESTIMATES OF COST AND
30 REVENUES, EXPENSES NECESSARY OR INCIDENT TO DETERMINING THE

FEASIBILITY OR PRACTICABILITY OF CONSTRUCTING THE PROJECT AND SUCH OTHER CAPITAL COST OR EXPENSE AS MAY BE NECESSARY OR INCIDENT TO THE CONSTRUCTION, DEVELOPMENT AND ACQUISITION OF THE PROJECT, THE FINANCING OF CONSTRUCTION, DEVELOPMENT AND ACQUISITION AND THE PLACING OF THE PROJECT IN OPERATION, INCLUDING, WITHOUT LIMITATION, A PROPER ALLOWANCE FOR CONTINGENCIES AND THE PROVISION OF REASONABLE INITIAL WORKING CAPITAL FOR OPERATING THE PROJECT.

"COUNTY" SHALL MEAN A COUNTY OF THE THIRD CLASS.

"EXISTING AUTHORITY" SHALL MEAN AN AUTHORITY INCORPORATED BY A COUNTY OF THE THIRD CLASS PRIOR TO NOVEMBER 1, 1994, PURSUANT TO THE ACT OF MAY 2, 1945 (P.L.382, NO.164), KNOWN AS THE "MUNICIPALITY AUTHORITIES ACT OF 1945," FOR THE PRINCIPAL PURPOSE OF OWNING OR OPERATING A CONVENTION CENTER.

"FEDERAL AGENCY" OR "FEDERAL GOVERNMENT" SHALL MEAN THE UNITED STATES, THE PRESIDENT OF THE UNITED STATES AND ANY DEPARTMENT OR CORPORATION, AGENCY OR INSTRUMENTALITY HERETOFORE OR HEREAFTER CREATED, DESIGNATED OR ESTABLISHED BY THE UNITED STATES.

"OBLIGEE OF THE AUTHORITY" OR "OBLIGEE" SHALL MEAN A BONDHOLDER OR A TRUSTEE FOR A BONDHOLDER WHEN A PARTY TO A CONTRACT WITH AN AUTHORITY.

"PROJECT" SHALL MEAN A SITE, BUILDING, STRUCTURE, EQUIPMENT, FURNISHING AND OTHER FACILITIES OR UNDERTAKING IN RESPECT OF A CONVENTION CENTER WHICH AN AUTHORITY IS AUTHORIZED TO ACQUIRE, CONSTRUCT, IMPROVE, INSTALL, MAINTAIN OR OPERATE UNDER THE PROVISIONS OF THIS SUBDIVISION.

"REDEVELOPMENT ASSISTANCE ELIGIBLE AREA" SHALL MEAN AN AREA DETERMINED BY THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO BE ELIGIBLE AS A SITE FOR A FACILITY RECEIVING A

1 GRANT UNDER THE REDEVELOPMENT ASSISTANCE CAPITAL PROGRAM OF THE
2 COMMONWEALTH.

3 "STATE PUBLIC BODY" SHALL MEAN THE COMMONWEALTH AND ITS
4 EXECUTIVE, ADMINISTRATIVE AND INDEPENDENT AGENCIES, DEPARTMENTS,
5 OFFICERS, BOARDS, AUTHORITIES, COMMISSIONS AND
6 INSTRUMENTALITIES.

7 "SUBSTANTIAL COMPLETION" SHALL MEAN CONSTRUCTION THAT IS
8 SUFFICIENTLY COMPLETED IN ACCORDANCE WITH CONTRACT DOCUMENTS AND
9 CERTIFIED BY THE CONVENTION CENTER AUTHORITY'S ARCHITECT OR
10 ENGINEER, AS MODIFIED BY CHANGE ORDERS SO THAT THE MAIN
11 CONVENTION AREA CAN BE USED, OCCUPIED OR OPERATED FOR ITS
12 INTENDED USE. IN NO EVENT SHALL A PROJECT BE CERTIFIED AS
13 SUBSTANTIALLY COMPLETE UNTIL AT LEAST NINETY PER CENTUM OF THE
14 WORK ON THE MAIN CONVENTION AREA IS COMPLETED.

15 SECTION 2399.4. AUTHORITY CREATION.--THE GOVERNING BODIES OF
16 A THIRD CLASS COUNTY AND THE POLITICAL SUBDIVISION CONSTITUTING
17 THE COUNTY SEAT OR THE COUNTY ACTING ALONE MAY CREATE A BODY
18 CORPORATE AND POLITIC TO BE NAMED THE COUNTY
19 CONVENTION CENTER AUTHORITY TO BE CREATED AS A PUBLIC AUTHORITY
20 AND GOVERNMENT INSTRUMENTALITY TO HAVE CONTINUING SUCCESSION
21 UNTIL ITS EXISTENCE SHALL BE TERMINATED BY LAW. IF THE
22 CONVENTION CENTER TO BE CONSTRUCTED BY AN AUTHORITY CREATED
23 UNDER THIS SUBDIVISION SHALL BE LOCATED WITHIN THE
24 JURISDICTIONAL LIMITS OF THE COUNTY SEAT OF THE COUNTY, THE
25 AUTHORITY SHALL BE A JOINT AUTHORITY OF THE COUNTY AND THE
26 COUNTY SEAT. IF THE CONVENTION CENTER SHALL BE LOCATED OUTSIDE
27 THE JURISDICTIONAL LIMITS OF THE COUNTY SEAT OF THE COUNTY, THE
28 AUTHORITY MAY BE CREATED SOLELY BY THE COUNTY. THE EXERCISE BY
29 THE AUTHORITY OF THE POWERS CONFERRED BY THIS SUBDIVISION IS
30 HEREBY DECLARED TO BE AND SHALL FOR ALL PURPOSES BE DEEMED AND

1 HELD TO BE THE PERFORMANCE OF AN ESSENTIAL PUBLIC FUNCTION.

2 SECTION 2399.5. PURPOSES AND POWERS; GENERAL.--(A) AN
3 AUTHORITY CREATED UNDER THIS SUBDIVISION SHALL BE A PUBLIC BODY,
4 CORPORATE AND POLITIC, EXERCISING PUBLIC POWERS OF THE
5 COMMONWEALTH AS AN AGENCY AND INSTRUMENTALITY AND SHALL BE FOR
6 THE PURPOSE, WITHOUT LIMITATION, BY ITSELF OR BY AGREEMENT IN
7 COOPERATION WITH OTHERS, OF ACQUIRING, HOLDING, DEVELOPING,
8 DESIGNING, CONSTRUCTING, IMPROVING, MAINTAINING, MANAGING,
9 OPERATING, FINANCING, FURNISHING, FIXTURING, EQUIPPING,
10 REPAIRING, LEASING OR SUBLEASING, EITHER IN THE CAPACITY OF
11 LESSOR OR LESSEE OR SUBLESSOR OR SUBLESSEE, AND OWNING A
12 CONVENTION CENTER, OR PARTS THEREOF.

13 (B) THE AUTHORITY IS GRANTED ALL POWERS NECESSARY OR
14 CONVENIENT FOR THE CARRYING OUT OF THE PURPOSES IN SUBSECTION
15 (A), INCLUDING, WITHOUT LIMITING THE GENERALITY OF THE
16 FOREGOING, THE FOLLOWING RIGHTS AND POWERS:

17 (1) TO HAVE CONTINUING SUCCESSION.

18 (2) TO SUE AND BE SUED, IMPEAD AND BE IMPEADED, COMPLAIN
19 AND DEFEND IN ALL COURTS.

20 (3) TO ADOPT, USE AND ALTER AT WILL A CORPORATE SEAL.

21 (4) TO ACQUIRE BY GIFT OR OTHERWISE, PURCHASE, HOLD,
22 RECEIVE, LEASE, SUBLEASE AND USE A LICENSE, FRANCHISE OR
23 PROPERTY, REAL, PERSONAL OR MIXED, TANGIBLE OR INTANGIBLE, OR
24 ANY INTEREST THEREIN, INCLUDING A CONVENTION CENTER, OR PARTS
25 THEREOF.

26 (5) TO SELL, TRANSFER OR DISPOSE OF PROPERTY OR AN INTEREST
27 THEREIN WITH ADEQUATE AND FAIR CONSIDERATION.

28 (6) TO ACQUIRE, HOLD, DEVELOP, DESIGN, CONSTRUCT, IMPROVE,
29 MAINTAIN, MANAGE, OPERATE, FURNISH, FIXTURE, EQUIP, REPAIR, OWN,
30 LEASE OR SUBLEASE A CONVENTION CENTER, OR PARTS THEREOF, AND TO

1 MAKE, ENTER INTO AND AWARD CONTRACTS WITH ANY PERSON,
2 ASSOCIATION, PARTNERSHIP OR CORPORATION FOR THE DEVELOPMENT,
3 DESIGN, FINANCING, CONSTRUCTION, IMPROVEMENT, MAINTENANCE,
4 OPERATION, MANAGEMENT, FURNISHING, FIXTURING, EQUIPPING AND
5 REPAIRING OF A CONVENTION CENTER, OR PARTS THEREOF.

6 (7) TO MAKE BYLAWS FOR THE MANAGEMENT AND REGULATION OF ITS
7 AFFAIRS AND ISSUE RULES, REGULATIONS AND POLICIES IN CONNECTION
8 WITH THE PERFORMANCE OF ITS FUNCTIONS AND DUTIES.

9 (8) TO APPOINT OFFICERS, AGENTS, EMPLOYES AND SERVANTS, TO
10 PRESCRIBE THEIR DUTIES AND TO FIX THEIR COMPENSATION.

11 (9) TO FIX, ALTER, CHARGE AND COLLECT RENTALS, ADMISSIONS,
12 LICENSE FEES AND OTHER CHARGES.

13 (10) TO BORROW MONEY FOR THE PURPOSE OF PAYING THE COSTS OF
14 A PROJECT AND TO EVIDENCE THE SAME; MAKE AND ISSUE NEGOTIABLE
15 BONDS OF THE AUTHORITY; SECURE PAYMENT OF THE BONDS, OR ANY PART
16 THEREOF, BY PLEDGE OR DEED OF TRUST OF ALL OR ANY OF ITS
17 REVENUES (INCLUDING ANY HOTEL ROOM RENTAL TAX), RENTALS,
18 RECEIPTS AND CONTRACT RIGHTS; MAKE SUCH AGREEMENTS WITH THE
19 PURCHASERS OR HOLDERS OF THE BONDS OR WITH OTHER OBLIGES OF THE
20 AUTHORITY IN CONNECTION WITH THE BONDS, WHETHER ISSUED OR TO BE
21 ISSUED, AS THE AUTHORITY SHALL DEEM ADVISABLE, WHICH AGREEMENTS
22 SHALL CONSTITUTE CONTRACTS WITH THE HOLDERS OR PURCHASERS;
23 OBTAIN SUCH CREDIT ENHANCEMENT OR LIQUIDITY FACILITIES IN
24 CONNECTION WITH THE BONDS AS THE AUTHORITY SHALL DETERMINE TO BE
25 ADVANTAGEOUS; AND, IN GENERAL, PROVIDE FOR THE SECURITY OF THE
26 BONDS AND THE RIGHTS OF THE BONDHOLDERS.

27 (11) TO MAKE, ENTER INTO AND AWARD CONTRACTS OF EVERY NAME
28 AND NATURE AND TO EXECUTE ALL INSTRUMENTS NECESSARY OR
29 CONVENIENT FOR THE CARRYING OUT OF ITS BUSINESS.

30 (12) TO BORROW MONEY AND ACCEPT GRANTS AND TO ENTER INTO

1 CONTRACTS, LEASES, SUBLEASES, LICENSES OR OTHER TRANSACTIONS
2 WITH ANY FEDERAL AGENCY, STATE PUBLIC BODY, POLITICAL
3 SUBDIVISION, PERSON, ASSOCIATION, PARTNERSHIP OR CORPORATION.

4 (13) TO PLEDGE, HYPOTHECATE OR OTHERWISE ENCUMBER ITS
5 PROPERTY, REAL, PERSONAL OR MIXED, TANGIBLE OR INTANGIBLE, AND
6 ITS REVENUES OR RECEIPTS, INCLUDING, BUT NOT LIMITED TO, ANY
7 INTEREST THE AUTHORITY MAY HAVE IN A LEASE OR SUBLEASE OF A
8 CONVENTION CENTER, OR PARTS THEREOF.

9 (14) TO PROCURE SUCH INSURANCE CONTAINING SUCH COVERAGES,
10 INCLUDING, WITHOUT LIMITATION, INSURANCE COVERING THE TIMELY
11 PAYMENT IN FULL OF PRINCIPAL OF AND INTEREST ON BONDS OF THE
12 AUTHORITY, IN SUCH AMOUNTS, FROM SUCH INSURERS, AS THE AUTHORITY
13 MAY DETERMINE TO BE NECESSARY OR DESIRABLE FOR ITS PURPOSES.

14 (15) TO INVEST ITS MONEY.

15 (16) TO COOPERATE WITH ANY FEDERAL AGENCY, STATE PUBLIC BODY
16 OR POLITICAL SUBDIVISION.

17 (17) TO INVEST FUNDS HELD IN RESERVE OR SINKING FUNDS OR
18 FUNDS NOT REQUIRED FOR IMMEDIATE DISBURSEMENTS AS AUTHORIZED BY
19 SECTION 2399.13(D).

20 (18) TO APPOINT ALL OFFICERS, AGENTS AND EMPLOYES REQUIRED
21 FOR THE PERFORMANCE OF ITS DUTIES AND FIX AND DETERMINE THEIR
22 QUALIFICATIONS, DUTIES AND COMPENSATION AND RETAIN OR EMPLOY
23 OTHER AGENTS OR CONSULTANTS, INCLUDING, BUT NOT LIMITED TO,
24 ARCHITECTS, AUDITORS, ENGINEERS, PRIVATE LEGAL COUNSEL AND
25 PRIVATE CONSULTANTS ON A CONTRACT BASIS OR OTHERWISE FOR
26 RENDERING PROFESSIONAL OR TECHNICAL SERVICES AND ADVICE.

27 (19) TO ENROLL ITS EMPLOYES IN AN EXISTING RETIREMENT SYSTEM
28 OF THE STATE, COUNTY, CITY OR OTHER GOVERNMENTAL ENTITY.

29 (20) TO APPOINT AND FIX THE COMPENSATION OF CHIEF COUNSEL
30 AND SUCH ASSISTANT COUNSEL TO PROVIDE IT WITH LEGAL ASSISTANCE,

1 AND THE AUTHORITY THROUGH ITS COUNSEL SHALL DEFEND ACTIONS
2 BROUGHT AGAINST THE AUTHORITY AND ITS OFFICERS AND EMPLOYEES WHEN
3 ACTING WITHIN THE SCOPE OF THEIR OFFICIAL DUTIES.

4 (21) TO MAINTAIN AN OFFICE IN THE COUNTY SEAT.

5 (22) TO APPOINT AN EXECUTIVE DIRECTOR WHO SHALL BE THE CHIEF
6 EXECUTIVE OFFICER OF THE AUTHORITY, WHO SHALL DEVOTE HIS FULL
7 TIME DURING BUSINESS HOURS TO THE DUTIES OF HIS OFFICE AND WHO
8 SHALL RECEIVE COMPENSATION AS THE BOARD SHALL DETERMINE.

9 (23) TO DO ALL ACTS AND THINGS NECESSARY OR CONVENIENT FOR
10 THE PROMOTION OF ITS PURPOSES AND THE GENERAL WELFARE OF THE
11 AUTHORITY AND TO CARRY OUT THE POWERS GRANTED TO IT BY THIS
12 SUBDIVISION OR BY ANY OTHER ACT.

13 (C) (1) THE AUTHORITY SHALL HAVE NO POWER TO PLEDGE THE
14 CREDIT OR TAXING POWERS OF A STATE PUBLIC BODY, A POLITICAL
15 SUBDIVISION OR THE COUNTY NOR SHALL ITS OBLIGATIONS BE DEEMED
16 OBLIGATIONS OF ANY STATE PUBLIC BODY, A POLITICAL SUBDIVISION OR
17 THE COUNTY NOR SHALL ANY STATE PUBLIC BODY, A POLITICAL
18 SUBDIVISION OR THE COUNTY BE LIABLE FOR THE PAYMENT OF PRINCIPAL
19 OR INTEREST ON SUCH OBLIGATIONS.

20 (2) THE AUTHORITY SHALL HAVE NO POWER OF EMINENT DOMAIN.

21 (D) THE AUTHORITY SHALL DEVELOP AND IMPLEMENT AN AFFIRMATIVE
22 ACTION PLAN TO ASSURE THAT ALL PERSONS ARE ACCORDED EQUALITY OF
23 OPPORTUNITY IN EMPLOYMENT AND CONTRACTING BY THE AUTHORITY, ITS
24 CONTRACTORS, SUBCONTRACTORS, ASSIGNEES, LESSEES, AGENTS, VENDORS
25 AND SUPPLIERS.

26 SECTION 2399.6. CAPITAL AND OPERATING BUDGETS.--(A) AT
27 LEAST NINETY DAYS BEFORE THE COMMENCING OF THE ENSUING FISCAL
28 YEAR OF THE AUTHORITY, THE BOARD SHALL CAUSE TO BE PREPARED AND
29 SUBMITTED TO IT A RECOMMENDED CAPITAL BUDGET. THE CAPITAL BUDGET
30 SHALL SHOW IN DETAIL THE CAPITAL EXPENDITURES TO BE MADE OR

1 INCURRED IN THE NEXT FISCAL YEAR WHICH ARE TO BE FINANCED FROM
2 FUNDS SUBJECT TO CONTROL OR APPROPRIATION BY THE BOARD. FOR EACH
3 SEPARATE PURPOSE, PROJECT, FACILITY OR OTHER PROPERTY, THERE
4 SHALL BE SHOWN THE AMOUNT AND THE SOURCE OF THE MONEY THAT HAS
5 BEEN SPENT, ENCUMBERED OR IS INTENDED TO BE SPENT OR ENCUMBERED
6 DURING THE FISCAL YEAR. NO LATER THAN THE DATE OF THE ADOPTION
7 OF THE ANNUAL OPERATING BUDGET, THE BOARD SHALL BY A MAJORITY
8 VOTE OF ITS MEMBERS ADOPT A CAPITAL BUDGET.

9 (B) AT LEAST NINETY DAYS BEFORE THE COMMENCING OF THE
10 ENSUING FISCAL YEAR OF THE AUTHORITY, THE BOARD SHALL CAUSE TO
11 BE PREPARED AND SUBMITTED TO IT A RECOMMENDED OPERATING BUDGET.
12 THE OPERATING BUDGET SHALL BE PREPARED WITH THE AID OF THE
13 GOVERNING BODIES OF THE COUNTY AND COUNTY SEAT. IN THE EVENT
14 THAT THE OPERATING BUDGET IS NOT IN FORM AND DETAIL SATISFACTORY
15 TO THE GOVERNING BODY, THEY MAY REQUIRE THAT THE OPERATING
16 BUDGET BE REDRAFTED AND RESUBMITTED, AND THE GOVERNING BODY
17 SHALL NOT BE CONSIDERED TO BE IN RECEIPT OF THE OPERATING BUDGET
18 OR ANY AMENDMENTS UNLESS THE FORM AND DETAIL IS TO THE GOVERNING
19 BODY'S SATISFACTION. THE OPERATING BUDGET SHOULD SET FORTH THE
20 ESTIMATED RECEIPTS AND REVENUES OF THE AUTHORITY DURING THE NEXT
21 FISCAL YEAR. THE BOARD SHALL AT LEAST THIRTY DAYS BEFORE THE END
22 OF THE FISCAL YEAR ADOPT BY A MAJORITY VOTE OF ITS MEMBERS AN
23 OPERATING BUDGET FOR THE NEXT FISCAL YEAR.

24 SECTION 2399.7. PURPOSES AND POWERS; BONDS.--(A) THE BONDS
25 OF AN AUTHORITY CREATED UNDER THIS SUBDIVISION AND AUTHORIZED TO
26 BE ISSUED SHALL BE AUTHORIZED BY RESOLUTION OF THE BOARD OF THE
27 AUTHORITY AND SHALL BE OF SUCH SERIES, BEAR SUCH DATE OR DATES,
28 MATURE AT SUCH TIME OR TIMES NOT EXCEEDING FORTY YEARS FROM
29 THEIR RESPECTIVE DATES, BEAR INTEREST AT SUCH RATE OR RATES AS
30 SHALL BE DETERMINED BY THE BOARD AS NECESSARY TO ISSUE AND SELL

1 THE AUTHORIZED BONDS, BE IN SUCH DENOMINATIONS, BE IN SUCH FORM,
2 EITHER COUPON OR FULLY REGISTERED WITHOUT COUPONS, CARRY SUCH
3 REGISTRATION, EXCHANGEABILITY AND INTERCHANGEABILITY PRIVILEGES,
4 BE PAYABLE IN SUCH MEDIUM OF PAYMENT AND AT SUCH PLACE OR
5 PLACES, BE SUBJECT TO SUCH TERMS OF REDEMPTION AND BE ENTITLED
6 TO SUCH PRIORITIES IN THE REVENUES OR RECEIPTS OF THE AUTHORITY
7 AS THE RESOLUTION OR RESOLUTIONS MAY PROVIDE. THE BONDS SHALL BE
8 SIGNED BY OR SHALL BEAR THE FACSIMILE SIGNATURES OF SUCH
9 OFFICERS AS THE AUTHORITY SHALL DETERMINE, AND COUPON BONDS
10 SHALL HAVE ATTACHED THERETO INTEREST COUPONS BEARING THE
11 FACSIMILE SIGNATURE OF THE TREASURER OF THE AUTHORITY, AND ALL
12 BONDS SHALL BE AUTHENTICATED BY AN AUTHENTICATING AGENT, FISCAL
13 AGENT OR TRUSTEE, ALL AS MAY BE PRESCRIBED IN SUCH RESOLUTION OR
14 RESOLUTIONS. THE BONDS MAY BE ISSUED AND DELIVERED
15 NOTWITHSTANDING THAT ONE OR MORE OF THE OFFICERS SIGNING THE
16 BONDS OR THE TREASURER WHOSE FACSIMILE SIGNATURE SHALL BE UPON
17 THE COUPON SHALL HAVE CEASED TO BE SUCH OFFICER OR OFFICERS AT
18 THE TIME WHEN THE BONDS SHALL ACTUALLY BE DELIVERED.

19 (B) THE BONDS MAY BE SOLD AT PUBLIC SALE OR PRIVATE
20 NEGOTIATED SALE FOR SUCH PRICE OR PRICES AND AT SUCH RATE OF
21 INTEREST AS THE AUTHORITY SHALL DETERMINE. PENDING THE
22 PREPARATION OF THE DEFINITIVE BONDS, INTERIM RECEIPTS MAY BE
23 ISSUED TO THE PURCHASER OR PURCHASERS OF THE BONDS AND MAY
24 CONTAIN SUCH TERMS AND CONDITIONS AS THE AUTHORITY MAY
25 DETERMINE.

26 (C) THE BONDS SHALL HAVE THE QUALITIES OF NEGOTIABLE
27 INSTRUMENTS UNDER 13 PA.C.S. (RELATING TO COMMERCIAL CODE).

28 (D) THE NET PROCEEDS OF THE ISSUE OF BONDS OR NOTES MAY BE
29 USED TO PAY THE COSTS OF THE PROJECT OR TO REIMBURSE COSTS
30 INITIALLY PAID BY A STATE PUBLIC BODY, THE COUNTY, ANOTHER

1 POLITICAL SUBDIVISION, AN AGENCY, AN ORGANIZATION OR A PERSON.

2 (E) (1) SUBJECT TO THE PROVISIONS OF THE OUTSTANDING BONDS,
3 NOTES OR OTHER OBLIGATIONS AND SUBJECT TO THE PROVISIONS OF THIS
4 SUBDIVISION, THE AUTHORITY SHALL HAVE THE RIGHT AND POWER TO
5 REFUND OUTSTANDING DEBT, IN WHOLE OR IN PART, AT ANY TIME AND
6 SHALL HAVE THE RIGHT AND POWER TO REFUND OUTSTANDING NOTES WITH
7 BONDS OR BONDS WITH NOTES.

8 (2) AS USED IN THIS SUBSECTION, THE TERM "REFUND" AND ITS
9 VARIATIONS MEANS THE ISSUANCE AND SALE OF OBLIGATIONS THE
10 PROCEEDS OF WHICH ARE USED OR ARE TO BE USED FOR THE PAYMENT OR
11 REDEMPTION OF OUTSTANDING OBLIGATIONS UPON OR PRIOR TO MATURITY.

12 SECTION 2399.8. PROVISIONS OF BONDS, TRUSTS, INDENTURES AND
13 MORTGAGES.--IN CONNECTION WITH THE ISSUANCE OF BONDS OR THE
14 INCURRING OF OBLIGATIONS UNDER LEASES AND IN ORDER TO SECURE THE
15 PAYMENT OF SUCH BONDS AND OBLIGATIONS, THE AUTHORITY, IN
16 ADDITION TO ITS OTHER POWERS, SHALL HAVE THE POWER TO:

17 (1) PLEDGE ALL OR PART OF ITS GROSS OR NET REVENUES TO WHICH
18 ITS RIGHT THEN EXISTS OR MAY THEREAFTER COME INTO EXISTENCE.

19 (2) MORTGAGE ALL OR PART OF ITS REAL OR PERSONAL PROPERTY
20 THEN OWNED OR THEREAFTER ACQUIRED.

21 (3) COVENANT AGAINST PLEDGING ALL OR PART OF ITS REVENUES OR
22 AGAINST MORTGAGING ALL OR PART OF ITS REAL OR PERSONAL PROPERTY
23 TO WHICH ITS RIGHT OR TITLE EXISTS OR MAY THEREAFTER COME INTO
24 EXISTENCE OR AGAINST PERMITTING OR SUFFERING A LIEN ON SUCH
25 REVENUES OR PROPERTY; TO COVENANT WITH RESPECT TO LIMITATIONS ON
26 ITS RIGHT TO SELL, LEASE OR OTHERWISE DISPOSE OF ITS REAL
27 PROPERTY; AND TO COVENANT AS TO WHAT OTHER OR ADDITIONAL DEBTS
28 OR OBLIGATIONS MAY BE INCURRED BY IT.

29 (4) COVENANT AS TO THE BONDS TO BE ISSUED AND AS TO THE
30 ISSUANCE OF THE BONDS, IN ESCROW OR OTHERWISE, AND AS TO THE USE

1 AND DISPOSITION OF THE PROCEEDS; TO PROVIDE FOR THE REPLACEMENT
2 OF LOST, DESTROYED OR MUTILATED BONDS; TO COVENANT AGAINST
3 EXTENDING THE TIME FOR THE PAYMENT OF ITS BONDS OR INTEREST; AND
4 TO REDEEM THE BONDS AND TO COVENANT FOR AND PROVIDE THE TERMS
5 AND CONDITIONS FOR THEIR REDEMPTION.

6 (5) COVENANT AS TO THE AMOUNT AND THE USE AND DISPOSITION OF
7 REVENUES TO BE RAISED EACH YEAR OR OTHER PERIOD OF TIME BY THE
8 AUTHORITY; TO CREATE OR TO AUTHORIZE THE CREATION OF SPECIAL
9 FUNDS FOR DEBT SERVICE OR OTHER PURPOSES; AND TO COVENANT AS TO
10 THE USE AND DISPOSITION OF THE MONEYS HELD IN SUCH FUNDS.

11 (6) PRESCRIBE THE PROCEDURE, IF ANY, BY WHICH THE TERMS OF A
12 CONTRACT WITH BONDHOLDERS MAY BE AMENDED OR ABROGATED, THE
13 AMOUNT OF BONDS, THE HOLDERS OF WHICH MUST CONSENT THERETO AND
14 THE MANNER IN WHICH CONSENT MAY BE GIVEN.

15 (7) COVENANT AS TO THE USE OF ITS REAL OR PERSONAL PROPERTY;
16 TO WARRANT ITS TITLE; AND TO COVENANT AS TO THE MAINTENANCE AND
17 REPLACEMENT OF ITS REAL AND PERSONAL PROPERTY, THE INSURANCE TO
18 BE CARRIED ON THE PROPERTY AND THE USE AND DISPOSITION OF
19 INSURANCE MONEYS.

20 (8) COVENANT AS TO THE RIGHTS, LIABILITIES, POWERS AND
21 DUTIES ARISING UPON THE BREACH BY IT OF ANY COVENANT, CONDITION
22 OR OBLIGATION; AND TO COVENANT AND PRESCRIBE IN THE EVENT OF
23 DEFAULT AS TO TERMS AND CONDITIONS UPON WHICH ITS BONDS OR
24 OBLIGATIONS SHALL BECOME OR MAY BE DECLARED DUE BEFORE MATURITY
25 AND AS TO THE TERMS AND CONDITIONS UPON WHICH SUCH DECLARATION
26 AND ITS CONSEQUENCES MAY BE WAIVED.

27 (9) VEST IN A TRUSTEE OR THE HOLDERS OF BONDS OR ANY
28 PROPORTION OF THEM THE RIGHT TO ENFORCE THE PAYMENT OF THE BONDS
29 OR ANY COVENANTS SECURING OR RELATING TO THE BONDS; TO VEST IN A
30 TRUSTEE THE RIGHT IN THE EVENT OF A DEFAULT BY THE AUTHORITY TO

1 TAKE POSSESSION AND USE, OPERATE AND MANAGE ANY REAL PROPERTY
2 AND TO COLLECT THE RENTS AND REVENUES ARISING THEREFROM AND TO
3 DISPOSE OF SUCH MONEYS IN ACCORDANCE WITH THE AGREEMENT OF THE
4 AUTHORITY WITH THE TRUSTEE; TO PROVIDE FOR THE POWERS AND DUTIES
5 OF A TRUSTEE AND TO LIMIT THE TRUSTEE'S LIABILITIES; AND TO
6 PROVIDE THE TERMS AND CONDITIONS UPON WHICH THE TRUSTEE OR THE
7 HOLDERS OF BONDS OR ANY PROPORTION OF THEM MAY ENFORCE COVENANTS
8 OR RIGHTS SECURING OR RELATING TO THE BONDS.

9 (10) OBTAIN LETTERS OF CREDIT AND BOND INSURANCE.

10 (11) EXERCISE ALL OR ANY PART OR COMBINATION OF THE POWERS
11 GRANTED IN THIS SECTION; TO MAKE COVENANTS OTHER THAN AND IN
12 ADDITION TO THE COVENANTS EXPRESSLY AUTHORIZED IN THIS SECTION,
13 AND TO MAKE SUCH COVENANTS AND TO DO ANY AND ALL SUCH ACTS AND
14 THINGS AS MAY BE NECESSARY OR CONVENIENT OR DESIRABLE IN ORDER
15 TO SECURE ITS BONDS OR, IN THE ABSOLUTE DISCRETION OF THE
16 AUTHORITY, AS WILL TEND TO ACCOMPLISH THE PURPOSES OF THIS
17 SUBDIVISION BY MAKING THE BONDS MORE MARKETABLE NOTWITHSTANDING
18 THAT SUCH COVENANTS, ACTS OR THINGS MAY NOT BE SPECIFICALLY
19 ENUMERATED IN THIS SECTION.

20 SECTION 2399.9. REMEDIES OF OBLIGEE OF AUTHORITY.--AN
21 OBLIGEE OF THE AUTHORITY SHALL HAVE THE RIGHT, IN ADDITION TO
22 ALL OTHER RIGHTS WHICH MAY BE CONFERRED ON THE OBLIGEE, SUBJECT
23 ONLY TO ANY CONTRACTUAL RESTRICTIONS BINDING UPON THE OBLIGEE:

24 (1) BY MANDAMUS, SUIT, ACTION OR PROCEEDING AT LAW OR IN
25 EQUITY, TO COMPEL THE AUTHORITY AND ITS MEMBERS, OFFICERS,
26 AGENTS OR EMPLOYEES TO PERFORM EACH AND EVERY TERM, PROVISION AND
27 COVENANT CONTAINED IN ANY BOND OR CONTRACT OF THE AUTHORITY WITH
28 OR FOR THE BENEFIT OF THE OBLIGEE AND TO REQUIRE THE CARRYING
29 OUT OF ANY OR ALL SUCH COVENANTS AND AGREEMENTS OF THE AUTHORITY
30 AND THE FULFILLMENT OF ALL DUTIES IMPOSED UPON THE AUTHORITY BY

1 THIS SUBDIVISION.

2 (2) BY PROCEEDING IN EQUITY, TO OBTAIN AN INJUNCTION AGAINST
3 ANY ACTS OR THINGS WHICH MAY BE UNLAWFUL OR THE VIOLATION OF ANY
4 OF THE RIGHTS OF THE OBLIGEE.

5 SECTION 2399.10. ADDITIONAL REMEDIES CONFERRABLE BY
6 AUTHORITY.--(A) THE AUTHORITY SHALL HAVE POWER BY ITS
7 RESOLUTION, TRUST, INDENTURE OR MORTGAGE TO CONFER UPON ANY
8 OBLIGEEES HOLDING OR REPRESENTING A SPECIFIED PERCENTAGE OF BONDS
9 THE RIGHT, IN ADDITION TO ALL RIGHTS THAT MAY OTHERWISE BE
10 CONFERRED, UPON THE HAPPENING OF AN EVENT OF DEFAULT AS DEFINED
11 IN THE RESOLUTION OR INSTRUMENT, BY SUIT, ACTION OR PROCEEDING
12 IN A COURT OF COMPETENT JURISDICTION:

13 (1) TO OBTAIN THE APPOINTMENT OF A RECEIVER OF ANY REAL
14 PROPERTY OR LEASEHOLD INTEREST OF THE AUTHORITY AND OF THE RENTS
15 AND PROFITS THEREFROM. IF A RECEIVER BE APPOINTED, HE MAY ENTER
16 AND TAKE POSSESSION OF THE REAL PROPERTY OR ANY LEASEHOLD
17 INTEREST, OPERATE THE SAME AND COLLECT AND RECEIVE ALL REVENUES
18 OR OTHER INCOME THEREAFTER ARISING THEREFROM AND SHALL KEEP THE
19 MONEY IN A SEPARATE ACCOUNT AND APPLY THE SAME IN ACCORDANCE
20 WITH THE OBLIGATIONS OF THE AUTHORITY AS THE COURT SHALL DIRECT;
21 OR

22 (2) TO REQUIRE THE AUTHORITY AND ITS MEMBERS TO ACCOUNT AS
23 IF IT AND THEY WERE THE TRUSTEES OF AN EXPRESS TRUST.

24 (B) NOTHING IN THIS SUBDIVISION SHALL AUTHORIZE A RECEIVER
25 APPOINTED PURSUANT TO THIS SUBDIVISION FOR THE PURPOSE OF
26 OPERATING AND MAINTAINING ANY FACILITIES OF THE AUTHORITY TO
27 SELL, ASSIGN, MORTGAGE OR OTHERWISE DISPOSE OF ANY OF THE
28 ASSETS, OF WHATEVER KIND OR CHARACTER, BELONGING TO THE
29 AUTHORITY. IT IS THE INTENTION OF THIS SUBDIVISION TO LIMIT THE
30 POWERS OF THE RECEIVER TO THE OPERATION AND MAINTENANCE OF THE

FACILITIES OF THE AUTHORITY AS THE COURT SHALL DIRECT, AND NO
HOLDER OR HOLDERS OF BONDS OF THE AUTHORITY NOR ANY TRUSTEE OR
OTHER OBLIGEE SHALL EVER HAVE THE RIGHT IN ANY SUIT, ACTION OR
PROCEEDING, AT LAW OR IN EQUITY, TO COMPEL A RECEIVER, NOR SHALL
ANY RECEIVER EVER BE AUTHORIZED OR COURT BE EMPOWERED TO DIRECT
THE RECEIVER, TO SELL, ASSIGN, MORTGAGE OR OTHERWISE DISPOSE OF
ANY ASSETS OF WHATEVER KIND OR CHARACTER BELONGING TO THE
AUTHORITY.

SECTION 2399.11. GOVERNING BOARD.--(A) THE POWER OF THE
AUTHORITY SHALL BE EXERCISED BY A GOVERNING BOARD COMPOSED OF
SEVEN MEMBERS.

(1) THE GOVERNING BODY OF THE COUNTY SEAT IN WHICH THE
CONVENTION CENTER IS LOCATED SHALL APPOINT THREE MEMBERS. THE
TERM OF OFFICE OF THESE MEMBERS SHALL BE FOUR YEARS. THE TERMS
OF THE FIRST THREE MEMBERS APPOINTED SHALL BE ALLOCATED BETWEEN
THEM FOR A TWO-YEAR, THREE-YEAR AND FOUR-YEAR TERM,
RESPECTIVELY.

(2) THE GOVERNING BODY OF THE COUNTY IN WHICH THE CONVENTION
CENTER IS LOCATED SHALL APPOINT THREE MEMBERS. THE TERM OF
OFFICE OF THESE MEMBERS SHALL BE FOUR YEARS. THE TERMS OF THE
FIRST THREE MEMBERS APPOINTED SHALL BE ALLOCATED BETWEEN THEM
FOR A TWO-YEAR, THREE-YEAR AND FOUR-YEAR TERM, RESPECTIVELY.

(3) THE TWO GOVERNING BODIES SHALL ALTERNATE IN THE
APPOINTMENT OF THE SEVENTH BOARD MEMBER. THE GOVERNING BODY OF
THE COUNTY SHALL MAKE THE FIRST APPOINTMENT OF THE SEVENTH BOARD
MEMBER WHOSE TERM SHALL BE FOR FOUR YEARS.

(4) IF THE AUTHORITY CREATED PURSUANT TO SECTION 2399.4 IS
CREATED BY THE COUNTY ACTING ALONE, THE GOVERNING BODY OF THE
COUNTY IN WHICH THE CONVENTION CENTER IS LOCATED SHALL APPOINT
ALL SEVEN MEMBERS OF THE BOARD. THE TERM OF OFFICE OF THESE

1 MEMBERS SHALL BE FOUR YEARS. THE TERMS OF THE FIRST MEMBERS
2 APPOINTED SHALL BE ALLOCATED AMONG THEM AS FOLLOWS: A ONE-YEAR
3 TERM, TWO TWO-YEAR TERMS, TWO THREE-YEAR TERMS AND TWO FOUR-YEAR
4 TERMS. AT LEAST ONE MEMBER SHALL BE A REPRESENTATIVE OF THE
5 TOURIST PROMOTION AGENCY OF THE COUNTY.

6 (B) EXCEPT AS OTHERWISE PROVIDED, MEMBERS SHALL SERVE A
7 FOUR-YEAR TERM FROM THE DATE OF THEIR APPOINTMENT AND UNTIL
8 THEIR SUCCESSORS HAVE BEEN APPOINTED AND QUALIFIED. IF A VACANCY
9 SHALL OCCUR BY MEANS OF THE DEATH, DISQUALIFICATION, RESIGNATION
10 OR REMOVAL OF A MEMBER, SUBJECT TO THE PROVISIONS OF SUBSECTION
11 (A), THE APPOINTING AUTHORITY SHALL APPOINT A SUCCESSOR TO FILL
12 THE UNEXPIRED TERM.

13 (C) SUBJECT TO SUCH AGGREGATE PER ANNUM LIMITATION AND OTHER
14 RULES AND REGULATIONS AS THE BOARD SHALL DETERMINE, A MEMBER
15 SHALL RECEIVE ONE HUNDRED DOLLARS (\$100) PER BOARD MEETING.

16 (D) THE MEMBERS OF THE BOARD SHALL SELECT FROM AMONG
17 THEMSELVES A CHAIRMAN AND SUCH OTHER OFFICERS AS THE BOARD MAY
18 DETERMINE. EXCEPT AS OTHERWISE PROVIDED, ALL ACTIONS OF THE
19 BOARD SHALL BE TAKEN BY A VOTE OF AT LEAST FOUR MEMBERS OF THE
20 BOARD, WHICH SHALL CONSTITUTE A MAJORITY OF THE BOARD, UNLESS
21 THE BYLAWS OF THE AUTHORITY SHALL PROVIDE FOR A MAJORITY VOTE BY
22 A PRESENT QUORUM IN THE ABSENCE OF A FULL BOARD. THE BOARD SHALL
23 HAVE FULL AUTHORITY TO MANAGE THE PROPERTIES AND BUSINESS OF THE
24 AUTHORITY AND TO PRESCRIBE, AMEND AND REPEAL BYLAWS, RULES AND
25 REGULATIONS GOVERNING THE MANNER IN WHICH THE BUSINESS OF THE
26 AUTHORITY MAY BE CONDUCTED AND THE POWERS GRANTED TO IT MAY BE
27 EXERCISED AND EMBODIED. NOTWITHSTANDING ANY OTHER LAW, COURT
28 DECISION, PRECEDENT OR PRACTICE TO THE CONTRARY, NO ACTIONS BY
29 OR ON BEHALF OF THE BOARD SHALL BE TAKEN BY AN OFFICER OF THE
30 BOARD EXCEPT UPON THE APPROVAL OF THE BOARD. AS USED IN THIS

1 SUBSECTION, THE TERM "ACTIONS BY OR ON BEHALF OF THE BOARD"
2 MEANS ANY ACTION WHATSOEVER OF THE BOARD, INCLUDING, BUT NOT
3 LIMITED TO, THE HIRING, APPOINTMENT, REMOVAL, TRANSFER,
4 PROMOTION OR DEMOTION OF ANY OFFICERS AND EMPLOYES, THE
5 RETENTION, USE OR REMUNERATION OF ADVISORS, COUNSEL, AUDITORS,
6 ARCHITECTS, ENGINEERS OR CONSULTANTS, THE INITIATION OF LEGAL
7 ACTION, THE MAKING OF CONTRACTS, LEASES, AGREEMENTS, BONDS,
8 NOTES OR COVENANTS, THE APPROVAL OF REQUISITIONS, PURCHASE
9 ORDERS, INVESTMENTS AND REINVESTMENTS AND THE ADOPTION,
10 AMENDMENT, REVISION OR RESCISSION OF RULES AND REGULATIONS,
11 ORDERS OR OTHER DIRECTIVES.

12 (E) MEMBERS OF THE BOARD SHALL NOT BE LIABLE PERSONALLY ON
13 THE BONDS OR OTHER OBLIGATIONS OF THE AUTHORITY, AND THE RIGHTS
14 OF CREDITORS SHALL BE SOLELY AGAINST THE AUTHORITY. THE
15 AUTHORITY, ITSELF OR BY CONTRACT, SHALL DEFEND BOARD MEMBERS,
16 AND THE AUTHORITY SHALL INDEMNIFY AND HOLD HARMLESS BOARD
17 MEMBERS, WHETHER CURRENTLY SERVING AS A MEMBER OF THE AUTHORITY
18 OR NOT, AGAINST AND FROM ANY AND ALL PERSONAL LIABILITIES,
19 ACTIONS, CAUSES OF ACTION AND CLAIMS MADE AGAINST THEM FOR
20 WHATEVER ACTIONS THEY PERFORM WITHIN THE SCOPE OF THEIR DUTIES
21 AS BOARD MEMBERS.

22 SECTION 2399.12. SOVEREIGN IMMUNITY.--IT IS HEREBY DECLARED
23 TO BE THE INTENT OF THE GENERAL ASSEMBLY THAT THE AUTHORITY
24 CREATED PURSUANT TO THIS SUBDIVISION AND ITS OFFICERS, OFFICIALS
25 AND EMPLOYES SHALL ENJOY SOVEREIGN AND OFFICIAL IMMUNITY, AS
26 PROVIDED IN 1 PA.C.S. § 2310 (RELATING TO SOVEREIGN IMMUNITY
27 REAFFIRMED; SPECIFIC WAIVER) AND REMAIN IMMUNE FROM SUIT EXCEPT
28 AS PROVIDED BY AND SUBJECT TO THE PROVISIONS OF 42 PA.C.S. §§
29 8501 (RELATING TO DEFINITIONS) THROUGH 8528 (RELATING TO
30 LIMITATIONS ON DAMAGES). NOTWITHSTANDING THE PROVISIONS OF 42

1 PA.C.S. § 8525 (RELATING TO LEGAL ASSISTANCE), THE AUTHORITY
2 THROUGH ITS COUNSEL SHALL DEFEND ACTIONS BROUGHT AGAINST THE
3 AUTHORITY AND ITS OFFICERS AND EMPLOYES WHEN ACTING WITHIN THE
4 SCOPE OF THEIR OFFICIAL DUTIES.

5 SECTION 2399.13. MONEYS OF AUTHORITY.--(A) ALL MONEYS OF
6 THE AUTHORITY, FROM WHATEVER SOURCE DERIVED, SHALL BE PAID TO
7 THE TREASURER OF THE AUTHORITY.

8 (B) THE BOARD SHALL INVEST AUTHORITY FUNDS CONSISTENT WITH
9 SOUND BUSINESS PRACTICE.

10 (C) THE BOARD SHALL PROVIDE FOR AN INVESTMENT PROGRAM
11 SUBJECT TO RESTRICTIONS CONTAINED IN THIS SUBDIVISION AND IN ANY
12 OTHER APPLICABLE STATUTE AND IN RULES OR REGULATIONS ADOPTED BY
13 THE BOARD.

14 (D) AUTHORIZED TYPES OF INVESTMENTS FOR AUTHORITY FUNDS
15 SHALL BE:

16 (1) DIRECT OBLIGATIONS OF OR OBLIGATIONS GUARANTEED BY THE
17 UNITED STATES.

18 (2) A BOND, DEBENTURE, NOTE, PARTICIPATION CERTIFICATE OR
19 OTHER SIMILAR OBLIGATION ISSUED BY ANY ONE OR COMBINATION OF THE
20 FOLLOWING AGENCIES: GOVERNMENT NATIONAL MORTGAGE CORPORATION,
21 FEDERAL LAND BANKS, FEDERAL HOME LOAN BANKS, FEDERAL
22 INTERMEDIATE CREDIT BANKS, BANKS FOR COOPERATIVES, TENNESSEE
23 VALLEY AUTHORITY, UNITED STATES POSTAL SERVICE, FARMERS HOME
24 ADMINISTRATION, STUDENT LOAN MARKETING ASSOCIATION AND EXPORT-
25 IMPORT BANK OF THE UNITED STATES.

26 (3) A BOND, DEBENTURE, NOTE, PARTICIPATION CERTIFICATE OR
27 OTHER SIMILAR OBLIGATION ISSUED BY THE FEDERAL NATIONAL MORTGAGE
28 CORPORATION TO THE EXTENT SUCH OBLIGATIONS ARE GUARANTEED BY THE
29 GOVERNMENT NATIONAL MORTGAGE CORPORATION OR ISSUED BY ANOTHER
30 FEDERAL AGENCY AND BACKED BY THE FULL FAITH AND CREDIT OF THE

1 UNITED STATES.

2 (4) DEPOSITS IN INTEREST-BEARING TIME OR DEMAND DEPOSITS OR
3 CERTIFICATES OF DEPOSIT FULLY INSURED BY THE FEDERAL DEPOSIT
4 INSURANCE CORPORATION OR ITS SUCCESSORS OR THE FEDERAL SAVINGS
5 AND LOAN INSURANCE CORPORATION OR ITS SUCCESSORS OR FULLY
6 SECURED BY ANY OF THE OBLIGATIONS DESCRIBED ABOVE TO THE EXTENT
7 NOT SO INSURED.

8 (5) REPURCHASE AGREEMENTS RELATING TO, OR INVESTMENT
9 AGREEMENTS SECURED BY OR PROVIDING FOR THE ACQUISITION OF AND,
10 IF APPLICABLE, RESALE OF, OBLIGATIONS DESCRIBED IN CLAUSES (1)
11 THROUGH (4) OR OBLIGATIONS OF THE FEDERAL HOME LOAN MORTGAGE
12 CORPORATION OR THE FEDERAL NATIONAL MORTGAGE ASSOCIATION, WITH:

13 (I) BANKS OR TRUST COMPANIES, WHICH MAY INCLUDE A BANKING
14 ENTITY OR DEPOSITORY;

15 (II) BROKERS OR BROKER-DEALERS REGISTERED UNDER THE
16 SECURITIES EXCHANGE ACT OF 1934 (48 STAT. 881, 15 U.S.C. §§ 78A-
17 78JJ) ACCEPTABLE TO THE AUTHORITY; OR

18 (III) INSURANCE COMPANIES RATED A+ OR BETTER BY BEST'S AND
19 HAVING A NET CAPITAL AND SURPLUS OF AT LEAST TWENTY-FIVE MILLION
20 DOLLARS (\$25,000,000) OR CERTIFICATES OF DEPOSIT WITH BANKS OR
21 TRUST COMPANIES FULLY SECURED AS TO PRINCIPAL AND ACCRUED
22 INTEREST BY OBLIGATIONS DESCRIBED IN CLAUSES (1) THROUGH (4)
23 DEPOSITED WITH OR SUBJECT TO THE CONTROL OF THE AUTHORITY.

24 (6) MONEY MARKET DEPOSIT ACCOUNTS OF BANKS OR TRUST
25 COMPANIES HAVING A NET CAPITAL AND SURPLUS OF AT LEAST TWENTY-
26 FIVE MILLION DOLLARS (\$25,000,000), WHICH MAY INCLUDE A BANKING
27 ENTITY OR DEPOSITORY.

28 (7) THE DESCRIPTION OF AUTHORIZED INVESTMENTS AS SET FORTH
29 IN CLAUSES (5) AND (6) SHALL BE MET ONLY IF THE AGREEMENTS
30 REFERENCED THEREIN PROVIDE FOR THE REPAYMENT OF THE PRINCIPAL

1 AMOUNT INVESTED AT AN AMOUNT NOT LESS THAN THAT SO INVESTED.
2 WHENEVER SECURITY IS REQUIRED AS SET FORTH IN CLAUSES (4)
3 THROUGH (6), THE SECURITY SHALL BE DEPOSITED WITH THE TREASURER
4 OF THE AUTHORITY OR BE HELD BY A TRUSTEE OR AGENT SATISFACTORY
5 TO THE AUTHORITY. MONEYS OF THE AUTHORITY SHALL BE PAID OUT ON
6 THE WARRANT OR OTHER ORDER OF THE CHAIRMAN OF THE AUTHORITY OR
7 OF SUCH OTHER PERSON OR PERSONS AS THE AUTHORITY MAY AUTHORIZE
8 TO EXECUTE WARRANTS OR ORDERS.

9 (E) AN AUTHORITY CREATED UNDER THIS SUBDIVISION SHALL FILE
10 AN ANNUAL REPORT WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC
11 DEVELOPMENT AND WITH THE COUNTY AND POLITICAL SUBDIVISION
12 CONSTITUTING THE COUNTY SEAT, WHICH SHALL MAKE PROVISIONS FOR
13 THE ACCOUNTING OF REVENUES AND EXPENSES. THE AUTHORITY SHALL
14 HAVE ITS BOOKS, ACCOUNTS AND RECORDS AUDITED ANNUALLY IN
15 ACCORDANCE WITH GENERALLY ACCEPTED AUDITING STANDARDS BY AN
16 INDEPENDENT AUDITOR WHO SHALL BE A CERTIFIED PUBLIC ACCOUNTANT,
17 AND A COPY OF HIS AUDIT REPORT SHALL BE ATTACHED TO AND BE MADE
18 A PART OF THE ANNUAL REPORT. A CONCISE FINANCIAL STATEMENT SHALL
19 BE PUBLISHED ANNUALLY IN A NEWSPAPER OF GENERAL CIRCULATION IN
20 THE COUNTY WHERE THE AUTHORITY IS LOCATED.

21 (F) THE ATTORNEY GENERAL, AUDITOR GENERAL, SECRETARY OF THE
22 BUDGET AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
23 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIRMAN AND THE
24 MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE
25 OF REPRESENTATIVES SHALL HAVE THE RIGHT TO EXAMINE THE BOOKS,
26 ACCOUNTS AND RECORDS OF THE AUTHORITY.

27 SECTION 2399.14. TRANSFER OF EXISTING FACILITIES OR FUNDS;
28 MAKING OF ANNUAL GRANTS AND LEASE PAYMENTS TO AUTHORITY.--(A) A
29 STATE PUBLIC BODY OR POLITICAL SUBDIVISION MAY AND IS HEREBY
30 AUTHORIZED TO SELL, LEASE OR SUBLEASE FROM OR TO, LEND, GRANT,

1 CONVEY OR OTHERWISE TRANSFER OR PAY OVER TO THE AUTHORITY, WITH
2 OR WITHOUT CONSIDERATION, A CONVENTION CENTER, OR PARTS THEREOF,
3 OR AN INTEREST IN PROPERTY, REAL, PERSONAL OR MIXED, TANGIBLE OR
4 INTANGIBLE, OR ANY FUNDS AVAILABLE, NEEDED OR OBLIGATED FOR
5 DEVELOPMENT, ACQUISITION, DESIGN, MAINTENANCE, MANAGEMENT,
6 OPERATION, FINANCING, LEASING OR SUBLEASING, CONSTRUCTION OR
7 IMPROVEMENT PURPOSES, INCLUDING THE PROCEEDS OF BONDS PREVIOUSLY
8 OR HEREAFTER ISSUED FOR CONSTRUCTION OR IMPROVEMENT OF A
9 CONVENTION CENTER, OR PARTS THEREOF. PROPERTY, FUNDS OR A
10 CONVENTION CENTER, OR PARTS THEREOF, RECEIVED BY THE AUTHORITY
11 MAY BE USED FOR ANY LAWFUL PURPOSE OF THE AUTHORITY. NOTHING IN
12 THIS SUBDIVISION NOR IN ANY OTHER LAW SHALL BE DEEMED TO MAKE AN
13 AUTHORITY OR PERSON A STATE-SUPPORTED OR STATE-AIDED INSTITUTION
14 UNDER ANY LAW OF THIS COMMONWEALTH.

15 (B) THE GOVERNING BODIES OF THE COUNTY AND COUNTY SEAT MAY
16 AND ARE HEREBY AUTHORIZED TO MAKE GRANTS FROM CURRENT REVENUES
17 TO THE AUTHORITY AND TO ASSIST IN DEFRAYING THE COSTS OF
18 MANAGEMENT, OPERATION, MAINTENANCE, FINANCING AND DEBT SERVICE
19 OF A CONVENTION CENTER OR PARTS THEREOF AND TO ENTER INTO LONG-
20 TERM AGREEMENTS PROVIDING FOR THE PAYMENT OF THE SAME AND TO
21 ENTER INTO LONG-TERM LEASES OR SUBLEASES AS LESSEE OR SUBLESSEE
22 OF ALL OR PART OF A CONVENTION CENTER, PROVIDED THAT OBLIGATIONS
23 OF THE COUNTY AND COUNTY SEAT TO MAKE GRANTS, LEASE OR SUBLEASE
24 PAYMENTS TO AN AUTHORITY SHALL NOT, EVEN IF BASED ON DEBT
25 OBLIGATIONS OF AN AUTHORITY, CONSTITUTE DEBTS OF THE COUNTY AND
26 COUNTY SEAT WITHIN THE MEANING OF ANY CONSTITUTIONAL OR
27 STATUTORY PROVISION AND SHALL BE PAYABLE ONLY TO THE EXTENT THAT
28 CURRENT REVENUES OF THE COUNTY AND COUNTY SEAT ARE AVAILABLE.
29 THE COUNTY AND COUNTY SEAT MAY ISSUE GENERAL OBLIGATION BONDS
30 FOR THE PURPOSE OF OBTAINING FUNDS FOR LOCAL CONTRIBUTIONS

1 PERTAINING TO CONVENTION CENTERS, OR PARTS THEREOF.

2 (C) THE COMMONWEALTH MAY CONTRIBUTE TO THE CAPITAL COSTS OF
3 CONSTRUCTING A CONVENTION CENTER BY THE ISSUANCE OF COMMONWEALTH
4 BONDS AND NOTES PURSUANT TO ARTICLE XVI-B OF THE ACT OF APRIL 9,
5 1929 (P.L.343, NO.176), KNOWN AS "THE FISCAL CODE," OR PURSUANT
6 TO CHAPTER 3 OF THE ACT OF FEBRUARY 9, 1999 (P.L.1, NO.1), KNOWN
7 AS THE "CAPITAL FACILITIES DEBT ENABLING ACT." A CONVENTION
8 CENTER PROJECT UNDERTAKEN BY THE AUTHORITY IS HEREBY DEEMED TO
9 BE A REDEVELOPMENT ASSISTANCE PROJECT FOR WHICH CAPITAL FUNDS OF
10 THE COMMONWEALTH MAY BE EXPENDED PURSUANT TO THE PROVISIONS OF
11 THE ACT OF MAY 20, 1949 (P.L.1633, NO.493), KNOWN AS THE
12 "HOUSING AND REDEVELOPMENT ASSISTANCE LAW," AND, NOTWITHSTANDING
13 ANY PROVISIONS OF THE "HOUSING AND REDEVELOPMENT ASSISTANCE
14 LAW," THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT IS
15 HEREBY AUTHORIZED TO MAKE CAPITAL GRANTS DIRECTLY TO THE
16 AUTHORITY IN FURTHERANCE OF THIS SUBDIVISION.

17 SECTION 2399.15. AWARD OF CONTRACTS.--(A) ALL CONSTRUCTION,
18 RECONSTRUCTION, REPAIRS OR WORK OF ANY NATURE MADE BY THE
19 AUTHORITY WHERE THE ENTIRE COST, VALUE OR AMOUNT OF THE
20 CONSTRUCTION, RECONSTRUCTION, REPAIRS OR WORK, INCLUDING LABOR
21 AND MATERIALS, SHALL EXCEED TEN THOUSAND DOLLARS (\$10,000),
22 EXCEPT CONSTRUCTION, RECONSTRUCTION, REPAIRS OR WORK DONE BY
23 EMPLOYEES OF THE AUTHORITY OR BY LABOR SUPPLIED UNDER AGREEMENT
24 WITH ANY FEDERAL AGENCY, STATE PUBLIC BODY OR POLITICAL
25 SUBDIVISION, WITH SUPPLIES AND MATERIALS PURCHASED AS
26 HEREINAFTER PROVIDED, SHALL BE DONE ONLY UNDER CONTRACT OR
27 CONTRACTS TO BE ENTERED INTO BY THE AUTHORITY WITH THE LOWEST
28 RESPONSIBLE BIDDER UPON PROPER TERMS AFTER DUE PUBLIC NOTICE HAS
29 BEEN GIVEN ASKING FOR COMPETITIVE BIDS AS HEREINAFTER PROVIDED,
30 BUT THE AUTHORITY SHALL HAVE THE RIGHT TO REJECT ANY OR ALL BIDS

1 OR SELECT A SINGLE ITEM FROM ANY BID. NO CONTRACT SHALL BE
2 ENTERED INTO FOR CONSTRUCTION OR IMPROVEMENT OR REPAIR OF ANY
3 PROJECT OR PORTION THEREOF UNLESS THE CONTRACTOR SHALL PROVIDE
4 SUFFICIENT SURETY OR SURETIES APPROVED BY THE AUTHORITY AND IN
5 AN AMOUNT FIXED BY THE AUTHORITY FOR THE PERFORMANCE OF THE
6 CONTRACT. ALL CONTRACTS SHALL PROVIDE AMONG OTHER THINGS THAT
7 THE PERSON OR CORPORATION ENTERING INTO THE CONTRACT WITH THE
8 AUTHORITY WILL PAY FOR ALL MATERIALS FURNISHED AND SERVICES
9 RENDERED FOR THE PERFORMANCE OF THE CONTRACT AND THAT A PERSON
10 OR CORPORATION FURNISHING MATERIALS OR RENDERING SERVICES MAY
11 MAINTAIN AN ACTION TO RECOVER FOR THE SAME AGAINST THE OBLIGOR
12 IN THE UNDERTAKING AS THOUGH THE PERSON OR CORPORATION WAS NAMED
13 THEREIN PROVIDED THE ACTION IS BROUGHT WITHIN ONE YEAR AFTER THE
14 TIME THE CAUSE OF ACTION ACCRUED. NOTHING IN THIS SECTION SHALL
15 BE CONSTRUED TO LIMIT THE POWER OF THE AUTHORITY TO CONSTRUCT,
16 REPAIR OR IMPROVE A PROJECT OR PORTION THEREOF OR ANY ADDITION,
17 BETTERMENT OR EXTENSION THERETO DIRECTLY BY THE OFFICERS AND
18 EMPLOYES OF THE AUTHORITY. THE AUTHORITY SHALL AWARD THE
19 CONSTRUCTION OF A CONVENTION CENTER ACCORDING TO THE PROVISIONS
20 OF THE ACT OF MAY 1, 1913 (P.L.155, NO.104), ENTITLED "AN ACT
21 REGULATING THE LETTING OF CERTAIN CONTRACTS FOR THE ERECTION,
22 CONSTRUCTION, AND ALTERATION OF PUBLIC BUILDINGS," AND SHALL BE
23 SUBJECT TO 62 PA.C.S. PT. I (RELATING TO COMMONWEALTH
24 PROCUREMENT CODE). NOTHING IN THIS SECTION OR ANY OTHER LAW OF
25 THIS COMMONWEALTH SHALL REQUIRE THE AUTHORITY TO COMPETITIVELY
26 BID ARCHITECTURAL DESIGN, ENGINEERING OR OTHER PROFESSIONAL
27 SERVICES REQUIRED BY THE AUTHORITY.

28 (B) ALL SUPPLIES AND MATERIALS COSTING TEN THOUSAND DOLLARS
29 (\$10,000) OR MORE TO BE ACQUIRED DIRECTLY BY THE AUTHORITY SHALL
30 BE PURCHASED ONLY AFTER DUE ADVERTISEMENT AS HEREINAFTER

1 PROVIDED. THE AUTHORITY SHALL ACCEPT THE LOWEST BID OR BIDS FROM
2 A RESPONSIBLE BIDDER, KIND, QUALITY AND MATERIAL BEING EQUAL,
3 BUT THE AUTHORITY SHALL HAVE THE RIGHT TO REJECT ANY OR ALL BIDS
4 OR SELECT A SINGLE ITEM FROM A BID. THE PROVISIONS AS TO BIDDING
5 SHALL NOT APPLY TO THE PURCHASE OF UNIQUE SUPPLIES AND MATERIALS
6 OR SUPPLIES AND MATERIALS WHICH CANNOT BE OBTAINED IN THE OPEN
7 MARKET.

8 (C) NOTHING IN THIS SECTION OR IN ANY OTHER LAW OF THIS
9 COMMONWEALTH SHALL PRECLUDE THE BOARD WITH THE APPROVAL OF FIVE
10 MEMBERS FROM NEGOTIATING CONTRACTS FOR MANAGEMENT, OPERATION,
11 CONCESSION SERVICES, LICENSING OR LEASING OF A CONVENTION
12 CENTER, OR ANY PART THEREOF. THE AUTHORITY SHALL NOT AWARD A
13 CONTRACT TO A MANAGER, OPERATOR, CONCESSIONAIRE, LICENSEE,
14 LESSEE OR LESSOR THAT EXCEEDS THREE YEARS IN DURATION UNLESS
15 FIVE MEMBERS OF THE BOARD APPROVE THE AWARDING OF A CONTRACT FOR
16 A GREATER PERIOD OF TIME.

17 (D) THE AUTHORITY, ITS CONTRACTORS, SUBCONTRACTORS,
18 ASSIGNEES, LESSEES, AGENTS, VENDORS AND SUPPLIERS SHALL NOT BE
19 SUBJECT TO COUNTY OR COUNTY SEAT LAWS, ORDINANCES, RULES OR
20 REGULATIONS RELATING TO LIMITS OR PREFERENCES WITH REGARD TO
21 EMPLOYMENT, CONTRACTING OR PROCUREMENT IN THE CONSTRUCTION AND
22 OPERATION OF THE CONVENTION CENTER.

23 (E) THE AUTHORITY SHALL BE SUBJECT TO THE ACT OF AUGUST 15,
24 1961 (P.L.987, NO.442), KNOWN AS THE "PENNSYLVANIA PREVAILING
25 WAGE ACT," THE ACT OF MARCH 3, 1978 (P.L.6, NO.3), KNOWN AS THE
26 "STEEL PRODUCTS PROCUREMENT ACT," AND 62 PA.C.S. CH. 37 SUBCH. B
27 (RELATING TO MOTOR VEHICLES).

28 (F) AS USED IN THIS SECTION, THE TERMS "ADVERTISEMENT" OR
29 "PUBLIC NOTICE" MEAN A NOTICE PUBLISHED AT LEAST TEN DAYS BEFORE
30 THE AWARD OF A CONTRACT IN A NEWSPAPER OF GENERAL CIRCULATION

1 PUBLISHED IN THE COUNTY, PROVIDED THAT THE NOTICE MAY BE WAIVED
2 WHERE THE AUTHORITY DETERMINES AN EMERGENCY EXISTS AND SUPPLIES
3 AND MATERIALS MUST BE IMMEDIATELY PURCHASED BY THE AUTHORITY.

4 SECTION 2399.16. INTERESTS OF PUBLIC OFFICERS, PUBLIC
5 EMPLOYES AND PARTY OFFICERS.--(A) (1) NO PARTY OFFICER, PUBLIC
6 OFFICER, PUBLIC OFFICIAL OR PUBLIC EMPLOYEE SHALL BE EMPLOYED AS
7 A MANAGEMENT-LEVEL AUTHORITY EMPLOYEE.

8 (2) NO PERSON CONVICTED OF AN INFAMOUS CRIME SHALL BE
9 EMPLOYED AS A MANAGEMENT-LEVEL EMPLOYEE BY THE AUTHORITY.

10 (B) THE PROVISIONS OF THE ACT OF JULY 19, 1957 (P.L.1017,
11 NO.451), KNOWN AS THE "STATE ADVERSE INTEREST ACT," AND 65
12 PA.C.S. CH. 11 (RELATING TO ETHICS STANDARDS AND FINANCIAL
13 DISCLOSURE) ARE HEREBY MADE SPECIFICALLY APPLICABLE TO BOARD
14 MEMBERS, OFFICERS AND EMPLOYES OF THE AUTHORITY. FOR THE
15 PURPOSES OF APPLICATION OF THESE ACTS, EMPLOYES OF THE AUTHORITY
16 SHALL BE REGARDED AS PUBLIC EMPLOYES OF THE COMMONWEALTH, AND
17 OFFICERS OR BOARD MEMBERS OF THE AUTHORITY SHALL BE REGARDED AS
18 PUBLIC OFFICIALS OF THE COMMONWEALTH, WHETHER OR NOT THEY
19 RECEIVE COMPENSATION. THE AUTHORITY SHALL ALSO BE SUBJECT TO THE
20 ACT OF JUNE 21, 1957 (P.L.390, NO.212), REFERRED TO AS THE
21 RIGHT-TO-KNOW LAW, AND 65 PA.C.S. CH. 7 (RELATING TO OPEN
22 MEETINGS).

23 (C) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B), THE
24 FOLLOWING PROHIBITIONS SHALL APPLY TO THE AUTHORITY CREATED BY
25 THIS SUBDIVISION:

26 (1) NO MANAGEMENT-LEVEL EMPLOYEE OR OTHER EMPLOYEE OF THE
27 AUTHORITY SHALL USE HIS POSITION WITH THE AUTHORITY OR
28 CONFIDENTIAL INFORMATION RECEIVED THROUGH HIS POSITION WITH THE
29 AUTHORITY TO OBTAIN FINANCIAL GAIN OTHER THAN COMPENSATION
30 PROVIDED BY LAW FOR HIMSELF, A MEMBER OF HIS IMMEDIATE FAMILY OR

1 A BUSINESS WITH WHICH HE IS ASSOCIATED.

2 (2) NO PERSON SHALL OFFER OR GIVE TO A MANAGEMENT-LEVEL
3 EMPLOYEE OR OTHER EMPLOYEE OF THE BOARD OR A MEMBER OF HIS
4 IMMEDIATE FAMILY OR A BUSINESS WITH WHICH HE IS ASSOCIATED, AND
5 NO MANAGEMENT-LEVEL EMPLOYEE OR OTHER EMPLOYEE OF THE BOARD SHALL
6 SOLICIT OR ACCEPT ANYTHING OF VALUE, INCLUDING A GIFT, LOAN,
7 POLITICAL CONTRIBUTION, REWARD OR PROMISE OF FUTURE EMPLOYMENT,
8 BASED ON AN UNDERSTANDING THAT THE VOTE, OFFICIAL ACTION OR
9 JUDGMENT OF THE MANAGEMENT-LEVEL EMPLOYEE OR OTHER EMPLOYEE OF THE
10 BOARD WOULD BE INFLUENCED THEREBY.

11 (3) NO MANAGEMENT-LEVEL EMPLOYEE OR OTHER EMPLOYEE OF THE
12 BOARD OR A MEMBER OF HIS IMMEDIATE FAMILY OR A BUSINESS IN WHICH
13 THE PERSON OR A MEMBER OF THE PERSON'S IMMEDIATE FAMILY IS A
14 DIRECTOR, OFFICER, OWNER OR HOLDER OF STOCK EXCEEDING FIVE PER
15 CENTUM OF THE EQUITY AT FAIR MARKET VALUE OF THE BUSINESS SHALL
16 ENTER INTO A CONTRACT VALUED AT FIVE HUNDRED DOLLARS (\$500) OR
17 MORE TO PROVIDE GOODS OR SERVICES TO THE AUTHORITY UNLESS THE
18 CONTRACT HAS BEEN AWARDED TO THE LOWEST RESPONSIBLE BIDDER
19 THROUGH AN OPEN AND PUBLIC PROCESS, INCLUDING PRIOR PUBLIC
20 NOTICE AND SUBSEQUENT PUBLIC DISCLOSURE OF ALL PROPOSALS
21 CONSIDERED AND CONTRACTS AWARDED.

22 (4) NO FORMER MANAGEMENT-LEVEL EMPLOYEE OR OTHER FORMER
23 EMPLOYEE OF THE BOARD SHALL REPRESENT A PERSON, WITH OR WITHOUT
24 COMPENSATION, ON ANY MATTER BEFORE THE AUTHORITY WITH WHICH HE
25 HAS BEEN ASSOCIATED FOR ONE YEAR AFTER HE LEAVES THE AUTHORITY.

26 (5) AN INDIVIDUAL WHO IS A STATE, COUNTY SEAT OR COUNTY
27 PUBLIC OFFICER OR PUBLIC OFFICIAL OR A PARTY OFFICER, A MEMBER
28 OF THE IMMEDIATE FAMILY OF SUCH AN INDIVIDUAL OR A BUSINESS WITH
29 WHICH SUCH AN INDIVIDUAL OR IMMEDIATE FAMILY MEMBER IS
30 ASSOCIATED SHALL NOT HAVE A FINANCIAL INTEREST IN A CONTRACT

1 VALUED AT FIVE HUNDRED DOLLARS (\$500) OR MORE TO PROVIDE GOODS
2 OR SERVICES TO THE AUTHORITY EITHER DURING THE TIME THE PERSON
3 HOLDS THE OFFICE OR FOR TWO YEARS AFTER THE PERSON TERMINATES
4 THE OFFICE UNLESS THE CONTRACT IS EXECUTED PURSUANT TO THE
5 PROVISIONS OF CLAUSE (3). FOR PURPOSES OF THIS CLAUSE, THE TERM
6 "FINANCIAL INTEREST" SHALL NOT INCLUDE EMPLOYMENT BY,
7 ASSOCIATION WITH OR OWNERSHIP OF A BUSINESS ASSOCIATION UNLESS
8 THE PUBLIC OFFICER, PUBLIC OFFICIAL, PARTY OFFICER OR IMMEDIATE
9 FAMILY MEMBER OWNS SHARES OF STOCK IN THE CORPORATION IN AN
10 AMOUNT IN EXCESS OF FIVE PER CENTUM OF THE TOTAL ISSUE OF THE
11 STOCK OF THE CORPORATION OR HAS AN OWNERSHIP INTEREST IN A
12 NONCORPORATE BUSINESS ASSOCIATION IN AN AMOUNT IN EXCESS OF FIVE
13 PER CENTUM OF THE TOTAL OWNERSHIP OF THE NONCORPORATE BUSINESS
14 ASSOCIATION.

15 (6) NO MANAGEMENT-LEVEL EMPLOYE OR OTHER EMPLOYE OF THE
16 BOARD NOR AN ADVISOR OR CONSULTANT TO THE COUNTY SEAT, THE
17 COUNTY OR THE STATE, HAVING RECOMMENDED TO THE AUTHORITY WHICH
18 HE SERVES EITHER THE MAKING OF A CONTRACT RELATING TO A
19 CONVENTION CENTER AUTHORITY OR A COURSE OF ACTION OF WHICH THE
20 MAKING OF SUCH A CONTRACT IS AN EXPRESS OR IMPLIED PART, SHALL,
21 AT ANY TIME THEREAFTER, HAVE AN ADVERSE INTEREST IN THE
22 CONTRACT.

23 (7) NO MANAGEMENT-LEVEL EMPLOYE OR OTHER EMPLOYE OF THE
24 AUTHORITY, THE COUNTY SEAT, THE COUNTY OR THE STATE SHALL
25 INFLUENCE OR ATTEMPT TO INFLUENCE THE MAKING OF OR SUPERVISE OR
26 IN ANY MANNER DEAL WITH A CONTRACT WITH THE AUTHORITY IN WHICH
27 HE HAS AN ADVERSE INTEREST.

28 (8) NO MANAGEMENT-LEVEL EMPLOYE OR OTHER EMPLOYE SHALL HAVE
29 AN ADVERSE INTEREST IN A CONTRACT WITH THE AUTHORITY.

30 (9) NO PERSON HAVING AN ADVERSE INTEREST IN A CONTRACT WITH

1 THE AUTHORITY SHALL BECOME A MANAGEMENT-LEVEL EMPLOYE OR OTHER
2 EMPLOYE OF THE AUTHORITY UNTIL THE ADVERSE INTEREST SHALL HAVE
3 BEEN WHOLLY DIVESTED.

4 (10) NO MANAGEMENT-LEVEL EMPLOYE OR OTHER EMPLOYE OF THE
5 AUTHORITY, THE COUNTY SEAT, THE COUNTY OR THE STATE, EXCEPT IN
6 THE PERFORMANCE OF HIS DUTIES AS AN EMPLOYE, SHALL FOR
7 REMUNERATION, DIRECTLY OR INDIRECTLY, REPRESENT A PERSON UPON A
8 MATTER PENDING BEFORE THE AUTHORITY.

9 (D) (1) A PERSON WHO VIOLATES THIS SECTION SHALL HAVE HIS
10 EMPLOYMENT BY THE AUTHORITY IMMEDIATELY TERMINATED BY THE
11 APPROPRIATE PERSON HAVING THE POWER TO TERMINATE AND SHALL BE
12 LIABLE TO THE AUTHORITY TO REIMBURSE THE AUTHORITY FOR ALL
13 COMPENSATION RECEIVED BY HIM FROM THE AUTHORITY WHILE EMPLOYED
14 IN VIOLATION OF SUBSECTION (A).

15 (2) A PERSON WHO VIOLATES SUBSECTION (C)(1) OR (2) COMMITS A
16 FELONY AND SHALL BE SENTENCED TO PAY A FINE OF NOT MORE THAN TEN
17 THOUSAND DOLLARS (\$10,000) OR TO IMPRISONMENT FOR NOT MORE THAN
18 FIVE YEARS, OR BOTH.

19 (3) A PERSON WHO VIOLATES SUBSECTION (C)(3) THROUGH (10)
20 COMMITS A MISDEMEANOR AND SHALL BE SENTENCED TO PAY A FINE OF
21 NOT MORE THAN ONE THOUSAND DOLLARS (\$1,000) OR TO IMPRISONMENT
22 FOR NOT MORE THAN ONE YEAR, OR BOTH.

23 (4) A PERSON WHO OBTAINS FINANCIAL GAIN FROM VIOLATING
24 SUBSECTION (C), IN ADDITION TO ANY OTHER PENALTY PROVIDED BY
25 LAW, SHALL PAY INTO THE ACCOUNTS OF THE AUTHORITY A SUM OF MONEY
26 EQUAL TO THREE TIMES THE FINANCIAL GAIN RESULTING FROM THE
27 VIOLATION.

28 (5) A PERSON WHO VIOLATES SUBSECTION (C) SHALL BE BARRED FOR
29 A PERIOD OF FIVE YEARS FROM ENGAGING IN ANY BUSINESS OR CONTRACT
30 WITH THE AUTHORITY, THE COUNTY SEAT, THE COUNTY, THE STATE AND

1 ALL POLITICAL SUBDIVISIONS.

2 (6) AN EMPLOYE OF THE COUNTY SEAT, COUNTY, STATE OR ANY
3 POLITICAL SUBDIVISION OR A PUBLIC OFFICER OR PUBLIC OFFICIAL WHO
4 VIOLATES SUBSECTION (C) SHALL AUTOMATICALLY FORFEIT THE OFFICE
5 OR EMPLOYMENT HE MAY THEN HOLD.

6 (7) THE PENALTIES AND SANCTIONS PROVIDED BY THIS SECTION
7 SHALL SUPERSEDE ANY SIMILAR PENALTIES AND SANCTIONS PROVIDED BY
8 THE PUBLIC OFFICIAL AND EMPLOYEE ETHICS LAW AND "STATE ADVERSE
9 INTEREST ACT."

10 (E) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES
11 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

12 "BUSINESS" SHALL MEAN A CORPORATION, PARTNERSHIP, SOLE
13 PROPRIETORSHIP, FIRM, ENTERPRISE, FRANCHISE, ASSOCIATION,
14 ORGANIZATION, SELF-EMPLOYED INDIVIDUAL, HOLDING COMPANY, JOINT-
15 STOCK COMPANY, RECEIVERSHIP, TRUST OR ANY LEGAL ENTITY ORGANIZED
16 FOR PROFIT OR AS A NOT-FOR-PROFIT CORPORATION OR ORGANIZATION.

17 "BUSINESS WITH WHICH HE IS ASSOCIATED" SHALL MEAN A BUSINESS
18 IN WHICH THE PERSON OR A MEMBER OF THE PERSON'S IMMEDIATE FAMILY
19 IS A DIRECTOR, OFFICER, OWNER, EMPLOYE OR HOLDER OF STOCK.

20 "IMMEDIATE FAMILY" SHALL MEAN A PARENT, SPOUSE, CHILD,
21 BROTHER, SISTER OR LIKE RELATIVE-IN-LAW.

22 "INFAMOUS CRIME" SHALL MEAN A VIOLATION AND CONVICTION FOR AN
23 OFFENSE WHICH WOULD DISQUALIFY AN INDIVIDUAL FROM HOLDING PUBLIC
24 OFFICE PURSUANT TO SECTION 6 OF ARTICLE II OF THE CONSTITUTION
25 OF PENNSYLVANIA OR A CONVICTION FOR A VIOLATION OF THIS SECTION,
26 18 PA.C.S. § 4113 (RELATING TO MISAPPLICATION OF ENTRUSTED
27 PROPERTY AND PROPERTY OF GOVERNMENT OR FINANCIAL INSTITUTIONS)
28 OR 18 PA.C.S. CH. 47 (RELATING TO BRIBERY AND CORRUPT
29 INFLUENCE), 49 (RELATING TO FALSIFICATION AND INTIMIDATION), 51
30 (RELATING TO OBSTRUCTING GOVERNMENTAL OPERATIONS) OR 53

1 (RELATING TO ABUSE OF OFFICE) OR ANY OTHER VIOLATION OF THE LAWS
2 OF THIS COMMONWEALTH FOR WHICH AN INDIVIDUAL HAS BEEN CONVICTED
3 WITHIN THE PRECEDING TEN YEARS AND WHICH IS CLASSIFIED AS A
4 FELONY, AND SIMILAR VIOLATIONS OF THE LAWS OF ANOTHER STATE OR
5 THE FEDERAL GOVERNMENT.

6 "MANAGEMENT-LEVEL AUTHORITY EMPLOYE" SHALL MEAN THE CHAIRMAN
7 AND MEMBERS OF THE BOARD OF THE AUTHORITY, COUNSEL EMPLOYED BY
8 THE AUTHORITY, THE EXECUTIVE DIRECTOR OF THE AUTHORITY AND ANY
9 AUTHORITY EMPLOYE WITH DISCRETIONARY POWERS WHICH MAY AFFECT THE
10 OUTCOME OF THE AUTHORITY'S DECISION IN RELATION TO A PRIVATE
11 CORPORATION OR BUSINESS OR ANY EMPLOYE WHO BY VIRTUE OF HIS JOB
12 FUNCTION COULD INFLUENCE THE OUTCOME OF THE DECISION.

13 "PARTY OFFICER" SHALL MEAN THE FOLLOWING MEMBERS OR OFFICERS
14 OF A POLITICAL PARTY:

15 (1) A MEMBER OF A NATIONAL COMMITTEE;

16 (2) A CHAIRMAN, VICE CHAIRMAN, SECRETARY, TREASURER OR
17 COUNSEL OF A STATE COMMITTEE OR MEMBER OF THE EXECUTIVE
18 COMMITTEE OF A STATE COMMITTEE;

19 (3) A CITY CHAIRMAN OR VICE CHAIRMAN OR COUNSEL, SECRETARY
20 OR TREASURER OF A CITY COMMITTEE; OR

21 (4) A COUNTY CHAIRMAN OR VICE CHAIRMAN OR COUNSEL, SECRETARY
22 OR TREASURER OF A COUNTY COMMITTEE.

23 "PERSON" SHALL MEAN A BUSINESS, INDIVIDUAL, CORPORATION,
24 UNION, ASSOCIATION, FIRM, PARTNERSHIP, COMMITTEE, CLUB OR OTHER
25 ORGANIZATION OR GROUP OF PERSONS.

26 "PUBLIC EMPLOYE" SHALL MEAN AN INDIVIDUAL EMPLOYED BY THE
27 COMMONWEALTH OR A POLITICAL SUBDIVISION WHO IS RESPONSIBLE FOR
28 TAKING OR RECOMMENDING OFFICIAL ACTION OF A NONMINISTERIAL
29 NATURE WITH REGARD TO:

30 (1) CONTRACTING OR PROCUREMENT;

1 (2) ADMINISTERING OR MONITORING GRANTS OR SUBSIDIES;
2 (3) PLANNING OR ZONING;
3 (4) INSPECTING, LICENSING, REGULATING OR AUDITING ANY
4 PERSON; OR
5 (5) ANY OTHER ACTIVITY WHERE THE OFFICIAL ACTION HAS AN
6 ECONOMIC IMPACT OF GREATER THAN A DE MINIMIS NATURE ON THE
7 INTEREST OF ANY PERSON. A PUBLIC EMPLOYE SHALL NOT INCLUDE
8 INDIVIDUALS WHO ARE EMPLOYED BY THE STATE OR A POLITICAL
9 SUBDIVISION IN TEACHING, AS DISTINGUISHED FROM ADMINISTRATIVE
10 DUTIES.

11 "PUBLIC OFFICER" SHALL MEAN A PERSON ELECTED TO ANY PUBLIC
12 OFFICE OF THE COMMONWEALTH OR A POLITICAL SUBDIVISION.

13 "PUBLIC OFFICIAL" SHALL MEAN AN ELECTED OR APPOINTED OFFICIAL
14 IN THE EXECUTIVE, LEGISLATIVE OR JUDICIAL BRANCH OF THE STATE OR
15 A POLITICAL SUBDIVISION, PROVIDED THAT IT SHALL NOT INCLUDE
16 MEMBERS OF ADVISORY BOARDS THAT HAVE NO AUTHORITY TO EXPEND
17 PUBLIC FUNDS OTHER THAN REIMBURSEMENT FOR PERSONAL EXPENSE, OR
18 TO OTHERWISE EXERCISE THE POWER OF THE STATE OR A POLITICAL
19 SUBDIVISION. THE TERM SHALL NOT INCLUDE AN APPOINTED OFFICIAL
20 WHO RECEIVES NO COMPENSATION OTHER THAN REIMBURSEMENT FOR ACTUAL
21 EXPENSES.

22 SECTION 2399.17. ACQUISITION OF LANDS.--THE AUTHORITY SHALL
23 HAVE THE POWER TO ACQUIRE BY PURCHASE EITHER THE FEE OR SUCH
24 RIGHT, TITLE, INTEREST OR EASEMENT OR ANY COMBINATION THEREOF IN
25 SUCH LANDS WITHIN THE COUNTY OR COUNTY SEAT AS THE AUTHORITY MAY
26 DEEM NECESSARY FOR THE PURPOSE MENTIONED IN THIS SUBDIVISION,
27 EXCEPT THAT A CONVENTION CENTER CONSTRUCTED PURSUANT TO THE
28 TERMS OF THIS SUBDIVISION MUST BE LOCATED IN A REDEVELOPMENT
29 ASSISTANCE ELIGIBLE AREA.

30 SECTION 2399.18. USE AND OPERATION OF CONVENTION CENTER.--

1 THE USE AND OPERATION OF THE CONVENTION CENTER, AND ALL PARTS
2 THEREOF, AND THE OPERATION OF THE BUSINESS OF THE AUTHORITY
3 SHALL BE SUBJECT TO THE RULES AND REGULATIONS FROM TIME TO TIME
4 ADOPTED BY THE AUTHORITY, PROVIDED, HOWEVER, THAT THE AUTHORITY
5 SHALL NOT BE AUTHORIZED TO DO ANYTHING WHICH WILL IMPAIR THE
6 SECURITY OF THE OBLIGES OF THE AUTHORITY OR VIOLATE ANY
7 AGREEMENTS WITH THEM OR FOR THEIR BENEFIT, OR VIOLATE ANY
8 CONTRACTS, LEASES OR OTHER AGREEMENTS AWARDED, MADE OR ENTERED
9 INTO BY THE AUTHORITY.

10 SECTION 2399.19. LIMITATION OF POWERS.--(A) THE
11 COMMONWEALTH DOES HEREBY PLEDGE TO AND AGREE WITH ANY PERSON,
12 THE COUNTY, COUNTY SEAT, POLITICAL SUBDIVISION OR FEDERAL
13 AGENCY, SUBSCRIBING TO OR ACQUIRING THE BONDS TO BE ISSUED BY
14 THE AUTHORITY FOR THE CONSTRUCTION OR IMPROVEMENT OF A
15 CONVENTION CENTER, OR PARTS THEREOF, THAT THE COMMONWEALTH WILL
16 NOT LIMIT OR ALTER THE RIGHTS HEREBY VESTED IN THE AUTHORITY IN
17 ANY MANNER INCONSISTENT WITH THE OBLIGATIONS TO THE BONDHOLDERS
18 UNTIL ALL BONDS AT ANY TIME ISSUED, TOGETHER WITH THE INTEREST,
19 ARE FULLY PAID AND DISCHARGED. THE COMMONWEALTH DOES FURTHER
20 PLEDGE TO AND AGREE WITH ANY FEDERAL AGENCY THAT IN THE EVENT
21 THAT THE FEDERAL AGENCY SHALL CONSTRUCT OR CONTRIBUTE FUNDS FOR
22 THE CONSTRUCTION OR IMPROVEMENT OF A CONVENTION CENTER, OR PARTS
23 THEREOF, THAT THE COMMONWEALTH WILL NOT ALTER OR LIMIT THE
24 RIGHTS AND POWERS OF THE AUTHORITY IN ANY MANNER WHICH WOULD BE
25 INCONSISTENT WITH THE DUE PERFORMANCE OF ANY AGREEMENTS BETWEEN
26 THE AUTHORITY AND THE FEDERAL AGENCY.

27 (B) THE COMMONWEALTH DOES HEREBY PLEDGE TO AND AGREE WITH
28 ANY PERSON WHO AS OWNER LEASES OR SUBLEASES A CONVENTION CENTER,
29 OR PARTS THEREOF, TO OR FROM AN AUTHORITY CREATED PURSUANT TO
30 THIS SUBDIVISION, THAT THE COMMONWEALTH WILL NOT LIMIT OR ALTER

1 THE RIGHTS AND POWERS HEREBY VESTED IN THE AUTHORITY OR
2 OTHERWISE CREATED BY THIS SUBDIVISION IN ANY MANNER WHICH
3 IMPAIRS THE OBLIGATIONS OF THE AUTHORITY UNTIL ALL OBLIGATIONS
4 OF THE AUTHORITY UNDER THE LEASE OR SUBLEASE ARE FULLY MET AND
5 DISCHARGED.

6 SECTION 2399.20. EXEMPTION FROM TAXATION.--THE EFFECTUATION
7 OF THE AUTHORIZED PURPOSES OF AUTHORITIES CREATED UNDER THIS
8 SUBDIVISION SHALL AND WILL BE IN ALL RESPECTS FOR THE BENEFIT OF
9 THE PEOPLE OF THIS COMMONWEALTH, FOR THE INCREASE OF THEIR
10 COMMERCE AND PROSPERITY AND FOR THE IMPROVEMENT OF THEIR HEALTH
11 AND LIVING CONDITIONS; AND, SINCE AUTHORITIES, AS PUBLIC
12 INSTRUMENTALITIES OF THE COMMONWEALTH, WILL BE PERFORMING
13 ESSENTIAL GOVERNMENTAL FUNCTIONS IN EFFECTUATING THESE PURPOSES,
14 THE AUTHORITIES SHALL NOT BE REQUIRED TO PAY ANY TAXES OR
15 ASSESSMENTS UPON A CONVENTION CENTER, OR PARTS THEREOF, OR
16 PROPERTY ACQUIRED OR USED OR PERMITTED TO BE USED BY THEM FOR
17 THESE PURPOSES; AND THE BONDS ISSUED BY ANY AUTHORITY, THEIR
18 TRANSFER AND THE INCOME FROM THE BONDS, INCLUDING ANY PROFITS
19 MADE ON THE SALE OF THE BONDS, SHALL AT ALL TIMES BE FREE FROM
20 STATE AND LOCAL TAXATION WITHIN THIS COMMONWEALTH. THIS
21 EXEMPTION SHALL NOT EXTEND TO GIFT, ESTATE, SUCCESSION OR
22 INHERITANCE TAXES OR ANY OTHER TAXES NOT LEVIED DIRECTLY ON THE
23 BONDS, THEIR TRANSFER OR THE INCOME FROM OR THE REALIZATION OF
24 PROFITS ON THE SALE OF THE BONDS.

25 SECTION 2399.21. LEASE BY AUTHORITIES.--A CONVENTION CENTER,
26 OR PART THEREOF, ESTABLISHED UNDER THIS SUBDIVISION MAY BE
27 LEASED OR SUBLEASED BY THE AUTHORITY TO AND FROM THE COUNTY OR
28 COUNTY SEAT, AND THE COUNTY OR COUNTY SEAT IS HEREBY EMPOWERED
29 TO ENTER INTO LEASES, SUBLEASES, OR BOTH, FOR THIS PURPOSE. A
30 LEASE OR SUBLEASE MAY BE MADE FOR A SPECIFIED OR UNLIMITED TIME

1 AND ON ANY TERMS AND CONDITIONS WHICH MAY BE APPROVED BY THE
2 COUNTY OR COUNTY SEAT AND WHICH MAY BE AGREED TO BY THE
3 AUTHORITY IN CONFORMITY WITH ITS CONTRACTS WITH THE HOLDERS OF
4 ANY BONDS.

5 SECTION 2399.22. COOPERATION.--(A) FOR THE PURPOSE OF
6 AIDING AND COOPERATING WITH THE AUTHORITY AND IN THE PLANNING,
7 ACQUISITION, CLEARANCE, RELOCATION, DEVELOPMENT, DESIGN,
8 CONSTRUCTION, REHABILITATION, LEASING, SUBLEASING, ALTERATION,
9 EXPANSION, FINANCING, IMPROVEMENT, MANAGEMENT OR OPERATION OF A
10 CONVENTION CENTER, OR PARTS THEREOF, ANY STATE PUBLIC BODY OR
11 POLITICAL SUBDIVISION OR THE COUNTY OR COUNTY SEAT MAY, UPON
12 SUCH TERMS, WITH OR WITHOUT CONSIDERATION, AS IT MAY DETERMINE:

13 (1) DEDICATE, SELL, CONVEY, LEASE OR OTHERWISE TRANSFER
14 PROPERTY OR ANY INTEREST THEREIN, REAL, PERSONAL OR MIXED,
15 TANGIBLE OR INTANGIBLE, TO THE AUTHORITY.

16 (2) CAUSE PARKING, RECREATIONAL OR COMMUNITY FACILITIES OR
17 ANY OTHER WORKS, WHICH IT IS OTHERWISE EMPOWERED TO UNDERTAKE,
18 TO BE FURNISHED IN OR ADJACENT TO ANY AREA SELECTED FOR A
19 CONVENTION CENTER, OR PARTS THEREOF.

20 (3) FURNISH, DEDICATE, CLOSE, PAVE, INSTALL, GRADE, REGRADE,
21 PLAN OR REPLAN STREETS, ROADS, ROADWAYS, ALLEYS, SIDEWALKS OR
22 OTHER PLACES WHICH IT IS OTHERWISE EMPOWERED SO TO DO.

23 (4) ENTER INTO AGREEMENTS, EXTENDING OVER ANY PERIOD, WITH
24 THE AUTHORITY OR WITH THE FEDERAL GOVERNMENT RESPECTING ACTION
25 TO BE TAKEN BY A STATE PUBLIC BODY PURSUANT TO THE POWERS
26 GRANTED BY THIS SECTION.

27 (5) DO ANY AND ALL THINGS NECESSARY OR CONVENIENT TO AID AND
28 COOPERATE IN THE DEVELOPMENT, ACQUISITION, DESIGN, CONSTRUCTION,
29 IMPROVEMENT, MAINTENANCE, MANAGEMENT, OPERATION, FURNISHING,
30 FIXTURING, EQUIPPING, REPAIRING, FINANCING, OWNING, LEASING AND

1 SUBLEASING OF A CONVENTION CENTER, OR PARTS THEREOF.

2 (6) IN CONNECTION WITH PUBLIC IMPROVEMENTS MADE BY A STATE
3 PUBLIC BODY, POLITICAL SUBDIVISION, COUNTY OR THE COUNTY SEAT,
4 IN EXERCISING THE POWERS HEREIN GRANTED, A STATE PUBLIC BODY OR
5 POLITICAL SUBDIVISION OR THE COUNTY OR COUNTY SEAT MAY INCUR THE
6 ENTIRE EXPENSE.

7 (7) THE SECRETARY OF GENERAL SERVICES IS AUTHORIZED, WITH
8 THE APPROVAL OF THE GOVERNOR AND ATTORNEY GENERAL, TO EXECUTE
9 AND DELIVER, ON BEHALF OF THE COMMONWEALTH, CONVEYANCES, DEEDS
10 AND LEASES AUTHORIZED UNDER THIS SUBDIVISION.

11 (B) IN CONNECTION WITH A CONVENTION CENTER, OR PARTS
12 THEREOF, THE COUNTY OR COUNTY SEAT MAY CONTRACT WITH THE
13 AUTHORITY OR THE FEDERAL GOVERNMENT WITH RESPECT TO SUMS WHICH
14 THE AUTHORITY OR THE FEDERAL GOVERNMENT MAY AGREE TO PAY DURING
15 ANY YEAR OR PERIOD OF YEARS TO THE COUNTY OR COUNTY SEAT FOR THE
16 IMPROVEMENTS, SERVICES AND FACILITIES TO BE PROVIDED BY IT FOR
17 THE BENEFIT OF THE AUTHORITY, CONVENTION CENTER, OR PARTS
18 THEREOF, OR THE PERSONS OCCUPYING THE AREA. HOWEVER, THE ABSENCE
19 OF A CONTRACT FOR THESE PAYMENTS SHALL, IN NO WAY, RELIEVE THE
20 COUNTY OR COUNTY SEAT FROM THE DUTY TO FURNISH FOR THE BENEFIT
21 OF THE AUTHORITY, CONVENTION CENTER, OR PARTS THEREOF, OR THE
22 PERSONS OCCUPYING THE AREA, CUSTOMARY IMPROVEMENTS AND SUCH
23 SERVICES AND FACILITIES AS THE COUNTY OR COUNTY SEAT USUALLY
24 FURNISHES WITHOUT A SERVICE FEE.

25 (C) THE COUNTY, COUNTY SEAT OR STATE MAY BY WRITTEN
26 AGREEMENT DESIGNATE THE AUTHORITY AS ITS AGENT WITHIN THE
27 AUTHORITY'S FIELD OF OPERATION TO PERFORM ANY SPECIFIED ACTIVITY
28 OR TO ADMINISTER ANY SPECIFIED PROGRAM WHICH THE STATE, COUNTY
29 OR COUNTY SEAT IS AUTHORIZED BY LAW TO DO. HOWEVER, ANY SUCH
30 ACTIVITIES OR PROGRAMS SHALL BE IN FURTHERANCE OF THE PUBLIC

PURPOSES SPECIFIED IN THIS SUBDIVISION. THESE ACTIVITIES MAY
INCLUDE, WITHOUT BEING LIMITED TO, DEVELOPMENT, ACQUISITION,
DESIGN, CONSTRUCTION, IMPROVEMENT, MAINTENANCE, LEASING,
MANAGEMENT OR OPERATION OF A CONVENTION CENTER, OR PARTS
THEREOF.

(D) THE POWERS CONFERRED BY THIS SECTION SHALL BE IN
ADDITION AND SUPPLEMENTAL TO THE POWERS CONFERRED BY ANY OTHER
LAW.

SECTION 2399.23. HOTEL ROOM RENTAL TAX.--(A) THE COUNTY IN
WHICH THE CONVENTION CENTER IS LOCATED IS HEREBY AUTHORIZED TO
IMPOSE AN EXCISE TAX ON THE CONSIDERATION RECEIVED BY EACH
OPERATOR OF A HOTEL WITHIN THE MARKET AREA FROM EACH TRANSACTION
OF RENTING A ROOM OR ROOMS TO ACCOMMODATE TRANSIENTS. THE TAX
SHALL BE COLLECTED BY THE OPERATOR FROM THE PATRON OF THE ROOM
AND PAID OVER TO THE COUNTY PURSUANT TO SUBSECTION (E) AND SHALL
BE KNOWN AS THE HOTEL ROOM RENTAL TAX.

(B) THE RATE OF TAX IMPOSED UNDER THIS SECTION BY THE COUNTY
IN WHICH THE CONVENTION CENTER IS LOCATED SHALL NOT EXCEED FIVE
PER CENTUM.

(C) EIGHTY PER CENTUM OF REVENUES TO BE RECEIVED FROM TAXES
IMPOSED PURSUANT TO THIS SECTION SHALL BE ANNUALLY DEPOSITED IN
THE SPECIAL FUND, REQUIRED UNDER SUBSECTION (D), FOR THE USE OF
THE AUTHORITY FOR CONVENTION CENTER PURPOSES. TWENTY PER CENTUM
OF THE REVENUES TO BE RECEIVED FROM TAXES IMPOSED PURSUANT TO
THIS SECTION SHALL BE DEPOSITED WITHIN THIRTY DAYS OF COLLECTION
IN THE TOURIST PROMOTION AGENCY FUND REQUIRED UNDER SUBSECTION
(D) UNTIL DISBURSED AS PROVIDED BELOW.

(D) THE TREASURER OF EACH COUNTY ELECTING TO IMPOSE THE TAX
AUTHORIZED UNDER THIS SECTION IS HEREBY DIRECTED TO COLLECT THE
TAX AND:

1 (1) TO DEPOSIT EIGHTY PER CENTUM OF THE REVENUES RECEIVED
2 FROM THE TAX IN SPECIAL FUNDS ESTABLISHED FOR PURPOSES SET FORTH
3 IN THIS SECTION; AND

4 (2) TO DEPOSIT TWENTY PER CENTUM OF THE REVENUES RECEIVED BY
5 THE TAX IN THE TOURIST PROMOTION AGENCY FUND UNTIL DISBURSED
6 PURSUANT TO SUBSECTION (G).

7 INTEREST ON MONEYS DEPOSITED IN THE FUNDS SHALL ACCRUE
8 PROPORTIONATELY TO THE RESPECTIVE FUNDS AS PROVIDED IN THIS
9 SECTION. THE TREASURER IS HEREBY AUTHORIZED TO ESTABLISH RULES
10 AND REGULATIONS CONCERNING THE COLLECTION OF THE TAX, WHICH
11 COLLECTION SHALL OCCUR NOT MORE OFTEN THAN MONTHLY NOR LESS
12 OFTEN THAN QUARTERLY.

13 (E) EXPENDITURES FROM THE FUND ESTABLISHED PURSUANT TO
14 SUBSECTION (D) FOR THE AUTHORITY SHALL BE USED BY THE AUTHORITY
15 FOR THE FOLLOWING PURPOSES:

16 (1) PROJECTED ANNUAL DEBT SERVICE OR LEASE PAYMENTS OF THE
17 CONVENTION CENTER AUTHORITY.

18 (2) COSTS ASSOCIATED WITH FINANCING, CONSTRUCTING,
19 IMPROVING, MAINTAINING, FURNISHING, FIXTURING AND EQUIPPING THE
20 CONVENTION CENTER.

21 (3) COSTS ASSOCIATED WITH THE DEVELOPMENT OF THE CONVENTION
22 CENTER, INCLUDING, BUT NOT LIMITED TO, DESIGN, ENGINEERING AND
23 FEASIBILITY COSTS.

24 (4) COSTS ASSOCIATED WITH THE OPERATION AND MANAGEMENT OF
25 THE CONVENTION CENTER.

26 (5) COSTS ASSOCIATED WITH PROMOTING, MARKETING AND OTHERWISE
27 ENCOURAGING USE OF THE CONVENTION CENTER.

28 (6) GENERAL PURPOSES OF THE CONVENTION CENTER.

29 (F) IF AND TO THE EXTENT THAT THE AUTHORITY PLEDGES ITS
30 SHARE OF THE PROCEEDS OF THE TAX AUTHORIZED BY THIS SECTION AS

SECURITY FOR THE PAYMENT OF BONDS ISSUED BY THE AUTHORITY FOR
CONVENTION CENTER PURPOSES, THE COMMONWEALTH DOES HEREBY PLEDGE
TO AND AGREE WITH ANY PERSON, FIRM OR CORPORATION SUBSCRIBING TO
OR ACQUIRING BONDS TO BE ISSUED BY THE AUTHORITY FOR CONVENTION
CENTER PURPOSES THAT THE COMMONWEALTH ITSELF WILL NOT, NOR WILL
IT AUTHORIZE A COUNTY TO, REDUCE THE RATE OF TAX IMPOSED FOR
CONVENTION CENTER PURPOSES UNTIL ALL BONDS SO SECURED BY THE
PLEDGE OF THE AUTHORITY, TOGETHER WITH INTEREST, ARE FULLY MET
AND DISCHARGED.

(G) PROVIDED THAT NO EVENT OF DEFAULT HAS OCCURRED AND IS
CONTINUING WITH RESPECT TO ANY BONDS, NOTES OR OTHER
INDEBTEDNESS OF AN AUTHORITY INCURRED TO FINANCE THE
CONSTRUCTION OF A CONVENTION CENTER, REVENUES RECEIVED FROM THE
TAX DEPOSITED TO THE TOURIST PROMOTION AGENCY FUND REQUIRED
UNDER SUBSECTION (D) SHALL BE DISBURSED BY EACH COUNTY TO THE
TOURIST PROMOTION AGENCY WITHIN TEN DAYS OF RECEIPT THEREOF;
PROVIDED THAT THE COUNTY SHALL HAVE NO OBLIGATION TO INVEST ANY
FUNDS DEPOSITED TO THE TOURIST PROMOTION AGENCY FUND.

(H) EACH TAX YEAR FOR ANY TAX IMPOSED HEREUNDER SHALL RUN
CONCURRENTLY WITH THE COUNTY'S FISCAL YEAR.

(I) THE TAX LEVIED UNDER THIS SECTION SHALL EXPIRE WHEN ALL
BONDS ISSUED BY A COUNTY UNDER THIS SUBDIVISION HAVE BEEN FULLY
MET AND DISCHARGED.

(J) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES
SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

"CONSIDERATION" SHALL MEAN 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 A TEMPORARY PERIOD.

1 "CONVENTION CENTER" SHALL MEAN ANY LAND, IMPROVEMENT,
2 STRUCTURE, BUILDING, OR PART THEREOF, OR PROPERTY INTEREST
3 THEREIN, WHETHER OWNED BY OR LEASED BY OR TO OR OTHERWISE
4 ACQUIRED BY AN EXISTING AUTHORITY, APPROPRIATE FOR ANY OF THE
5 FOLLOWING: LARGE PUBLIC ASSEMBLIES, THE HOLDING OF CONVENTIONS,
6 CONFERENCES, TRADE EXHIBITIONS AND OTHER BUSINESS, SOCIAL,
7 CULTURAL, SCIENTIFIC AND PUBLIC INTEREST EVENTS, AND ALL
8 FACILITIES, FURNITURE, FIXTURES AND EQUIPMENT NECESSARY OR
9 INCIDENT THERETO, INCLUDING MEETING ROOMS, DINING ROOMS,
10 KITCHENS, BALLROOMS, RECEPTION AREAS, REGISTRATION AND
11 PREFUNCTION AREAS, TRUCK LOADING AREAS, INCLUDING ACCESS
12 THERETO, ACCESS WAYS, COMMON AREAS, LOBBIES, OFFICES AND AREAS
13 APPURTENANT TO ANY OF THE PRECEDING, TOGETHER REFERRED TO AS THE
14 MAIN CONVENTION AREA, AND ALSO INCLUDING OTHER BUILDINGS,
15 STRUCTURES OR FACILITIES FOR USE IN CONJUNCTION WITH THE
16 FOREGOING, INCLUDING, BUT NOT LIMITED TO, PROVISION FOR OFF-
17 STREET PARKING, RETAIL AREAS AND OTHER IMPROVEMENTS RELATED TO
18 THE CENTER OWNED BY OR LEASED BY OR TO AN EXISTING AUTHORITY FOR
19 THE PURPOSE OF PRODUCING REVENUES TO ASSIST IN DEFRAYING THE
20 COSTS OR EXPENSES OF THE CONVENTION CENTER.

21 "HOTEL" SHALL MEAN A HOTEL, MOTEL, INN, GUESTHOUSE OR OTHER
22 BUILDING LOCATED WITHIN THE MARKET AREA WHICH HOLDS ITSELF OUT
23 BY ANY MEANS, INCLUDING ADVERTISING, LICENSE, REGISTRATION WITH
24 AN INNKEEPER'S GROUP, CONVENTION LISTING ASSOCIATION, TRAVEL
25 PUBLICATION OR SIMILAR ASSOCIATION OR WITH A GOVERNMENT AGENCY,
26 AS BEING AVAILABLE TO PROVIDE OVERNIGHT LODGING OR USE OF
27 FACILITY SPACE FOR CONSIDERATION TO PERSONS SEEKING TEMPORARY
28 ACCOMMODATION. THE TERM INCLUDES A PLACE WHICH ADVERTISES TO THE
29 PUBLIC AT LARGE OR A SEGMENT OF THE PUBLIC THAT IT WILL PROVIDE
30 BEDS, SANITARY FACILITIES OR OTHER SPACE FOR A TEMPORARY PERIOD

1 TO MEMBERS OF THE PUBLIC AT LARGE. THE TERM ALSO INCLUDES A
2 PLACE RECOGNIZED AS A HOSTELRY, PROVIDED THAT PORTIONS OF A
3 FACILITY WHICH ARE DEVOTED TO PERSONS WHO HAVE ESTABLISHED
4 PERMANENT RESIDENCE SHALL NOT BE INCLUDED IN THIS DEFINITION.
5 THE TERM DOES NOT INCLUDE A BED AND BREAKFAST HOMESTEAD OR INN
6 AS DEFINED IN THE ACT OF MAY 23, 1945 (P.L.926, NO.369),
7 REFERRED TO AS THE PUBLIC EATING AND DRINKING PLACE LAW.

8 "MARKET AREA" SHALL MEAN:

9 (1) WITH RESPECT TO A COUNTY IN WHICH THERE IS MORE THAN ONE
10 CITY OF THE THIRD CLASS, THE ENTIRE COUNTY.

11 (2) WITH RESPECT TO A COUNTY IN WHICH THERE IS ONLY ONE CITY
12 OF THE THIRD CLASS, ONE OF THE FOLLOWING:

13 (I) THAT CITY AND THE AREA WITHIN THE COUNTY WHICH IS NOT
14 MORE THAN FIFTEEN MILES FROM THE SITE OF THE CONVENTION CENTER.

15 (II) THAT CITY AND THE AREA WITHIN THE COUNTY WHICH, AS
16 DETERMINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY IMPOSING
17 THE TAX, DERIVES A MATERIAL BENEFIT FROM THE EXISTENCE OF THE
18 CONVENTION CENTER WITHIN THE COUNTY. THE OWNER OF A HOTEL
19 AFFECTED BY A DETERMINATION BY THE BOARD UNDER THIS SUBCLAUSE
20 MAY CHALLENGE THE DETERMINATION BY FILING A PETITION IN THE
21 COURT OF COMMON PLEAS IN THE JUDICIAL DISTRICT WHERE THE
22 DETERMINATION WAS MADE.

23 "OCCUPANCY" SHALL MEAN THE USE OR POSSESSION OR THE RIGHT TO
24 THE USE OR POSSESSION BY A PERSON OTHER THAN A PERMANENT
25 RESIDENT OF A ROOM IN A HOTEL FOR ANY PURPOSE OR THE RIGHT TO
26 THE USE OR POSSESSION OF THE FURNISHINGS OR TO THE SERVICES
27 ACCOMPANYING THE USE AND POSSESSION OF THE ROOM.

28 "OPERATOR" SHALL MEAN ANY INDIVIDUAL, PARTNERSHIP, NONPROFIT
29 OR PROFIT-MAKING ASSOCIATION OR CORPORATION OR OTHER PERSON OR
30 GROUP OF PERSONS WHO MAINTAIN, OPERATE, MANAGE, OWN, HAVE

1 CUSTODY OF OR OTHERWISE POSSESS THE RIGHT TO RENT OR LEASE
2 OVERNIGHT ACCOMMODATIONS IN A HOTEL TO THE PUBLIC FOR
3 CONSIDERATION.

4 "PATRON" SHALL MEAN ANY PERSON WHO PAYS THE CONSIDERATION FOR
5 THE OCCUPANCY OF A ROOM OR ROOMS IN A HOTEL.

6 "PERMANENT RESIDENT" SHALL MEAN ANY PERSON WHO HAS OCCUPIED
7 OR HAS THE RIGHT TO OCCUPY A ROOM OR ROOMS IN A HOTEL AS A
8 PATRON OR OTHERWISE FOR A PERIOD EXCEEDING THIRTY CONSECUTIVE
9 DAYS.

10 "ROOM" SHALL MEAN A SPACE IN A HOTEL SET ASIDE FOR USE AND
11 OCCUPANCY BY PATRONS, OR OTHERWISE, FOR CONSIDERATION, HAVING AT
12 LEAST ONE BED OR OTHER SLEEPING ACCOMMODATIONS PROVIDED THEREIN.

13 "TEMPORARY" SHALL MEAN A PERIOD OF TIME NOT EXCEEDING THIRTY
14 CONSECUTIVE DAYS.

15 "TOURIST PROMOTION AGENCY" SHALL MEAN THE AGENCY DESIGNATED
16 BY THE GOVERNING BODY OF A COUNTY OR COUNTY SEAT IN WHICH THE
17 CONVENTION CENTER IS LOCATED TO BE ELIGIBLE FOR GRANTS FROM THE
18 DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT PURSUANT TO THE
19 ACT OF APRIL 28, 1961 (P.L.111, NO.50), KNOWN AS THE "TOURIST
20 PROMOTION LAW."

21 "TRANSACTION" SHALL MEAN THE ACTIVITY INVOLVING THE OBTAINING
22 BY A TRANSIENT OR PATRON OF THE USE OR OCCUPANCY OF A HOTEL ROOM
23 FROM WHICH CONSIDERATION EMANATES TO THE OPERATOR UNDER AN
24 EXPRESS OR AN IMPLIED CONTRACT.

25 "TRANSIENT" SHALL MEAN AN INDIVIDUAL WHO OBTAINS AN
26 ACCOMMODATION IN ANY HOTEL FOR HIMSELF BY MEANS OF REGISTERING
27 AT THE FACILITY FOR THE TEMPORARY OCCUPANCY OF A ROOM FOR THE
28 PERSONAL USE OF THAT INDIVIDUAL BY PAYING TO THE OPERATOR OF THE
29 FACILITY A FEE IN CONSIDERATION THEREFOR.

30 SECTION 4. THE ACT OF DECEMBER 27, 1994 (P.L.1375, NO.162),

1 KNOWN AS THE THIRD CLASS COUNTY CONVENTION CENTER AUTHORITY ACT,
2 IS REPEALED.

3 SECTION 5. THE GENERAL ASSEMBLY DECLARES THAT THE INTENTION
4 OF THE ADDITION OF ARTICLE XXIII, SUBDIVISION (N) OF THE ACT IS
5 TO CONSOLIDATE AND CLARIFY EXISTING LAW. THE ADDITION OF THE
6 SUBDIVISION SHALL NOT BE CONSTRUED TO CHANGE EXISTING LAW.

7 SECTION 6. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.