

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1154 Session of
1999

INTRODUCED BY THOMPSON, LEMMOND, COSTA, GERLACH, PUNT, WOZNIAK,
STOUT, MADIGAN, WHITE, BRIGHTBILL, KUKOVICH, ROBBINS, CONTI,
HART, WAGNER AND WAUGH, OCTOBER 20, 1999

REFERRED TO LOCAL GOVERNMENT, OCTOBER 20, 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 first, third,
3 fourth, fifth, sixth, seventh and eighth classes; amending,
4 revising, consolidating and changing the laws relating
5 thereto; relating to imposition of excise taxes by counties,
6 including authorizing imposition of an excise tax on the
7 rental of motor vehicles by counties of the first class; and
8 providing for regional renaissance initiatives," further
9 regulating contractors, grounds and buildings and bridges,
10 viaducts and culverts.

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

13 Section 1. Section 1801 of the act of August 9, 1955
14 (P.L.323, No.130), known as The County Code, amended July 10,
15 1990 (P.L.379, No.89), is amended to read:

16 Section 1801. Commissioners Sole Contractors for County.--

17 (a) The county commissioners shall contract for and purchase
18 all services referred to in section five hundred eight and
19 personal property for county officers and agencies. All
20 contracts and purchases not in excess of ten thousand dollars
21 (\$10,000) shall be by note or memorandum, in writing, signed by

1 the county commissioners, or their [agent] designee. A copy of
2 all such notes and memorandums and all written contracts shall
3 be filed in the office of the controller, if any, and, if not,
4 then with the chief clerk of the commissioners.

5 (b) Written or telephonic price quotations from at least
6 three qualified and responsible contractors shall be requested
7 for all contracts that exceed four thousand dollars (\$4,000) but
8 are less than the amount requiring advertisement and competitive
9 bidding or, in lieu of price quotations, a memorandum shall be
10 kept on file showing that fewer than three qualified contractors
11 exist in the market area within which it is practicable to
12 obtain quotations. A written record of telephonic price
13 quotations shall be made and shall contain at least the date of
14 the quotation, the name of the contractor and the contractor's
15 representative, the construction, reconstruction, repair,
16 maintenance or work which was the subject of the quotation and
17 the price. Written price quotations, written records of
18 telephonic price quotations and memoranda shall be retained for
19 a period of three years.

20 (c) The commissioners shall, where possible, anticipate the
21 needs of the various officers, [and] agencies and operations of
22 the county and endeavor to purchase in wholesale quantities,
23 where practicable and where savings could be achieved thereby.
24 The commissioners may make contracts and purchases for all
25 purposes expressly or impliedly authorized by law.

26 Section 2. Section 1802 of the act, amended or added
27 September 21, 1959 (P.L.921, No.369), October 4, 1978 (P.L.1033,
28 No.232), July 10, 1990 (P.L.379, No.89), November 29, 1990
29 (P.L.571, No.144) and June 18, 1998 (P.L.515, No.72), is amended
30 to read:

1 Section 1802. Contract Procedures; Terms and Bonds;

2 Advertising for Bids.--(a) All contracts for services and
3 personal property where the amount thereof exceeds the sum of
4 ten thousand dollars (\$10,000), shall be written and shall,
5 except as otherwise hereinafter specified, be made by
6 advertising for bids.

7 (b) Contracts or purchases in excess of ten thousand dollars
8 (\$10,000), except those hereinafter mentioned, and except as
9 provided by the act of October 27, 1979 (P.L.241, No.78),
10 entitled "An act authorizing political subdivisions,
11 municipality authorities and transportation authorities to enter
12 into contracts for the purchase of goods and the sale of real
13 and personal property where no bids are received," shall not be
14 made except with and from the lowest responsible and responsive
15 bidder submitting a bid in conformity with the specifications
16 approved by the board of commissioners for the contract or
17 purchase, after due notice in one newspaper of general
18 circulation, published or circulating in the county, at least
19 three times at intervals of not less than three days where daily
20 newspapers of general circulation are employed for such
21 publication, or in case weekly newspapers are employed then the
22 notice shall be published once a week for two successive weeks.
23 The first advertisement shall be published not less than ten
24 days prior to the date fixed for the opening of bids. The
25 requirements of this subsection need not be followed in cases of
26 emergency, but in such cases the actual emergency shall be
27 declared and stated by resolution of the commissioners.

28 (c) All bids shall be received by the controller, or if
29 there be no controller, then by the chief clerk of the county
30 commissioners, in sealed envelopes[, and shall be opened in the

1 presence of the controller, or chief clerk as the case may be,
2 by the commissioners and the contract awarded thereon]. Bids
3 shall be opened publicly at a time and place specified in the
4 advertisement for bids, in the presence of the controller, or
5 chief clerk as the case may be, by the commissioners or their
6 designee. The controller, or the chief clerk as the case may be,
7 shall keep a record of all such bids and awards, and the
8 controller shall certify no [voucher] checks for contracts not
9 made agreeably thereto.

10 (d) The amount or price of the contract shall, in all cases
11 whether of straight sale price, conditional sale, [bailment]
12 lease, lease purchase or otherwise, be the entire amount which
13 the county pays to the successful bidder, or his assigns, less
14 the value of personal property transferred from the county to
15 the bidder, or his assigns, at any time during the duration of
16 the contract, in order to obtain the services or property, or
17 both, and shall not be construed to mean only the amount which
18 is paid to acquire title, or to receive any other particular
19 benefit or benefits of the whole bargain. The value of personal
20 property transferred to the bidder or his assigns upon execution
21 of the contract shall be specified in the bid. The method of
22 determining the value of personal property transferred to the
23 bidder or his assigns at a time during the duration of the
24 contract shall be specified in the bid, and shall be determined
25 using generally accepted valuation methods.

26 (e) The acceptance of bids by advertising required herein
27 shall be made by the commissioners and shall only be made by
28 public announcement at the meeting at which bids are opened, or
29 at a subsequent meeting, the time and place of which shall be
30 publicly announced when bids are so opened. If for any reason

1 the award is not made at either of the above meetings, the same
2 business may be transacted at any subsequent meeting, the time
3 and place of which shall have been announced at the previous
4 meeting held for such award. [At such third meeting, the
5 commissioners shall either award the contract or shall reject
6 all bids.] The contract shall be awarded, or all bids shall be
7 rejected, within thirty days of the opening of the bids, except
8 for bids subject to 62 Pa.C.S. (relating to procurement).
9 Thirty-day extensions of the date for the award may be made by
10 the mutual written consent of the commissioners and any bidder
11 who wishes to remain under consideration for award. The
12 commissioners shall excuse from consideration any bidder not
13 wishing to agree to a request for extension of the date for the
14 award and shall release such bidder from any bid bond or similar
15 bid security furnished under subsection (f). All contracts shall
16 be filed with the controller, or with the chief clerk as the
17 case may be, immediately after their execution.

18 (f) [All bids advertised for shall be accompanied by cash,
19 by a certified good faith check or by a cashier's check drawn
20 upon a bank authorized to do business in this Commonwealth, in
21 an amount required by the commissioners but not less than ten
22 per centum of the bid, or by a bond with corporate surety in
23 such amount as the commissioners shall determine, but not less
24 than ten per centum of the amount bid.] The commissioners may
25 require that any bids advertised be accompanied by cash, by a
26 certified check, cashier's check, bank good faith check or other
27 irrevocable letter of credit in a reasonable amount drawn upon a
28 bank authorized to do business in this Commonwealth, or by a
29 bond with corporate surety in a reasonable amount. Whenever it
30 is required that a bid be accompanied by cash, certified check,

1 cashier's check, bank good faith check or other irrevocable
2 letter of credit or bond, no bid shall be considered unless so
3 accompanied. In the event any bidder shall, upon award of the
4 contract to him, fail to comply with the requirements
5 hereinafter stated as to [a bond] security guaranteeing the
6 performance of the contract, the [good faith deposit by cash,
7 certified check, cashier's check or bond] security furnished
8 under this subsection shall be forfeited to the county as
9 liquidated damages.

10 (g) [The] For contracts which involve the furnishing of
11 labor and materials such as construction contracts, the
12 successful bidder, when [advertising] a formal bid is required
13 herein, [shall] may be required to furnish a bond or irrevocable
14 letter of credit or other security in an amount sufficient to
15 the commissioners guaranteeing performance of the contract[,
16 with sufficient surety in the amount of fifty per centum of the
17 amount of the contract] within thirty days after the contract
18 has been awarded, unless the commissioners shall prescribe a
19 shorter period. Performance security for services and contracts
20 for labor and materials delivered on a periodic basis,
21 including, but not limited to, food service contracts, home
22 health services and janitorial services and supplies, may be
23 computed on the expected average value for one or more months,
24 at the discretion of the commissioners. Upon failure to furnish
25 such [bond] security within the time fixed, the previous awards
26 shall be void. [The above mandatory provisions of this
27 subsection shall not apply to contracts for the purchase of
28 motor vehicles or other pieces of equipment but shall apply only
29 to contracts which involve the furnishing of labor and
30 materials.] Deliveries, performances and guarantees may be

1 required in all cases of expenditures, including the exceptions
2 herein.

3 (h) The contracts or purchases made by the commissioners
4 which shall not require advertising, bidding or price
5 quotations, as hereinbefore provided, are as follows:

6 (1) Those for maintenance, repairs or replacements for
7 water, electric light, or other public works of the county where
8 they do not constitute new additions, extensions or enlargements
9 of existing facilities and equipment. [A bond] Security may be
10 required by the commissioners as in other cases for work done.

11 (2) Those made for improvements, repairs and maintenance of
12 any kind, made or provided by the county through its own
13 employes. This shall not apply to construction materials used in
14 a street improvement.

15 (3) Those where particular types, models or pieces of new
16 equipment, articles, apparatus, appliances, vehicles or parts
17 thereof, are desired by the commissioners, which are patented
18 and manufactured or copyrighted products.

19 (4) Those involving any policies of insurance or surety
20 company bonds, those made for public utility service, whether or
21 not under tariffs on file with the Pennsylvania Public Utility
22 Commission, provided that, in the case of utilities not under
23 tariff with the Pennsylvania Public Utility Commission,
24 contracts made without advertising and bidding shall be made
25 only after receiving written or telephonic price quotations in
26 accordance with the procedures specified in section 1801(b) of
27 this article.

28 (5) Those involving services of members of the medical or
29 legal profession, registered architects, engineers, certified
30 public accountants or other personal services involving

1 professional [expert advice] expertise.

2 (6) Those involving contracts entered into by nonprofit
3 cooperative hospital service associations for hospitals and
4 nursing homes which are part of the institutional district or
5 which are owned by the county, operated by the county or
6 affiliated with the county by the purchasing of, or
7 participating in contracts for, materials, supplies and
8 equipment.

9 (7) Those made with any public body, including, but not
10 limited to, the sale, lease or loan of any supplies or materials
11 to the county by a public body, provided that the price thereof
12 shall not be in excess of that fixed by the public body. The
13 requirements of 53 Pa.C.S. Ch. 23 Subch. A (relating to
14 intergovernmental cooperation) shall not apply when a county
15 purchases cooperatively with another public body which has
16 entered into a contract for supplies or materials. As used in
17 this paragraph, "public body" shall mean any of the following:

18 (i) the Federal Government;

19 (ii) the Commonwealth of Pennsylvania;

20 (iii) any other state;

21 (iv) a political subdivision, local or municipal authority
22 or other similar local entity of the Commonwealth or any other
23 state; or

24 (v) an agency of the Federal Government, the Commonwealth or
25 any other state.

26 (8) Those exclusively involving construction management
27 services.

28 (9) Those involving computer software.

29 (i) [Every contract for the construction, reconstruction,
30 alteration repair, improvement or maintenance of public works

1 shall comply with the provisions of the act of March 3, 1978
2 (P.L.6, No.3), known as the "Steel Products Procurement Act."]
3 Notwithstanding the provisions of this article to the contrary,
4 the county commissioners shall have authority to enter into
5 contracts for equipment and services related to technology and
6 information systems on the basis of best value procurement.
7 Contracts under best value procurement shall be made only after
8 the county has solicited proposals based on performance and
9 outcome specifications developed by the county and describing,
10 at minimum, the objectives to be met by the system, the tasks to
11 be performed by the system, the users of the system, system
12 security issues, the time frame for system implementation,
13 potential operating technologies, compatibility with existing
14 systems, training and maintenance, and shall indicate the
15 process by which the contract shall be awarded. Best value
16 procurement shall not require a sealed bid process, and shall
17 permit the commissioners to negotiate the terms of the agreement
18 with any responsive and responsible vendor.

19 (j) Every contract subject to this article shall comply, as
20 applicable, with the provisions of the act of March 3, 1978
21 (P.L.6, No.3), known as the "Steel Products Procurement Act,"
22 the act of October 28, 1983 (P.L.176, No.45), known as the
23 "Antibid-Rigging Act," the act of December 20, 1967 (P.L.869,
24 No.385), known as the "Public Works Contractors' Bond Law," the
25 act of August 15, 1961 (P.L.987, No.442), known as the
26 "Pennsylvania Prevailing Wage Act," the act of November 26, 1978
27 (P.L.1309, No.317), known as the "Award and Execution of Public
28 Contract Law," the act of February 17, 1994 (P.L.73, No.7),
29 known as the "Contractor and Subcontractor Payment Act," the act
30 of January 23, 1974 (P.L.9, No.4), referred to as the Public

1 Contract Bid Withdrawal Act, and the act of April 4, 1984
2 (P.L.193, No.40), known as the "Motor Vehicle Procurement Act."

3 Section 3. Section 1805 of the act, amended July 31, 1963
4 (P.L.372, No.200), is amended to read:

5 Section 1805. Sales of Personal Property and Surplus Farm
6 Products.--(a) No personal property of the county and no
7 surplus farm products of counties of the fourth, fifth, sixth,
8 seventh or eighth classes shall be disposed of by sale or
9 otherwise, except upon resolution of the commissioners. When the
10 commissioners approve a sale of such property or in counties of
11 the fourth, fifth, sixth, seventh or eighth classes of farm
12 products, they shall estimate the sale value of the entire lot
13 to be disposed of, and, if the estimate be less than [two
14 hundred dollars (\$200)] one thousand dollars (\$1,000), they
15 shall require notice of the proposed sale to be posted, for at
16 least ten days, in a prominent place in the court house,
17 describing and itemizing the property to be sold, and directing
18 that bids may be made thereon at the office of the chief clerk
19 of the commissioners. Thereafter, the commissioners may sell
20 such property in whole or in part for the best price or prices
21 obtainable.

22 (b) If the commissioners estimate the sale value of the
23 personal property or of such surplus farm products to be sold at
24 [two hundred dollars (\$200)] one thousand dollars (\$1,000) or
25 more, the entire lot shall be advertised for sale, once, in at
26 least one newspaper of general circulation in the county, and
27 sale of the property so advertised shall be made to the highest
28 and best bidder. The bids shall not be opened until at least ten
29 days after the said advertisement. The commissioners may sell
30 any such property at auction, but the provisions as to notice

1 contained in this section shall be likewise observed as to the
2 holding of auction sales. The provisions of this section shall
3 not be mandatory where county property is to be traded-in or
4 exchanged for new personal property. The provisions of this
5 section shall not apply to sale of personal property with real
6 property as a single unit pursuant to section 2306.1.

7 Section 4. Section 1806 of the act is amended to read:

8 Section 1806. County Officers Not to Be Interested in
9 Contracts.--[No elected or appointed county officer shall be in
10 any wise, either directly or indirectly, personally interested
11 in any contract to which the county is a party, or in the
12 construction of any public work or improvement made or
13 undertaken under the authority of the county commissioners, or
14 receive any reward or gratuity from any person so interested. No
15 such officer shall purchase directly or indirectly any property
16 sold at a tax or municipal claim sale.

17 Any person violating the provisions of this section shall be
18 guilty of a misdemeanor, and, upon conviction, shall be
19 sentenced to pay a fine not exceeding five hundred dollars
20 (\$500) and may, by decree of the court, be removed from office.]
21 Restrictions on the involvement of elected and appointed county
22 officers in any county contract shall be as proscribed in the
23 act of October 4, 1978 (P.L.883, No.170), referred to as the
24 Public Official and Employee Ethics Law.

25 Section 5. Section 2303 of the act, amended September 19,
26 1961 (P.L.1495, No.638), is amended to read:

27 Section 2303. Insuring Buildings and Contents.--The county
28 commissioners may provide insurance against fire and extended
29 coverage, against public liability and such other forms of
30 insurance, including insurance against burglary, as shall seem

1 proper to them for county lands, buildings and farms and the
2 contents, real and personal, thereof. [The cost of such
3 insurance shall be paid from the general funds of the county.]

4 Section 6. Section 2304 of the act is amended to read:

5 Section 2304. Credit of County Available for Grounds and
6 Buildings.--In the acquisition, construction or alteration, as
7 the case may be, of land and buildings for county purposes, the
8 commissioners may issue bonds of the county[, in accordance with
9 the Municipal Borrowing Law,] to meet the costs thereof, except
10 as any other system of financing shall be expressly provided by
11 law for any particular county buildings.

12 Section 7. Section 2305 of the act, amended July 31, 1963
13 (P.L.372, No.200) and April 29, 1982 (P.L.359, No.100), is
14 amended to read:

15 Section 2305. Acquiring and Using Real Property;
16 Exceptions.--(a) The county commissioners may purchase for not
17 more than the fair market value, take by gift, devise or by the
18 power of eminent domain, in accordance with the provisions of
19 this act, such real property at the county seat or in such other
20 places[, as may be authorized by law,] as they deem necessary
21 for the purposes of a county courthouse, county jail, prison,
22 workhouse, detention house or other county building, [and in
23 counties of the fourth, fifth, sixth, seventh and eighth
24 classes, lands and buildings for the care of dependents and
25 farms, either in acquisition of a building suitable for such
26 purposes, or in the construction of a new building,] or in the
27 alteration, including enlargement, of an existing county
28 building. The fair market value of real property in the case of
29 a purchase valued in excess of ten thousand dollars (\$10,000)
30 shall be determined by the county commissioners in consultation

1 with [the county assessor and two licensed real estate brokers]
2 two of the following: the county assessor, licensed real estate
3 brokers, or licensed real estate appraisers doing business
4 within the county. [Any acquisition of lands and buildings for
5 the care of dependents and farms shall be subject to approval of
6 the Department of Public Welfare as to suitability.]

7 (b) The county commissioners may also use any real property
8 at the county seat or elsewhere, as authorized by law, owned by
9 the county, and deemed suitable by them for the purposes
10 aforesaid, except such property as is bound by contract to
11 another public use.

12 (c) The county commissioners may provide for the grading,
13 filling, draining, gardening and otherwise improving and
14 maintaining of all lands for county buildings, [and of lands and
15 buildings in counties of the fourth, fifth, sixth, seventh and
16 eighth classes for the care of dependents and farms,] either by
17 contract or by county employes, as they deem proper.

18 (d) To the extent that any of the matters provided for
19 herein are otherwise specifically provided for by law, with
20 regard to any particular acquisitions of real property by
21 counties, either by tax sales or by other purchases, this
22 section shall not apply to such matters.

23 Section 8. Section 2306 of the act, amended November 23,
24 1994 (P.L.640, No.98), is amended to read:

25 Section 2306. Authority to Sell or Lease Real Property.--(a)
26 The board of commissioners may sell for not less than the fair
27 market value or lease, either as lessor or lessee, any real
28 property belonging to the county or to others where the county
29 is lessee. If the commissioners know or have reason to believe
30 that the property to be sold contains oil, gas, coal, stone,

1 timber or other mineral or forest products of commercial value,
2 such knowledge or belief shall be advertised together with the
3 description of the land in at least two newspapers, in said
4 county, of general circulation, once a week for three
5 consecutive weeks. The fair market value of real property in the
6 case of a sale valued in excess of ten thousand dollars
7 (\$10,000) shall be determined by the county commissioners in
8 consultation with [the county assessor and two licensed real
9 estate brokers] two of the following: the county assessor,
10 licensed real estate brokers, or licensed real estate appraisers
11 doing business within the county. In the case of any lease of
12 county property hereunder, such property, with any and all
13 improvements or additions thereon or thereto, shall, in the
14 hands of the lessee, be subject to taxation by such county and
15 any other political subdivision therein, in the same manner as
16 other real estate located in the county. Such taxes shall be
17 levied and assessed against and paid by the lessee. This section
18 shall not apply to leases or sales of county property or other
19 property which are otherwise specifically provided for by law.

20 (b) The provisions of subsection (a) shall not be mandatory
21 where county real property is to be sold to any of the
22 following:

23 (1) A city, borough, town, township, institution district,
24 school district, volunteer fire company, volunteer ambulance
25 service or volunteer rescue squad located within the county.

26 (2) A municipal authority pursuant to the act of May 2, 1945
27 (P.L.382, No.164), known as the "Municipality Authorities Act of
28 1945."

29 (3) A nonprofit corporation engaged in community industrial
30 development for its exclusive use for industrial development.

(4) A person for his exclusive use in an industrial development program.

(5) A nonprofit corporation organized as a public library for its exclusive use as a library.

(6) A nonprofit medical service corporation for its exclusive use as a site for a medical service facility.

(7) A nonprofit housing corporation for its exclusive use for housing for the elderly or for low-income housing.

(8) The Federal Government.

(9) The Commonwealth.

When the real property is to be sold or leased to a qualified entity under this subsection, the board of commissioners may elect to accept such nominal consideration for such sale as it shall deem appropriate. Real property sold pursuant to this subsection to any entity under this subsection, other than a city, borough, town, township, institution district, school district, municipal authority pursuant to the "Municipality Authorities Act of 1945," located within the county, the Federal Government or the Commonwealth shall be subject to the condition that when the property is not used for the purposes of the entity the property shall revert to the county.

Section 9. Section 2311 of the act, amended April 29, 1982 (P.L.359, No.100), is amended to read:

Section 2311. Disposing of County Property for Other Uses; Demolition[; Court Approvals].--Whenever any new county building is constructed to replace a county building no longer suitable for the purposes of its use, or whenever the county has or acquires, incident to purchase at tax sale or to any other acquisition of land authorized by law, any building, title and interest to which is in the county, and any such replaced or

1 acquired building is deemed no longer suitable or not suitable
2 for use as a county building or for use as an auxiliary to any
3 county building, the county commissioners may devote said
4 replaced or acquired building to such other public use or
5 purpose as shall be found suitable and proper, including a war
6 memorial. They may convey all or a part of the title and
7 interest of the county in such building, with or without the
8 land or a part of the land upon which it is situate, either by
9 sale or by gift, to any public or charitable institutions or to
10 any political subdivisions singly, in common, or jointly, within
11 the county.

12 The county commissioners may remove any such building from
13 one location to another within the county, for the purpose of
14 enabling its use as a county building by virtue of its
15 relocation. The commissioners may cause any such building to be
16 demolished and removed from land of the county, if of no use to
17 the county.

18 Section 10. Section 2316 of the act is amended to read:

19 Section 2316. Right to Build on Public Squares.--Whenever
20 the court house, jail or other building of the county is located
21 upon a public square or common in the city, borough or town then
22 being the county seat, and a new building is authorized and
23 required to be erected, in place of such court house, jail or
24 other building, the board of county commissioners may erect such
25 new building upon any other of the public squares or commons of
26 said city, borough or town, or upon any part thereof[, if the
27 council of the city, borough or town shall have first consented
28 to such new location for said building].

29 Section 11. Section 2318 of the act, amended August 25, 1967
30 (P.L.279, No.114) is amended to read:

1 Section 2318. Additional [Bond] Security to Protect Labor
2 and Materialmen on Contracts.--(a) It shall be the duty of
3 every county to require any person, copartnership, association
4 or corporation entering into contract with such county for the
5 construction, erection, installation, completion, alteration,
6 repair of or addition to any public work or improvement of any
7 kind, whatsoever, where the amount of such contract is in excess
8 of [one thousand five hundred dollars (\$1500)] ten thousand
9 dollars (\$10,000), before commencing work under such contract,
10 to execute and deliver to such county, in addition to any other
11 [bond] security which may, now or hereafter, be required by law
12 to be given in connection with such contract, an additional
13 [bond] security for the use of any and every person,
14 copartnership, association or corporation interested, in a sum
15 not less than fifty per centum and not more than one hundred per
16 centum of the contract price, as such county may prescribe.
17 [Such bond shall have as surety thereon one or more surety
18 companies legally authorized to do business in this
19 Commonwealth, and shall be conditioned for the prompt payment
20 for all material furnished and labor supplied or performed in
21 the prosecution of the work, whether or not the said material or
22 labor enter into and become component parts of the work or
23 improvement contemplated.]

24 (b) Such additional [bond] security shall be deposited with
25 and held by the county for the use of any party interested
26 therein.

27 (c) Every such additional [bond] security shall provide that
28 every person, copartnership, association or corporation who,
29 whether as subcontractor or otherwise, has furnished material or
30 supplied or performed labor in the prosecution of the work, as

1 above provided, and who had not been paid therefor, may sue in
2 assumpsit on said additional [bond] security, in the name of the
3 county, for his, their or its use, and prosecute the same to
4 final judgment for such sum or sums as may be justly due him,
5 them or it, and have execution thereon, but the county shall not
6 be liable for the payment of any costs or expense of any suit.

7 (d) Any contract executed in violation of the provisions of
8 this section shall be null and void.

9 Section 12. Sections 2319 and 2320 of the act are amended to
10 read:

11 Section 2319. Compliance with [Workmen's] Workers'
12 Compensation Law.--(a) All contracts executed by the board of
13 commissioners, which shall involve the construction or doing of
14 any work involving the employment of labor, shall contain a
15 provision that the contractor shall accept, in so far as the
16 work covered by any such contract is concerned, the provisions
17 of the [Workmen's] Workers' Compensation Act and any
18 reenactments, supplements or amendments thereto, and that the
19 said contract will insure his liability thereunder or file with
20 the board of commissioners a certificate of exemption from
21 insurance from the Department of Labor and Industry of the
22 Commonwealth.

23 (b) The board of commissioners, before signing on behalf of
24 the county any contract requiring in its performance the
25 employment of labor, shall require proof that the said
26 contractor with whom the contract is made shall have accepted
27 the [Workmen's] Workers' Compensation Act and any reenactments,
28 supplements or amendments thereto, and proof that the said
29 contractor has insured his liability thereunder in accordance
30 with the terms of said act or that the contractor has had issued

1 to him a certificate of exemption from insurance from the
2 Department of Labor and Industry.

3 (c) Any contract executed in violation of the provisions of
4 this section shall be null and void.

5 [Section 2320. Restrictions on Letting Contracts to
6 Architects and Engineers.--It shall be unlawful for any
7 architect or engineer in the employ of any county to bid on any
8 public work of such county.

9 It shall also be unlawful for the officers of any county
10 charged with the duty of letting any public work to award a
11 contract to any such architect or engineer in the employ of the
12 county.

13 Any person or persons violating these provisions, or any of
14 them, shall be guilty of a misdemeanor, and, on conviction
15 thereof, shall forfeit his office, and be sentenced to pay a
16 fine not exceeding five hundred dollars (\$500) or to undergo
17 imprisonment of not less than six months, or both. Any contract
18 made in violation of this section shall be null and void.]

19 Section 13. Section 2328 of the act, amended September 19,
20 1961 (P.L.1476, No.625) is amended to read:

21 [Section 2328. Special Provisions Relating to County Jails,
22 Prisons, Workhouses and Detention Houses.--Except as may be
23 otherwise provided by law for each county jail, prison,
24 workhouse or detention house, the county commissioners shall
25 appoint a superintendent and a matron and such other officers,
26 as they may deem necessary, whose duties shall be prescribed by
27 the regulations for such institutions and whose salaries shall
28 be fixed by the salary board.

29 Every such institution which shall be hereafter erected or
30 remodeled shall be so constructed as to reflect the declared

1 objectives and policies of the county with respect to the
2 number, type, length of stay, and program requirements of
3 prisoners to be housed therein. Plans for the construction or
4 remodeling of any county penal facility shall be submitted by
5 the County Commissioners to the Department of Justice for its
6 review and approval.

7 Commitments to every such institution shall be made as
8 provided by law].

9 Section 14. Section 2329 of the act is amended to read:

10 Section 2329. Disorderly Conduct in and About Court Houses
11 and Jails Prohibited.--It is unlawful for any person to cause
12 any outcry or disorder, or be guilty of any indecent or
13 unbecoming conduct tending to disturb the peace and good order
14 in the county court house, jail, or other county buildings, or
15 to willfully or carelessly defile, deface or injure the floors,
16 walls or any other portion of said buildings, or fences, or
17 railings surrounding the same, or the carpets, furniture, or
18 other articles or things used in or about said buildings,
19 belonging to the county. Any person violating any of the
20 provisions of this section commits a summary offense and shall
21 make restitution for damages arising therefrom[, and shall, upon
22 summary conviction thereof, be sentenced to pay a fine not
23 exceeding fifty dollars (\$50). In case such person shall neglect
24 or refuse to pay the same, he or she shall suffer an
25 imprisonment not exceeding thirty days].

26 Section 15. Section 2339 of the act, amended January 24,
27 1956 (P.L.929, No.286), is amended to read:

28 Section 2339. Furnishing Rooms for Meetings of Veterans of
29 Certain Wars and Other Organizations.--The Board of
30 Commissioners may, in their discretion, upon application

1 therefor, furnish to each organization composed of [veterans of
2 the Civil War, Veterans of the Spanish-American War, veterans of
3 the War with Germany and Austria,] veterans of any foreign war,
4 sons of veterans and to ladies' auxiliaries of each such
5 organization and to the American Gold Star Mothers, Inc., a
6 room or rooms in any public building of such county, sufficient
7 for the meeting of each of such organizations at least once each
8 month.

9 Section 16. Sections 2345 and 2350 of the act are amended to
10 read:

11 Section 2345. Joining with [City] Municipalities in
12 Improving Certain Streets and Highways.--(a) The board of
13 commissioners of counties now erecting or which may hereafter
14 erect public buildings in any [city] municipality may[, with
15 the approval of the court or courts of common pleas if there is
16 more than one,] join with the proper authorities of such [city]
17 municipality in the grading, regrading, paving, repaving and
18 improvement of so much of the streets and highways as are in,
19 upon or alongside of the grounds upon which said public
20 buildings stand.

21 (b) The commissioners may enter into contract with any such
22 [city authorities] municipalities for the payment of a just
23 proportion of the expense of said grading, regrading, paving,
24 repaving and improvement of said streets and highways, and may
25 appropriate from the county treasury sufficient funds for this
26 purpose. They may act with any committee or committees which may
27 be appointed by such [city authorities] municipalities to
28 establish grades, determine the kind and quality of paving
29 materials to be used, and ratify the contracts entered into by
30 said [city authorities] municipalities in the course of said

1 improvements.

2 (c) No obligation shall rest upon the county for any
3 proportion of the expenses of such improvements until the
4 selection of grades and paving materials and the acceptance of
5 bids by said [city authorities] municipalities shall have been
6 ratified by the board of commissioners [and approved by the
7 court or courts of common pleas].

8 Section 2350. Appropriations for Comfort Stations.--(a) The
9 board of county commissioners may appropriate moneys to assist
10 any [city or borough, being the county seat, or borough therein
11 having a population of ten thousand or more inhabitants,]
12 municipality to construct and maintain comfort stations within
13 the boundaries of the county.

14 (b) The county commissioners, in cooperation with the
15 municipal authorities of the municipality wherein the court
16 house lies, may provide, and equip and maintain in the court
17 house rest or waiting rooms for the public, and provide
18 attendants therefor. The cost of providing such rooms and of
19 maintaining the same, including salaries, and all incidental
20 expenses, shall be paid by the county and by the municipality,
21 as they shall agree, for all which purposes the county
22 commissioners and said authorities may, respectively,
23 appropriate moneys.

24 (c) Any part of any ground acquired by any county for the
25 purposes of a court house, jail or workhouse may be leased by
26 such county to any municipality being the county seat of such
27 county, for the purpose of the construction thereon of a public
28 comfort station by such municipality.

29 Section 17. Section 2355 of the act, amended January 31,
30 1956 (P.L.975, No.302), is amended to read:

1 Section 2355. Monuments and Memorials to War Veterans.--The
2 board of commissioners may appropriate money for, and provide
3 for, the erection of monuments or memorials, commemorating the
4 services of any person who has served in the armed forces of the
5 United States or in any women's organization officially
6 connected therewith during any part of any war in which the
7 United States has been or may hereafter be engaged. [The style
8 and character of such monuments or memorials shall be approved
9 by the State Art Commission.]

10 Section 18. Section 2356 of the act is amended to read:

11 Section 2356. Assistance to Private or Municipal Agencies.--
12 The board of commissioners may, in order to prevent duplication,
13 appropriate money to assist any individual, private corporation,
14 city, borough, town or township, in the erection of any monument
15 or memorial for said soldiers, sailors and marines. [Before any
16 such appropriation is made, the style and character of such
17 monument or memorial shall be approved by the State Art
18 Commission.]

19 Section 19. Section 2362 of the act, amended June 19, 1961
20 (P.L.465, No.233) and June 6, 1963 (P.L.90, No.63), is amended
21 to read:

22 Section 2362. Plan of Hall; Special Rooms to be Provided.--

23 (a) Such memorial hall shall be in honor of the soldiers,
24 sailors and marines from said county, who served in the Army and
25 Navy of the United States in any war in which the United States
26 has been or may hereafter be engaged. Such memorial halls shall
27 each contain one large assembly room, or auditorium for public
28 meetings of the soldiers, sailors and marines of such county,
29 which may be used also for other public meetings and patriotic
30 gatherings by the consent of the board of control herein

1 provided for.

2 (b) Such memorial hall shall also contain rooms for meetings
3 of [Posts of the Grand Army of the Republic, encampments of the
4 Union Veterans Legion, commanders of the Loyal Legion, camps of
5 the Sons of Veterans, Women's Relief Corps, Ladies of the Grand
6 Army of the Republic, chapters of the Daughters of the
7 Revolution, the American Gold Star Mothers, Inc., Organizations
8 of the Spanish-American War and Philippine Insurrection, the
9 American Legion, Veterans of World War I of the U.S.A., Inc.,
10 Veterans of Foreign Wars, Italian American War Veterans of the
11 United States, Incorporated, Disabled American Veterans,
12 Military Order of the Purple Heart and] organizations of
13 veterans of all [other] wars in which the United States has or
14 may be engaged, and also rooms for meetings of ladies'
15 auxiliaries of posts, encampments, camps and organizations for
16 which rooms for meetings may be contained in the memorial hall,
17 and also rooms for such committees of public defense and welfare
18 as may be created by the Commonwealth, or as may be approved by
19 the board of control hereinafter provided for.

20 (c) Such memorial halls shall also provide room for the
21 display and preservation of relics and trophies of all wars in
22 which the United States has been or may be engaged, photographs,
23 paintings and portraits, busts and statues of the soldiers,
24 sailors and marines of the said counties, and mural tablets upon
25 which shall be inscribed the names of such soldiers, sailors and
26 marines. Such memorial halls shall also contain waiting and rest
27 rooms with lavatories attached.

28 Section 20. Section 2363 of the act, amended August 12, 1959
29 (P.L.701, No.240), is amended to read:

30 Section 2363. Board of Control.--(a) A board of control is

1 hereby created, which shall have charge of all matters relating
2 to such memorial hall and shall have the care thereof. The board
3 shall be composed of [one member chosen by members of camps of
4 Spanish-American War Veterans,] one member chosen by members of
5 the Veterans of Foreign Wars, one member chosen by members of
6 the American Legion, one member chosen by the American War
7 Veterans of World War II (AMVETS), one member chosen by the
8 Italian American War Veterans of the United States,
9 Incorporated, one member chosen by the Disabled American
10 Veterans, and one member chosen by the Military Order of the
11 Purple Heart. The judges of the court of common pleas and the
12 board of commissioners shall be ex-officio members of the board
13 of control. The selected members of the board shall serve one
14 year, when their successors shall be selected. Vacancies
15 occurring shall be filled by the board for the unexpired term of
16 the member whose death, resignation or removal caused the
17 vacancy.

18 (b) This section shall not apply to any county in which
19 there has been created by existing law a similar board of
20 control, and any references to the board of control in this
21 subdivision shall be inapplicable in so far as they are
22 inconsistent with the provisions of such law.

23 Section 21. Sections 2366, 2368, 2370, 2390, 2601, 2608,
24 2611, 2631, 2637, 2638 and 2639 of the act are amended to read:

25 Section 2366. Tax Levy; Increase or Indebtedness.--The board
26 of commissioners may provide the funds with which to pay for the
27 ground purchased or condemned, and the erection thereon of a
28 memorial hall, or the acquiring of additional land, or for the
29 enlarging, equipping, furnishing and decorating of said memorial
30 hall, by the levying and collecting of a tax upon the taxable

1 persons and property within said county, and by increasing the
2 indebtedness of said county according to law and by issuing and
3 selling bonds. [Such bonds shall be issued in accordance with
4 the provisions of the Municipal Borrowing Law.]

5 Section 2368. Acquiring of Property.--(a) Counties shall
6 have power to take, by gift, purchase, by the issuance of bonds
7 or otherwise, or acquire through condemnation proceedings,
8 property for the purpose of erecting thereon public auditoriums,
9 public libraries, public memorial buildings and monuments.

10 All proceedings for the condemnation of any property, under
11 the provisions of this section, shall be in the manner and
12 subject to the restrictions and procedure provided by law.

13 (b) Counties may appropriate money from the public funds or
14 by issuance of bonds[, in accordance with the Municipal
15 Borrowing Law,] for the erection on said property taken,
16 purchased or acquired through condemnation proceedings, public
17 auditoriums, public libraries, public memorial buildings and
18 monuments. They may appropriate moneys for the operation and
19 maintenance of such public auditoriums, public libraries,
20 memorial buildings and monuments.

21 [Section 2370. Consent of City or Borough.--No county shall
22 acquire any property for, or erect any such public auditorium,
23 library, memorial building or monument within the limits of any
24 city or borough, except the county seat, without the consent of
25 the corporate authorities of such city or borough.]

26 Section 2390. Authority to Provide; Approval.--The county
27 commissioners of each county may[, upon presentment of two
28 successive grand juries of the county,] buy or lease land and
29 construct and maintain thereon, at the expense of the county, a
30 morgue for the reception and care of the bodies of all unclaimed

1 deceased persons upon whom it may be necessary to hold a
2 coroner's inquest and such other bodies as the coroner of the
3 county may, by written order, direct to be received therein. The
4 location of such morgue shall be determined by the county
5 commissioners, subject to the approval of [a judge of the court
6 of common pleas and] the coroner of the county.

7 Section 2601. Authority to Provide Bridges, Viaducts and
8 Culverts; Definitions; Application of Article.--(a) The county
9 commissioners of any county may locate, lay out, open,
10 construct, reconstruct, widen, straighten, extend, otherwise
11 alter, replace, remove and in all other respects provide for
12 bridges and viaducts over streams and other topographical
13 impediments to public traffic, as parts or adjuncts of the roads
14 within the county for vehicles and pedestrians or for
15 pedestrians only, and culverts within the county or partly
16 within and partly without the county, in accordance with the
17 procedures and requirements established by the provisions of
18 this article. The provisions of this section and of this article
19 shall apply equally to all necessary approaches, abutments,
20 slopes, walls, embankments, fills, piers and other things
21 pertaining to bridges, viaducts and culverts as to the bridges,
22 viaducts and culverts themselves.

23 (b) As used in this article "streams" include streams,
24 rivers, creeks, ponds, lakes and all other such natural waters;
25 "road" includes roads, streets, highways, lanes, alleys and all
26 other such public thoroughfares; and "bridge" shall for the
27 purpose of convenience include the bridges, provided for in this
28 article, and also the viaducts and culverts and all things
29 pertaining to such bridges, viaducts and culverts wherever such
30 meanings may reasonably be intended.

1 (c) The provisions of this article shall not apply to any
2 matters relating to such county bridges, viaducts or culverts as
3 are covered and to the extent they are covered by the provisions
4 of the State Highway Law, or of any other law vesting in the
5 Secretary or Department of [Highways] Transportation and the
6 various counties of the Commonwealth, rights, powers and duties.
7 The terms of the foregoing limitation shall apply as well in the
8 case of the Public Utility Law and the Public Utility
9 Commission.

10 (d) No county shall, in the exercise of any authority or
11 duty conferred in this article, enter upon any road or property
12 of any city or borough of, or adjacent to the county, or act in
13 derogation of the lawful authority of any such political
14 subdivision, except with the proper consent of such political
15 subdivision.

16 (e) No bridge provided for by this article shall obstruct
17 any canal or railroad, and nothing in this article shall be
18 deemed to release any railroad or other public utility from the
19 requirements of existing law.

20 [Section 2608. Materials Taken From Adjoining Lands.--The
21 contractor or the county commissioners in building any bridge
22 may enter upon lands and enclosures near the place where such
23 bridge is to be built for the purpose of searching for and
24 procuring the materials necessary for the construction of the
25 bridge, when the materials cannot conveniently be obtained by
26 contract at reasonable prices. In exercising such right, the
27 contractor or county shall do no unnecessary damage to the land,
28 and shall repair any breaches of fences which it shall make. If
29 the contractors or the county commissioners and the owner of
30 such materials cannot agree upon the sum to be paid for the

1 damages which may be done by the taking of such materials, such
2 damages shall be ascertained and awarded as in the case of
3 eminent domain proceedings.]

4 Section 2611. Authorization to Contract with [City or
5 Borough] Municipality for Sharing of Certain Costs.--When any
6 bridge is proposed to be located in any [city or borough]
7 municipality, the county may enter into an agreement with such
8 [city or borough] municipality providing that the [city or
9 borough] municipality shall bear a portion of the cost of the
10 location, laying out, opening, construction and maintenance of
11 such bridge or that the [city or borough] municipality shall
12 provide or maintain the approach thereto within the [city or
13 borough] municipality or bear the costs of property damages of
14 said approach. Every such agreement shall be entered into in
15 writing and at least one executed copy thereof shall be
16 furnished to each party thereto. Every such bridge shall be a
17 county bridge and the duty of maintaining the same, except as
18 otherwise herein provided, shall devolve upon the county. The
19 expense thereof shall be provided out of any county funds
20 authorized for use in the maintenance of county bridges.

21 Section 2631. Providing and Maintaining Dykes, Banks,
22 Causeways and Sluiceways for Protection of Bridges and
23 Highways.--Any county, for the purpose of protecting any county
24 bridge, the abutments thereof and approaches thereto, and any
25 public highway adjacent to the same from the incursions of the
26 tide floods or waters of any stream, and to prolong the life of
27 any structure, may provide and maintain dykes, banks, causeways
28 and sluiceways over or across any unnavigable stream, and may
29 secure a right of way for the proper ingress thereto and egress
30 therefrom. In connection with the exercise of such authority,

1 the county may take, injure and destroy any necessary land or
2 property in the manner and subject to the restrictions and
3 procedure provided by law. No change in an existing stream
4 channel under the provisions of this subdivision shall be
5 undertaken until it has been approved by the Department of
6 [Forests and Waters] Environmental Protection.

7 [Section 2637. Repair of Bridges, Viaducts and Subways When
8 Liability for Such Repairs is in Doubt.--Whenever any bridge,
9 viaduct or subway carrying a public highway over or under a
10 railroad, street railway or other highway in any county is out
11 of repair, and an application has been made to the Public
12 Utility Commission to compel the repair thereof from which
13 proceedings it appears that there is a contest between or among
14 political subdivisions or between or among political
15 subdivisions and public utilities as to the liability for such
16 repair, and that the cost thereof is not in dispute, the
17 petitioner or petitioners or any other person or corporation
18 interested may forthwith apply to the commissioners of the
19 county for the prompt repair thereof.

20 Such application shall be made by serving, upon the county
21 commissioners, a certified copy of the petition and each of the
22 answers on file before the Public Utility Commission. After such
23 service, the county commissioners may take such steps as may be
24 necessary to repair the bridge, viaduct or subway and make it
25 safe for public travel.

26 Section 2638. Contributions Towards Work.--Should the county
27 commissioners find it impracticable to make any or all such
28 repairs with county funds, they shall so notify the complainant
29 in the proceedings instituted before the Public Utility
30 Commission. Thereupon, any persons, including the county

1 interested in having such repairs made, may contribute to a fund
2 to be deposited with the county treasurer for the purpose of
3 making said repairs. When the fund becomes sufficient for said
4 purpose, the commissioners shall take the necessary steps to
5 place said bridge, viaduct or subway in repair and safe for
6 public travel. The repairs may be made partly from such
7 contributions and partly from public funds, if the commissioners
8 find it expedient so to do.

9 Section 2639. Collection of Costs of Repairs; Return of
10 Contributions.--The cost of such repairs shall be kept by the
11 commissioners in an open account until there has been a final
12 adjudication of the proceedings before the Public Utility
13 Commission, whereupon the amount so expended, together with ten
14 per centum of said amount to cover the cost of supervision of
15 the work, shall be collected as awards of the Public Utility
16 Commission are collected, and shall be paid into the county
17 treasury. Thereupon, any contributions which may have been made
18 under the provisions of the section immediately preceding shall
19 be returned to the respective contributors.]

20 Section 22. Sections 2650, 2653 and 2654 of the act, amended
21 May 1, 1981 (P.L.25, No.11), are amended to read:

22 Section 2650. Procedure for Taking Over Bridge by County;
23 Aid to Political Subdivisions in Construction and Maintenance of
24 Bridge.--(a) Whenever the construction of any new bridge, or of
25 any bridge to replace any existing bridge, over a stream, or
26 over or under a railroad, and forming part of any road in any
27 city, borough, town or township, or between any two or more such
28 political subdivisions is necessary, and requires more expense
29 than it is reasonable that such political subdivision, or any
30 two of them jointly, should bear, and if it shall appear to the

1 commissioners of the county that such bridge is necessary, and
2 would be too expensive for such political subdivision or
3 adjoining political subdivisions to bear, it may, at the
4 discretion of the county commissioners, be entered on record as
5 a county bridge. Such bridge shall thereupon be erected,
6 maintained and kept in repair in the same manner as other county
7 bridges constructed under the provisions of subdivision (a) of
8 this article.

9 (b) If the county commissioners refuse to have such bridge
10 entered on record as a county bridge, the county may pay the
11 entire cost or any part of the cost of constructing such bridge
12 including damages. Such bridge shall thereupon be a municipal or
13 township bridge to be maintained and kept in repair by such
14 political subdivision. The county commissioners may, at their
15 discretion, furnish such political subdivision the whole or any
16 part of the money necessary to maintain such municipal or
17 township bridge.

18 (c) Where the cost to the county will not exceed [one
19 thousand five hundred dollars (\$1500)] ten thousand dollars
20 (\$10,000), the county commissioners may furnish such aid in the
21 construction of such bridge without following the procedure
22 herein stipulated.

23 Section 2653. Contract for Parts of Municipal Bridges Where
24 County Might Have Built Bridge.--(a) Where a city of the third
25 class, a borough or a township [of the first class] is
26 authorized to construct a bridge or viaduct over a stream or
27 other place over which the county is authorized to build bridges
28 and such political subdivision is authorized to contract with
29 the county and with railroads, street railways and other
30 companies or parties interested for the building and maintenance

1 of such bridge or viaduct and for the payment of any damages
2 caused by the location or building thereof, the county
3 commissioners may contract with such city, borough or township
4 for that part or portion of the bridge which crosses any of the
5 places hereinbefore mentioned, including the abutments and piers
6 thereof. Such part shall thereafter be maintained as a county
7 bridge.

8 (b) In lieu of the contract above provided for, the county
9 commissioners may contract for any part or portion of the whole
10 structure equal to or greater than the part or portion which the
11 county might have built.

12 (c) The contracts provided for in this section may stipulate
13 that the county shall pay a certain portion of the whole
14 contract price or cost of the work, including damages, or may
15 stipulate that the county shall construct or pay for the
16 construction of a certain part of the work, and may otherwise
17 provide for the payment of the damages. The amount to be paid by
18 the county shall be paid directly to the contractor as may be
19 provided by the contract.

20 Section 2654. Joining With [City] Municipality in Another
21 County in Building or Rebuilding Bridge.--When any bridge or
22 proposed bridge is on the dividing line between two counties
23 which is also the dividing line between one county and a [city]
24 municipality in the other county and such [city] municipality
25 has authority to build or rebuild such bridge or to join with
26 any county therein, said county may join with said [city]
27 municipality in the other county in building or rebuilding such
28 bridge. The cost of such bridge shall be paid in such
29 proportions as shall be agreed upon by the county and [city]
30 municipality so joining.

1 Section 23. Section 2655 of the act is amended to read:

2 Section 2655. Aiding [City] Municipality in Constructing
3 Bridge Over Ravine or Valley.--Whenever different parts of any
4 [city or any part of such city and any township bordering
5 thereon] municipality or any two municipalities are separated by
6 an intervening valley or ravine, and the commissioners of the
7 county in which such [city is] municipality or municipalities
8 are located shall decide it necessary that a public bridge, to
9 connect the territories thus separated, be constructed [and that
10 such bridge will be of substantial advantage and benefit to the
11 people of the township bordering thereon or townships adjacent
12 thereto], such county may contract with such [city] municipality
13 or municipalities for the laying out and construction of such
14 bridge by such [city] municipality or municipalities, and may
15 pay to the [city] municipality or municipalities such portion of
16 the cost thereof as the county commissioners shall deem
17 reasonable.

18 Section 24. Section 2656 of the act, amended May 1, 1981
19 (P.L.25, No.11) is amended to read:

20 Section 2656. Entry of [Borough or Township] Municipal
21 Bridge on Record as County Bridge.--Whenever a public bridge has
22 been built or maintained by any [borough or township]
23 municipality, or both, or by any two [boroughs or two townships,
24 or any of them] municipalities, and it shall afterwards appear
25 to the commissioners that the care, maintenance and
26 responsibility of said bridge is greater than it is reasonable
27 that the said political subdivisions should bear, the
28 commissioners may enter such bridge upon record as a county
29 bridge, and it shall thereafter be a county bridge in the same
30 manner as if it had originally been so entered on record, if the

1 proper local authorities having the maintenance, supervision and
2 control of such bridge shall tender the same to the said county
3 commissioners free and without charge.

4 Section 25. Sections 2657, 2658, 2659, 2660 and 2661 of the
5 act are amended to read:

6 [Section 2657. Acquisition of Toll Bridges by Purchase or
7 Condemnation.--(a) The county may purchase or acquire any toll
8 bridge situated within the county which is necessary for the
9 accommodation of public travel and on which the payment of tolls
10 is burdensome to the traveling public, together with the
11 approaches and appurtenances thereto as herein provided.

12 (c) The commissioners of the county may purchase the bridge
13 with the approaches and appurtenances thereto, at a price to be
14 agreed upon by the commissioners and the owner of the bridge,
15 or, upon failure to agree upon a purchase price, the county
16 commissioners may take the bridge under eminent domain or
17 condemnation proceedings as provided by law. Thereafter, the
18 bridge shall be entered on record as a county bridge, and shall
19 be controlled, maintained and used as a public bridge.

20 (d) Such bridge may be freed from tolls at any time
21 thereafter, but in no event later than the time when all debt
22 incurred as a result of the acquisition thereof is extinguished.
23 The county shall at all times have authority to charge tolls or
24 rentals for the use thereof from railway, telephone and
25 telegraph companies and other persons or companies using such
26 bridge for other than ordinary public foot and vehicular travel.
27 Where contracts exist between such persons or companies and the
28 owners of such bridge, such contract shall be preserved for the
29 benefit of the county and shall be assigned thereto.

30 Section 2658. Contracts with Municipalities for Purchase or

1 Condemnation of Toll Bridges.--Where a political subdivision may
2 purchase, condemn and maintain any toll bridge crossing any
3 stream within its limits and may enter into contracts with the
4 county commissioners whereby the county shall pay a portion of
5 the costs thereof, the county commissioners may enter into such
6 contract upon such terms and conditions as may be agreed upon
7 for the purchase, appropriation or condemnation of such bridge.
8 The contract may stipulate that the political subdivision and
9 the county shall each pay a certain portion of the purchase
10 price and of the damages allowed by any condemnation
11 proceedings, and may also provide for the maintenance and repair
12 of such bridge. The amount to be paid by the county shall be
13 paid into the treasury of such subdivision, and shall be applied
14 solely to the payment for such bridge.

15 Section 2659. Leasing of Toll Bridges or of Right to Use
16 Same.--(a) Whenever a toll bridge owned or maintained by a
17 bridge company organized and existing under the laws of this
18 Commonwealth shall span a stream in this Commonwealth, and such
19 bridge or any portion thereof is used solely by the public for
20 general highway purposes, or by the public for such purposes
21 concurrently with the use of the same by any railroad company or
22 street railway company engaged as a common carrier, and the
23 commissioners of the county in which such bridge is located
24 shall by resolution declare such bridge or any portion thereof
25 necessary for the accommodation of the public for general
26 highway purposes, and that the payment of tolls on such bridge
27 is burdensome to the public using the same for such purposes,
28 then the county shall have the power to enter into a contract
29 with the bridge company whereby the company may lease to the
30 county such bridge, or such portion thereof as may be used by

1 the public for general highway purposes for the use of the same
2 by the public for said purposes, free from the payment of tolls.
3 Such contract may provide for the payment by the county of such
4 rental for such definite term of years not to exceed twenty and
5 for such other terms and conditions as may be agreed upon and as
6 the commissioners shall deem reasonable and proper.

7 (b) As an alternative, the county may enter into lease with
8 such bridge company or corporation providing for the use, during
9 a definite period, not exceeding twenty years, of such bridge or
10 any portion thereof by the public for general highway purposes,
11 free from the payment of tolls during the term of such contract,
12 subject to the concurrent use of such bridge, or any portion
13 thereof, by any railroad company or street railway company
14 engaged as a common carrier and making use of such bridge, or
15 any portion thereof. Such lease shall contain such terms of
16 payment for such use by the public of the bridge or any portion
17 thereof, and such other terms, provisions and conditions as may
18 be agreed upon, and as the county commissioners shall deem
19 reasonable and proper. No tolls shall be charged the public for
20 the use of said bridge or any portion thereof for general
21 highway purposes during the term of any such lease or any such
22 contract. Any such contract or lease shall be subject to the
23 approval of the Public Utility Commission in the manner
24 prescribed by law.

25 Section 2660. Operation of Joint County Toll Bridges by
26 Counties.--Whenever it is necessary for any counties, in the
27 construction of any joint county bridge, or in the joint
28 acquisition of any toll bridge, to issue bonds in payment of
29 such construction or acquisition, including the approaches
30 thereto, of the damages sustained by owners of lands taken in

1 the construction or acquisition thereof, and including
2 reasonable fees for necessary legal services required in such
3 construction or acquisition, the county commissioners of said
4 county or counties may, with the consent of the State Department
5 of Highways if the cost of such bridge was in excess of four
6 hundred thousand dollars (\$400,000), assess, supervise and
7 collect such tolls for the use of said bridge for all traffic as
8 may be necessary to pay the interest on said bonds, and to
9 create a sinking fund for the payment and redemption of the same
10 within thirty years from the date of the issue thereof, and to
11 pay also the costs and expenses of operating and maintaining
12 such bridge between the time of construction thereof and the
13 date of the redemption of the last of said bonds to be redeemed
14 by such tolls. The tolls so collected shall be distributed,
15 between such counties, in proportion to the amount paid in by
16 each county in the original construction or acquisition, and all
17 moneys received from rentals for special use shall be divided
18 between them in the same proportion. In no case shall any tolls
19 be collected after the redemption of the original bonds issued.
20 Such bridge, whether constructed or jointly acquired, shall be a
21 joint county bridge.

22 Section 2661. Management, Maintenance and Policing of Joint
23 County Toll Bridges; Turning Over to Department of Highways.--

24 (a) Such joint county bridge shall be managed, controlled,
25 maintained, repaired, operated and lighted by the commissioners
26 of the said counties, acting as a joint county bridge
27 commission, who are hereby authorized to act jointly in the
28 employment of such workmen, collectors of tolls, and other
29 employes, to fix their wages, salaries and compensation, and to
30 incur such other expenses in the construction and operation of

1 such bridge, including the compensation of such attorneys as in
2 their judgment shall be requisite and necessary. All decisions
3 of such commission shall require a majority vote of all the
4 members thereof.

5 (b) The commissioners of said counties acting jointly may
6 adopt such rules and regulations as they deem expedient for the
7 proper government and management of said bridge, and for the
8 preservation of good order, safe traffic and proper conduct
9 thereon. They may also require arrests to be made for evasion,
10 or attempts to evade, in violation of their rules or
11 regulations, the payment of tolls fixed for passage over said
12 bridge. For any violations thereof, the offender shall be
13 subject to a fine of not less than ten dollars (\$10), or more
14 than twenty-five dollars (\$25), together with costs, upon
15 summary conviction before a justice of the peace, magistrate or
16 alderman of either of said counties, and, on default of payment
17 of such fine, then to imprisonment of not less than ten days, or
18 more than thirty days, in the county prison of either of said
19 counties.

20 (c) Such powers and duties of said commissioners acting as a
21 joint commission shall continue until the redemption of the last
22 of said bonds to be redeemed by such tolls, whereupon said
23 bridge shall be turned over as a free bridge to the
24 Commonwealth, if such bridge crosses a river and is located on a
25 State highway route, or connects two State highway routes.
26 Thereafter, such bridge shall be maintained by the Highway
27 Department at the expense of the Commonwealth. Otherwise, such
28 bridge shall be maintained as other joint county bridges.]

29 Section 26. Section 2670 of the act, amended July 10, 1990
30 (P.L.379, No.89), is amended to read:

1 Section 2670. Building or Repair of Bridges.--In addition to
2 the provisions of Articles XVIII and XXIII of this act relating
3 to contracting for services and personal property, whenever the
4 county commissioners propose to build or repair a bridge at a
5 cost in excess of ten thousand dollars (\$10,000) [their
6 advertisements for bids shall contain the description of the
7 repairs, or designs of the kind of bridge, required. When the
8 contract is for the building of a bridge, the designs and
9 specifications therefor, or a copy thereof, shall be kept in the
10 office of the county commissioners, open to the inspection of
11 all intending bidders during such advertising and the time
12 specified therein for the reception of bids. In the case of a
13 bridge to be erected over a stream] upon the line between two
14 adjoining counties, the advertising shall be done in each of
15 said counties, and a copy of the plans and specifications shall
16 be kept in the commissioners' office of each county. [The time
17 of filing bids and the person's name with whom filed must be
18 marked on the outside of said bids.]

19 Section 27. Section 2676 of the act is amended to read:

20 Section 2676. Incurring of Indebtedness; Taxation for Debt
21 Service.--Any county constructing a bridge or making any other
22 capital improvement or major repairs, in relation to the matters
23 provided for in this article, may, pursuant to a resolution
24 adopted for that purpose by the county commissioners of such
25 county, incur indebtedness and borrow money therefor [in
26 accordance with the provisions of the Municipal Borrowing Law].
27 Any such county may levy and collect on all taxable property in
28 such county, in addition to all other taxes, for the purposes of
29 servicing such indebtedness.

30 Section 28. This act shall take effect in 60 days.