

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2477 Session of 2010

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INTRODUCED BY FABRIZIO, J. EVANS, HARKINS, HORNAMAN AND SONNEY,  
APRIL 29, 2010

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AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 22, 2010

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## 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 providing for the governing board of the convention center  
10 authority.

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

13 Section 1. Section 2399.61 of the act of August 9, 1955  
14 (P.L.323, No.130), known as The County Code, added October 18,  
15 2000 (P.L.541, No.73), is amended to read:

16 Section 2399.61. Governing Board.--(a) The power of the  
17 authority shall be exercised by a governing board composed of  
18 [nine] eleven members appointed as follows:

19 ~~(1) [The mayor or, if there is no mayor, the elected chief~~ ←  
20 ~~executive officer, of the county seat] Seven members shall be~~  
21 ~~appointed by the county council or the equivalent governing body~~

~~of the county in which the convention center facilities are located [shall appoint, with the advice and consent of the city council or equivalent body, three members. The term of office of these members shall be four years. The terms of the first three members appointed shall be allocated among them for a two year, three year and four year term, respectively. In all cases, the beginning of the term shall be deemed January 1 of the year of appointment, subject to subsection (b)].~~

~~(2) [The county executive or other elected chief executive officer of the county or, if there is no county executive or elected chief executive officer of the county, the governing body of the county in which the convention center facilities are located shall appoint four members. Appointments by a county executive or other elected chief executive officer shall be with the advice and consent of the county council or equivalent body. The term of office of these members shall be four years. The terms of the first four members appointed shall be allocated among them for a one year, two year, three year and four year term, respectively. In all cases, the beginning of the term shall be deemed January 1 of the year of appointment, subject to subsection (b).] Two members shall be appointed by the mayor of the city in which the convention center is located, or, if in a township, by the township supervisors.~~

(1) THE MAYOR OR, IF THERE IS NO MAYOR, THE [ELECTED CHIEF EXECUTIVE OFFICER, OF THE COUNTY SEAT] GOVERNING BODY OF THE MUNICIPALITY IN WHICH THE CONVENTION CENTER FACILITIES ARE LOCATED SHALL APPOINT[, WITH THE ADVICE AND CONSENT OF THE CITY COUNCIL OR EQUIVALENT BODY, THREE] TWO MEMBERS. THE TERM OF OFFICE OF THESE MEMBERS SHALL BE FOUR YEARS. THE TERMS OF THE FIRST [THREE] TWO MEMBERS APPOINTED SHALL BE ALLOCATED [AMONG]



1 BETWEEN THEM FOR A TWO-YEAR[, THREE-YEAR] AND FOUR-YEAR TERM,  
2 RESPECTIVELY. IN ALL CASES, THE BEGINNING OF THE TERM SHALL BE  
3 DEEMED JANUARY 1 OF THE YEAR OF APPOINTMENT, SUBJECT TO  
4 SUBSECTION (B) .

5 (2) THE COUNTY [EXECUTIVE OR OTHER ELECTED CHIEF EXECUTIVE  
6 OFFICER OF THE COUNTY] COUNCIL OR, IF THERE IS NO COUNTY  
7 [EXECUTIVE OR ELECTED CHIEF EXECUTIVE OFFICER OF THE COUNTY]  
8 COUNCIL, THE GOVERNING BODY OF THE COUNTY IN WHICH THE  
9 CONVENTION CENTER FACILITIES ARE LOCATED SHALL APPOINT [FOUR]  
10 SEVEN MEMBERS. [APPOINTMENTS BY A COUNTY EXECUTIVE OR OTHER  
11 ELECTED CHIEF EXECUTIVE OFFICER SHALL BE WITH THE ADVICE AND  
12 CONSENT OF THE COUNTY COUNCIL OR EQUIVALENT BODY.] THE TERM OF  
13 OFFICE OF THESE MEMBERS SHALL BE FOUR YEARS. THE TERMS OF THE  
14 FIRST [FOUR] SEVEN MEMBERS APPOINTED SHALL BE ALLOCATED AMONG  
15 THEM [FOR A] AS FOLLOWS: ONE ONE-YEAR TERM, TWO TWO-YEAR TERMS,  
16 TWO THREE-YEAR TERMS AND TWO FOUR-YEAR [TERM, RESPECTIVELY]  
17 TERMS. IN ALL CASES, THE BEGINNING OF THE TERM SHALL BE DEEMED  
18 JANUARY 1 OF THE YEAR OF APPOINTMENT, SUBJECT TO SUBSECTION (B) .

19 (3) Two members shall be appointed by the Governor with the  
20 advice and consent of a majority of the members of the Senate.

21 [(4) If the authority created pursuant to section 2399.54 is  
22 created by the county acting alone, seven members shall be  
23 appointed under clause (2). The term of office of these members  
24 shall be four years. The terms of the first members appointed  
25 shall be allocated among them as follows: a one-year term, two  
26 two-year terms, two three-year terms and two four-year terms.]

27 (b) Except as otherwise provided, members shall serve a  
28 four-year term from the date of their appointment and until  
29 their successors have been appointed and qualified. If a vacancy  
30 shall occur by means of the death, disqualification, resignation

1 or removal of a member, subject to the provisions of subsection  
2 (a), the appointing authority shall appoint a successor to fill  
3 the unexpired term.

4 (c) The members of the board shall not be compensated for  
5 their service on the board or for any other position in which  
6 they may serve the authority. The authority may reimburse  
7 members for reasonable and necessary out-of-pocket expenses  
8 incurred by members in carrying out the business of the  
9 authority.

10 (d) (1) The members of the board shall select from among  
11 themselves a chairman and such other officers as the board may  
12 determine. Except as otherwise provided, all actions of the  
13 board shall be taken by a vote of at least [~~five~~] SIX members of ←  
14 the board, which shall constitute a majority of the board,  
15 unless the bylaws of the authority shall provide for a majority  
16 vote by a present quorum of not less than [~~five~~] SIX members in ←  
17 the absence of a full board. The board shall have full authority  
18 to manage the properties and business of the authority and to  
19 prescribe, amend and repeal bylaws, rules and regulations  
20 governing the manner in which the business of the authority may  
21 be conducted and the powers granted to it may be exercised and  
22 embodied. Notwithstanding any other law, court decision,  
23 precedent or practice to the contrary, no actions by or on  
24 behalf of the board shall be taken by an officer of the board or  
25 the authority except upon the approval or prior authorization of  
26 the board. As used in this subsection, the term "actions by or  
27 on behalf of the board" means any action whatsoever of the  
28 board, including, but not limited to, the hiring, appointment,  
29 removal, transfer, promotion or demotion of any officers and  
30 employes, the retention, use or remuneration of advisors,

1 counsel, auditors, architects, engineers or consultants, the  
2 initiation of legal action, the making of contracts, leases,  
3 agreements, bonds, notes or covenants, the approval of  
4 requisitions, purchase orders, investments and reinvestments,  
5 and the adoption, amendment, revision or rescission of rules and  
6 regulations, orders or other directives.

7 (2) The board shall appoint an executive director, who shall  
8 act as the chief executive officer of the authority. The  
9 executive director shall not be a member of the board.

10 Notwithstanding the provisions of clause (1), the board may, by  
11 bylaw or by resolution, delegate to the executive director the  
12 authority and power to carry out the day-to-day operations of  
13 the authority and to exercise those powers which are normal,  
14 customary and necessary to perform the duties of a chief  
15 executive officer.

16 (3) The board may appoint such assistant and other officers,  
17 including assistant secretaries and assistant treasurers, as the  
18 board determines to be appropriate to carry out the business of  
19 the authority. Assistant secretaries and assistant treasurers  
20 may be members of the board.

21 (4) The board may appoint one or more deputy executive  
22 directors who, to the extent authorized by the board, may  
23 exercise the duties and powers of the executive director in the  
24 executive director's absence or incapacity or in the event of a  
25 vacancy in the office of executive director.

26 (e) Members of the board shall not be liable personally on  
27 the bonds or other obligations of the authority, and the rights  
28 of creditors shall be solely against the authority. The  
29 authority, itself or by contract, shall defend board members,  
30 and the authority shall indemnify and hold harmless board

1 members, whether or not currently serving as a member of the  
2 authority, against and from any and all personal liabilities,  
3 actions, causes of action and claims made against them for  
4 whatever actions they perform within the scope of their duties  
5 as board members.

6 ~~Section 2. This act shall take effect in 60 days.~~ ←

7 SECTION 2. THE AMENDMENT OF SECTION 2399.61(A)(1) OF THE ACT ←  
8 SHALL APPLY AS FOLLOWS TO A CITY WHICH, ON THE EFFECTIVE DATE OF  
9 THIS SECTION, HAS ESTABLISHED A THIRD CLASS COUNTY CONVENTION  
10 CENTER UNDER ARTICLE XXIII(O) OF THE ACT:

11 (1) THE AMENDMENT SHALL NOT AFFECT THE TERM OF A MEMBER  
12 SERVING ON THE EFFECTIVE DATE OF THIS SECTION.

13 (2) THE REDUCTION OF APPOINTMENTS FROM THREE TO TWO  
14 SHALL APPLY AS FOLLOWS:

15 (I) EXCEPT AS SET OTHERWISE SET FORTH IN THIS  
16 PARAGRAPH, TO AN OFFICE WHICH IS VACANT ON THE EFFECTIVE  
17 DATE OF THIS SECTION.

18 (II) IF THERE IS NO VACANCY UNDER SUBPARAGRAPH (I),  
19 TO AN OFFICE OF A MEMBER WHO, ON THE EFFECTIVE DATE OF  
20 THIS SECTION, IS SERVING PAST THE EXPIRATION DATE OF THE  
21 MEMBER'S TERM UNTIL A SUCCESSOR IS APPOINTED.

22 (III) IF THERE IS NO VACANCY UNDER SUBPARAGRAPH (I)  
23 AND THERE IS NO OFFICE SUBJECT TO SUBPARAGRAPH (II), TO  
24 THE OFFICE OF THE FIRST MEMBER WHOSE TERM EXPIRES AFTER  
25 THE EFFECTIVE DATE OF THIS SECTION.

26 SECTION 3. THE AMENDMENT OF SECTION 2399.61(A)(2) OF THE ACT  
27 SHALL APPLY AS FOLLOWS TO A COUNTY WHICH, ON THE EFFECTIVE DATE  
28 OF THIS SECTION, HAS ESTABLISHED A THIRD CLASS COUNTY CONVENTION  
29 CENTER UNDER ARTICLE XXIII(O) OF THE ACT:

30 (1) THE AMENDMENT SHALL NOT AFFECT THE TERM OF A MEMBER

1       SERVING ON THE EFFECTIVE DATE OF THIS SECTION.

2           (2)   A MEMBER SERVING ON THE EFFECTIVE DATE OF THIS  
3       SECTION SHALL COMPLETE THE TERM TO WHICH THE MEMBER IS  
4       APPOINTED AS FOLLOWS:

5           (I)   ONE TERM SHALL EXPIRE DECEMBER 31, 2010.

6           (II)  ONE TERM SHALL EXPIRE DECEMBER 31, 2012.

7           (III) TWO TERMS SHALL EXPIRE DECEMBER 31, 2013.

8           (3)   IF A MEMBER SERVING ON THE EFFECTIVE DATE OF THIS  
9       SECTION IS UNABLE TO COMPLETE THE TERM TO WHICH THE MEMBER IS  
10      APPOINTED IN ACCORDANCE WITH PARAGRAPH (2):

11          (I)   A REPLACEMENT SHALL BE APPOINTED BY THE  
12      APPOINTING AUTHORITY THAT MADE THE ORIGINAL APPOINTMENT;  
13      AND

14          (II)  THE REPLACEMENT APPOINTED UNDER SUBPARAGRAPH  
15      (I) SHALL COMPLETE THAT TERM.

16          (4)   THE SEVEN APPOINTMENTS MADE BY THE COUNTY COUNCIL  
17      UNDER THE AMENDMENT SHALL BE AS FOLLOWS:

18          (I)   THREE INITIAL APPOINTMENTS SHALL BE MADE UPON  
19      THE EFFECTIVE DATE OF THIS SECTION FOR THE FOLLOWING  
20      TERMS:

21           (A)   ONE TERM SHALL EXPIRE DECEMBER 31, 2010.

22           (B)   TWO TERMS SHALL EXPIRE DECEMBER 31, 2011.

23          (II)  THE REMAINING FOUR INITIAL APPOINTMENTS SHALL  
24      BE MADE TO FILL THE VACANCIES RESULTING FROM THE  
25      EXPIRATION OF THE TERMS UNDER PARAGRAPH (2).

26          (III) SUBSEQUENT APPOINTMENTS SHALL BE MADE UNDER  
27      SECTION 2399.61(A)(2) OF THE ACT.

28      SECTION 4.   THIS ACT SHALL TAKE EFFECT IMMEDIATELY.