

THE COUNTY CODE - ABOLISHMENT OF JURY COMMISSIONER AND AUCTION
OF PERSONAL PROPERTY

Act of Dec. 15, 2011, P.L. 442, No. 108

Cl. 16

Session of 2011
No. 2011-108

HB 1644

AN ACT

Amending the act of August 9, 1955 (P.L.323, No.130), entitled, as amended, "An act relating to counties of the first, third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto; relating to imposition of excise taxes by counties, including authorizing imposition of an excise tax on the rental of motor vehicles by counties of the first class; and providing for regional renaissance initiatives," in contracts, further providing for applicability, for the abolishment of the office of jury commissioner and for sales of personal property and surplus farm products.

Compiler's Note: Act 108 was declared unconstitutional on March 14, 2013, by the Supreme Court of Pennsylvania in Pennsylvania State Association of Jury Commissioners v. Commonwealth, 64 A.3d 611 (Pa. 2013).

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

Section 1. Section 102(a) of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, amended July 14, 2005 (P.L.312, No.57), is amended to read:

Section 102. Applicability.--(a) Except incidentally, as in sections 108, 201, 210, 211, **401** and 1401 or as provided in Article XXX, this act does not apply to counties of the first, second A, or second classes.

* * *

Section 2. Section 401 of the act is amended by adding a subsection to read:

Section 401. Enumeration of Elected Officers.--* * *

(f) After review of the procedures in effect within the county to ensure that lists of potential jurors are a representative cross section of the community, the governing body of a county of the second class A or third through eighth class may adopt, by a majority vote, a resolution abolishing the office of jury commissioner. Upon approval of the resolution, the office of jury commissioner shall expire at the completion of the current jury commissioners' terms of office. The resolution shall not be passed in any year in which the office of jury commissioner is on the ballot.

Section 3. Section 1805(b) of the act, amended December 22, 2000 (P.L.1019, No.142), is amended and the section is amended by adding subsections to read:

Section 1805. Sales of Personal Property and Surplus Farm Products.--* * *

(b) If the commissioners estimate the sale value of the personal property or of such surplus farm products to be sold at one thousand dollars (\$1,000) or more, the entire lot shall be advertised for sale, once, in at least one newspaper of general circulation in the county, and sale of the property so

advertised shall be made to the highest and best bidder. The bids shall not be opened until at least ten days after the said advertisement. The commissioners may sell any such property at auction, but the provisions as to notice contained in this section shall be likewise observed as to the holding of auction sales. [The provisions of this section shall not be mandatory where county property is to be traded-in or exchanged for new personal property. The provisions of this section shall not apply to sale of personal property with real property as a single unit pursuant to section 2306.1.]

(c) (1) An auction of personal property may be conducted by means of an online or electronic auction sale. During an electronic auction sale, bids shall be accepted electronically at the time and in the manner designated in the advertisement, and each bidder shall have the capability to view the bidder's bid rank or the high bid price. Bidders may increase their bid prices during the electronic auction.

(2) The record of the electronic auction shall be accessible for public inspection.

(3) The purchase price shall be paid by the high bidder immediately or at a reasonable time after the conclusion of the electronic auction as determined by the board of county commissioners. In the event that shipping costs are incurred, they shall be paid by the high bidder.

(4) A county that has complied with the advertising requirements of this subsection may provide additional public notice of the sale by bids or public auction in any manner deemed appropriate by the county commissioners. The advertisement for electronic auction sales authorized by this subsection shall include the Internet address or means of accessing the electronic auction and the date, time and duration of the electronic auction.

(5) The board of county commissioners may reject any bids received if the bids are believed to be less than the fair market value of the property.

(d) The provisions of this section shall not be mandatory where county property is to be traded in or exchanged for new personal property. The provisions of this section shall not apply to sale of personal property with real property as a single unit pursuant to section 2306.1.

Section 4. This act shall take effect as follows:

(1) The amendment or addition of section 1805(b), (c) and (d) of the act shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

APPROVED--The 15th day of December, A.D. 2011.

TOM CORBETT