

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1220 Session of
1989

INTRODUCED BY GAMBLE, FOSTER, DOMBROWSKI, BARLEY, BATTISTO,
BOYES, BROUJOS, CAPPABIANCA, COLAIZZO, DeLUCA, LAUGHLIN,
MERRY, NAHILL, NAILOR, NOYE, PRESSMANN, ROBBINS, SCHEETZ AND
D. W. SNYDER, APRIL 19, 1989

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 13, 1990

AN ACT

1 Amending the act of July 28, 1953 (P.L.723, No.230), entitled,
2 as amended, "An act relating to counties of the second class
3 and second class A; amending, revising, consolidating and
4 changing the laws relating thereto," further providing for
5 the powers and duties of the coroner; FURTHER PROVIDING FOR <—
6 CONTRACTS NOT REQUIRING ADVERTISEMENT AND BIDDING AND FOR
7 BIDDING ON PUBLIC WORKS BY ARCHITECTS AND ENGINEERS EMPLOYED
8 BY A COUNTY; FURTHER PROVIDING FOR THE TAX ON HOTEL ROOM
9 RENTALS; FURTHER PROVIDING FOR APPROPRIATIONS TO TOURIST
10 PROMOTION AGENCIES; and making an editorial change.

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

13 Section 1. The act of July 28, 1953 (P.L.723, No.230), known
14 as the Second Class County Code, is amended by adding a section
15 to read:

16 Section 1235.1. Requests for Examinations and Reports.--(a)
17 Requests for examinations or other professional services by
18 other counties or persons may be complied with at the discretion
19 of the coroner pursuant to guidelines established by the county
20 commissioners.

1 (b) A set of fees and charges for such examinations or
2 professional services shall be established by the coroner,
3 subject to approval by the county commissioners, and shall be
4 accounted for and paid to the county treasurer pursuant to
5 section 1960. Payment for examinations or professional services
6 shall be the responsibility of the county or person requesting
7 such services.

8 (c) The coroner may charge and collect a fee of up to one
9 hundred dollars (\$100) for each autopsy report, up to fifty
10 dollars (\$50) for each toxicology report, up to fifty dollars
11 (\$50) for each inquisition or coroner's report and such other
12 fees as may be established from time to time for other reports
13 and documents requested by nongovernmental agencies. The fees
14 collected shall be accounted for and paid to the county
15 treasurer pursuant to section 1960 and shall be used to defray
16 the expenses involved in the county complying with the
17 provisions of the act of March 2, 1988 (P.L.108, No.22),
18 referred to as the Coroners' Education Board Law.

19 Section 2. Sections 1236, 1237, 1238, 1239 and 1243 of the
20 act are amended to read:

21 Section 1236. Coroner's Investigations.--(a) The coroner
22 having a view of the body shall investigate the facts and
23 circumstances concerning deaths which appear to have happened
24 within the county, regardless where the cause thereof may have
25 occurred, for the purpose of determining whether or not an
26 autopsy should be conducted or an inquest thereof shall be had,
27 in the following cases: [(1) Any sudden, as hereafter defined,
28 violent or suspicious death, (2) any death wherein no cause of
29 death is properly certified by a person duly authorized thereof,
30 (3) any death resulting from a mine accident, as directed by

1 law, (4) deaths resulting from drownings, cave-ins and
2 subsidences, (5) any stillbirth, or the death of any baby dying
3 within twenty-four hours after its birth, and, in addition
4 thereto, (6) the death of any prematurely born infant, wherein
5 the cause of death is not properly certified by a person duly
6 authorized thereto.

7 The purpose of the investigation shall be to determine
8 whether or not there is any reason sufficient to the coroner to
9 believe that any such death may have resulted from the criminal
10 acts or criminal neglect of persons other than the deceased,
11 rather than from natural causes or by suicide.]

12 (1) sudden deaths not caused by readily recognizable
13 disease, or wherein the case of death cannot be properly
14 certified by a physician on the basis or prior (recent) medical
15 attendance;

16 (2) deaths occurring under suspicious circumstances,
17 including those where alcohol, drugs or other toxic substances
18 may have had a direct bearing on the outcome;

19 (3) deaths occurring as a result of violence or trauma,
20 whether apparently homicidal, suicidal or accidental (including,
21 but not limited to, those due to mechanical, thermal, chemical,
22 electrical or radiational injury, drowning, cave-ins and
23 subsidences);

24 (4) any death in which trauma, chemical injury, drug
25 overdose or reaction to drugs or medication or medical
26 treatment, was a primary or secondary, direct or indirect,
27 contributory, aggravating or precipitating cause of death;

28 (5) operative and peri-operative deaths in which the death
29 is not readily explainable on the basis of prior disease;

30 (6) any death wherein the body is unidentified or unclaimed;

1 (7) deaths known or suspected as due to contagious disease
2 and constituting a public hazard;

3 (8) deaths occurring in prison, a penal institution or while
4 in the custody of the police;

5 (9) deaths of persons whose bodies are to be cremated,
6 buried at sea or otherwise disposed of so as to be thereafter
7 unavailable for examination;

8 (10) sudden infant death syndrome; and

9 (11) stillbirths.

10 (b) The purpose of the investigation shall be to determine
11 the cause of any such death and to determine whether or not
12 there is sufficient reason for the coroner to believe that any
13 such death may have resulted from criminal acts or criminal
14 neglect of persons other than the deceased.

15 (c) As part of this investigation the coroner shall
16 determine the identity of the deceased and notify the next of
17 kin of the deceased.

18 Section 1237. [Inquest; Autopsy; Coroner's Duties;
19 Records.--If, upon the investigation by the coroner, he shall
20 not be satisfied thereby that the death resulted from natural
21 causes or by suicide, he shall proceed to conduct an inquest
22 upon a view of the body, as provided by law. In the conduct of
23 the inquest, the coroner may require such an autopsy as may be
24 necessary, in accordance with law. At the inquest, the coroner's
25 duty shall be to ascertain the cause of death and whether any
26 person other than the deceased was criminally responsible
27 therefor by act or neglect, and if so, the identity of the
28 person, and any further evidence and witnesses regarding the
29 crime. The proceedings at the inquest shall be recorded, at the
30 expense of the county, in a manner to be provided by the county

commissioners, and any salary that may be required for this purpose shall be fixed by the salary board.] Autopsy; Inquest; Records.--(a) If, upon investigation, the coroner shall be unable to determine the cause and manner of death, he shall perform or order an autopsy on the body.

(b) If the coroner is unable to determine the cause and manner of death following the autopsy, he may conduct an inquest upon a view of the body, as provided by law. At the inquest, the coroner's duty shall be to ascertain the cause of death, to determine whether any person other than the deceased was criminally responsible therefor by act or neglect, and if so, the identity of the person, and to examine any further evidence and witnesses regarding the cause of death.

(c) The proceedings at the inquest shall be recorded, at the expense of the county, in a manner to be provided by the county commissioners.

Section 1238. Sudden Deaths Defined.--The coroner shall regard any death as sudden if it occurs without prior medical attendance by a person who may lawfully execute a certificate of death in this Commonwealth, or if, within twenty-four hours of death, the decedent was discharged from such medical attendance or a change of such medical attendance had occurred, or if any such medical attendance began within twenty-four hours of death and the medical attendant refuses or is unable to certify the cause of death. Medical attendance includes hospitalization.

The provisions of this section shall not be construed to affect the coroner's discretion as to whether or not any death was suspicious, nor shall they be construed to authorize a coroner to investigate a sudden death any further than necessary to [convince him that the death was from natural causes and not

1 from any criminal act or neglect or another] determine the cause
2 and manner of death.

3 Section 1239. Bodies Not to be Moved.--In all cases where
4 the coroner has jurisdiction to investigate the facts and
5 circumstances of death, the body and its surroundings shall be
6 left untouched until the coroner has had a view thereof [and] or
7 until he shall otherwise direct or authorize, except as may be
8 otherwise provided by law, or as circumstances may require.
9 Bodies upon a public thoroughfare or in other places may be
10 removed so much as is necessary for precaution against traffic
11 accidents or other serious consequences which might reasonably
12 be anticipated if they were left intact.

13 Section 1243. Power of Subpoena and Attachment.--The coroner
14 shall have power to issue subpoenas to obtain the attendance of
15 any person whom it may be necessary to examine as a witness at
16 any inquest, and to compel attendance by attachment in like
17 manner and to the same extent as any court of [oyer and terminer
18 and general jail delivery] common pleas of this Commonwealth may
19 or can do in cases pending before them, and also to compel in
20 like manner the production of all papers and other things
21 relative to such inquest. Such subpoena and attachment shall be
22 served and executed by the sheriff or by the coroner himself or
23 his deputy, as the case may require.

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

25 Section 1243.1. Inquests; Juries.--(a) The coroner may at
26 his discretion summon a jury of six to be selected from the jury
27 panels of the court of common pleas.

28 (b) The function of such jury shall be to determine the
29 manner of death and whether any criminal act or neglect of
30 persons known or unknown caused such death. Such jury shall be

1 paid as provided by law as if they were serving the court of
2 common pleas.

3 ~~Section 1250. Pituitary Glands. (a) The coroner performing~~ <—
4 ~~an autopsy otherwise authorized by law may remove the pituitary~~
5 ~~gland of the decedent and dispose of it pursuant to subsection~~
6 ~~(b) if:~~

7 ~~(1) the decedent by his will or other document authorizes~~
8 ~~the removal; or~~

9 ~~(2) any of the persons listed in 20 Pa.C.S. § 8602(b)~~
10 ~~(relating to persons who may execute an anatomical gift)~~
11 ~~authorizes its removal and no person in a higher class, as~~
12 ~~provided in 20 Pa.C.S. § 8602(b), overrules the person's~~
13 ~~permission.~~

14 ~~The pituitary glands may not be removed, as provided for in this~~
15 ~~section, if the removal would interfere in any way with an~~
16 ~~anatomical gift made pursuant to 20 Pa.C.S. Ch. 86 (relating to~~
17 ~~anatomical gifts).~~

18 ~~(b) Pituitary glands removed pursuant to this section shall~~
19 ~~be delivered to the National Pituitary Agency for use in~~
20 ~~research and manufacturing of hormones necessary for the~~
21 ~~physical growth of hypopituitary dwarfs, or to such other agency~~
22 ~~or organization for similar purposes as authorized by the~~
23 ~~Humanity Gifts Registry.~~

24 ~~(c) Any moneys payable for the delivery of pituitary glands~~
25 ~~as provided in subsection (b) may be waived by the coroner. If~~
26 ~~such moneys are not waived, the proceeds shall be payable~~
27 ~~directly to the county treasury and no officer or employe of the~~
28 ~~coroner's office shall receive any compensation for such removal~~
29 ~~or disposition except the salaries or fees otherwise payable by~~
30 ~~law.~~

~~(d) Nothing in this section shall be construed to prohibit or regulate the removal of pituitary glands when such removal is deemed necessary for the purposes of the autopsy.~~

~~Section 1251 1250. Anatomical Gifts.--The coroner may order the removal of parts of a decedent's body for donation purposes in accordance with 20 Pa.C.S. Ch. 86 (relating to anatomical gifts).~~

~~Section 4. This act shall take effect in 60 days.~~

SECTION 4. SECTION 1970.2 OF THE ACT, REENACTED AND AMENDED FEBRUARY 14, 1986 (P.L.11, NO.5), IS AMENDED TO READ:

SECTION 1970.2. HOTEL ROOM RENTAL.--(A) THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SECTION SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE MEANINGS ASCRIBED TO THEM IN THIS SECTION:

"CONSIDERATION," RECEIPTS, FEES, CHARGES, RENTALS, LEASES, CASH, CREDITS, PROPERTY OF ANY KIND OR NATURE, OR OTHER PAYMENT RECEIVED BY OPERATORS IN EXCHANGE FOR OR IN CONSIDERATION OF THE USE OR OCCUPANCY BY A TRANSIENT OF A ROOM OR ROOMS IN A HOTEL FOR ANY TEMPORARY PERIOD.

"CONVENTION CENTER OR EXHIBITION HALL," A BUILDING OR SERIES OF BUILDINGS NOT USED FOR THE RETAIL SALE OF MERCHANDISE OR PART OF ANY SHOPPING CENTER, MALL OR OTHER RETAIL CENTER TOGETHER WITH ANY LAND APPURTENANT THERETO, A MAJOR FUNCTION OF WHICH IS TO HOUSE MEETINGS, EXHIBITIONS, SHOWS, CONVENTIONS, ASSEMBLIES, CONVOCATIONS, AND SIMILAR GATHERINGS: PROVIDED, THAT ONE OF THE AFORESAID BUILDINGS SHALL CONTAIN A MINIMUM OF SEVENTY-FIVE THOUSAND (75,000) GROSS SQUARE FEET OF EXHIBITION SPACE FOR SHOWS AND CONVENTIONS.

"COOPERATING POLITICAL SUBDIVISION OR AGENCY OF GOVERNMENT," ANY CITY OR PUBLIC AUTHORITY LOCATED IN SUCH COUNTY WITHIN WHOSE

1 BOUNDARIES A CONVENTION CENTER OR EXHIBITION HALL IS PLANNED OR
2 CONSTRUCTED WHICH SHARES WITH THE COUNTY ANY DUTIES, OBLIGATIONS
3 OR PRIVILEGES WITH RESPECT TO THE CONVENTION CENTER SITUATED
4 THEREIN.

5 "HOTEL," A HOTEL, MOTEL, INN, GUEST HOUSE, OR OTHER BUILDING
6 LOCATED WITHIN THE TAXING JURISDICTION WHICH HOLDS ITSELF OUT BY
7 ANY MEANS INCLUDING ADVERTISING, LICENSE, REGISTRATION WITH ANY
8 INNKEEPER'S GROUP, CONVENTION LISTING ASSOCIATION, TRAVEL
9 PUBLICATION OR SIMILAR ASSOCIATION OR WITH ANY GOVERNMENT AGENCY
10 AS BEING AVAILABLE TO PROVIDE OVERNIGHT LODGING OR USE OF
11 FACILITY SPACE FOR CONSIDERATION TO PERSONS SEEKING TEMPORARY
12 ACCOMMODATION; ANY PLACE WHICH ADVERTISES TO THE PUBLIC AT LARGE
13 OR ANY SEGMENT THEREOF THAT IT WILL PROVIDE BEDS, SANITARY
14 FACILITIES OR OTHER SPACE FOR A TEMPORARY PERIOD TO MEMBERS OF
15 THE PUBLIC AT LARGE; ANY PLACE RECOGNIZED AS A HOSTELRY:
16 PROVIDED, THAT PORTIONS OF SUCH FACILITY WHICH ARE DEVOTED TO
17 PERSONS WHO HAVE ESTABLISHED PERMANENT RESIDENCE SHALL NOT BE
18 INCLUDED IN THIS DEFINITION.

19 "MUNICIPALITY," A TOWNSHIP, BOROUGH OR A HOME RULE
20 MUNICIPALITY WHICH WAS FORMERLY A TOWNSHIP OR BOROUGH.

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

26 "OPERATOR," ANY INDIVIDUAL, PARTNERSHIP, NONPROFIT OR PROFIT-
27 MAKING ASSOCIATION OR CORPORATION OR OTHER PERSON OR GROUP OF
28 PERSONS WHO MAINTAIN, OPERATE, MANAGE, OWN, HAVE CUSTODY OF, OR
29 OTHERWISE POSSESS THE RIGHT TO RENT OR LEASE OVERNIGHT
30 ACCOMMODATIONS IN ANY HOTEL TO THE PUBLIC FOR CONSIDERATION.

1 "OPERATING DEFICIT," THE EXCESS OF EXPENSES OVER RECEIPTS
2 FROM THE OPERATION AND MANAGEMENT OF A CONVENTION CENTER OR
3 EXHIBITION HALL.

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

6 "PERMANENT RESIDENT," ANY PERSON WHO HAS OCCUPIED OR HAS THE
7 RIGHT TO OCCUPANCY OF ANY ROOM OR ROOMS IN A HOTEL AS A PATRON
8 OR OTHERWISE FOR A PERIOD EXCEEDING THIRTY (30) CONSECUTIVE
9 DAYS.

10 "RECOGNIZED TOURIST PROMOTION AGENCY," THE NONPROFIT
11 CORPORATION, ORGANIZATION, ASSOCIATION OR AGENCY WHICH IS AND
12 HAS BEEN ENGAGED IN PLANNING AND PROMOTING PROGRAMS DESIGNED TO
13 STIMULATE AND INCREASE THE VOLUME OF TOURIST, VISITOR AND
14 VACATION BUSINESS WITHIN COUNTIES SERVED BY SUCH AGENCIES AS
15 THAT TERM IS DEFINED IN THE ACT OF APRIL 28, 1961 (P.L.111,
16 NO.50), KNOWN AS THE "TOURIST PROMOTION LAW," AND WHICH
17 PARTICULAR NONPROFIT CORPORATION, ORGANIZATION, ASSOCIATION OR
18 AGENCY HERETOFORE HAS BEEN RECOGNIZED BY THE DEPARTMENT OF
19 COMMERCE ALL IN ACCORDANCE WITH THE TERMS OF SAID "TOURIST
20 PROMOTION LAW."

21 "REGIONAL TOURIST PROMOTION ACTIVITIES," SERVICES,
22 ACTIVITIES, FACILITIES AND EVENTS WHICH RESULT IN A SIGNIFICANT
23 NUMBER OF NONRESIDENTS VISITING A COUNTY OF THE SECOND CLASS FOR
24 RECREATIONAL, CULTURAL OR EDUCATIONAL PURPOSES.

25 "ROOM," A SPACE IN A HOTEL SET ASIDE FOR USE AND OCCUPANCY BY
26 PATRONS, OR OTHERWISE, FOR CONSIDERATION, HAVING AT LEAST ONE
27 BED OR OTHER SLEEPING ACCOMMODATION PROVIDED THEREIN.

28 "TEMPORARY," A PERIOD OF TIME NOT EXCEEDING THIRTY (30)
29 CONSECUTIVE DAYS.

30 "TRANSACTION," THE ACTIVITY INVOLVING THE OBTAINING BY A

1 TRANSIENT OR PATRON OF THE USE OR OCCUPANCY OF A HOTEL ROOM FROM
2 WHICH CONSIDERATION EMANATES TO THE OPERATOR UNDER AN EXPRESS OR
3 AN IMPLIED CONTRACT.

4 "TRANSIENT," ANY INDIVIDUAL WHO OBTAINS ACCOMMODATION IN ANY
5 HOTEL FOR HIMSELF BY MEANS OF REGISTERING AT THE FACILITY FOR
6 THE TEMPORARY OCCUPANCY OF ANY ROOM FOR THE PERSONAL USE OF THAT
7 INDIVIDUAL BY PAYING TO THE OPERATOR OF THE FACILITY A FEE IN
8 CONSIDERATION THEREFOR.

9 (B) THE COUNTY COMMISSIONERS IN EACH COUNTY OF THE SECOND
10 CLASS ARE HEREBY AUTHORIZED TO IMPOSE AN EXCISE TAX AT [THREE
11 PER CENTUM (3%)] FIVE PER CENTUM (5%) ON THE CONSIDERATION
12 RECEIVED BY EACH OPERATOR OF A HOTEL WITHIN THE COUNTY FROM EACH
13 TRANSACTION OF RENTING A ROOM OR ROOMS TO ACCOMMODATE
14 TRANSIENTS. THE COUNTY COMMISSIONERS IN EACH COUNTY OF THE
15 SECOND CLASS A ARE HEREBY AUTHORIZED TO IMPOSE AN EXCISE TAX NOT
16 TO EXCEED THREE PER CENTUM (3%) ON THE CONSIDERATION RECEIVED BY
17 EACH OPERATOR OF A HOTEL WITHIN THE COUNTY FROM EACH TRANSACTION
18 OF RENTING A ROOM OR ROOMS TO ACCOMMODATE TRANSIENTS. THE TAX
19 SHALL BE COLLECTED BY THE OPERATOR FROM THE PATRON OF THE ROOM
20 AND PAID OVER TO THE COUNTY AS HEREIN PROVIDED.

21 (B.1) THE TREASURER OF EACH COUNTY OF THE SECOND CLASS
22 ELECTING TO IMPOSE THE TAX AUTHORIZED UNDER THIS SECTION IS
23 HEREBY DIRECTED TO COLLECT THE TAX AND TO DEPOSIT THE REVENUES
24 RECEIVED FROM THE TAX IN A SPECIAL FUND. THE REVENUES SHALL BE
25 DISTRIBUTED BY THE COUNTY COMMISSIONERS AS FOLLOWS:

26 (1) TWO-FIFTHS (2/5) OF ALL REVENUES RECEIVED BY THE
27 COUNTY FROM THE EXCISE TAX SHALL BE DISTRIBUTED TO A TOURIST
28 PROMOTION AGENCY PURSUANT TO SECTION 2199.14.

29 (2) ONE-THIRD (1/3) OF THE FIVE PER CENTUM (5%) EXCISE
30 TAX COLLECTED BY HOTELS WITHIN A MUNICIPALITY WHEREIN A

1 CONVENTION CENTER OR EXHIBITION HALL IS LOCATED (LESS THE
2 COST OF COLLECTING THE TAX) SHALL, AT THE REQUEST OF SUCH
3 MUNICIPALITY, BE RETURNED TO THAT MUNICIPALITY WHEREIN SUCH
4 CONVENTION CENTER OR EXHIBITION HALL IS LOCATED, FOR DEPOSIT
5 IN THAT MUNICIPALITY'S SPECIAL FUND ESTABLISHED SOLELY FOR
6 PURPOSES OF PAYING FOR PROMOTIONAL PROGRAMS IMPLEMENTED BY A
7 NONPROFIT ORGANIZATION WHICH ARE DESIGNED TO STIMULATE AND
8 INCREASE THE VOLUME OF CONVENTIONS AND VISITORS WITHIN THE
9 MUNICIPALITY: PROVIDED, HOWEVER, THAT AN AUDITED REPORT ON
10 THE INCOME AND EXPENDITURES INCURRED BY THE MUNICIPALITY
11 RECEIVING FUNDS FROM THE EXCISE TAX ON HOTEL ROOM RENTALS
12 SHALL BE MADE ANNUALLY TO THE BOARD OF COUNTY COMMISSIONERS;
13 AND PROVIDED FURTHER, THAT THE MEMBERS OF THE BOARD OF
14 DIRECTORS OR OTHER GOVERNING BODY OF THE NONPROFIT
15 ORGANIZATION UTILIZED BY THE MUNICIPALITY TO PROVIDE THE
16 AFOREMENTIONED PROMOTIONAL PROGRAMS BE APPOINTED BY THE
17 GOVERNING BODY OF THE MUNICIPALITY.

18 (3) ALL REMAINING REVENUES FROM THE FIVE PER CENTUM (5%)
19 EXCISE TAX RECEIVED BY THE COUNTY, LESS A FIVE PER CENTUM
20 (5%) FEE FOR COLLECTING THE TAX, SHALL BE USED FOR
21 OPERATIONAL AND MAINTENANCE EXPENDITURES OF THE CONVENTION
22 CENTER OR EXHIBITION HALL AS PROVIDED IN SUBSECTION (D) AND
23 FOR REGIONAL TOURIST PROMOTION ACTIVITIES.

24 (C) THE TREASURER OF EACH COUNTY OF THE SECOND CLASS A
25 ELECTING TO IMPOSE THE TAX AUTHORIZED UNDER THIS SECTION IS
26 HEREBY DIRECTED TO COLLECT THE TAX [AND IN COUNTIES OF THE
27 SECOND CLASS TO DEPOSIT THE REVENUES RECEIVED FROM THE TAX IN A
28 SPECIAL FUND ESTABLISHED SOLELY FOR PURPOSES OF A CONVENTION
29 CENTER OR EXHIBITION HALL. THE REVENUES SHALL BE DISTRIBUTED AS
30 FOLLOWS:

1 (1) ONE-THIRD (1/3) OF ALL REVENUES RECEIVED BY THE
2 COUNTY FROM THE EXCISE TAX SHALL BE DISTRIBUTED TO A TOURIST
3 PROMOTION AGENCY PURSUANT TO SECTION 2199.14.

4 (2) ONE-THIRD (1/3) OF THE THREE PER CENTUM (3%) EXCISE
5 TAX COLLECTED BY HOTELS WITHIN A MUNICIPALITY WHEREIN A
6 CONVENTION CENTER OR EXHIBITION HALL IS LOCATED (LESS THE
7 COST OF COLLECTING THE TAX) SHALL, AT THE REQUEST OF SUCH
8 MUNICIPALITY, BE RETURNED TO THAT MUNICIPALITY WHEREIN SUCH
9 CONVENTION CENTER OR EXHIBITION HALL IS LOCATED, FOR DEPOSIT
10 IN THAT MUNICIPALITY'S SPECIAL FUND ESTABLISHED SOLELY FOR
11 PURPOSES OF PAYING FOR PROMOTIONAL PROGRAMS IMPLEMENTED BY A
12 NONPROFIT ORGANIZATION WHICH ARE DESIGNED TO STIMULATE AND
13 INCREASE THE VOLUME OF CONVENTIONS AND VISITORS WITHIN THE
14 MUNICIPALITY: PROVIDED, HOWEVER, THAT AN AUDITED REPORT ON
15 THE INCOME AND EXPENDITURES INCURRED BY THE MUNICIPALITY
16 RECEIVING FUNDS FROM THE EXCISE TAX ON HOTEL ROOM RENTALS
17 SHALL BE MADE ANNUALLY TO THE BOARD OF COUNTY COMMISSIONERS.

18 (3) ALL REMAINING REVENUES FROM THE THREE PER CENTUM
19 (3%) EXCISE TAX RECEIVED BY THE COUNTY SHALL BE USED
20 EXCLUSIVELY FOR OPERATIONAL AND MAINTENANCE EXPENDITURES OF
21 THE CONVENTION CENTER OR EXHIBITION HALL AS PROVIDED IN
22 SUBSECTION (D).

23 IN COUNTIES OF THE SECOND CLASS A THE REVENUES SHALL BE
24 DEPOSITED] AND TO DEPOSIT THE REVENUES IN A SPECIAL FUND
25 ESTABLISHED SOLELY FOR PURPOSES OF TRAVEL AND TOURISM PROMOTION
26 AND ADVERTISING RELATED TO SUCH PROMOTION. THE TREASURER IS
27 HEREBY AUTHORIZED TO ESTABLISH RULES AND REGULATIONS CONCERNING
28 THE COLLECTION OF THE TAX.

29 (D) IN COUNTIES OF THE SECOND CLASS, EXPENDITURES FROM THE
30 FUND ESTABLISHED PURSUANT TO SUBSECTION [(C)] (B.1) SHALL BE

1 USED FOR ALL PURPOSES WHICH A PUBLIC AUTHORITY MAY DETERMINE TO
2 BE REASONABLY NECESSARY TO THE SUPPORT, OPERATION AND
3 MAINTENANCE OF A CONVENTION CENTER OR EXHIBITION HALL, INCLUDING
4 BUT NOT LIMITED TO THE FOLLOWING:

5 (1) ADVERTISING AND PUBLICIZING TOURIST ATTRACTIONS IN
6 THE AREA SERVED BY THE AGENCY;

7 (2) PROMOTING AND OTHERWISE ENCOURAGING THE USE OF THE
8 FACILITIES IN THE AREA SERVED BY THE AGENCY BY THE PUBLIC AS
9 A WHOLE;

10 (3) PROMOTING AND ATTRACTING CONVENTIONS, EXHIBITIONS
11 AND OTHER FUNCTIONS TO UTILIZE FACILITIES IN THE AREA SERVED
12 BY THE AGENCY;

13 (4) PRECOMPLETION ADVERTISING AND PUBLICIZING OF ANY
14 CONVENTION CENTER OR EXHIBITION HALL;

15 (5) PROMOTING AND ATTRACTING CONVENTIONS, EXHIBITIONS
16 AND OTHER FUNCTIONS TO UTILIZE THE CONVENTION CENTER OR
17 EXHIBITION HALL;

18 (6) PROMOTING AND OTHERWISE ENCOURAGING THE USE OF THE
19 PREMISES BY THE PUBLIC AS A WHOLE, OR ANY SEGMENT THEREOF;

20 (7) OPERATING, FURNISHING AND OTHERWISE MAINTAINING AND
21 EQUIPPING THE PREMISES AND REALTY APPURTENANT THERETO;

22 (8) FURNISHING AND EQUIPPING THE BUILDING AND GROUNDS.

23 IT IS THE INTENTION OF THIS SECTION THAT THE RECEIPTS FROM
24 ANY TAX IMPOSED PURSUANT TO THE PROVISIONS OF THIS ACT BE
25 USED IN COUNTIES OF THE SECOND CLASS TO OFFSET THE ENTIRE
26 OPERATING DEFICIT, IF ANY, OF ANY CONVENTION CENTER OR
27 EXHIBITION HALL INCLUDING, EQUALLY, SHARES OF ANY COOPERATING
28 POLITICAL SUBDIVISION OR AGENCY OF GOVERNMENT INCURRED
29 PURSUANT TO ANY AGREEMENT PRESENTLY EXISTING OR EXECUTED
30 HEREAFTER. THE OPERATING DEFICIT SHALL BE DETERMINED BY ANY

PUBLIC AUTHORITY WHICH IS THE DESIGNATED OPERATING AGENCY OF
ANY CONVENTION CENTER OR EXHIBITION HALL.

(D.1) IN COUNTIES OF THE SECOND CLASS A, EXPENDITURES FROM
THE FUND ESTABLISHED PURSUANT TO SUBSECTION (C) SHALL BE
ANNUALLY APPROPRIATED BY THE COUNTY COMMISSIONERS FOR TOURIST
PROMOTION ACTIVITIES, TO BE EXECUTED BY THE DESIGNATED TOURIST
PROMOTION AGENCY FOR:

(1) MARKETING THE AREA SERVED BY THE AGENCY AS A LEISURE
TRAVEL DESTINATION;

(2) MARKETING THE AREA SERVED BY THE AGENCY AS A
CONVENTION AND BUSINESS TRAVEL DESTINATION;

(3) MARKETING THE AREA SERVED BY THE AGENCY TO THE
PUBLIC AS A WHOLE FOR USE OF ITS TOURIST AND CONVENTION
FACILITIES;

(4) USING ALL APPROPRIATE MARKETING TOOLS TO ACCOMPLISH
THESE PURPOSES, INCLUDING ADVERTISING, PUBLICITY,
PUBLICATIONS, DIRECT MARKETING, DIRECT SALES, PARTICIPATION
IN TRAVEL TRADE SHOWS, ETC.

THE COUNTY COMMISSIONERS MAY DEDUCT FROM THE FUNDS COLLECTED ANY
DIRECT OR INDIRECT COSTS ATTRIBUTABLE TO THE COLLECTION OF THE
TAX.

(E) (1) THE PROVISIONS OF THIS SECTION RELATING TO COUNTIES
OF THE SECOND CLASS SHALL REMAIN IN FORCE FROM YEAR TO YEAR.
REVENUES IN EXCESS OF AMOUNTS NEEDED TO OFFSET OPERATING
DEFICITS SHALL BE DETERMINED BY THE PUBLIC AUTHORITY AND MAY
BE ACCUMULATED, AND ANY REVENUES MAY BE USED TO PROVIDE PART
OR ALL OF ANY ANNUAL PAYMENT TO BE PAID BY A COUNTY OR A
POLITICAL SUBDIVISION UNDER ANY AGREEMENT WITH ANY PUBLIC
AUTHORITY CREATED UNDER THE ACT OF JULY 29, 1953 (P.L.1034,
NO.270), KNOWN AS THE "PUBLIC AUDITORIUM AUTHORITIES LAW,"

1 WHICH HAS BEEN DESIGNATED AS THE OPERATING AGENCY FOR A
2 CONVENTION CENTER OR EXHIBITION HALL IN SUPPORT OF BONDS
3 ISSUED BY THE PUBLIC AUTHORITY; OR TO EFFECT NECESSARY
4 EXPANSION OR FURTHER CAPITAL IMPROVEMENTS, WITHIN THE
5 DISCRETION OF THE COOPERATING POLITICAL SUBDIVISIONS AND THE
6 PUBLIC AUTHORITY.

7 (2) THE PROVISIONS OF THIS SECTION RELATING TO COUNTIES
8 OF THE SECOND CLASS A SHALL REMAIN IN FORCE AND EFFECT FOR
9 THREE (3) YEARS FROM THE DATE OF THIS REENACTMENT AND MAY BE
10 CONTINUED THEREAFTER BY ORDINANCE OR RESOLUTION OF THE COUNTY
11 COMMISSIONERS OF THE RESPECTIVE COUNTIES.

12 (F) EACH TAX YEAR FOR ANY TAX IMPOSED HEREUNDER SHALL RUN
13 CONCURRENTLY WITH THE CALENDAR YEAR.

14 SECTION 5. SECTION 2001(D) OF THE ACT IS AMENDED BY ADDING A
15 CLAUSE TO READ:

16 SECTION 2001. COUNTY COMMISSIONERS TO MAKE CONTRACTS.--THE
17 COUNTY COMMISSIONERS MAY MAKE CONTRACTS FOR LAWFUL PURPOSES AND
18 FOR THE PURPOSES OF CARRYING INTO EXECUTION THE PROVISIONS OF
19 THIS SECTION AND THE LAWS OF THE COMMONWEALTH.

20 * * *

21 (D) THE CONTRACTS OR PURCHASES MADE BY THE COMMISSIONERS
22 INVOLVING AN EXPENDITURE OF OVER TEN THOUSAND DOLLARS (\$10,000)
23 WHICH SHALL NOT REQUIRE ADVERTISING OR BIDDING AS HEREINBEFORE
24 PROVIDED ARE AS FOLLOWS:

25 * * *

26 (7) THOSE INVOLVING THE CONSTRUCTION, ERECTION, FINANCING
27 AND DEVELOPMENT OF A HYDROELECTRIC GENERATING FACILITY OWNED,
28 OPERATED AND DEVELOPED AS A QUALIFYING COGENERATION, LOW-HEAD
29 HYDROELECTRIC GENERATION OR A SMALL POWER PRODUCTION FACILITY
30 PURSUANT TO AND IN ACCORDANCE WITH THE PUBLIC UTILITY REGULATORY

1 POLICIES ACT OF 1978 (PUBLIC LAW 95-617, 92 STAT. 3117) AND
2 SECTION 2101-A.

3 * * *

4 SECTION 6. SECTION 2001.1 OF THE ACT, ADDED DECEMBER 10,
5 1980 (P.L.1165, NO.213), IS AMENDED TO READ:

6 SECTION 2001.1. ARCHITECTS AND ENGINEERS EMPLOYED PROHIBITED
7 FROM BIDDING ON PUBLIC WORKS; PENALTY.--IT SHALL BE UNLAWFUL FOR
8 ANY ARCHITECT OR ENGINEER, IN THE EMPLOY OF ANY COUNTY, AND
9 ENGAGED IN THE PREPARATION OF PLANS, SPECIFICATIONS OR
10 ESTIMATES, TO BID OR NEGOTIATE ON ANY PUBLIC WORK AT ANY LETTING
11 OF SUCH WORK BY THE COUNTY, EXCEPT THAT ANY SUCH ARCHITECT OR
12 ENGINEER WHO SHALL HAVE PREPARED PRELIMINARY PLANS ONLY SHALL
13 NOT BE PROHIBITED FROM BIDDING OR NEGOTIATING ON THE FINAL
14 CONTRACT FOR SUCH WORK.

15 IT SHALL BE UNLAWFUL FOR THE OFFICERS OF ANY COUNTY CHARGED
16 WITH THE DUTY OF LETTING ANY PUBLIC WORK, TO AWARD A CONTRACT TO
17 ANY SUCH ARCHITECT OR ENGINEER, IN THE EMPLOY OF THE COUNTY WHO
18 IS IN ANY WAY INTERESTED IN ANY CONTRACT FOR PUBLIC WORK FOR THE
19 COUNTY OR FOR ANY SUCH ARCHITECT OR ENGINEER TO RECEIVE ANY
20 REMUNERATION OR GRATUITY FROM ANY PERSON INTERESTED IN SUCH
21 CONTRACT EXCEPT UNDER THE TERMS AND CONDITIONS AS PROVIDED IN
22 SECTION 2001(F).

23 THIS SECTION SHALL NOT BE APPLICABLE TO SPECIFICATIONS AND
24 CONTRACTS INVOLVING THE CONSTRUCTION, ERECTION, FINANCING AND
25 DEVELOPMENT OF A HYDROELECTRIC GENERATING FACILITY OWNED,
26 OPERATED AND DEVELOPED AS A QUALIFYING COGENERATION, LOW-HEAD
27 HYDROELECTRIC GENERATION OR A SMALL POWER PRODUCTION FACILITY
28 PURSUANT TO AND IN ACCORDANCE WITH THE PUBLIC UTILITY REGULATORY
29 POLICIES ACT OF 1978 (PUBLIC LAW 95-617, 92 STAT. 3117) AND
30 SECTION 2101-A.

1 ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS SECTION
2 SHALL FORFEIT HIS OFFICE, AND SHALL BE GUILTY OF A MISDEMEANOR,
3 AND ON CONVICTION THEREOF, SHALL BE SENTENCED TO PAY A FINE NOT
4 EXCEEDING FIVE HUNDRED DOLLARS (\$500), OR TO UNDERGO
5 IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BOTH.

6 SECTION 7. SECTION 2199.14(A) OF THE ACT, AMENDED DECEMBER
7 10, 1982 (P.L.1079, NO.252), IS AMENDED TO READ:

8 SECTION 2199.14. APPROPRIATIONS TO TOURIST PROMOTION
9 AGENCIES.--(A) (1) THE BOARD OF COMMISSIONERS OF ANY COUNTY OF
10 THE SECOND CLASS SHALL APPROPRIATE ANNUALLY A PORTION OF THE
11 FUNDS DERIVED FROM THE EXCISE TAX ON HOTEL ROOM RENTALS TO
12 THE RECOGNIZED TOURIST PROMOTION AGENCY OPERATING WITHIN THE
13 COUNTY. SUCH FUNDS SHALL REPRESENT [ONE THIRD (1/3)] TWO-
14 FIFTHS (2/5) OF THE REVENUES RECEIVED BY THE COUNTY FROM THE
15 EXCISE TAX LEVIED ON HOTEL ROOM RENTALS AS AUTHORIZED BY
16 SECTION 1970.2.

17 (2) MONEYS RECEIVED BY THE TOURIST PROMOTION AGENCY
18 SHALL BE LIMITED TO PROMOTIONAL PROGRAMS DESIGNED TO
19 STIMULATE AND INCREASE THE VOLUME OF CONVENTIONS AND VISITORS
20 WITHIN THE COUNTY.

21 (3) AN AUDITED REPORT ON THE INCOME AND EXPENDITURES
22 INCURRED BY THE TOURIST PROMOTION AGENCY RECEIVING FUNDS FROM
23 THE EXCISE TAX ON HOTEL ROOM RENTALS SHALL BE MADE ANNUALLY
24 TO THE BOARD OF COUNTY COMMISSIONERS.

25 (4) THE COUNTY CONTROLLER OF A COUNTY OF THE SECOND
26 CLASS MAY CONDUCT AUDITS OF THE FUNDS USED BY A RECOGNIZED
27 TOURIST PROMOTION AGENCY RECEIVED FROM THE EXCISE TAX LEVIED
28 ON HOTEL ROOM RENTALS.

29 * * *

30 SECTION 8. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.