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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 706 Session of  
1999

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INTRODUCED BY CONTI, THOMPSON, WOZNIAK, STOUT AND ROBBINS,  
APRIL 7, 1999

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SENATE AMENDMENTS TO HOUSE AMENDMENTS, OCTOBER 10, 2000

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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," providing for ADOPTION <—  
5 OF BUDGETS FOR 2001 BY COUNTIES OF THE SECOND CLASS AND  
6 POLITICAL SUBDIVISIONS OF THOSE COUNTIES AND FOR an operating  
7 reserve fund; further providing for payments into certain  
8 fund, ~~for amount of retirement allowance and for the~~ AND FOR <—  
9 AMOUNT OF RETIREMENT ALLOWANCE; PROVIDING FOR HOMESTEAD  
10 PROPERTY EXCLUSION PROCEDURE; FURTHER PROVIDING FOR THE  
11 making of contracts; prohibiting certain provisions in  
12 contracts relating to redevelopment assistance capital  
13 projects; continuing the county jail oversight board and its  
14 powers and duties; providing for a sports and exhibition  
15 authority; FURTHER PROVIDING FOR CERTAIN TAX RELIEF; and <—  
16 making a repeal.

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

19 Section 1. The act of July 28, 1953 (P.L.723, No.230), known  
20 as the Second Class County Code, is amended by adding a ~~section~~ <—  
21 SECTIONS to read: <—

22 SECTION 111. ADOPTION OF BUDGETS FOR 2001.--(A) <—  
23 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, EACH  
24 COUNTY OF THE SECOND CLASS AND EACH POLITICAL SUBDIVISION

SITUATE WITHIN A COUNTY OF THE SECOND CLASS THAT IS REQUIRED TO  
ADOPT A BUDGET FOR A CALENDAR YEAR PRIOR TO JANUARY 31 OF THAT  
YEAR SHALL HAVE UNTIL JANUARY 31, 2001 TO ADOPT ITS BUDGET FOR  
THE 2001 CALENDAR YEAR.

(B) IF A BUDGET FOR THE 2001 CALENDAR YEAR IS NOT ADOPTED  
BEFORE JANUARY 1, 2001, THE GOVERNING BODY OF A COUNTY OF THE  
SECOND CLASS OR POLITICAL SUBDIVISION SITUATE WITHIN A COUNTY OF  
THE SECOND CLASS SHALL BE AUTHORIZED TO MAKE INTERIM  
EXPENDITURES BETWEEN JANUARY 1, 2001 AND THE DATE THE BUDGET IS  
ADOPTED, PROVIDED THAT THE FOLLOWING REQUIREMENTS ARE SATISFIED:

(1) EACH INTERIM EXPENDITURE MUST BE OF A TYPE AND NATURE AS  
THE EXPENDITURES MADE UNDER THE BUDGET APPROVED FOR THE 2000  
CALENDAR YEAR.

(2) THE AMOUNT OF THE INTERIM EXPENDITURES IN THE AGGREGATE  
MUST NOT EXCEED ONE-TWELFTH OF THE BUDGET APPROVED FOR THE 2000  
CALENDAR YEAR.

(3) THE INTERIM EXPENDITURES MUST BE RATIFIED IN THEIR  
ENTIRETY FOR INCLUSION IN THE BUDGET FOR THE 2001 CALENDAR YEAR.

(C) A COUNTY OF THE SECOND CLASS OR POLITICAL SUBDIVISION  
SITUATE WITHIN A COUNTY OF THE SECOND CLASS THAT MAKES INTERIM  
EXPENDITURES IN ACCORDANCE WITH THIS SECTION MAY BORROW, IF  
NECESSARY, FUNDS SUFFICIENT TO PAY FOR THE INTERIM EXPENDITURES.  
THE BORROWING SHALL COMPLY WITH THE PROVISIONS OF APPLICABLE  
LAW.

(D) THIS SECTION SHALL EXPIRE FEBRUARY 1, 2001.

Section 511. Operating Reserve Fund.--(a) The county  
commissioners shall have the power to create and maintain a  
separate operating reserve fund in order to minimize future  
revenue shortfalls and deficits, provide greater continuity and  
predictability in the funding of vital government services,

1 minimize the need to increase taxes to balance the budget in  
2 times of fiscal distress, provide the capacity to undertake  
3 long-range financial planning and develop fiscal resources to  
4 meet long-term needs.

5 (b) The county commissioners may annually make  
6 appropriations from the general county fund to the operating  
7 reserve fund, but no appropriation shall be made to the  
8 operating reserve fund if the effect of the appropriation would  
9 cause the fund to exceed five per cent of the estimated revenues  
10 of the county's general fund in the current fiscal year.

11 (c) The commissioners may at any time, by resolution, make  
12 appropriations from the operating reserve fund for the following  
13 purposes only:

14 (1) to meet emergencies involving the health, safety or  
15 welfare of the residents of the county;

16 (2) to counterbalance potential budget deficits resulting  
17 from shortfalls in anticipated revenues or program receipts from  
18 whatever source; or

19 (3) to provide for anticipated operating expenditures  
20 related either to the planned growth of existing projects or  
21 programs or to the establishment of new projects or programs if  
22 for each such project or program appropriations have been made  
23 and allocated to a separate restricted account established  
24 within the operating reserve fund.

25 (d) The operating reserve fund shall be invested, reinvested  
26 and administered in a manner consistent with the provisions of  
27 section 1964 of this act relating to the investment of county  
28 funds generally.

29 Section 2. Sections 1708(a) and 1712(a) of the act, amended  
30 December 14, 1989 (P.L.631, No.75), are amended to read:

1       Section 1708. Compulsory Membership; Payments Into Fund;  
2 Exceptions; Vested Interest.--(a) Each county employe shall be  
3 required to become a member of the county employes' retirement  
4 system within six months from the date of his or her employment.  
5 The said county employe may elect to become a member of the  
6 retirement system at any time during the aforesaid six months  
7 period of time by notifying the head of the department, office  
8 or agency in which department, office or agency he or she is  
9 employed of the said election. A copy thereof shall be filed  
10 immediately with the board. He or she shall, each month, pay  
11 into the retirement fund a monthly contribution, being a certain  
12 percentage of the amount received by him or her as compensation  
13 during the preceding calendar month[, which shall be computed on  
14 a monthly compensation of four thousand three hundred thirty-  
15 three dollars and thirty-three cents (\$4,333.33) or less].  
16 Except as provided in subsection (d), the monthly contribution  
17 shall be the percentage of his or her compensation as heretofore  
18 stated, on a graduated scale as follows:

19       For the year 1988 and thereafter, six and one-quarter per  
20 centum up to seven hundred fifty dollars (\$750) per month.

21       Nine and three-eighths per centum from seven hundred fifty  
22 dollars (\$750) to fifteen hundred dollars (\$1500) per month.

23       Twelve and one-half per centum from fifteen hundred dollars  
24 (\$1500) [to four thousand three hundred thirty-three dollars and  
25 thirty-three cents (\$4,333.33)] per month and above.

26       Except as hereinafter provided, the aforesaid increase rate  
27 of monthly contributions to be paid into the retirement fund to  
28 enhance the actuarial soundness of said fund, shall be  
29 applicable to all county employes who are members of the  
30 retirement system. Such monthly contributions shall be collected

1 by the county treasurer and by him paid into the retirement  
2 fund. The payment of the increased rate of the aforesaid monthly  
3 contributions shall not apply to such former county employes  
4 whose monthly contributions are now paid into said fund in  
5 accordance with the provisions of subsection (d) of section  
6 1713. Any county employe receiving compensation for accidental  
7 injuries in accordance with the provisions of The Pennsylvania  
8 Workmen's Compensation Act shall during the period of time in  
9 which such county employe is receiving disability benefits, as  
10 provided in the aforesaid act, pay each month for retirement  
11 benefits a sum equal to the last monthly contribution as paid  
12 into the retirement fund when said county employe was in  
13 employment. The monthly contribution shall not be paid by any  
14 person who was receiving a retirement allowance and is  
15 subsequent to the thirty-first day of May, one thousand nine  
16 hundred fifty-three, reemployed as a county employe or any other  
17 person who is ineligible to become a member of the retirement  
18 system.

19 \* \* \*

20 Section 1712. Amount of Retirement Allowances.--(a) The  
21 retirement allowance paid under the provisions of this article  
22 shall equal fifty per centum of the amount which would  
23 constitute the average monthly compensation as received by the  
24 county employe during the highest twenty-four months of the last  
25 four (4) years of his employment or two years on a bi-weekly pay  
26 basis in which period of time the said county employe made  
27 monthly or bi-weekly contributions into the retirement fund  
28 prior to his or her retirement. Such average monthly  
29 compensation shall include the compensation which any county  
30 employe would have been entitled to and would have received

1 except for deduction from compensation due to time spent in  
2 serving as an elected State official: Provided, That the county  
3 and the employe shall make monthly contributions based on the  
4 last compensation equal to the amount the county and he or she  
5 would have paid into the retirement fund had such compensation  
6 been paid by the county. [No retirement allowance shall be  
7 computed on a monthly compensation in excess of four thousand  
8 three hundred thirty-three dollars and thirty-three cents  
9 (\$4,333.33).] In the event an employe, on the effective date of  
10 employment termination, shall have less than a full year of  
11 service for the purpose of computing the employe's service time,  
12 then the amount of the retirement allowance, which would have  
13 been computed had the employe completed a full twelve-month  
14 period for the year of the termination of employment, shall be  
15 prorated upon a full completed month basis for said last year of  
16 service. No retirement allowance shall be computed on a monthly  
17 compensation in excess of four thousand three hundred thirty-  
18 three dollars and thirty-three cents (\$4,333.33) (referred to in  
19 this subsection as "excess compensation") unless the employe and  
20 the county have made contributions on all excess compensation  
21 received by the employe during the five-year period preceding  
22 the employe's retirement: Provided, that the required  
23 contribution is paid into the retirement system within ninety  
24 (90) days of the date of retirement. An employe who retires  
25 within five (5) years of the effective date of the compensation  
26 cap removal may elect to satisfy the contribution requirement by  
27 making a lump sum contribution that is calculated by applying  
28 the applicable contribution percentage rate to all excess  
29 compensation received by the employe during the prior five-year  
30 period on which contributions were not made. Within ninety (90)

1 days of such contribution by an employee, contributions shall  
2 also be made by the county in an amount equal to the amount  
3 contributed by the employee. The effective date of the cap  
4 removal is December 31, 1999.

5 After the effective date of this amendment, certain former  
6 county employees who are now receiving a retirement allowance  
7 shall receive an increase of a certain per centum of such  
8 retirement allowance, which sum shall be computed on the average  
9 monthly retirement allowance as heretofore authorized by the  
10 board.

11 The per centum of increase in said monthly retirement  
12 allowance shall be a flat 10 per centum increase with the  
13 maximum amount not to exceed forty-five dollars (\$45.00) per  
14 month.

15 Any employee who earns in excess of ten thousand eight hundred  
16 dollars (\$10,800) per annum and shall retire during the period  
17 from January 1, 1973 to December 31, 1981 shall pay, as a  
18 condition to the payment of any benefits hereunder a lump sum  
19 contribution into the retirement fund, which contribution shall  
20 be computed as follows:

21 The difference between ten thousand eight hundred dollars  
22 (\$10,800) and the annual salary of the employee multiplied by the  
23 number of years during which he was not an employee of the county  
24 for the period aforesaid and upon that amount the sum of two per  
25 centum which shall be the lump sum contribution as required  
26 herein.

27 No person who is reemployed as a county employee shall be  
28 eligible to receive the benefit of a retirement allowance plus a  
29 service increment, if any, until he or she shall have made at  
30 least twenty-four monthly or fifty-two bi-weekly contributions

1 into the retirement fund subsequent to his or her reemployment.  
2 The foregoing provisions shall not have a retroactive  
3 application and shall apply only to present and future county  
4 employees. The rate required to be paid in accordance with this  
5 provision shall apply to present county employees notwithstanding  
6 the rate of contribution that the present county employee has  
7 made into the retirement fund.

8 \* \* \*

9 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

10 SECTION 1975. HOMESTEAD PROPERTY EXCLUSION PROCEDURE.--(A)  
11 THE PROVISIONS OF 53 PA.C.S. § 8584 (RELATING TO ADMINISTRATION  
12 AND PROCEDURE) SHALL NOT APPLY TO A COUNTY OF THE SECOND CLASS,  
13 OR A POLITICAL SUBDIVISION OF A COUNTY OF THE SECOND CLASS, THAT  
14 IMPLEMENTS AN EXCLUSION AUTHORIZED UNDER 53 PA.C.S. CH. 85  
15 SUBCH. F (RELATING TO HOMESTEAD PROPERTY EXCLUSION). IN LIEU OF  
16 THE PROVISIONS SET FORTH IN 53 PA.C.S. § 8584, A COUNTY OF THE  
17 SECOND CLASS THAT IMPLEMENTS AN EXCLUSION AUTHORIZED BY 53  
18 PA.C.S. CH. 85 SUBCH. F SHALL ADOPT SUCH RULES, REGULATIONS AND  
19 PROCEDURES AS DEEMED NECESSARY AND REASONABLE FOR ITS USE OR THE  
20 USE OF THE POLITICAL SUBDIVISIONS SITUATE THEREIN TO ADMINISTER  
21 THIS PROGRAM OF EXCLUSIONS.

22 (B) THIS SECTION SHALL EXPIRE DECEMBER 31, 2001.

23 Section 3 4. Section 2001(d) of the act, amended October 5, <—  
24 1990 (P.L.519, No.125), is amended to read:

25 Section 2001. County Commissioners to Make Contracts.--The  
26 County Commissioners may make contracts for lawful purposes and  
27 for the purposes of carrying into execution the provisions of  
28 this section and the laws of the Commonwealth.

29 \* \* \*

30 (d) The contracts or purchases made by the commissioners



1 involving an expenditure of over ten thousand dollars (\$10,000)  
2 which shall not require advertising or bidding as hereinbefore  
3 provided are as follows:

4 (1) Those for maintenance, repairs or replacements for  
5 water, electric light, or other public works: Provided, That  
6 they do not constitute new additions, extensions or enlargements  
7 of existing facilities and equipment, but a bond may be required  
8 by the county commissioners as in other cases of work done.

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

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

17 (4) Those involving any policies of insurance or surety  
18 company bonds, those made for public utility service under  
19 tariffs on file with the Pennsylvania Public Utility Commission.  
20 [, those made with another political subdivision or a county,  
21 the Commonwealth of Pennsylvania, the Federal Government, any  
22 agency of the Commonwealth or the Federal Government, or any  
23 municipal authority, including the sale, leasing or loan of any  
24 supplies or materials by the Commonwealth or the Federal  
25 Government, or their agencies, but the price thereof shall not  
26 be in excess of that fixed by the Commonwealth, the Federal  
27 Government, or their agencies.]

28 (5) Those involving personal or professional services.

29 (6) Those involving tangible client services provided by  
30 nonprofit agencies. For the purposes of this clause, the term

1 "tangible client services" shall mean congregate meals, home-  
2 delivered meals, transportation and chore services provided  
3 through area agencies on aging.

4 (7) Those involving the purchase of milk.

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

14 (i) The Federal Government;

15 (ii) The Commonwealth of Pennsylvania;

16 (iii) any other state;

17 (iv) a political subdivision, local or municipal authority  
18 or other similar local entity of the Commonwealth or any other  
19 state; or

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

22 \* \* \*

23 Section 4 5. The act is amended by adding a section to read: <—

24 Section 2003. Certain Contract Provisions Prohibited.--No  
25 political subdivision or authority in a county may enter into  
26 any contract related to a redevelopment capital assistance  
27 project as provided under section 318 of the act of February 9,  
28 1999 (P.L.1, No.1), known as the "Capital Facilities Debt  
29 Enabling Act," which contains a provision requiring that a  
30 specified percentage of a contracting party's work force be

1 residents of a specific municipality.

2 Section 5 6. The act is amended by adding articles to read: <—

3 ARTICLE XXV-B

4 SPORTS AND EXHIBITION AUTHORITY

5 Section 2501-B. Short Title.--This article shall be known  
6 and may be cited as the Sports and Exhibition Authority Act.

7 Section 2502-B. Definitions.--The following words and  
8 phrases when used in this article shall have the meanings given  
9 to them in this section unless the context clearly indicates  
10 otherwise:

11 "Authority." A body politic and corporate created pursuant  
12 to this article.

13 "Board." The governing body of the Authority.

14 "Bonds." Notes, bonds and other evidence of indebtedness or  
15 obligations which the Authority is authorized to issue pursuant  
16 to section 2505-B.

17 "City." A city of the second class which is located in a  
18 county of the second class.

19 "Construct." To acquire and to construct, all in such manner  
20 as may be deemed desirable.

21 "Construction." Acquisition and construction.

22 "County." A county of the second class in which a city of  
23 the second class is located.

24 "Federal agency." The United States of America, the  
25 President of the United States of America and any department or  
26 corporation, agency or instrumentality heretofore or hereafter  
27 created, designated or established by the United States of  
28 America.

29 "Improve." To enlarge and to improve, all in such manner as  
30 may be deemed desirable.

1       "Improvement."   Enlargement and improvement.

2       "Municipal authorities."   The governing bodies of the county  
3 or the council of the city.

4       "Municipality."   Any county, city, town, borough, township or  
5 school district of the Commonwealth.

6       "Project."   Any structure, facility or undertaking which the  
7 Authority is authorized to acquire, construct, improve, maintain  
8 or operate under the provisions of this article.

9       "Public auditorium."   Any structure appropriate for large  
10 public assemblies, the holding of conventions, sporting  
11 tournaments, athletic contests and exhibitions, musical and  
12 dramatic performances and other business, social, cultural,  
13 scientific and recreational events and all facilities necessary  
14 or incident thereto, including provisions for adequate off-  
15 street parking. Nothing herein contained shall be construed to  
16 prohibit the constructing, on sites acquired adjacent to and in  
17 connection with such structures and facilities, of improvements,  
18 buildings and other structures for the purpose of producing  
19 revenues to assist in defraying the costs of operation,  
20 maintenance and debt service of the project.

21       Section 2503-B.   Method of Incorporation.--(a)   Whenever the  
22 municipal authorities of any county or of any city, singly or  
23 jointly (including a county-city joinder), shall desire to  
24 organize an authority under this article, they shall adopt a  
25 resolution or ordinance signifying their intention to do so.  
26 Thereafter, the municipal authorities of such county or city  
27 shall cause a notice of such resolution or ordinance to be  
28 published at least one time in the legal periodical of the  
29 county or counties in which such authority is to be organized  
30 and at least one time in a newspaper published and of general

1 circulation in such county or counties. Said notice shall  
2 contain a brief statement of the substance of said resolution or  
3 ordinance, including the substance of the proposed articles of  
4 incorporation, making reference to this article, and shall state  
5 that on a day certain, not less than three (3) days after  
6 publication of said notice, articles of incorporation of the  
7 proposed authority will be filed with the Secretary of the  
8 Commonwealth. No county or city shall be required (any law to  
9 the contrary notwithstanding) to make any other publication of  
10 such resolution or ordinance under the provision of existing  
11 law. The aforesaid publication of such notice shall be  
12 sufficient compliance with such laws.

13 (b) On or before the day specified in said notice, the  
14 municipal authorities shall file with the Secretary of the  
15 Commonwealth articles of incorporation, together with proof of  
16 publication of the notice as aforesaid. Said articles of  
17 incorporation shall set forth the name of the Authority; a  
18 statement that such authority is formed under this article; the  
19 name of the incorporating city or county, together with the  
20 names and addresses of its municipal authorities; and the names,  
21 addresses and term of office of the first members of the board  
22 of said authority. If a joint authority, the articles shall  
23 specify which members are to be appointed by the respective  
24 county or city. All of which matter shall be determined in  
25 accordance with the provisions of this article. Said articles of  
26 incorporation shall be executed by each incorporating city or  
27 county by its proper officers and under its municipal seal.

28 (c) If the Secretary of the Commonwealth finds that the  
29 articles of incorporation conform to law, he shall forthwith,  
30 but not prior to the day specified in the aforesaid notice,

1 endorse his approval thereon, and when all proper fees and  
2 charges have been paid, shall file the articles and issue a  
3 certificate of incorporation to which shall be attached a copy  
4 of the approved articles. Upon the issuance of such certificate  
5 of incorporation by the Secretary of the Commonwealth, the  
6 corporate existence of said authority shall begin. Said  
7 certificate of incorporation shall be conclusive evidence of the  
8 fact that such authority has been incorporated, but proceedings  
9 may be instituted by the Commonwealth to dissolve any authority  
10 which shall have been formed without substantial compliance with  
11 the provisions of this section.

12 (d) When the Authority has been organized and its officers  
13 elected, the secretary shall certify to the Secretary of the  
14 Commonwealth the names and addresses of its officers as well as  
15 the principal office of the Authority. Any change in the  
16 location of the principal office shall likewise be certified to  
17 the Secretary of the Commonwealth within ten (10) days after  
18 such change.

19 Section 2504-B. Amendment of Articles.--(a) An authority,  
20 in the manner hereinafter provided, may from time to time amend  
21 its articles:

22 (1) To adopt a new name.

23 (2) To add a provision therein increasing its term of  
24 existence to a date not exceeding fifty (50) years from the date  
25 of approval of the articles of amendments or to modify any  
26 provision thereof limiting its terms of existence by increasing  
27 such term to such a date.

28 (3) To reapportion the representation on the board of the  
29 Authority and to revise the terms of office of such members, all  
30 in such manner as shall not be inconsistent with the provisions

1 of section 2508-B.

2 (b) Every amendment to the articles shall first be proposed  
3 by the board by the adoption of a resolution setting forth the  
4 proposed amendment and directing that it be submitted to the  
5 municipal authorities of the county or city composing the  
6 Authority. The resolution shall contain the language of the  
7 proposed amendment to the articles by providing that the  
8 articles shall be amended so as to read as therein set forth in  
9 full, or that any provision thereof be amended so as to read as  
10 therein set forth in full, or that the matter stated in the  
11 resolution be added to or stricken from the articles. After the  
12 amendments have been submitted to the county or city, such  
13 county or city shall adopt or reject such amendment by  
14 resolution or ordinance.

15 (c) After an amendment has been adopted by the county or  
16 city, articles of amendment shall be executed under the seal of  
17 the Authority and verified by two duly authorized officers of  
18 the corporation and shall set forth:

19 (1) The name and location of the registered office of the  
20 authority.

21 (2) The act of Assembly under which the Authority was formed  
22 and the date when the original certificate of incorporation was  
23 issued.

24 (3) The resolution or ordinance of the county or city  
25 adopting the amendment.

26 (4) The amendment adopted by the county or city, which shall  
27 be set forth in full.

28 (d) The Authority shall advertise its intention to file  
29 articles of amendment with the Secretary of the Commonwealth in  
30 the manner prescribed in section 2503-B in the case of the

1 formation of an authority. Advertisements shall appear at least  
2 three (3) days prior to the day upon which the articles of  
3 amendment are presented to the Secretary of the Commonwealth and  
4 shall set forth briefly:

5 (1) The name and location of the registered office of the  
6 Authority.

7 (2) A statement that the articles of amendment are to be  
8 filed under the provisions of this article.

9 (3) The nature and character of the proposed amendment.

10 (4) The time when the articles of amendment will be filed  
11 with the Secretary of the Commonwealth.

12 (e) The articles of amendment and proof of the advertisement  
13 heretofore required shall be delivered by the Authority or its  
14 representative to the Secretary of the Commonwealth. If the  
15 Secretary of the Commonwealth finds that such articles conform  
16 to law, he shall forthwith, but not prior to the day specified  
17 in the advertisement required heretofore, endorse his approval  
18 thereon, and when all fees and charges have been paid shall file  
19 the articles and issue to the Authority or its representative a  
20 certificate of amendment to which shall be attached a copy of  
21 the approved articles.

22 Section 2505-B. Purposes and Powers; General.--(a) Every  
23 authority incorporated under this article shall be a public  
24 body, corporate and politic, exercising public powers of the  
25 Commonwealth as an agency thereof, and shall be for the purpose  
26 of acquiring, holding, constructing, improving, maintaining and  
27 operating, owning, leasing, either in the capacity of lessor or  
28 lessee, public auditoriums, the purpose and interest of this  
29 article being to benefit the people of the Commonwealth by,  
30 among other things, increasing their commerce and prosperity and



promoting their educational, cultural, physical, civic, social and moral welfare.

(b) Every authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purpose including, but without limiting the generality of the foregoing, the following rights and powers:

(1) To have existence for a term of fifty (50) years and for such further period or periods as may be provided in articles of amendment approved under section 2504-B hereof.

(2) To sue and be sued, implead and be impleaded, complain and defend in all courts.

(3) To adopt, use and alter at will a corporate seal.

(4) To acquire, purchase, hold, receive, lease as lessee and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purpose of the Authority, and to sell, lease as lessor, permit the use of, transfer and dispose of any property or interest therein or any project or part thereof, at any time acquired or constructed by it.

(5) To acquire by purchase, lease or otherwise and to construct, improve, maintain, repair and operate projects.

(6) To make by-laws for the management and regulation of its affairs.

(7) To appoint agents, employes and servants, to prescribe their duties and to fix their compensation.

(8) To fix, alter, charge and collect rentals, admissions, license fees and other charges for the purpose of providing for the payment of the expenses of the Authority, the construction, improvement, repair, maintenance and operation of its facilities and properties, the payment of the principal of and interest on

its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations or with the incorporating county or city.

(9) To borrow money, make and issue negotiable notes, bonds, refunding bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority, said bonds to have a maturity date not longer than forty (40) years from the date of issue, except that no refunding bonds shall have a maturity date later than the life of the Authority, and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds, whether issued or to be issued, as the Authority shall deem advisable, and, in general, to provide for the security for said bonds and the rights of the holders thereof.

(10) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business.

(11) Without limitation of the foregoing, to borrow money and accept grants from, and to enter into contracts, leases, licenses or other transactions with, any Federal agency, the Commonwealth, municipality, private person, association, partnership, corporation or authority created under this or any other act of the General Assembly of Pennsylvania.

(12) To have the power of eminent domain.

(13) To pledge, hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority.

(14) To do all acts and things necessary or convenient for

1 the promotion of its business and the general welfare of the  
2 Authority to carry out the powers granted to it by this article  
3 or any other acts.

4 (15) To enter into contracts of group insurance for the  
5 benefit of its employes and to set up a retirement or pension  
6 fund for such employes.

7 (c) The Authority shall have no power at any time or in any  
8 manner to pledge the credit or taxing power of the Commonwealth  
9 or any political subdivision, nor shall any of its obligations  
10 be deemed to be obligations of the Commonwealth or of any of its  
11 political subdivisions, nor shall the Commonwealth or any  
12 political subdivision thereof be liable for the payment of  
13 principal of or interest on such obligations.

14 Section 2506-B. Purposes and Powers; Bonds.--(a) The bonds  
15 of any authority hereinabove referred to and authorized to be  
16 issued shall be authorized by resolution of the board thereof  
17 and shall be of such series, bear such date or dates, mature at  
18 such time or times not exceeding forty (40) years from their  
19 respective dates, bear interest at such rate or rates payable  
20 semi-annually, be in such denominations, be in such form, either  
21 coupon or fully registered without coupons, carry such  
22 registration exchangeability and interchangeability privileges,  
23 be payable in such medium of payment and at such place or  
24 places, be subject to such terms of redemption not exceeding one  
25 hundred five per centum of the principal amount thereof, and be  
26 entitled to such priorities in the revenues or receipts of such  
27 authority, as such resolution or resolutions may provide. The  
28 bonds shall be signed by such officers as the Authority shall  
29 determine, and coupon bonds shall have attached thereto interest  
30 coupons bearing the facsimile signature of the treasurer of the

1 Authority, all as may be prescribed in such resolution or  
2 resolutions. Any such bonds may be issued and delivered  
3 notwithstanding that one or more of the officers signing such  
4 bonds or the treasurer whose facsimile signature shall be upon  
5 the coupon or any thereof shall have ceased to be such officer  
6 or officers at the time when such bonds shall actually be  
7 delivered.

8 (a.1) Said bonds may be sold at public or private sale for  
9 such price or prices as the Authority shall determine. Pending  
10 the preparation of the definitive bonds, interim receipts may be  
11 issued to the purchaser or purchasers of such bonds and may  
12 contain such terms and conditions as the Authority may  
13 determine.

14 (b) Any resolution or resolutions authorizing any bonds may  
15 contain provisions, which shall be part of the contract with the  
16 holders thereof, as to all of the following:

17 (1) Pledging the full faith and credit of the Authority, but  
18 not of the Commonwealth or a political subdivision, for such  
19 obligations or restricting the same to all or any of the  
20 revenues of the Authority from all or any projects or  
21 properties.

22 (2) The construction, improvement, operation, extension,  
23 enlargement, maintenance and repair of the project and the  
24 duties of the Authority with reference thereto.

25 (3) The terms and provisions of the bonds.

26 (4) Limitations on the purposes to which the proceeds of the  
27 bonds then or thereafter to be issued or of any loan or grant by  
28 the United States may be applied.

29 (5) Admissions, rentals and other charges for use of the  
30 facilities of the Authority.

1     (6) The setting aside of reserves or sinking funds and the  
2 regulation and disposition thereof.

3     (7) Limitations on the issuance of additional bonds.

4     (8) The terms and provisions of any deed of trust or  
5 indenture securing the bonds or under which the same may be  
6 issued.

7     (9) Any other or additional agreements with the holders of  
8 the bonds.

9     (c) Any authority may enter into any deeds of trust,  
10 indentures or other agreements with any bank or trust company or  
11 other person or persons in the United States having power to  
12 enter into the same, including any Federal agency, as security  
13 for such bonds, and may assign and pledge all or any of the  
14 revenues or receipts of the Authority thereunder. Such deed of  
15 trust, indenture or other agreement may contain such provisions  
16 as may be customary in such instruments or as the Authority may  
17 authorize, including, but without limitation, provisions as to  
18 the construction, improvement, operation, maintenance and repair  
19 of any project and the duties of the Authority with reference  
20 thereto; the application of funds and the investing and  
21 safeguarding of funds on hand or on deposit, including  
22 provisions for the investing and deposit of funds in or secured  
23 by such obligations as may be lawful for investment by  
24 executors, administrators, guardians, trustees and other  
25 fiduciaries under the laws of this Commonwealth; the rights and  
26 remedies of said trustee and the holders of the bonds, which may  
27 include restrictions upon the individual right of action of such  
28 bondholders; and the terms and provisions of the bonds or the  
29 resolutions authorizing the issuance of the same. Said bonds  
30 shall have all the qualities of negotiable instruments under 13

1 Pa.C.S. Div. 3 (relating to negotiable instruments).

2 Section 2507-B. Remedies of Bondholders.--(a) The rights  
3 and the remedies herein conferred upon or granted to the  
4 bondholders shall be in addition to and not in limitation of any  
5 rights and remedies lawfully granted to such bondholders by the  
6 resolution or resolutions providing for the issuance of bonds or  
7 by any deed of trust, indenture or other agreement under which  
8 the same may be issued. In the event that the Authority shall  
9 default in the payment of principal or interest on any of the  
10 bonds after the said principal or interest shall become due,  
11 whether at maturity or upon call for redemption, and such  
12 default shall continue for a period of thirty (30) days, or in  
13 the event that the Authority shall fail or refuse to comply with  
14 the provisions of this article or shall default in any agreement  
15 made with the holders of the bonds, the holders of twenty-five  
16 per centum in aggregate principal amount of the bonds then  
17 outstanding, by instrument or instruments filed in the office of  
18 the recorder of deeds of the county and proved or acknowledged  
19 in the same manner as a deed to be recorded, may appoint a  
20 trustee to represent the bondholders for the purpose herein  
21 provided.

22 (b) Such trustee and any trustee under any deed of trust,  
23 indenture or other agreement may, and upon written request of  
24 the holders of twenty-five per centum (or such other percentages  
25 as may be specified in any deed of trust, indenture or other  
26 agreement aforesaid) in principal amount of the bonds then  
27 outstanding shall, in his or its own name:

28 (1) by mandamus or other suit, action or proceeding, at law  
29 or in equity, enforce all rights of the bondholders, including  
30 the right to require the Authority to collect rents, rentals and

other charges adequate to carry out any agreement as to or  
pledge of the revenues or receipts of the Authority and to  
require the Authority to carry out any other agreements with or  
for the benefit of the bondholders and to perform its and their  
duties under this article;

(2) bring suit upon the bonds;

(3) by action or suit in equity, require the Authority to  
account as if it were the trustee of an express trust for the  
bondholders;

(4) by action or suit in equity, enjoin any acts or things  
which may be unlawful or in violation of the right of the  
bondholders; or

(5) by notice in writing to the Authority, declare all bonds  
due and payable and if all defaults shall be made good, then  
with the consent of the holders of twenty-five per centum (or  
such other percentage as may be specified in any deed of trust,  
indenture or other agreement aforesaid) of the principal amount  
of the bonds then outstanding, to annul such declaration and its  
consequences.

(c) The court of common pleas of the county shall have  
jurisdiction of any suit, action or proceedings by the trustee  
on behalf of the bondholders. Any trustee, when appointed as  
aforesaid or acting under a deed of trust, indenture or other  
agreement and whether or not all bonds have been declared due  
and payable, shall be entitled as of right to the appointment of  
a receiver, who may enter and take possession of the facilities  
of the Authority or any part or parts thereof, the revenues or  
receipts from which are or may be applicable to the payment of  
the bonds so in default, and operate and maintain the same and  
collect and receive all rentals and other revenues thereafter

1 arising therefrom in the same manner as the Authority or the  
2 board might do, and shall deposit all such moneys in a separate  
3 account and apply the same in such manner as the court shall  
4 direct. In any suit, action or proceeding by the trustee, the  
5 fees, counsel fees and expenses of the trustee and of the  
6 receiver, if any, and all costs and disbursements allowed by the  
7 court, shall be a first charge on any revenues and receipts  
8 derived from the facilities of the Authority, the revenues and  
9 receipts from which are or may be applicable to the payment of  
10 the bonds so in default. Said trustee shall, in addition to the  
11 foregoing, have and possess all of the powers necessary or  
12 appropriate for the exercise of any functions specifically set  
13 forth herein or incident to the general representation of the  
14 bondholders in the enforcement and protection of their rights.

15 (d) Nothing in this section or any other section of this  
16 article shall authorize any receiver appointed pursuant to this  
17 article for the purpose of operating and maintaining any  
18 facilities of the Authority to sell, assign, mortgage or  
19 otherwise dispose of any of the assets, of whatever kind and  
20 character, belonging to the Authority. It is the intention of  
21 this article to limit the powers of such receiver to the  
22 operation and maintenance of the facilities of the Authority as  
23 the court shall direct, and no holder of bonds of the Authority  
24 nor any trustee shall ever have the right in any suit, action or  
25 proceedings, at law or in equity, to compel a receiver, nor  
26 shall any receiver ever be authorized or any court be empowered  
27 to direct the receiver, to sell, assign, mortgage or otherwise  
28 dispose of any assets, of whatever kind or character, belonging  
29 to the Authority.

30 Section 2508-B. Governing Body.--(a) The powers of each



1 authority shall be exercised by a board:

2 (1) The board shall be composed of seven members, all of  
3 whom must be residents of the county organizing the Authority or  
4 the county wherein the city organizing the Authority is located.

5 (2) The county executive or the mayor of the city shall  
6 appoint the members of the board.

7 (3) A member who serves on the board under the act of July  
8 29, 1953 (P.L.1034, No.270), known as the "Public Auditorium  
9 Authorities Act," shall continue to serve until the conclusion  
10 of the member's term.

11 (4) Vacancies created under this section on a joint county-  
12 city authority shall be filled by appointment of one member by  
13 the county executive and by appointment of one member by the  
14 mayor of the city. The initial terms of members appointed under  
15 this paragraph shall commence on January first next succeeding  
16 the effective date of this article. The initial terms of members  
17 appointed under this paragraph shall be: one member appointed by  
18 the mayor shall serve for five (5) years and one member  
19 appointed by the county executive shall serve for four (4)  
20 years.

21 (5) When a vacancy has occurred or is about to occur by  
22 reason of the expiration of the term of any member, the county  
23 executive or mayor, as the case may be, shall appoint a member  
24 of the board for a term of five (5) years to succeed the member  
25 whose term has expired or is about to expire.

26 (6) Appointments, in the case of a joint county-city  
27 authority, shall be apportioned in the following manner: three  
28 members to be appointed by the county executive; three members  
29 to be appointed by the mayor; and the seventh member to be  
30 appointed by concurring action of the county executive and the

1 mayor. Members of the board may be removed at the will of the  
2 appointing power, and, in the case of a joint county-city  
3 authority, the seventh member may be removed at will by either  
4 of the appointing powers.

5 (b) Members shall hold office until their successors have  
6 been appointed and may succeed themselves. A member shall  
7 receive no compensation for his services but shall be entitled  
8 to the necessary expenses, including traveling expenses,  
9 incurred in the discharge of his duties. If a vacancy shall  
10 occur by reason of the death, disqualification, resignation or  
11 removal of a member, the appointing power shall appoint a  
12 successor to fill his unexpired term.

13 (c) The members of the board shall select from among  
14 themselves a chairman, a vice-chairman and such other officers  
15 as the board may determine. The board may employ a secretary, an  
16 executive director, its own counsel and legal staff and such  
17 technical experts and such other agents and employes, permanent  
18 or temporary, as it may require, and may determine the  
19 qualifications and fix the compensation of such persons. Four  
20 members of the board shall constitute a quorum for its meetings.  
21 Members of the board shall not be liable personally on the bonds  
22 or other obligations of the Authority and the rights of  
23 creditors shall be solely against such authority. The board may  
24 delegate to one or more of its agents or employes such of its  
25 powers as it shall deem necessary to carry out the purposes of  
26 this article, subject always to the supervision and control of  
27 the board. The board shall have full authority to manage the  
28 properties and business of the Authority and to prescribe, amend  
29 and repeal by-laws, rules and regulations governing the manner  
30 in which the business of the Authority may be conducted and the

1 powers granted to it may be exercised and embodied.

2 Section 2509-B. Moneys of the Authority.--All moneys of any  
3 authority, from whatever source derived, shall be paid to the  
4 treasurer of the Authority. Said moneys shall be deposited in  
5 the first instance by the treasurer in one or more banks or  
6 trust companies, in one or more special accounts and each of  
7 such special accounts, to the extent the same is not insured,  
8 shall be continuously secured by a pledge of direct obligations  
9 of the United States of America, of the Commonwealth or of the  
10 county or city creating the Authority, having an aggregate  
11 market value, exclusive of accrued interest, at all times, at  
12 least equal to the balance on deposit in such account. Such  
13 securities shall either be deposited with the treasurer or be  
14 held by a trustee or agent satisfactory to the Authority. All  
15 banks and trust companies are authorized to give such security  
16 for such deposits. The moneys in said accounts shall be paid out  
17 on the warrant or other order of the chairman of the Authority  
18 or of such other person or persons as the Authority may  
19 authorize to execute such warrants or orders. Every authority  
20 shall have at least an annual examination of its books, accounts  
21 and records by a certified public accountant. A copy of such  
22 audit shall be delivered to the county or city creating the  
23 Authority. A concise financial statement shall be published  
24 annually at least once in a newspaper of general circulation in  
25 the county or city where the principal office of the Authority  
26 is located. If such publication is not made by the Authority,  
27 the county or city shall publish such statement at the expense  
28 of the Authority. If the Authority fails to make such an audit,  
29 then the controller, auditors or accountant designated by the  
30 county or city are hereby authorized and empowered from time to

time to examine, at the expense of the Authority, the accounts and books of the Authority, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other matters relating to its finances, operation and affairs. The Attorney General shall have the right to examine the books, accounts and records of any authority.

Section 2510-B. Transfer of Existing Facilities or Funds and the Making of Annual Grants to Authority.--(a) Any municipality or owner may and they are hereby authorized to sell, lease, lend, grant, convey, transfer or pay over to any authority, with or without consideration, any project or any part or parts thereof, or any interest in real or personal property, or any funds available for building, construction or improvement purposes, including the proceeds of bonds previously or hereafter issued for building, construction or improvement purposes, which may be used by the Authority in the construction, improvement, maintenance or operation of any project, and any municipality is hereby empowered to issue general obligation bonds for the purpose of providing funds for the building, construction or improvement of a public auditorium and transferring said funds to an authority created under this article.

(b) Any municipality may and it is hereby authorized to make annual grants from current revenues to the Authority to assist in defraying the costs of operation, maintenance and debt service of the project and to enter into long term agreements providing for the payment of the same.

Section 2511-B. Competition in Award of Contracts.--(a) All construction, reconstruction, repairs or work of any nature made by any authority, where the entire cost, value or amount of such

1 construction, reconstruction, repairs or work, including labor  
2 and materials, shall exceed ten thousand dollars (\$10,000),  
3 except construction, reconstruction, repairs or work done by  
4 employees of said authority or by labor supplied under agreement  
5 with any Federal or State agency with supplies and materials  
6 purchased, as hereinafter provided, shall be done only under  
7 contract or contracts to be entered into by the Authority with  
8 the lowest responsible bidder upon proper terms, after due  
9 public notice has been given asking for competitive bids  
10 hereinafter provided. No contract shall be entered into for  
11 construction or improvement or repair of any project or portion  
12 thereof unless the contractor shall give an undertaking, with a  
13 sufficient surety or sureties approved by the Authority and in  
14 an amount fixed by the Authority, for the faithful performance  
15 of the contract. All such contracts shall provide, among other  
16 things, that the person or corporation entering into such  
17 contract with the Authority will pay for all materials furnished  
18 and services rendered for the performance of the contract and  
19 that any person or corporation furnishing such materials or  
20 rendering such services may maintain an action to recover for  
21 the same against the obligor in the undertaking as though such  
22 person or corporation was named therein, provided the action is  
23 brought within one (1) year after the time the cause of action  
24 accrued. Nothing in this section shall be construed to limit the  
25 power of the Authority to construct, repair or improve any  
26 project or portion thereof or any addition, betterment or  
27 extension thereto directly by the officers, agents and employees  
28 of the Authority or otherwise than by contract.

29 (b) All supplies and materials costing ten thousand dollars  
30 (\$10,000) or more shall be purchased only after due

advertisement as hereinafter provided. The Authority shall accept the lowest bid or bids, kinds, quality and material being equal, but the Authority shall have the right to reject any or all bids or select a single item from any bid. The provisions as to bidding shall not apply to the purchase of patented and manufactured products offered for sale in a non-competitive market or solely by a manufacturer's authorized dealer.

(b.1) Written or telephonic price quotations from at least three (3) qualified and responsible contractors shall be requested for all contracts that exceed four thousand dollars (\$4,000) but are less than the amount requiring advertisement and competitive bidding or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three (3) qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three (3) years.

(c) The terms, advertisement or due public notice, wherever used in this section, shall mean a notice published at least ten (10) days before the award on any contract in a newspaper of general circulation published in the municipality where the authority has its principal office, and if no newspaper is published therein then by publication in a newspaper in the county where the Authority has its principal office: Provided, That such notice may be waived where the Authority determines an

emergency exists and such supplies and materials must be immediately purchased by the said authority.

(d) No member of the Authority or officer or employe thereof shall, either directly or indirectly, be a party to or be in any manner interested in any contract or agreement with the Authority for any matter, cause or thing whatsoever, by reason whereof any liability or indebtedness shall in any way be created against such authority. If any contract or agreement shall be made in violation of the provision of this section, the same shall be null and void and no action shall be maintained thereon against such authority.

(e) Subject to the aforesaid, any authority may (but without intending by this provision to limit any powers of such authority) enter into and carry out such contracts or establish or comply with such rules and regulations concerning labor and materials and other related matters, in connection with any project or portion thereof, as the Authority may deem desirable, or as may be requested by any Federal agency that may assist in the financing of such project or any part thereof: Provided, however, That the provisions of this section shall not apply to any case in which the Authority has taken over by transfer or assignment any contract authorized to be assigned to it under the provisions of section 2510-B, nor to any contract in connection with the construction of any project which the Authority may have had transferred to it by any person or private corporation.

(f) Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the provisions of the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act."

1       (G) EVERY CONTRACT FOR THE CONSTRUCTION, RECONSTRUCTION, <—  
2 ALTERATION, REPAIR, IMPROVEMENT OR MAINTENANCE OF PUBLIC WORKS  
3 SHALL COMPLY WITH THE PROVISIONS OF THE ACT OF AUGUST 15, 1961  
4 (P.L.987, NO.442), KNOWN AS THE "PENNSYLVANIA PREVAILING WAGE  
5 ACT."

6       ~~(g)~~ (H) An authority shall not evade the provisions of this <—  
7 section as to advertising for bids or purchasing materials or  
8 contracting for services piecemeal for the purpose of obtaining  
9 prices under ten thousand dollars (\$10,000) upon transactions  
10 which should, in the exercise of reasonable discretion and  
11 prudence, be conducted as one transaction amounting to more than  
12 ten thousand dollars (\$10,000). This provision is intended to  
13 make unlawful the practice of evading advertising requirements  
14 by making a series of purchases or contracts each for less than  
15 the advertising requirement price or by making several  
16 simultaneous purchases or contracts each below said price, when  
17 in either case the transaction involved should have been made as  
18 one transaction for one price.

19       ~~(h)~~ (I) Any member of the Authority who votes to unlawfully <—  
20 evade the provisions of this section and who knows that the  
21 transaction upon which he so votes is or ought to be a part of a  
22 larger transaction and that it is being divided in order to  
23 evade the requirements as to advertising for bids commits a  
24 misdemeanor of the third degree for each contract entered into  
25 as a direct result of that vote.

26       Section 2512-B. Acquisition of Lands.--The Authority shall  
27 have the power to acquire, by purchase or eminent domain  
28 proceedings, either the fee or such right, title, interest or  
29 easement in such lands as the Authority may deem necessary for  
30 the purpose mentioned in this article: Provided, however, That



1 no property owned or used by the United States, the  
2 Commonwealth, any political subdivision thereof, or any body  
3 politic and corporate organized as an "authority" under any law  
4 of the Commonwealth or by any agency or any of them, nor any  
5 property of a public service company, property used for burial  
6 purposes, places of public worship, shall be taken under the  
7 right of eminent domain. The right of eminent domain shall be  
8 exercised by the Authority in the manner provided by law for the  
9 exercise of such right by municipalities of the same class as  
10 the municipality by which such authority was organized. In the  
11 case of a joint authority, right of eminent domain shall be  
12 exercised by the Authority in the same manner as is provided by  
13 law for the exercise of such right by municipalities of the same  
14 class as the municipality in which the right of eminent domain  
15 is to be exercised, except that where the right is to be  
16 exercised in a city located in a county and both are members of  
17 the Authority, the law established for the city shall govern.

18 Section 2513-B. Use of Projects.--The use of the facilities  
19 of the Authority and the operation of its business shall be  
20 subject to the rules and regulations from time to time adopted  
21 by the Authority: Provided, however, That the Authority shall  
22 not be authorized to do anything which will impair the security  
23 of the holders of the obligations of the Authority or violate  
24 any agreements with them or for their benefit.

25 Section 2514-B. Limitation of Powers.--The Commonwealth does  
26 hereby pledge to and agree with any person, firm or corporation,  
27 or Federal agency, subscribing to or acquiring the bonds to be  
28 issued by the Authority for the construction, extension,  
29 improvement or enlargement of any project or part thereof, that  
30 the Commonwealth will not limit or alter the rights hereby

1 vested in the Authority until all bonds at any time issued,  
2 together with the interest thereon, are fully met and  
3 discharged. The Commonwealth does further pledge to and agree  
4 with the United States and any other Federal agency that in the  
5 event that any Federal agency shall construct or contribute any  
6 funds for the construction, extension, improvement or  
7 enlargement of any project or any portion thereof, the  
8 Commonwealth will not alter or limit the rights and powers of  
9 the Authority in any manner which would be inconsistent with the  
10 continued maintenance and operation of the project or the  
11 improvement thereof or which would be inconsistent with the due  
12 performance of any agreements between the Authority and any such  
13 Federal agency, and the Authority shall continue to have and may  
14 exercise all powers herein granted so long as the same shall be  
15 necessary or desirable for the carrying out of the purposes of  
16 this article and the purposes of the United States in the  
17 construction or improvement or enlargement of the project or  
18 such portion thereof.

19 Section 2515-B. Termination of Authority.--When any  
20 authority shall have finally paid and discharged all bonds  
21 which, together with the interest due thereon, shall have been  
22 secured by a pledge of any of the revenues or receipts of a  
23 project, it may (subject to any agreements concerning the  
24 operation or disposition of such project) convey such project to  
25 the county or city creating the Authority and terminate its  
26 existence. A certificate requesting the termination of the  
27 existence of the Authority shall be submitted to the county or  
28 city creating the Authority. If the certificate is approved by  
29 the county or city, then the certificate, endorsed with such  
30 approval, shall be filed with the Secretary of the Commonwealth,

1 and thereupon the said secretary shall note the termination of  
2 existence on the record of incorporation and return the  
3 certificate with his approval shown thereon to the board.  
4 Thereupon, the property of said authority shall pass to the  
5 county or city and the Authority shall cease to exist.

6 Section 2516-B. Exemption from Taxation.--The effectuation  
7 of the authorized purpose of authorities created under this  
8 article shall and will be in all respects for the benefit of the  
9 people of the Commonwealth, for the increase of their commerce  
10 and prosperity and for the improvement of their health and  
11 living conditions, and since such authorities will be performing  
12 essential governmental functions in effectuating such purposes,  
13 such authorities shall not be required to pay any taxes or  
14 assessments upon any property acquired or used or permitted to  
15 be used by them for such purposes, and the bonds issued by any  
16 authority, their transfer and the income therefrom (including  
17 any profits made on the sale thereof), shall at all times be  
18 free from taxation within the Commonwealth.

19 Section 2517-B. Conveyance and Lease by Authorities.--(a)  
20 The project established under this article may be acquired by  
21 the incorporating county or city. The said county or city shall,  
22 by appropriate resolution or ordinance, signify its or their  
23 desire to do so, and thereupon the Authority shall convey, by  
24 appropriate instrument, said project to the county or city, upon  
25 the assumption by the county or city of all obligations incurred  
26 by the Authority with respect to the project.

27 (b) The project established under this article may be leased  
28 by the Authority to the incorporating county or city and the  
29 said county or city is hereby empowered to enter into a lease  
30 for such purpose.

1     Section 2518-B. Construction.--The addition of Article XXV-B  
2 IS A CODIFICATION OF AND shall be deemed a continuation of the <—  
3 act of July 29, 1953 (P.L.1034, No.270), known as the "Public  
4 Auditorium Authorities Law." LAW," INsofar AS IT RELATES TO <—  
5 COUNTIES OF THE SECOND CLASS IN WHICH A CITY OF THE SECOND CLASS  
6 IS LOCATED AND TO ANY CITY OF THE SECOND CLASS WHICH IS LOCATED  
7 IN A COUNTY OF THE SECOND CLASS.

8                     ARTICLE XXX-B

9                     COUNTY JAIL OVERSIGHT BOARD

10     Section 3001-B. Short Title.--This article shall be known  
11 and may be cited as the "County Jail Oversight Board Act."

12     Section 3002-B. Definitions.--Unless the context clearly  
13 indicates otherwise, the following words and phrases when used  
14 in this article shall have the following meanings:

15         "Board," the county jail oversight board of a county.

16         "County," a county of the second class.

17     Section 3003-B. County Jail Oversight Board.--(a) There is  
18 hereby established a county jail oversight board in any county  
19 which shall be named the "                     County Jail Oversight  
20 Board." The board shall be a continuation of the county prison  
21 board originally established under the act of December 10, 1980  
22 (P.L.1152, No.208), known as the "Second Class County Prison  
23 Board Act."

24         (b) The board shall be composed of:

25             (1) The county chief executive.

26             (2) Two judges of the court of common pleas, one of whom  
27 shall be the president judge, or his designee who shall be a  
28 judge, and one judge appointed by the president judge.

29             (3) The county sheriff.

30             (4) The county controller.

1     (5) The president of county council or his designee.

2     (6) Three citizen members as provided in subsection (c).

3     (c) The ~~three~~ citizen members shall not be employes of the <—  
4 county or of the Commonwealth. They shall serve for a term of  
5 three years, and shall be representative of the broad segments  
6 of the county's population and shall include persons whose  
7 background and experience indicate that they are qualified to  
8 act in the interest of the public. The citizen members shall be  
9 appointed by the county chief executive with the consent of  
10 county council.

11     Section 3004-B. Powers and Duties.--(a) The board's  
12 administrative powers and duties shall include the operation and  
13 maintenance of the prison and all alternative housing  
14 facilities, the oversight of the health and safekeeping of  
15 inmates and the confirmation of the chief executive's selection  
16 of a warden.

17     (b) The board shall insure that the living conditions within  
18 the prison AND ALTERNATIVE HOUSING FACILITIES are healthful and <—  
19 otherwise adequate.

20     (c) The board shall, at least twice each year, conduct an  
21 unannounced inspection of the prison's physical plant. During  
22 such inspections the board shall interview a cross-section of  
23 inmates, out of the presence of the warden and his agents, to  
24 determine the conditions within the prison AND ALTERNATIVE <—  
25 HOUSING FACILITIES. After each inspection, the board shall  
26 prepare a written report setting forth its findings and  
27 determinations which shall be available for public inspection.

28     (d) The board shall insure that the prison is being operated  
29 in accordance with its regulations, the laws and regulations of  
30 the Commonwealth and of the United States.

1     (e) The board shall investigate allegations of inadequate  
2 prison conditions and improper practices occurring within the  
3 prison and may make such other investigations or reviews of  
4 prison operation and maintenance. The books, papers and records  
5 of the prison, including, but not limited to, the papers and  
6 records of the warden and those relating to individual inmates,  
7 shall at all times be available for inspection by the board.

8     Section 3005-B. Rules and Regulations.--The board shall, in  
9 the manner provided by law, promulgate such rules, regulations  
10 and forms it deems necessary for the proper administration of  
11 the board and for the operation of the prison AND ALTERNATIVE <—  
12 HOUSING FACILITIES.

13     Section 3006-B. Warden.--(a) (1) The chief executive shall  
14 appoint a warden subject to confirmation by the board. The  
15 warden shall serve at the pleasure of the chief executive who  
16 shall fix an appropriate salary.

17     (2) The warden shall be a resident of the county six months  
18 after the date of appointment.

19     (b) Subject to approval of the manager, the warden shall  
20 employ deputies, assistants and other personnel required to  
21 adequately operate the prison AND ALTERNATIVE HOUSING <—  
22 FACILITIES.

23     (c) The warden shall submit an annual written report to the  
24 board which shall contain information on the population,  
25 conditions and practices in the prison, and other matters as  
26 specified by the board. The annual report shall be available for  
27 public inspection.

28     (d) The warden shall report to the county chief executive  
29 and to the board.

30     Section 3007-B. Board Meetings.--The board shall meet at

1 least once each month and shall keep regular minutes of its  
2 proceedings which shall be open to public inspection.

3 Section 3008-B. Contracts and Purchases.--All contracts and  
4 purchases required for the maintenance and support of the  
5 prisoners, repairs and improvements of the prison AND <—  
6 ALTERNATIVE HOUSING FACILITIES and materials and supplies shall  
7 be conducted in accordance with the applicable provisions of the  
8 county administrative code.

9 SECTION 3009-B. CONSTRUCTION.--THE ADDITION OF ARTICLE XXX-B <—  
10 IS A CODIFICATION OF AND SHALL BE DEEMED A CONTINUATION OF THE  
11 ACT OF DECEMBER 10, 1980 (P.L.1152, NO.208), KNOWN AS THE  
12 "SECOND CLASS COUNTY PRISON BOARD ACT."

13 SECTION 7. SECTION 3171-B(A)(4) OF THE ACT, AMENDED DECEMBER  
14 21, 1998 (P.L.1088, NO.146), IS AMENDED AND THE SUBSECTION IS  
15 AMENDED BY ADDING A CLAUSE TO READ:

16 SECTION 3171-B. TAX RELIEF.--(A) \* \* \*

17 (4) THE COUNTY AND THE CITY SHALL UTILIZE ALL OR A PORTION  
18 OF REVENUES REMAINING FROM DISBURSEMENTS RECEIVED PURSUANT TO  
19 SECTION 3157-B(B) AFTER REDUCING TAXES AS PROVIDED BY CLAUSES  
20 (1) AND (2) FOR THE IMPLEMENTATION OF [EITHER OR BOTH] ONE OF  
21 THE FOLLOWING:

22 (I) PROGRAMS UNDER THE ACT OF DECEMBER 13, 1988 (P.L.1190,  
23 NO.146), KNOWN AS THE "FIRST AND SECOND CLASS COUNTY PROPERTY  
24 TAX RELIEF ACT"; [OR]

25 (II) A PROGRAM FOR PROPERTY TAX REBATE OR RENT REBATE IN  
26 LIEU OF PROPERTY TAXES MODELED BY THE COUNTY OR CITY AFTER THE  
27 ACT OF MARCH 11, 1971 (P.L.104, NO.3), KNOWN AS THE "SENIOR  
28 CITIZENS REBATE AND ASSISTANCE ACT," FOR LONGTIME [SENIOR  
29 CITIZEN] OWNER OCCUPANTS OF PERSONAL RESIDENCES. PROPERTY  
30 ELIGIBLE FOR TAX RELIEF UNDER THIS CLAUSE SHALL BE LIMITED TO A

1 PRIMARY PERSONAL RESIDENCE OWNED BY A SINGLE PERSON AGE 62 OR  
2 OLDER OR BY MARRIED PERSONS IF EITHER SPOUSE IS 62 YEARS OF AGE  
3 OR OLDER. TAX RELIEF PROVIDED PURSUANT TO THIS CLAUSE SHALL BE  
4 LIMITED TO PERSONS WHOSE INCOME AS DEFINED UNDER THE ACT OF  
5 MARCH 11, 1971 (P.L.104, NO.3), KNOWN AS THE "SENIOR CITIZENS  
6 REBATE AND ASSISTANCE ACT," DOES NOT EXCEED TWENTY-FIVE THOUSAND  
7 DOLLARS (\$25,000)[.]; OR

8 (III) A PROGRAM FOR PROPERTY TAX REBATE OR RENT REBATE IN  
9 LIEU OF PROPERTY TAXES MODELED BY THE COUNTY OR CITY AFTER THE  
10 "SENIOR CITIZENS REBATE AND ASSISTANCE ACT," FOR LONGTIME OWNER-  
11 OCCUPANTS OF PERSONAL RESIDENCES. PROPERTY ELIGIBLE FOR TAX  
12 RELIEF UNDER THIS CLAUSE SHALL BE LIMITED TO A PRIMARY PERSONAL  
13 RESIDENCE OWNED BY A SINGLE PERSON AGE 60 OR OLDER OR BY MARRIED  
14 PERSONS IF EITHER SPOUSE IS 60 YEARS OF AGE OR OLDER. TAX RELIEF  
15 PROVIDED PURSUANT TO THIS CLAUSE SHALL BE LIMITED TO PERSONS  
16 WHOSE INCOME AS DEFINED UNDER THE "SENIOR CITIZENS REBATE AND  
17 ASSISTANCE ACT," DOES NOT EXCEED THIRTY THOUSAND DOLLARS  
18 (\$30,000).

19 FOR PURPOSES OF THIS CLAUSE, "LONGTIME OWNER-OCCUPANT" SHALL  
20 MEAN ANY PERSON WHO FOR AT LEAST TEN CONTINUOUS YEARS HAS OWNED  
21 AND HAS OCCUPIED A DWELLING PLACE WITHIN THE COUNTY AS A  
22 PRINCIPAL RESIDENCE AND DOMICILE, OR ANY PERSON WHO FOR AT LEAST  
23 FIVE YEARS HAS OWNED AND OCCUPIED A DWELLING WITHIN THE COUNTY  
24 AS A PRINCIPAL RESIDENCE AND DOMICILE IF THAT PERSON RECEIVED  
25 ASSISTANCE IN THE ACQUISITION OF THE PROPERTY AS PART OF A  
26 GOVERNMENT OR NONPROFIT HOUSING PROGRAM.

27 (5) THE COUNTY MAY ESTABLISH INSTALLMENT PAYMENT PROGRAMS  
28 FOR PAYMENT OF THE PROPERTY TAXES BY TAXPAYERS WHO PARTICIPATE  
29 IN COUNTY PROGRAMS PURSUANT TO CLAUSE (4).

30 \* \* \*



1       Section ~~6~~ 8.   Section 3107-C of the act is amended by adding     <—  
2   a subsection to read:

3       Section 3107-C.   Charter Limitations.--\* \* \*

4       (m)   The county under the charter shall be subject to the  
5   restrictions and prohibitions concerning the employees'  
6   retirement system under Article XVII and this article.

7       ~~Section 7.   The provisions of Article XXX B of the act are     <—~~  
8   ~~nonseverable.  If any provision of Article XXX B or its~~  
9   ~~application to any person or circumstance is held invalid, the~~  
10   ~~remaining provisions or applications of Article XXX B are void.~~

11       ~~Section 8.   The amendment of sections 1708, 1712 and 3107-C~~

12       SECTION 9.   THIS ACT SHALL BE RETROACTIVE AS FOLLOWS:             <—

13           (1)   THE ADDITION OF SECTION 2003 OF THE ACT SHALL BE  
14   RETROACTIVE TO FEBRUARY 9, 1999.

15           (2)   THE AMENDMENT OF SECTIONS 1708, 1712 AND 3107-C of  
16   the act shall be retroactive to January 1, 2000.

17       Section ~~9-~~ 10.   (A)   The following acts and parts of acts are     <—  
18   repealed to the extent specified:

19       Act of December 10, 1980 (P.L.1152, No.208), known as the  
20   Second Class County Prison Board Act, is repealed absolutely.

21       Act of July 29, 1953 (P.L.1034, No.270), known as the Public  
22   Auditorium Authorities Law, is repealed insofar as it relates to  
23   counties of the second class in which a city of the second class  
24   is located and to any city of the second class which is located  
25   in a county of the second class.

26       (B)   ALL ACTS AND PARTS OF ACTS ARE REPEALED INsofar AS THEY     <—  
27   ARE INCONSISTENT WITH THIS ACT.

28       Section ~~10~~ 11.   This act shall take effect as follows:             <—

29           (1)   The amendment or addition of sections 511 and  
30   2001(d) and Article XXX-B of the act shall take effect in 60

1 days.

2 (2) THE REPEAL OF THE ACT OF DECEMBER 10, 1980 <—  
3 (P.L.1152, NO.208), KNOWN AS THE SECOND CLASS COUNTY PRISON  
4 BOARD ACT, IN SECTION 10 OF THIS ACT SHALL TAKE EFFECT IN 60  
5 DAYS.

6 ~~(2)~~ (3) The remainder of this act shall take effect <—  
7 immediately.