

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1005 Session of 2017

INTRODUCED BY EICHELBERGER, MCGARRIGLE, HUTCHINSON, BLAKE AND SCHWANK, DECEMBER 28, 2017

AS AMENDED ON THIRD CONSIDERATION, MAY 22, 2018

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled,
2 "An act relating to counties of the first, third, fourth,
3 fifth, sixth, seventh and eighth classes; amending, revising,
4 consolidating and changing the laws relating thereto;
5 relating to imposition of excise taxes by counties, including
6 authorizing imposition of an excise tax on the rental of
7 motor vehicles by counties of the first class; and providing
8 for regional renaissance initiatives," making extensive
9 revisions relating to preliminary provisions; names and
10 corporate powers, classification of counties; fixing and
11 relocating lines and boundaries; county officers; county
12 commissioners and chief clerks; controller; auditors;
13 treasurer; county solicitor; engineer; sheriff and coroner;
14 prothonotary, clerks of court, clerk of orphan's court,
15 register of wills, recorder of deeds; district attorney,
16 assistants and detectives; salaries of county officers; fees
17 of salaried county officers, salary boards, payment of
18 solicitors appointed by county officers; fiscal affairs;
19 contracts and special powers and duties of counties; public
20 health; aeronautics; grounds and buildings; eminent domain
21 and injury to property; recreation places; bridges, viaducts
22 and culverts and roads; providing for military and veterans
23 affairs; and making editorial changes.

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

26 Section 1. The title of the act of August 9, 1955 (P.L.323,
27 No.130), known as The County Code, is amended to read:

28 AN ACT

1 Relating to counties of the first, second class A, third,
2 fourth, fifth, sixth, seventh and eighth classes; amending,
3 revising, consolidating and changing the laws relating
4 thereto; relating to imposition of excise taxes by counties,
5 including authorizing imposition of an excise tax on the
6 rental of motor vehicles by counties of the first class; and
7 providing for regional renaissance initiatives.

8 Section 2. Section 102 of the act, amended April 20, 2016
9 (P.L.134, No.18), is amended to read:

10 Section 102. Applicability.--(a) Except incidentally, as in
11 sections 108, 201, 210, 211, 401 and 1401 or as provided in
12 section 1770.12, Article XII-B and Article XXX, this act does
13 not apply to counties of the first[, second A,] or second
14 classes.

15 (b) Except where otherwise specifically limited, this act
16 applies to all counties of the second A, third, fourth, fifth,
17 sixth, seventh and eighth classes.

18 Section 3. The act is amended by adding a section to read:

19 Section 102.1. Definitions.--The following words and phrases
20 when used in this act shall have the meanings given to them in
21 this section unless the context clearly indicates otherwise:

22 "Municipal corporation." A city, borough, incorporated town,
23 township of the first or second class or a home rule or optional
24 charter municipality other than a county.

25 "Municipality." A municipal corporation or county.

26 "Recreation places." The term includes public parks,
27 parkways, bridle paths, horse show rings, foot paths,
28 playgrounds, playfields, gymnasiums, public baths, swimming
29 pools, agricultural fairgrounds or other indoor or outdoor
30 recreation centers.

1 "Street." A street, road, lane, court, cul-de-sac, alley,
2 public way or public square.

3 Section 4. Sections 103, 104, 105, 106, 107 and 108 of the
4 act are amended to read:

5 Section 103. Excluded Provisions.--This act does not include
6 any provisions of, and shall not be construed to repeal:

7 (1) [The Municipal Borrowing Law, approved June twenty-five,
8 one thousand nine hundred forty-one (Pamphlet Laws 159)] 53
9 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and
10 borrowing).

11 (2) [The Pennsylvania Election Code,] Except as otherwise
12 provided in section 3903, the act of June 3, 1937 (P.L.1333,
13 No.320), known as the "Pennsylvania Election Code," approved
14 June three, one thousand nine hundred thirty-seven (Pamphlet
15 Laws 1333).

16 (4) The Local Health Administration Law, approved August
17 twenty-four, one thousand nine hundred fifty-one (Pamphlet Laws
18 1304).

19 (5) [The Municipal Unclaimed Moneys Act, approved May
20 seventeen, one thousand nine hundred forty-nine (Pamphlet Laws
21 1403).] Article XIII.1 of the act of April 9, 1929 (P.L.343,
22 No.176), known as "The Fiscal Code."

23 (6) [Any] Except where otherwise expressly provided, any law
24 relating to the collection of municipal and tax claims.

25 (7) [Except as provided under subdivision (e) of Article
26 XVII, any] Any law relating to the assessment and valuation of
27 property and persons for taxation.

28 (8) Any law relating to the giving of county consent to
29 public [utility corporations] utilities.

30 (9) Any law relating to State highways.

1 (10) Any law relating to the validation of elections, bonds,
2 resolutions and accounts of corporate officers.

3 (11) Any law relating to collections by county officers of
4 moneys for the Commonwealth, and the issuance of State licenses.

5 (12) Any law relating to the government and regulation of
6 jails, prisons and other correctional institutions and the
7 commitment thereto, and maintenance and care of prisoners or
8 inmates therein.

9 (13) Any law relating to civil and criminal procedure,
10 except special provisions concerning action.

11 (14) Any law relating to joint county and municipal
12 buildings and works.

13 (15) Any law relating to county libraries, except law
14 libraries.

15 (16) Any law relating to the recording of deeds, mortgages
16 or other instruments in writing.

17 (17) Any law relating to the re-binding, re-indexing and
18 transcribing of records in county offices.

19 (18) Any law relating to the fees of county officers, except
20 as any such acts are repealed by [section two thousand nine
21 hundred one] Article XXXIX of this act.

22 (19) Any temporary law.

23 (20) Any amendment or supplement of any of the laws referred
24 to in this section.

25 (21) [The Public Utility Law, approved May twenty-eight, one
26 thousand nine hundred thirty-seven (Pamphlet Laws 1053)] 66
27 Pa.C.S. Pt. I (relating to public utility code).

28 Section 104. Saving Clause.--(a) The provisions of this
29 act, as far as they are the same as those of existing laws,
30 shall be construed as a continuation of such laws, and not as

1 new enactments. The repeal by this act of any provisions of law,
2 shall not revive any law [heretofore] previously repealed or
3 superseded, nor affect the existence or class of any county
4 [heretofore] previously created. The provisions of this act
5 shall not affect any act done, liability incurred, or right
6 accrued or vested, nor affect any suit or prosecution, pending
7 or to be instituted, to enforce any right or penalty, or punish
8 any offense under the authority of [such] the repealed laws.

9 (b) All ordinances, resolutions, regulations and rules, made
10 pursuant to any act [of Assembly] repealed by this act, shall
11 continue with the same force and effect as if [such] the act had
12 not been repealed. All local acts [of Assembly] applying to
13 particular counties, not specifically repealed, shall continue
14 in force, and any provisions of this act inconsistent
15 [therewith] with local laws shall not apply to the counties
16 affected by [such] the local laws, unless [such] the application
17 is clearly indicated.

18 (c) All acts and parts of acts [of Assembly] relating to
19 counties, or to particular classes of counties, in force [at the
20 time of the adoption of this act] as of January 1, 1956, and not
21 repealed [hereby] by this act, shall remain in force in the same
22 manner and with the same effect as prior to the adoption of this
23 act.

24 (d) This act shall be considered a continuation of the act
25 of July 28, 1953 (P.L.723, No.230), known as the "Second Class
26 County Code," as it pertains to second class A counties except
27 where otherwise expressly provided. The repeal of the "Second
28 Class County Code," as it relates to second class A counties by
29 section 3901 of this act shall not be construed as modifying or
30 repealing any term of office, power, ordinance, rule or

1 regulation of home rule counties or counties of the second class
2 A existing on the effective date of this subsection.

3 Section 105. Holding of Office.--Any person holding elective
4 office under any act [of Assembly] repealed by this act shall
5 continue to hold [such] the office until the expiration of the
6 person's term [thereof], subject to the conditions and salary
7 attached to [such] the office prior to the passage of this act.

8 Section 106. Construction of References.--Whenever in this
9 act reference is made to any act [by title, or name, such], the
10 reference shall also apply to and include any codifications
11 wherein the provisions of the act referred to are substantially
12 reenacted or to reenactments, revisions or amendments of the
13 act.

14 Section 107. Constitutional Construction.--The provisions of
15 this act shall be severable, and, if any of its provisions are
16 held to be unconstitutional, the decision of the court shall not
17 affect the validity of the remaining provisions of this act. It
18 is hereby declared as a legislative intent that this act would
19 have been adopted by the General Assembly had [such] the
20 unconstitutional provisions not been included [therein] within
21 this act.

22 Section 108. Legislation According to Class.--The affairs of
23 counties [are herein and shall hereafter] shall be legislated
24 for and regulated by general laws, applicable to all counties,
25 or to particular classes, as [herein] fixed and appointed by
26 this act. All laws adopted by the General Assembly for one or
27 more of the classes [herein] fixed and appointed by this act
28 shall be deemed to be general laws.

29 Section 5. The act is amended by adding a section to read:

30 Section 108.1. Collection of Tax on Real Property from Rent

1 Paid to Owner in County of the Second Class A.--(a) Where the
2 owner of any residential or commercial real property that is
3 located in a county of the second class A and subject to a claim
4 OWED TO THE COUNTY pursuant to the act of May 16, 1923 (P.L.207, <--
5 No.153), referred to as the Municipal Claim and Tax Lien Law,
6 derives any rental income from that property, the county
7 treasurer shall notify the property owner in writing of the
8 property owner's duty to remit that rental income to the office
9 of the county treasurer. The rent remitted shall be applied to
10 the amount of tax owed TO THE COUNTY, along with any interest or <--
11 penalties due, until the claim is paid in full.

12 (b) The notice of the county treasurer shall include the
13 amount of the claim on the property, including interest and
14 penalties, and the date or dates the rental income is to be
15 remitted. If, after fifteen days of the date or dates specified
16 in the notice, the property owner fails to remit the rental
17 income, the county may immediately begin the judicial sale
18 process provided for in the Municipal Claim and Tax Lien Law.

19 Section 6. Section 109 of the act is amended to read:

20 Section 109. Proceedings for Recovery of Penalties.--Unless
21 [herein] otherwise specifically provided[, in every case in
22 which] in this act, when any pecuniary penalty or forfeiture is
23 imposed by this act, the proceeding for the recovery of the same
24 shall be by indictment in the court of [quarter sessions] common
25 pleas, or by civil action as debts of equivalent amount are by
26 law recoverable. [Aldermen or justices of the peace] Magisterial
27 district judges shall not have jurisdiction of any suit or
28 action for the recovery of any penalty imposed by this act for
29 official misconduct. Such suit or action, when brought in the
30 court of common pleas, shall have preference for trial over all

1 other actions.

2 Section 7. The act is amended by adding a section to read:

3 Section 109.1. Collection of Tax and Municipal Claims by

4 Suit; Limitations.--(a) In addition to the remedies provided by

5 law for the collection of tax and municipal claims, a county may

6 proceed for the recovery and collection of any tax or municipal

7 claim OWED TO THE COUNTY against any owner or owners of the <--

8 property owing the tax or municipal claim TO THE COUNTY by a <--

9 civil action or other appropriate remedy. To each judgment

10 obtained for the taxes or municipal claim, there shall be added

11 a penalty of ten per centum, interest at the prevailing legal

12 rate and costs of suit. Upon judgment, execution may be issued

13 without any stay or benefit of any exemption law.

14 (b) The right of a county to collect unpaid taxes or

15 municipal claims OWED TO THE COUNTY under the provisions of this <--

16 section shall not be affected by the fact that the tax or

17 municipal claims have or have not been entered as liens in the

18 office of the prothonotary.

19 (c) A civil action brought to recover unpaid taxes or

20 municipal claims OWED TO THE COUNTY shall be commenced within <--

21 twenty years of the following:

22 (1) The date a tax is due.

23 (2) The date of completion of an improvement from which the

24 claim arises.

25 (3) The date that the property owner first became liable for

26 payment of any claim other than that for taxes or improvements.

27 (d) The remedy granted under this section shall be applied

28 retroactively.

29 Section 8. Sections 110, 202, 210, 211, 301, 302, 303, 304,

30 305, 306, 401, 402 and 403 of the act are amended to read:

1 Section 110. Publication of Legal Notices.--(a) Whenever,
2 under the provisions of this act, advertisement, notice or
3 publication is required to be published in one newspaper, [such]
4 the publication shall be made in a newspaper of general
5 circulation as defined [by the act, approved May sixteen, one
6 thousand nine hundred twenty-nine (Pamphlet Laws 1784), known as
7 the "Newspaper Advertising Act,"] in 45 Pa.C.S. § 101 (relating
8 to definitions), printed in the county, unless the matter in
9 connection with which the advertising is being done affects only
10 a political subdivision, in which case [such] the advertisement
11 shall be published in a newspaper printed in [such] the
12 political subdivision, if there is such a newspaper and, if not,
13 then in a newspaper circulating generally in [such] the
14 political subdivision. If [such] notice is required to be
15 published in more than one newspaper, it shall be published in
16 at least one newspaper of general circulation[, defined as
17 aforesaid], printed, if there [be] is such a newspaper, or
18 circulating generally in the county, as [above] provided [in the
19 county] above.

20 (b) When [such] the notice relates to any proceeding or
21 matter in any court, or the holding of an election for the
22 increase of indebtedness, or the issue and sale of bonds to be
23 paid by taxation, [such] the notice shall also be published in
24 the legal newspaper, if any, designated by the rules of court of
25 the proper county for the publication of legal notices and
26 advertisement, unless [such] the publication [be] is dispensed
27 with by special order of court. All ordinances, auditors'
28 reports, controllers' reports, or advertisements, inviting
29 proposals for public contracts and for bids for materials and
30 supplies, shall be published only in newspapers of general

1 circulation[, as hereinbefore defined].

2 (c) Nothing in this act shall preclude the publication of
3 notices by means other than in a newspaper to the extent
4 authorized by law.

5 Section 202. General Powers.--Each county shall have
6 capacity as a body corporate to:

7 (1) Have succession perpetually by its corporate name.

8 (2) Sue and be sued and complain and defend in all proper
9 courts by the name of the county of

10 (3) Purchase, acquire by gift or otherwise, hold, lease, let
11 and convey [such] real and personal property as shall be deemed
12 to be for the best interests of the county.

13 (4) Make contracts for carrying into execution the laws
14 relating to counties and for all lawful purposes.

15 (5) Have and use a seal which shall be in the custody of the
16 commissioners [thereof]. The official acts of the commissioners
17 shall be authenticated [therewith] with the seal. The
18 commissioners may prescribe the form of [such] the seal.

19 (6) To make appropriations for any purpose authorized by
20 this or any other act of the General Assembly.

21 Section 210. Counties Divided Into Nine Classes.--For the
22 purposes of legislation and the regulation of their affairs,
23 counties of this Commonwealth, now in existence and those
24 hereafter created, shall be divided into nine classes as
25 follows:

26 (1) First Class Counties, those having a population of
27 1,500,000 inhabitants and over.

28 (2) Second Class Counties, those having a population of
29 [800,000] 1,000,000 and more but less than 1,500,000
30 inhabitants.

1 (2.1) Second Class A Counties, those having a population of
2 500,000 and more but less than [800,000] 1,000,000 inhabitants.

3 (3) (i) Third Class Counties, those having a population of
4 210,000 and more but less than 500,000 inhabitants.

5 (ii) After the results of any Federal Decennial Census are
6 published, any county of the third class having a population of
7 500,000 inhabitants and over may elect not to become a county of
8 the second class A by enacting an ordinance or adopting a
9 resolution of the [Board of County Commissioners] commissioners
10 not later than February 15 of the year following the year in
11 which the figures from the Federal Decennial Census are
12 certified by the United States Department of Commerce and
13 available.

14 (4) Fourth Class Counties, those having a population of
15 145,000 and more but less than 210,000 inhabitants.

16 (5) Fifth Class Counties, those having a population of
17 90,000 and more but less than 145,000 inhabitants.

18 (6) Sixth Class Counties, those having a population of
19 45,000 and more but less than 90,000 inhabitants and those
20 having a population of 35,000 and more but less than 45,000
21 inhabitants which by ordinance or resolution of the [Board of
22 County Commissioners] commissioners elect to be a county of the
23 sixth class.

24 (7) Seventh Class Counties, those having a population of
25 20,000 or more but less than 45,000 inhabitants and those having
26 a population of 35,000 and more but less than 45,000 inhabitants
27 which have not elected to be a county of the sixth class.

28 (8) Eighth Class Counties, those having a population of less
29 than 20,000 inhabitants.

30 Section 211. Ascertainment, Certification and Effect of

1 Change of Class.--(a) The classification of counties shall be
2 ascertained and fixed according to their population by reference
3 from time to time to the decennial United States census as
4 [hereinafter provided, deducting therefrom] provided in this
5 section, less the number of persons residing on any lands that
6 have been ceded to the United States.

7 (b) Whenever it shall appear by any [such] decennial census
8 that [any] a county has attained a population entitling it to an
9 advance in classification, or whenever it shall appear by the
10 last two preceding censuses that a county has [heretofore or
11 hereafter] decreased in population so as to recede in
12 classification, as [herein prescribed] provided in this section,
13 it shall be the duty of the Governor, under the great seal of
14 this Commonwealth, to certify that fact accordingly, to the
15 [board of county] commissioners on or before the first day of
16 October of the year succeeding [that] the year in which the
17 census was taken [or as soon thereafter as may be], which
18 certificate shall be forwarded by the commissioners to the
19 recorder of deeds and be recorded in [his] the recorder's
20 office.

21 It is the intent of this section that the classification of
22 any county shall not be changed because its population has
23 decreased at the time of one United States decennial census,
24 because it is recognized that a change in the form of local
25 government is attended by certain expense and hardship, and
26 [such] the change should not be occasioned by a temporary
27 fluctuation in population, but rather only after it is
28 demonstrated by two censuses that the population of a county has
29 remained below the minimum figure of its class for at least a
30 decade.

1 (c) Changes of class ascertained and certified [as
2 aforesaid] shall become effective on the first day of January
3 next following the year in which the change was [so] certified
4 by the Governor to the county commissioners but the salaries of
5 county officers shall not [thereby] be increased or decreased
6 during the term for which they shall have been elected. In the
7 municipal election following [such] the certification of change
8 of class and preceding the effective date of [such] the change,
9 the proper number of persons shall be elected to fill any
10 elective office which will exist in the county by the change of
11 classification certified. No election shall be held for any
12 office which will be abolished as a result of [such] a change of
13 classification.

14 Section 301. Petition to [Superior] Commonwealth Court.--(a)
15 The boundary line between any two or more adjoining counties may
16 be determined, surveyed, [relocated] established or marked in
17 the manner provided by this article.

18 (b) Such a proceeding shall be instituted on petition of any
19 taxpayer, the [county] commissioners or the [corporate
20 authorities] governing body of any political subdivision of any
21 of the counties involved.

22 Section 302. [Superior] Commonwealth Court to Designate
23 Neutral Court; Appointment of Commission.--(a) The court, upon
24 the filing of such petition, shall designate a court of a county
25 not affected by the question and not adjoining any of the
26 counties involved to act in the proceeding. The designated court
27 [so designated] shall sit in its home county.

28 (b) If it appears to the [court so] designated court that
29 the county line, or any part thereof, shall be surveyed or
30 marked, it shall appoint a boundary commission, composed of

1 three surveyors or professional engineers [in civil
2 engineering,] licensed or registered in accordance with the act
3 of May 23, 1945 (P.L.913, No.367), known as the "Engineer, Land
4 Surveyor and Geologist Registration Law," to act for the court
5 as hereinafter provided.

6 Section 303. Compensation, Assistants and Expenses.--(a)
7 The surveyors or professional engineers [in civil engineering]
8 composing [such] the boundary commission shall each receive such
9 compensation as the court shall fix for the time necessarily
10 spent in the discharge of their duties and[, in addition
11 thereto,] shall also be reimbursed the necessary expenses
12 incurred by them respectively while engaged upon the work of
13 [such] the commission.

14 (b) The boundary commission may employ such assistants as
15 the court shall allow, at a compensation to be fixed by the
16 court[, and such assistants shall be reimbursed the actual
17 necessary expenses incurred by them respectively while employed
18 by such commission]. Assistants shall also be reimbursed for
19 actual necessary expenses incurred while employed by the
20 commission.

21 (c) All costs, including the necessary expenses of
22 advertising the meeting of the boundary commissioners as
23 hereinafter provided, and in procuring and setting the permanent
24 monuments [needful] necessary to mark [in a permanent manner
25 such] the county line, the expenses of the boundary commission
26 and its assistants and all other expenses necessarily incurred,
27 shall be paid by the interested counties jointly, in equal
28 parts, or by any party or parties to the proceeding as the court
29 may direct, upon presentation of properly itemized bills, duly
30 verified by affidavit of the person claiming payment or [some

1 one on his] someone on the person's behalf.

2 Section 304. Oath; Organization and Duties.--(a) The
3 members of the boundary commission shall take and subscribe [an
4 oath to perform their duties impartially and with fidelity] the
5 oath as provided in 53 Pa.C.S. § 1141 (relating to form of oaths
6 of office) prior to assuming duties with the commission.

7 (b) The boundary commission shall meet and organize within
8 two weeks of its appointment. It shall select from its
9 membership a chairman and also a secretary who shall keep a full
10 record of the proceedings and work of the commission. [Before
11 entering upon its duties, it shall designate, by advertisement]
12 The commission shall advertise in not more than two newspapers
13 published in each of the counties concerned, a time and place of
14 meeting, when and where parties interested shall be heard. After
15 [such] the hearing, it shall, without unreasonable delay,
16 ascertain the location, and survey and mark with [suitable]
17 permanent monuments [of a permanent character] the existing
18 county line between such counties[, if it shall consider such
19 old county line a proper one].

20 Section 305. Authority to Fix [New] Undetermined County
21 Line.--(a) When the boundary commission [has ascertained,
22 located and determined said line, if it appears to it that the
23 existing county line, from any cause whatever, has become
24 inconvenient for any purpose, or improper, difficult to
25 ascertain, or not related to the natural or other land marks,
26 the commission] cannot determine, ascertain or locate the
27 existing county line, it shall so report [these facts, or any of
28 them,] to the court of [quarter sessions having appointed the
29 commission] common pleas, with a recommendation that a new
30 county line be established in whole or in part.

1 (b) [Thereupon, if said] If the court shall be of opinion
2 that it is [to the interest and advantage of the respective
3 counties] necessary that a new county line be established, [they
4 may] it shall direct [said] the boundary commission to fix and
5 determine a new county line [and], to mark the same with
6 [suitable] permanent monuments [of a permanent character] and to
7 prepare the report as provided in section 306.

8 [(c) Notice shall be given to the counties interested, and
9 to the owners of all lands which will be affected by the
10 proposed change, of the time when the recommendation of the
11 commission for a new county line will be considered by the
12 court.]

13 Section 306. Report of Boundary Commission; Approval by
14 Court; Certification of Line.--(a) The boundary commission[, or
15 a majority thereof, shall make a report, in writing, and attach
16 thereto] shall prepare a written report containing a map or
17 draft showing the courses and distances of the line ascertained
18 and designated by them as the existing county line, or where
19 they may have been directed to fix and determine a new county
20 line, such map or draft[, in lieu thereof,] shall instead show
21 the courses and distances of new county line. In either case,
22 the map or draft shall also show the lands through which said
23 line passes and the buildings in close proximity thereto,
24 together with the roads and streams crossed by or near to such
25 line.

26 (b) The report and map, signed by a majority of the members
27 of the commission [or a majority of them], shall be filed in the
28 court of [quarter sessions] common pleas having been given
29 jurisdiction, and if approved by such court, shall be ordered
30 recorded in the records thereof.

1 (b.1) Written notice shall be given by the boundary
2 commission to the counties interested, and to the owners of all
3 lands which will be affected by the proposed change, of the time
4 when the report containing the recommendation of the boundary
5 commission will be considered by the court.

6 (b.2) A copy of the report and approval shall be certified
7 by the [clerk of the court] prothonotary to the [clerk of the
8 court of quarter sessions] prothonotary of each county affected,
9 where it shall be recorded in the records. The line so
10 ascertained, surveyed and fixed and so marked shall
11 [thenceforth], as of the date of the certification, be the
12 boundary line between the counties.

13 (c) The [clerk of the court of quarter sessions]
14 prothonotary, having determined the matter, shall certify the
15 approval of the court on two copies of the report and map filed
16 in [this] the prothonotary's office and, within thirty days,
17 transmit a copy by mail to the Secretary of [Internal Affairs,
18 to be by him deposited in his department, and another to the
19 Department of Highways] Community and Economic Development, the
20 Department of Transportation and the Department of Conservation
21 and Natural Resources.

22 Section 401. Enumeration of Elected Officers.--(a) In each
23 county, there shall be the following officers elected by the
24 qualified electors of the county:

25 (1) Three county commissioners.

26 (2) Three auditors or, in counties of the second class A and
27 in all counties where the office of auditor has heretofore been
28 or shall hereafter be abolished, one controller.

29 (3) One treasurer.

30 (4) One coroner.

1 (5) One recorder of deeds.

2 (6) One prothonotary.

3 (7) One clerk of the court of [quarter sessions and of the
4 court of oyer and terminer] common pleas.

5 (8) [One] Except in counties of the second class A, one
6 clerk of the orphans' court.

7 (9) One register of wills, who, in counties of the second
8 class A, shall serve as clerk of the orphan's court.

9 (10) One sheriff.

10 (11) One district attorney.

11 (12) Two jury commissioners, except in counties where the
12 office of jury commissioner has been abolished.

13 (b) [All] Except as provided in subsection (b.1), all such
14 officers shall be elected at the municipal election next
15 preceding the expiration of the terms of the officers now in
16 office, and quadrennially thereafter, and shall hold their
17 offices for a term of four years from the first Monday of
18 January next after their election and until their successors
19 shall be duly qualified, but in the event that any [such]
20 officer so elected, excepting a county commissioner or auditor,
21 shall fail to qualify, or if no successor shall be elected, then
22 the chief deputy, first assistant, first deputy or principal
23 deputy in office at the time the vacancy occurred shall assume
24 the office until a successor has been appointed pursuant to
25 section 409 or until the first Monday in January following the
26 next municipal election, whichever period is shorter. In the
27 case of a county commissioner or auditor, there shall be a
28 vacancy which shall be filled as provided in this act.

29 (b.1) In the event that any officer in a county of the
30 second class A, other than a county commissioner, shall fail to

1 qualify, or if no successor is elected, the officer then in
2 office shall continue in office only until the first Monday in
3 January following the next municipal election, at which time a
4 successor shall be elected for a term of four years.

5 (c) All the county officers enumerated in this section shall
6 remain as now constituted. This section does not create any
7 office in any county where such office does not now exist.

8 (d) The office of jury commissioner may be abolished by
9 referendum at the option of each county which on the effective
10 date of this subsection is a county of the third class having a
11 population under the 1990 Federal decennial census in excess of
12 237,000 residents, but less than 240,000 residents, or a
13 population under the 1990 Federal decennial census in excess of
14 337,000 residents, but less than 341,000 residents, whenever
15 electors equal to at least five per centum of the highest vote
16 cast for any office in the county at the last preceding general
17 election shall file a petition with the county board of
18 elections, or the governing body of the county adopts, by a
19 majority vote, a resolution to place such a question on the
20 ballot and a copy of the resolution is filed with the county
21 board of elections for a referendum on the question of
22 abolishing the office of jury commissioner. Proceedings under
23 this subsection shall be in accordance with the provisions of
24 the act of June 3, 1937 (P.L.1333, No.320), known as the
25 "Pennsylvania Election Code." Upon approval of the referendum
26 the office of jury commissioner shall expire at the completion
27 of the current jury commissioners' terms of office. The
28 referendum shall not take place in any year in which the office
29 of jury commissioners is on the ballot.

30 (e) The office of jury commissioner may be abolished in a

1 county of the third class having a population during the 2000
2 decennial census of not less than 371,000 and not more than
3 380,000 if the governing body of the county adopts, by a
4 majority vote, a resolution abolishing the office of jury
5 commissioner. Upon approval of the resolution, the office of
6 jury commissioner shall expire at the completion of the current
7 jury commissioners' terms of office.

8 (f) After review of the procedures in effect within the
9 county to ensure that lists of potential jurors are a
10 representative cross section of the community, the governing
11 body of a county of the second class A or third through eighth
12 class may adopt, by a majority vote, a resolution abolishing the
13 office of jury commissioner. Upon approval of the resolution,
14 the office of jury commissioner shall expire at the completion
15 of the current jury commissioners' terms of office.

16 Section 402. Incompatible Offices.--(a) No elected county
17 officer or, in counties of the third through eighth class,
18 county solicitor, shall, at the same time, serve as a member of
19 the legislative body of any [city, borough, town or township of
20 any class, nor as treasurer or tax collector of any city,
21 borough, incorporated town or township,] municipal corporation
22 nor as school director of any school district, nor as a member
23 of any board of health.

24 (a.1) Except as otherwise authorized by law, no elected
25 county officer or county solicitor of a county of the third
26 through eighth class shall, at the same time, serve as treasurer
27 or tax collector of any municipal corporation.

28 (b) No member of Congress from this State, nor any person
29 holding or exercising any office or appointment of trust or
30 profit under the United States, shall, at the same time, hold or

1 exercise any county office in this State to which a salary, fee
2 or perquisites are attached. This section shall not apply to
3 [United States Reserve Officers or enlisted personnel] members
4 of the National Guard or other reserve component of the armed
5 forces not called into active duty.

6 Section 403. Oath of Office.--(a) In addition to any oath
7 or affirmation required by any other act of Assembly, all county
8 officers, their deputies, assistants and clerks, shall, before
9 entering on the duties of their respective offices or
10 employments, take and subscribe the [following oath or
11 affirmation: "I do solemnly swear (or affirm) that I will
12 support, obey and defend the Constitution of the United States,
13 and the Constitution of this Commonwealth; and that I will
14 discharge the duties of my office (or employment) with fidelity;
15 that I have not paid or contributed, or promised to pay or
16 contribute, either directly or indirectly, any money or other
17 valuable thing to procure my nomination or election (or
18 appointment), except for necessary and proper expenses expressly
19 authorized by law; that I have not knowingly violated any
20 election law of this Commonwealth, or procured it to be done by
21 others in my behalf; that I will not knowingly receive, directly
22 or indirectly, any money or other valuable thing for the
23 performance or non-performance of any act or duty pertaining to
24 my office (or employment) other than the compensation allowed by
25 law".] oath as provided in 53 Pa.C.S. § 1141 (relating to form
26 of oaths of office).

27 (b) The foregoing oath shall be administered by some person
28 authorized to administer oaths, and shall be filed in the office
29 of the prothonotary of the county in which the same is taken.
30 Any person refusing to take said oath or affirmation shall

1 forfeit his office. Any person who shall be convicted of having
2 sworn or affirmed falsely, or of having violated said oath or
3 affirmation, shall be guilty of perjury. [, and shall be subject
4 to such penalties as are provided therefor in the act, approved
5 June twenty-four, one thousand nine hundred thirty-nine
6 (Pamphlet Laws 872), known as The Penal Code, and be forever
7 disqualified from holding any office of trust or profit within
8 this Commonwealth.]

9 Section 9. Section 403.1 of the act is repealed:

10 [Section 403.1. Compensation When Salary Not Fixed by Law.--
11 In counties where no annual salary is fixed by law for the
12 county treasurer, he shall receive in full compensation for his
13 services on behalf of the county a certain amount per centum on
14 all moneys received and paid by him, which rate shall be
15 settled, from to time, by the county commissioners with the
16 approbation of the county auditors.]

17 Section 10. Sections 404, 405, 406, 407, 408, 409, 410 and
18 411 of the act are amended to read:

19 Section 404. Officers to Have Commissions Recorded.--Every
20 county officer receiving a commission from the Governor shall,
21 immediately, deliver the same to the recorder of deeds for
22 recordation [at the expense of such officer]. No [such] officer
23 shall execute any of the duties of [his] office until [he has so
24 delivered the said commission] the commission has been
25 delivered.

26 Section 405. Location of Offices, Records and Papers.--(a)
27 The commissioners, auditors, controller, treasurer, sheriff,
28 recorder of deeds, prothonotary, clerk of courts [of quarter
29 sessions and oyer and terminer], clerk of orphans' court,
30 register of wills[, recorder of deeds] and district attorney

1 shall keep their respective offices, and all public records and
2 papers [belonging thereto] of those offices, at the county seat,
3 and in such buildings as may be erected or appropriated for such
4 purpose.

5 (a.1) The [county] commissioners shall have the power to
6 keep and maintain records and to contract with persons, for
7 storage, retrieval, and transmission of county records within or
8 outside the county except that no records shall be stored
9 outside the county seat without the approval of the [president
10 judge and the] officer in charge of the office to which the
11 records belong. The approval of the president judge shall be
12 required if records are in the custody of agencies of the court
13 of common pleas, the clerk of courts, the prothonotary, the
14 register of wills and the clerk of the orphans' court. Public
15 records stored outside of the county seat shall be made
16 accessible to the general public at the county seat by [means of
17 an electronic telecopying system] any electronic means or
18 facility which will permit the retrieval of the records or exact
19 copies thereof within [three] five business days.

20 County records used on a regular or frequent basis shall
21 remain in the county seat.

22 (a.2) The commissioners of counties of the second class A
23 shall have the power to impose a fee on recorded instruments
24 required to be kept permanently that are filed with the county,
25 and, with the approval of the president judge, shall have the
26 power to impose a fee on civil or criminal cases filed in the
27 court of common pleas. The fees will be collected by the
28 appropriate row officer and deposited in a special records
29 management fund, administered by the county's records management
30 program in the Office of Management and Productivity or, in the

1 absence of such an office, an office that handles the same or
2 similar functions. The fund shall be solely used to help defray
3 the cost of maintaining, administering, preserving and caring
4 for the records of the county.

5 (b) The [county] commissioners shall, after consultation
6 with the officer, furnish each [of such officers] officer with
7 an office and additional space in the county building, court
8 house or other building at the county seat sufficient to perform
9 the duties of the office.

10 (c) Any [person] officer failing or refusing to maintain
11 [his] the office and to keep all public records and papers
12 [belonging thereto] of the office in the buildings appropriated
13 for such purpose in accordance with the provisions of this
14 section, shall be guilty of a misdemeanor, and, upon conviction
15 thereof, shall be sentenced to undergo imprisonment until [he]
16 the officer complies with the provisions of this section, or
17 until sooner discharged by order of the court, and to pay a fine
18 not exceeding five hundred dollars (\$500), to be paid to the use
19 of the county.

20 Section 406. Records Open to Inspection.--[(a) The minute
21 book and other fiscal records and documents of every county may
22 be open to the inspection of any taxpayer thereof, but the
23 proper officers may make reasonable rules and regulations
24 respecting the time of such inspection.

25 (b) In case any officer shall refuse to permit the
26 inspection of any fiscal record or document the taxpayer may, by
27 petition to the court of common pleas of the county, set forth
28 his reasons for desiring to make such inspection, and, if the
29 court deems such reasons proper, it shall order the officer to
30 permit the inspection to be made.] Except as otherwise provided

1 by this act, records of county offices shall be open for
2 inspection subject to the rules and regulations provided in the
3 act of February 14, 2008 (P.L.6, No.3), known as the "Right-to-
4 Know Law."

5 Section 407. Officers to Secure Funds, Records, Books, Et
6 Cetera, from Predecessors.--(a) Any person, elected or
7 appointed, and duly commissioned to any county office, shall
8 demand and receive all records, books, drafts, plans, papers,
9 seals or other official things, including all public funds held
10 in [such] the office, and not otherwise provided for by Article
11 XIII.1 of the [act, approved May seventeen, one thousand nine
12 hundred forty-nine (Pamphlet Laws 1403), known as the Municipal
13 Unclaimed Moneys Act,] act of April 9, 1929 (P.L.343, No.176),
14 known as "The Fiscal Code," belonging to [such] the office from
15 the person or persons who held the office immediately before
16 [his] the officer's election or appointment, or from any other
17 person or persons holding or possessing them.

18 (b) Any person detaining from such a county office any
19 records, books, drafts, plans, papers, seals or other official
20 things, including public funds, as herein provided, belonging to
21 [such] an office after reasonable demand [therefor] has been
22 made, shall be guilty of a misdemeanor, and, upon conviction
23 thereof, shall be sentenced to undergo imprisonment until the
24 delivery of any such official things found to be in [his] the
25 person's possession or control to the proper officer, or until
26 sooner discharged by order of the court, and to pay a fine not
27 exceeding five hundred dollars (\$500), to be paid to the use of
28 the county.

29 Section 408. Deputies to Act in Certain Cases.--(a)
30 Whenever any county officer is authorized or required to appoint

1 a deputy or deputies, such deputy or principal deputy, where
2 there are more than one, shall, during the necessary or
3 temporary absence of [his] the deputy's principal, perform all
4 duties of such principal, and also, in case of a vacancy or as
5 provided in section 401(b), until a successor is qualified.
6 While fulfilling these duties, in the case of a vacancy, in
7 counties of the third through eighth classes, the deputy shall
8 receive the salary provided by law for the principal or the
9 salary provided for the deputy, whichever is greater.

10 (b) No person temporarily succeeding to any county office by
11 reason of the death, resignation or removal of the duly elected
12 or appointed officer, shall execute any of the duties of such
13 office until [he] that person has first taken oath and filed the
14 bond required of the principal officer.

15 Section 409. Vacancies Not Otherwise Provided For.--[In] (a)
16 Except as otherwise provided in subsection (b), in case of a
17 vacancy, happening by death, resignation or otherwise, in any
18 county office created by the Constitution or laws of this
19 Commonwealth, and where no other provision is made by the
20 Constitution, or by [the provisions of] this act, to fill the
21 vacancy, it shall be the duty of the Governor to appoint a
22 suitable person to fill such office, who shall continue
23 [therein] to hold and discharge the duties [thereof] of the
24 office until the first Monday in January following the next
25 municipal election occurring not less than ninety days after the
26 occurrence of the vacancy, or for the balance of the unexpired
27 term, whichever period is shorter. If there is a municipal
28 election occurring not less than ninety days after the
29 occurrence of the vacancy, other than the one at which the
30 office ordinarily is filled, then the office shall be filled at

1 that election for the balance of the unexpired term. Such
2 appointee shall be confirmed by the Senate if in session.

3 (b) In counties of the second class A, the appointed person
4 shall continue in office and discharge the duties of the office
5 for the balance of the unexpired term.

6 (c) The Governor shall discharge the duties set forth in
7 this section in accordance with section 207.1(d)(5.1) of the act
8 of April 9, 1929 (P.L.177, No.175), known as "The Administrative
9 Code of 1929."

10 Section 410. County Officials to Furnish Information to
11 Heads of the Governmental Departments.--(a) It shall be the
12 duty of all county officers to furnish, on application
13 [therefor,] to the head of any department of the State
14 government [such] information and copies of [such] records or
15 documents contained in their respective offices, as in the
16 opinion of [such] the head of department may be necessary or
17 pertinent to the work of [his respective] the department. The
18 county so furnishing information shall receive for copying and
19 forwarding the same such reasonable compensation as the Auditor
20 General may determine. Such compensation shall be paid to the
21 county by the State Treasurer, out of moneys not otherwise
22 appropriated, upon warrant from the Auditor General.

23 (b) All county officers shall also furnish to the Department
24 of Community [Affairs] and Economic Development such information
25 as may be requested by it.

26 Section 411. Penalty for Neglect or Refusal to Perform
27 Duties.--If any county officer neglects or refuses to perform
28 any duty imposed on [him] the officer by the provisions of this
29 or any other act, [or by the provisions of any other act of
30 Assembly,] or by any rule of court, [or other provision of law,

1 he] the officer shall, for each [such] neglect or refusal, be
2 guilty of a misdemeanor, and, on conviction thereof, shall be
3 sentenced to pay a fine not exceeding five hundred dollars
4 (\$500).

5 Section 11. Section 412 of the act is repealed:

6 [Section 412. Absconding Officers.--The office of any county
7 officer absconding from the county shall be vacant to all
8 intents and purposes.]

9 Section 12. Sections 413 and 414 of the act are amended to
10 read:

11 Section 413. Qualifications of Elected County Officers.--(a)
12 No person shall be elected to any county office, except the
13 office of district attorney otherwise provided for by this act,
14 unless [he] the person shall be at least eighteen years of age,
15 a citizen of the United States and a resident of the county, and
16 shall have resided within the county for one year next preceding
17 [his] election.

18 (b) In addition to the qualifications in subsection (a), a
19 person shall not be eligible for the office of sheriff except in
20 accordance with the act of February 9, 1984 (P.L.3, No.2), known
21 as the Sheriff and Deputy Sheriff Education and Training Act.

22 Section 414. Mileage of County Officials and Employees.--All
23 county officials and employes may, when authorized by the county
24 commissioners, be reimbursed [at the rate of twelve cents (12¢)
25 per mile for the use of their personal vehicle when discharging
26 their official duties or performing a duty imposed upon them
27 unless provisions of law require the payment of a higher rate]
28 in accordance with the act of July 20, 1979 (P.L.156, No.51),
29 referred to as the Uniform Mileage Fee Law.

30 Section 13. The act is amended by adding sections to read:

1 Section 415. Required Security.--The county shall obtain
2 required security for county officers and employees in
3 accordance with 16 Pa.C.S. Ch. 11 Subch. B (relating to required
4 fiscal security for officers and employees).

5 Section 416. Solicitors to County Officers Other Than
6 Commissioners.--(a) Each of the following officers may
7 designate and appoint a person who shall be licensed to practice
8 law in this Commonwealth to act as solicitor to that officer:

9 (1) The county treasurer.

10 (2) The sheriff.

11 (3) The register of wills.

12 (4) The recorder of deeds.

13 (5) The coroner.

14 (6) The controller or auditors, as the case may be.

15 (b) The solicitor shall advise upon all legal matters, and
16 conduct any litigation, as requested by the officer.

17 (c) The solicitor shall hold office at the pleasure of the
18 officer.

19 (d) The commissioners may appropriate money for the payment
20 of any solicitor appointed pursuant to this section.

21 (e) The appointment, compensation, powers and duties of
22 solicitors appointed by prothonotaries, clerks of court and
23 clerks of orphans' court shall be in accordance with 42 Pa.C.S.
24 (relating to judiciary and judicial procedure).

25 Section 14. Sections 440, 442, 443, 444, 445, 446, 460, 502,
26 503, 504, 507, 508, 509, 521, 601, 602 and 603 of the act are
27 amended to read:

28 Section 440. State Associations Authorized.--County officers
29 of each county may organize for themselves a State association
30 as follows:

1 (1) The county commissioners, together with the county
2 solicitor and the chief clerk to the county commissioners and
3 certain officers who are counterpart personnel in counties
4 having a Home Rule Charter or optional form of government.

5 (2) The county controllers.

6 (3) The sheriffs.

7 (4) The district attorneys.

8 (5) The probation officers.

9 (6) The registers of wills and clerks of orphans' courts.

10 (7) The prothonotaries and clerks of courts [of quarter
11 sessions].

12 (8) The county treasurers.

13 (9) The recorders of deeds.

14 (10) The directors of veterans' affairs.

15 (11) The coroners.

16 (12) Jury commissioners.

17 (13) The county auditors.

18 (14) The public defenders.

19 Section 442. Deputies and Solicitors May Attend Annual
20 Meetings.--[The deputy controller, the deputy sheriff, the
21 deputy register of wills, the deputy clerk of orphans' court,
22 the deputy treasurer, the deputy prothonotary, the deputy clerk
23 of the courts of quarter sessions, the first assistant district
24 attorney, one assistant public defender and the deputy recorder
25 of deeds and the chief deputy coroner, with the approval of his
26 principal, and the solicitor for each officer, may attend the
27 annual meetings of his respective associations either together
28 with the controller, sheriff, register of wills, treasurer,
29 prothonotary, clerk of the courts of quarter sessions, district
30 attorney, public defender, recorder of deeds or coroner as the

1 case may be or in his place.] With the approval of their
2 principals, the first and, where appointed, second deputy and
3 the solicitor of the following officers may attend the annual
4 meeting of their respective association with or in the place of
5 their principals:

6 (1) The controller.

7 (2) The sheriff.

8 (3) The register of wills.

9 (4) The clerk of orphans' court.

10 (5) The treasurer.

11 (6) The prothonotary.

12 (7) The clerk of the courts.

13 (8) The recorder of deeds.

14 (9) The district attorney.

15 (10) The public defender.

16 (11) The coroner.

17 Section 443. County Payment for Expenses of Attending
18 Members [to be Paid by County]; Time Limit on Meetings.--(a)
19 The actual expenses of all authorized elected county officers
20 attending the annual meetings of their associations shall be
21 paid by the [several counties] county out of the general county
22 fund. Each of [these] the officers, except the county
23 commissioners, shall be reimbursed for actual expenses not to
24 exceed [one hundred seventy-five dollars (\$175)] two hundred
25 twenty dollars (\$220) per day for the number of days specified
26 in subsection (b) of this section, together with mileage going
27 to and returning from such meeting and the registration fee. The
28 sum of [one hundred seventy-five dollars (\$175)] two hundred
29 twenty dollars (\$220) per day as set forth in this subsection
30 shall be adjusted annually by the annual increase in the cost of

1 living as determined annually by the United States Department of
2 Labor.

3 (a.1) The actual expenses of all authorized nonelected
4 county officers and employes attending the annual meetings of
5 their associations may be paid by the [several counties] county
6 out of the county general fund. Each of these officers may be
7 reimbursed for actual expenses in an amount not to exceed [one
8 hundred seventy-five dollars (\$175)] two hundred twenty dollars
9 (\$220) per day for the number of days specified in subsection
10 (b) of this section, together with mileage going to and
11 returning from such meetings and the registration fee. The sum
12 of [one hundred seventy-five dollars (\$175)] two hundred twenty
13 dollars (\$220) per day shall be adjusted annually as set forth
14 in subsection (a) of this section.

15 (a.2) Every delegate attending the annual meeting shall
16 submit to the county original receipts along with an itemized
17 account of expenses incurred at the meeting. The county may
18 authorize employes to be compensated at their regular employe
19 rate during their attendance at the annual meeting. The actual
20 expenses for elected officers shall, and for nonelected officers
21 may, be paid for the number of days specified in subsection (b).
22 In addition, elected county officers shall receive, and
23 nonelected county officers and employes may receive, actual
24 expenses not to exceed [one hundred seventy-five dollars (\$175)]
25 two hundred twenty dollars (\$220) per day for each day not in
26 excess of two in going to and returning from such meeting. The
27 sum of [one hundred seventy-five dollars (\$175)] two hundred
28 twenty dollars (\$220) per day shall be adjusted annually as set
29 forth above.

30 (b) The annual meeting of the association of county

1 commissioners, county solicitors and chief clerks shall not
2 exceed four days, that of the district attorneys shall not
3 exceed three days, and those of all other State associations
4 shall not exceed three days in every case, exclusive of the time
5 spent in traveling to and from the said meetings.

6 Section 444. Other Meeting Expenses Paid by Counties.--(a)
7 In addition to the expenses [hereinbefore] authorized in this
8 subdivision, the necessary expenses of the annual meetings of
9 the associations hereinafter named, including annual association
10 dues, printing, committee expenses and stenographical expense,
11 shall be paid in equal parts by the [several] counties whose
12 officers are members of the respective associations.

13 (b) In the case of county commissioners, county solicitor
14 and county clerk, county controllers, county auditors, sheriffs,
15 register of wills, clerks of orphans' courts, county treasurers,
16 recorders of deeds, prothonotaries, clerks of courts, public
17 defenders, district attorneys, jury commissioners [and coroners,
18 the portion of the annual expenses charged to each county of the
19 third and fourth class shall not exceed six hundred dollars
20 (\$600), to each county of the fifth and sixth class, five
21 hundred dollars (\$500), to each county of the seventh and eighth
22 class, four hundred dollars (\$400), and in], coroners and, in
23 the case of second class A counties, directors of veterans'
24 affairs, the portion of annual expenses charged to each county
25 shall not exceed the following:

26 (1) For each county of the second class A, one thousand
27 dollars (\$1,000).

28 (2) For each county of the third and fourth class, seven
29 hundred fifty dollars (\$750).

30 (3) For each county of the fifth and sixth class, six

1 hundred twenty-five dollars (\$625).

2 (4) For each county of the seventh and eighth class, five
3 hundred dollars (\$500).

4 (c) In the case of the directors of veterans' affairs for
5 counties other than those of the second class A, the portion
6 charged to each county shall not exceed four hundred dollars
7 (\$400), and in the case of the probation officers an annual
8 membership subscription not exceeding [ten dollars (\$10)] twelve
9 dollars and fifty cents (\$12.50) per member shall be paid by the
10 county, and shall be in lieu of the expenses hereinbefore in
11 this section provided for other county officers.

12 (d) The amounts set forth in subsections (b) and (c) shall
13 be adjusted annually by the annual increase in the cost of
14 living as determined annually by the United States Department of
15 Labor.

16 Section 445. Annual Assessments for County Commissioners,
17 Etc.--(a) In addition to the expenses hereinbefore authorized,
18 the necessary expenses of the association of county
19 commissioners, county solicitors and chief clerks shall be
20 apportioned among the counties holding membership in the
21 association in amounts provided for by the rules and regulations
22 of the association.

23 (a.1) In addition to the expenses hereinbefore authorized,
24 the necessary expenses of the association of district attorneys
25 shall be apportioned among the counties holding membership in
26 the association in amounts provided for by the rules and
27 regulations of the association.

28 (b) Such annual apportionments of expenses shall be as
29 approved at each annual [convention] conference of the said
30 association by a majority vote of the members present and, when

1 so approved, shall be paid by the several counties from general
2 county funds.

3 Section 446. Associations and Organizations Concerned with
4 Governmental Affairs.--The [county] commissioners of any county
5 may[, by resolution,] join associations and organizations
6 concerned with county or governmental affairs, other than the
7 [Pennsylvania State Association of County Commissioners] County
8 Commissioners Association of Pennsylvania, may pay dues to such
9 associations and organizations and may send delegates to
10 meetings or [conventions] conferences of such associations and
11 organizations and pay the necessary expenses incident to their
12 attendance at such meetings or [conventions] conferences.

13 The county commissioners of any county may [by resolution]
14 authorize any county official and [his] employes of the official
15 to attend meetings of professional associations and
16 organizations, or study or training sessions for persons holding
17 the same or similar office or employment, and may pay all or any
18 specified portion of the necessary expenses incident to their
19 attendance at such meetings or sessions.

20 Every person attending any [convention] conference, meeting
21 or study or training session referred to in this act shall
22 submit to the controller, or to the county commissioners in
23 counties having no controller, an itemized account of [his]
24 expenses [thereat] related to the event, including traveling
25 expenses or mileage, which the county commissioners may have
26 agreed to pay.

27 Section 460. Meetings Open to Public.--[(a)] All meetings,
28 regular and special, of the board of county commissioners and of
29 all boards, commissions and authorities, created by or operating
30 as agencies of a county, are hereby declared to be public

1 meetings [open to the public at all times.

2 (b) Nothing contained in this section shall prevent the
3 county commissioners or any such board, commission or authority
4 from holding executive sessions from which the public is
5 excluded, but no final official action shall be taken as to any
6 proposed or existing resolution, ordinance, rule or regulation,
7 or part thereof, at such an executive session.] subject to the
8 provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings).

9 Section 502. Organization.--The [county] commissioners shall
10 meet on the first Monday of January, in the year one thousand
11 nine hundred and fifty-six, and on the first Monday of January
12 every fourth year thereafter, in the office provided for them at
13 the county seat for the purpose of organization. If the first
14 Monday is a legal holiday, the meeting shall be held the first
15 day following.

16 Section 503. Meetings, Regular and Special; Conduct of
17 Meetings; Notices.--(a) The [county] commissioners shall adopt
18 rules for the conduct and order of business[, establishing also]
19 and establish regular times and places of meeting. A copy of
20 [such] the rules shall be posted at all times in a conspicuous
21 place in the county court house for the benefit of the public.

22 (b) Each commissioner shall have at least twenty hours
23 notice of any special meeting and of the nature of business to
24 be conducted [thereat] at the meeting, unless [such] the notice
25 [be] is waived by [him] the commissioner in writing or by
26 attendance at [such] the special meeting.

27 Section 504. Quorum; Execution of Official Instruments.--(a)
28 The commissioners shall constitute a board, two members of which
29 shall be a quorum for the transaction of business, and, when
30 convened [in pursuance of notice or according to adjournment]

1 after notice, shall be competent to perform all the duties
2 appertaining to the office of county commissioners.

3 (b) Where any official document, instrument or official
4 paper is to be executed by the [county] commissioners, it shall
5 be done by at least two of the commissioners and attested by the
6 chief clerk who shall affix the county seal thereto.

7 Section 507. Expenses.--The [county] commissioners shall be
8 allowed their expenses, necessarily incurred and actually paid,
9 in the discharge of their official duties, or in the performance
10 of any service, office, or duty imposed upon county
11 commissioners.

12 Section 508. Office Furniture, Stationery, Etc.--(a) The
13 [county] commissioners, at the cost of the county, shall
14 purchase and provide the office furniture, equipment and
15 supplies, blank books, [blanks,] blank dockets, books for
16 records, stationery, postage, [fuel, light and janitor and
17 telephone service,] utilities, cleaning and maintenance required
18 for each of the county officers whose offices are located in the
19 county buildings or at such other places at the county seat as
20 may be designated by the commissioners, and all supplies used by
21 the public in connection with such offices.

22 (b) The [county] commissioners, at the cost of the county,
23 shall purchase and provide all of the same items as needed for
24 each of the county officers whose offices are not required by
25 law to be kept and maintained in county buildings or at the
26 county seat.

27 (c) Before purchasing office furniture, equipment or
28 supplies, blank books, blank dockets, books for records or
29 stationery, the county officers who are to be furnished with any
30 of [such] the items shall have an opportunity to state in

1 writing [his] preferences as to the type and make of [such
2 articles or any of them] the items. The commissioners shall,
3 when feasible, purchase and supply to each officer [his
4 preference in such articles] the preferred item when such
5 preference has been given.

6 Section 509. Ordinances and Resolutions.--(a) The [board
7 of] commissioners may adopt resolutions and ordinances
8 prescribing the manner in which powers of the county shall be
9 carried out and generally regulating the affairs of the county.
10 The commissioners may formulate and adopt ordinances,
11 resolutions, and rules and regulations, pertaining to the use of
12 any property owned or used by the county and the conduct of
13 persons in, on or about such county property, in order to
14 preserve such property and to promote and preserve the public
15 health, safety and welfare.

16 (b) All [such] proposed ordinances, unless otherwise
17 provided by law, shall be published at least once in one
18 newspaper of general circulation in the county not more than
19 sixty days nor less than seven days prior to passage. Public
20 notices of any proposed ordinance shall include either the full
21 text [thereof] or the title and a brief summary of the proposed
22 ordinance prepared by the county solicitor setting forth all the
23 provisions in reasonable detail and a reference to a place
24 within the county where copies of the proposed ordinance may be
25 examined. If the full text is not included a copy thereof shall
26 be supplied to [a] the same newspaper of general circulation in
27 [the county at the time] which the public notice is published.
28 If the full text is not included, an attested copy thereof shall
29 be filed in the county law library[.] within thirty days after
30 enactment. The date of such filing shall not affect the validity

1 of the process of the enactment or adoption of the ordinance;
2 and a failure to record within the time provided shall not be
3 deemed a defect in the process of the enactment or adoption of
4 the ordinance. In the event substantial amendments are made in
5 the proposed ordinance or resolution, [upon enactment,] the
6 commissioners shall [within ten days], at least ten days prior
7 to enactment, re-advertise in one newspaper of general
8 circulation in the county, a brief summary setting forth all the
9 provisions in reasonable detail together with a summary of the
10 amendments. [Such ordinances] Ordinances shall not become
11 effective until recorded in the ordinance book of the county. In
12 any case in which maps, plans or drawings of any kind are
13 adopted as part of an ordinance, the commissioners may, instead
14 of publishing the same as part of the ordinance, refer in
15 publishing the ordinance to the place where such maps, plans or
16 drawings are on file and may be examined.

17 (c) The [board of county] commissioners may also prescribe
18 fines and penalties not exceeding one thousand dollars (\$1,000)
19 for a violation of a building, housing, property maintenance,
20 health, fire or public safety code or ordinance and for water,
21 air and noise pollution violations, and not exceeding six
22 hundred dollars (\$600) for a violation of any other county
23 ordinance, which fines and penalties may be collected by suit,
24 brought in the name of the county, in like manner as debts of
25 like amount may be sued for.

26 (d) Any person violating any of the ordinances adopted by
27 the [board of county] commissioners pursuant to this section
28 shall, upon conviction thereof at a summary proceeding, be
29 sentenced to pay such fine as may be prescribed in such
30 ordinances by the [county] commissioners but not in excess of

1 one thousand dollars (\$1,000), to be paid to the use of the
2 county, with costs of prosecution, or to be imprisoned for not
3 more than ten days, or both.

4 Section 521. Duties and Powers of Chief Clerk.--(a) The
5 chief clerk shall keep the books and accounts of the board of
6 county commissioners, record and file their proceedings and
7 papers, attest all orders and voucher checks issued by them and
8 perform all other duties pertaining to [his office as] the
9 office of chief clerk.

10 (b) [He] The chief clerk shall have general power to
11 administer oaths and affirmations[,] pertaining to the business
12 of the office of the county commissioners.

13 Section 601. Election and Term; Seal.--(a) At the municipal
14 election immediately preceding the expiration of the term of the
15 controller [now] in office on January 1, 1956, and quadrennially
16 thereafter, the qualified electors of each county of the third,
17 fourth and fifth classes, and of every other county where the
18 office of controller has been or may hereafter be established,
19 including counties in which the office was established by
20 general law, or otherwise, while such counties were in a higher
21 classification, shall elect one citizen of the county, who shall
22 serve as controller for the term of four years from the first
23 Monday of January following [his] the controller's election, or
24 until [his] a successor shall be qualified[, if he so long shall
25 behave himself well].

26 (a.1) In counties of the second class A, a controller shall
27 be elected at the municipal election immediately preceding the
28 expiration of the term of the controller in office on the
29 effective date of this subsection and quadrennially thereafter.

30 (b) Each county controller shall be provided with an

1 official seal of [his] the office by the county commissioners of
2 the county, which shall be used for the attestation of all
3 official papers.

4 Section 602. Eligibility.--(a) No person holding office
5 under the United States shall be eligible to the office of
6 county controller during [his] continuance in such office, nor
7 until one year thereafter.

8 (b) The county commissioners, county treasurer,
9 prothonotary, register of wills, clerk of the courts, recorder
10 of deeds, sheriff and district attorney, and their chief clerks
11 or deputies, shall be ineligible, during their continuance in
12 such office and for two years thereafter, to the office of
13 county controller.

14 (c) The controller shall always be eligible to reelection or
15 appointment.

16 Section 603. Deputy Controller and Clerks.--(a) The
17 controller in counties of the second class A, third, fourth and
18 fifth classes shall appoint a deputy controller and clerks, and
19 in counties of the sixth, seventh and eighth classes may appoint
20 a deputy controller and clerks, and each controller may
21 authorize one or more of the clerks employed in [his] the
22 controller's office to administer to all persons oaths and
23 affirmations, pertaining to the business of the office, with the
24 same force and effect as if administered by the controller or
25 deputy controller.

26 (b) The controller may appoint a second deputy controller,
27 who shall possess and discharge all the rights, powers and
28 duties of the principal deputy controller during [his necessary
29 or] the principal deputy controller's and the controller's
30 temporary absence.

1 Section 15. Section 604 of the act is repealed:

2 [Section 604. Solicitor to the Controller.--The county
3 controller may designate and appoint one person, learned in the
4 law, to act as his solicitor. Such solicitor shall advise upon
5 all such legal matters as may be submitted to him, and shall
6 conduct any litigation desired by the county controller. He
7 shall hold office at the pleasure of the controller.]

8 Section 16. Sections 605, 606, 607, 701, 702 and 703 of the
9 act are amended to read:

10 Section 605. Establishment of Office of Controller in
11 Counties of the Sixth, Seventh and Eighth Classes.--(a) The
12 office of controller may be established in any county of the
13 sixth, seventh or eighth class by the affirmative vote of a
14 majority of the electors of the county voting on the question
15 submitted, as herein provided, at the general election in which
16 the auditors are in the third year of their term.

17 (b) The question shall be submitted to the electors of the
18 county whenever county electors file a petition containing
19 signatures equal to at least five per centum of the highest vote
20 cast for any office in the county at the last preceding general
21 election. [Such] The petition shall be filed with the county
22 commissioners at least sixty days before the day of the general
23 election at which the question is to be submitted. If the
24 petition is sufficiently signed the county commissioners shall
25 cause the question to be submitted in the manner provided by the
26 Pennsylvania Election Code.

27 (c) If the majority of electors voting on the question shall
28 vote in favor of establishing the office of county controller,
29 [such] the office shall thereby be established, and, at the next
30 municipal election, and quadrennially thereafter, the electors

1 of the county shall choose a citizen of the county for the
2 office of controller in place of the county auditors.

3 Section 606. Appointment by Governor; Duties of Auditors;
4 Abolition of Office of Auditor.--(a) Whenever the office of
5 controller is established in any county, under the provisions of
6 section 605 of this act, or by a change in class of such county
7 not otherwise provided for by law, the Governor shall appoint a
8 suitable person to act as controller of said county until [his]
9 a successor in office is duly elected and installed.

10 (b) Upon the appointment of a controller, as provided in
11 this section, the county auditors then in office shall proceed
12 to audit all accounts as required by law, and shall file a
13 report of such audit with the controller so appointed, not later
14 than three months after the controller assumes [his] office,
15 whereupon the office of county auditor shall be abolished and
16 cease to exist in said county.

17 Section 607. Expenses.--The county controller and [his] the
18 county controller's deputy, clerks, and auditors shall be
19 allowed their expenses necessarily incurred and actually paid in
20 the discharge of their official duties, or in the performance of
21 any service or duty imposed upon them.

22 Section 701. Election and Vacancies.--(a) In each county
23 where the office of controller has not been established, three
24 county auditors shall be elected in the year one thousand nine
25 hundred fifty-five, and every fourth year thereafter. In the
26 election of auditors, each qualified elector shall vote for no
27 more than two persons. The three persons having the highest
28 number of votes shall be elected.

29 (b) Any casual vacancy in the office of county auditors
30 shall be filled, for the balance of the unexpired term, by the

1 court of common pleas of the county, [by the appointment of an
2 elector who voted for the auditor whose place is to be filled.]
3 sitting en banc, appointing a successor who shall be a
4 registered elector of the county and shall be a member of the
5 same political party as was the auditor whose place is to be
6 filled at the time the auditor assumed office.

7 Section 702. Eligibility.--(a) No person shall be eligible
8 to the office of county auditor who, within two years, shall
9 have been treasurer of the county.

10 (b) [No person holding the office of county auditor shall at
11 the same time hold or be employed in any office of the county,
12 the county institution district, any school district, any board
13 of health or any municipality authority of which the county is a
14 member.] No person holding the office of county auditor shall at
15 the same time hold any office or employment for the county or
16 for any municipal authority of which the county is a member. A
17 county auditor may not be employed in an administrative position
18 by any school district or any organization or entity that may be
19 audited by the board of auditors. A county auditor may not hold
20 an elected or appointed office or serve as a manager for any
21 municipal corporation in the county.

22 Section 703. Meetings; Quorum.--(a) The auditors shall
23 [assemble] meet at the county seat on the first Monday of
24 January in each year[, and begin] for the purpose of organizing
25 and to begin their audit of the fiscal affairs of the county for
26 the fiscal year immediately preceding. [, and thereafter, at such
27 times as they may find necessary for the completion of their
28 audit before the first day of the following July. They may, upon
29 petition to the court of common pleas, have such additional time
30 for the completion of their report as the court shall allow.]

1 If the first Monday in January is a legal holiday, the meeting
2 shall be held the first day following.

3 (b) The auditors shall meet as necessary for the completion
4 of their audit by the first day of the following July. The
5 auditors may petition the court of common pleas for additional
6 time for the completion of the audit and the filing of the
7 report. The court, upon a showing of due cause, shall grant such
8 additional time as it deems necessary for completion of the
9 audit and report.

10 (c) The auditors shall receive such compensation as
11 determined by the county commissioners in accordance with the
12 act of November 1, 1971 (P.L.495, No.113), entitled, as amended,
13 "An act providing for the compensation of county officers in
14 counties of the second through eighth classes, for compensation
15 of district attorneys in cities and counties of the first class,
16 for compensation of district election officers in all counties,
17 for the disposition of fees, for filing of bonds in certain
18 cases and for duties of certain officers," provided that any
19 daily or hourly compensation set for the auditors shall be
20 applicable for any period of extension granted in accordance
21 with this section.

22 (d) Any two auditors when duly convened shall be a quorum
23 for the purpose of transacting any business.

24 Section 17. Section 704 of the act is repealed:

25 [Section 704. Counsel.--The auditors may employ a competent
26 attorney-at-law to act as their counsel and attorney.]

27 Section 18. Sections 805, 806 and 806.1 of the act are
28 amended to read:

29 Section 805. Misapplication of Funds Collected for Specific
30 Purposes.--Whenever any moneys are collected by law in any

1 county [for any special purpose, and paid into the hands] and
2 are in the possession or control of the treasurer of [such] the
3 county, it shall be unlawful for [such] the treasurer to apply
4 such moneys, or any part thereof, to any other purpose than that
5 for which [such] the moneys were collected unless otherwise
6 authorized by law. Every such misapplication shall [be a
7 misdemeanor, upon conviction thereof such treasurer shall be
8 punished by a fine of not less than the amount so misapplied, or
9 by imprisonment for not less than three months nor more than one
10 year, or both.] constitute a violation of 18 Pa.C.S. § 3927
11 (relating to theft by failure to make required disposition of
12 funds received).

13 Section 806. Deputy Treasurer.--The county treasurer is
14 [hereby] authorized to appoint a deputy county treasurer who
15 shall perform such duties as shall be prescribed by the county
16 treasurer.

17 Section 806.1. Second Deputy Treasurer.--The county
18 treasurer may appoint a second deputy treasurer, who shall
19 possess and discharge all the rights, powers and duties of the
20 principal deputy treasurer during [his necessary or] the
21 principal deputy treasurer's and treasurer's temporary absence.

22 Section 19. Section 807 of the act is repealed:

23 [Section 807. Solicitor to County Treasurer in Third,
24 Fourth, Fifth, Sixth, Seventh and Eighth Class Counties.--In
25 counties of the third, fourth, fifth, sixth, seventh and eighth
26 classes, the county treasurer is authorized to appoint one
27 person, learned in the law, as his solicitor. The solicitor
28 shall advise upon all legal matters that may be submitted to him
29 and shall conduct any litigation when requested so to do by the
30 treasurer.]

1 Section 20. Sections 901, 902, 903, 904, 1001 and 1002 of
2 the act are amended to read:

3 Section 901. Appointment; Qualifications.--The county
4 commissioners shall appoint a county solicitor, who shall be an
5 attorney-at-law admitted to practice in the courts of this
6 Commonwealth. [He shall, before] Before entering upon the duties
7 of [his] office, the solicitor shall file with the county
8 commissioners an agreement to pay all fees, attorney's fees, and
9 commissions received from every source as county solicitor into
10 the county treasury.

11 Section 902. Duties.--[He] The solicitor shall commence and
12 prosecute all suits brought, or to be brought, by the county,
13 wherein or whereby any rights, privileges, properties, claims or
14 demands of the county are involved, as well as defend all
15 actions or suits brought against the county, and shall perform
16 all duties now enjoined by law upon county solicitors, and shall
17 do all and every professional act and render legal advice
18 incident to the office which may be required of [him] the
19 solicitor by the commissioners.

20 Section 903. Employees in [Third Class] Certain Counties.--In
21 counties of the second class A and third class, the county
22 solicitor may, with the consent of the county commissioners,
23 employ [a stenographer as an assistant in his office] clerks or
24 assistants as may be necessary in the discharge of the
25 solicitor's duties.

26 Section 904. Assistant County Solicitors.--[The] (a) Except
27 as provided in subsection (b), the county commissioners may
28 appoint one or more assistant county solicitors, and special
29 counsel who shall be attorneys at law admitted to practice in
30 the courts of this Commonwealth. Each assistant and special

1 counsel shall perform such duties in connection with the legal
2 affairs of the county as may be assigned [to him] by the county
3 commissioners or the county solicitor.

4 (b) In counties of the second class A, the power to appoint
5 assistant county solicitors and special counsel as provided in
6 this section shall lie with the county solicitor, subject to the
7 approval of the county commissioners.

8 Section 1001. County Engineer; Appointment; Term.--The
9 [county] commissioners of any county may appoint a professional
10 engineer in civil engineering[, who shall be styled] or an
11 engineering firm as the county engineer. [Such] The engineer
12 shall serve at the pleasure of the commissioners.

13 Section 1002. Duties.--The county engineer shall:

14 (1) prepare plans, specifications, and estimates of all
15 engineering work undertaken by the county, and, whenever
16 required, shall furnish the commissioners with reports,
17 information, or estimates on any such work and, in general,
18 shall perform all [such] duties with reference to any county
19 engineering work as the county commissioners may from time to
20 time prescribe.

21 (2) perform all duties relating to surveying as may be
22 assigned [to him] by the county commissioners or by law; and

23 (3) perform all duties heretofore imposed on county
24 surveyors.

25 Section 21. Article XII of the act is repealed:

26 [ARTICLE XII

27 SHERIFF AND CORONER

28 (a) Sheriff

29 Section 1201. Unfinished Business of Outgoing Sheriff.--(a)
30 It shall be the duty of every outgoing sheriff, to deliver all

1 unfinished and unexecuted writs and process whatsoever to his
2 successor whose duty it shall be to receive and execute the same
3 as if said writs and process had been originally issued and
4 directed to him, and to carry out and complete all other
5 official duties of his predecessor.

6 (b) Whenever any real estate shall be sold under any
7 execution by a sheriff who shall, in any lawful manner, be
8 succeeded in office before any deed shall be executed and
9 acknowledged by him in due form of law for such real estate, his
10 successor in office shall have the same power and be under the
11 same duty to execute and acknowledge a deed for such real estate
12 to the purchaser thereof as the sheriff selling such real estate
13 under execution if he were still in office, which deed so
14 executed shall be as effectual in law as if the title had been
15 completed by the former sheriff.

16 (c) No court order shall be necessary in any event to
17 authorize an incoming sheriff to carry out his duties as
18 prescribed by this act.

19 Section 1202. Sheriff May Act by Deputy.--Whenever the
20 sheriff is or shall be required by law to act in person under or
21 by virtue of any writ or process whatsoever issued by the courts
22 of this Commonwealth, he may act either in person or by a
23 regularly appointed deputy sheriff.

24 Section 1203. Chief Deputy; Compensation.--The sheriff of
25 each county shall appoint, by commission duly recorded in the
26 office for recording deeds, a chief deputy, whose appointment
27 shall be revocable by the sheriff at pleasure on recording in
28 said office a signed revocation thereof. The chief deputy,
29 during his continuance in office, shall have full power and
30 authority to perform any duty incumbent upon such sheriff, with

1 like effect in law as if such official act had been done by the
2 sheriff in person, regardless of the ability or temporary
3 disability of such sheriff to act, while such sheriff continues
4 in office. Nothing in this section shall operate to relieve such
5 sheriff or his sureties from liability upon their official bond.

6 Section 1204. Real Estate Deputies in Counties of the Third
7 and Fourth Classes.--In counties of the third and fourth
8 classes, the sheriff may have a real estate deputy to take
9 charge of all matters relating to sheriff's sales of real estate
10 and distributions of the proceeds thereof, whose appointment
11 shall be made and be revocable as hereinbefore provided for the
12 chief deputy. Such deputy shall have full power to perform all
13 duties incumbent upon the sheriff in like manner as his chief
14 deputy with like effect in law as if such official acts had been
15 done by the sheriff in person. Such duties shall include the
16 execution and acknowledgment of sheriff's deeds for real estate
17 upon receipt of the purchase price thereof. Nothing in this act
18 shall operate to relieve the sheriff or his sureties from
19 liability upon their official bonds but such liability shall
20 continue as heretofore.

21 Section 1205. Deputies and Clerks.--The sheriff of each
22 county may appoint such deputies and clerks as may be necessary
23 to properly transact the business of his office. He may revoke
24 the appointment of deputies in the same manner as his chief
25 deputy. The sheriff may also appoint necessary special deputies,
26 when any emergency arises, to assist him in executing any civil
27 or criminal process or court order or in preserving the peace,
28 who shall serve only so long as they are absolutely needed.

29 Section 1206. Deputy Sheriff's Qualifications.--A sheriff
30 shall not appoint any person a chief deputy or any other deputy

1 sheriff unless the sheriff files with the prothonotary, prior to
2 the appointment of such person, the name and photograph of such
3 person, together with an affidavit of such person setting forth
4 the following:

5 (1) His full name, age, and residence address.

6 (2) That he is a citizen of the United States, and eighteen
7 years of age or over.

8 (4) That he has never been convicted of a crime involving
9 moral turpitude under the laws of this Commonwealth, or of any
10 other state, or of the United States.

11 (5) That he has not, for a period of two years immediately
12 preceding the filing of such affidavit, acted either for himself
13 or as the agent or employe of another, in any labor dispute, or
14 hired himself out or performed any service as a private
15 detective, private policeman or private guard in any labor
16 dispute, or received any fee or compensation whatsoever for
17 acting as a private detective, private policeman or private
18 guard in any labor dispute, or conducted the business of a
19 private detective agency, or of any agency supplying private
20 detectives, private policemen or private guards, or advertised
21 or solicited any such business in this Commonwealth in
22 connection with any labor dispute.

23 Section 1207. False Statements in Deputy's Affidavit.--Any
24 false statement contained in any such affidavit shall constitute
25 perjury, and shall be punishable as such.

26 Section 1208. Filed Items, Public Records.--The name,
27 photograph, and affidavit of any such person so filed with the
28 prothonotary, shall constitute a public record.

29 Section 1209. Public List of Applicants for Deputy
30 Sheriff.--The sheriff shall, from time to time, prepare a list

1 of the names of all persons who have applied for appointment as
2 deputy sheriff and who meet the qualifications hereinbefore
3 prescribed. Such list shall be posted in a public place for a
4 period of not less than ten days, and thereafter shall be filed
5 in the office of the prothonotary. No deputies shall be
6 appointed by the sheriff whose names do not appear on said list.

7 Section 1210. Private Services, Gifts and Payments,
8 Contracts, Prohibited.--(a) No sheriff, deputy sheriff,
9 detective or other county police officer whatsoever, shall
10 perform, directly or indirectly, any official services or
11 official duties for any person, association or corporation, or
12 receive, directly or indirectly, any compensation, gifts or
13 gratuities from any person, association or corporation during
14 the period of his official services. Nothing herein contained
15 shall prohibit such officers from serving writs and other legal
16 process as authorized by law. Any compensation payable to any
17 such officer for official duties and services shall be paid only
18 out of the proper county, or other public funds, to the amount
19 and in the manner prescribed by law. Gifts, donations, and
20 gratuities of any nature whatsoever made by any person,
21 association or corporation to the county or to any official or
22 agent thereof, shall not constitute public funds within the
23 meaning of this section.

24 (b) No county, or any official or agent thereof, shall
25 accept as a gratuity, gift or donation any arms, ammunition,
26 military supplies, tear gas or equipment, or supplies or
27 articles of a similar character from, nor shall any such
28 gratuity, gift or donation be made by any person, association or
29 corporation.

30 (c) Any contract or agreement, whatsoever, made in violation

1 of the provisions of this section, shall be utterly void and of
2 no effect, in law or in equity, and is hereby declared to be
3 contrary to public policy.

4 (d) Notwithstanding any other provision of this section,
5 unless otherwise prohibited by resolution or ordinance of the
6 county, an individual who is employed as a sheriff, deputy
7 sheriff, detective or other county police officer may engage in
8 outside employment, including employment in security, during a
9 period in which the individual is not scheduled to perform nor
10 performing duty as a county employe. The county is not liable
11 for any damage resulting from an act of an individual acting
12 under this subsection.

13 Section 1211. Penalties.--Any sheriff, deputy sheriff or any
14 other county police officer, whatsoever, or any other official
15 of the county or any person, association or corporation,
16 violating any of the provisions of sections 1206, 1209 or 1210
17 of this act, shall be guilty of a misdemeanor, and, upon
18 conviction, shall be sentenced to pay a fine of not less than
19 one hundred dollars (\$100) nor more than five hundred dollars
20 (\$500), or to undergo imprisonment for not less than ninety days
21 nor more than two years, or both.

22 Section 1212. Construction.--Nothing contained in sections
23 1206 or 1210 of this act, shall be construed to prohibit the
24 appointment, employment or compensation by any county in the
25 manner expressly provided by law of--(1) night watchmen, (2)
26 railroad police, (3) bank police, (4) payroll police, (5)
27 special policemen to police and protect cemeteries and grounds
28 and buildings open to the public, or to enforce laws for the
29 prevention of cruelty to persons or animals, (6) fire police
30 whose only duty shall be to direct traffic and maintain order

1 to, at or from fires, (7) police or guards employed by nonprofit
2 corporations or organizations.

3 Section 1213. Solicitor in Third, Fourth, Fifth, Sixth,
4 Seventh and Eighth Class Counties.--In all counties of the
5 third, fourth, fifth, sixth, seventh and eighth classes, the
6 sheriff may appoint one person, learned in the law, as his
7 solicitor. Said solicitor shall advise the sheriff upon all
8 legal matters that may be submitted to him, and shall conduct
9 any litigation in connection with the sheriff's office when
10 requested so to do by the sheriff.

11 Section 1214. Chief Deputy Coroner to Act as Coroner in Case
12 of a Vacancy.--If any coroner shall be legally removed from his
13 office or shall die or resign before the expiration of the term
14 for which he was commissioned, the chief deputy coroner shall
15 execute the office of coroner and perform all things thereunto
16 appertaining and receive and retain for his own use the
17 compensation provided by law for coroners until another coroner
18 is commissioned and notice thereof is given to such chief deputy
19 coroner.

20 Section 1215. Sheriff to Keep Docket.--Every sheriff and
21 every coroner, acting as sheriff, shall provide and keep in his
22 office a book or books in which he shall enter all writs that
23 may come to him and the proceedings thereon, and, at the
24 expiration of his term of office, such book or books shall be
25 deposited in the office of the prothonotary for the inspection
26 of all persons interested therein.

27 (b) Coroner

28 Section 1231. Deputies.--The coroner may appoint one or more
29 deputies to act in his place and stead, as he may deem proper
30 and necessary. Such deputy or deputies shall have the same

1 powers as the coroner.

2 Section 1232. Duties with Respect to County Morgues.--The
3 coroner of each county in which a county morgue is established,
4 shall make general rules and regulations for its government and
5 control, and shall appoint suitable persons for each morgue so
6 established to have charge of the same, and who shall be
7 removable at the pleasure of the coroner. The number of such
8 persons and the salary of each shall be fixed by the salary
9 board.

10 Section 1233. Removal of Bodies to Morgue.--Whenever the
11 body of any deceased person who is unidentified or which body is
12 unclaimed by proper persons has been found within the county, it
13 shall be removed to the county morgue or to a private morgue
14 serving in lieu thereof. The coroner shall, if he deems it
15 necessary, cause any such body to be properly embalmed or
16 prepared for preservation for such length of time as he may
17 think proper. Any such body shall be examined or inspected only
18 by such persons as the coroner authorizes in writing, or who are
19 admitted in his presence. No such body shall be removed from any
20 such morgue except upon the certificate of the coroner.

21 Section 1234. Ambulance.--In each county, the county
22 commissioners may furnish and maintain, from the general funds
23 of the county, an ambulance for the removal of bodies of
24 deceased persons to and from the morgue, and for the burial of
25 unclaimed bodies. The coroner may provide rules and regulations
26 for the use and maintenance of the ambulance.

27 Section 1235. Unclaimed Property of Deceased; Sales.--(a)
28 The coroner shall safely keep in his charge all personal effects
29 and property which appear to have been on or about the person at
30 the time of his death, or being found on any decedent whose body

1 is received at the county morgue or at any other morgue serving
2 in lieu thereof, and all such effects and property which are
3 delivered to him according to law. The coroner shall hold such
4 property for one year, unless sooner claimed by legal
5 representatives of the deceased, or otherwise duly and lawfully
6 claimed or disposed of.

7 (b) After one year, the coroner shall cause such property
8 remaining unclaimed, or so much thereof as remains undisposed of
9 according to law, except moneys and such properties as
10 securities which may not be subject to such a sale, which shall
11 be turned over to the commissioners for proper disposition or
12 use, to be sold at public sale.

13 (c) Notice of any such public sale shall be published in at
14 least one newspaper of general circulation in the county once a
15 week for three successive weeks. The proceeds of all such sales
16 shall be paid immediately into the county treasury, and the
17 coroner shall make a written report thereof to the county
18 commissioners, under oath, at the same time. If the body has
19 been buried at the expense of the institution district, the
20 county shall pay the proceeds of sale, or such property as was
21 not subject to sale, as hereinbefore provided, less costs, over
22 to the institution district. The foregoing provisions shall be
23 in lieu of escheat to the Commonwealth.

24 Section 1236. Private Morgue May be Used.--In any county
25 where a county morgue is not maintained, the coroner may cause
26 any body which he is authorized to admit to a county morgue to
27 be removed to a private morgue within the county, and, for the
28 use thereof, the owner shall be paid a sum to be established by
29 the salary board, to be paid in the same manner as fees of
30 coroner's jurors are paid.

1 Section 1236.1. Requests for Examinations and Reports.--(a)
2 Requests for examinations or other professional services by
3 other counties or persons may be complied with at the discretion
4 of the coroner pursuant to guidelines established by the county
5 commissioners.

6 (b) A set of fees and charges for such examinations or
7 professional services shall be established by the coroner,
8 subject to approval by the county commissioners, and shall be
9 accounted for and paid to the county treasurer pursuant to
10 section 1760. Payment for examinations or professional services
11 shall be the responsibility of the county or person requesting
12 such services.

13 (c) The coroner may charge and collect a fee of up to one
14 hundred dollars (\$100) for each autopsy report, up to fifty
15 dollars (\$50) for each toxicology report, up to fifty dollars
16 (\$50) for each inquisition or coroner's report and such other
17 fees as may be established from time to time for other reports
18 and documents requested by nongovernmental agencies. The fees
19 collected shall be accounted for and paid to the county
20 treasurer pursuant to section 1760 and shall be used to defray
21 the expenses involved in the county complying with the
22 provisions of the act of March 2, 1988 (P.L.108, No.22),
23 referred to as the Coroners' Education Board Law.

24 Section 1237. Coroner's Investigations.--(a) The coroner
25 having a view of the body shall investigate the facts and
26 circumstances concerning deaths which appear to have happened
27 within the county, regardless where the cause thereof may have
28 occurred, for the purpose of determining whether or not an
29 autopsy should be conducted or an inquest thereof should be had,
30 in the following cases:

1 (1) sudden deaths not caused by readily recognizable
2 disease, or wherein the cause of death cannot be properly
3 certified by a physician on the basis of prior (recent) medical
4 attendance;

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

8 (3) deaths occurring as a result of violence or trauma,
9 whether apparently homicidal, suicidal or accidental (including,
10 but not limited to, those due to mechanical, thermal, chemical,
11 electrical or radiational injury, drowning, cave-ins and
12 subsidences);

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

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

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

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

22 (8) deaths occurring in prison or a penal institution or
23 while in the custody of the police;

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

27 (10) sudden infant death syndrome; and

28 (11) stillbirths.

29 (b) The purpose of the investigation shall be to determine
30 the cause of any such death and to determine whether or not

1 there is sufficient reason for the coroner to believe that any
2 such death may have resulted from criminal acts or criminal
3 neglect of persons other than the deceased.

4 (c) As part of this investigation, the coroner shall
5 determine the identity of the deceased and notify the next of
6 kin of the deceased.

7 Section 1238. Autopsy; Inquest; Records.--(a) If, upon
8 investigation, the coroner shall be unable to determine the
9 cause and manner of death, he shall perform or order an autopsy
10 on the body.

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

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

22 Section 1239. Sudden Deaths Defined.--The coroner shall
23 regard any death as sudden if it occurs without prior medical
24 attendance by a person who may lawfully execute a certificate of
25 death in this Commonwealth, or if, within twenty-four hours of
26 death, the decedent was discharged from such medical attendance
27 or a change of such medical attendance had occurred, or if any
28 such medical attendance began within twenty-four hours of death
29 and the medical attendant refuses or is unable to certify the
30 cause of death. Medical attendance includes hospitalization.

1 The provisions of this section shall not be construed to
2 affect the coroner's discretion as to whether or not any death
3 was suspicious, nor shall they be construed to authorize a
4 coroner to investigate a sudden death any further than necessary
5 to determine the cause and manner of death.

6 Section 1240. Bodies not to be Moved.--In all cases where
7 the coroner has jurisdiction to investigate the facts and
8 circumstances of death, the body and its surroundings shall be
9 left untouched until the coroner has had a view thereof or until
10 he shall otherwise direct or authorize, except as may be
11 otherwise provided by law, or as circumstances may require.
12 Bodies upon a public thoroughfare or in other places may be
13 removed so much as is necessary for precaution against traffic
14 accidents or other serious consequences which might reasonably
15 be anticipated if they were left intact.

16 Section 1241. Release of Coroner's Jurisdiction.--Whenever
17 the coroner assumes jurisdiction of a body pursuant to the
18 provisions of this subdivision or of any other law, the body
19 shall not be released or removed from his jurisdiction except
20 upon his directions and consent, in accordance with law.

21 Section 1242. Cooperation with District Attorney.--In the
22 exercise of his duties as contained in this subdivision, the
23 coroner shall, so far as may be practicable, consult and advise
24 with the district attorney. The district attorney shall act as
25 counsel to the coroner in matters relating to inquests.

26 Section 1243. Justices of the Peace not Affected.--The
27 provisions of this subdivision shall not be construed to affect
28 any provisions of law requiring or authorizing justices of the
29 peace in certain cases to act in place of the coroner.

30 Section 1244. Certificate of Cause of Death.--The coroner

1 shall issue a certificate of cause of death in all cases
2 referred to him by the local registrar of vital statistics,
3 pursuant to the provisions of the act, approved June twenty-
4 nine, one thousand nine hundred fifty-three (Pamphlet Laws 304),
5 known as the "Vital Statistics Law of 1953," and in all other
6 cases of which he has jurisdiction, if no person duly authorized
7 by the said act certifies the cause of death.

8 Section 1245. Power of Subpoena and Attachment.--The coroner
9 shall have power to issue subpoenas to obtain the attendance of
10 any person whom it may be necessary to examine as a witness at
11 any inquest, and to compel attendance by attachment in like
12 manner and to the same extent as any court of common pleas of
13 this Commonwealth may or can do in cases pending before them,
14 and also to compel in like manner the production of all papers
15 and other things relative to such inquest. Such subpoena and
16 attachment shall be served and executed by the sheriff or by the
17 coroner himself or his deputy, as the case may require.

18 Section 1245.1. Inquests; Juries.--(a) The coroner may at
19 his discretion summon a jury of six to be selected from the jury
20 panels of the court of common pleas.

21 (b) The function of such jury shall be to determine the
22 manner of death and whether any criminal act or neglect of
23 persons known or unknown caused such death. Such jury shall be
24 paid as provided by law as if they were serving the court of
25 common pleas.

26 Section 1246. Power to Administer Oaths.--The coroner shall
27 have power to administer oaths and affirmations to all persons
28 brought or appearing before him, and any person swearing or
29 affirming falsely on such examination shall be guilty of
30 perjury.

1 Section 1247. Commitment to County Prison.--If any person
2 appearing before the coroner for examination shall refuse to
3 take oath or affirmation, or after having been sworn or affirmed
4 shall refuse to make answer to such questions as shall be put to
5 him by the coroner touching the matters of the inquest, such
6 persons so refusing may be committed by the coroner to the
7 county jail by warrant, under his hand and seal, directed to the
8 sheriff or any constable of the county, setting forth
9 particularly the causes of such commitment, until he shall
10 submit to be sworn or affirmed or to make answers to such
11 questions or be otherwise legally discharged.

12 Section 1248. Inquests Not Public.--The coroner may, in his
13 discretion, admit or exclude members of the public from any
14 inquest or part thereof, and admit or exclude any person
15 interested or suspected from such inquest or any part thereof,
16 but this provision shall not apply to representatives of the
17 press. No person excluded may appear by attorney, but any person
18 required to attend may have benefit of counsel at such
19 attendance.

20 Section 1249. Chief Deputy Sheriff to Act as Sheriff in Case
21 of Vacancy.--If any sheriff shall be legally removed from his
22 office or shall die or resign before expiration of the term for
23 which he was commissioned, the chief deputy sheriff shall
24 execute the office of sheriff and perform all things thereunto
25 appertaining, and receive and retain for his own use the
26 compensation provided by law for sheriffs, until another sheriff
27 is commissioned and notice thereof is given to such chief deputy
28 sheriff.

29 Section 1250. Vacancies; No Fees upon Commissions.--If any
30 person elected to the office of coroner shall neglect or refuse,

1 for the space of two months next after such election, to assume
2 the duties of said office and to comply with the requirements of
3 the acts of Assembly in such cases, the office shall be vacant,
4 and it shall be the duty of the Governor, upon the notification
5 of the recorder of deeds, to appoint and commission some
6 suitable person to fill such vacancy during the remainder of the
7 term. No fees shall hereafter be charged on commissions issued
8 to the coroner.

9 Section 1251. Official Records of Coroner.--Every coroner,
10 within thirty (30) days after the end of each year, shall
11 deposit all of his official records and papers for the preceding
12 year in the office of the prothonotary for the inspection of all
13 persons interested therein.

14 Section 1252. Solicitor to Coroner.--The coroner may appoint
15 one person learned in the law, as his solicitor. Said solicitor
16 shall advise the coroner upon all legal matters that may be
17 submitted to him and shall conduct any litigation in connection
18 with the coroner's office when requested so to do by the
19 coroner.

20 Section 1253. Anatomical Gifts.--The coroner may order the
21 removal of parts of a decedent's body for donation purposes in
22 accordance with 20 Pa.C.S. Ch. 86 (relating to anatomical
23 gifts).

24 (c) Provisions Relating to Sheriffs and Coroners

25 Section 1260. Not to Exercise Office Until Commission
26 Granted and Recorded; Penalty.--No person elected or appointed
27 to the office of sheriff or coroner shall execute any of the
28 duties of such office before a commission shall have been duly
29 granted to him by the Governor and left for record, under a
30 penalty of imprisonment for a term not exceeding six months, at

1 the discretion of the court of quarter sessions. Such person
2 shall nevertheless be liable to any person injured by any acts
3 done by him under color of such office.]

4 Section 22. The act is amended by adding articles to read:

5 ARTICLE XII-A

6 SHERIFF

7 Section 1201-A. Unfinished business of outgoing sheriff.

8 (a) General rule.--It shall be the duty of every outgoing
9 sheriff to deliver all unfinished and unexecuted writs and
10 process whatsoever to the sheriff's successor whose duty it
11 shall be to receive and execute the same as if the writs and
12 process had been originally issued and directed to the
13 successor, and to carry out and complete all other official
14 duties of the predecessor.

15 (b) Successor powers and duties.--Whenever any real estate
16 shall be sold under any execution by a sheriff who shall, in any
17 lawful manner, be succeeded in office before any deed shall be
18 executed and acknowledged by the sheriff in due form of law for
19 such real estate, the sheriff's successor in office shall have
20 the same power and be under the same duty to execute and
21 acknowledge a deed for such real estate to the purchaser as the
22 sheriff selling such real estate under execution if the sheriff
23 were still in office, which deed so executed shall be as
24 effectual in law as if the title had been completed by the
25 former sheriff.

26 (c) No court order necessary.--No court order shall be
27 necessary in any event to authorize an incoming sheriff to carry
28 out the duties as prescribed by this act.

29 Section 1202-A. Sheriff may act by deputy.

30 Whenever the sheriff is or shall be required by law to act in

1 person under or by virtue of any writ or process issued by the
2 courts of this Commonwealth, the sheriff may act either in
3 person or by a regularly appointed deputy sheriff.

4 Section 1203-A. Chief deputy and petition.

5 (a) Appointment.--The sheriff of each county shall appoint,
6 by commission duly recorded in the office for recording deeds, a
7 chief deputy whose appointment shall be revocable by the sheriff
8 on recording in the office for recording deeds a signed
9 revocation. The chief deputy, during continuance in office,
10 shall have full power and authority to perform any duty
11 incumbent upon the sheriff, with like effect in law as if such
12 official act had been done by the sheriff in person, regardless
13 of the ability or temporary disability of the sheriff to act,
14 while the sheriff continues in office. Nothing in this section
15 shall operate to relieve such sheriff or the sheriff's sureties
16 from liability upon their official bond.

17 (b) Petition.--If during a vacancy in the office of sheriff
18 the duties of the office cannot be discharged in accordance with
19 section 1213-A or any other law, the ranking deputy of the
20 office shall petition the court of common pleas to authorize a
21 deputy to perform any duty incumbent upon the sheriff. Upon a
22 finding that no other individual has the legal capacity to
23 discharge the duty, the court shall authorize the deputy to
24 perform the duty during the vacancy with like effect in law as
25 if the official act had been done by the sheriff.

26 Section 1204-A. Real estate deputies.

27 The sheriff may have a real estate deputy to take charge of
28 all matters relating to sheriff's sales of real estate and
29 distributions of the proceeds thereof, whose appointment shall
30 be made and be revocable as provided for the chief deputy. The

1 deputy shall have full power to perform all duties incumbent
2 upon the sheriff in like manner as the chief deputy with like
3 effect in law as if such official acts had been done by the
4 sheriff in person. The duties shall include the execution and
5 acknowledgment of sheriff's deeds for real estate upon receipt
6 of the purchase price thereof. Nothing in this act shall operate
7 to relieve the sheriff or the sheriff's sureties from liability
8 upon their official bonds.

9 Section 1205-A. Deputies and clerks.

10 The sheriff of each county may appoint deputies and clerks to
11 positions established in accordance with section 1623 for the
12 transaction of the business of the sheriff's office, and may
13 revoke the appointment of deputies in the same manner as the
14 chief deputy. In counties of the third through eighth classes,
15 the sheriff may also appoint necessary special deputies, when
16 any emergency arises, to assist the sheriff in executing any
17 civil or criminal process or court order or in preserving the
18 peace, who shall serve only so long as they are absolutely
19 needed.

20 Section 1206-A. Deputy sheriff's qualifications.

21 (a) Requirements.--A sheriff shall not appoint any person a
22 chief deputy or any other deputy sheriff unless the sheriff
23 files with the prothonotary, prior to the appointment of the
24 person, the name and photograph of the person, together with an
25 affidavit of the person setting forth the following:

26 (1) The person's full name, age and residence address.

27 (2) That the person is a citizen of the United States,
28 and 18 years of age or older.

29 (3) That the person has never been convicted of a crime
30 involving moral turpitude under the laws of this

1 Commonwealth, or of any other state, or of the United States.

2 (4) That the person has not, for a period of two years
3 immediately preceding the filing of the affidavit, acted
4 either individually or as the agent or employee of another,
5 in any labor dispute, or provided any service as a private
6 detective, private police officer or private guard in any
7 labor dispute, or received any fee or compensation whatsoever
8 for acting as a private detective, private police officer or
9 private guard in any labor dispute, or conducted the business
10 of a private detective agency, or of any agency supplying
11 private detectives, private police officers or private
12 guards, or advertised or solicited any such business in this
13 Commonwealth in connection with any labor dispute.

14 (b) Limitation.--A person shall not be appointed or receive
15 compensation as chief deputy or any other deputy except in
16 accordance with the act of February 9, 1984 (P.L.3, No.2), known
17 as the Sheriff and Deputy Sheriff Education and Training Act.
18 Section 1207-A. False statements in deputy's affidavit.

19 Any false statement contained in any affidavit shall
20 constitute and shall be punishable as perjury.

21 Section 1208-A. Filed items and public records.

22 The name, photograph and affidavit of any such person so
23 filed with the prothonotary, shall constitute a public record.

24 Section 1209-A. Public list of applicants for deputy sheriff.

25 The sheriff shall, from time to time, prepare a list of the
26 names of all persons who have applied for appointment as deputy
27 sheriff and who meet the qualifications for the position. The
28 list shall be posted in a public place for a period of not less
29 than 10 days, and thereafter shall be filed in the office of the
30 prothonotary. No deputies shall be appointed by the sheriff

1 whose names do not appear on said list.

2 Section 1210-A. Private services, gifts and payments
3 prohibited.

4 (a) General rule.--No sheriff, deputy sheriff, detective or
5 other county police officer whatsoever, shall perform, directly
6 or indirectly, any official services or official duties for any
7 person, association or corporation, or receive, directly or
8 indirectly, any compensation, gifts or gratuities from any
9 person, association or corporation during the period of official
10 services. Nothing herein contained shall prohibit such officers
11 from serving writs and other legal process as authorized by law.
12 Any compensation payable to any such officer for official duties
13 and services shall be paid only out of the proper county, or
14 other public funds, to the amount and in the manner prescribed
15 by law. Gifts, donations and gratuities of any nature whatsoever
16 made by any person, association or corporation to the county or
17 to any official or agent thereof, shall not constitute public
18 funds within the meaning of this section.

19 (b) Cause required.--Firearms and military supplies.--No
20 county, or any official or agent thereof, shall accept as a
21 gratuity, gift or donation any arms, ammunition, military
22 supplies, tear gas or equipment, or supplies or articles of a
23 similar character from, nor shall any such gratuity, gift or
24 donation be made by any person, association or corporation.

25 (c) Contract or agreement void.--Any contract or agreement,
26 whatsoever, made in violation of the provisions of this section,
27 shall be utterly void and of no effect, in law or in equity, and
28 is hereby declared to be contrary to public policy.

29 (d) Outside employment.--Notwithstanding any other provision
30 of this section, unless otherwise prohibited by resolution or

1 ordinance of the county, an individual who is employed as a
2 sheriff, deputy sheriff, detective or other county police
3 officer may engage in outside employment, including employment
4 in security, during a period in which the individual is not
5 scheduled to perform nor performing duty as a county employee.
6 The county is not liable for any damage resulting from an act of
7 an individual acting under this subsection.

8 Section 1211-A. Penalties.

9 A sheriff, deputy sheriff or other county police officer or
10 any other official of the county or any person, association or
11 corporation, who violates the provisions of sections 1206-A,
12 1209-A or 1210-A commits a misdemeanor and shall, upon
13 conviction, be sentenced to pay a fine of not less than \$100 nor
14 more than \$500, or to undergo imprisonment for not less than 90
15 days nor more than two years, or both.

16 Section 1212-A. Construction.

17 Nothing contained in section 1206-A or 1210-A shall be
18 construed to prohibit:

19 (1) The appointment, employment or compensation by any
20 county in the manner expressly provided by law of:

21 (i) Night watchmen.

22 (ii) Railroad police.

23 (iii) Bank police.

24 (iv) Payroll police.

25 (v) Special policemen to police and protect
26 cemeteries and grounds and buildings open to the public,
27 or to enforce laws for the prevention of cruelty to
28 persons or animals.

29 (vi) Fire police whose only duty shall be to direct
30 traffic and maintain order to, at or from fires.

1 (vii) Police or guards employed by nonprofit
2 corporations or organizations.

3 (2) The payment by any person, association or
4 corporation of fees or compensation for county police or
5 other peace officers assigned to exhibitions, athletic
6 contests or other recreational activities.

7 Section 1213-A. Chief deputy sheriff to act as sheriff in case
8 of vacancy.

9 If a sheriff is legally removed from office or dies or
10 resigns before the expiration of the term for which the sheriff
11 was commissioned, the chief deputy sheriff shall execute the
12 office of sheriff and perform all things thereunto appertaining
13 and receive and retain the compensation provided by law for
14 sheriffs until another sheriff is commissioned and notice
15 thereof is given to the chief deputy sheriff.

16 Section 1214-A. Sheriff to keep docket.

17 Every sheriff shall provide and keep in office a book or
18 books in which the sheriff shall enter all writs that may be
19 received and the proceedings thereon, and, at the expiration of
20 the term of office, such book or books shall be deposited in the
21 office of the prothonotary for the inspection of all persons
22 interested therein.

23 Section 1215-A. Not to exercise office until commission granted
24 and recorded; penalty.

25 No person elected or appointed to the office of sheriff shall
26 execute any of the duties of office before a commission shall
27 have been duly granted to the sheriff by the Governor and
28 properly recorded, under a penalty of imprisonment for a term
29 not exceeding six months, at the discretion of the court of
30 common pleas. Such person shall nevertheless be liable to any

1 person injured by any acts done by the sheriff under color of
2 such office.

3 ARTICLE XII-B

4 CORONER

5 SUBARTICLE A

6 PRELIMINARY PROVISIONS

7 Section 1201-B. Applicability.

8 Except as otherwise expressly provided under this article,
9 this article shall apply to counties of the second class, second
10 class A and third through eighth class.

11 Section 1202-B. Definitions.

12 The following words and phrases when used in this article
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Autopsy." The external and internal examination of the body
16 of a deceased person, including, but not limited to:

17 (1) Gross visual inspection and dissection of the body
18 and its internal organs.

19 (2) Photographic or narrative documentation of findings,
20 including microscopic, radiological, toxicological, chemical,
21 magnetic resonance imaging or other laboratory analysis
22 performed upon tissues, organs, blood, other bodily fluids,
23 gases or other specimens.

24 (3) The retention for diagnostic and documentary
25 purposes of the following which are necessary to establish
26 and defend against challenges to the cause and manner of
27 death of the deceased person:

28 (i) Tissues, organs, blood, other bodily fluids or
29 gases.

30 (ii) Any other specimen.

1 "Coroner." An elected or appointed coroner or an elected or
2 appointed medical examiner.

3 "Staff." The term includes an individual in the coroner's
4 office who engages in activities relating to death
5 investigation. The term may refer to a medical investigator,
6 forensic technician, laboratory director, forensic supervisor,
7 forensic investigator, scientist or autopsy or histology
8 technician.

9 SUBARTICLE B

10 GENERAL PROVISIONS

11 Section 1211-B. Deputies.

12 The coroner may appoint a deputy to act in the coroner's
13 place and may appoint staff to positions established in
14 accordance with section 1623 as the coroner determines. A deputy
15 shall have the same powers as the coroner.

16 Section 1212-B. Duties regarding county morgues.

17 (a) Coroner.--The coroner of a county in which a county
18 morgue is established shall:

19 (1) Make general rules and regulations for the morgue's
20 operation and control.

21 (2) Appoint a suitable individual in charge of the
22 morgue. An individual appointed under this paragraph may be
23 removed at the pleasure of the coroner.

24 (b) Salary board.--The salary board shall determine the
25 number of individuals appointed under subsection (a) (2) and the
26 individual's salaries.

27 Section 1213-B. Removal of bodies to morgue.

28 (a) Unidentified or unclaimed body.--When the body of a
29 deceased person is unidentified or unclaimed by a proper person
30 found within the county, the body shall be removed to the county

1 morgue or, in a county of the third through eighth class, to a
2 facility serving in lieu of the county morgue. If necessary, the
3 coroner shall have the body properly embalmed or prepared for
4 preservation for the length of time the coroner determines is
5 required to determine the deceased's identity, the identity of a
6 party responsible for the deceased and the cause and manner of
7 death. The body may only be examined or inspected by an
8 individual authorized by the coroner or who is admitted in the
9 coroner's presence.

10 (b) Removal from morgue.--A body may not be removed from a
11 morgue except upon the authorization of the coroner.

12 Section 1214-B. Removal of body, burial and vehicle.

13 (a) Removal and burial.--The county commissioners shall, in
14 consultation with the coroner, provide for the removal of a body
15 of a deceased individual to and from the morgue and for the
16 burial of an unclaimed body.

17 (b) Vehicle.--The county commissioners may provide an
18 ambulance or other vehicle for the purpose under subsection (a)
19 and for other official duties of the coroner, including
20 administrative, investigative or educational activities. The
21 coroner may provide rules and regulations for the use and
22 maintenance of the ambulance or other vehicle.

23 Section 1215-B. Unclaimed property and sales.

24 (a) Duty.--The coroner shall safely keep in the coroner's
25 charge:

26 (1) The personal effects and property that appear to
27 have been on or about the person at the time of death or have
28 been found on a decedent whose body is received at the county
29 morgue or at any other facility serving in lieu of the county
30 morgue.

1 (2) The effects and property that are delivered to the
2 coroner according to law.

3 (b) Required holding period.--The coroner shall hold the
4 property for one year unless the property is claimed by a legal
5 representative of the deceased or is duly and lawfully disposed
6 of or claimed.

7 (c) Property unclaimed after one year.--After one year, the
8 coroner shall direct the unclaimed or undisposed property to the
9 commissioners to be sold at public sale. Money and property as
10 security that may not be subject to a public sale shall be
11 turned over to the commissioners for proper disposition or use.

12 (d) Notice.--Notice of a public sale under subsection (c)
13 shall be published in at least one newspaper of general
14 circulation in the county once a week for three successive
15 weeks. The proceeds of each sale shall be paid immediately into
16 the county treasury. The provisions of this subsection shall be
17 in lieu of escheating to the Commonwealth.

18 Section 1216-B. Private morgue.

19 In a county of the third through eighth class in which a
20 county morgue is not maintained, the coroner may have a body
21 that the coroner is authorized to admit to a county morgue
22 removed to a private facility. The county commissioners shall
23 procure by contract, as provided under Article XVIII, the use of
24 a private facility in consultation with the coroner.

25 Section 1217-B. Requests for examinations and reports.

26 (a) Requests.--A request for an examination or other
27 professional service by another county or person may be complied
28 with at the discretion of the coroner under guidelines
29 established by the county commissioners.

30 (b) Fees and charges.--A fee and charge for an examination

1 or professional service shall be established by the coroner,
2 subject to approval by the county commissioners, and shall be
3 accounted for and paid to the county treasurer as provided under
4 section 1760. Payment for an examination or professional service
5 shall be the responsibility of the county or person requesting
6 the service.

7 Section 1218-B. Coroner's investigation.

8 (a) Duty.--The coroner having a view of the body shall
9 investigate the facts and circumstances concerning a death that
10 appears to have happened within the county, notwithstanding
11 where the cause of the death may have occurred, for the purpose
12 of determining whether or not an autopsy or inquest should be
13 conducted in the following cases:

14 (1) A sudden death not caused by a readily recognizable
15 disease or, if the cause of death cannot be properly
16 certified, by a physician on the basis of prior recent
17 medical attendance.

18 (2) A death occurring under suspicious circumstances,
19 including if alcohol, a drug or another toxic substance may
20 have had a direct bearing on the outcome.

21 (3) A death occurring as a result of violence or trauma,
22 whether apparently homicidal, suicidal or accidental,
23 including, but not limited to, a death due to mechanical,
24 thermal, chemical, electrical or radiational injury,
25 drowning, cave-in or subsidence.

26 (4) A death in which trauma, chemical injury, drug
27 overdose or reaction to a drug or medication or medical
28 treatment was a primary or secondary, direct or indirect,
29 contributory, aggravating or precipitating cause of death.

30 (5) A perioperative death in which the death is not

1 readily explainable on the basis of prior disease.

2 (6) A death in which the body is unidentified or
3 unclaimed.

4 (7) A death known or suspected to be due to contagious
5 disease and constituting a public hazard.

6 (8) A death occurring in prison or a penal institution
7 or while in the custody of the police.

8 (9) A death of an individual whose body is to be
9 cremated, buried at sea or otherwise disposed of so as to be
10 unavailable for examination thereafter.

11 (10) A sudden and unexplained infant death.

12 (11) A stillbirth.

13 (b) Purpose.--The purpose of an investigation under
14 subsection (a) shall be to determine:

15 (1) The cause and manner of the death.

16 (2) Whether or not there is sufficient reason for the
17 coroner to believe that the death may have resulted from a
18 criminal act or criminal neglect of a person other than the
19 deceased.

20 (c) Requirements.--As part of an investigation under
21 subsection (a), the coroner shall determine the identity of the
22 deceased and notify the next of kin of the deceased.

23 Section 1219-B. Autopsy, inquest and records.

24 (a) Autopsy.--If, after investigation, the coroner is unable
25 to determine the cause and manner of death, the coroner shall
26 perform or order an autopsy on the body.

27 (b) Inquest.--If the coroner is unable to determine the
28 cause and manner of death following an autopsy, the coroner may
29 conduct an inquest upon a view of the body as provided by law.
30 At the inquest, the coroner's duty shall be to:

1 (1) Ascertain the cause of death.

2 (2) Determine whether an individual other than the
3 deceased was criminally responsible by act or neglect and the
4 identity of the individual who may be responsible.

5 (3) Examine further evidence and witnesses regarding the
6 cause of death.

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

10 (d) Retention and disposal.--

11 (1) The coroner may retain a deoxyribonucleic acid (DNA)
12 specimen for diagnostic, evidentiary or confirmatory
13 purposes.

14 (2) Retained tissue, organs, blood, other bodily fluid,
15 gas or another specimen from an autopsy are medical waste and
16 shall be disposed of in accordance with applicable Federal
17 and State laws.

18 (e) Liability.--A coroner who, in good faith, orders or
19 performs a medical examination or autopsy under statutory
20 authority shall be immune from civil liability for damages for
21 ordering or performing the examination or autopsy.

22 Section 1220-B. Child deaths.

23 (a) General rule.--A coroner shall perform or order an
24 autopsy to be conducted in the case of the sudden unexplained
25 death of a child who is not more than three years of age. If an
26 autopsy is required, the autopsy shall be conducted in the
27 manner the coroner determines is the least invasive manner
28 appropriate.

29 (b) Investigation.--

30 (1) For a death of a child who is not more than three

1 years of age where the coroner has determined that an
2 investigation is appropriate, the investigation shall include
3 the following information:

4 (i) Demographic information on the child and the
5 child's primary caregivers.

6 (ii) Witness interview.

7 (iii) Infant medical history.

8 (iv) Biological mother's prenatal history.

9 (v) Incident scene investigation.

10 (vi) Scene and body diagrams.

11 (2) In conducting the investigation under paragraph (1),
12 the coroner shall consider nationally recognized standards
13 for pediatric death review.

14 (c) Deoxyribonucleic acid.--A deoxyribonucleic acid (DNA)
15 sample shall be collected for the purpose of aiding in the
16 research of the causes of sudden and unexplained infant deaths
17 and to provide genetic information as to the manner of death.

18 Section 1221-B. Sudden death.

19 (a) General rule.--The coroner shall regard a death as
20 sudden if:

21 (1) The death occurs without prior medical attendance by
22 an individual who may lawfully execute a certificate of death
23 in this Commonwealth.

24 (2) Within 24 hours of death the decedent:

25 (i) was discharged from medical attendance;

26 (ii) had a change of medical attendance occur; or

27 (iii) had medical attendance and the medical
28 attendant refuses or is unable to certify the cause of
29 death.

30 (b) Construction.--This section shall not be construed to

1 affect the coroner's discretion as to whether or not a death was
2 suspicious or to authorize a coroner to investigate a sudden
3 death further than necessary to determine the cause and manner
4 of death.

5 (c) Definition.--As used in this section, the phrase
6 "medical attendance" shall include treatment or care at a
7 facility providing medical services, including a hospital,
8 nursing home and hospice service.

9 Section 1222-B. Prohibition on moving a body.

10 (a) General rule.--Except as provided under subsection (b),
11 if a coroner has jurisdiction to investigate the facts and
12 circumstances of death, the body and the surroundings of the
13 body shall be left untouched until either:

14 (1) The coroner has conducted an initial investigation
15 of the scene of death, including viewing and photographing
16 the scene in the manner that most fully discloses how the
17 individual died.

18 (2) The coroner directs or authorizes the touching of a
19 body and the surroundings of a body, except as provided by
20 law or as circumstances may require.

21 (b) Exception.--A body on a public thoroughfare or other
22 place may be moved if necessary for the administration of
23 emergency care and as a precaution against a traffic accident or
24 another serious consequence that might reasonably be anticipated
25 if the body was left in place. The removal of the body shall be
26 done so as to not substantially destroy or alter possible
27 evidence.

28 Section 1223-B. Release of coroner's jurisdiction.

29 If a coroner assumes jurisdiction of a body under the
30 provisions of this article or another law, the body may not be

1 released or removed from the coroner's jurisdiction except upon
2 the coroner's directions and consent, in accordance with law.

3 Section 1224-B. Cooperation with district attorney.

4 In the exercise of duties under this article, the coroner
5 shall consult with and advise the district attorney as may be
6 practicable. The district attorney may act as counsel to the
7 coroner in matters relating to inquests.

8 Section 1225-B. Cooperation with other counties.

9 If one or more coroners deem it necessary to establish a
10 facility for conducting forensic testing and autopsies, a county
11 may establish and operate the facility.

12 Section 1226-B. Certificate of cause of death.

13 A coroner shall issue a certificate of cause of death in each
14 case:

15 (1) Referred to the coroner by the local registrar of
16 vital statistics under the act of June 29, 1953 (P.L.304,
17 No.66), known as the Vital Statistics Law of 1953.

18 (2) In which the coroner has jurisdiction and no
19 individual duly authorized by law certifies the cause of
20 death.

21 Section 1227-B. Subpoena and attachment.

22 The coroner may issue a subpoena and attachment, which shall
23 be served and executed by the sheriff, coroner or coroner's
24 deputy, for the following purposes:

25 (1) A death investigation.

26 (2) To obtain the attendance of an individual who may be
27 necessary to examine as a witness at an inquest.

28 (3) To compel attendance by attachment in a similar
29 manner and extent as a court of common pleas may do in a case
30 pending before the court.

1 (4) To compel the production of the following:

2 (i) A paper.

3 (ii) A document in any form or media, including a
4 medical and mental health record.

5 (iii) Another thing relative to the investigation or
6 inquest.

7 Section 1228-B. Inquest and jury.

8 (a) Jury.--The coroner may summon a jury of six individuals
9 and two alternates to be selected from the jury panels of the
10 court of common pleas.

11 (b) Function.--The function of the jury shall be to
12 determine the manner of death and whether a criminal act or
13 neglect of a known or unknown individual caused the death. The
14 jury shall be paid as provided by law as if the jury members
15 were serving the court of common pleas.

16 Section 1229-B. Oaths.

17 The coroner may administer an oath and affirmation to an
18 individual brought or appearing before the coroner. An
19 individual swearing or affirming falsely on the examination
20 commits perjury.

21 Section 1230-B. Commitment to county prison.

22 (a) Warrant.--An individual may be committed by a coroner to
23 the county jail by warrant directed to the sheriff or a
24 constable of the county if the individual does either of the
25 following while appearing before the coroner for examination:

26 (1) Refuses to take an oath or affirmation.

27 (2) Refuses to answer a question asked by the coroner on
28 the matter of the inquest after having been sworn or
29 affirmed.

30 (b) Case required.--The warrant under subsection (a) must

1 set forth particularly the cause of the commitment.

2 (c) Length.--The individual shall remain committed until the
3 individual submits to be sworn or affirmed, answers the
4 questions of the coroner or is otherwise legally discharged.

5 Section 1231-B. Inquests.

6 The following shall apply:

7 (1) In counties of the second through eighth classes,
8 the coroner may:

9 (i) Admit or exclude a member of the public from an
10 inquest or a part of an inquest.

11 (ii) Admit or exclude an individual interested or
12 suspected from the inquest or a part of an inquest.

13 (2) An excluded individual may not appear by attorney.

14 (3) An individual required to attend may have counsel at
15 the attendance.

16 (4) In counties of the third through eighth class,
17 representatives of the media may not be excluded from an
18 inquest or part of an inquest unless the representatives are
19 personally interested or suspected from the inquest or part
20 of the inquest.

21 Section 1232-B. Vacancy.

22 (a) Legal removal, death or resignation.--If a coroner is
23 legally removed from office, dies or resigns before the
24 expiration of the term for which the coroner was elected or
25 appointed, the chief deputy coroner shall execute the office of
26 coroner, perform related duties and receive and retain the
27 compensation provided by law for the coroner until another
28 coroner is appointed.

29 (b) Neglect or refusal.--Except as otherwise provided under
30 subsections (d) and (e), if an individual who is elected to the

1 office of coroner neglects or refuses for the two months after
2 the election to assume the duties of the office and to comply
3 with the requirements of the law, the office shall be deemed
4 vacant. The Governor shall notify the recorder of deeds and
5 appoint and commission a suitable individual to fill the vacancy
6 during the remainder of the term.

7 (c) Fees.--A fee may not be charged on a commission issued
8 to the coroner.

9 (d) Exception in certain counties.--In counties of the
10 second class A, the appointee of the Governor shall serve until
11 the first Monday of January next succeeding the first municipal
12 election which occurs at least two months after the vacancy, at
13 which time a new coroner shall be elected. The appointee shall
14 be confirmed by the Senate if the Senate is in session.

15 (e) Medical examiner.--In counties of the second class, the
16 appointee to the office of medical examiner shall serve and the
17 term of office shall be as provided by county ordinance.

18 Section 1233-B. Salary of solicitor and costs in counties of
19 the second class.

20 In counties of the second class, the following shall apply:

21 (1) The salary of the solicitor to the medical examiner
22 shall be determined by the salary board. The salary shall be
23 paid out of the fees received and paid into the office of the
24 coroner.

25 (2) Costs and expenses incurred by the coroner in a
26 manner connected with litigation or claims arising out of or
27 relating to the coroner's office shall be paid by the county
28 out of fees received by the coroner's office.

29 Section 1234-B. Anatomical gifts.

30 The coroner may order the removal of parts of a decedent's

1 body for donation purposes in accordance with 20 Pa.C.S. Ch. 86
2 (relating to anatomical gifts).

3 Section 1235-B. Execution of office.

4 An individual elected or appointed to the office of coroner
5 may not execute any of the duties of office before a commission
6 has been duly granted to the coroner by the Governor and
7 properly recorded. An individual who violates this section may
8 be sentenced to imprisonment for a term of not more than six
9 months. The individual shall be liable to a person injured by an
10 act done by the individual under authority of the office.

11 Section 1236-B. Records.

12 Records shall be maintained in the office of the coroner. If
13 no office is maintained, a public record providing the name of
14 the deceased, the date of death and the cause and manner of
15 death shall be deposited in the office of prothonotary for the
16 inspection of an individual with an interest in the record.
17 Except as provided under this article, public disclosure of a
18 coroner record shall be in accordance with the act of February
19 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

20 SUBARTICLE C

21 FEEES AND COST RECOVERY

22 Section 1251-B. Disposition costs.

23 (a) Cost of disposition.--If legal representatives make
24 claim to property after disposition of the deceased has occurred
25 at county expense, any property retained from the deceased by
26 the coroner in accordance with 1215-B shall be subject to sale
27 to cover the cost of disposition with the balance, if any, going
28 to the representatives. No property shall be sold under this
29 subsection unless the coroner has provided written notice to the
30 representative of the all of the following:

1 (1) The costs of disposition.

2 (2) A list of the property held in accordance with
3 section 1215-B.

4 (3) An opportunity to pay the costs of disposition
5 within 60 days of the notice.

6 (b) Costs of securing.--In cases where the coroner secures
7 the premises of the deceased, the costs of securing may be
8 charged against the estate of the deceased.

9 (c) Civil liability.--A coroner who reasonably attempts to
10 secure or safeguard any real property where the deceased is
11 found and any personal property on or around the deceased is
12 immune from civil liability for damage to or loss of the
13 property or its contents.

14 Section 1252-B. Fees for reports.

15 (a) Fees to recover training costs.--The coroner shall
16 charge and collect a fee of \$500 for an autopsy report, \$100 for
17 a toxicology report, \$100 for an inquisition or coroner's
18 report, \$50 for a cremation or disposition authorization and
19 other fees as may be established from time to time for other
20 reports or documents requested by nongovernmental agencies in
21 order to investigate a claim asserted under a policy of
22 insurance or to determine liability for the death of the
23 deceased. The fees collected under this subsection shall be
24 accounted for and paid to the county treasurer in accordance
25 with section 1760 and shall be used to defray the expenses
26 involved in the county complying with the training of coroners
27 or coroner office personnel, as may be required or authorized by
28 this or any other act.

29 (b) Record disclosure.--This section may not be construed as
30 authorizing disclosure of a record exempt from public access in

1 accordance with the act of February 14, 2008 (P.L.6, No.3),
2 known as the Right-to-Know Law, or any provision of this act.

3 Section 23. Article XIII heading and sections 1301, 1302,
4 1303 and 1305 of the act are amended to read:

5 ARTICLE XIII

6 PROTHONOTARY, [CLERKS] CLERK OF COURTS, CLERK OF
7 ORPHANS' COURT, REGISTER OF WILLS,
8 RECORDER OF DEEDS

9 Section 1301. Election of [Prothonotaries, Clerks]
10 Prothonotary, Clerk of Courts, [Clerks] Clerk of Orphans' Court,
11 Register of Wills, Recorder of Deeds.--At the municipal election
12 preceding the expiration of the term of office of any
13 prothonotary, clerk of the [court of quarter sessions, clerk of
14 the court of oyer and terminer] courts of common pleas, register
15 of wills, clerk of the orphans' court or recorder of deeds of
16 any county and quadrennially thereafter, the electors of [such]
17 the county shall elect a person to fill [such] the office from
18 the first Monday of January next succeeding [such] the election,
19 for a term of four years and until [his] a successor is elected
20 and qualified. Where, under the provisions of this act or other
21 law, it is provided that two or more [of said] offices shall be
22 held by the same person, only one person shall be elected to
23 hold [such] the office.

24 Section 1302. How Offices to Be Held.--(a) In counties of
25 the third and fourth classes, one person shall hold the office
26 of prothonotary, one person the office of clerk of courts, one
27 person the offices of register of wills and clerk of the
28 orphans' court, and one person the office of recorder of deeds.

29 (a.1) Notwithstanding subsection (a) or any other law, a
30 county advancing from the fifth to fourth class as a result of

1 census figures certified after the primary election in the year
2 of a municipal election may maintain the configuration of
3 offices in effect in the county as long as the county, in
4 consultation with the president judge of the court of common
5 pleas of the county, deems appropriate. At such time as a county
6 decides that reconfiguration of the offices in the county in
7 accordance with subsection (a) or any other general law
8 applicable to the holding of offices and to the classification
9 of the county is appropriate, the county shall wait until the
10 year in which the offices are next up for election to effect
11 that change.

12 (a.2) Notwithstanding subsection (a) or (a.1) or any other
13 law, the county commissioners of a county advancing from the
14 fifth to fourth class may adopt a resolution providing that one
15 person shall continue to hold the offices of prothonotary and
16 clerk of courts, unless local law applying to such counties
17 shall otherwise provide.

18 (a.3) Notwithstanding subsection (a) or (a.1) or any other
19 law, the county commissioners of a county advancing from the
20 fifth to fourth class may adopt a resolution providing that one
21 person shall hold the offices of register of wills, recorder of
22 deeds and clerk of the orphans' court, unless local law applying
23 to such counties shall otherwise provide.

24 (b) In counties of the fifth class, one person shall hold
25 the offices of prothonotary and clerk of courts, one person the
26 offices of register of wills and clerk of the orphans' court,
27 and one person the office of recorder of deeds, unless local law
28 applying to such counties shall otherwise provide.

29 (b.1) Notwithstanding subsection (b) or any other law, the
30 county commissioners of a county advancing from the sixth to the

1 fifth class may adopt a resolution providing that one person
2 shall continue to hold the offices of register of wills,
3 recorder of deeds and clerk of the orphans' court, unless local
4 law applying to such counties shall otherwise provide.

5 (c) In counties of the sixth and seventh classes, one person
6 shall hold the offices of prothonotary and clerk of courts, and
7 one person the offices of register of wills, recorder of deeds
8 and clerk of the orphans' court, unless local laws applying to
9 such counties shall otherwise provide.

10 (d) In counties of the eighth class, one person shall hold
11 the offices of prothonotary, clerk of courts, clerk of the
12 orphans' court, register of wills and recorder of deeds, unless
13 local laws applying to such counties shall otherwise provide.

14 (e) This section does not repeal any of the provisions of
15 section one of the act, approved July two, one thousand eight
16 hundred thirty-nine (Pamphlet Laws 559), entitled "An act to
17 provide for the election of prothonotaries, clerks, recorders
18 and registers," nor any of the provisions of any other local
19 law.

20 (f) Any county in which the offices provided for herein are
21 not now held as hereinbefore provided, and which desires to
22 provide for the holding of two or more of said county offices by
23 the same person, may, at any time hereafter, accept the
24 provisions of this section in whole or in part, and provide for
25 the holding of its county offices, or any of them, in the manner
26 provided in this section for the class of counties to which it
27 belongs. The recombining of the offices that have been separated
28 shall take effect in the year in which the offices are next up
29 for election, at which time offices in the county shall be held
30 in accordance with the subsection authorizing the combining of

1 the offices or any other general law applicable to the holding
2 of offices and to the classification of the county.

3 (g) The proceedings to accept the provisions of this section
4 and to join its offices or any of them, as herein provided,
5 shall be in all respects as provided in section one thousand
6 three hundred three of this act for the acceptance of the
7 provisions of that section. Upon the expiration of the term of
8 any county officer affected by such proceeding, his or her
9 office shall be joined to the other whose term still continues,
10 and no successor shall be elected, or, if the terms of all
11 officers affected expire at the same time, then upon such
12 expiration such offices shall be joined and occupied by one
13 person elected at the preceding municipal election for such
14 purpose.

15 Section 1303. Counties of Forty Thousand Inhabitants Created
16 Separate Judicial Districts.--(a) In each county containing
17 forty thousand inhabitants, which has been created as a separate
18 and independent judicial district as provided by the
19 Constitution, upon acceptance of the provisions of this section,
20 there shall be elected one person to fill the office of
21 prothonotary, one person to fill the office of the clerk of the
22 courts of [quarter sessions and oyer and terminer] common pleas,
23 one person to fill the office of register of wills and clerk of
24 the orphans' court, and one person to fill the office of
25 recorder of deeds, at the expiration of the terms of the persons
26 then filling and exercising such offices in such counties.

27 (b) In any such county in which the offices provided for in
28 this section are now held as above provided, [such] the offices
29 shall continue to be so held, and persons shall continue to be
30 elected to fill the same without any actual acceptance of this

1 section.

2 (c) The acceptance of the provisions of this section shall
3 be exercised by a decree of the court of common pleas of the
4 county accepting the provisions thereof, upon petition of the
5 county commissioners of such county. The petition and decree
6 shall be recorded in the office of the recorder of deeds of the
7 county, and in the office of the Secretary of the Commonwealth.

8 Section 1305. Appointment of First Deputies.--The recorder
9 of deeds shall appoint one first deputy to act in the case of
10 the death or resignation of [his] the first deputy's principal,
11 or when the office shall become vacant from other causes. The
12 register of wills shall appoint a deputy or deputies with powers
13 and duties as provided [by law] in 20 Pa.C.S. Ch. 9 (relating to
14 register of wills).

15 Section 24. Section 1311 of the act is repealed:

16 [Section 1311. Solicitor to Register in Counties of the
17 Third, Fourth, Fifth, Sixth, Seventh and Eighth Classes.--In all
18 counties of the third, fourth, fifth, sixth, seventh and eighth
19 classes, the register of wills is authorized to appoint one
20 person, learned in the law, as his solicitor. Said solicitor
21 shall advise upon all legal matters that may be submitted to
22 him, and shall conduct any litigation when requested so to do by
23 the register of wills.]

24 Section 25. Sections 1312 and 1313 of the act are amended to
25 read:

26 Section 1312. Second Deputy Recorder.--The recorder of deeds
27 may appoint a second deputy recorder of deeds, who shall possess
28 and discharge all the rights, powers and duties of the principal
29 deputy recorder of deeds during [his] the principal deputy's
30 necessary or temporary absence.

1 Section 1313. Clerks of Recorder to Administer Oaths.--The
2 recorder of deeds may appoint one or more clerks employed in
3 [his] the recorder's office to administer oaths and affirmations
4 to all persons, pertaining to the business of the recorder's
5 office, with the same force and effect as if administered by the
6 recorder or deputy recorder.

7 Section 26. Section 1314 of the act is repealed:

8 [Section 1314. Solicitor to Recorder of Deeds in Counties of
9 the Third, Fourth, Fifth, Sixth, Seventh and Eighth Classes.--In
10 all counties of the third, fourth, fifth, sixth, seventh and
11 eighth classes, the recorder of deeds may appoint one person as
12 his solicitor. Said solicitor shall advise the recorder of deeds
13 upon all legal matters that may be submitted to him, and conduct
14 all litigation connected with the recorder of deeds' office when
15 requested so to do by the recorder of deeds.]

16 Section 27. Sections 1401, 1402, 1403, 1404, 1405, 1406,
17 1407, 1409, Subdivision (b) heading of Article XIV, 1420, 1421,
18 1424, 1425, 1426, 1440 and 1441 of the act are amended to read:

19 Section 1401. District Attorney; Qualifications;
20 Eligibility; Compensation.--(a) The district attorney shall be
21 a resident of the county, at least twenty-five years of age, and
22 a citizen of the United States, shall have been admitted to
23 practice as an attorney before the Supreme Court of this
24 Commonwealth for at least one year prior to taking the oath of
25 office and shall have resided in the county for which [he] the
26 district attorney is elected or appointed for one year next
27 preceding [his] election or appointment.

28 (f) No district attorney shall be eligible for a seat in the
29 Legislature or to any other office under the laws and
30 Constitution of the Commonwealth, excepting an office or

1 commission, pursuant to 51 Pa.C.S. (relating to military
2 affairs), in the militia of the Commonwealth, the Pennsylvania
3 Guard or the Pennsylvania National Guard, during [his] the
4 district attorney's continuance in office.

5 (g) In counties of the eighth class, the district attorney
6 shall be full time where any of the following apply:

7 (1) The commissioners of the county have by ordinance fixed
8 the services of the district attorney at full time. An ordinance
9 under this clause may not be made between the first day for the
10 circulation of nominating petitions for the office of district
11 attorney and January 1 of the subsequent year.

12 (2) The president judge of the county court of common pleas
13 orders that the office of district attorney shall be full time.
14 Upon motion of the district attorney, the president judge shall
15 conduct a hearing and shall issue an order whether the office of
16 district attorney shall be full time within 180 days of the
17 filing of the motion. The order may be appealed by the district
18 attorney or the county commissioners in accordance with the
19 rules of appellate procedure. An order under this clause shall
20 take effect in 60 days. An order under this clause directing
21 that the office of district attorney be full time shall be made
22 if the president judge finds that two or more of the following
23 factors are present in the county:

24 (i) the average caseload of felony, misdemeanor and juvenile
25 cases for the past five years has exceeded two hundred per year;

26 (ii) the average caseload for homicide cases for the past
27 five years has equaled or exceeded one per year;

28 (iii) the county has any State correctional facility,
29 juvenile detention facility, youth development center, youth
30 forestry camp, other licensed residential facility serving

1 children and youth, or mental health or mental retardation
2 facility or institution, with a population exceeding two hundred
3 fifty, or if the county has more than one such facility or
4 institution, the aggregate population of such facilities and
5 institutions exceeds two hundred fifty;

6 (iv) a major controlled substances transportation route
7 passes through the county;

8 (v) the average number of convictions under 75 Pa.C.S. §
9 3802 (relating to driving under influence of alcohol or
10 controlled substance) or the former 75 Pa.C.S. § 3731 (relating
11 to driving under influence of alcohol or controlled substance)
12 subject to the alcoholic ignition interlock statutory provision
13 requirements exceeds thirty per year; or

14 (vi) the county constitutes a single and separate judicial
15 district.

16 [(h) In counties of the third, fourth, fifth, sixth and
17 seventh class:

18 (1) Each part-time district attorney holding office on the
19 effective date of this subsection whose term expires January 7,
20 2008, shall become full time on January 2, 2006, if, after
21 exercising due diligence in conducting an assessment of the best
22 interests of public safety and the administration of criminal
23 justice in the county, the part-time district attorney provides
24 written notice to the chairman of the county commissioners, the
25 Secretary of Revenue and the State Treasurer, no sooner than
26 December 1, 2005, and no later than December 30, 2005, of the
27 part-time district attorney's choice to serve as a full-time
28 district attorney. Where a part-time district attorney holding
29 office on the effective date of this act does not provide such
30 notice, the office of district attorney shall remain part time

1 for the remainder of the current term of office.

2 (2) A person who has been elected to the office of district
3 attorney in a county where the district attorney is part time
4 and whose term commences on January 2, 2006, shall, upon taking
5 the oath of office, be a full-time district attorney if, after
6 exercising due diligence in conducting an assessment of the best
7 interests of public safety and the administration of criminal
8 justice in the county, the district attorney-elect has provided
9 written notice to the chairman of the county commissioners, the
10 Secretary of Revenue and the State Treasurer no sooner than
11 December 1, 2005, and no later than December 30, 2005, of the
12 district attorney-elect's choice to serve as a full-time
13 district attorney. Where the district attorney-elect does not
14 provide such notice, the office of district attorney shall
15 remain part time for the entire term of office commencing
16 January 2, 2006.

17 (3) A person seeking election or re-election as district
18 attorney in a county where the office of district attorney is a
19 part-time position after January 2, 2006, shall, upon election
20 and taking the oath of office, become a full-time district
21 attorney if, prior to the deadline for filing nomination
22 petitions or papers, the person has provided written notice to
23 the chairman of the county commissioners, the Secretary of
24 Revenue and the State Treasurer of the person's choice to serve
25 as a full-time district attorney. Where the person does not
26 provide such notice, the office of district attorney shall
27 remain part time for the entire term of office.]

28 (i) Once the office of district attorney becomes full time,
29 it shall not thereafter be changed.

30 (j) A full-time district attorney shall be compensated at

1 one thousand dollars (\$1,000) lower than the compensation paid
2 to a judge of the court of common pleas in the respective
3 judicial district.

4 (k) In a county where the office of district attorney is
5 full time, the district attorney shall devote full time to the
6 office. The district attorney while in office, shall not derive
7 any other income as a result of honorariums, profit shares or
8 divisions of income from any firm with which the district
9 attorney was associated prior to election. This limitation shall
10 not be construed, however, to preclude payment of fees earned
11 for legal work done prior to, but not concluded until after the
12 earlier of his being made full time or being sworn in as a full-
13 time district attorney. In addition the district attorney shall
14 not engage in any private practice and must be completely
15 disassociated with any firm with which the district attorney was
16 affiliated prior to the earlier of being made full time or being
17 sworn in as a full-time district attorney. The district
18 attorney-elect may not accept any civil or criminal cases after
19 being elected to the office.

20 (l) A part-time district attorney may have an outside
21 practice and shall be compensated[, notwithstanding the
22 provisions of any other statutes, as follows: In counties of the
23 third or fourth class, the salary shall be sixty per cent of the
24 annual salary payable to the judge of the court of common pleas
25 of the judicial district of the county; in a county of the fifth
26 or sixth class, the salary shall be fifty per cent of the annual
27 salary payable to the judge of the court of common pleas of the
28 judicial district of the county; and in a county of the seventh
29 or eighth class, the salary shall be] at forty per cent of the
30 annual salary payable to the judge of the court of common pleas

1 of the judicial district of the county.

2 (m) Except as provided in subsection (g), any office of
3 district attorney that is part time on January 2, 2012, shall
4 become full time as of that date.

5 [(n) In the event of a vacancy in the office of district
6 attorney, the person appointed to serve the remainder of the
7 unexpired term shall be bound by the election made in subsection
8 (h) for the remainder of said term.]

9 (o) A district attorney shall be subject to the Rules of
10 Professional Conduct and the canons of ethics as applied to
11 judges in the courts of common pleas of this Commonwealth
12 insofar as such canons apply to salaries, full-time duties and
13 conflicts of interest. Any complaint by a citizen of the county
14 that a full-time district attorney may be in violation of this
15 section shall be made to the Disciplinary Board of the Supreme
16 Court of Pennsylvania. If any substantive basis is found, the
17 board shall proceed forthwith in the manner prescribed by the
18 rules of the Supreme Court and make such recommendation for
19 disciplinary action as it deems advisable, provided, however,
20 that if the Supreme Court deems the violation so grave as to
21 warrant removal from office, the prothonotary of the Supreme
22 Court shall transmit its findings to the Speaker of the House of
23 Representatives for such action as the House of Representatives
24 deems appropriate under Article VI of the Constitution of
25 Pennsylvania.

26 (p) The Commonwealth shall annually reimburse each county
27 with a full-time district attorney an amount equal to sixty-five
28 per cent of the district attorney's salary.

29 Section 1402. Duties of District Attorney; Entry of Nolle
30 Prosequi.--(a) The district attorney shall sign all bills of

1 indictment and conduct in court all criminal and other
2 prosecutions, in the name of the Commonwealth, or, when the
3 Commonwealth is a party, which arise in the county for which
4 [he] the district attorney is elected, and perform all the
5 duties which, prior to May 3, 1850, were performed by deputy
6 attorneys general. The duties herein conferred shall be in
7 addition to all other duties given to the said district attorney
8 by other statutes.

9 Section 1403. Expenses Incurred by District Attorney.--All
10 necessary expenses incurred by the district attorney or [his]
11 the district attorney's assistants or any officer directed by
12 [him] the district attorney in the investigation of crime and
13 the apprehension and prosecution of persons charged with or
14 suspected of the commission of crime, upon approval thereof by
15 the district attorney and the court, shall be paid by the county
16 from the general funds of the county. In any case where a
17 defendant is convicted and sentenced to pay the costs of
18 prosecution and trial, the expenses of the district attorney in
19 connection with such prosecution shall be considered a part of
20 the costs of the case and be paid by the defendant.

21 Section 1404. Filling of Vacancies.--(a) If any vacancy
22 shall occur in the office of district attorney in a county of
23 the second class A or third class, either by death, resignation,
24 removal from office or from the county, or otherwise, the judges
25 of the court of common pleas shall supply such vacancy by the
26 appointment of a competent person to fill the office during the
27 balance of the unexpired term.

28 (b) If any vacancy shall occur in the office of district
29 attorney in a county of the fourth through eighth class, the
30 first assistant district attorney shall become district attorney

1 and discharge the duties of the district attorney until the
2 first Monday in January following the next municipal election
3 occurring not less than ninety days after the occurrence of the
4 vacancy. If the first assistant district attorney is unwilling
5 or unable to serve, the judges of the court of common pleas
6 shall fill the vacancy by the appointment of a competent person
7 to fill the office until the first Monday in January following
8 the next municipal election occurring not less than ninety days
9 after the occurrence of the vacancy.

10 Section 1405. Misconduct of District Attorney.--(a) If any
11 district attorney shall [wilfully] willfully and corruptly
12 demand, take or receive any other fee or reward than such as is
13 prescribed by law for any official duties required by law to be
14 executed by [him] the district attorney in any criminal
15 proceeding, or if such district attorney shall be guilty of
16 [wilful] willful and gross negligence in the execution of the
17 duties of [his] the office, [he] that individual shall be guilty
18 of a misdemeanor in office, and, on conviction thereof, be
19 sentenced to pay a fine not exceeding one thousand dollars
20 (\$1,000) and to undergo imprisonment not exceeding one year, and
21 [his] the office shall be declared vacant.

22 (b) Upon complaint in writing, verified by oath or
23 affirmation of the party aggrieved, made to the court in which
24 any district attorney shall prosecute the pleas of the
25 Commonwealth, charging such district attorney with [wilful]
26 willful and gross negligence in the execution of the duties of
27 [his] the office, the court shall cause notice of [such] the
28 complaint to be given to the district attorney and of the time
29 fixed by the court for [the] a hearing [of the same]. If [upon
30 such] after the hearing the court shall be of opinion that there

1 is probable cause for the complaint, they shall hand over or
2 commit the district attorney to answer the same in due course of
3 law. If the court shall be of opinion that there is no probable
4 cause for such complaint, they shall dismiss the same, with
5 reasonable costs to be assessed by the court.

6 Section 1406. District Attorney Charged with Crime.--If any
7 district attorney is charged, according to law, with any crime
8 or misdemeanor, before or bound over or committed by any court
9 to answer for [wilful] willful and gross negligence in the
10 execution of the duties of [his] the office, it shall be the
11 duty of the court to appoint [some] a competent attorney thereof
12 to prepare an indictment against such district attorney and to
13 prosecute the same on behalf of the Commonwealth until final
14 judgment. [Such] The attorney shall be paid by the county for
15 [his] services a reasonable compensation to be fixed by the
16 court. If [such] the district attorney [shall be] is convicted
17 of any crime for which [he] that individual may be sentenced to
18 imprisonment by separate or solitary confinement at labor, [his]
19 the office shall be declared vacant by the court.

20 Section 1407. [Law Books] Legal Resources for District
21 Attorney.--The county commissioners may purchase, for the use of
22 the office of the district attorney, out of the funds of the
23 county, such law books and other legal research resources as may
24 be selected by the district attorney[,] and, in counties of the
25 third through eighth classes, as approved by the president judge
26 of the court.

27 Section 1409. When Private Counsel May Prosecute.--If any
28 district attorney shall neglect or refuse to prosecute in due
29 form of law any criminal charge regularly returned to [him] the
30 district attorney or to the court [of the proper county], or if

1 at any stage of the proceedings the district attorney [of the
2 proper county] and the private counsel employed by the
3 prosecutor shall differ as to the manner of conducting the
4 trial, the prosecutor may present [his] a petition to the court
5 [of the proper county], setting forth the character of the
6 complaint, and verify the same by affidavit. If the court shall
7 be of the opinion that it is a proper case for a criminal
8 proceeding or prosecution, it may direct any private counsel
9 employed by such prosecutor to conduct the entire proceeding,
10 and where an indictment is necessary, to verify the same by
11 [his] the private counsel's own signature, as fully as the same
12 could be done by the district attorney.

13 (b) Assistant[, Special, Deputy] and Acting District
14 Attorneys, Stenographers and Clerks

15 Section 1420. Assistant[, Special Assistant and Deputy
16 Assistant] District Attorneys; Number; Compensation.--(a) The
17 district attorney may appoint such number of assistants,
18 [special assistants or deputy assistants, learned in the law]
19 licensed to practice law in this Commonwealth, to assist [him]
20 in the discharge of [his] duties. [, as is fixed by the salary
21 board of the county. The salary board shall fix the salary of
22 such assistants, special assistants and deputy assistants.] The
23 number and salary of such assistants shall be fixed by the
24 salary board.

25 (b) [The] In counties of the third through eighth classes,
26 the district attorney may appoint temporary assistants,
27 [temporary special assistants or temporary deputy assistants,
28 learned in the law] licensed to practice law in this
29 Commonwealth, to assist [him] in the discharge of [his] duties,
30 as provided by contract or other personnel agreement with the

1 county or the district attorney. Any attorney-at-law, including
2 a deputy Attorney General or an attorney employed by the
3 Commonwealth, may be appointed under this subsection.

4 (c) [An] In counties of the third through eighth classes, an
5 allegation of a violation of this section shall be timely raised
6 prior to the participation of the prosecutor in question. The
7 exclusive remedy for a violation of this section shall be
8 removal by quo warranto of the prosecutor from the appointment
9 that is in violation of this section.

10 (d) Subsections (b) and (c) shall apply to all cases pending
11 on the effective date of this subsection and all cases
12 thereafter, including, but not limited to, those cases on post-
13 trial or on appeal.

14 Section 1421. Designation of First Assistant; Powers and
15 Duties.--In all cases where more than one assistant district
16 attorney is appointed, the district attorney shall designate one
17 [of such assistants as his] assistant as the first assistant.
18 [Such] The first assistant or the assistant district attorney
19 where only one is appointed shall, in the absence of the
20 district attorney from the jurisdiction or during [his] the
21 district attorney's disability to perform the duties of [his]
22 the office through sickness or other cause, be vested with all
23 the duties, powers and privileges given by law to the district
24 attorney, and generally, at such time, be empowered to do and
25 perform all things in connection with [his] the office which the
26 district attorney may by law be entitled to do or perform. In
27 case of any [such] incapacity of the district attorney or [his]
28 the first assistant, or both, any or all of such duties, powers
29 and privileges may be done by such other assistant district
30 attorneys, if any, as may be designated by the district

1 attorney.

2 Section 1424. Court May Appoint a District Attorney for the
3 Time Being in Counties of the Third Through Eighth Classes.--It
4 shall be the duty of the court of [quarter sessions] common
5 pleas of any county of the third through eighth classes to
6 appoint a district attorney for the time being, in all cases
7 where the district attorney and [his] the assistants shall be
8 absent from the court. [Such] A person so appointed shall
9 perform all the duties of the office until the regular district
10 attorney or one of [his] the assistants shall appear in person
11 to perform the same, and shall be paid such compensation by the
12 county as may be fixed by the court.

13 Section 1425. Indictment and Cost Clerk in Counties of the
14 Fourth Class.--The district attorney of any county of the fourth
15 class, in addition to other assistants authorized in this
16 subdivision, may appoint an assistant, [learned in the law]
17 licensed to practice law in this Commonwealth, who shall be
18 designated as indictment and cost clerk, to assist the district
19 attorney in the discharge of [his] duties.

20 Section 1426. Stenographers and Clerks.--The salary board in
21 any county may provide for the appointment by the district
22 attorney of such clerks and stenographers in [his] the district
23 attorney's office as may be deemed necessary for the proper
24 dispatch of business.

25 Section 1440. Appointment; Duties and Compensation of County
26 Detectives.--(a) (1) In counties of the second class A, the
27 district attorney may appoint one chief county detective, an
28 assistant chief county detective, and as many county detectives,
29 sergeants, special county detectives and junior county
30 detectives as the salary board shall fix.

1 (2) In counties of the third and fourth classes, the
2 district attorney may appoint one chief county detective, one
3 assistant county detective and such other county detectives as
4 the salary board may authorize.

5 (b) In counties of the fifth, sixth, seventh and eighth
6 classes, the district attorney may appoint one chief county
7 detective and such other county detectives as the salary board
8 may authorize.

9 (c) County detectives shall, at all times, be subject to the
10 orders of the district attorney, and shall investigate and make
11 reports to [him] the district attorney as to the conduct in
12 office of magistrates, constables, deputy constables and other
13 officers connected with the administration of criminal law,
14 shall make investigations and endeavor to obtain evidence
15 required by the district attorney in criminal cases, and shall
16 perform such other duties as the district attorney may direct.

17 (d) County detectives shall be general police officers and
18 shall have the powers conferred on constables by the laws of
19 this Commonwealth, so far as they relate to criminal law and
20 procedures[.] and, in counties of the second class A, they shall
21 serve subpoenas in cases in which the Commonwealth is a party in
22 a court of record.

23 (e) [County] (1) In counties of the second class A, county
24 detectives of every grade and rank shall not be entitled to
25 receive any fees whatsoever, but shall each receive a salary as
26 shall be fixed by the salary board, together with all necessary
27 traveling expenses, which said salary and expenses, having been
28 verified by affidavit of the detective incurring the same, and
29 approved by the district attorney, shall be paid out of the
30 treasury of the county, on a certificate issued by the district

1 attorney directed to the controller of the county, who shall
2 order warrants for said amounts according to law.

3 (2) In counties of the third through the eighth class,
4 county detectives of every grade and rank, in addition to their
5 annual salary, shall be allowed their expenses actually and
6 necessarily incurred in the performance of their duties. Such
7 salaries and expenses shall be paid by the county as provided by
8 law. No county detective shall be entitled to any fee
9 whatsoever.

10 Section 1441. Appointment of Special Detective with Approval
11 of Court.--The district attorney of any county may, with the
12 approval of the salary board, whenever the court of [quarter
13 sessions] common pleas and district attorney may deem it
14 necessary for a particular and temporary assignment, appoint a
15 special detective, whose duty it shall be to assist in obtaining
16 such evidence as shall be directed by the district attorney for
17 the Commonwealth, and perform such other duties as the court may
18 direct. [He] The special detective shall be allowed expenses
19 necessarily and actually incurred in the performance of [his]
20 duties.

21 [Such] The special detective officer shall be a general
22 police officer and shall have all the powers that are conferred
23 on constables by the existing laws of this Commonwealth, so far
24 as they relate to crimes or criminal procedure.

25 Section 28. Article XV.1 of the act is repealed:

26 [ARTICLE XV.1

27 SALARIES OF COUNTY OFFICERS

28 Section 1550. Counties of the Third Class.--The annual
29 salaries of the following county officers of counties of the
30 third class shall be as follows:

1 The sheriff, twelve thousand four hundred eighty dollars
2 (\$12,480).

3 The coroner, nine thousand one hundred twenty dollars
4 (\$9,120).

5 The prothonotary, eleven thousand five hundred twenty dollars
6 (\$11,520).

7 The clerk of the courts, eleven thousand five hundred twenty
8 dollars (\$11,520).

9 The register of wills and ex officio clerk of the orphans'
10 court, eight thousand seven hundred sixty dollars (\$8,760).

11 The recorder of deeds, eleven thousand five hundred twenty
12 dollars (\$11,520).

13 The county treasurer, ten thousand eighty dollars (\$10,080).

14 The county controller, twelve thousand six hundred dollars
15 (\$12,600).

16 The county commissioners, thirteen thousand five hundred
17 dollars (\$13,500), each.

18 The jury commissioners, one thousand six hundred eighty
19 dollars (\$1,680), each.

20 The district attorney, thirteen thousand five hundred dollars
21 (\$13,500).

22 Section 1551. Counties of the Fourth Class.--The annual
23 salaries of the following county officers of counties of the
24 fourth class shall be as follows:

25 The district attorney, twelve thousand dollars (\$12,000).

26 The sheriff, eleven thousand four hundred dollars (\$11,400).

27 The prothonotary, eleven thousand one hundred sixty dollars
28 (\$11,160).

29 The clerk of courts, eleven thousand one hundred sixty
30 dollars (\$11,160).

1 The clerk of the orphans' court (other than the register of
2 wills acting as ex officio of orphans' court), eleven thousand
3 one hundred sixty dollars (\$11,160).

4 The register of wills and ex officio of the orphans' court,
5 eight thousand seven hundred sixty dollars (\$8,760).

6 The recorder of deeds, eleven thousand one hundred sixty
7 dollars (\$11,160).

8 The county treasurer, nine thousand eight hundred forty
9 dollars (\$9,840).

10 The county commissioners, twelve thousand dollars (\$12,000),
11 each.

12 The coroner, eight thousand four hundred dollars (\$8,400).

13 The jury commissioners, one thousand one hundred thirty
14 dollars (\$1,130), each.

15 The county controller, where such office exists, or may be
16 created, eleven thousand one hundred sixty dollars (\$11,160).

17 Section 1552. Counties of the Fifth Class.--The annual
18 salaries of the following county officers of counties of the
19 fifth class shall be as follows:

20 The sheriff, nine thousand six hundred dollars (\$9,600).

21 The county comptroller, where such office exists, nine
22 thousand six hundred dollars (\$9,600).

23 The coroner, five thousand four hundred dollars (\$5,400).

24 The prothonotary, nine thousand six hundred dollars (\$9,600).

25 The clerk of quarter sessions and oyer and terminer, nine
26 thousand six hundred dollars (\$9,600).

27 The clerk of the orphans' court, nine thousand six hundred
28 dollars (\$9,600).

29 The register of wills, nine thousand six hundred dollars
30 (\$9,600).

1 The recorder of deeds, nine thousand six hundred dollars
2 (\$9,600).

3 Provided, That where any of the officers above mentioned hold
4 two or more of the said offices, he shall receive nine thousand
5 six hundred dollars (\$9,600).

6 The county commissioners, ten thousand two hundred dollars
7 (\$10,200), each.

8 The county treasurer, nine thousand six hundred dollars
9 (\$9,600).

10 The jury commissioners, nine hundred dollars (\$900), each.

11 The district attorney, ten thousand two hundred dollars
12 (\$10,200).

13 Section 1553. Counties of the Sixth Class.--The annual
14 salaries of the following county officers of counties of the
15 sixth class shall be as follows:

16 The clerk of the court of quarter sessions, eight thousand
17 four hundred dollars (\$8,400).

18 The treasurer, eight thousand one hundred sixty dollars
19 (\$8,160).

20 The controller, eight thousand four hundred dollars (\$8,400).

21 The clerk of oyer and terminer, one thousand one hundred
22 dollars (\$1,100).

23 The clerks of the orphans' court, (other than the register of
24 wills acting as ex officio of orphans' court) seven thousand two
25 hundred dollars (\$7,200), each.

26 The prothonotary, eight thousand four hundred dollars
27 (\$8,400).

28 The recorder of deeds, eight thousand four hundred dollars
29 (\$8,400).

30 The register of wills, seven thousand two hundred dollars

1 (\$7,200).

2 Where any of the officers above mentioned hold two or more of
3 said offices, he shall receive the highest salary fixed for any
4 of the offices which he holds and the additional salary of seven
5 hundred fifty dollars (\$750).

6 The sheriff, eight thousand four hundred dollars (\$8,400).

7 The county commissioners, nine thousand three hundred fifty
8 dollars (\$9,350), each.

9 The district attorney, nine thousand four hundred fifty
10 dollars (\$9,450).

11 The jury commissioners shall each receive fifteen dollars
12 (\$15) for each day necessarily employed in the discharge of
13 their duties. The said compensation shall be paid from the
14 county treasury in the same manner as the salary or compensation
15 of other county officers and employes.

16 The county auditors shall each receive twenty dollars (\$20)
17 for each six hours of work in the discharge of their duties,
18 together with ten cents (10¢) per mile circular from and to
19 their homes once each and every day so employed.

20 The fees to be received by the coroner of each county of the
21 sixth class shall be as follows: For viewing a dead body,
22 eighteen dollars (\$18); summoning and qualifying inquest,
23 drawing and returning all inquisitions, nine dollars fifty cents
24 (\$9.50); summoning and qualifying each witness, three dollars
25 (\$3), to be paid out of the goods, chattels, lands, or tenements
26 of the slayer (in cases of murder or manslaughter), if any he
27 hath, if otherwise, by the county, with mileage at the rate of
28 ten cents for each mile circular traveled from the court house
29 to the place of viewing the body; executing any process or writs
30 of any kind, the same fees as are allowed to the sheriff and the

1 same mileage.

2 Section 1554. Counties of the Seventh Class.--The annual
3 salaries of the following county officers of counties of the
4 seventh class shall be as follows:

5 The sheriff, six thousand two hundred forty dollars (\$6,240).

6 The district attorney, six thousand five hundred dollars
7 (\$6,500).

8 The annual salary of each county commissioner shall be six
9 thousand dollars (\$6,000).

10 The jury commissioners shall each receive fifteen dollars
11 (\$15) for each day necessarily employed in the discharge of
12 their duties. The said compensation shall be paid from the
13 county treasury in the same manner as the salary or compensation
14 of other county officers and employes.

15 The county auditors shall receive twenty dollars (\$20) for
16 each six hours of work in the discharge of their duties,
17 together with ten cents (10¢) per mile circular from and to
18 their homes, once, each and every day so employed.

19 The prothonotary or clerks of the several courts of common
20 pleas, quarter sessions of the peace, oyer and terminer, and
21 orphans' courts, the register of wills, and the recorder of
22 deeds, shall keep, or cause to be kept, a fair and accurate
23 account of all fees received for services performed by them or
24 any person employed by them in their respective offices; and
25 shall also, on the first Monday of January of each year, furnish
26 a copy of said account, upon oath or affirmation, to the auditor
27 appointed by the court to settle the accounts of county
28 officers; and shall also pay to the county treasurer, for the
29 use of the county, after deducting all necessary clerk hire and
30 office expenses, fifty per centum on the amount of any excess

1 over and above the sum of seven thousand two hundred dollars
2 (\$7,200), which shall be found by the said auditor, appointed by
3 the court to settle the accounts of county officers, to have
4 been received by any officer in any one year: Provided, That if
5 two or more of said offices shall be held by one person, the
6 said auditor shall add together the fees received in the offices
7 so held, and shall charge the same percentage on the aggregate
8 amount of fees received by such person holding more than one of
9 said offices. A copy of the report of the said auditor, when
10 completed, shall be presented by him to the court of common
11 pleas of the county, and filed among the records of said court;
12 which said report shall thereafter have all the force and effect
13 of, and be subject to the same procedure as applies to, the
14 report of the county auditors.

15 The fees to be received by the coroner of each county of the
16 seventh class shall, in cases of murder or manslaughter, be paid
17 by the slayer, or his estate if recovery can be had, otherwise
18 and in all other cases by the county. The fees shall be as
19 follows:

20 For viewing a dead body, eighteen dollars (\$18); summoning
21 and qualifying inquest, drawing and returning all inquisitions,
22 nine dollars fifty cents (\$9.50); summoning and qualifying each
23 witness, three dollars (\$3); to be paid out of the goods,
24 chattels, lands, or tenements of the slayer (in cases of murder
25 or manslaughter), if any he hath. If otherwise, by the county,
26 with mileage at the rate of ten cents (10¢) for each mile
27 circular traveled from the court house to the place of viewing
28 the body; executing any process of writs of any kind, the same
29 fees as are allowed to the sheriff and the same mileage.

30 Section 1555. Counties of the Eighth Class.--The annual

1 salaries of the following county officers of counties of the
2 eighth class shall be as follows:

3 The sheriff, in counties having a population of less than
4 twelve thousand (12,000), four thousand eighty dollars (\$4,080);
5 and in counties having a population of twelve thousand (12,000)
6 and more, but less than twenty thousand (20,000), four thousand
7 six hundred eighty dollars (\$4,680).

8 The county commissioners, in counties having a population of
9 less than twelve thousand (12,000), three thousand three hundred
10 eighty dollars (\$3,380) each, and in counties having a
11 population of twelve thousand (12,000) and more, four thousand
12 two hundred ninety dollars (\$4,290), each.

13 The district attorney, four thousand five hundred dollars
14 (\$4,500).

15 The county auditors shall each receive twenty dollars (\$20)
16 for each six hours of work in the discharge of their duties,
17 together with ten cents (10¢) per mile circular from and to
18 their homes, once, each and every day so employed.

19 The jury commissioners shall each receive fifteen dollars
20 (\$15) for each day necessarily employed in the discharge of
21 their duties. The said compensation shall be paid from the
22 county treasury in the same manner as the salary or compensation
23 of other county officers and employes.

24 The prothonotary or clerks of the several courts of common
25 pleas, quarter sessions of the peace, oyer and terminer, and
26 orphans' courts, the register of wills, and the recorder of
27 deeds, shall keep, or cause to be kept, a fair and accurate
28 account of all fees received for services performed by them or
29 any person employed by them in their respective offices; and
30 shall also, on the first Monday of January of each year, furnish

1 a copy of said account, upon oath or affirmation, to the auditor
2 appointed by the court to settle the accounts of county
3 officers; and shall also pay to the county treasurer, for the
4 use of the county, after deducting all necessary clerk hire and
5 office expenses, fifty per centum on the amount of any excess
6 over and above the sum of seven thousand two hundred dollars
7 (\$7,200), which shall be found by the said auditor, appointed by
8 the court to settle the accounts of county officers, to have
9 been received by any officer in any one year: Provided, That if
10 two or more of said offices shall be held by one person, the
11 said auditor shall add together the fees received in the offices
12 so held, and shall charge the same percentage on the aggregate
13 amount of fees received by such person holding more than one of
14 said offices. A copy of the report of the said auditor, when
15 completed, shall be presented by him to the court of common
16 pleas of the county, and filed among the records of said court;
17 which said report shall thereafter have all the force and effect
18 of, and be subject to the same procedure as applies to, the
19 report of the county auditors.

20 The fees to be received by the coroner of each county of the
21 eighth class shall, in cases of murder or manslaughter, be paid
22 by the slayer, or his estate if recovery can be had, otherwise
23 and in all other cases by the county. The fees shall be as
24 follows:

25 For viewing a dead body, eighteen dollars (\$18); summoning
26 and qualifying inquest, drawing and returning all inquisitions,
27 nine dollars fifty cents (\$9.50); summoning and qualifying each
28 witness, three dollars (\$3); to be paid out of the goods,
29 chattels, lands, or tenements of the slayer (in cases of murder
30 or manslaughter), if any he hath, if otherwise, by the county,

1 with mileage at the rate of ten cents (10¢) for each mile
2 circular traveled from the court house to the place of viewing
3 the body; executing any process or writs of any kind, the same
4 fees as are allowed to the sheriff and the same mileage.

5 Section 1556. Insurance and Other Employe Benefits.--In
6 addition to any other authorized compensation, county
7 commissioners and other county officers and their dependents
8 shall be eligible for inclusion in group life, health,
9 hospitalization, medical service and accident insurance plans or
10 other employe benefits, or payments made in lieu of such
11 benefits, paid in whole or in part by the county, provided such
12 plans, benefits or payments are offered generally to employes of
13 the county.]

14 Section 29. The act is amended by adding an article to read:

15 ARTICLE XV.2

16 SALARIES OF COUNTY OFFICERS

17 Section 1560. Salaries of county officers.

18 (a) Amount.--Except where otherwise expressly provided in
19 this act, the salaries of county officers shall be set in
20 accordance with the act of November 1, 1971 (P.L.495, No.113),
21 entitled "An act providing for the compensation of county
22 officers in counties of the second through eighth classes, for
23 compensation of district attorneys in cities and counties of the
24 first class, for compensation of district election officers in
25 all counties, for the disposition of fees, for filing of bonds
26 in certain cases and for duties of certain officers."

27 (b) Construction.--Nothing in this act shall be construed as
28 affecting the salaries of county officers existing as of the
29 effective date of this subsection. Any change in salary shall be
30 in accordance with the act referred to in subsection (a) or

1 other applicable law.

2 Section 1561. Insurance and other employee benefits.

3 In addition to any other authorized compensation, county
4 commissioners and other county officers and their dependents
5 shall be eligible for inclusion in group life, health,
6 hospitalization, medical service and accident insurance plans or
7 other employee benefits, or payments made in lieu of such
8 benefits, paid in whole or in part by the county, provided such
9 plans, benefits or payments are offered generally to employees
10 of the county.

11 Section 30. Article XVI heading and sections 1601, 1602,
12 1603, 1605, 1607, 1608, 1609, 1610, 1622 and 1623 of the act are
13 amended to read:

14 ARTICLE XVI

15 FEES OF SALARIED COUNTY OFFICERS; SALARY
16 BOARDS[; PAYMENT OF SOLICITORS APPOINTED
17 BY COUNTY OFFICERS]

18 Section 1601. Fees of Salaried County Officers to Belong to
19 County.--[All] Except where otherwise provided by law, fees
20 limited and appointed by law to be received by any county
21 officer, either elected or appointed, or which they shall
22 legally be authorized, required or entitled to charge or
23 receive, shall belong to the county [in the following
24 circumstances: (1) fees of every such officer in counties
25 containing over one hundred and fifty thousand inhabitants and,
26 (2) in counties containing one hundred and fifty thousand or
27 less inhabitants, fees of every officer for whom a salary is
28 fixed by law. The provisions of this subdivision shall apply to
29 all fees belonging to the county and to all officers
30 hereinbefore designated]. Each [of the said officers] officer

1 shall exact, collect and receive all such fees to and for the
2 use of [his respective] the county, except [such] taxes and fees
3 as are levied by the Commonwealth, which shall be to and for the
4 use of the Commonwealth. [None of said officers shall receive
5 for his own use or for any use or purpose whatever] No officer
6 shall use fees received for official services for any purpose,
7 except for the use of the [proper] county or [for] the
8 Commonwealth[, as the case may be, any fees for any official
9 services whatsoever, except where the statute expressly
10 designates the officer as agent of the Commonwealth and
11 authorizes him to retain a part of such moneys for his own use].

12 Section 1602. System of Accounts to be Kept; Fees to be Paid
13 to County Treasurer Monthly.--(a) Each [of said officers]
14 officer receiving fees shall keep a system of accounts, the form
15 of which shall be prescribed by the controller, or where such
16 [officer] office does not exist then by the county auditors, in
17 which or on which entry shall be made of all the moneys received
18 for fees and of all moneys earned and chargeable upon the
19 county, specifying the day and date, the title of the case, if
20 [any] applicable, for what service, and from whom received.

21 (b) At the times designated by resolution of the county
22 commissioners but not later than the [first Monday] tenth day of
23 each month, each of said officers shall [pay to]:

24 (1) Pay to the county treasurer [of the proper county] all
25 fees so received for each designated period. Duplicate receipts
26 therefor shall be taken, one of which [he] the treasurer shall
27 deposit with the county controller, or the chief clerk where the
28 office of controller does not exist. [On the first Monday of
29 each month, each of said officers shall deposit]

30 (2) Deposit with the county controller, or where the office

1 of controller does not exist, with the county [auditor] auditors
2 a transcript, in detail, of [his] the officer's system of
3 accounts for the preceding month. [He] The officer shall make
4 oath or affirmation before the county controller or the county
5 auditors where the office of controller does not exist that the
6 transcript contains a true and correct list of all the fees
7 received, earned or chargeable upon the county for services
8 rendered in [his] the office, either by [himself] the officer,
9 deputies or clerks, during the preceding month that said fees
10 were severally charged and collected at regular rates, and that
11 [he] the officer has not received and is not to receive [from
12 any person or persons whatsoever], for any official services or
13 duty, any other fees than those so entered on said transcript.

14 (c) It shall be the duty of the county controller, or the
15 county auditors where the office of county controller does not
16 exist, to receive such returns, to audit and verify the returns
17 for the preceding month and to charge the county treasurer with
18 the money for fees so paid in.

19 (d) Where fees are paid to one office which are for services
20 rendered or to be rendered by another, the officer receiving the
21 same shall specify the same on his account book and on his
22 transcript as of the office to which they properly belong.

23 Section 1603. Penalty for Receiving Gratuities or
24 Percentages.--If any of the officers included in this
25 subdivision shall receive or stipulate to receive from any
26 deputy or clerk or from any person [or persons] awarded any
27 contract [for advertising or any other contract] any sum [or
28 sums] of money as percentage on the salaries of said deputy or
29 clerk or on the amounts or profits of said contract, or any sum
30 [or sums] of money [whatsoever] as compensation for making any

1 of the said appointments or contracts, or shall neglect to
2 render the accounts or to pay over the money received for fees
3 as required by this subdivision, or shall [wilfully] willfully
4 neglect to make any proper entry in the book or books required
5 to be kept, or shall [wilfully] willfully neglect to charge for
6 any official services the fees allowed by law, or shall take to
7 [his] the officer's own use any such fees, or fail to comply
8 with any of the provisions of this subdivision, or neglect to
9 discharge any of the duties herein imposed, the same shall be
10 deemed a misdemeanor in office, and, in addition to the other
11 penalties for such offenses, [he] the officer shall, upon
12 conviction thereof, refund the said sum [or sums] of money
13 [thus] unlawfully received, and shall be deemed incapable of
14 holding the said office.

15 Section 1605. Officers Subject to This Subdivision to be
16 Paid Salaries.--All [county] officers to which this subdivision
17 applies[, whether elected by the people or appointed according
18 to law,] and their [several] deputies and clerks, shall be paid
19 for their services by fixed and specific salaries[, which]. The
20 salaries shall be a charge upon the treasury of the county to
21 which each shall respectively belong, to the extent of the fees
22 collected and paid in by each officer respectively, or earned,
23 where fees are chargeable upon the county treasury, except as
24 provided in section [one thousand six hundred eight, of the fees
25 collected and paid in by each officer respectively, or earned,
26 where fees are chargeable upon the county treasury, and said]
27 1608. The salaries shall be paid weekly, bi-weekly, semi-monthly
28 or monthly during the month in which the services were rendered,
29 at the discretion of the county commissioners [of the county].
30 No voucher check or warrant shall be drawn for the payment of

1 any [said officer, his] officers, deputies or clerks who shall
2 not have filed the receipt and transcript for that month
3 provided for in this subdivision.

4 Section 1607. Monthly Returns to be Made of Taxes and Fees
5 Due the Commonwealth.--(a) At the same time that monthly
6 returns are made, as required by section [one thousand six
7 hundred two of this act, of the fees received by said officers
8 to and for the use of their respective counties for the
9 preceding month] 1602, each of said officers shall make a
10 separate return, to the Department of Revenue, of all taxes or
11 fees collected or earned for the Commonwealth by [him] the
12 officer, if any. [The amounts so returned by any of said
13 officers, as received by him for the Commonwealth, shall be
14 separately paid by him into the State Treasury through the
15 Department of Revenue, quarterly, on the first Mondays of April,
16 July, October and January, for which he shall take duplicate
17 receipts.] Such taxes, fees and other amounts due the
18 Commonwealth shall be paid over, as required but no more often
19 than monthly, unless law or regulation provides otherwise.

20 (b) All commissions on the collection of any such taxes and
21 fees for the Commonwealth shall be deemed and taken as part of
22 the regular fees of the officer collecting the same and shall be
23 accounted for accordingly.

24 (c) The provisions of this section shall apply only to the
25 reporting and payment over of any such taxes or fees and to the
26 treatment of commissions thereon as are not otherwise provided
27 for by law.

28 Section 1608. Payment of Certain Officers.--The county
29 solicitor, county [jailer] prison warden, county commissioners,
30 county controller, county surveyor or engineer, county

1 detectives, county treasurer, interpreter of courts, district
2 attorney and his assistants, and in counties of the sixth,
3 seventh and eighth classes all county officers for whom a salary
4 is fixed by law and the deputies, clerks and employes of their
5 respective offices, shall severally be paid weekly, bi-weekly,
6 semi-monthly, or monthly, at the discretion of the county
7 commissioners of the county. They shall be paid the full amount
8 allowed them by law, but all fees and emoluments whatsoever that
9 may accrue to any of them by virtue of [his] the office shall be
10 paid by [him] the officer or employe to the county treasurer as
11 directed by law, and all other officers shall be paid the
12 amounts assigned them by law in accordance with the provisions
13 of this subdivision.

14 Section 1609. Salaries in Lieu of Fees.--Except to the
15 extent this section may be inconsistent with [the provisions of]
16 any other express provision of this act, the salaries fixed and
17 provided by law for county officers shall be in lieu of all or
18 any moneys, fees, perquisites, or mileage expenses, and other
19 allowances received or allowed to any such officer, and all such
20 moneys, fees, perquisites, or mileage expenses, and other
21 allowances, not governed by the aforesaid exceptions, shall
22 belong to the county and shall be paid into the county treasury,
23 except where required to be paid to the Commonwealth in the
24 manner provided by this subdivision for fees.

25 Section 1610. Rights of Action and Remedies for Collection
26 of Fees Extended to Counties.--All rights of action and all
27 other remedies heretofore granted or extended to [county]
28 officers to whom this subdivision applies for the collection of
29 their respective fees are hereby extended, and shall inure to
30 the benefit of the several counties affected by this subdivision

1 for the collection of all fees and costs that may accrue to
2 [said] counties under the provisions of this subdivision.

3 Section 1622. Salary Boards Created.--There is hereby
4 created in each county a salary board, which shall consist of
5 the three individual members of the board of county
6 commissioners and the county controller in counties where there
7 is a controller, or the county treasurer in counties where there
8 is no controller. The [chairman] chairperson of the board of
9 county commissioners shall be [chairman] chairperson of the
10 salary board and the county controller or county treasurer, as
11 the case may be, shall be secretary of the board. The board
12 shall meet and organize on the first Monday of January of each
13 year.

14 Section 1623. Number and Compensation of Officers, Deputies,
15 Assistants, Clerks and Employes; Revisions of Salary
16 Schedules.--[The] (a) At each annual meeting, the board,
17 subject to limitations imposed by law, shall fix the
18 compensation of all appointed county officers, and the number
19 and compensation of all deputies, assistants, clerks and other
20 persons whose compensation is paid out of the county treasury
21 (except employes of county officers who are paid by fees and not
22 by salary), and of all court criers, tipstaves and other court
23 employes, and of all officers, clerks, stenographers and
24 employes appointed by the judges of any court and who are paid
25 from the county treasury. [Thereupon] Between annual salary
26 board meetings whenever required by any judge, county officer or
27 executive head of any separate board, commission or division
28 whose deputies', assistants', clerks' and employes' numbers or
29 compensation is sought to be fixed, the board shall meet and
30 consider and shall fix and determine the same. All salaries

1 fixed under the provisions of this act shall be paid out of the
2 county treasury in the manner provided by law.

3 (b) Upon action by the board in accordance with subsection
4 (a), the number and compensation of all such officers, deputies,
5 assistants, clerks and persons, whether fixed by statute or by
6 any other method, are hereby repealed. In the event that any
7 salary board shall fail to fix the number or compensation of any
8 such officers, deputies, assistants, clerks or other employes as
9 required by this section, the number and compensation shall
10 continue, as fixed by or pursuant to law[, on the effective date
11 of this act,] with like effect as though the same had been so
12 fixed by the board, but the salary board shall have power to fix
13 any such number or compensation at a later time and with like
14 effect.

15 Section 31. Section 1624 of the act is repealed:

16 [Section 1624. Revisions of Salary Schedules.--At each
17 annual meeting, the board shall revise the salary schedule so
18 far as it shall deem such action necessary. From time to time
19 between annual meetings, whenever required by any judge, county
20 officer or executive head of any separate board, commission or
21 division, the number or compensation of whose deputies,
22 assistants, clerks and employes is sought to be fixed, the board
23 shall meet and consider and shall fix and determine the same.
24 All salaries fixed under the provisions of this act shall be
25 paid out of the county treasury in the manner provided by law.]

26 Section 32. Section 1625 of the act is amended to read:

27 Section 1625. Procedure and Action of Board.--(a) Except as
28 herein otherwise provided, whenever the board shall consider the
29 number or salaries of the deputies or other employes of any
30 county officer or agency, such officer or the executive head of

1 such agency shall sit as a member of the board, as long as any
2 matter affecting [his] the office or agency is under
3 consideration and no longer.

4 (b) Whenever the board shall consider the number or salaries
5 of the court criers or tipstaves or other court employes, the
6 president judge of the court shall sit as a member of the board,
7 as long as any matter affecting the court criers, tipstaves or
8 employes of [his] the court is under consideration and no
9 longer.

10 (c) (1) Whenever the board shall consider the number or
11 salaries of the officers or employes appointed by any judge of
12 any court, such judge shall sit as a member of the board, as
13 long as any matter affecting any of [his] the judge's appointees
14 is under consideration and no longer.

15 (2) In counties of the second class A, whenever the board
16 shall consider the number or salaries of the employes of the
17 prison board, the president judge of the court of common pleas
18 shall sit as a member of the board, and the board so constituted
19 shall fix the number and salaries of such employes,
20 notwithstanding any general, local or special law to the
21 contrary.

22 (d) The decision of a majority shall govern. Each board
23 shall keep a correct minute book of its proceedings in all cases
24 heard and determined by it. Such minute book shall be a public
25 record.

26 Section 33. Subdivision (c) of Article XVI of the act is
27 repealed:

28 [(c) Payment of Solicitors Appointed by County Officers

29 Section 1630. Compensation of Solicitors Appointed by County
30 Officers.--The county commissioners may appropriate money for

1 the payment of any solicitor appointed pursuant to this act by a
2 county treasurer, sheriff, prothonotary, register of wills,
3 recorder of deeds, clerk of courts, coroner, a clerk of orphans'
4 court or the county controller or the county auditors.]

5 Section 34. Sections 1701.1, 1702, 1703, 1704, 1705, 1706
6 and 1720 of the act are amended to read:

7 Section 1701.1. Billing and Collection of Third, Fourth,
8 Fifth, Sixth, Seventh and Eighth Class County Taxes.--(a) The
9 county commissioners of each county of the third, fourth, fifth,
10 sixth, seventh and eighth class may, by resolution, provide for
11 the billing and collecting [by the county treasurer] of all
12 county and county institution district taxes levied within a
13 third class city [by the authorities empowered to levy such
14 taxes.] and may, in the resolution, vest the county treasurer
15 with the duties and responsibilities of billing and collecting
16 all the taxes. The resolution shall be adopted by the county and
17 the city treasurer shall be notified of adoption of the
18 resolution no later than the first day for the circulation of
19 nomination petitions for the office of tax collector within the
20 county and shall take effect upon the first day of the next
21 succeeding term of office of tax collector following adoption of
22 the resolution.

23 (a.1) The county commissioners of each county of the third,
24 fourth, fifth, sixth, seventh and eighth class may, by
25 resolution, provide for the billing and collection of all county
26 taxes in municipalities existing or organized under [the] 53
27 Pa.C.S. Pt. III Subpt. E (relating to home rule and optional
28 plan government) or under the former act of April 13, 1972
29 (P.L.184, No.62), known as the "Home Rule Charter and Optional
30 Plans Law," that have eliminated the elective office of tax

1 collector, by the authorities empowered to levy such taxes[.],
2 and by resolution, vest in the county treasurer the duties and
3 responsibilities of billing and collecting county taxes in those
4 municipalities.

5 [(b) In counties of the third, fourth, fifth, sixth, seventh
6 and eighth class, the county commissioners may provide, by
7 resolution, for the billing and collection of all county and
8 county institution district taxes levied in third class cities.
9 The county commissioners shall have the power and authority by
10 resolution, to vest in the county treasurer the duties and
11 responsibilities of billing and collecting county and county
12 institution district taxes in third class cities. The resolution
13 shall be adopted by the county no later than the first day for
14 the circulation of nomination petitions for the office of tax
15 collector within the county and shall take effect upon the first
16 day of the next succeeding term of office of tax collector
17 following adoption of the resolution.]

18 (b.1) In counties of the third, fourth, fifth, sixth,
19 seventh and eighth class in which the county commissioners
20 provide, by resolution, for the billing and collection of all
21 county taxes levied in municipalities existing and organized
22 under the "Home Rule Charter and Optional Plans Law," that have
23 eliminated the elective office of tax collector, the county
24 commissioners shall have the power and authority, by resolution,
25 to vest in the county treasurer the duties and responsibilities
26 of billing and collecting county taxes.]

27 (b.2) Notwithstanding any law to the contrary, if, as a
28 result of a vacancy in the office of elected tax collector in a
29 municipality within a county of the third, fourth, fifth, sixth,
30 seventh or eighth class, an employe or paid official of the

1 municipality is appointed or directed by the governing body of
2 the municipality to assume the duties of tax collector, the
3 county commissioners may, by resolution, provide, until a
4 successor tax collector is elected in accordance with law, for
5 the following:

6 (1) the county treasurer to have the duties and
7 responsibilities of billing and collecting all county and county
8 institution district taxes levied within the municipality;

9 (2) payment to the municipality, rather than the employe or
10 paid official appointed or directed by the governing body of the
11 municipality to assume the duties of tax collector, the
12 compensation that otherwise would be attributable to the billing
13 and collecting of county and county institution district taxes
14 levied within the municipality; or

15 (3) an agreement with the tax collector in an adjoining or
16 conveniently located municipality to assume the duties of the
17 tax collector and receive the compensation that otherwise would
18 be attributable to the billing and collecting of county and
19 county institution district taxes levied within the
20 municipality.

21 (b.3) Notwithstanding any law to the contrary, if, as a
22 result of a vacancy in the office of elected tax collector in a
23 municipality, the county treasurer has been appointed or
24 directed by the county commissioners to bill and collect all
25 county and county institution district taxes within the
26 municipality, the governing body of the municipality and the
27 county commissioners may by agreement provide that the county
28 treasurer shall have the duties and responsibilities of billing
29 and collecting all taxes levied by the municipality in
30 accordance with section 4.4 of the act of May 25, 1945

1 (P.L.1050, No.394), known as the "Local Tax Collection Law."

2 (c) The county commissioners may appoint such other employes
3 as may be necessary to carry out the provisions of this section.

4 (d) [The] Except as may otherwise be provided in the "Local
5 Tax Collection Law," the compensation of personnel and other
6 expenses of billing and collecting county and institution
7 district taxes pursuant to this section shall be paid out of the
8 general fund in the county treasury. The compensation and number
9 of such employes other than the county treasurer shall be
10 governed by the provisions of this act relating to the county
11 salary board. If the county treasurer is designated as the
12 collector of the county and county institution district taxes
13 [he] that person shall not receive added compensation for
14 performing such functions.

15 (e) The treasurer shall be governed by the provisions of
16 [the act of May 25, 1945 (P.L.1050) known as] the "Local Tax
17 Collection Law" and its amendments.

18 Section 1702. Functions of the Controller.--(a) (1)
19 Subject to the power and duty of the county commissioners to
20 manage and administer the fiscal affairs of the county, the
21 controller shall supervise the fiscal affairs of the county
22 including the related accounts and official acts [relating
23 thereto] of all officers or other persons who shall collect,
24 receive, hold or disburse, or be charged with the management or
25 custody of, the public assets of the county. [The discretionary
26 powers of the controller shall not be applicable to the
27 management of the fiscal policies of the county commissioners,
28 or to matters not involving the accounts and transactions of
29 officers or other persons of the county.] The discretionary
30 powers of the controller shall be applicable to matters or

1 official acts involving the accounts and transactions of
2 officers or other persons of the county including those
3 indicated in section 1705. The discretionary policies of the
4 controller shall not be applicable to the establishment and
5 adoption of the fiscal policies of the county commissioners.

6 (2) The controller may only refuse to authorize any fiscal
7 transaction which is, by law, subject to his or her supervision
8 or control where it appears that such transaction is not
9 authorized by law, or has not been undertaken according to law,
10 or has not received approval according to law, or as to which
11 [he] the controller desires upon reasonable grounds to
12 investigate for or has already discovered any fraud, flagrant
13 abuse of public office or any criminal act or neglect of any
14 officer or other person of the county relating to their public
15 accounts and transactions. [He] The controller may at any time
16 require from any such officers or other persons, in writing, an
17 account of all assets which may have come into their control.
18 Immediately, on the discovery of any default or delinquency,
19 [he] the controller shall report the same to the commissioners
20 and to the district attorney of the county for such prosecution
21 as may be warranted, and shall take immediate measures to secure
22 the public assets.

23 (b) Pursuant to subsection (a), the county commissioners
24 [may], for the purpose of meeting Federal or State requirements,
25 may issue a request for proposals for and contract with [or
26 employ] an independent certified public accountant or employ a
27 public accountant for the purpose of preparing or conducting a
28 report or audit of the fiscal affairs of the county, independent
29 of and/or in addition to, that conducted by the county
30 controller or auditors. [Such contracts shall be discussed with

1 the controller prior to execution, and the] The controller shall
2 be afforded an opportunity to comment[.] on the request for
3 proposals prior to issuance and the contract prior to execution.
4 The contracts shall supplement, but not replace, the official
5 acts and audits of the controller.

6 Section 1703. Accounts of Officers.--The controller shall
7 furnish the commissioners of the county, whenever required by
8 them, a detailed account of any officer or other person having
9 in [his] that individual's possession or under [his] that
10 individual's control funds belonging to the county, and shall,
11 during regular office hours, give information respecting any of
12 said accounts to any taxpayer of the county demanding the same.

13 [He] The controller shall have power and authority to require
14 each and every county officer to make a quarterly statement with
15 respect to moneys in [his] the officer's possession or control
16 as a county officer, showing the amount of cash on hand and the
17 amount deposited in banks, banking institutions and trust
18 companies, together with the names of such institutions. [He]
19 The controller shall have power to examine every such account of
20 a county officer in any bank, banking institution or trust
21 company, to verify the accuracy of the statement of such county
22 officer. It shall be the duty of every such bank, banking
23 institution or trust company, its officers and agents, to
24 furnish full information to the controller in relation to the
25 account of such county officer. No bank, banking institution or
26 trust company, its officers or agents, shall be subject to
27 prosecution under other laws of this Commonwealth for disclosing
28 any such information with respect to any account of a county
29 officer.

30 Section 1704. Custody of Documents.--The controller shall

1 have [the] custody of and retain in original or other acceptable
2 form, as provided in the most recent edition of the County
3 Records Manual issued for the County Records Committee by the
4 Pennsylvania Historical and Museum Commission, all title deeds
5 to real estate owned by the county, and [of] all executed
6 contracts entered into by or on behalf of the county, and [of
7 all books, documents and papers] all records relating to its
8 financial affairs, and [of] all bonds and other obligations
9 issued by [said] the county, when paid. Such bonds and other
10 obligations, when so paid, shall be [distinctly cancelled]
11 monitored by the controller [and carefully and regularly filed,
12 a register], a ledger of which [cancellation] shall be [kept]
13 maintained by him or her in a book [to be provided for that
14 purpose.] or an electronic file dedicated for that purpose and
15 retained according to the most recent edition of the County
16 Records Manual.

17 Section 1705. [Books of Fiscal Affairs] Financial Records.--
18 The controller shall [keep] maintain a full and regular set of
19 [books] financial records, including the general ledger, in
20 electronic form or otherwise, which support financial statements
21 in accordance with generally accepted accounting principles of
22 all the fiscal operations of the county, embracing as many
23 accounts, under appropriate titles, as may be necessary to meet
24 Federal and State reporting requirements and to show distinctly
25 and separately all the property of the county, its revenue and
26 expenditures, and all debts and accounts due by the county
27 officers or others, and the amount raised from each source of
28 revenue, and the expenditures in detail, and classified by
29 reference to the objects thereof. [He] The controller shall
30 [prescribe] select and administer the form and manner of

1 [keeping] maintaining the official [books and papers] financial
2 records in connection with the fiscal affairs of the county.
3 Where the controller prescribes a change in the form and manner
4 of [keeping] maintaining the official [books and papers]
5 financial records, any costs necessary for implementation shall
6 be subject to the approval of the county commissioners. In
7 counties without a controller, the requirements of this section
8 shall be fulfilled by the office of the county commissioners.

9 Section 1706. Investment of Funds.--(a) [The] (1) In
10 counties of the second class A, the county treasurer shall have
11 the power, subject to subsection (b)(1) and any conditions and
12 limitations in this article, to invest and reinvest the moneys
13 of the general fund and special funds as shall have accumulated
14 beyond the ordinary needs of said various funds, and which are
15 not authorized by law to be invested by any board, commission or
16 county officer, consistent with sound business practice,
17 subject, however, to the exercise of that degree of judgment,
18 skill and care under the circumstances then prevailing which
19 persons of prudence, discretion and intelligence, who are
20 familiar with the matters, exercise in the management of their
21 own affairs not in regard to speculation, but in regard to the
22 permanent disposition of the funds, considering the probable
23 income to be derived therefrom as well as the probable safety of
24 their capital.

25 (2) In counties of the third, fourth, fifth, sixth, seventh,
26 or eighth class, the county commissioners (or any individual
27 other than the commissioners who serves in an elective county
28 office, as to such moneys not otherwise required by law to be
29 invested that [his] the individual's office is required to
30 collect, administer or disburse) shall invest such moneys

1 consistent with sound business practice, subject, however, to
2 the exercise of that degree of judgment, skill and care under
3 the circumstances then prevailing which persons of prudence,
4 discretion and intelligence, who are familiar with such matters,
5 exercise in the management of their own affairs not in regard to
6 speculation, but in regard to the permanent disposition of the
7 funds, considering the probable income to be derived therefrom
8 as well as the probable safety of their capital.

9 (b) [The] (1) In counties of the second class A, a board of
10 investment is hereby created. The board shall be composed of the
11 treasurer, who shall chair the board, the chairperson of the
12 county commissioners and the controller. The board shall provide
13 for an investment program, including temporary investments,
14 subject to restrictions contained in this act, and in any other
15 applicable statute and any rules and regulations adopted by the
16 board. County boards, commissions or other county officers
17 authorized to make investments under subsection (a)(1) shall
18 make investments in conformity with the board's investment
19 program.

20 (2) In counties of the third, fourth, fifth, sixth, seventh,
21 or eighth class, the commissioners shall provide for an
22 investment program, including temporary investments, subject to
23 restrictions contained in this act and in any other applicable
24 statute and any rules and regulations adopted by the
25 commissioners. Other elective officials authorized to make
26 investments under subsection [(a)] (a)(2) shall make investments
27 in conformity with the commissioners investment program.

28 (c) Authorized types of investments or financial products
29 for such moneys [shall be:], in addition to those authorized
30 under the act of July 25, 1973 (P.L.217, No.53), entitled "An

1 act authorizing cities of the first class and second class to
2 invest all funds received and deposited with the city treasurer
3 in certain commercial paper under certain terms and conditions;
4 and providing for investment of public corporation or municipal
5 authority funds," shall be:

6 [(1) United States Treasury bills.

7 (2) Short-term obligations of the United States Government
8 or its agencies or instrumentalities.

9 (3) Deposits in savings accounts or time deposits, other
10 than certificates of deposit, or share accounts of institutions
11 having their principal place of business in the Commonwealth and
12 insured by the Federal Deposit Insurance Corporation or the
13 Federal Savings and Loan Insurance Corporation or the National
14 Credit Union Share Insurance Fund or the Pennsylvania Deposit
15 Insurance Corporation or the Pennsylvania Savings Association
16 Insurance Corporation to the extent that such accounts are so
17 insured, and, for any amounts above the insured maximum,
18 provided that approved collateral as provided by law therefore
19 shall be pledged by the depository.

20 (4) Obligations of the United States of America or any of
21 its agencies or instrumentalities backed by the full faith and
22 credit of the United States of America, the Commonwealth of
23 Pennsylvania or any of its agencies or instrumentalities backed
24 by the full faith and credit of the Commonwealth, or of any
25 political subdivision of the Commonwealth of Pennsylvania or any
26 of its agencies or instrumentalities backed by the full faith
27 and credit of the political subdivision.

28 (5) Shares of an investment company registered under the
29 Investment Company Act of 1940, whose shares are registered
30 under the Securities Act of 1933, provided that the only

1 investments of that company are in the authorized investments
2 for county funds listed in clauses (1) through (4).

3 (6) Certificates of deposit purchased from institutions
4 having their principal place of business in the Commonwealth and
5 insured by the Federal Deposit Insurance Corporation or the
6 Federal Savings and Loan Insurance Corporation or the National
7 Credit Union Share Insurance Fund or the Pennsylvania Deposit
8 Insurance Corporation or the Pennsylvania Savings Association
9 Insurance Corporation to the extent that such accounts are so
10 insured, however, for any amounts above the insured maximum,
11 such certificates of deposit shall be collateralized by a pledge
12 or assignment of assets of the institution, and such collateral
13 may include loans (including interest in pools of loans) secured
14 by first mortgage liens on real property. Certificates of
15 deposit purchased from commercial banks shall be limited to an
16 amount equal to twenty per centum of a bank's total capital and
17 surplus. Certificates of deposit purchased from savings and loan
18 associations or savings banks shall be limited to an amount
19 equal to twenty per centum of an institutions assets minus
20 liabilities.

21 (7) Certificates of deposit purchased from institutions
22 having their principal place of business outside the
23 Commonwealth and insured by the Federal Deposit Insurance
24 Corporation or the Federal Savings and Loan Insurance
25 Corporation or the National Credit Union Share Insurance Fund to
26 the extent that such accounts are so insured, and, for any
27 amounts above the insured maximum, provided that approved
28 collateral as provided by law therefore shall be pledged by the
29 depository. Certificates of deposit purchased from commercial
30 banks shall be limited to an amount equal to twenty per centum

1 of a bank's total capital and surplus. Certificates of deposit
2 purchased from savings and loan associations or savings banks
3 shall be limited to an amount equal to twenty per centum of an
4 institution's assets minus liabilities.

5 (8) Any investment authorized by 20 Pa.C.S. Ch. 73 (relating
6 to fiduciaries investments) shall be an authorized investment
7 for any pension or retirement fund.

8 (9) "Commercial paper" and "prime commercial paper" as
9 provided for in subsection (d).]

10 (10) Obligations of the United States of America or any of
11 its agencies or instrumentalities backed by the full faith and
12 credit of the United States of America including United States
13 Treasury bills, of the Commonwealth of Pennsylvania or any of
14 its agencies or instrumentalities backed by the full faith and
15 credit of the Commonwealth, or of any political subdivision of
16 the Commonwealth of Pennsylvania or any of its agencies or
17 instrumentalities backed by the full faith and credit of the
18 political subdivision.

19 (11) Deposits in savings accounts or time deposits, other
20 than certificates of deposit, or share accounts of institutions
21 insured by the Federal Deposit Insurance Corporation or the
22 National Credit Union Share Insurance Fund to the extent that
23 the accounts are so insured, and, for any amounts above the
24 insured maximum, provided that approved collateral as provided
25 by law therefore shall be pledged by the depository. The
26 deposits are differentiated from savings or demand deposits as
27 authorized by the act of July 25, 1973 (P.L.217, No.53).

28 (12) Shares of an investment company registered under the
29 Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1
30 et seq.), whose shares are registered under the Securities Act

1 of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.), if the only
2 investments of the company are in the authorized investments for
3 county funds in paragraphs (10) and (11) and:

4 (i) The investment company is managed in accordance with 17
5 CFR 270.2a-7 (relating to money market funds).

6 (ii) The investment company is rated in the highest category
7 by a nationally recognized rating agency.

8 (13) Certificates of deposit purchased from institutions
9 insured by the Federal Deposit Insurance Corporation or the
10 National Credit Union Share Insurance Fund to the extent that
11 the accounts are so insured, and, for any amounts above the
12 insured maximum, provided that approved collateral as provided
13 by law therefore shall be pledged by the depository. In addition
14 to the collateralization requirements, the following limitations
15 shall apply:

16 (i) Certificates of deposit purchased from commercial banks
17 shall be limited to an amount equal to twenty per centum of a
18 bank's total capital and surplus.

19 (ii) Certificates of deposit purchased from savings and loan
20 associations or savings banks shall be limited to an amount
21 equal to twenty per centum of an institution's assets minus
22 liabilities.

23 (14) Any investment authorized by 20 Pa.C.S. Ch. 73
24 (relating to municipalities investments) shall be an authorized
25 investment for any pension or retirement fund.

26 [(d) As used herein "commercial paper" shall mean unsecured
27 promissory notes issued at a discount from par by any
28 industrial, common carrier, public utility or finance company
29 and "prime commercial paper" shall mean notes issued by
30 corporations whose credit has been approved by the National

1 Credit Office, Incorporated, New York, or its successor. The
2 treasurer shall have obtained the following prior to any
3 commitment to purchase commercial paper:

4 (1) A certification or other evidence that such commercial
5 paper is rated prime by the National Credit Office,
6 Incorporated.

7 (2) A certification or other evidence that the paper
8 proposed to be delivered is not subordinate to any other debt of
9 the issuer.

10 (3) A certificate or other evidence that there is no
11 litigation pending or threatened affecting said paper.

12 (4) A certificate or other evidence that the issuer is not
13 in default as to the payment of principal and interest upon any
14 of its outstanding obligations.

15 (5) A certificate or other evidence that the issuer was
16 incorporated within the United States, is transacting business
17 within the United States, and has assets of one billion dollars
18 (\$1,000,000,000) or more, or is a wholly owned subsidiary of a
19 Pennsylvania corporation having assets of one billion dollars
20 (\$1,000,000,000) or more.

21 (6) The treasurer shall not, at any time, have invested in
22 prime commercial paper more than an aggregate of such total sum
23 as the board shall have prescribed.]

24 (d.1) Officials, as authorized in subsection (a)(1) or (2),
25 shall not, at any time, have invested in negotiable certificates
26 of deposit, bankers' acceptances or commercial paper,
27 respectively, as authorized by the act of July 25, 1973
28 (P.L.217, No.53), more than an aggregate of the total sum as the
29 investment policy of the board of investment or the board of
30 commissioners shall have prescribed.

1 (e) [In] Officials making investments of county funds, [the
2 commissioners (or other elected officials when authorized as
3 provided in subsection (a))] as authorized in subsection (a)(1)
4 or (2), shall have authority:

5 (1) To permit assets pledged as collateral under subsection
6 [(c)(3)] (c)(11), to be pooled in accordance with the act of
7 August 6, 1971 (P.L.281, No.72), entitled "An act standardizing
8 the procedures for pledges of assets to secure deposits of
9 public funds with banking institutions pursuant to other laws;
10 establishing a standard rule for the types, amounts and
11 valuations of assets eligible to be used as collateral for
12 deposits of public funds; permitting assets to be pledged
13 against deposits on a pooled basis; and authorizing the
14 appointment of custodians to act as pledgees of assets,"
15 relating to pledges of assets to secure deposits of public
16 funds.

17 (2) To combine moneys from more than one fund under county
18 control for the purchase of a single investment, provided that
19 each of the funds combined for the purpose shall be accounted
20 for separately in all respects and that the earnings from the
21 investment are separately and individually computed and recorded
22 and credited to the accounts from which the investment was
23 purchased.

24 (3) To join with one or more other political subdivisions
25 and municipal authorities in accordance with 53 Pa.C.S. Ch. 23
26 Subch. A (relating to intergovernmental cooperation) in the
27 purchase of a single investment, provided that the requirements
28 of clause (2) on separate accounting of individual funds and
29 separate computation, recording and crediting of the earnings
30 therefrom are adhered to.

1 (4) To join with the Commonwealth, political subdivision or
2 redevelopment authority in the purchase of real estate for the
3 purposes of community and economic development.

4 (5) To grant funds to the Commonwealth, political
5 subdivision or redevelopment authority for the purposes of
6 supporting community and economic development projects.

7 (f) All income earned on any of the investments shall inure
8 to the benefit of the county and shall be placed in the general
9 fund except as otherwise directed by the commissioners or
10 restricted by law.

11 Section 1720. Controller's or Auditors' Settlement of
12 Accounts; Report to Common Pleas; Publications; Financial Report
13 to Department of Community and Economic Development.--(a) The
14 controller or auditors, as may be the case, shall, at the end of
15 each fiscal year, complete the audit, settlement and adjustment
16 of the accounts of all county officers. [He] The controller or
17 auditors shall, before the first day of July in every year, make
18 a report, verified by oath or affirmation, to the [Court of
19 Common Pleas of said county] county court of common pleas,
20 unless upon due cause shown the court shall grant an extension
21 of time, of all receipts and expenditures of the county for the
22 preceding year, in detail, and classified by reference to the
23 object thereof, together with a full statement of the financial
24 conditions of the county. [A concise summary of this report]

25 (b) Within ten days after making a report to the court of
26 common pleas, notice that the report is available for public
27 inspection shall [thereupon] be published one time in [such
28 newspapers published in said] at least one newspaper of general
29 circulation in the county as the controller or auditors may
30 direct and shall be posted on the official publicly accessible

1 Internet website of the county, but the aggregate cost [thereof]
2 of newspaper publication shall not exceed fifteen hundred
3 dollars (\$1500) in any one year in any county, to be paid for
4 out of the county treasury. The entire report, which shall
5 include a concise summary, shall be available for public
6 inspection in the office of the controller or auditors during
7 regular business hours and on the official publicly accessible
8 Internet website of the county. Such report may also be
9 published in printed pamphlets at the cost of the county, the
10 number and cost of such pamphlets to be determined by the
11 controller or auditors and the county commissioners with
12 consideration of current budget allocations.

13 (c) The controller shall also, [before the first day of
14 July,] on or before the date required by section 123 of the act
15 of July 10, 1987 (P.L.246, No.47), known as the Municipalities
16 Financial Recovery Act, or the first of July, whichever is
17 first, make an annual report to the Department of Community and
18 Economic Development of the financial condition of the county,
19 on forms furnished by the Secretary of Community and Economic
20 Development[, and subject to the penalties provided in section
21 one thousand seven hundred twenty-one of this act for auditors
22 refusing or neglecting to make similar reports. Within the
23 summary of the auditor's or controller's report, there shall be
24 a notice to the public that the entire text of the report shall
25 be available for public inspection during regular business hours
26 in the office of the auditor or controller.]_.

27 (d) Any controller or auditors refusing or neglecting to
28 file a report with the Department of Community and Economic
29 Development as required by this section shall, upon conviction
30 in a summary proceeding brought at the instance of the

1 department, be sentenced to pay a fine of five dollars (\$5) for
2 each day's delay beyond said first day of July and costs. All
3 finances recovered shall be for the use of the Commonwealth.

4 Section 35. The act is amended by adding a section to read:

5 Section 1720.1. Audit of Additional Accounts.--(a) It shall
6 be the duty of the controller or county auditors to audit,
7 settle and adjust the accounts of:

8 (1) Every parole and probation officer, appointed by the
9 court under law, who shall receive from any person money paid
10 under any order, sentence or judgment of any court, and to
11 report the results of the audits to the court which has
12 appointed the officer.

13 (2) Any money appropriated by the county to units of the
14 National Guard.

15 (3) Each magistrate or district justice within the county
16 and report the results of the audits to the county
17 commissioners, the Auditor General and to the governing body of
18 each political subdivision which is entitled or has a right to
19 receive any money or funds collected by a magistrate or district
20 justice.

21 (4) The treasurer of the county with the State Treasury, and
22 each of the other officers in the county receiving money for the
23 use of the Commonwealth, as may be referred to them by the
24 Auditor General or the Department of Revenue, and to make a
25 separate report thereof to the court of common pleas, together
26 with a statement of the balances due from or to the treasurer or
27 other officer. A certified copy of the report shall be
28 transmitted to the Auditor General or the Department of Revenue,
29 as the case may be, within ten days after the same is prepared.

30 (5) Other county funds as may be prescribed by law for the

1 controller or county auditors to audit, settle and adjust.

2 (b) All taxes, penalties, fines and costs collected by the
3 county treasurer and belonging to any taxing district shall be
4 entered and carried in the records of the county in the same
5 manner as county money, shall be audited in like manner, and
6 when paid to the taxing district entitled thereto, as provided
7 by law, payments shall be made on voucher checks in the same
8 manner as payments are made of county money.

9 Section 36. Sections 1721, 1722, 1722.1, 1723 and 1724 of
10 the act are repealed:

11 [Section 1721. Audit of Accounts by Auditors; Report to
12 Common Pleas; Publications; Financial Report to Department of
13 Community and Economic Development.--(a) The auditors shall
14 audit, settle and adjust the accounts of all county officers of
15 the county, and make an annual report thereof, on or before the
16 first day of the following July, to the court of common pleas,
17 unless upon due cause shown the court shall grant an extension
18 of time therefor. Said report shall be in detail, showing
19 distinctly and separately all receipts and expenditures of the
20 several offices, and all debts and accounts due, and the amount
21 raised from each source of revenue, and the expenditures in
22 detail and classified by reference to the object thereof,
23 together with a full statement of the financial conditions of
24 the county, and a statement of the balance due from or to such
25 county officers.

26 (b) The auditor's report shall be prepared and within ten
27 days after being filed in the court of common pleas, a concise
28 summary thereof shall be published, once, in at least two
29 newspapers published in said county; or if not more than one
30 newspaper is published in the county, then in such newspaper; or

1 if there be no newspaper published in the county, then in one
2 newspaper of general circulation in said county. The expense of
3 the publication of said summary shall be paid by the county.
4 Within the summary of the auditor's or controller's report,
5 there shall be a notice to the public that the entire text of
6 the report shall be available for public inspection during
7 regular business hours in the office of the auditor or
8 controller.

9 (c) The county auditors shall also make an annual report of
10 the financial condition of the county to the Department of
11 Community and Economic Development, which report shall be signed
12 by a majority of the auditors, and duly verified by the oath or
13 affirmation of one of the auditors. The report shall be
14 presented on a form furnished by the Secretary of Community and
15 Economic Development, and shall be filed on or before the first
16 day of the following July.

17 (d) Any auditors refusing or wilfully neglecting to file the
18 report required by this section shall, upon conviction thereof,
19 in a summary proceeding brought at the instance of the
20 Department of Community and Economic Development, be sentenced
21 to pay a fine of five dollars (\$5) for each day's delay beyond
22 said first day of July, and costs. All fines recovered shall be
23 for the use of the Commonwealth.

24 Section 1722. Audit of the Accounts of Parole and Probation
25 Officers and of Appropriations to National Guard Units.--It
26 shall be the duty of the controller or county auditors to audit,
27 settle and adjust the accounts of every parole and probation
28 officer, appointed by the court pursuant to law, who shall
29 receive from any person or persons moneys paid under any order,
30 sentence or judgment of any court, and to report the results of

1 such audits to the court which shall have appointed such
2 officer. The controller or county auditors shall likewise audit,
3 settle and adjust the accounts of any moneys appropriated by the
4 county to units of the National Guard.

5 Section 1722.1. Audit of Accounts of Minor Judiciary.--The
6 controller or county auditors shall annually audit the accounts
7 of every alderman, magistrate or district justice within the
8 county and report the results of such audits to the county
9 commissioners, the Auditor General and to the governing body of
10 each political subdivision which is entitled or has a right to
11 receive any moneys or funds collected by any such alderman,
12 magistrate or district justice.

13 Section 1723. Accounts and Audits of Moneys Collected for
14 Taxing Units Within the County; Payments.--All taxes, penalties,
15 fines and costs collected by the county treasurer and belonging
16 to any city, borough, township, incorporated town, school
17 district or institution district shall be entered and carried in
18 the books of the county in the same manner as county moneys,
19 shall be audited in like manner, and when paid to the taxing
20 district entitled thereto, as provided by law, such payments
21 shall be made on voucher checks in the same manner as payments
22 are made of county moneys.

23 Section 1724. Audit of Accounts of Commonwealth Moneys.--It
24 shall also be the duty of the controller or auditors to audit,
25 settle and adjust the accounts of the treasurer of the county
26 with the State Treasury, and of each of such other officers in
27 the county receiving money for the use of the Commonwealth, as
28 may be referred to them by the Auditor General or the Department
29 of Revenue, and to make a separate report thereof to the court
30 of common pleas, together with a statement of the balances due

1 from or to such treasurer or other officer. A certified copy of
2 such report shall be transmitted to the Auditor General or
3 Department of Revenue, as the case may be, within ten days after
4 the same is prepared.]

5 Section 37. Sections 1724.1, 1725 and 1727 of the act are
6 amended to read:

7 Section 1724.1. Audit of [Miscellaneous] Insurance and
8 Escrow Accounts.--For the purposes of this act relating to the
9 auditing of accounts and the purchasing of insurance, money held
10 by any county official in escrow shall be deemed the same as
11 county funds or public money.

12 Section 1725. Power of Subpoena and Attachment.--The
13 controller or auditors shall have power to issue subpoenas to
14 obtain the attendance of the officers whose accounts they are
15 required to adjust, their executors and administrators, and of
16 any person whom it may be necessary to examine as witnesses, and
17 to compel their attendance by attachment, in accordance with the
18 Pennsylvania Rules of Civil Procedure, in like manner and to the
19 same extent as any court of common pleas of this [State]
20 Commonwealth may or can do in cases pending before them, and
21 also to compel in like manner the production of all books,
22 vouchers and papers relative to such accounts. Such subpoena
23 [and attachment] shall be served and executed by the sheriff or
24 [coroner] any constable of the county, as the case may require.

25 Section 1727. Refusal to Obey Subpoena or Submit to
26 Examination.--[If any person] A person shall be guilty of a
27 misdemeanor for any of the following:

28 (1) Refusing to appear or produce documents after being
29 served a subpoena in accordance with this article.

30 (2) After appearing before the controller or auditors for

1 examination [shall refuse], refusing to take oath or
2 affirmation[, or after].

3 (3) After having been sworn or affirmed [shall refuse],
4 refusing to [make] answer [to such] questions [as shall be put
5 to him by] of the controller or auditors touching the public
6 accounts or the official conduct of any public officers[, he
7 shall be guilty of a misdemeanor].

8 Section 38. Section 1730 of the act is amended by adding a
9 subsection to read:

10 Section 1730. Filing Reports.--* * *

11 (c) The amount of a balance and of any express surcharge
12 found in a report as provided in subsection (b) shall, if no
13 appeal is taken, or after an appeal has been finally determined
14 in favor of the county or Commonwealth, be entered by the
15 prothonotary as a judgment against the officer. The county or
16 Commonwealth, as the case may be, may execute on a final
17 judgment under this section against the property of the
18 defaulting officer in accordance with law and rule of court.

19 Section 39. Sections 1731, 1733, 1750, 1751, 1752, 1753,
20 1754 and 1760 of the act are amended to read:

21 Section 1731. Appeals from Reports.--(a) An appeal may be
22 taken from such reports to the court of common pleas, either by
23 the Commonwealth, the county or the officer. Such appeal may
24 also be taken by ten or more taxpayers in behalf of the county[,
25 in the manner and subject to the restrictions provided by
26 article twenty-eight of this act].

27 [Such] (b) The appeal shall be entered by the Commonwealth
28 within four months, and by the county [and the officer], the
29 officer or taxpayers within sixty days after the filing of the
30 report. No appeal by officers or taxpayers may be allowed,

1 unless within the time of taking the appeal, the appellant
2 secures a bond in the sum of one thousand dollars (\$1,000) with
3 sufficient surety, to prosecute the appeal and to pay the costs
4 of appeal, in case, if the appellant is a taxpayer, the
5 appellant fails to obtain a final decision more favorable to the
6 Commonwealth or county than that awarded by the auditors, or, in
7 case, if the appellant is an officer, the appellant fails to
8 obtain a final decision more favorable to the officer than that
9 awarded by the auditors. Unless the bond is filed as required
10 under this section, the court of common pleas, upon application,
11 shall set aside the appeal.

12 (c) Upon appeal to the court of common pleas, the controller
13 or auditors shall be required to establish the validity of the
14 surcharge and shall establish the loss sustained to the county.
15 If the surcharge is upheld on appeal to the court of common
16 pleas, the officer so surcharged shall immediately pay the costs
17 and money due to the county, but only to the extent of actual
18 loss.

19 Section 1733. Allowance of [Counsel] Attorney Fees.--[When
20 an appeal is taken from the county auditors' reports or the
21 controller's reports and such appeal results favorably to the
22 appellants in such a manner that money is recovered for any
23 county, the court hearing such appeal shall make an order to pay
24 a counsel fee which it deems just and reasonable to the counsel
25 representing such appeal out of the funds so recovered.]

26 (a) Upon final determination of an appeal taken under
27 section 1731, attorney fees shall be awarded as follows:

28 (1) If in the opinion of the court the final determination
29 is more favorable to the officer involved than that awarded by
30 the controller or auditors, the county shall pay reasonable

1 attorney fees or, under paragraph (3), a portion of reasonable
2 attorney fees incurred by the officer in connection with the
3 surcharge proceeding.

4 (2) In the case of an appeal taken by the Commonwealth, the
5 county or taxpayers, if in the opinion of the court the final
6 determination is more favorable to the Commonwealth or county
7 than that awarded by the controller or auditors, the officer who
8 is the subject of the surcharge proceeding shall pay reasonable
9 attorney fees or, under paragraph (3), a portion of reasonable
10 attorney fees incurred by the Commonwealth, county or taxpayers
11 in connection with the surcharge proceeding.

12 (3) If in the opinion of the court the final determination
13 is in part more favorable to the Commonwealth or county and in
14 part more favorable to the officer involved in the surcharge
15 proceeding than that awarded by the controller or auditors, the
16 court may order the Commonwealth or the county to pay a portion
17 of reasonable attorney fees incurred by the officer in
18 connection with the surcharge proceeding or it may order the
19 officer who is the subject of the surcharge proceeding to pay a
20 portion of reasonable attorney fees incurred by the
21 Commonwealth, county or taxpayer in connection with the
22 surcharge proceeding.

23 (b) The attorney fees in case of appeals involving accounts
24 other than those of county officers shall be allocated in the
25 court's discretion.

26 (c) In adjudications of the official actions of the auditors
27 or controllers other than appeals as provided in section 1731,
28 the court may award reasonable attorney fees to the prevailing
29 party as may be just and equitable. Nothing in this section
30 shall be construed as authorizing personal liability for

1 attorney fees or costs.

2 Section 1750. Claims Against County.--The controller or the
3 county commissioners in counties having no controller shall
4 scrutinize, audit and decide on all bills, claims and demands
5 whatsoever against the county, except such as are otherwise
6 provided for in this subdivision. All persons having such claims
7 shall first present [the same] the claims to the controller or
8 to the county commissioners and, if required, make oath or
9 affirmation before [him or them] the controller or commissioners
10 to the correctness [thereof] of the claims. The controller or
11 the commissioners, as the case may be, may[, if he or they deem
12 it necessary,] require evidence, by oath or affirmation, of the
13 claimant and otherwise that the claim is legally due and that
14 the supplies or services for which payment is claimed have been
15 furnished or performed under legal authority. [He or they] The
16 controller or commissioners may inquire or ascertain whether any
17 officer or agent of the county is interested in the contract
18 under which any claim may arise, or has received or is to
19 receive any commission, consideration or gratuity relating
20 thereto, or whether there has been any evasion of the provisions
21 of this act by making two or more contracts for small amounts
22 which should have been in one. If [he or they] either shall find
23 [that there has been any evasion, or] that any such officer or
24 agent is so interested, [he or they] except as provided under
25 section 1806, or that there has been any evasion, the controller
26 or commissioners shall refuse to approve the claim.

27 Section 1751. Procedure for Approval.--[The] (a) In
28 counties having a controller, the controller shall date, upon
29 receipt, all bills, claims and demands [presented to him] which
30 the controller approves, [which he approves and only for such as

1 he approves,] and shall forward the bills, claims or demands
2 along with checks therefor to the county commissioners for their
3 approval or, if already approved by the commissioners, for their
4 signatures as provided in this section. If the county
5 commissioners approve payment of a bill, claim or demand, at
6 least two commissioners shall sign the check as properly drawn
7 upon the county treasury. In such cases facsimiles of their
8 signatures may be used. The bill, claim or demand shall be
9 returned to the controller for filing in [his] the controller's
10 office and the check shall be forwarded to the county treasurer.
11 The county treasurer shall sign the check as [his] the
12 treasurer's draft upon the county treasury, but [he] the
13 treasurer shall not sign any check not already signed, as herein
14 provided, by the commissioners and the controller. Every check
15 issued shall include reference to its corresponding bill, claim
16 or demand as well as the number or numbers which may be put upon
17 it by the county treasurer. If the county commissioners refuse
18 to approve any bill, claim or demand, they shall return the same
19 together with the check involved to the controller for filing in
20 [his] the controller's office.

21 (b) In counties not having a controller, the county
22 commissioners shall approve each transaction and the check shall
23 be drawn by their chief clerk who shall keep files of the bills,
24 claims or demands involved. At least two commissioners shall
25 sign the checks either personally or by facsimile, and they
26 shall be forwarded, together with a check register or similar
27 description of the corresponding bill, claim or demand providing
28 a clear description of the nature and purpose of the
29 expenditure, to the county treasurer for [his] the treasurer's
30 signature.

1 (c) In all cases the [cancelled] canceled checks or official
2 bank record thereof, shall be filed in the office of the county
3 treasurer, but [he] the treasurer shall transmit, at such times
4 as the controller shall establish, a list of all checks paid
5 from the county treasury and not previously transmitted, along
6 with appropriate identification. The county treasurer and the
7 controller in those counties having a controller are authorized
8 to use a facsimile signature on any check which they are
9 required to sign. Nothing in this section shall preclude the
10 receipt or transfer of funds to or from the county, or payment
11 of a bill, claim or demand, by electronic fund transfer,
12 provided that adequate and recognized fiscal and procedural
13 controls, together with proper system security, are in place.

14 Section 1752. Claims Not Approved by Controller.--If, upon
15 receipt, the controller does not approve a claim, bill or demand
16 [presented to him, he], the controller shall within [thirty]
17 fifteen days forward it to the county commissioners together
18 with [his] notice that [he] the controller has disapproved the
19 claim, bill or demand or is unable to approve the same and [his]
20 the reasons therefor. The county commissioners shall consider
21 the claim, bill or demand and, if they consider that it should
22 be paid by the county, they shall so notify the controller. If
23 the controller thereafter continues to refuse [his] approval no
24 payment shall be made thereon by the county except pursuant to
25 an order of court upon a proper issue thereto directing the
26 controller to approve payment.

27 Section 1753. Reports to Commissioners.--[The] At the request
28 of the commissioners, the controller shall report to the
29 commissioners monthly [or oftener, if required by them,] the
30 amount of outstanding checks registered and the amount of money

1 in the treasury or the amount of any particular unencumbered
2 appropriation items involved.

3 Section 1754. Fees of Witnesses and Jurors.--Fees of jurors
4 and witnesses shall be ascertained by the courts of the county
5 entered upon the records thereof and duly certified by their
6 respective clerks to the commissioners being first sworn to or
7 affirmed before the controller or the chief clerk of the
8 commissioners as the case may be. [The commissioners, then, may
9 draw checks therefor without approval of the controller. The
10 certificates shall be filed with the controller or the
11 commissioners where there is no controller after the checks are
12 issued.]

13 Section 1760. Receipts and Accounts of Money Due County.--
14 The county treasurer shall receive and receipt for all moneys
15 due or accruing to the county. [He] The treasurer shall keep
16 proper accounts of all moneys received and disbursed. [His
17 books] The treasurer's records shall be, at all times during
18 office hours, open to the inspection of the controller and the
19 commissioners, or any of [them] the commissioners in counties
20 having no controller. [He] The treasurer shall issue receipts[,
21 at least in triplicate,] for all moneys received for the county,
22 and shall transmit the duplicate or triplicate thereof daily to
23 the controller, or to the county commissioners in counties
24 having no controller. Said receipts shall be serially numbered,
25 shall indicate the amount of money received, from whom, on what
26 account and the date. [He] The treasurer shall likewise keep
27 daily records of all disbursements from the county treasury, and
28 shall forward daily records thereof to the controller, or the
29 commissioners as the case may be. The controller, or the chief
30 clerk of the commissioners where there is no controller, shall

1 have the right to [a certified daily or monthly deposit slip]
2 review depository account information upon request from the
3 county depository or depositories, without prejudice to the said
4 depositories, of all moneys deposited in the name of the county
5 by the treasurer. In counties having no controller, the
6 treasurer shall render, at least quarterly and oftener, if
7 required, a statement of all moneys received and disbursed since
8 [his] the treasurer's last statement, showing the balance
9 remaining in [his] the accounts and the names of the collectors
10 having arrearages in taxes with the amounts thereof. [He] The
11 treasurer shall state [his] the accounts at the end of each
12 fiscal year, which statement shall be examined by the
13 commissioners and delivered by them to the auditors for
14 settlement.

15 Section 40. Section 1761 of the act is repealed:

16 [Section 1761. Moneys Paid for the Redemption of Unseated
17 Land Sold for Taxes.--The treasurer shall pay over to his
18 successor in office all moneys paid to him for the redemption of
19 unseated land sold for taxes, which have not been called for by
20 the purchasers at treasurer's sale or their legal
21 representatives during the continuance in office of such
22 treasurer. The county controller or auditor shall charge the
23 moneys so received to said treasurer, in the same manner that
24 other money received by him is charged, and the same shall be
25 paid to said purchasers, or their legal representatives when
26 called for, by orders drawn by the commissioners of the county
27 upon the treasurer as in other cases.]

28 Section 41. Sections 1762, 1770, 1770.1 and 1771 of the act
29 are amended to read:

30 Section 1762. Depositories.--(a) The county commissioners

1 together with the county treasurer shall, from time to time,
2 designate, by resolution, a depository or depositories for all
3 county funds to be deposited. Such depository or depositories
4 shall be banks, banking institutions or trust companies, located
5 in the Commonwealth.

6 (b) (1) Depositories so designated shall, upon receipt of
7 notice of their selection as a depository of county funds,
8 [furnish a bond to secure payment of deposits and any interest
9 to the county, secured by a surety company, or by the depositing
10 in escrow of securities to be approved by the county
11 commissioners. The parties may, by agreement, provide for
12 substitution of securities so held in escrow, the securities in
13 every case to be approved by the commissioners. Such bonds shall
14 be in a sum to be fixed by resolution of the county
15 commissioners.] collateralize deposits of public funds in
16 accordance with the act of August 6, 1971 (P.L.281, No.72),
17 entitled "An act standardizing the procedures for pledges of
18 assets to secure deposits of public funds with banking
19 institutions pursuant to other laws; establishing a standard
20 rule for the types, amounts and valuations of assets eligible to
21 be used as collateral for deposits of public funds; permitting
22 assets to be pledged against deposits on a pooled basis; and
23 authorizing the appointment of custodians to act as pledgees of
24 assets," which authorizes financial institutions to pledge
25 collateral in an account in the name of the county, or utilize a
26 letter of credit from the Federal Home Loan Bank, to secure
27 public deposits in excess of Federal Deposit Insurance
28 Corporation insurance limits. The depository shall provide a
29 monthly report within fifteen days after the end of each month
30 to the commissioners in accordance with the reporting

1 requirements in the act of August 6, 1971 (P.L.281, No.72),
2 including the composition of the collateral and related market
3 value.

4 (2) Counties may elect to require that any depositories must
5 pledge collateral in an account in the name of the county to
6 collateralize deposits above the Federal Deposit Insurance
7 Corporation limit. These accounts may be custodied with the
8 depository's trust department or at a third-party financial
9 institution. The arrangement with the depository may be governed
10 by a written agreement, approved by the board of directors or
11 loan committee of the depository, with approval reflected in the
12 minutes of the board or committee, which are kept continuously
13 as an official record of the depository and include the
14 following if collateral is pledged instead of a Federal Home
15 Loan Bank Letter of Credit:

16 (i) Collateral shall be marked to market daily.

17 (ii) Collateral shall be in investments as prescribed in the
18 investment program provided by the board of investment or board
19 of commissioners.

20 (iii) If the financial institution serves as the custodian,
21 the pledged collateral shall be held in a separate account,
22 established under the act of August 6, 1971 (P.L.281, No.72), in
23 the depository's trust department.

24 (iv) The market value of the pledged collateral shall be at
25 least one hundred and two per centum of the county deposits in
26 excess of federally insured limits.

27 (v) A monthly report shall be provided as specified in
28 paragraph (1).

29 (3) The depository shall not be required to [furnish a bond
30 or deposit securities in escrow to] secure payment of deposits

1 and interest insured by the Federal Deposit Insurance
2 Corporation.

3 (c) The county treasurer shall, upon the designation of such
4 depository or depositories, immediately, transfer thereto all
5 county funds to be deposited, and shall, thereafter, keep such
6 deposits solely in such depository or depositories in the name
7 of the county. Withdrawals from such depository shall be only
8 drawn by the treasurer, upon properly authorized checks or by
9 other commercially accepted methods of electronic funds transfer
10 which have been specifically approved by the board of
11 commissioners.

12 (d) Neither county commissioners nor treasurer complying
13 with the provisions of this [section] article, nor their surety
14 or sureties, shall be chargeable with losses of county funds
15 caused by the failure or negligence of such depository or
16 depositories.

17 Section 1770. Tax Levies.--(a) No tax shall be levied on
18 personal property taxable for county purposes where the rate of
19 taxation thereon is fixed by law other than at the rate so
20 fixed. The county commissioners shall fix, by resolution, the
21 rate of taxation for each year.

22 (a.1) The tax levied in counties of the second class A shall
23 be for the purpose of creating a general fund to pay expenses
24 incurred for general county purposes, for the payment of the
25 matters connected with roads under section 2707, for the payment
26 of the matters connected with parks and related matters under
27 section 2507. No tax for general county purposes in any county
28 of the second class A shall in any one year exceed the rate of
29 forty mills on every dollar of the adjusted valuation. The rate
30 of taxation for payment of interest and principal on any

1 indebtedness incurred pursuant to 53 Pa.C.S. Pt. VII Subpt. B
2 (relating to indebtedness and borrowing), or any prior or
3 subsequent act governing the incurrence of indebtedness of the
4 county shall be unlimited. In fixing the rate of taxation, the
5 county commissioners if the rate is fixed in mills, shall also
6 include in the resolution a statement expressing the rate of
7 taxation in dollars and cents on each one hundred dollars of
8 assessed valuation of taxable property.

9 (a.2) The county commissioners in counties of the second
10 class A shall have the power to levy a tax for institution
11 district purposes and for the payment of the obligations of the
12 predecessor poor districts on real estate, trades, occupations
13 and professions, in the same manner and at the same time as
14 county taxes, annual taxes to pay the current expense of the
15 institution district, none of which shall exceed fifteen mills
16 on the dollar of the last adjusted assessed valuation for county
17 purposes. No tax shall be levied and collected on trades,
18 occupations and professions at the same time a per capita tax on
19 individuals is levied and collected.

20 (b) No tax for general county purposes in [counties] a
21 county of the third, fourth, fifth, sixth, seventh [and] or
22 eighth [classes] class, exclusive of the requirements for the
23 payment of rentals to any municipal authority, shall in any one
24 year exceed the rate of twenty-five mills on every dollar of the
25 adjusted valuation, unless the county commissioners by majority
26 action shall, upon due cause shown by resolution, petition the
27 court of common pleas, in which case the court may order a rate
28 of not more than five mills additional to be levied: Provided,
29 however, That the rate of taxation for payment of interest and
30 principal on any indebtedness incurred [pursuant to the act of

1 July 12, 1972 (P.L.781, No.185), known as the "Local Government
2 Unit Debt Act,"] under 53 Pa.C.S. Pt. VII Subpt. B or any prior
3 or subsequent act governing the incurrence of indebtedness of
4 the county shall be unlimited. Tax for payment of rentals to any
5 municipal authority shall not exceed the rate of ten mills on
6 every dollar of the adjusted valuation and shall be in addition
7 to the twenty-five mill limitation for general county purposes.
8 In fixing the rate of taxation, the county commissioners, if the
9 rate is fixed in mills, shall also include in the resolution a
10 statement expressing the rate of taxation in dollars and cents
11 on each one hundred dollars of assessed valuation of taxable
12 property.

13 (c) In a county of the fourth, fifth, sixth, seventh or
14 eighth class:

15 (1) The rate of taxation fixed for any occupation tax levied
16 by a county [of the fourth, fifth, sixth, seventh or eighth
17 class] shall not in any one year exceed twenty mills. The county
18 commissioners may, by resolution, abolish the levy and
19 collection of occupation taxes for county purposes.

20 (2) The county commissioners [of counties of the fourth,
21 fifth, sixth, seventh and eighth classes] may levy and collect
22 an annual per capita tax on persons for county purposes.

23 (3) Any county [of the fourth, fifth, sixth, seventh or
24 eighth class] which shall become a county of the third class may
25 collect for a period of four years after such status has been
26 certified a per capita tax from any person not in any one year
27 to exceed a total of five dollars (\$5) for county purposes.

28 (d) In a county of the third, fourth, fifth, sixth, seventh
29 or eighth class:

30 (1) No tax shall be levied and collected for county purposes

1 on offices and posts of profits, or on professions, trades and
2 occupations at the same time during which a per capita tax on
3 persons is levied and collected for county purposes.

4 (2) Any per capita taxes levied upon and collected from any
5 person shall not in any one year exceed a total of five dollars
6 (\$5) for county and institution district purposes.

7 (3) Any county may, by ordinance or resolution, exempt any
8 person whose total income from all sources is less than [ten
9 thousand dollars (\$10,000)] the dollar amount per annum as
10 provided in section 301.1(b) of the act of December 31, 1965
11 (P.L.1257, No.511), known as The Local Tax Enabling Act, from
12 any per capita tax levied under this act.

13 Section 1770.1. Additions and Revisions to Duplicates.--
14 Whenever in any county there is any construction of a building
15 or buildings not otherwise exempt as a dwelling after January
16 first of any year, and such building is not included in the tax
17 duplicate of the county, the authority responsible for
18 assessments in the county shall, upon the request of the board
19 of county commissioners, cause to be inspected and reassessed,
20 subject to the right of appeal and adjustment provided by the
21 act of Assembly under which assessments are made, all taxable
22 property in the county to which major improvements have been
23 made after January first, and to give notice of such
24 reassessments [within ten days] in accordance with 53 Pa.C.S. §
25 8841(c) (relating to assessment roll and interim revisions) to
26 the authority responsible for assessments, the county
27 commissioners and the property owner. Such property shall then
28 be added to the duplicate and shall be taxable for county
29 purposes at the reassessed valuation for that proportionate part
30 of the fiscal year of the county remaining after the property

1 was improved. Any improvement made during the month shall be
2 computed as having been made on the first of the month. A
3 certified copy of the additions or revisions to the duplicate
4 shall be furnished by the board of county commissioners to the
5 proper tax collector for the county and, within ten days
6 thereafter, the tax collector shall notify the owner of the
7 property of the taxes due the county.

8 Whenever an assessment is made for a portion of a year as
9 above provided, the same shall be added to the duplicate of the
10 following or succeeding year unless the value of the
11 improvements has already been included in said duplicate.

12 Section 1771. Temporary Loans.--Whenever the funds of a
13 county have been exhausted, the county commissioners may
14 borrow[, on the credit of the county,] money in anticipation of
15 taxes to be collected for the current fiscal year[, and issue a
16 certificate of indebtedness] in accordance with 53 Pa.C.S. Pt.
17 VII, Subpt. B (relating to indebtedness and borrowing), payable
18 on a certain date, not exceeding [one year from the date of
19 issue] the last day of the fiscal year in which the tax
20 anticipation note is issued.

21 Section 42. The act is amended by adding sections to read:

22 Section 1773. Supplemental Appropriations, Transfers of
23 Funds and Appropriation Limits.--(a) The commissioners may:

24 (1) At any time, by resolution, make supplemental
25 appropriations for any lawful purpose from any funds on hand or
26 estimated to be received within the fiscal year and not
27 otherwise appropriated, including the proceeds of any borrowing
28 now or hereafter authorized by law.

29 (2) Authorize the transfer of:

30 (i) Any unencumbered balance of any appropriation item or

1 any portion thereof.

2 (ii) Within the same fund, any unencumbered balance or any
3 portion thereof from one spending agency to another.

4 (3) During the last fifteen days of a fiscal year, authorize
5 the transfer of any unencumbered balance, or any portion
6 thereof, from any county fund to any fund of the institution
7 district, and to reappropriate that money to the institution
8 district.

9 (b) No work shall be hired to be done, no materials
10 purchased, no contracts made and no order issued for the payment
11 of any money by the county commissioners which will cause the
12 sums appropriated to be exceeded.

13 Section 1774. Banks Authorized to Receive Taxes in Counties
14 of the Second Class A.--The county commissioners together with
15 the county treasurer and the county controller in second class A
16 counties shall have authority to designate any bank, savings
17 bank, bank and trust company, trust company or national banking
18 association located within the county as a deputy county tax
19 collector, for the sole purpose of receiving and receipting for
20 county taxes paid to the deputy county tax collector at the
21 collector's place of business. The county tax collector shall
22 not be held responsible for losses occasioned by the failure of
23 any institution, for money received by it as a deputy. Each
24 institution acting as a deputy county tax collector shall,
25 within five days after the last day of each calendar month,
26 transmit to the county tax collector all money received by it as
27 the deputy during the preceding month. Each payment shall be
28 accompanied by an itemized statement showing what taxes have
29 been paid, the dates when paid and by whom they have been paid.
30 An institution shall not be allowed any compensation or

1 commission for acting as a deputy other than expenses actually
2 incurred in transmitting money and records of payments to the
3 county tax collector.

4 Each institution, before entering upon the duties of
5 receiving and receipting for taxes, shall post security in an
6 amount as determined by the commissioners together with the
7 treasurer and the county controller, to ensure the faithful
8 performance of duties and the payment over of all taxes and
9 money received.

10 Section 43. Section 1780 of the act is amended to read:

11 Section 1780. Fiscal Year and [Passage of Budgets]
12 Preparation of Proposed Annual Budget.--(a) The fiscal year of
13 each county shall begin on the first day of January and end on
14 the thirty-first day of December of each year.

15 (a.1) The commissioners, at least ninety days prior to
16 adopting the budget, shall begin the preparation of the proposed
17 budget for the succeeding fiscal year. The budget may be
18 prepared based upon information collected and transmitted by the
19 controller, as under subsection (b), or by the commissioners, a
20 finance department or a designated person employed, and
21 qualified, by the commissioners.

22 (b) At the request of the commissioners, but in no case less
23 than sixty days prior to adoption of the budget by the
24 commissioners, the controller shall prepare and transmit to the
25 commissioners:

26 (1) A comparative statement of revenues for the current and
27 the immediately preceding fiscal year, and a comparative
28 statement of expenditures, including interest due and to fall
29 due on all lawful interest bearing debts of the county for the
30 same years. In counties where the controller is a participant in

1 the development of the budget, the controller shall also include
2 balances projected for the close of the current fiscal year.

3 (2) The amounts of all appropriation requests, submitted to
4 the controller or to the commissioners and supplied by them to
5 the controller, from the several county offices and agencies,
6 including estimates of expenditures contemplated by the
7 commissioners as forwarded by them to the controller.

8 (c) The information requested by the commissioners in
9 accordance with subsection (a.1) or (b) shall be in form and
10 detail as the commissioners direct upon the form or forms
11 furnished, as under this subdivision, by the Department of
12 Community and Economic Development. With this information as a
13 guide, the commissioners shall, within a reasonable time, begin
14 the preparation of a proposed budget for the succeeding fiscal
15 year.

16 Section 44. Section 1781 of the act is repealed:

17 [Section 1781. Preparation of Proposed Annual Budget.--(a)
18 The commissioners, at least ninety days prior to adopting the
19 budget, shall begin the preparation of the proposed budget for
20 the succeeding fiscal year.]

21 (b) At the request of the commissioners, but in no case less
22 than sixty days prior to adoption of the budget by the
23 commissioners, the controller shall transmit to the
24 commissioners a comparative statement of revenues for the
25 current and the immediately preceding fiscal year, and a
26 comparative statement of expenditures, including interest due
27 and to fall due on all lawful interest bearing debts of the
28 county for the same years. In counties where the controller is a
29 participant in the development of the budget, the controller
30 shall also include balances projected for the close of the

1 current fiscal year.

2 (c) The controller's statement shall also indicate the
3 amounts of all appropriation requests, submitted to the
4 controller or to the commissioners and supplied by them to the
5 controller, from the several county offices and agencies,
6 including estimates of expenditures contemplated by the
7 commissioners as forwarded by them to the controller.

8 (d) Said statements shall be in such form and detail as the
9 commissioners direct. With this information as a guide, the
10 commissioners shall, within a reasonable time, begin the
11 preparation of a proposed budget for the succeeding fiscal year.

12 (e) In counties not having a controller, the commissioners
13 shall prepare the statements hereinbefore required.]

14 Section 45. Sections 1782, 1782.1 and 1782.2 of the act are
15 amended to read:

16 Section 1782. Adoption of Budget; Publication of Proposed
17 Budget and Notice of Final Action Date.--(a) The proposed
18 budget shall be prepared and adopted [not later than December
19 thirty-first, and notice thereof shall be published, and the
20 proposed budget shall be made available for public inspection
21 for at least twenty days prior to the date set for adopting the
22 budget. The date set for final action on the budget shall
23 likewise be made a matter of public notice for at least ten days
24 prior thereto.] as follows:

25 (1) The public shall be given notice by publication in one
26 newspaper at least twenty days before the date set for the
27 adoption of the budget that the budget is available for public
28 inspection. The notice shall contain the date set for the
29 adoption of the budget and the manner in which the proposed
30 budget has been made available for public inspection.

1 (2) The budget shall be adopted on or before December 31.

2 (b) [Should it appear upon] If any revision of the proposed
3 budget[,] is made after it has been published, such that the
4 estimated expenditures in the adopted budget would be increased
5 more than ten per centum in the aggregate [or more than twenty-
6 five per centum in any function] over the proposed budget as
7 made available for public inspection, such revised budget shall
8 not be adopted with any such increases therein, unless it be
9 again made available for public inspection, and for protest of
10 such increases, for a period of at least ten days after notice
11 to that effect is published as hereinbefore provided.

12 Section 1782.1. Amending Budget; Notice.--During the month
13 of January next following any municipal election the
14 commissioners [of any county] may amend the budget and the levy
15 and tax rate to conform with its amended budget. [A period of
16 ten days' public inspection at the office of the chief clerk of
17 the proposed amended budget, after notice by the chief clerk to
18 that effect is published once in a newspaper as provided in
19 section 110 of this act, shall intervene between the proposed
20 amended budget and the adoption thereof.] The county shall
21 provide public notice by publication in one newspaper that an
22 amended budget has been proposed and is available for public
23 inspection for a period of ten days at a location specified in
24 the notice. Any amended budget must be adopted by the county
25 commissioners [on or before] after the public inspection period
26 and no later than the fifteenth day of February.

27 No such proposed amended budget shall be revised upward in
28 excess of ten per centum in the aggregate [thereof or as to an
29 individual function in excess of twenty-five per centum of the
30 amount of such individual function in the proposed amended

1 budget].

2 Section 1782.2. Delivery of Tax Duplicates.--(a) The
3 [county] commissioners shall [within thirty days after the
4 adoption of the budget make out] prepare and deliver the
5 duplicates of taxes assessed to the respective tax collectors
6 together with their warrant for the collection of the same at
7 least fifteen days prior to the date of the tax bill.

8 (b) Notwithstanding the provisions of subsection (a), the
9 [county] commissioners shall have the option to make out and
10 deliver the duplicates of taxes assessed to the respective tax
11 collectors together with their warrant for collection of the
12 same no later than the final date for a school district to make
13 out and deliver the duplicates for school real estate taxes
14 under section 682 of the act of March 10, 1949 (P.L.30, No.14),
15 known as the "Public School Code of 1949." The option authorized
16 by this subsection may be exercised only if the county
17 commissioners find that exercise of the option will result in
18 cost savings compared to proceeding under the deadline imposed
19 by subsection (a) and they adopt a resolution that refers to the
20 finding.

21 Section 46. Section 1784 of the act is repealed:

22 [Section 1784. Supplemental Appropriations; Transfers of
23 Funds; Appropriation Limits.--The commissioners may at any time,
24 by resolution, make supplemental appropriations for any lawful
25 purpose from any funds on hand or estimated to be received
26 within the fiscal year and not otherwise appropriated, including
27 the proceeds of any borrowing now or hereafter authorized by
28 law. The commissioners may authorize the transfer of any
29 unencumbered balance of any appropriation item or any portion
30 thereof. During the last fifteen days of any fiscal year, they

1 may authorize the transfer of any unencumbered balance, or any
2 portion thereof, from any county fund to any fund of the
3 institution district, and to reappropriate such moneys to the
4 institution district. No work shall be hired to be done, no
5 materials purchased, no contracts made, and no order issued for
6 the payment of any moneys by the county commissioners, which
7 will cause the sums appropriated to be exceeded.]

8 Section 47. Sections 1784.1, 1784.3, 1785(a), (c) and (e)
9 and 1790 of the act are amended to read:

10 Section 1784.1. Take Money and Property by Gift, Etc.--The
11 [county] commissioners may take by gift, grant, devise or
12 bequest any money or property, real, personal or mixed, for the
13 benefit of the county.

14 Section 1784.3. Operating Reserve Fund.--(a) The county
15 commissioners shall have the power to create and maintain a
16 separate operating reserve fund in order to minimize future
17 revenue shortfalls and deficits, provide greater continuity and
18 predictability in the funding of vital government services,
19 minimize the need to increase taxes to balance the budget in
20 times of fiscal distress, provide the capacity to undertake
21 long-range financial planning and develop fiscal resources to
22 meet long-term needs.

23 (b) The county commissioners may annually make
24 appropriations from the general county fund to the operating
25 reserve fund, but no appropriation shall be made to the
26 operating reserve fund if the effect of the appropriation would
27 cause the fund to exceed [ten] twenty-five per centum of the
28 estimated revenues of the county's general fund in the current
29 fiscal year.

30 (c) The commissioners may at any time, by resolution, make

1 appropriations from the operating reserve fund for the following
2 purposes only:

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

5 (2) to counterbalance potential budget deficits resulting
6 from shortfalls in anticipated revenues or program receipts from
7 whatever source; [or]

8 (2.1) to counterbalance potential budget deficits resulting
9 from increases in anticipated costs of goods or services; or

10 (3) to provide for anticipated operating expenditures
11 related either to the planned growth of existing projects or
12 programs or to the establishment of new projects or programs if
13 for each project or program appropriations have been made and
14 allocated to a separate restricted account established within
15 the operating reserve fund.

16 (d) The operating reserve fund shall be invested, reinvested
17 and administered in a manner consistent with the provisions of
18 section 1706.

19 Section 1785. Committee to Prepare Uniform Forms.--(a) The
20 report forms specified in the foregoing sections of this article
21 shall be prepared by a committee consisting of three
22 representatives from the County Commissioners Association of
23 Pennsylvania, three representatives from the Pennsylvania State
24 Association of County Controllers, three representatives from
25 the Pennsylvania State Association of County Auditors, one
26 certified public accountant, one member of the Senate and one
27 member of the House of Representatives of the General Assembly,
28 who shall be members of the Local Government Commission,
29 designated by the chairman of said commission, and the Secretary
30 of Community and Economic Development or [his] the secretary's

1 agent who shall be a person trained in the field of municipal
2 finance.

3 * * *

4 (c) The committee shall meet at the call of the Secretary of
5 Community and Economic Development or [his] the secretary's
6 agent, who shall serve as chairman of the committee. The
7 Secretary of Community and Economic Development may call
8 meetings of the committee, and shall do so at the request of the
9 secretary of either of said associations, but in every case
10 there shall be at least two weeks' notice to each member of the
11 committee of any such meeting.

12 * * *

13 (e) It shall be the duty of the Secretary of Community and
14 Economic Development or [his] the secretary's agent to see to it
15 that the forms required by this section are prepared in
16 cooperation with said committee. Should said committee for any
17 reason fail to furnish such cooperation, the Secretary of
18 Community and Economic Development or [his] the secretary's
19 agent shall complete the preparation of the forms. After their
20 preparation, [he] the secretary shall issue said forms and
21 distribute them annually, as needed, to the commissioners,
22 controller or auditors of each county.

23 * * *

24 Section 1790. Membership.--In each county there [shall] may
25 be a sinking fund commission, composed of the commissioners, the
26 controller, or auditors in counties not having a controller, and
27 treasurer.

28 Section 48. The act is amended by adding a section to read:

29 Section 1800. Contracting.--The commissioners may make
30 contracts for lawful purposes and for the purposes of carrying

1 into execution the provisions of this article and the laws of
2 this Commonwealth.

3 Section 49. Sections 1801, 1802, 1803, 1805, 1806 and 1807
4 of the act are amended to read:

5 Section 1801. Commissioners Sole Contractors for County
6 Generally.--(a) [The county] In counties of the third, fourth,
7 fifth, sixth, seventh or eighth class, the commissioners shall
8 contract for and purchase all services referred to in section
9 [five hundred eight] 508 and personal property for county
10 officers and agencies. All contracts and purchases not in excess
11 of the base amount of eighteen thousand five hundred dollars
12 (\$18,500), subject to adjustment under subsection (b.1), shall
13 be by note or memorandum, in writing, signed by the [county]
14 commissioners, or their designee. A copy of all [such] notes and
15 memorandums and all executed written contracts, or electronic
16 copies of executed written contracts, shall be filed in the
17 office of the controller, if any, and, if not, then with the
18 chief clerk of the commissioners.

19 (b) [Written] Except as otherwise provided in section
20 1802(h)(4), in the case of counties in the third, fourth, fifth,
21 sixth, seventh or eighth class, written or telephonic price
22 quotations from at least three qualified and responsible
23 contractors shall be requested for all contracts in excess of
24 the base amount of ten thousand dollars (\$10,000), subject to
25 adjustment under subsection (b.1), but are less than the amount
26 requiring advertisement and competitive bidding or, in lieu of
27 price quotations, a memorandum shall be kept on file showing
28 that fewer than three qualified contractors exist in the market
29 area within which it is practicable to obtain quotations. A
30 written record of telephonic price quotations shall be made and

1 shall contain at least the date of the quotation, the name of
2 the contractor and the contractor's representative, the
3 construction, reconstruction, repair, maintenance or work which
4 was the subject of the quotation and the price. Written price
5 quotations, written records of telephonic price quotations and
6 memoranda shall be retained for a period of three years.

7 (b.1) Adjustments to the base amounts specified under
8 subsections (a) and (b) shall be made as follows:

9 (1) The Department of Labor and Industry shall determine the
10 percentage change in the Consumer Price Index for All Urban
11 Consumers: All Items (CPI-U) for the United States City Average
12 as published by the United States Department of Labor, Bureau of
13 Labor Statistics, for the twelve-month period ending September
14 30, 2012, and for each successive twelve-month period
15 thereafter.

16 (2) If the department determines that there is no positive
17 percentage change, then no adjustment to the base amounts shall
18 occur for the relevant time period provided for in this
19 subsection.

20 (3) (i) If the department determines that there is a
21 positive percentage change in the first year that the
22 determination is made under paragraph (1), the positive
23 percentage change shall be multiplied by each base amount, and
24 the products shall be added to the base amounts, respectively,
25 and the sums shall be preliminary adjusted amounts.

26 (ii) The preliminary adjusted amounts shall be rounded to
27 the nearest one hundred dollars (\$100) to determine the final
28 adjusted base amounts for purposes of subsections (a) and (b).

29 (4) In each successive year in which there is a positive
30 percentage change in the CPI-U for the United States City

1 Average, the positive percentage change shall be multiplied by
2 the most recent preliminary adjusted amounts, and the products
3 shall be added to the preliminary adjusted amount of the prior
4 year to calculate the preliminary adjusted amounts for the
5 current year. The sums thereof shall be rounded to the nearest
6 one hundred dollars (\$100) to determine the new final adjusted
7 base amounts for purposes of subsections (a) and (b).

8 (5) The determinations and adjustments required under this
9 subsection shall be made in the period between October 1 and
10 November 15 of the year following the effective date of this
11 subsection and annually between October 1 and November 15 of
12 each year thereafter.

13 (6) The final adjusted base amounts and new final adjusted
14 base amounts obtained under paragraphs (3) and (4) shall become
15 effective January 1 for the calendar year following the year in
16 which the determination required under paragraph (1) is made.

17 (7) The department shall publish notice in the Pennsylvania
18 Bulletin prior to January 1 of each calendar year of the annual
19 percentage change determined under paragraph (1) and the
20 unadjusted or final adjusted base amounts determined under
21 paragraphs (3) and (4) at which competitive bidding is required
22 under subsection (a) and written or telephonic price quotations
23 are required under subsection (b), respectively, for the
24 calendar year beginning the first day of January after
25 publication of the notice. The notice shall include a written
26 and illustrative explanation of the calculations performed by
27 the department in establishing the unadjusted or final adjusted
28 base amounts under this subsection for the ensuing calendar
29 year.

30 (8) The annual increase in the preliminary adjusted base

1 amounts obtained under paragraphs (3) and (4) shall not exceed
2 three per centum.

3 (c) The commissioners shall, where possible, anticipate the
4 needs of the various officers, agencies and operations of the
5 county and endeavor to purchase in wholesale quantities, where
6 practicable and where savings could be achieved thereby. The
7 commissioners may make contracts and purchases for all purposes
8 expressly or impliedly authorized by law.

9 Section 1802. Contract Procedures; Terms and Bonds;
10 Advertising for Bids.--(a) All contracts for services and
11 personal property where the base amount thereof exceeds the sum
12 of eighteen thousand five hundred dollars (\$18,500), subject to
13 adjustment under section 1801(b.1), shall be written and shall,
14 except as otherwise hereinafter specified, be made by
15 advertising for bids.

16 (b) Contracts or purchases in excess of the base amount of
17 eighteen thousand five hundred dollars (\$18,500), subject to
18 adjustment under section 1801(b.1), except those [hereinafter
19 mentioned] specified in subsection (h) and except as provided by
20 the act of October 27, 1979 (P.L.241, No.78), entitled "An act
21 authorizing political subdivisions, municipality authorities and
22 transportation authorities to enter into contracts for the
23 purchase of goods and the sale of real and personal property
24 where no bids are received," shall not be made except with and
25 from the lowest responsible and responsive bidder submitting a
26 bid in conformity with the specifications approved by the board
27 of commissioners for the contract or purchase, after due notice
28 in one newspaper of general circulation, published or
29 circulating in the county, at least two times at intervals of
30 not less than three days where daily newspapers of general

1 circulation are employed for such publication, or in case weekly
2 newspapers are employed then the notice shall be published once
3 a week for two successive weeks. The first advertisement shall
4 be published not less than ten days prior to the date fixed for
5 the opening of bids. The requirements of this subsection need
6 not be followed in cases of emergency, but in such cases the
7 actual emergency shall be declared and stated by resolution of
8 the commissioners.

9 (c) All bids shall be received by the controller, or, in the
10 case of a county of the third, fourth, fifth, sixth, seventh or
11 eighth class, if there be no controller, then by the chief clerk
12 of the [county] commissioners, in sealed envelopes. [Bids]

13 (1) In the case of a county of the second class A, bids
14 shall be opened publicly at a time and place to be designated in
15 the advertisement for bids. All the figures shall be announced
16 publicly by the chief clerk or the chief clerk's designee and
17 referred to the appropriate departments for tabulation without
18 the presence of the commissioners.

19 (2) In the case of a county of the third, fourth, fifth,
20 sixth, seventh or eighth class, bids shall be opened publicly at
21 a time and place specified in the advertisement for bids, in the
22 presence of the controller, or chief clerk as the case may be,
23 by the commissioners or their designee. The controller, or the
24 chief clerk as the case may be, shall keep a record of all such
25 bids [and awards, and the controller shall certify no checks for
26 contracts not made agreeably thereto].

27 (d) The amount or price of the contract shall, in all cases
28 whether of straight sale price, conditional sale, lease, lease
29 purchase or otherwise, be the entire amount which the county
30 pays to the successful bidder, or his assigns, less the value of

1 personal property transferred from the county to the bidder, or
2 his assigns, at any time during the duration of the contract, in
3 order to obtain the services or property, or both, and shall not
4 be construed to mean only the amount which is paid to acquire
5 title, or to receive any other particular benefit or benefits of
6 the whole bargain. The value of personal property transferred to
7 the bidder or his assigns upon execution of the contract shall
8 be specified in the bid. The method of determining the value of
9 personal property transferred to the bidder or his assigns at a
10 time during the duration of the contract shall be specified in
11 the bid and shall be determined using generally accepted
12 valuation methods.

13 (e) The acceptance of bids by advertising required herein
14 shall be made by the [commissioners] controller, in the case of
15 a county of the second class A, or by the commissioners, in the
16 case of a county of the third, fourth, fifth, sixth, seventh or
17 eighth class, and shall only be made by public announcement at
18 the meeting at which bids are opened, or at a subsequent
19 meeting, the time and place of which shall be publicly announced
20 when bids are so opened. If for any reason the award is not made
21 at either of the above meetings, the same business may be
22 transacted at any subsequent meeting, the time and place of
23 which shall have been announced at the previous meeting held for
24 such award. The contract shall be awarded, or all bids shall be
25 rejected, within thirty days of the opening of the bids, except
26 for bids subject to 62 Pa.C.S. (relating to procurement).
27 Thirty-day extensions of the date for the award may be made by
28 the mutual written consent of the commissioners and any bidder
29 who wishes to remain under consideration for award. The
30 commissioners shall excuse from consideration any bidder not

1 wishing to agree to a request for extension of the date for the
2 award and shall release such bidder from any bid bond or similar
3 bid security furnished under subsection (f). All contracts shall
4 be filed with the controller, or with the chief clerk as the
5 case may be, immediately after their execution.

6 (f) The commissioners may require, as a necessary condition
7 of considering a bid, that any bids advertised be accompanied by
8 [cash, by a certified check,] a cashier's check[, bank good
9 faith check] or other irrevocable letter of credit in a
10 reasonable amount drawn upon a bank authorized to do business in
11 this Commonwealth or by a bond with corporate surety in a
12 reasonable amount. [Whenever it is required that a bid be
13 accompanied by cash, certified check, cashier's check, bank good
14 faith check or other irrevocable letter of credit or bond, no
15 bid shall be considered unless so accompanied.] In the event any
16 bidder shall, upon award of the contract to [him] the bidder,
17 fail to comply with the requirements [hereinafter stated] of
18 subsection (g) as to security guaranteeing the performance of
19 the contract, the security furnished under this subsection shall
20 be forfeited to the county as liquidated damages.

21 (g) [The] Whenever a formal bid is required by this article,
22 the successful bidder[, when a formal bid is required herein,]
23 may be required to furnish a bond or irrevocable letter of
24 credit or other security in an amount sufficient to the
25 commissioners guaranteeing performance of the contract within
26 thirty days after the contract has been awarded, unless the
27 commissioners shall prescribe a shorter period. The successful
28 bidder for a contract which involves the construction, erection,
29 installation, completion, alteration, repair of or addition to
30 any public work or improvement of any kind shall furnish

1 security as provided in section 2318 of this act. Performance
2 security for services and contracts for labor and materials
3 delivered on a periodic basis, including, but not limited to,
4 food service contracts, home health services and janitorial
5 services and supplies, may be computed on the expected average
6 value for one or more months at the discretion of the
7 commissioners. Upon failure to furnish such security within the
8 time fixed, the previous awards shall be void. Deliveries,
9 performances and guarantees may be required in all cases of
10 expenditures, including the exceptions [herein] as under
11 subsection (h).

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

15 (1) Those for maintenance, repairs or replacements for
16 water, electric light, or other public works of the county where
17 they do not constitute new additions, extensions or enlargements
18 of existing facilities and equipment. Security may be required
19 by the commissioners as in other cases for work done.

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

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

28 (4) Those involving any policies of insurance or surety
29 company bonds, those made for public utility service and
30 electricity, natural gas or telecommunication services, provided

1 that, in the case of utilities not under tariff with the
2 Pennsylvania Public Utility Commission, contracts made without
3 advertising and bidding shall be made only after receiving
4 written or telephonic price quotations in accordance with the
5 procedures specified in section 1801(b) of this article.

6 (5) Those involving services of members of the medical or
7 legal profession, registered architects, engineers, certified
8 public accountants or other personal services involving
9 professional expertise.

10 (6) Those involving contracts entered into by nonprofit
11 cooperative hospital service associations for hospitals and
12 nursing homes which are part of the institutional district or
13 which are owned by the county, operated by the county or
14 affiliated with the county by the purchasing of, or
15 participating in contracts for, materials, supplies and
16 equipment.

17 (6.1) Those involving tangible client services provided by
18 nonprofit agencies. For the purposes of this clause, the term
19 "tangible client services" shall mean congregate meals, home-
20 delivered meals, transportation or chore services provided
21 through area agencies on aging.

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

- 1 (i) the Federal Government;
- 2 (ii) the Commonwealth of Pennsylvania;
- 3 (iii) any other state;
- 4 (iv) a political subdivision, local or municipal authority,
5 council of government, entity created in accordance with 53
6 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental
7 cooperation) or other similar local entity of the Commonwealth
8 or any other state; or
- 9 (v) an agency of the Federal Government, the Commonwealth or
10 any other state.

11 (7.1) In the case of counties of the second class A, those
12 involving the purchase of milk.

13 (8) Those exclusively involving construction management
14 services.

15 (9) Those involving computer software.

16 (i) Notwithstanding the provisions of this article to the
17 contrary, the [county] commissioners shall have authority to
18 enter into contracts for equipment and services related to
19 technology and information systems on the basis of best value
20 procurement. Contracts under best value procurement shall be
21 made only after the county has solicited proposals based on
22 performance and outcome specifications developed by the county
23 and describing at minimum the objectives to be met by the
24 system, the tasks to be performed by the system, the users of
25 the system, system security issues, the time frame for system
26 implementation, potential operating technologies, compatibility
27 with existing systems, training and maintenance and shall
28 indicate the process by which the contract shall be awarded.
29 Best value procurement shall not require a sealed bid process
30 and shall permit the commissioners to negotiate the terms of the

1 agreement with any responsive and responsible vendor.

2 (j) Every contract subject to this article shall comply, as
3 applicable, with the provisions of [the]:

4 (1) The act of August 15, 1961 (P.L.987, No.442), known as
5 the "Pennsylvania Prevailing Wage Act."

6 (2) The act of December 20, 1967 (P.L.869, No.385), known as
7 the "Public Works Contractors' Bond Law of 1967."

8 (3) The act of January 23, 1974 (P.L.9, No.4), referred to
9 as the Public Contract Bid Withdrawal Law.

10 (4) The act of March 3, 1978 (P.L.6, No.3), known as the
11 "Steel Products Procurement Act[," the act of October 28, 1983
12 (P.L.176, No.45), known as the "Antibid-Rigging Act," the act of
13 December 20, 1967 (P.L.869, No.385), known as the "Public Works
14 Contractors' Bond Law of 1967," the act of August 15, 1961
15 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage
16 Act," the act of November 26, 1978 (P.L.1309, No.317), known as
17 the "Public Works Contract Regulation Law," the act of February
18 17, 1994 (P.L.73, No.7), known as the "Contractor and
19 Subcontractor Payment Act," the act of January 23, 1974 (P.L.9,
20 No.4), referred to as the Public Contract Bid Withdrawal Law,
21 and the act of April 4, 1984 (P.L.193, No.40), known as the
22 "Motor Vehicle Procurement Act]."

23 (5) The act of February 17, 1994 (P.L.73, No.7), known as
24 the "Contractor and Subcontractor Payment Act."

25 (6) 62 Pa.C.S. Chs. 37 Subch. B. (relating to motor
26 vehicles), 39 (relating to contracts for public works) and 45
27 (relating to antibid-rigging).

28 (k) No person, consultant, firm or corporation contracting
29 with a county for purposes of rendering personal or professional
30 services to the county shall share with any county officer or

1 employe and no county officer or employe shall accept, any
2 portion of the compensation or fees paid by the county for the
3 contracted services provided to the county except under the
4 following terms or conditions:

5 (1) Full disclosure of all relevant information regarding
6 the sharing of the compensation or fees shall be made to the
7 board of commissioners.

8 (2) The board of commissioners must approve the sharing of
9 any fee or compensation for personal or professional services
10 prior to the performance of said services.

11 (3) No fee or compensation for personal or professional
12 services may be shared except for work actually performed.

13 (4) No shared fee or compensation for personal or
14 professional services may be paid at a rate in excess of that
15 commensurate for similar personal or professional services.

16 Section 1803. Evasion of Advertising Requirements.--(a) No
17 commissioner or commissioners shall evade the provisions of
18 section one thousand eight hundred two of this act, as to
19 advertising for bids or purchasing or contracting for services
20 and personal properties piece-meal, for the purpose of obtaining
21 prices under the base amount of eighteen thousand five hundred
22 dollars (\$18,500), subject to adjustment under section
23 1801(b.1), upon transactions which should in the exercise of
24 reasonable discretion and prudence be conducted as one
25 transaction amounting to more than the base amount of eighteen
26 thousand five hundred dollars (\$18,500), subject to adjustment
27 under section 1801(b.1). This provision is intended to make
28 unlawful the practice of evading advertising requirements by
29 making a series of purchases or contracts each for less than the
30 advertising requirement price, or by making several simultaneous

1 purchases or contracts each below said price, when in either
2 case the transaction involved should have been made as one
3 transaction for one price. Any [county commissioners]
4 commissioner who so [vote] votes in violation of this provision
5 and who know that the transaction upon which they so vote is or
6 ought to be a part of a larger transaction and that it is being
7 divided in order to evade the requirements as to advertising for
8 bids shall be, jointly and severally, subject to surcharge for
9 any loss sustained. Wherever it shall appear that a commissioner
10 may have voted in violation of this section, but the purchase or
11 contract on which he so voted was not approved by the board of
12 [county] commissioners, this section shall be inapplicable.

13 (b) Any [county] commissioner who votes to unlawfully evade
14 the provisions of section [one thousand eight hundred two] 1802
15 of this act and who knows that the transaction upon which he so
16 votes is or ought to be a part of a larger transaction and that
17 it is being divided in order to evade the requirements as to
18 advertising for bids commits a misdemeanor of the third degree
19 for each contract entered into as a direct result of that vote.
20 This penalty shall be in addition to any surcharge which may be
21 assessed pursuant to subsection (a).

22 Section 1805. Sales of Personal Property and Surplus Farm
23 Products.--(a) No personal property [of the county] and no
24 surplus farm products [of counties of the fourth, fifth, sixth,
25 seventh or eighth classes] of the county shall be disposed of by
26 sale or otherwise, except upon resolution of the commissioners.
27 When the commissioners approve a sale of such property or [in
28 counties of the fourth, fifth, sixth, seventh or eighth classes
29 of] farm products, they shall estimate the sale value of the
30 entire lot to be disposed of, and, if the estimate be less than

1 [one thousand dollars (\$1,000)] two thousand dollars (\$2,000),
2 they shall require notice of the proposed sale to be posted, for
3 at least ten days, in a prominent place in the court house,
4 describing and itemizing the property to be sold, and directing
5 that bids may be made thereon at the office of the chief clerk
6 of the commissioners. Thereafter, the commissioners may sell
7 such property in whole or in part for the best price or prices
8 obtainable.

9 (b) If the commissioners estimate the sale value of the
10 personal property or of such surplus farm products to be sold at
11 [one thousand dollars (\$1,000)] two thousand dollars (\$2,000) or
12 more, the entire lot shall be advertised for sale, once, in at
13 least one newspaper of general circulation in the county, and
14 sale of the property so advertised shall be made to the highest
15 and best bidder. The bids shall not be opened until at least ten
16 days after the said advertisement. The commissioners may sell
17 any such property at auction, but the provisions as to notice
18 contained in this section shall be likewise observed as to the
19 holding of auction sales. The provisions of this section shall
20 not be mandatory where county property is to be traded-in or
21 exchanged for new personal property. The provisions of this
22 section shall not apply to sale of personal property with real
23 property as a single unit pursuant to section 2306.1.

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

1 The record of the electronic auction shall be accessible for
2 public inspection. The purchase price shall be paid by the high
3 bidder immediately or at a reasonable time after the conclusion
4 of the electronic auction as determined by the commissioners. In
5 the event that shipping costs are incurred, the shipping costs
6 shall be paid by the high bidder. A county that has complied
7 with the advertising requirements of this section may provide
8 additional public notice of the sale by bids or public auction
9 in any manner deemed appropriate by the commissioners. The
10 advertisement for electronic auction sales authorized in this
11 subsection shall include the publicly accessible Internet
12 website or means of accessing the electronic auction and the
13 date, time and duration of the electronic auction.

14 Section 1806. County Officers Not to Be Interested in
15 Contracts, Generally.--[Restrictions] (a) Except as provided in
16 subsection (b), restrictions on the involvement of elected and
17 appointed county officers in any county contract shall be as
18 prescribed in 65 Pa.C.S. Ch. 11 (relating to ethics standards
19 and financial disclosure)[.], and subject to the limitations and
20 procedures under section 1802(k).

21 (b) Notwithstanding subsection (a), the following shall
22 apply:

23 (1) It shall be unlawful for any architect or engineer, in
24 the employ of any county of the second class A, and engaged in
25 the preparation of plans, specifications or estimates, to bid or
26 negotiate on any public work at any letting of work by the
27 county, except that an architect or engineer who shall have
28 prepared preliminary plans only shall not be prohibited from
29 bidding or negotiating on the final contract for the work.

30 (2) It shall be unlawful for the officers of any county of

1 the second class A charged with the duty of letting any public
2 work, to award a contract to an architect or engineer, in the
3 employ of the county who is in any way interested in a contract
4 for public work for the county or for any architect or engineer
5 to receive any remuneration or gratuity from any person
6 interested in the contract except under the terms and conditions
7 as provided in section 1802(k).

8 (3) Any person violating any of the provisions of paragraph
9 (1) or (2) shall be guilty of a misdemeanor in office, and upon
10 conviction, shall forfeit the office and be sentenced to pay a
11 fine not exceeding five hundred dollars (\$500), or to undergo
12 imprisonment for not more than six months, or both.

13 Section 1807. Application of Contract Provisions.--The
14 provisions of this article shall apply to all the contractual
15 powers of the [county] commissioners contained in this act, or
16 other laws insofar as they are not inconsistent therewith, and
17 the mention of powers of contract outside this article shall not
18 be construed as being in disregard of the applicable provisions
19 of this article in relation thereto.

20 Section 50. The act is amended by adding sections to read:

21 Section 1807.1. Printing Contracts in Certain Counties.--In
22 counties of the second class A, the commissioners may, by proper
23 resolution, require that printing firms presenting bids for
24 county printing shall establish consideration as responsible
25 bidders by requiring:

26 (1) That the printing firms shall file, with the chief clerk
27 of the commissioners, a sworn statement to the effect that
28 employees, in the employ of the firm or firms which are to
29 produce the printing, are receiving the prevailing wage rate and
30 are working under conditions prevalent in the locality in which

1 the work is produced.

2 (2) That whenever a collective bargaining agreement shall be
3 in effect between an employer and employes who are represented
4 by a responsible organization which is in no way influenced or
5 controlled by the management, the agreement and the provisions
6 of the agreement shall be considered as conditions prevalent in
7 the locality and shall be the minimum requirements for being
8 adjudged a responsible bidder under this act.

9 (3) That in case any dispute arises as to what is the
10 prevailing rate of wages for work applicable to the contract,
11 which cannot be adjusted by the commissioners, the matter shall
12 be referred to the county salary board and the board's decision
13 shall be conclusive.

14 (4) The words "prevailing wage rate," as used in this
15 section, shall be construed to mean at least the minimum wages
16 which are received by employes of any printing firm or firms, in
17 second class A counties, as a result of collective bargaining
18 agreements negotiated by an employer or employers with a
19 responsible organization representing the employes. If the wage
20 rates, so arrived at, vary in any district in a county, then any
21 printing firm which pays wages at least equal to those provided
22 for in any of such agreements, shall, for the purposes of this
23 act, be deemed to be paying the prevailing wage rate.

24 Section 1807.2. Certain Contract Provisions Prohibited.--No
25 political subdivision or authority in a county of the second
26 class A may enter into any contract related to a redevelopment
27 capital assistance project as provided under section 318 of the
28 act of February 9, 1999 (P.L.1, No.1), known as the "Capital
29 Facilities Debt Enabling Act," which contains a provision
30 requiring that a specified percentage of a contracting party's

1 work force be residents of a specific municipality.

2 Section 51. Subdivisions (a), (b) and (c) of Article XIX of
3 the act are repealed:

4 [(a) Appropriations for Military Purposes

5 Section 1901. Appropriation of Money or Land for National
6 Guard Armories.--(a) The board of commissioners may, either
7 independently or in connection with any other county, or with
8 any city, town, borough, or township, provide and appropriate
9 moneys, or convey land to the Commonwealth of Pennsylvania, to
10 assist the Armory Board of the State of Pennsylvania in the
11 erection, wherever deemed most advantageous by the Armory Board,
12 of armories for the use of the National Guard of Pennsylvania.
13 The board of commissioners may acquire land for such purpose,
14 either by purchase, at tax sale, by gift, by the right of
15 eminent domain, or otherwise.

16 (b) The board of commissioners may also furnish water,
17 light, or fuel, either or all free of cost to the Commonwealth
18 of Pennsylvania, for use in any armory of the National Guard and
19 may do all things necessary to accomplish such purpose.

20 Section 1902. Appropriation for Maintenance of National
21 Guard.--(a) The board of commissioners may appropriate,
22 annually, from any moneys in the county treasury, not otherwise
23 appropriated, a sum not exceeding seven hundred and fifty
24 dollars (\$750) for the support and maintenance, discipline and
25 training, of any dismounted company or similar unit of the
26 National Guard, and a sum not to exceed fifteen hundred dollars
27 (\$1500) for the support and maintenance, discipline and
28 training, of any mounted or motorized troop or similar unit of
29 the National Guard. Where such units are organized as a
30 battalion, regiment or similar organization, the total amount

1 due may be paid to the commanding officer of the battalion,
2 regiment or similar organization.

3 (b) Any moneys so appropriated shall be paid by voucher
4 check of the commissioners, drawn to the order of the commanding
5 officer of such company, battalion, regiment or similar
6 organization, only when it shall be certified to the
7 commissioners by the Adjutant General of the State that such
8 unit or units have satisfactorily passed the annual inspection
9 provided by law. The moneys so appropriated shall be used and
10 expended solely and exclusively for the support and maintenance,
11 discipline and training, of the said company, battalion,
12 regiment or similar organization, and the commanding officer
13 shall account, by proper vouchers to the said county each year,
14 for the expenditure of the money so appropriated, and no
15 appropriation shall be made for any subsequent year, until the
16 expenditure of the previous year is duly and satisfactorily
17 accounted for.

18 (c) The accounts of such expenditures shall be subject to
19 the inspection of the Department of Military Affairs, and shall
20 be audited by the auditors, or the controller as the case may
21 be, in the manner provided by law for the audit of accounts of
22 county moneys.

23 Section 1903. Appropriation to Rifle-Clubs in Time of War.--

24 (a) At any time a state of war exists, the board of
25 commissioners may appropriate money to civilian rifle clubs,
26 duly chartered by the National Rifle Association of the United
27 States of America, for the maintenance and rental of rifle-
28 ranges, the employment of competent instructors and necessary
29 employes, and for the equipment and uniforms for the members of
30 such clubs, who volunteer for special military duty in their

1 respective counties, or answer any call of the Governor of the
2 Commonwealth.

3 (b) No moneys shall be appropriated to any such club, unless
4 practice on such rifle-range by the members of the club shall be
5 with the United States Military rifle or arms approved by the
6 State Adjutant General.

7 (b) Burial of Deceased Service Persons
8 and Surviving Spouses

9 Section 1908. Definitions.--(a) The term deceased service
10 person, as used in this subsection, shall mean and include:

11 (1) Any deceased person who, at the time of his or her
12 death, was serving (whether or not in a combat zone) in the
13 Army, Navy, Air Force, Marine Corps, Coast Guard, or any women's
14 organization officially connected therewith, during any war or
15 armed conflict in which the United States has been, is now or
16 shall hereafter be engaged, or who, at the time of his or her
17 death, was serving in a zone where a campaign or state or
18 condition of war or armed conflict then existed, in which the
19 United States was, is or shall be a participant. The existence
20 of a campaign or state or condition of war or armed conflict,
21 and the participation of the United States therein, as well as
22 the fact that the deceased person served in a zone where such
23 campaign or state or condition of war or armed conflict existed,
24 shall, in each case, be established by the records of the
25 Department of Defense of the Federal Government; or

26 (2) Any deceased person, who had so served at any time
27 during his or her life, and whose separation from such service
28 was honorable, whether by discharge or otherwise, or who at the
29 time of his or her death was continuing in such service after
30 the cessation of the war, armed conflict, campaign or state or

1 condition of war during or in which he or she served; or
2 (3) Any deceased person who was in active service in the
3 militia of the State of Pennsylvania under and in pursuance of
4 any proclamation issued by the Governor during the Civil War,
5 who was not duly mustered into the service of the United States,
6 but was honorably discharged or relieved from such service.

7 (b) The term "legal residence" as used in this subsection,
8 shall be construed as synonymous with "domicile" and is hereby
9 defined as actual residence, coupled with intention that it
10 shall be permanent, or a residence presently fixed with no
11 definite intention of changing it, or of returning to a former
12 residence at some future period. Legal residence is to be
13 determined by abode of person and his or her intention to
14 abandon his or her former domicile and establish a new one. The
15 legal residence of a deceased service person shall be prima
16 facia in the county where he or she made his or her abode at the
17 time of his or her death.

18 Section 1909. Funeral Expenses of Deceased Service
19 Persons.--(a) Any county is hereby authorized and directed to
20 contribute the sum of seventy-five dollars (\$75) and may
21 contribute an additional sum of twenty-five dollars (\$25)
22 towards the funeral expenses of each deceased service person in
23 the cases enumerated below, where in each case application
24 therefor is made within one year after the date of his or her
25 death. In the case of any deceased service person who died while
26 in the service, application need not be made within one year
27 after the date of his or her death, but may be made at any time
28 thereafter.

29 (b) Payments shall be made under the following
30 circumstances:

1 (1) Where the deceased service person at the time of his or
2 her death had his or her legal residence in the county, whether
3 or not he or she died in the county, and whether or not he or
4 she was buried in the county. It is hereby declared to be the
5 intent of the General Assembly that every deceased service
6 person having a legal residence in this Commonwealth at the time
7 of his or her death shall be entitled to the benefits of this
8 section, regardless of where he or she may have died or where he
9 or she may be buried, and that the liability therefor shall be
10 on the county, where the deceased service person shall have had
11 his or her legal residence at the time of his or her death.

12 (2) Where the deceased service person died and was buried in
13 the county, but at the time of his or her death did not have
14 legal residence within this Commonwealth, if the county
15 commissioners of the county where he or she died are notified in
16 writing by any organization of veterans that the body is
17 unclaimed by relatives or friends, and upon investigation shall
18 find such condition to exist.

19 (3) Where a deceased service person has died while a member
20 of the Pennsylvania Soldiers' and Sailors' Home at Erie,
21 Pennsylvania, and such home incurs all funeral expenses and
22 buries the soldier in a cemetery in the City of Erie,
23 Pennsylvania, or the home furnishes clothing, casket and
24 shipping case, and ships the body to the county from which he
25 was admitted to the home, the county from which he was admitted
26 shall reimburse and pay to the Pennsylvania Soldiers' and
27 Sailors' Home the amount of seventy-five dollars (\$75) or so
28 much thereof as was actually expended by the home.

29 Section 1910. Burial of Spouses of Deceased Service
30 Persons.--Upon due application and proof, the county is hereby

1 authorized and directed to contribute the sum of seventy-five
2 dollars (\$75) and may contribute an additional sum of twenty-
3 five dollars (\$25) from the county funds towards the funeral
4 expenses of any spouse of any deceased service person, who at
5 the time of his or her death had a legal residence in the
6 county, whether or not he or she died in the county and whether
7 or not he or she was buried in the county. The county shall not
8 contribute any moneys toward the funeral expenses of any spouse
9 of a deceased service person who had remarried after the death
10 of such deceased service person, nor unless application for the
11 payment of such moneys shall be made within one year after the
12 date of the death of such spouse.

13 Section 1911. Payment.--(a) It shall be the duty of the
14 county to cause a voucher check to be drawn upon the treasury of
15 their county in the sum of seventy-five dollars (\$75), or one
16 hundred dollars (\$100) if the additional sum of twenty-five
17 dollars (\$25) is authorized, for each body buried in accordance
18 with the provisions of this subdivision, to be paid out of the
19 funds of the county, and such checks shall be made payable to
20 the applicant or applicants if the application shows that the
21 funeral expenses have been paid, otherwise to the undertaker
22 performing the services with notice to the applicant.

23 (b) Application for such contribution shall be made by the
24 personal representative of such deceased service person or
25 deceased service person's spouse, if there be such personal
26 representative, and if no such personal representative has
27 qualified then by any next of kin, individual, or veterans'
28 organization, who or which assumes responsibility for the cost
29 of burial of the body. The application shall be sustained by
30 affidavit as to the facts.

1 (c) The application shall be on forms prescribed by the
2 Department of Military Affairs and shall set forth whether or
3 not the funeral expenses have been paid. The application shall
4 have attached thereto a certified copy of the death certificate
5 and a certification by the undertaker, who had charge of the
6 burial of the body, and to the effect that the undertaker did
7 render such service.

8 Section 1912. Notification of County Commissioners.--The
9 coroners and all other public officers, agents and servants and
10 all officers, agents and servants of any county, city, township,
11 borough, district or other municipality, or of any prison,
12 morgue, hospital, home or other public institution, having the
13 control or custody of the body of the deceased service person
14 whose body is entitled to be buried under the provisions of this
15 subdivision, shall, immediately upon the death or arrival of the
16 body of such deceased service person, notify the county
17 commissioners of the county wherein such death occurred, or
18 wherein such deceased service person shall have had his legal
19 residence.

20 Section 1913. Markers for Graves; Headstones.--(a) The
21 county commissioners of each county shall, from time to time as
22 they consider expedient, procure appropriate markers for the
23 graves of deceased service persons and the graves of all other
24 deceased persons who served in the Army, Navy, Air Force, Marine
25 Corps, Coast Guard, Merchant Marine during World War II or any
26 organization officially connected therewith and whose separation
27 from such service was honorable, whether by discharge or
28 otherwise. Such markers shall be of cast bronze, aluminum or a
29 suitable substitute material.

30 (b) The county commissioners shall procure bronze, aluminum

1 or suitable substitute material markers from some manufacturer
2 or manufacturers, engaged in the manufacturing of the same, and
3 in the contract for the furnishing thereof, the manufacturer
4 furnishing the bronze markers shall warrant that the same are
5 made of the following metals, and in the following proportions:
6 copper, eighty-five per centum; tin, five per centum; zinc, five
7 per centum; and lead, five per centum.

8 (c) The manufacturer shall be liable to the county to an
9 amount equal to the sum paid to him by the county for the
10 markers, if the above proportions of metals are not contained in
11 the markers.

12 (d) Nothing, except actual fraud on the part of the county
13 commissioners, shall render them liable for any amount if it is
14 established that the markers are not composed of the metals in
15 the proportions above recited.

16 (e) No officer, trustee, association, corporation or person
17 in control of any cemetery, or a public burying ground, shall
18 have the right to question the composition of such bronze
19 markers, or to require that any of them be chemically analyzed
20 before being placed in the cemetery, or under any circumstances
21 to refuse to permit the erection thereof in the cemetery, or
22 public burying ground, or to charge for making the foundations
23 for the same more than is charged for making similar foundations
24 of the same proportion. Any person who violates any of the
25 provisions of this subsection shall, upon conviction thereof in
26 a summary proceeding, be sentenced to pay a fine of not less
27 than ten dollars (\$10) nor more than one hundred dollars (\$100)
28 for each offense.

29 (f) The county commissioners of each county are hereby
30 authorized and directed to place a marker upon the grave of each

1 deceased service person and the graves of all other deceased
2 persons who served in the Army, Navy, Air Force, Marine Corps,
3 Coast Guard, Merchant Marine during World War II or any
4 organization officially connected therewith and whose separation
5 from such service was honorable, whether by discharge or
6 otherwise, who, at the time of his or her death, had his or her
7 legal residence in the county, whether or not he or she died in
8 the county, and whether or not he or she was buried in the
9 county, and upon the grave of each deceased service person
10 buried in the county, who at the time of his or her death did
11 not have a legal residence within this Commonwealth. When such
12 deceased service person shall have been a veteran of any war or
13 campaign for which the Government of the United States issued
14 discharge buttons, the markers designated for their graves shall
15 include a facsimile of said discharge button. When such markers
16 are upright flag holders they shall consist of cast bronze or
17 any other weather resistant material. When such deceased service
18 person shall have been a veteran of the Korean Conflict, the
19 markers designated for their graves shall include a circular
20 emblem with the words "Korea, U.S., 1950-1953" in the border
21 thereof, and shall incorporate the insignia of the Army, Navy,
22 Marine Corps, Air Force, and Coast Guard, in the form approved
23 by the State Veterans' Commission.

24 (g) It shall be the duty of the county commissioners of each
25 county, upon or at any time subsequent to the death of any
26 deceased service person and the graves of all other deceased
27 persons who served in the Army, Navy, Air Force, Marine Corps,
28 Coast Guard, Merchant Marine during World War II or any
29 organization officially connected therewith and whose separation
30 from such service was honorable, whether by discharge or

1 otherwise, who, at the time of his or her death, had his or her
2 legal residence in the county, on application as hereinafter
3 provided, to cause a headstone or bronze memorial tablet to be
4 placed at the head of or on the grave of each such deceased
5 service person.

6 (h) Each headstone shall contain his or her name and the
7 rank and organization to which he or she belonged or in which he
8 or she served, in letters raised or cut in at least three-
9 sixteenth of an inch deep. The headstone shall be of either
10 marble or granite, and shall be placed or set in a concrete base
11 at least three feet deep, or if a headstone has been provided
12 for such grave by the United States Government, the county
13 commissioners shall provide the concrete base therefor, or if
14 lettering only on an existing memorial is desired by the family,
15 the county commissioners shall provide such lettering.

16 (i) In the event the body of any deceased service person
17 either cannot or will not be returned to the United States of
18 America, it shall be the duty of the county commissioners to
19 cause a headstone to be placed in the family plot of such
20 deceased service person. Said headstone shall have inscribed
21 thereon, (1) the name, rank and organization of such deceased
22 service person, (2) the name of the country, location or manner
23 in which such person lost his or her life, and (3) the cemetery
24 or location in which the body, if buried, was finally laid to
25 rest. Application therefor shall in each case be made on forms
26 prescribed by the Department of Military Affairs and may be made
27 by any relative of the deceased service person, or by a friend
28 if there is no objection by the nearest relative. Each
29 application must be approved by an organization of veterans of
30 any war in which the United States has been, is now or shall

1 hereafter be engaged.

2 (j) The expense in each case shall be borne by the county in
3 which the deceased service person had his or her legal residence
4 at the time of his or her death, whether or not he or she died
5 in the county, and whether or not he or she was buried in the
6 county. The expense shall not exceed the sum of one hundred
7 dollars (\$100) for each headstone or concrete base or lettering
8 or bronze memorial tablet and the county commissioners of each
9 county, acting under this section, shall cause to be drawn a
10 voucher check on the treasury of the county for the payment of
11 said expense in favor of the party or parties furnishing such
12 headstone or concrete base or lettering or bronze memorial
13 tablet.

14 (k) In cases of dispute concerning the legal residence of a
15 deceased service person, the county in which a deceased service
16 person is buried shall perform the duties hereinbefore set
17 forth. No such payment or payments shall be made, unless the
18 application therefor shall be approved before the commencement
19 of the project by the county commissioners.

20 (l) Any person who shall wilfully, maliciously, or
21 carelessly destroy, mutilate, remove or deface any grave marker,
22 headstone or flag holder, placed or erected under the provisions
23 of this section, shall be guilty of the grade of offense in
24 relation to the dollar amount of the theft or damage done in
25 accordance with 18 Pa.C.S. § 3903 (relating to grading of theft
26 offenses).

27 Section 1914. Burial Plots.--The county commissioners of the
28 several counties are hereby authorized to purchase plots of
29 ground, in any cemetery or burial ground in their respective
30 counties, for the interment of deceased service persons whose

1 bodies are entitled to be buried under the provisions of this
2 subdivision, and to cause to be drawn a voucher check upon their
3 county treasury for the payment of the same. The purchase price
4 of said plots of ground shall not be charged against or allotted
5 as part of the cost of burial of such deceased service persons
6 who may be buried in any of said plots under the provisions of
7 this subdivision.

8 Section 1915. Care of Graves and Markers.--The county
9 commissioners of each county shall, at all times, see that the
10 graves and tombstones of all deceased service persons who are
11 buried in such county, receive proper and fitting care, and may
12 employ all necessary assistants to carry out the provisions of
13 this section. The expense of the care of such graves and
14 tombstones shall be borne by the county where said graves are
15 located, except where suitable care is otherwise provided. Money
16 so appropriated may be expended directly by the county
17 commissioners, or paid over to the person, firm, association or
18 corporation owning or controlling any cemetery or burial place
19 in the county where any such grave is situated. The sum so paid
20 over in any year shall not exceed for each grave the charge for
21 the annual care and maintenance of like graves in the same
22 cemetery, or, if no such fixed charge is established in that
23 cemetery, it shall not exceed the sum charged in other
24 cemeteries in the same county for like service.

25 Section 1916. Proof of Service, Et Cetera.--(a) In each
26 case, where application is made for a contribution toward the
27 funeral expenses of a deceased service person, or the surviving
28 spouse of a deceased service person, or for a headstone or
29 concrete base or lettering or bronze memorial tablet, the county
30 commissioners shall, before expending any money therefor,

1 require proof of the following facts:

2 (1) The service of the deceased service person which
3 entitles him or his surviving spouse to the benefits of this
4 subdivision. Such proof shall be by the production of an
5 honorable discharge or other official record showing service
6 during any war in which the United States is or was engaged, or
7 by the records of the Department of Defense of the Federal
8 Government, or by copies thereof filed in the Department of
9 Military Affairs showing the existence of a campaign or state or
10 condition of war, the participation of the United States
11 therein, and the service of the deceased service person in a
12 zone where such campaign or state or condition of war existed.

13 (2) The death of the deceased service person.

14 (3) In the case of the burial of the surviving spouse of a
15 deceased service person, the death of such surviving spouse, and
16 the fact that the spouse was married to the deceased service
17 person at the time of his death, and that the spouse has not
18 since remarried. The proof required by clauses one and two of
19 this subsection shall also be required in such cases.

20 (4) Except in cases where persons not having a legal
21 residence within this Commonwealth are entitled to any of the
22 benefits of this subdivision, the legal residence within the
23 county of the deceased service person, or of the surviving
24 spouse of a deceased service person, as the case may be.

25 (b) Death shall in all cases be proved by death certificate
26 where the same is procurable, otherwise by affidavit of one or
27 more persons personally acquainted with the deceased, and the
28 fact of his or her death, or by proof of the record of death
29 kept by the attending physician, or by proof of the record of
30 burial kept by the undertaker by whom he or she was buried, or

1 by the church burial association or cemetery company maintaining
2 the graveyard, burial ground or cemetery in which he or she was
3 buried.

4 (c) Where any proof required by this subdivision has been
5 furnished to the county commissioners, no further proof of the
6 same facts shall be required in order to obtain any other
7 benefit under the provisions of this subdivision.

8 (c) Memorial Observances

9 Section 1921. Appropriations to Veterans' Organizations for
10 Expenses of Memorial Day, Veterans' Day, Flag Day and
11 Independence Day.--(a) The board of commissioners may
12 appropriate, annually, to each camp of the United Spanish War
13 Veterans, and to each post of the American Legion, and to each
14 post of the Veterans of Foreign Wars, and to each post of the
15 Veterans of World War I of the U. S. A., Inc., and to each post
16 of the American War Veterans of World War II (AMVETS), and to
17 each post of the Society of the Twenty-eighth Division, AEF,
18 Incorporated, and to each post of the Italian American War
19 Veterans of the United States, Incorporated, and to each
20 detachment of the Marine Corps League, and to each Naval
21 Association, and to each post of the Grand Army of the Republic,
22 and to each post of the Disabled American Veterans of the World
23 War, and to each organization of American Gold Star Mothers, and
24 to each organization of ex-service persons incorporated under
25 the act of April twenty-nine, one thousand eight hundred
26 seventy-four (Pamphlet Laws 73), and the supplements thereto, in
27 the county, any sum budgeted to aid in defraying the expenses of
28 Memorial Day, Veterans' Day, Flag Day and Independence Day.

29 (b) Where the Grand Army of the Republic has ceased to exist
30 or to function, such appropriation may be made to the Sons of

1 Union Veterans of the Civil War or, in the absence of such
2 order, to a duly constituted organization which conducts the
3 decorating of graves of Union Veterans of the Civil War.

4 (c) Such payments shall be made to defray actual expenses
5 only. Before any payment is made, the organization receiving the
6 same shall submit verified accounts of their expenditures.

7 Section 1922. Flags to Decorate Graves.--(a) It shall be
8 the duty of the county commissioners to provide flags on each
9 Memorial Day with which to decorate the graves of all deceased
10 service persons and the graves of all other deceased persons who
11 served in the Army, Navy, Air Force, Marine Corps, Coast Guard,
12 Merchant Marine during World War II or any organization
13 officially connected therewith and whose separation from such
14 service was honorable, whether by discharge or otherwise, buried
15 within the county. The flags to be used for such purposes shall
16 be of one standard size, colorfast and American made, and shall
17 be purchased at the expense of the county from moneys in the
18 county treasury.

19 (b) Such flags shall be furnished to the various veterans'
20 organizations in such numbers as they shall require for their
21 respective communities.

22 (c) The moneys expended by any county under the provisions
23 of this section shall be in addition to moneys appropriated by
24 counties for Memorial Day purposes.

25 (d) The authorities in charge of any cemetery are authorized
26 to remove such flags when the same become unsightly or
27 weatherworn at any time not before the first working day after
28 Independence Day of each year.

29 (e) Any authority or person in charge of any cemetery who
30 shall remove or cause the removal of the flags prior to the

1 first working day after Independence Day shall be guilty of a
2 summary offense and, upon conviction thereof, shall be sentenced
3 to pay a fine in the amount of three hundred dollars (\$300) and,
4 upon failure to pay such fine, to undergo imprisonment not to
5 exceed ninety days.

6 Section 1923. Compilation of War Records; Director of

7 Veterans' Affairs.--(a) The county commissioners of each county
8 are hereby authorized and directed, at the expense of the
9 county, to compile a record of the burial places within such
10 county of deceased service persons. Such record, so far as
11 practicable, shall indicate the name of each such person, the
12 service in which he or she was engaged, the number of the
13 regiment or company or command, the rank and period of service,
14 the name and location of the cemetery or other place in which
15 his or her body is interred, the location of the grave in such
16 cemetery or other place, and the character of headstone or other
17 marker, if any, at such grave. Such record shall be known as the
18 Veterans' Grave Registration Record
19 of County, and shall be a public
20 record, open to inspection during business hours.

21 (b) The county commissioners of each county shall cause
22 record blanks to be prepared, according to forms prescribed by
23 the Department of Military Affairs, whereby the information
24 required for such record may be transmitted to them.

25 (c) Every person, firm, association, or corporation,
26 including a municipal corporation, owning or controlling any
27 cemetery or burial place within the Commonwealth, in which are
28 interred the bodies of deceased service persons, shall file with
29 the county commissioners of the county in which such cemetery is
30 located a certificate, on the record blanks provided by said

1 county commissioners, of the facts required for such record, as
2 far as the same are within the knowledge of such person, firm,
3 association, corporation, or the agents thereof.

4 (d) The county commissioners shall cause record blanks to be
5 distributed to such persons, firms, associations, and
6 corporations as they deem advisable, with the request that such
7 information be transmitted to them. Any such person, firm,
8 association or corporation, except municipal corporations, upon
9 receipt of such blanks or forms, who shall refuse or neglect to
10 fill out and transmit to the county commissioners such blanks or
11 forms within six months after receipt of same, upon conviction
12 thereof in a summary proceeding, shall be sentenced to pay a
13 fine of one hundred dollars (\$100).

14 (e) For the purpose of locating the burial places of persons
15 who have served in the military or naval service or other
16 branches of the combative forces of the United States during any
17 war or armed conflict in which the United States was engaged,
18 the Grand Army of the Republic, the United Spanish War Veterans,
19 the Veterans of Foreign Wars of the United States, the American
20 Legion, the Disabled American Veterans, the Veterans of World
21 War I of the U. S. A., Inc., the American Veterans of World War
22 II (AMVETS), the Marine Corps League, and the Italian American
23 War Veterans of the United States, Incorporated, through their
24 local camps, posts and branches in this Commonwealth, are
25 authorized, without expense to the county, to collect the
26 required data and prepare and file with the county commissioners
27 certificates embodying the information provided for in this
28 section.

29 (f) For the purpose of carrying into effect the provisions
30 of this section, the county commissioners shall appoint a

1 director of veterans affairs, who shall receive such
2 compensation as the salary board may fix.

3 (g) It shall also be the duty of the director of veterans
4 affairs to:

5 (1) Assist the county commissioners in administering the
6 provisions of this subdivision which relate to the burial of
7 deceased service persons and their surviving spouses and to
8 furnishing markers and placing headstones on their graves.

9 (2) Assist war veterans and their families in securing their
10 rights as such in matters relating to their person, property and
11 care of family, under any of the laws of this Commonwealth and
12 of the United States, and for such services the director of
13 veterans affairs shall be entitled to his expenses incurred
14 therein and additional compensation. Both expenses and
15 compensation shall be subject to the approval of the salary
16 board.

17 (3) Assist the county commissioners in transmitting records
18 of burial places of deceased service persons to the Department
19 of Military Affairs of the Commonwealth, for the use of the
20 Deputy Adjutant General in charge of Veteran Affairs, and
21 otherwise assist the commissioners in cooperating with the said
22 deputy.]

23 Section 52. Sections 1928, 1929, 1930, 1931, 1936, 1937,
24 1938, 1939, 1947(d), subdivision (g.1) heading of Article XIX,
25 sections 1948 and 1951, subdivision (h.1) heading of Article XIX
26 and sections 1953 and 1955 of the act are amended to read:

27 Section 1928. County History.--The county commissioners [of
28 any county], either independently or in connection with any
29 other municipality [or municipalities] within their county or
30 any society or organization, may appropriate money for the

1 compilation of a county war history or any general history or
2 historical account related to the history records and government
3 of the county, and for the publication and distribution of the
4 same.

5 Section 1929. Payment to Historical Societies.--The board of
6 commissioners may pay, out of the county funds not otherwise
7 appropriated, a sum of money to a county historical society [or
8 to county historical societies], qualified under section 1930,
9 to assist in paying the running expenses. Where a society is
10 comprised of residents of more than one county, the
11 commissioners of the respective counties may jointly pay the sum
12 in such proportion as they shall agree.

13 No appropriation shall be renewed until vouchers have been
14 filed with the commissioners showing that the appropriation for
15 any prior year has been expended for the purpose herein
16 designated.

17 Section 1930. Qualification of Society.--[In order to
18 entitle any historical society to the said appropriation, the
19 following conditions shall have been first complied with. It
20 shall have been organized at least two years, incorporated by
21 the proper authority, and have an active membership of one
22 hundred or more persons, each of whom shall have paid into the
23 treasury of said society a membership fee of at least two
24 dollars (\$2) for the support of the same. It shall hold at least
25 two public meetings yearly, whereat papers shall be read or
26 discussions held on historic subjects. It shall have established
27 a museum wherein shall be deposited curios and other objects of
28 interest, and books, documents and papers relating to the
29 history of the county or Commonwealth. It shall have adopted a
30 constitution and code of by-laws and elected proper officers to

1 conduct its business.] A historical society eligible to receive
2 county funds according to the provisions of section 1929 shall:

3 (1) be a not-for-profit corporation, in good standing and
4 registered according to the laws of this Commonwealth with the
5 Pennsylvania Commission on Charitable Organizations;

6 (2) have operated for two years prior to receiving an
7 appropriation from a county; and

8 (3) control and operate a museum or other facility related
9 to the history of the county or this Commonwealth which is open
10 to the public at least one hundred (100) days per year.

11 Section 1931. Restoration and Preservation of Historic
12 Sites.--The board of commissioners [are] is hereby authorized to
13 make appropriations out of county funds to any nonprofit
14 corporation organized for the purpose of restoring and
15 preserving historic sites which are within the county[:
16 Provided, however, That such sites shall have been designated by
17 the Pennsylvania Historical and Museum Commission as a monument
18 worthy of restoration and preservation: And provided further,
19 That local historical societies, associations or interested
20 citizens shall have made substantial contributions toward such
21 restoration and preservation]. For the purposes of this section,
22 an eligible historic site shall be listed or eligible to be
23 listed in the National Register of Historic Places or designated
24 as historic by resolution of the commissioners.

25 Section 1936. Cooperative Extension Work in Agriculture [and
26 Home Economics], Natural Resources, 4-H Youth, Families,
27 Nutrition and Community Development.--[The board of
28 commissioners may make appropriations annually for agricultural
29 and home economics extension work, in cooperation with the
30 Pennsylvania State University in encouraging improved methods of

1 farm management and home economics and giving practical
2 instruction and demonstrations in agriculture, for the purpose
3 of improving and developing the agricultural resources of the
4 county. An educational program will be conducted to include the
5 body of scientific knowledge in agriculture, family living, and
6 resource development and to encourage application of the same.]
7 The board of commissioners may make annual appropriations for
8 Cooperative Extension work, in cooperation with the Pennsylvania
9 State University, to support improved methods of agricultural
10 production and management, economic development, family and
11 youth programming and practical instruction and demonstrations,
12 both in-person and online. The purpose of these activities is to
13 help communities, businesses and people solve problems and
14 improve their quality of life. Cooperative Extension shall
15 provide counties access to The Pennsylvania State University's
16 science-based information, expertise and education and shall
17 continually work to expand access to its Statewide programs
18 through technology channels. The money so appropriated shall be
19 expended according to rules and regulations prescribed or
20 approved by the board of commissioners to support Cooperative
21 Extension's mission to provide educational opportunities to
22 constituents, regardless of where the expertise is located. The
23 board of commissioners may also, where practicable and
24 desirable, provide offices in the county [court house] for
25 headquarters for such cooperative work.

26 Section 1937. Agricultural or Horticultural Societies.--The
27 county commissioners are hereby authorized to make
28 appropriations annually out of the current revenues of the
29 county to any incorporated agricultural or horticultural society
30 or association located within the county. [The total amount of

1 any such appropriation in any one county shall not exceed
2 fifteen hundred dollars (\$1500) in any one year. Where more than
3 one such society or association is located in the county, the
4 amount appropriated may be distributed and divided among said
5 societies and associations in such proportions and such amount
6 as the board of commissioners, in its discretion, may
7 determine.]

8 The county commissioners are hereby authorized to make
9 additional appropriations annually out of the current revenues
10 of the county to any incorporated agricultural or horticultural
11 society or association regardless of where the same is located
12 within the Commonwealth. [Such appropriations may be made in the
13 amount of three hundred dollars (\$300) or more, but the total
14 amount of such additional appropriations shall not exceed
15 fifteen hundred dollars (\$1500) in any one year.]

16 Section 1938. Suppression of Animal and Plant Disease.--The
17 board of commissioners is hereby authorized to make
18 appropriations from county funds for the purpose of controlling
19 and suppressing dangerous [infectious disease of livestock and
20 poultry] transmissible diseases of domestic animals and
21 dangerous plant diseases and insect pests and diseases to
22 honeybees, in cooperation with the Department of Agriculture of
23 Pennsylvania.

24 For the purpose of carrying out the provisions of this
25 section, the board of county commissioners may enter into
26 agreements with the Pennsylvania Department of Agriculture
27 concerning terms, rules, regulations and practices for
28 conducting the work.

29 Section 1939. County Fair Associations in Counties of the
30 Third through Eighth Classes.--The county commissioners in

1 counties of the third through eighth classes may appropriate,
2 annually, out of current revenues, to any incorporated nonprofit
3 agriculture association or any nonprofit county fair association
4 located within the county, for the repair and maintenance of the
5 real estate, buildings and structures within the county used,
6 annually, by the association for county agriculture fairs and
7 exhibitions, whether or not the real estate is owned by the
8 county and leased to the association. [The total amount of any
9 such appropriation shall not exceed five thousand dollars
10 (\$5000) in any one year, and where more than one such
11 association is located in the county, the amount appropriated
12 may be divided among them in such proportions and amounts as the
13 county commissioners may determine.]

14 Section 1947. Prevention and Control of Floods.--* * *

15 (d) In exercising the powers herein conferred, the county
16 commissioners may, in their discretion, subject to the
17 limitation of the Constitution, issue interest bearing bonds of
18 the county in accordance with the provisions of [the Municipal
19 Borrowing Law] 53 Pa.C.S. Pt. VII Subpt. B (relating to
20 indebtedness and borrowing).

21 (g.1) Disaster Emergency Aid to Municipalities in Counties of
22 the Third through Eighth Class

23 Section 1948. Emergency Appropriation to Municipal
24 Corporations.--(a) The board of county commissioners of any
25 third through eighth class county may appropriate money [from
26 the county's operating reserve fund, created and maintained in
27 accordance with section 513,] for the purpose of assisting
28 municipal corporations within the county with any cleanup,
29 maintenance, repair and improvements undertaken as a result of
30 damage incurred or a dangerous condition caused by either a

1 disaster emergency within the county declared by the Governor or
2 a local emergency declared by the governing body of a municipal
3 corporation within the county.

4 (b) As used in this section:

5 "Disaster emergency" shall have the meaning ascribed to the
6 term in 35 Pa.C.S. § 7102 (relating to definitions).

7 "Local emergency" shall have the meaning ascribed to the term
8 in 35 Pa.C.S. § 7102 (relating to definitions).

9 Section 1951. Counties of Seventh and Eighth Classes;
10 Appropriations to Borough Fire Departments and Volunteer Fire
11 Companies.--The board of county commissioners of any county of
12 the seventh or eighth class may [appropriate annually, except as
13 hereinafter provided, a sum not in excess of six hundred dollars
14 (\$600),] make an appropriation annually to the fire department
15 of any borough in the county or to any volunteer fire company
16 located within a borough in said county which actually [give]
17 gives fire protection to approximately all parts of the county[,
18 or may appropriate up to one-half of such amount to each of two
19 such departments or two such companies or one such department
20 and one such company when each gives fire protection to
21 approximately one-half of the entire county]. All moneys
22 appropriated to any such fire department or fire company shall
23 be used for the purchase, maintenance and repair of fire
24 fighting equipment. This section shall not authorize the
25 appropriation of any money to any fire department or fire
26 company which receives contributions or appropriations from any
27 township in the county.

28 (h.1) Fire Marshal and Assistant Fire Marshals in Counties of
29 the Third through Eighth Class

30 Section 1953. Appointment.--The county commissioners of any

1 third through eighth class county may appoint a fire marshal and
2 assistant fire marshals deemed necessary to perform such duties
3 relating to the prevention and control of fire as the county
4 commissioners shall deem to be in the best interests of the
5 county. Any fire marshal or assistant fire marshals so appointed
6 shall not be assigned duties which will conflict with fire
7 marshals or municipal fire marshals or powers relating to the
8 control of fires conferred by law upon the Pennsylvania State
9 Police. Compensation for the fire marshal and assistant fire
10 marshals shall be set by the county salary board.

11 Section 1955. Drilling Gas Wells and Laying Gas Lines.--(a)
12 The board of commissioners [of counties, situated in regions
13 wherein natural gas is known to be obtainable,] may contract for
14 the drilling of gas wells upon any lands owned by the county for
15 the purpose of furnishing gas for light and fuel to the county
16 buildings and for other purposes. For that purpose, they may
17 also contract for the laying of gas lines equipped with such
18 modern appliances and machinery as may be necessary.

19 (b) All such contracts, including contracts for the building
20 of rigs or derricks and the purchase of machinery, shall be made
21 by the county commissioners in the manner provided for in
22 Article [XX] XVIII of this act.

23 Section 53. The act is amended by adding a section to read:

24 Section 1957. County May Assist Municipalities.--Upon the
25 request of any political subdivision or subdivisions within a
26 county, the county may assist a political subdivision in any
27 negotiations or contest with any public utility company and, for
28 such purpose, may employ or place at the disposal of such
29 political subdivision the legal, engineering, accounting or
30 clerical service of the county. The county commissioners of the

1 county may also enter their appearance as interveners or
2 otherwise in any proceedings before the Pennsylvania Public
3 Utility Commission or before any court in any proceeding
4 involving any controversy between any political subdivision in
5 the county and a public utility company.

6 Section 54. Subdivision (j) heading of Article XIX of the
7 act is repealed:

8 [(j) Law Libraries]

9 Section 55. Section 1971 of the act is amended to read:

10 Section 1971. Rewards for Detection or Apprehension of
11 Criminals.--The board of commissioners, when they deem the same
12 expedient, may offer such reward, in addition to that authorized
13 by law, as in their judgment the nature of the case requires,
14 for information leading to the detection or apprehension of any
15 person charged with or perpetrating any felony or misdemeanor,
16 or aiding or abetting the same. Upon the conviction of such
17 person, the county commissioners may pay such reward out of the
18 county treasury, but in no case shall the owner of any stolen
19 property be entitled to any of the reward for the detection or
20 apprehension of the person guilty of the larceny. In cases of
21 misdemeanor, the county commissioners must have the approval of
22 the president judge of the court of common pleas of the county
23 before offering or paying such reward.

24 Section 56. Section 1972 of the act is repealed:

25 [Section 1972. Bounties for Destruction of Rattlesnakes,
26 Copperhead Snakes and Porcupines.--The board of commissioners of
27 any county of the sixth, seventh or eighth class may provide for
28 the payment of rewards or bounties for the killing within the
29 county of rattlesnakes and copperhead snakes, not more than one
30 dollar (\$1) for each, and for the killing of porcupines, not

1 more than fifty cents (50¢) each. They may make appropriations
2 for such purposes.]

3 Section 57. Section 1975 of the act is amended to read:

4 Section 1975. [Garbage and Refuse Disposal in County
5 Plants.--The county] Municipal Waste Processing and Disposal in
6 County Facilities.--(a) The commissioners of any county shall
7 have the power to operate [garbage and refuse disposal plants or
8 facilities, and incinerating furnaces,] or provide for the
9 operation of municipal waste processing and disposal facilities,
10 including municipal waste landfills, resource recovery
11 facilities and recycling facilities, and to enter into
12 agreements or contracts with any person, corporation or
13 political subdivision for the disposal of [garbage and refuse
14 in such facilities, erected and maintained by the county, as
15 provided in Article XXIII of this act] municipal waste in the
16 facilities constructed and maintained by the county, and to
17 charge and receive fees for such service.

18 (b) A county may acquire by gift, lease, purchase by current
19 revenues, borrowing or incurring indebtedness or eminent domain
20 real property within the county for the purpose of constructing
21 any facilities under subsection (a) or other buildings necessary
22 to operate the facilities. In every case where private property
23 is taken by eminent domain, the county shall acquire the entire
24 title, either in fee or otherwise, held by the owner or owners
25 of the property or of any interest therein.

26 (c) As used in this section, the terms "municipal waste
27 landfill," "recycling facility" and "resource recovery facility"
28 shall have the same meanings as given to those terms in the act
29 of July 28, 1988 (P.L.556, No.101), known as the "Municipal
30 Waste Planning, Recycling and Waste Reduction Act."

1 Section 58. Subdivision (m) of Article XIX of the act is
2 repealed:

3 [(m) County and County Aided Institutions

4 Section 1980. Board of Visitors for Charitable Reform and
5 Penal Institutions.--(a) The court of common pleas in each
6 county shall, annually, appoint three reputable citizens of the
7 county, on or before the first Tuesday of January, to serve as a
8 board of visitors for that year. Two of the members of said
9 board shall be of the majority party in the county and one shall
10 be of the minority party, all of which shall be determined from
11 the registration lists of the county. Vacancies upon the board
12 shall be filled by the said court in like manner. The members of
13 the board shall serve without compensation, but shall be paid
14 such sum or sums for actual and necessary expenses as may be
15 approved by the board of commissioners of the county.

16 (b) The board of visitors of each county shall visit at
17 least three times a year all county hospitals, detention homes,
18 children's homes, jails and like institutions of the county, or
19 any agency of the county, or in counties of the third class of
20 the institution district of the county, and all similar
21 institutions and other charitable institutions to which the
22 county appropriates money. Such visits shall be unannounced, and
23 shall be made either by all of the members of the board or by a
24 lesser number acting for the board. The board shall inspect the
25 premises involved, and shall be entitled to full access thereto
26 and to interview any of the inmates thereof, and shall inspect
27 and ascertain all matters pertaining to the welfare and proper
28 conduct of such institutions and, particularly, the treatment
29 received by the inmates. The board shall make an annual report
30 to the court of common pleas, upon a date fixed by the court,

1 regarding all such things and such other matters as may be
2 referred to them by the court regarding such institutions, and
3 the board may also report to the said court, from time to time,
4 as the board shall see fit. A copy of such reports shall be
5 submitted by the board to the proper authorities for such
6 institutions.]

7 Section 59. Subdivision (n) heading of Article XIX and
8 section 1985 of the act are amended to read:

9 (n) Appropriations to Industrial Development
10 Agencies [and Tourist Promotion Agencies]

11 Section 1985. Appropriations to Industrial Development
12 Agencies by Counties.--The board of commissioners of any county
13 may appropriate, annually, such amounts as may be deemed
14 necessary to any ["industrial development agency," as defined in
15 the act of May 31, 1956 (P.L.1911), known as the "Industrial
16 Development Assistance Law,"] "industrial development
17 organization" as defined in section 2301 of the act of June 29,
18 1996 (P.L.434, No.67), known as the "Job Enhancement Act," to
19 assist such agencies in the financing of their operational costs
20 for the purposes of making studies, surveys and investigations,
21 [the compilation of] compiling data and statistics and in the
22 carrying out of planning and promotional programs.

23 Section 60. Section 1986 of the act is repealed:

24 [Section 1986. Appropriations to Tourist Promotion
25 Agencies.--The board of commissioners may appropriate, annually,
26 such amount of money but not in excess of thirty-five cents
27 (35¢) for each resident of the county, as determined by the last
28 census, which may be deemed necessary to any "tourist promotion
29 agency" as defined in the act of April 28, 1961 (P.L.111), known
30 as the "Tourist Promotion Law," to assist such agencies in

1 carrying out tourist promotional activities.]

2 Section 61. Section 1990 of the act is amended to read:

3 Section 1990. Appropriations for Handling, Storage and
4 Distribution of Surplus Foods.--The board of commissioners [of
5 any county to which this act applies] may appropriate from
6 county funds, or in counties of the second class A and third
7 class from county institution district funds, moneys for the
8 handling, storage and distribution of surplus foods obtained
9 either through a local, State or Federal agency.

10 [All appropriations of moneys heretofore made by the board of
11 commissioners of any county out of county funds, or county
12 institution district funds, for the handling, storage and
13 distribution of surplus foods obtained either through a local,
14 State or Federal agency are hereby validated.]

15 Section 62. Section 1991 of the act is repealed:

16 [Section 1991. Food Stamp Program.--The board of
17 commissioners of any county to which this act applies may by
18 resolution adopt the food stamp program. Upon adoption of the
19 program the county shall appropriate money and shall pay,
20 quarterly from county funds, the amounts certified to the county
21 as being the obligations to the Department of Public Welfare for
22 thirty percent of the amount expended by the department for
23 administration of the food stamp program for the county during
24 the fiscal year 1965-1966, for forty percent of the amount
25 expended during the fiscal year 1966-1967 and for fifty percent
26 of the amount expended during the fiscal year 1967-1968 and
27 thereafter.]

28 Section 63. Subdivision (p) heading of Article XIX and
29 section 1995 of the act are amended to read:

30 (p) Historical Property and Museums

1 Section 1995. Acquisition, Repair and Maintenance of
2 Historical Property.--The board of commissioners may acquire by
3 purchase or by gift and repair, supervise, operate and maintain
4 ancient landmarks and other property of historical or
5 antiquarian interest, which is [either listed in the catalogue
6 of historical sites and buildings in Pennsylvania issued by the
7 Joint State Government Commission, or approved for acquisition
8 by the Pennsylvania Historical and Museum Commission as having
9 historical significance.] listed or eligible to be listed in the
10 National Register of Historic Places or designated as historic
11 by resolution of the commissioners.

12 Section 64. The act is amended by adding a section to read:

13 Section 1995.1. Contributions to Museums of Fine Art or
14 Natural History.--The board of commissioners may appropriate
15 from county funds money for the purpose of contributing toward
16 the cost of operating, maintaining or carrying out or furthering
17 the purposes of institutes or museums of fine art or natural
18 history, or both, located within the county on public property,
19 established by private grant or bequest, open to the public and
20 not used for private or corporate profit.

21 Section 65. Article XIX of the act is amended by adding a
22 subdivision to read:

23 (p.1) Legal Aid Services

24 Section 1996. Appropriations for Legal Aid Services.--The
25 board of commissioners may appropriate money for payment to
26 nonprofit legal aid associations or societies or county bar
27 associations, that provide legal aid services for indigent
28 persons in civil matters.

29 Section 66. Subdivision (q) heading of Article XIX and
30 section 1997 of the act are amended to read:

1 (q) Transportation and Traffic Control Devices

2 Section 1997. Improvement of Operation and Facilities.--The
3 board of commissioners may enter into contracts and long range
4 cooperative programs with Federal, State and local governmental
5 agencies [or], public utilities or authorities for the
6 improvement of transportation operations and facilities within
7 and across county lines. The board of commissioners may
8 independently or in cooperation with any other county or
9 municipality appropriate moneys annually in furtherance of such
10 transportation improvements and, in connection therewith, may
11 also accept on behalf of the county gifts, grants and Federal
12 and State loans.

13 Section 67. The act is amended by adding a section to read:

14 Section 1998. Funds for Traffic Control Devices.--The board
15 of commissioners may contribute funds to any municipal
16 corporation within the county for the erection and maintenance
17 of any traffic signal, as defined in 67 Pa. Code § 212.1.
18 (relating to definitions).

19 Section 68. Subdivision (s) heading of Article XIX, section
20 1999, subdivision (t) heading of Article XIX, sections 1999a,
21 1999b, 1999c and 1999d, subdivision (x) heading of Article XIX
22 and sections 1999f, subdivision (z) heading of Article XIX and
23 1999g of the act are amended to read:

24 (s) Appropriations for Recreation and Historic and
25 Museum Projects of [Boroughs and Townships] Municipal
26 Corporations, Authorities and Nonprofit Organizations

27 Section 1999. Appropriations for [Grants to Aid Certain]
28 Recreation and Historic and Museum Projects.--(a) The board of
29 commissioners of any county may appropriate from county funds
30 moneys for grants to assist [boroughs or townships within the

1 county in the purchase or acquisition of lands or buildings, or
2 both,] municipal corporations and authorities within the county,
3 as well as nonprofit organizations, in the purchase,
4 acquisition, improvement, equipping or landscaping of lands,
5 buildings and facilities, and, in the case of buildings and
6 facilities, demolition of the same, for parks, recreation areas,
7 open space projects and other such outdoor projects and for
8 historic [or] and museum projects.

9 (b) As used in this section, the term "nonprofit
10 organizations" shall mean entities which are tax exempt under
11 section 501(a) of the Internal Revenue Code of 1986 (Public Law
12 99-514, 26 U.S.C. § 501(a)), as amended, or any successor
13 provisions thereto, not operated for profit and organized to:

14 (1) preserve or conserve open space, natural resources or
15 natural habitats;

16 (2) promote outdoor recreation and the acquisition and
17 development of facilities related thereto; or

18 (3) preserve sites of historical significance.

19 (t) Appropriations to Institutions of Higher
20 Learning or to Nonprofit Educational Trusts in Counties of the
21 Third through Eighth Class

22 Section 1999a. Appropriations to Institutions of Higher
23 Learning or to Nonprofit Educational Trusts.--The board of
24 commissioners of any county may appropriate from time to time
25 moneys from county funds in such amounts as may be deemed
26 necessary to any nonsectarian institution of higher learning
27 within such county or to any nonprofit educational trust created
28 for the purpose of constructing or maintaining facilities for
29 [State Colleges or] Pennsylvania State System of Higher
30 Education universities and State-related universities, including

1 the Pennsylvania State University, Lincoln University, Temple
2 University and the University of Pittsburgh, within such county
3 to assist the institution or trust in the financing of the
4 functions specified by the board of commissioners.

5 Section 1999b. Federal Health and Welfare Programs.--Any
6 county may, through the commissioners, enter into agreements
7 with the Federal government, or with any city, borough, town,
8 township, nonprofit corporation or association located or
9 carrying on its functions within such county or serving the
10 residents of such county and which city, borough, town,
11 township, nonprofit corporation or association has or is about
12 to contract with the Federal government or with any agency of
13 State government whereby the Federal government will provide a
14 portion of the funds necessary, payable either to the county or
15 State government or directly to the city, borough, town,
16 township, nonprofit corporation or association for any program
17 not in conflict with an existing or hereafter established state
18 program offered by the Federal government for the promotion of
19 the health or welfare of its citizens[, including but not
20 limited to the young, the poor and the aged,] and in the
21 furtherance of said programs may comply with conditions, rules
22 or regulations attached by the Federal or State governments.

23 The county may accept gifts or grants of money, property or
24 services from any source, public or private, and may appropriate
25 such funds as may be necessary to carry out said programs.

26 Section 1999c. Appropriations for Reservoirs and Water
27 Resources.--(a) The board of commissioners may borrow,
28 appropriate and expend money for the construction, acquisition
29 by purchase, lease or otherwise, operation and maintenance of
30 dams, reservoirs, wells and other facilities for the utilization

1 of surface, subsurface, and ground water resources and all
2 related structures, appurtenances and equipment necessary for
3 the use of said dams, reservoirs, wells and other facilities,
4 and may acquire by purchase, lease, gift, or the exercise of
5 power of eminent domain, sites for the same: Provided, That the
6 board of commissioners shall obtain a permit from the Department
7 of Environmental [Resources] Protection whenever such permit is
8 required by law: And provided further, That the board of
9 commissioners shall not acquire by the exercise of power of
10 eminent domain the property of a public utility subject to the
11 jurisdiction of Pennsylvania Public Utility Commission or
12 [Federal Power Commission] the Federal Energy Regulatory
13 Commission.

14 (b) The board of commissioners may enter into agreements for
15 the regulation of withdrawals and diversions of waters from said
16 dams, reservoirs, wells and other facilities, and the sale of
17 the same, subject to approval of State, Federal or interstate
18 agencies which may have primary jurisdiction over water
19 resources. Dams, wells and reservoirs acquired by purchase,
20 lease or otherwise, or constructed by the commissioners may be
21 for the sole purpose of water supply or in conjunction with any
22 other purposes, except the generation of electric energy.

23 (c) The board of commissioners may enter into contracts or
24 long-range cooperative programs with State, Federal, interstate
25 and local government agencies or public utilities for the
26 development and use of the county's water resources.

27 (d) It shall be lawful for any county to execute such
28 agreements and contracts as it may deem necessary or advisable
29 with an authority organized by such county to provide, design,
30 acquire, hold, construct, improve, own, lease, as lessor or

1 lessee, maintain and operate dams, reservoirs, wells and other
2 facilities for the utilization of surface, subsurface and ground
3 water resources and all related structures, appurtenances and
4 equipment necessary for the use of the same; also to grant,
5 convey, lease, transfer, encumber, mortgage and pledge to such
6 authority, its dams, reservoirs, wells and related facilities
7 and any improvements and additions thereto; to assign and pledge
8 to such authority rentals, rates and charges charged and
9 collected by it for the use thereof and to assign to such
10 authority its power to collect the same. No such agreement,
11 contract, grant, conveyance, lease, assignment, encumbrance,
12 mortgage or pledge shall be construed to prevent the affected
13 county from thereafter using its tax revenues for the purpose of
14 maintaining, repairing, altering, inspecting or improving such
15 dams, reservoirs, wells and related facilities.

16 [Every such agreement, contract, grant, conveyance, lease,
17 transfer, assignment, encumbrance, mortgage and pledge
18 heretofore made to or with any authority organized by any county
19 is hereby ratified, confirmed and made valid and the same shall
20 be and remain lawful, valid and enforceable according to its
21 terms.]

22 (e) Any county may enter into an agreement and contract for
23 the sale of water to any other [county, city, borough,
24 incorporated town, township] municipality, authority or public
25 utility at reasonable and uniform rates to be determined
26 exclusively by it.

27 Section 1999d. Tourist Promotion Agencies; Appropriations.--

28 (a) The board of commissioners of any county may create or may
29 join with other counties in the creation of a tourist promotion
30 agency, as defined under the act of July 4, 2008 (P.L.621,

1 No.50), known as the "Tourism Promotion Act," for the purpose of
2 making studies, surveys and investigations and for planning and
3 carrying out promotional programs and projects designed to
4 stimulate and increase the volume of tourist, visitor and
5 vacation business within such county or counties and may
6 appropriate funds for such purposes.

7 (b) The board of commissioners may appropriate annually such
8 amount of money as may be deemed necessary to any tourist
9 promotion agency, as defined under the "Tourism Promotion Act,"
10 to assist such agencies in carrying out tourism promotional
11 activities.

12 (x) Crime Detection Laboratory and Police Training School
13 in Counties of the Third Class

14 Section 1999f. Parking Facilities.--The board of
15 commissioners of any county may appropriate moneys from the
16 county treasury for the purpose of purchasing, constructing,
17 maintaining and operating as a county facility a motor vehicle
18 parking facility, or may create a municipal authority and
19 appropriate moneys to such authority for such purpose, and the
20 county commissioners, or the municipal authority created for
21 such purpose, may lease to any city, borough or township wherein
22 the parking facility is or shall be constructed, or to a parking
23 authority created by the city, borough or township, the land to
24 be used for a parking facility, or a parking facility, for the
25 use, benefit, health, safety and general welfare of the citizens
26 of the Commonwealth. [The county, at the discretion of the
27 commissioners, may establish or designate parking areas
28 exclusively reserved for parking by handicapped individuals and
29 may post signs indicating such restriction.]

30 (z) [Non-debt] Revenue Bonds for Industrial Development

Projects

1
2 Section 1999g. Issuance of [Non-Debt] Revenue Bonds for
3 Industrial Development Projects.--The board of commissioners of
4 any county is empowered to issue [non-debt] revenue bonds of the
5 county pursuant to provisions of [the act of June 25, 1941
6 (P.L.159). known as the "Municipal Borrowing Law," and its
7 amendments] 53 Pa.C.S. Pt. VII Subpt. B (relating to
8 indebtedness and borrowing), to provide sufficient moneys for
9 and toward the acquisition, construction, reconstruction,
10 extension, equipping or improvement of an industrial development
11 project or projects, consisting of any building or facility or
12 combination or part thereof occupied or utilized by an
13 industrial, manufacturing, or research and development
14 enterprise now existing or hereafter acquired, including any or
15 all buildings, improvements, additions, extensions,
16 replacements, appurtenances, lands, rights in land, water
17 rights, franchises, machinery, equipment, furnishings,
18 landscaping, utilities, railroad spurs and sidings, wharfs,
19 approaches and roadways necessary or desirable in connection
20 therewith or incidental thereto, said bonds to be secured solely
21 by the pledge of the whole or part of the fees, rents, tolls or
22 charges derived from the ownership or operation of such
23 facilities or for the use or services of the same.

24 Said industrial development project or projects financed by
25 the issuance of [non-debt] revenue bonds as in this section
26 provided may be leased by the county in whole or in part to a
27 lessee or lessees for a period of years equal in time to the
28 period of maturity of the bonds so issued.

29 Included in the cost of the issue may be any costs and
30 expenses incident to constructing and financing the facilities

1 and selling and distributing the bonds.

2 The board of commissioners [in] is further empowered to sell,
3 lease, lend, grant, convey, transfer or pay over to any
4 authority created pursuant to the [act of August 23, 1967 (Act
5 No. 102), known as the "Industrial Development Authority Law,"]
6 act of August 23, 1967 (P.L.251, No.102), known as the "Economic
7 Development Financing Law," with or without consideration, any
8 project or any part or parts thereof, or any interest in real or
9 personal property or any funds available for industrial
10 development purposes, including the proceeds of [non-debt]
11 revenue bonds hereafter issued pursuant hereto, for industrial
12 development purposes, and to assign, transfer and set over to
13 any such authority and contracts which may have been awarded for
14 the construction of projects not begun or, if begun, not
15 completed.

16 The board of commissioners [are] is further empowered to
17 enter into any and all contracts or agreements with any such
18 authority and/or with any tenant or proposed tenant of any
19 industrial development project and to do any or all things
20 necessary or proper to effectuate the public purpose of this
21 section.

22 Section 69. Article XIX of the act is amended by adding
23 subdivisions to read:

24 (z.3) Civil Service in Counties
25 of the Second Class A

26 Section 1999j. Civil Service for Certain Employes.--The
27 county commissioners in a county of the second class A are
28 hereby authorized to establish by ordinance a merit system for
29 the selection, tenure, promotion and discharge of employes
30 involved in any work for which the county receives or is

1 eligible to receive Federal or State grants-in-aid.

2 (z.4) Insuring County Against Loss or Liability

3 Section 1999k. Insurance.--(a) The commissioners may

4 provide for such insurance as they deem appropriate on the real
5 and personal property of the county, including, but not limited
6 to, all grounds, buildings and contents, vehicles and
7 information technology.

8 (b) In addition to any form of comprehensive, general or

9 umbrella liability insurance, the commissioners may acquire
10 insurance against any form of loss or liability, including
11 crime, fire, natural disaster, errors and omissions of officers
12 or employes, vehicle operation and use of information
13 technology.

14 (z.5) Lot and Block System in Counties

15 of the Second Class A

16 Section 1999l. Lot and Block System, Generally.--Any county

17 of the second class A which, upon the effective date of this
18 section, has adopted and maintains a lot and block system for
19 the registration of land titles, for the accumulation of county
20 tax liens and for the enumeration of the parcels of real estate
21 for the assessment of real estate taxes in one or more political
22 subdivisions of the county may continue to operate a lot and
23 block system until such time as the commissioners deem
24 appropriate.

25 Section 1999m. Duties of county officers and employees under

26 lot and block system.--(a) Where a lot and block system under
27 section 1999l remains in effect, the portion of the system
28 relating to the plats, plat books and the upkeep of the same
29 shall remain in the custody of the deed registry office of the
30 county. The portion of the system containing the files, cards,

1 indexes and other records relating to the liening of county
2 taxes shall remain in and be maintained by the office of the
3 controller of the county.

4 (b) (1) The district assessors appointed by the county
5 board of assessment appeals, whose assessments are being made
6 within the municipal subdivisions that have had the lot and
7 block system completed therein, shall use the lot and block
8 system descriptive numbers in their original books of
9 assessment.

10 (2) The board of assessment appeals shall, within municipal
11 subdivisions covered by lot and block system, correct any
12 assessment where the lot and block system descriptive number is
13 absent.

14 (3) The recorder of deeds shall receive for recording any
15 deed that refers to a specific parcel of real estate. If the
16 deed does not bear the certification by the custodian of the lot
17 and block system that the descriptive numbers incorporated in
18 the description of the real estate described therein are
19 correct, then, before transcribing any such deed lacking the
20 certification, the recorder of deeds shall obtain the same from
21 the custodian of the lot and block system.

22 (4) The treasurer or tax collector of each city, borough,
23 town, township or school district where the lot and block system
24 has been completed under the order of court shall place upon
25 each tax bill sent out, and upon each tax receipt issued upon
26 payment, the lot and block system descriptive numbers.

27 (5) The controller, in the case of the county, and the
28 treasurer, tax collector or solicitor, as the case may be, in
29 each city, borough, township or school district, within which
30 the lot and block system has been completed, shall, at the time

1 of filing liens for unpaid taxes with the prothonotary, set
2 forth on such liens the individual lot and block system
3 descriptive numbers, and the prothonotary shall not receive and
4 file such liens unless the descriptive numbers are contained
5 thereon.

6 (6) For the purposes of the sale of real estate for
7 delinquent taxes, either by the sheriff of the county or by the
8 commissioners and treasurer of the county, or by the treasurer
9 of any city, borough, town, township or school district, the lot
10 and block system descriptive numbers are hereby declared to be
11 sufficient description for the advertising preceding such sale,
12 for the oral description read at such sale prior to receiving
13 bids and for the purposes of the description to be inserted in
14 any tax deed to be given to the purchaser at such sale.

15 Section 70. The act is amended by adding an article to read:

16 ARTICLE XIX-A

17 MILITARY AND VETERANS AFFAIRS

18 (a) Appropriations for Military Purposes

19 Section 1901-A. Appropriation of money or land for National
20 Guard Armories.

21 (a) Conveyance of land.--The board of commissioners of a
22 county may convey land to the Commonwealth to assist the State
23 Armory Board in the erection of armories for the use of the
24 Pennsylvania National Guard. The board of commissioners may
25 acquire land for this purpose in a lawful manner.

26 (b) Board.--The board of commissioners may also furnish
27 water, light or fuel, free of cost to the Commonwealth, for use
28 in an armory of the National Guard and may do all things
29 necessary to accomplish this purpose.

30 Section 1902-A. Appropriation for maintenance of National

1 Guard.

2 (a) Support and maintenance.--The board of commissioners of
3 a county may make appropriations for the support, maintenance,
4 discipline and training of one or more units of the National
5 Guard. If units are organized as a battalion, regiment or
6 similar organization, the total amount due may be paid to the
7 commanding officer of the battalion, regiment or similar
8 organization.

9 (b) Requirements.--All money appropriated shall be paid to
10 the order of the commanding officer of the company, battalion,
11 regiment or similar organization only when it shall be certified
12 to the commissioners by the Adjutant General that the unit or
13 units have satisfactorily passed the annual inspection provided
14 by law. The money appropriated shall be used and expended solely
15 and exclusively for the support, maintenance, discipline and
16 training of the company, battalion, regiment or similar
17 organization, and the commanding officer shall account by proper
18 vouchers to the county each year for the expenditure of the
19 money appropriated. No appropriation shall be made for a
20 subsequent year until the expenditure of the previous year is
21 duly and satisfactorily accounted for.

22 (c) Inspection.--Accounts of expenditures shall be subject
23 to the inspection of the Department of Military and Veterans
24 Affairs and shall be audited by the auditors or the controller,
25 as the case may be, in the manner provided by law for the audit
26 of accounts of county money.

27 Section 1903-A. Appropriation to rifle clubs in time of war.

28 (a) Appropriation.--At any time a state of war exists, the
29 board of commissioners of a county may appropriate money to
30 civilian rifle clubs, duly chartered by the National Rifle

1 Association of America, for the maintenance and rental of rifle
2 ranges, the employment of competent instructors and necessary
3 employees and for the equipment and uniforms for the members of
4 clubs who volunteer for special military duty in their
5 respective counties or answer a call of the Governor.

6 (b) Restriction.--No money shall be appropriated to a club
7 unless practice on a rifle range by the members of the club is
8 with a United States military rifle or arms approved by the
9 Adjutant General.

10 (b) Interment of Deceased Servicepersons
11 and Surviving Spouses

12 Section 1908-A. Definitions.

13 As used in this subdivision, the following words and phrases
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Deceased serviceperson." The term includes:

17 (1) A deceased person who, at the time of death, was
18 serving, whether or not in a combat zone, in the Army, Navy,
19 Air Force, Marine Corps, Coast Guard or a women's
20 organization officially connected to those forces, during a
21 war or armed conflict in which the United States has been, is
22 now or shall be engaged, or who, at the time of death, was
23 serving in a zone where a campaign or state or condition of
24 war or armed conflict then existed, in which the United
25 States was, is or shall be a participant. The existence of a
26 campaign or state or condition of war or armed conflict, and
27 the participation of the United States in the conflict as
28 well as the fact that the deceased person served in a zone
29 where a campaign or state or condition of war or armed
30 conflict existed shall, in each case, be established by the

1 records of the Department of Defense of the Federal
2 Government.

3 (2) A deceased person who had served at any time during
4 the person's life and whose separation from service was
5 honorable, whether by discharge or otherwise, or who, at the
6 time of death, was continuing in service after the cessation
7 of the war, armed conflict, campaign or state or condition of
8 war during or in which the person served.

9 (3) A deceased person who was in active service in the
10 militia of the Commonwealth under a proclamation issued by
11 the Governor during the Civil War and who was not duly
12 mustered into the service of the United States but was
13 honorably discharged or relieved from service.

14 "Legal residence." An actual residence, coupled with
15 intention that it shall be permanent, or a residence presently
16 fixed with no definite intention of changing it or of returning
17 to a former residence at some future period. Legal residence is
18 to be determined by abode of a person and the person's intention
19 to abandon a former domicile and establish a new one. The legal
20 residence of a deceased serviceperson shall be prima facia in
21 the county where the person resided at the time of death.

22 Section 1909-A. Funeral expenses of deceased servicepersons.

23 (a) Contributions.--Each county shall contribute at least
24 \$75 towards the funeral expenses of each deceased serviceperson
25 in the cases provided in subsection (b) where, in each case,
26 application for the contribution is made within one year after
27 the date of the deceased serviceperson's death. In the case of a
28 deceased serviceperson who died while in service, application
29 may be made at any time. All contributions made under this
30 section shall be uniform as to eligible deceased servicepersons

1 within the same calendar year.

2 (b) Payments.--Payments shall be made under the following
3 circumstances:

4 (1) Where the deceased serviceperson, at the time of
5 death, had a legal residence in the county, whether or not
6 the person died in the county and whether or not the person
7 was interred in the county. Every deceased serviceperson
8 having a legal residence in this Commonwealth at the time of
9 death shall be entitled to the benefits of this section,
10 regardless of where the person may have died or where the
11 person may be interred, and the liability shall be on the
12 county where the deceased serviceperson shall have had legal
13 residence at the time of death.

14 (2) Where the deceased serviceperson died and was
15 interred in the county but, at the time of death, did not
16 have legal residence within this Commonwealth, if the board
17 of commissioners of the county where the person died are
18 notified in writing by an organization of veterans that the
19 body is unclaimed by relatives or friends and, upon
20 investigation, shall find such conditions to exist.

21 Section 1910-A. Interment of spouses of deceased
22 servicepersons.

23 Upon due application and proof, the county shall contribute
24 at least \$75 towards the funeral expenses of a spouse of a
25 deceased serviceperson who, at the time of death, had a legal
26 residence in the county, whether or not the person died in the
27 county and whether or not the person was interred in the county.
28 The county shall not contribute money toward the funeral
29 expenses of a spouse of a deceased serviceperson who had
30 remarried after the death of the deceased serviceperson. In each

1 case, application for the contribution shall be made within one
2 year after the date of the death of the spouse. All
3 contributions made under this section shall be uniform as to
4 eligible spouses within the same calendar year.

5 Section 1911-A. Payment.

6 (a) Funeral expenses.--The county shall make a payment in
7 the amount authorized or required under section 1909-A or 1910-A
8 for each deceased serviceperson or spouse of a deceased
9 serviceperson in accordance with the provisions of this
10 subdivision, to be paid out of the funds of the county, and
11 payments shall be made payable to the applicant or applicants if
12 the application shows that the funeral expenses have been paid.
13 Otherwise, payments shall be made to the funeral director
14 performing the services, with notice to the applicant.

15 (b) Personal representative.--Application for contributions
16 shall be made by the personal representative of a deceased
17 serviceperson or a deceased serviceperson's spouse. If no
18 qualified personal representative is available, the application
19 then may be made by the next-of-kin, an individual or a
20 veterans' organization, who or which assumes responsibility for
21 the cost of burial. The facts contained in the application shall
22 be sustained by affidavit. A person who knowingly files an
23 application under this section which is false in any material
24 manner shall be guilty of a misdemeanor in accordance with 18
25 Pa.C.S. § 4903 (relating to false swearing).

26 (c) Application.--The application shall be on forms
27 prescribed by the Department of Military and Veterans Affairs
28 and shall verify whether the funeral expenses have been paid.
29 The application shall be attached to a certified copy of the
30 death certificate and an affidavit prepared by the funeral

1 director who had charge of the interment, which certifies that
2 the funeral director did render the service.

3 Section 1912-A. Flag holders for graves.

4 (a) Flag holders.--The commissioners of each county shall,
5 from time to time, as they consider expedient, procure
6 appropriate upright flag holders for the graves of deceased
7 servicepersons and the graves of all other deceased persons who
8 served in the Army, Navy, Air Force, Marine Corps, Coast Guard
9 or Merchant Marine during World War II or an organization
10 officially connected to those forces and whose separation from
11 service was honorable, whether by discharge or otherwise. Such
12 flag holders shall be of bronze, aluminum or a suitable weather-
13 resistant substitute material.

14 (b) Requirement for flag holders.--The commissioners of each
15 county shall place an upright flag holder upon the grave of each
16 deceased serviceperson and the graves of all other deceased
17 persons who served in the Army, Navy, Air Force, Marine Corps,
18 Coast Guard or Merchant Marine during World War II or an
19 organization officially connected to those forces whose
20 separation from service was honorable, whether by discharge or
21 otherwise who, at the time of death:

22 (1) had legal residence in the county, whether or not
23 the person died in the county and whether or not the person
24 was interred in the county; or

25 (2) did not have a legal residence within this
26 Commonwealth.

27 (c) Design of flag holders.--If a deceased serviceperson was
28 a veteran of a war or campaign for which the Federal Government
29 issued discharge buttons, the upright flag holders designated
30 for their graves shall include a facsimile of the discharge

1 button. If a deceased serviceperson was a veteran of the Korean
2 Conflict, the markers designated for their graves shall include
3 a circular emblem with the words "Korea, U.S., 1950-1953" in the
4 border and shall incorporate the insignia of the Army, Navy,
5 Marine Corps, Air Force or Coast Guard, as appropriate, in the
6 form approved by the State Veterans' Commission.

7 (d) Memorial certificate.--In the case of a county of the
8 second class A, in lieu of placing an upright flag holder on the
9 grave, if the next-of-kin of a veteran so requests, a memorial
10 certificate may be issued to the next-of-kin of a deceased
11 serviceperson who, at the time of death, had legal residence in
12 the county, whether or not the person died in the county and
13 whether or not the person was interred in the county. The
14 memorial certificate shall indicate the deceased serviceperson's
15 name and designate the war or campaign in which the deceased
16 serviceperson served.

17 Section 1913-A. Memorial benefit.

18 (a) Memorial.--The county commissioners shall provide a
19 memorial designated in subsection (b) on the graves of deceased
20 servicepersons who, at the time of death, had legal residence in
21 the county, as well as on the graves of all other deceased
22 servicepersons who served in the Army, Navy, Air Force, Marine
23 Corps, Coast Guard or Merchant Marine during World War II or an
24 organization officially connected to those forces and whose
25 separation from service was honorable, whether by discharge or
26 otherwise.

27 (b) Specifications.--The commissioners shall provide a
28 concrete or granite base for a headstone provided by the Federal
29 Government, or if lettering only on an existing memorial is
30 desired by the family, the county commissioners shall provide

1 the lettering.

2 (c) Commissioner requirements.--In the event the body of any
3 deceased serviceperson either cannot or will not be returned to
4 the United States, it shall be the duty of the county
5 commissioners to provide a memorial benefit in the family plot
6 of the deceased serviceperson. If lettering of an existing
7 memorial is desired by the family, the inscription shall
8 include:

9 (1) the name, rank and organization of the deceased
10 serviceperson;

11 (2) the name of the country, location or manner in which
12 the person lost his or her life; and

13 (3) the cemetery or other interment site where the
14 deceased serviceperson has been interred, if any.

15 (d) Expense for benefit.--The expense for a benefit provided
16 under this section shall be paid for by the county in which the
17 deceased serviceperson had legal residence at the time of death,
18 whether or not the person died in the county and whether or not
19 the person was interred in the county. The expense shall not
20 exceed the actual cost of providing the concrete or granite base
21 or lettering. The county commissioners of each county shall pay
22 from the treasury to the party or parties furnishing the
23 benefit.

24 (e) Legal disputes.--In cases of dispute concerning the
25 legal residence of a deceased serviceperson, the county in which
26 a deceased serviceperson is interred shall perform the duties
27 required under this section. No payment shall be made unless the
28 application is approved by the county commissioners before the
29 commencement of the project.

30 (f) Offense.--Any person who intentionally, recklessly or

1 negligently destroys, mutilates, removes or defaces a grave
2 marker, headstone or flag holder commits an offense under 18
3 Pa.C.S. § 3903 (relating to grading of theft offenses).
4 Section 1914-A. Burial plots.

5 The county commissioners of each county are authorized to
6 purchase plots of ground in each cemetery or other interment
7 site for the interment of deceased servicepersons whose bodies
8 are entitled to be interred under this subdivision. Costs under
9 this section shall be paid by the county commissioners from the
10 county treasury. The purchase price of plots of ground shall not
11 be charged against or allotted as part of the cost of interment
12 of deceased servicepersons who may be interred in any of the
13 plots under this subdivision.

14 Section 1915-A. Care of graves and headstones.

15 The county commissioners of each county may ensure that the
16 graves and headstones of all deceased servicepersons and all
17 other veterans who are buried in the county receive proper and
18 fitting care and may employ all necessary assistants to carry
19 out the provisions of this section. The expense of the care of
20 the graves and headstones may be paid for by the county where
21 the graves are located, except where suitable care is otherwise
22 provided. Money appropriated may be expended directly by the
23 county commissioners or paid over to the person, firm,
24 association or corporation owning or controlling a cemetery or
25 other interment site in the county where a grave is situated.
26 The sum paid for a grave each year shall not exceed the charge
27 for the annual care and maintenance of like graves in the same
28 cemetery or, if no fixed charge is established in that cemetery,
29 shall not exceed the sum charged in other cemeteries in the same
30 county for like service.

1 Section 1916-A. Determining eligibility for interment benefits.

2 (a) Proof required.--In each case where application is made
3 for a contribution toward the funeral expenses of a deceased
4 serviceperson or the surviving spouse of a deceased
5 serviceperson or for a memorial benefit under section 1913-A,
6 the county commissioners shall, before expending any money,
7 require proof of the following:

8 (1) The service of the deceased serviceperson which
9 entitles that person or the surviving spouse to the benefits
10 under this subdivision. Proof shall be made by the production
11 of an honorable discharge or other official record showing
12 service during a war in which the United States is or was
13 engaged, or by the records of the United States Department of
14 Defense, or by copies filed in the Department of Military and
15 Veterans Affairs showing the existence of a campaign or state
16 or condition of war, the participation of the United States
17 and the service of the deceased serviceperson in a zone where
18 a campaign or state or condition of war existed.

19 (2) The death of the deceased serviceperson.

20 (3) In addition to paragraphs (1) and (2), in the case
21 of the interment of the surviving spouse of a deceased
22 serviceperson, the death of the surviving spouse and the fact
23 that the spouse was married to the deceased serviceperson at
24 the time of the serviceperson's death and that the spouse has
25 not since remarried.

26 (4) Except in cases where persons not having a legal
27 residence within this Commonwealth are entitled to any of the
28 benefits under this subdivision, the legal residence within
29 the county of the deceased serviceperson or of the surviving
30 spouse of a deceased serviceperson, as the case may be.

1 (b) Documentation required.--Death shall, in all cases, be
2 proven by a death certificate, if procurable, or else by one of
3 the following:

4 (1) Affidavit of one or more persons personally
5 acquainted with the deceased and the fact of the person's
6 death.

7 (2) Proof of the record of death kept by the attending
8 physician.

9 (3) Proof of the record of interment kept by the funeral
10 director.

11 (4) Records of the church burial association or cemetery
12 company maintaining the graveyard, burial ground, cemetery or
13 other interment site in which the deceased serviceperson was
14 interred.

15 (c) Satisfaction of proof.--If proof required by this
16 subdivision has been furnished to the county commissioners, no
17 further proof of the same facts shall be required in order to
18 obtain any other benefit under this subdivision.

19 (c) Memorial Observances

20 Section 1921-A. Appropriations to veterans' organizations for
21 expenses of Memorial Day, Veterans' Day, Flag Day and
22 Independence Day.

23 (a) Appropriations.--The board of commissioners may make
24 appropriations to aid in defraying the expenses of Memorial Day,
25 Veterans' Day, Flag Day and Independence Day to each camp, post,
26 detachment or organization in the county of the following:

27 (1) The United Spanish War Veterans.

28 (2) The American Legion.

29 (3) The Veterans of Foreign Wars.

30 (4) The Veterans of World War I of the USA, Inc.

1 (5) The American War Veterans of World War II (AMVETS).

2 (6) The Society of the Twenty-eighth Division, AEF,
3 Incorporated.

4 (7) Italian American War Veterans of the United States,
5 Incorporated.

6 (8) The Marine Corps League.

7 (9) Each naval association.

8 (10) The Grand Army of the Republic.

9 (11) The Disabled American Veterans.

10 (12) The American Gold Star Mothers.

11 (13) The Sons of Union Veterans of the Civil War, the
12 Daughters of Union Veterans of the Civil War or, in the
13 absence of orders, a duly constituted organization that
14 decorates graves of Union Veterans of the Civil War.

15 (14) Any other nationally chartered veterans'
16 organization or other veterans' organization recognized by
17 the county.

18 (b) Payments.--Payments under this section shall be made to
19 defray actual expenses only. Before any payment is made, the
20 organization receiving the payment shall submit verified
21 accounts of their expenditures.

22 Section 1922-A. Flags to decorate graves.

23 (a) Memorial Day flags.--It shall be the duty of the county
24 commissioners of each county to provide flags on each Memorial
25 Day with which to decorate the graves of all deceased
26 servicepersons and the graves of all other deceased persons who
27 served in the Army, Navy, Air Force, Marine Corps, Coast Guard
28 or Merchant Marine during World War II or an organization
29 officially connected to those forces, whose separation from
30 service was honorable, whether by discharge or otherwise, and

1 who are interred within the county. The flags to be used shall
2 be standard size, colorfast and American-made and shall be
3 purchased at the expense of the county from money in the county
4 treasury.

5 (b) Veterans' organizations.--Flags required under this
6 section shall be furnished to the various veterans'
7 organizations in numbers required for their respective
8 communities.

9 (c) Appropriations.--Money expended by each county under
10 this section shall be in addition to money appropriated by
11 counties for Memorial Day purposes.

12 (d) Maintenance.--Annually, the authorities in charge of
13 each cemetery are authorized to remove flags when flags become
14 unsightly or weatherworn any time on or after the first working
15 day after Veterans' Day.

16 (e) Offense.--An authority or person in charge of a cemetery
17 who removes or causes the removal of flags prior to the first
18 working day after Independence Day shall be guilty of a summary
19 offense and, upon conviction, shall be sentenced to pay a fine
20 of \$300 and, upon failure to pay a fine, to undergo imprisonment
21 not to exceed 90 days.

22 Section 1923-A. Compilation of war records.

23 (a) Records required.--The county commissioners of each
24 county are authorized and directed, at the expense of the
25 county, to compile a record of the interment sites within the
26 county of deceased servicepersons and all other veterans.
27 Records, so far as practicable, shall indicate the name of each
28 deceased serviceperson, the service in which the person was
29 engaged, the number of the regiment, company or command, the
30 rank and period of service, the name and location of the

1 cemetery or other place in which the person's body is interred,
2 the location of the grave in a cemetery or other place and the
3 character of headstone or other marker, if any, at the grave.
4 The record shall be known as the Veterans' Grave Registration
5 Record of County, and shall be a
6 public record, open to inspection during business hours.

7 (b) Record blanks.--The county commissioners of each county
8 shall ensure that record blanks are prepared, according to forms
9 prescribed by the Department of Military and Veterans Affairs,
10 whereby the information required for the record may be
11 transmitted to the commissioners upon request.

12 (c) Certificate required.--Every person, firm, association
13 or corporation, including a municipal corporation, owning or
14 controlling a cemetery or interment site in this Commonwealth
15 which inters bodies of deceased servicepersons shall file with
16 the county director of veterans' affairs of the county in which
17 the cemetery is located a certificate, on the record blanks
18 provided by the county commissioners, of the facts required for
19 the record if the facts are within the knowledge of the person,
20 firm, association or corporation or a designated agent.

21 (d) Offense.--The county commissioners of each county shall
22 ensure that record blanks are distributed to a person, firm,
23 association or corporation, as they deem advisable, with the
24 request that the information required under this section be
25 transmitted to the county. A person, firm, association or
26 corporation, except municipal corporations, that refuses or
27 neglects to fill out and transmit to the county commissioners
28 the blanks or forms within six months after receipt of the
29 blanks or forms is guilty of a summary offense and, upon
30 conviction, shall be sentenced to pay a fine of \$100.

1 (e) Location of interment sites.--For the purpose of
2 locating the interment sites of persons who have served in the
3 armed forces of the United States during a war or armed conflict
4 in which the United States was engaged, any veterans'
5 organization listed in section 1921-A(a) or otherwise recognized
6 by the county is authorized, without expense to the county, to
7 collect the required data and prepare and file with the county
8 commissioners certificates embodying the information required
9 under this section.

10 (f) Written notice.--Notwithstanding any provision to the
11 contrary, any organization that accepts remains under section
12 506.2 of the act of June 29, 1953 (P.L.304, No.66), known as the
13 Vital Statistics Law of 1953, which allows certain veterans'
14 service organizations to claim the remains of certain deceased
15 veterans, shall give written notice of the location and manner
16 of the final disposition of the remains to the county director
17 of veterans' affairs of the county in which the final
18 disposition of the remains is made.
19 Section 1924-A. Director of veterans' affairs.

20 (a) Appointment.--The county commissioners of a county shall
21 appoint an eligible person under 51 Pa.C.S. § 1731(a) (relating
22 to accreditation) to serve as the director of veterans' affairs,
23 who shall receive compensation as fixed by the salary board.

24 (b) Responsibility of director.--It shall also be the duty
25 of the director of veterans' affairs to:

26 (1) Assist all veterans and their families in securing
27 rights relating to their person, property and care of family
28 under any of the laws of the United States and this
29 Commonwealth.

30 (2) Assist the county commissioners in administering the

1 provisions of this subdivision which relate to the interment
2 of deceased servicepersons and their surviving spouses and to
3 furnishing flagholders and placing headstones on their
4 graves.

5 (3) Compile and maintain war records and records of
6 interment sites of deceased servicepersons in accordance with
7 the provisions of this subdivision.

8 (4) Perform other duties provided by statute, including,
9 but not limited to, the duties required under 51 Pa.C.S. §
10 1731(c).

11 (c) Compensation.--For services performed under subsection
12 (b), the director of veterans' affairs shall be entitled to
13 expenses incurred and additional compensation. Both expenses and
14 compensation shall be subject to the approval of the salary
15 board.

16 Section 71. Section 2101 of the act is amended to read:

17 Section 2101. Health Work.--The [board of county]
18 commissioners may provide and annually appropriate from any
19 moneys in the county treasury not otherwise appropriated such
20 sum or sums as they deem necessary for the protection of the
21 health, cleanliness, convenience, comfort and safety of the
22 people of the county.

23 Section 72. Subdivision (b) of Article XXI of the act is
24 repealed:

25 [(b) County and Joint County Hospitals

26 Section 2110. Expenses of Maintenance, Care and Treatment.--

27 All expenses incident to the maintenance and operation of any
28 county or joint county contagious disease hospitals, and of
29 buildings, wings and units at general hospitals, erected and
30 equipped for such diseases, under the provisions of this act,

1 shall be paid by the county, or by the counties so joining, out
2 of county funds in accordance with the agreement made between or
3 among the participating counties, or between or among the county
4 and any municipalities within the county, in the case of joint
5 county hospitals, or of buildings, wings and units at general
6 hospitals jointly agreed upon by counties under the provisions
7 of this act. The county, or each county in the case of joint
8 arrangements, shall separately be liable to pay the cost of the
9 care and treatment of its indigent patients and those unable to
10 pay the entire cost of care and treatment in such contagious
11 disease hospitals, and in buildings, wings and units at general
12 hospitals, and for such purposes any county, or the counties so
13 joining, shall have power to appropriate county funds.

14 Section 2111. Administration of County and Joint County
15 Hospitals.--After any county hospital for contagious diseases is
16 erected and equipped and ready for occupancy, it shall be
17 operated by and under the authority of the county commissioners
18 of the county in the same manner that other county buildings and
19 institutions are operated, and in the case of joint county
20 hospitals, the operation shall be in the manner provided in the
21 agreement between the counties. All county or joint county
22 contagious disease hospitals heretofore erected and constructed
23 shall hereafter be maintained and operated in the manner
24 provided by this subdivision.

25 Section 2112. Removal of Contagious Cases to Hospital.--In
26 any county having a hospital for the care and treatment of
27 contagious diseases, any lawfully authorized health authorities
28 of or within the county may remove cases of contagious disease
29 to such hospital for treatment and isolation, whenever proper
30 quarantine measures cannot otherwise be enforced.

1 Section 2113. Advisory Board for County Hospital for
2 Tuberculosis.--(a) If a majority of the electors voting upon
3 the question submitted to them, pursuant to the provisions of
4 this act, at an election, shall be in favor of the establishment
5 of a hospital by the county for treatment of persons afflicted
6 with tuberculosis, the court of common pleas of the county shall
7 immediately appoint an advisory board of five members, all of
8 whom shall be electors of the county and one of whom shall be a
9 licensed physician. The members of said board shall be
10 appointed, one for a term of five years, one for a term of four
11 years, one for a term of three years, one for a term of two
12 years and one for a term of one year or until their successors
13 are appointed and have qualified. All appointments at the
14 expiration of any term shall be for a term of five years.

15 (b) The board shall meet monthly and at such other times as
16 it may be deemed necessary. The board shall visit and inspect
17 and keep in close touch with the management and operation of
18 said hospital, and shall, from time to time, make such
19 recommendations and suggestions to the county commissioners for
20 changes or improvements in said management and operation as may
21 be deemed advisable. It shall also make an annual report to the
22 county commissioners concerning the management and operation of
23 said hospital.

24 (c) The county commissioners shall, at the expense of the
25 county, provide a meeting place for said board, and furnish all
26 supplies and materials necessary to carry on its work.

27 (d) The members of the board shall not receive any
28 compensation for their services, but shall be allowed all actual
29 and necessary expenses, incurred in the discharge of their
30 duties, which shall be paid by the county.

1 Section 2114. Employes' Salaries in County Hospital for
2 Tuberculosis.--The county commissioners may, after consultation
3 with the advisory board, employ a superintendent and such
4 physicians, nurses and other employes as may be necessary to
5 properly conduct and manage such hospital and the salary board
6 shall fix their compensation. All such salaries shall be paid by
7 the county treasurer in the usual manner.

8 Section 2115. Management.--The county commissioners shall
9 have power, after consulting with the advisory board, to make
10 general rules and regulations for the management of the county
11 hospital for tuberculosis, and shall have power to do all acts
12 deemed necessary to promote the usefulness of the hospital in
13 the prevention of tuberculosis.

14 Section 2116. Use of Hospital.--Every hospital established
15 under the provisions of this act for the treatment of
16 tuberculosis shall be used for the benefit of all inhabitants
17 afflicted with tuberculosis resident within the county in which
18 the hospital is located, and all such persons shall be entitled
19 to occupancy, nursing, care, treatment and maintenance according
20 to the rules and regulations prescribed by the county
21 commissioners. The county commissioners may exclude from the use
22 of the hospital any person who wilfully violates any rule or
23 regulation adopted for the hospital by said county
24 commissioners. The county commissioners may charge and collect,
25 from persons admitted to the hospital or persons legally
26 responsible for their maintenance, reasonable compensation for
27 the care, treatment and maintenance of such persons, but free
28 treatment shall be given to all such persons who are, after
29 reasonable investigation, found to be unable to pay.

30 Section 2117. Patients from Other Counties; Donations.--(a)

1 The county commissioners may admit patients to the county
2 hospital for tuberculosis who are resident within any other
3 county of the Commonwealth, provided such other county agrees to
4 reimburse the county in which the hospital is located for all
5 charges in connection with the admission, maintenance, care and
6 treatment of such patients, and not paid by the patients
7 themselves. Authority is hereby conferred upon all counties in
8 the Commonwealth to pay to any other county in which such
9 hospital is located reasonable charges for patients cared for by
10 said hospital resident in the county paying such charges.

11 (b) All money received from the care and maintenance of
12 patients or from gifts or donations shall be paid into the
13 county treasury and shall be used only for the maintenance of
14 such hospitals. County commissioners are authorized and
15 empowered to receive contributions, donations, property and
16 trust funds for the erection and maintenance of such hospitals
17 as provided in this act.

18 Section 2118. Appropriations; Tax Levy.--The advisory board
19 for county hospitals for tuberculosis herein provided for shall,
20 by September thirtieth of each year, furnish to the county
21 commissioners and the county controller, if any, a schedule of
22 expenses deemed necessary for the maintenance and operation of
23 the hospital for the ensuing year. The county commissioners
24 shall, after considering the schedule submitted by the advisory
25 board, annually make appropriations deemed by them sufficient to
26 properly manage and operate said hospital. The county
27 commissioners shall levy a special tax sufficient to produce the
28 moneys appropriated to said hospital, which tax shall be
29 collected in the same manner as other county taxes and shall be
30 paid into the county treasury. All payments from the county

1 treasury shall be made by voucher checks in the usual manner.

2 Section 2119. Hospitals for Tuberculosis Established Under
3 Other Laws.--In any county where any hospital for tuberculosis
4 has been begun or erected under the provisions of any act of
5 Assembly heretofore repealed, such proceedings and hospital may
6 be completed and the said hospital may thereafter be managed and
7 operated in accordance with the provisions of this act.]

8 Section 73. Section 2130 of the act is amended to read:

9 Section 2130. Appropriations to Hospitals[, Tuberculosis
10 Sanitaria], Health Clinics and Homes.--The [board of]
11 commissioners may [appropriate moneys for the] make
12 appropriations to support [of any] a hospital or health clinic
13 or comparable facility, [located within or without the limits of
14 such county] which is engaged in charitable work and extends
15 treatment and medical attention to residents of [such] the
16 county, and may also appropriate moneys for the support of any
17 home or place of detention of dependent, delinquent and
18 neglected children located within the county[, and may also
19 appropriate moneys for the support of any sanitarium for the
20 treatment of persons afflicted with tuberculosis located within
21 the Commonwealth of Pennsylvania, which sanitarium is engaged in
22 charitable work and extends treatment and medical attention to
23 residents of such county].

24 Section 74. Section 2131 of the act is repealed:

25 [Section 2131. Appropriation to Society Maintaining
26 Tuberculosis Sanitarium for Indigent.--The board of
27 commissioners may appropriate to any duly incorporated society,
28 chartered to maintain a sanitarium for the treatment therein of
29 persons suffering from tuberculosis, so much money as may be
30 necessary for the maintenance of indigent persons, residents of

1 the county, who may be inmates of such sanitarium and under
2 treatment for tuberculosis. Said appropriation shall not exceed
3 for each indigent inmate the sum of ten dollars (\$10) per week,
4 payable every three months at the end of the period. The board
5 of commissioners shall at all times have free access to such
6 sanitarium for inspection of its management and for the
7 ascertainment of the number of indigent persons receiving
8 treatment therein.]

9 Section 75. Section 2132 of the act is amended to read:

10 Section 2132. Aid to [Boroughs and Townships] Municipal
11 Corporations for Sewage Purposes.--The [board of county]
12 commissioners may [appropriate moneys from the county treasury]
13 make appropriations to aid [cities of the third class, boroughs,
14 incorporated towns or townships] municipal corporations in the
15 construction or maintenance of sewers or [sewage treatment
16 works] waste water treatment facilities[, where such sewers and
17 treatment works have been first approved by the Sanitary Water
18 Board of the State Department of Health in the manner provided
19 by law] if the project has received all necessary approvals or
20 permits from the Department of Environmental Protection.

21 Section 76. The act is amended by adding a section to read:

22 Section 2133. Aid to Municipal Corporations for Water
23 Systems.--The commissioners may make appropriations to aid
24 municipal corporations in the construction or maintenance of
25 public water systems, if the project has first received all
26 necessary approvals or permits from the Department of
27 Environmental Protection.

28 Section 77. Sections 2150, 2151, 2152, 2160, 2162, 2163,
29 2164 and 2165 of the act are amended to read:

30 Section 2150. [Secretary of Agriculture to Cooperate;]

1 Elimination and Abatement of Larvae Breeding Places; Liens.--

2 [(a) The Secretary of Agriculture of the Commonwealth is hereby
3 authorized and empowered to cooperate with and assist the county
4 commissioners of any county in the effective carrying out the
5 provisions of this subdivision. He may authorize a deputy to
6 meet with the commissioners as his representative. The necessary
7 expenses actually incurred by the secretary and his deputy, in
8 compliance with this section, shall be allowed and paid by the
9 Commonwealth as a part of the expenses of the Department of
10 Agriculture. He shall furnish the said commissioners with such
11 surveys, maps, information and advice as they may require for
12 the prosecution of their work or as in his opinion will be of
13 advantage in connection therewith.]

14 (b) The county commissioners of counties of the third
15 through eighth class shall have power to eliminate [all]
16 breeding places of mosquitoes[,] on private or public
17 property[,] within the county [and to do and perform]. The
18 commissioners may provide for all acts, including entry upon
19 private or public property, [and] to carry out all plans which,
20 in their opinion and judgment through consultation with public
21 health or veterinary officials, [may] are deemed to be necessary
22 [or proper] for the preservation of human or animal health by
23 the elimination of breeding places of mosquitoes, or which will
24 tend to exterminate disease-carrying mosquitoes within [said]
25 the county.

26 (c) Any water, in which mosquito larvae breed, is hereby
27 declared a public nuisance and subject to abatement as such.
28 Whenever any such breeding place exists on any lands in the
29 county, other than meadow or marsh lands subject to the ebb and
30 flow of the tide, which breeding place should, in the opinion of

1 the commissioners, be abated they shall, in writing, order the
2 owner or owners of such lands to abate the same within a
3 reasonable period, and in a manner, to be specified in such
4 order. If, at the expiration of such period, such order has not
5 been complied with, or if the owner or owners of such lands
6 cannot be ascertained or found, the commissioners shall, at
7 once, abate said nuisance and may assess all or part of the cost
8 of such abatement against the lands on which such breeding place
9 exists. They may file municipal liens for said assessments
10 within the time and in the manner provided by law, the same to
11 be subject in all respects to the general law providing for the
12 filing and recovery of municipal liens.

13 Section 2151. Not to Affect Public Water Supply.--No order
14 of abatement shall authorize, nor shall the county commissioners
15 employ, any method of extermination which shall in [anywise
16 effect] any way affect waters used and useful in the supply of
17 water to the public, whether by a municipality or a water supply
18 company. Man-made pools which allow mosquito propagation are
19 subject to be targeted first, and strategies shall be supported
20 that minimize environmental impact.

21 Section 2152. Appropriations[; Report to Secretary of
22 Agriculture].--[a] The county commissioners may appropriate
23 the amount of money necessary for the purpose of carrying out
24 the provisions of this subdivision. In no year shall the amount,
25 so appropriated, exceed one-fourth of one mill on each dollar of
26 the assessed value of taxable real estate in the county. The
27 sums, so appropriated, or so much thereof as may be required,
28 shall be paid out, from time to time, by the county treasurer on
29 the orders of the county commissioners.

30 [(b) It shall be the duty of the county commissioners

1 annually, on or before the first day of February of each year,
2 to submit to the Secretary of Agriculture a report setting forth
3 the amount of moneys expended during the previous year, if any,
4 the methods employed, the work accomplished and any other
5 information which in its judgment may be pertinent.]

6 Section 2160. Definitions.--As used in this subdivision,
7 unless the context otherwise indicates:

8 "Institution district" means a county institution district
9 managed by the commissioners of the county.

10 "Dependent" means an indigent person requiring public care,
11 including maintenance, medical care, clothing and incidentals,
12 because of physical or mental [infirmity] health needs or
13 disability.

14 "Institution" means [an infirmary, poorhouse, almshouse,
15 hospital or sanitarium managed by the commissioners of the
16 county] hospital, health care clinic or comparable facility.

17 "Public charge" means a person who is unable to maintain
18 himself and who requires and receives aid from the Commonwealth
19 or from any political subdivision thereof.

20 Section 2162. Records.--The commissioners of each county of
21 the fourth, fifth, sixth, seventh and eighth class shall keep
22 records of the work necessitated by this subdivision as
23 prescribed by the Department of [Public Welfare] Human Services,
24 and shall from time to time, make such reports to such
25 department as it shall require.

26 Section 2163. Powers and Duties.--The county commissioners
27 of counties of the fourth, fifth, sixth, seventh and eighth
28 classes shall have the power and their duty shall be:

29 (1) To erect, equip, maintain, repair, alter and add to
30 institutions for the care of dependents[, and to equip,

1 maintain, cultivate and improve farms, using their produce for
2 the support of dependents, or if a surplus of farm products
3 should exist, the commissioners may sell the surplus pursuant to
4 section 1805 of this act]. Any plan for the erection or
5 substantial alteration of an institution must be approved as to
6 suitability by the Department of [Public Welfare] Human
7 Services.

8 (2) To pay the necessary expenses of land and buildings for
9 the care of dependents and farms.

10 Section 2164. Further Powers and Duties.--The county
11 commissioners of counties of the fourth, fifth, sixth, seventh
12 and eighth classes shall have the power and it shall be their
13 duty, with funds of the county, according to rules, regulations
14 and standards established by the Department of [Public Welfare]
15 Human Services:

16 (1) To care for any dependent [having a settlement] in the
17 county, who is not otherwise cared for[: Provided, however, That
18 no applicant for public nursing home care under the medical
19 assistance for aged provisions of the "Public Assistance Law,"
20 who resides in Pennsylvania, shall be rendered ineligible for
21 such care by lack of settlement in the county].

22 (2) To contract with other counties[, any institution
23 district,] or any individual, association, corporation or other
24 entity for the care of any dependent.

25 (3) To contract with any association in Pennsylvania
26 organized to provide a home or employment for [deaf and dumb or
27 blind persons having a settlement in the county, or to care for
28 any dependent having a settlement in the county, who is deaf and
29 dumb or blind or to help him through employment] persons with
30 disabilities.

1 (4) To pay the cost or part of the cost [with respect to
2 mental or other patients imposed by law upon county institution
3 districts.] imposed by law upon county institution districts for
4 patients with mental health needs or intellectual disability.

5 (5) To take any other action authorized by law.

6 (6) To contract with any individual, association,
7 corporation, institution or governmental agency for the purpose
8 of providing foster home care for persons over eighteen years of
9 age. If, in the discretion of the county commissioners, such
10 foster home care is advisable, the county commissioners may
11 expend funds for such foster home care in addition to any funds
12 paid by the Commonwealth or any individual, association,
13 corporation, institution or governmental agency to or for such
14 persons over eighteen years of age.

15 (7) To require that any person cared for in an institution
16 as defined herein shall pay for the cost of his care to the
17 extent of his available resources.

18 (8) To provide or to contract with any individual,
19 corporation, institution or governmental agency to provide care
20 and services designed to help dependents remain in or return to
21 community living, outside county institutions.

22 Section 2165. Care of Persons Referred by Department of
23 [Public Welfare] Human Services.--The county commissioners of
24 counties of the fourth, fifth, sixth, seventh and eighth classes
25 shall have power to care for any dependent or other indigent
26 person in the county who is referred to them by the Department
27 of [Public Welfare] Human Services or by a local board under its
28 supervision[, pending the determination of such person's legal
29 settlement].

30 Section 78. Section 2167 of the act is repealed:

1 [Section 2167. Treatment of Persons in Danger of
2 Hydrophobia.--The county commissioners of counties of the
3 fourth, fifth, sixth, seventh and eighth classes shall provide,
4 with approved medical care and proper attendance (including the
5 so-called Pasteur treatment, where prescribed), all indigent
6 persons settled within their district who may be assumed to be
7 in danger of suffering from hydrophobia or rabies by reason of
8 having been bitten by an animal believed to have been suffering
9 from the disease, and to order payment of the expenses so
10 incurred out of the funds of the county for the care of
11 dependents.]

12 Section 79. Sections 2168, 2169, 2170, 2172, 2173 and 2174
13 of the act are amended to read:

14 Section 2168. Powers and Duties of County Commissioners as
15 to Children.--The county commissioners of any county of the
16 fourth, fifth, sixth, seventh or eighth class shall have the
17 power and for the purpose of protecting and promoting the
18 welfare of children and youth, it shall be their duty to provide
19 those child welfare services designed to keep children in their
20 own homes, prevent neglect, abuse and exploitation, help
21 overcome problems that result in dependency, neglect or
22 delinquency, to provide in foster family homes and child caring
23 institutions adequate substitute care for any child in need of
24 such care and upon the request of the court, to provide such
25 services and care for children and youth who have been
26 adjudicated dependent, neglected or delinquent.

27 [No child under the age of sixteen years shall, unless he is
28 mentally or physically handicapped and no other care is
29 available for him, be admitted to, or maintained in, an
30 institution conducted by the county commissioners of fourth,

1 fifth, sixth, seventh or eighth class counties other than a
2 hospital or sanitarium.]

3 Section 2169. Contributions for Medical Care.--The
4 commissioners of each county of the fourth, fifth, sixth,
5 seventh or eighth class shall have the power to make annual
6 appropriations from the funds of the county for the support of
7 any public institution operated, or to any nonprofit corporation
8 organized, to give medical care to the dependents and children
9 of the county [without discrimination as to membership in any
10 organization or as to race or sect].

11 Section 2170. Inspections by Department of [Public Welfare]
12 Human Services.--The institutions and books, accounts and
13 records of each county pertaining to its powers and duties
14 authorized by this subdivision shall, at all times, be open to
15 the inspection of the Department of [Public Welfare] Human
16 Services and its agents.

17 Section 2172. Rules and Regulations.--The county
18 commissioners of each county of the fourth, fifth, sixth,
19 seventh and eighth class shall have power to make such rules and
20 regulations, not inconsistent with this act and not inconsistent
21 with the rules and regulations of the Department of [Public
22 Welfare] Human Services, as may be deemed proper, convenient and
23 necessary for the government of its institutions and to properly
24 care for dependents.

25 Section 2173. Providing Certain Services Without Charge
26 Prohibited.--Notwithstanding any other provisions of law, no
27 county commissioners shall provide without charge any items of
28 care or service which an individual is entitled to receive as
29 assistance under the ["Public Assistance Law,"] act of June 13,
30 1967 (P.L.31, No.21), known as the "Human Services Code," but

1 this section shall not be construed to preclude county
2 commissioners from [supplementing such public assistance]
3 providing additional forms of assistance not inconsistent with
4 the Human Services Code or the regulations of the Department of
5 Human Services.

6 Section 2174. Payments by County Commissioners for
7 Assistance.--The county commissioners shall pay monthly to the
8 Department of [Public Welfare] Human Services, as such county
9 commissioners payment for assistance, the amount expended by the
10 department during the preceding month as assistance on behalf of
11 patients receiving public nursing home care in a county medical
12 institution, and on behalf of children in foster family homes
13 and child-caring institutions, plus the cost of administering
14 such assistance, minus the amount of Federal funds properly
15 received or to be received by the Department of [Public Welfare]
16 Human Services on account of such expenditures increased or
17 reduced, as the case may be, by any amount by which the sum paid
18 for any previous month differed from the amount which should
19 have been paid for such previous month and by the proportionate
20 share of refunds of such assistance as provided in the ["Public
21 Assistance Law."] act of June 13, 1967 (P.L.31, No.21), known as
22 the "Human Services Code." The Department of [Public Welfare]
23 Human Services shall certify to the county commissioners the
24 amount to be paid by them to the department.

25 Section 80. Sections 2175, 2176 and 2177 of the act are
26 repealed:

27 [Section 2175. Settlement.--For the purposes of this
28 subdivision:

29 (1) A person is first settled in the county of birth unless
30 the child's parents or the custodial parent if the parents do

1 not live together or other legal guardian if neither parent has
2 custody of the child has an established settlement elsewhere, in
3 which case the first settlement of such person is in the county
4 of his or her custodian. If the child resides with both parents
5 and they have different settlements the settlement of the child
6 shall be the same as that of the parent whose settlement
7 coincides with the family residence. If neither parent's
8 settlement coincides with the family residence, the child's
9 settlement shall be in the place of the child's birth.

10 (3) The settlement of a person in a county continues until a
11 new one is acquired in this Commonwealth or elsewhere. A
12 settlement is lost only by acquiring a new one, except that a
13 person who has settlement in this Commonwealth, and who is
14 residing in another state, shall be deemed to have lost
15 settlement in this Commonwealth if a person from such other
16 state, in like circumstances, could have acquired settlement in
17 this Commonwealth by residence in this Commonwealth, as
18 hereinafter provided; and except that a person having settlement
19 in this Commonwealth, who has been absent therefrom and who has
20 been residing in another state, shall be deemed to have lost
21 settlement in this Commonwealth if a resident of such other
22 state, who is residing in this Commonwealth, would lose
23 settlement in such other state as a result of absence therefrom
24 for a period of equal duration or for a period of lesser
25 duration.

26 (4) Except as hereinafter otherwise provided, every adult
27 and every emancipated minor, whether married or single, may
28 acquire a new settlement in any county of this Commonwealth or
29 in the Commonwealth by coming bona fide to establish a permanent
30 abode therein and continuing to reside therein for one whole

1 year, if such person or minor is of sufficient mental ability to
2 make a bargain, and is not or does not become a public charge
3 during such year.

4 (6) A minor cannot be emancipated before age sixteen, and
5 becomes emancipated absolutely at age eighteen, if then of
6 sufficient mental ability to make a bargain. After age sixteen
7 and before age eighteen, a minor of sufficient mental ability to
8 make a bargain may become emancipated by his own acts or the
9 acts of the parent, stepfather or stepmother having had the
10 custody. When a person is emancipated, he or she is capable of
11 establishing a new settlement.

12 (7) A minor who is so mentally deficient as to be unable to
13 make a bargain cannot be emancipated after age sixteen, and such
14 a person does not become emancipated at age eighteen and so long
15 thereafter, as the mental condition continues. The settlement of
16 such a person shall at all times during mental disability be
17 ascertained as provided in clauses (8) and (9) of this section
18 for the settlement of minors not emancipated.

19 (8) Before emancipation, the settlement of a minor is and
20 remains that of the natural parents or custodial parent, should
21 the natural parents not live together, or of any other legal
22 guardian, or if the parents live together and have different
23 settlements, that of the natural parent whose settlement
24 coincides with the family residence, except that if the parents
25 live together with the child and have different settlements
26 neither of which coincides with the family residence, the
27 settlement of a minor before emancipation shall be and remain in
28 the place of the child's birth.

29 (10) If a person has no known settlement in this
30 Commonwealth and cannot for any reason whatever be removed into

1 the state or country where settled, he shall have a quasi-
2 settlement in the county where he or she becomes a public
3 charge, which county shall, if he be a dependent, be liable for
4 his or her support, otherwise such liability shall be upon the
5 Commonwealth.

6 (11) If a person becomes a public charge in a county other
7 than the one in which settled, such county, if he be a
8 dependent, otherwise the Commonwealth, shall be liable for
9 support until the county, state or country of settlement is
10 discovered, and removal to such county, state or country takes
11 place. Any county of settlement shall be liable to the county in
12 which the person became a dependent for the cost of care
13 advanced and the expenses of removal.

14 Section 2176. Removal to County of Settlement.--In case any
15 person does not have a settlement in the county of the fourth,
16 fifth, sixth, seventh or eighth class wherein he has become, or
17 is likely to become, a dependent, it shall be the duty of the
18 county commissioners to notify the county commissioners of the
19 county of his settlement of the facts. If the county
20 commissioners, so notified, refuse or neglect to receive him or
21 to make arrangements for his proper care and to pay the amount
22 advanced, the county commissioners during such care may apply to
23 the court of quarter sessions of their county, or to any judge
24 thereof, by petition, asking for a citation to the county
25 commissioners, so refusing or neglecting, requiring them to
26 appear before such court at a time specified therein, and to
27 show cause why an order should not issue for the removal of such
28 dependent into their county. The court shall proceed to hear and
29 determine the cause upon its merits, and its decree shall be
30 final, unless an appeal therefrom be taken within thirty days.

1 The citation accompanied by a copy of the petition shall be
2 served by the sheriff of the county, who may, for that purpose,
3 deputize the sheriff of the cited county, upon one or more of
4 the county commissioners named therein, or, with the approval of
5 the court, service may be had by sending such copy by registered
6 mail. The service of mailing shall be at least ten days before
7 the day fixed for such hearing. Upon the hearing and argument
8 before the court, it shall be lawful for either of the parties
9 to the issue to except to any decision of the court upon any
10 point of evidence or law, which exception shall be noted by the
11 court and filed of record as in civil cases. An appeal to an
12 appellate court may be taken by either party from the judgment
13 or decree of the court.

14 Section 2177. Liability for Costs.--In case an order of
15 removal is granted by any court of quarter sessions, the court,
16 in the same order, shall require the county of settlement to pay
17 the petitioners the cost of the proceedings, the expense of
18 removal, and the proper charges for the care of the dependent,
19 from the date of the notice first above provided for, all of
20 which expense, cost, and charges shall be ascertained and
21 allowed by the court. If an order of removal is refused, the
22 cost of the proceeding shall be paid by the county petitioning
23 therefor.

24 The court of quarter sessions shall have full and complete
25 authority and jurisdiction to enforce by appropriate methods its
26 orders or directions made in such proceeding.]

27 Section 81. Section 2180 of the act is amended to read:

28 Section 2180. Attendance at Training Courses and
29 Conferences.--The commissioners of any county may approve
30 attendance at county expense by county health, [welfare] human

1 services or probation personnel at appropriate training courses
2 or at state or national conferences in the health, welfare or
3 correctional fields. [Such expenses may include maintenance
4 fees, if any, and transportation or mileage, if use of personal
5 automobile is authorized.] Each person attending a training
6 course or conference shall submit an itemized account of
7 expenses related to the event according to the provisions of
8 section 446.

9 Section 82. Sections 2185, 2186, 2187, 2188, 2189, 2190,
10 2191, 2192, 2193, 2193.1, 2193.2, 2194, 2195, 2195.1, 2195.2,
11 2196, 2197, 2198, 2199, 2199.1 and 2199.2 are repealed:

12 [Section 2185. Board of Health Jurisdiction
13 Incompatibility.--Each county of the third class may, by
14 ordinance, create a board of health as herein provided. The
15 jurisdiction of every such board of health shall extend to all
16 parts of the country in which created: Provided, That whenever
17 there is a board of health in any city, borough or township of
18 the county, the rules and regulations of any such board of
19 health shall supersede any rules and regulations of the county
20 board in any particular matter where such rules and regulations
21 are more stringent. The board of health shall have five members
22 appointed by the board of county commissioners, who shall serve
23 without compensation. Except as otherwise herein provided,
24 membership on the board of health shall be incompatible with
25 every other county office.

26 Section 2186. Qualifications; Term; Removal.--The members of
27 the board of health shall be residents of the county, except in
28 the case of physicians who shall have their main office in the
29 county. At least two members shall be reputable physicians of
30 not less than two years experience in the practice of their

1 profession. Upon the creation of the board, the board of county
2 commissioners shall designate for one appointee a term of one
3 year, for another a term of two years, and so on up to five;
4 thereafter, one member of the board shall be appointed annually
5 to serve for a term of five years from the first Monday of April
6 succeeding his appointment. The board of county commissioners,
7 after due notice and hearing, may remove members of the board
8 for official misconduct or neglect of duty. All vacancies shall
9 be filled for the unexpired term.

10 Section 2187. Oath of Office; Organization; Secretary.--Each
11 member of the board of health shall take the oath of office
12 prescribed in section 403 of this act. The board shall organize
13 annually at its regular meeting date in January. The board shall
14 elect a president annually from among the members and shall
15 appoint a secretary who is not a board member. The secretary
16 shall take the aforesaid oath and shall give a fidelity bond
17 with corporate surety to the county in such amount as the board
18 of county commissioners requires. The secretary shall receive
19 such salary as the board of county commissioners shall approve.

20 Section 2188. Duties of Secretary.--The secretary of the
21 board shall perform such duties as shall be assigned to him by
22 the board of health or the health officer.

23 Section 2189. Health Officer; Qualifications; Oath and
24 Bond.--The board shall appoint as a health officer a person with
25 experience and training in public health work in accordance with
26 rules and regulations of the Advisory Health Board of the State
27 Department of Health, and who shall not enter upon his duties
28 until he has been certified for the office of health officer by
29 the State Department of Health. The health officer shall take
30 the oath required of members of the board, and shall give bond

1 with corporate surety approved by the board of county
2 commissioners to the county for the faithful performance of his
3 duties. The amount of the bond shall be fixed by the board of
4 county commissioners. The health officer shall be the agent of
5 the board of health.

6 Section 2190. Duties of Health Officer.--It shall be the
7 duty of the health officer to attend all stated and special
8 meetings of the board of health and to be available for the
9 prompt performance of his official duties at all times. He shall
10 quarantine places of communicable diseases in accordance with
11 law and with the rules and regulations of the State Department
12 of Health or of the board of health. He shall execute all laws
13 and rules or regulations for the disinfection of quarantined
14 places. He shall serve written notice on teachers and persons in
15 charge of public, parochial, Sunday and other schools, requiring
16 the exclusion from school of children who are suffering from, or
17 who reside with persons who are suffering from, communicable
18 diseases, and shall make sanitary inspections, and shall execute
19 the orders of the board of health and all other laws, rules and
20 regulations and orders pertaining to his office. He shall, in
21 the performance of his duties, have the power and authority of a
22 peace officer.

23 Section 2191. Duties of Board of Health.--The board of
24 health shall enforce the health laws of the Commonwealth and the
25 rules and regulations of the State Department of Health
26 pertaining thereto. The board shall enforce those orders of the
27 State Department of Health for which the State Department of
28 Health reimburses the county for its costs pertaining thereto.
29 The board shall undertake to prevent or diminish the
30 introduction or further spread of infectious or contagious

1 diseases, and otherwise to protect and increase the public
2 health by regulating communication with places of infection or
3 contagion, by isolating carriers of infection or contagion or
4 persons who have been exposed to any infectious or contagious
5 disease, by abating or removing all nuisances which the board
6 shall deem prejudicial to the public health, and by enforcing
7 the vaccination laws; and the boards shall make all such rules
8 and regulations as to it appear proper for the preservation or
9 improvement of the public health, consistent with this article
10 and the laws of the Commonwealth. The board shall transmit to
11 the State Department of Health all of its reports and
12 publications and such other information regarding public health
13 in the county as may be requested by the department.

14 Section 2192. Powers of Board of Health.--The board of
15 health shall have authority:

16 (1) To employ agents and employes at such rates or salaries
17 as the salary board shall approve.

18 (2) To establish and staff emergency hospitals, with the
19 consent of the board of county commissioners, in case of the
20 prevalence or threat of any contagious or infectious disease or
21 other serious peril to public health, and to provide for and
22 regulate the management of such hospitals.

23 (3) To enter upon any premises whatsoever within county as a
24 body or by committee or by its agents or employes, which
25 premises are suspected of infectious or contagious disease or of
26 any other nuisance prejudicial to the public health, or of the
27 danger of them, for the purpose of examining the premises or of
28 preventing, confining or abating public nuisances.

29 (4) To conduct investigations and to hold public hearings in
30 the performance of its duties and powers, wherein the president

1 and secretary of the board shall have full power to administer
2 oaths and affirmations but shall receive no fee therefor. For
3 such purposes, the board of health may require the attendance of
4 witnesses and their books and papers.

5 (5) To establish a force of sanitarians for the enforcement
6 of its rules and regulations, wherever in the opinion of the
7 board the public health of the county requires. To fix the
8 number of such police and the duration of their service and to
9 have the exclusive control and direction of them.

10 (6) To publish and enforce its rules and regulations.

11 (7) To provide for or cooperate in providing for general and
12 gratuitous vaccination, disinfection and other public health
13 control programs, and likewise to make available medical relief
14 in such ways as in its opinion will benefit the public health.

15 (8) To certify to the board of county commissioners
16 expenditures in excess of the board of county commissioner's
17 appropriations therefor, necessarily incurred by the board by
18 reason of an epidemic, or upon approval of the board of county
19 commissioners for any other immediate and serious peril to
20 public health. The board of county commissioners shall thereupon
21 appropriate sufficient money to meet such additional
22 expenditures.

23 (9) To prevent, abate or remove conditions found by it to be
24 detrimental to the public health as public nuisances, or to
25 declare and certify to the board of county commissioners such
26 conditions and the premises or ways or places harboring them to
27 be public nuisances.

28 (10) To prescribe regulations for the erection or operation
29 of bone boiling establishments or of repositories of dead
30 animals in the county, and in accordance therewith, to permit or

1 refuse to permit such erections or operations within the county.
2 Any person who shall erect or operate any such establishment or
3 repository in the county without the permission of the board of
4 health, or in violation of its regulations pertaining thereto,
5 shall forfeit and pay to the county the sum of three hundred
6 dollars (\$300) for every such offense, and the like amount for
7 each months's continuance thereof, to be collected by an action
8 before any alderman or justice of the peace, and shall also be
9 subject to indictment for the common law offense of creating and
10 maintaining a nuisance. Nothing herein shall limit the remedies
11 of injunction or abatement as to any such establishment.

12 (11) To determine whether or not the keeping or slaughtering
13 of stock animals or fowls in or about any dwelling or part
14 thereof, or in the yard, lot or adjoining property of any such
15 building within the county or parts thereof, is or may become
16 detrimental to the public health. The board of county
17 commissioners may prohibit any such keeping or slaughtering
18 which the board certifies to it as detrimental, or the board may
19 issue permits in accordance with regulations adopted by it for
20 the keeping of such animals or fowls within the county or parts
21 thereof. No such permit shall extend beyond the calendar year
22 within which it was issued, and the fee for each permit shall be
23 fixed by the board of health upon approval of the county
24 commissioners.

25 (12) To make provisions for the compilation of vital
26 statistics, maternal and child care, health education, control
27 of chronic diseases, or needed laboratory services.

28 Section 2193. Effect of Rules and Regulations.--The rules
29 and regulations of the board of health shall be subject to prior
30 approval of the board of county commissioners and when printed

1 and advertised by the board of county commissioners as required
2 by this act in section 110, shall have the force of ordinances
3 of the county, and all penalties, fines or imprisonment
4 prescribed therein for violations thereof, together with the
5 expenses necessarily incurred in carrying the rules and
6 regulations into effect and the costs of proceedings incident
7 thereto, shall be recoverable for the use of the county.

8 Section 2193.1. Prohibition of Political Activity.--No
9 person appointed to any position or employed by a county board
10 of health shall be a member of or delegate or alternate to any
11 political convention, nor shall he participate at any such
12 convention, except in the performance of his official duty or as
13 a visitor, nor shall he serve as a member of any committee of
14 any political party, or take an active part in political
15 management or in political campaigns, or use his office or
16 position to influence political movements or to influence the
17 political action of any officer or employe in the classified
18 service, nor shall he circulate or seek signatures to any
19 nominations or other petition required by any primary or
20 election law, nor shall he seek or accept election, nomination
21 or appointment as an officer of a political club or
22 organization, or serve as a member of a committee of any such
23 club or organization, nor shall he in any manner participate in
24 or interfere with the conduct of any election or the preparation
25 therefor at the polling place or with the election officers
26 while counting the votes or returning the election material to
27 the place provided by law for that purpose, save only for the
28 purpose of making and depositing his own ballot as speedily as
29 it reasonably can be done, nor shall he be within the polling
30 place or within fifty feet thereof, except for the purpose of

1 carrying out official duties and of ordinary travel or residence
2 during the period of time beginning with one hour preceding the
3 opening of the polls for holding such election and ending with
4 the time when the election officers shall have finished counting
5 the votes and have left the polling place for the purpose of
6 depositing the election material in the place provided by law
7 for that purpose, excepting only police officers, who may
8 temporarily approach or enter the polling place in order to make
9 any arrest permitted by law or for the purpose of preserving
10 order and in each case remain only long enough to accomplish the
11 duties aforesaid after which the said officers shall at once
12 withdraw: Provided, however, That the rights of any individual
13 as a citizen are not impaired hereby, and the prerogative to
14 attend meetings, to hear or see any candidate or nominee, nor to
15 express one's individual opinion privately, shall remain
16 inviolate.

17 Section 2193.2. Prohibition of Assessments.--No person shall
18 orally or by written or printed communication, directly or
19 indirectly, demand, solicit, collect or receive or be in any
20 manner concerned in demanding, soliciting, collecting or
21 receiving any money or valuable thing or any assessment,
22 subscription or contribution, whether voluntary or involuntary,
23 from any officer or employe of a county board of health for any
24 political purpose whatever. No officer or employe of a county
25 board of health shall orally or by written or printed
26 communication, directly or indirectly, demand, solicit, collect
27 or receive or be in any manner concerned in demanding,
28 soliciting, collecting or receiving any money or valuable thing
29 for any political purpose whatever. No person in the service of
30 the county shall remove, suspend, furlough, demote or promote or

1 in any manner change the official status or compensation of any
2 officer or employe of a county board of health or promise or
3 threaten to do so for withholding or neglecting to make any
4 contribution of money or service or other valuable thing for any
5 political purpose. No person shall take part in preparing any
6 political assessment, subscription or contribution with the
7 intent that the same shall be sent or presented to or collected
8 from any officer or employe of a county board of health, and no
9 person shall knowingly send or present, directly or indirectly,
10 in person or by letter, any political assessment, subscription
11 or contribution to, or request its payment by, any officer or
12 employe of a county board of health.

13 Section 2194. Fees and Penalties.--All fees and penalties
14 collected or received by the board or any officer thereof in his
15 official capacity shall be paid monthly to the county treasurer
16 for the use of the county.

17 Section 2195. Proceedings of Board to be Public.--The
18 proceedings of the board shall be public and its journal or
19 proceedings shall be opened to the inspection of any taxpayer.

20 Section 2195.1. Employees of Boards of Health.--The
21 recruiting, selection, tenure, removal and working conditions of
22 all personnel employed by any board of health shall conform to
23 standards of personnel administration formulated by the board of
24 health and reviewed and approved first by the county
25 commissioners and finally by the State Department of Health,
26 except that the State Department of Health shall exercise no
27 authority with respect to the selection, compensation and
28 removal of any individual employed in accordance with such
29 standards, other than the approval of the qualifications of the
30 county health director by the State Secretary of Health.

1 Section 2195.2. Program Controls.--Should the State
2 Secretary of Health find any of the activities of the board of
3 health to be incompatible with the rules, regulations, or
4 programs of the State Department of Health, he shall so advise
5 the county commissioners and the board of health which shall
6 take steps to remove such incompatibility. Should conditions
7 exist which constitute a menace to the health of the people of
8 the county, the State Secretary of Health may, after giving
9 notice which is reasonable under the particular circumstances,
10 take charge of the county board of health during the existence
11 of such menace of which remedial action has not been taken by
12 the board of health.

13 Section 2196. Definition.--Any condition or usage whatsoever
14 in or about the buildings, structures or land, or the streets or
15 private ways and places, or elsewhere within the county of the
16 third class, whether public or private, which the board of
17 health shall find to be detrimental to the public health is
18 hereby declared to be a public nuisance. Whenever in this
19 subdivision the words "public nuisance" or "nuisance" are used
20 they shall be deemed to mean a nuisance detrimental to the
21 public health, unless a different meaning is specified. The
22 powers of investigation and entering upon premises vested in the
23 board of health and its agents and employes pursuant to its
24 orders shall be available for the determination of public
25 nuisances.

26 Section 2197. Procedure for the Abatement of Public
27 Nuisances.--Whenever the board of health shall determine, after
28 such examination, investigation or hearing as shall suffice to
29 inform its judgment, that a public nuisance exists or is about
30 to exist, it may order the nuisance to be removed, abated,

1 suspended, altered, or otherwise prevented or avoided. Notice of
2 such order, bearing the official title of the board and the
3 number of days for compliance therewith and the alternative
4 remedy of the board in case of non-compliance, shall be served
5 upon the person, if any, whom the board deems responsible
6 therefor or concerned therein, and upon the owner or abutting
7 owner of the land, premises or other places whereon such
8 nuisance is or is about to be, if any. In case no such party or
9 parties can be discovered by the board, the order shall be
10 served by posting a copy or copies thereof conspicuously upon
11 the premises for a period of at least ten days.

12 Section 2198. Contents of Notice.--The notice of the board's
13 order shall clearly specify:

14 (1) The place and manner of the nuisance or anticipated
15 nuisance as determined by the board;

16 (2) The nature or condition thereof;

17 (3) The board's order with respect to the nuisance or
18 anticipated nuisance;

19 (4) The names of the persons found by the board to be
20 responsible therefor or concerned therewith and the name of the
21 owner, if any, of the land or premises involved;

22 (5) The date of the board's order and the number of days
23 therefrom allowed for compliance with it;

24 (6) The alternative remedy of the board in case of non-
25 compliance;

26 (7) Notice that the persons affected thereby may apply,
27 within the time set for compliance with the order, to the board
28 for a hearing, and may request such stay of execution or
29 modification or rescission of the said order as they shall
30 believe just and proper;

1 (8) The signature of the president of the board, attested by
2 the secretary.

3 Section 2199. Hearing; Disposition.--If any person affected
4 thereby shall apply for a hearing within the time provided, the
5 board shall promptly notify all interested parties of the time
6 and place of the hearing. The board shall enter upon its minutes
7 such facts and proofs as it may receive, and its proceedings on
8 such hearing and thereafter may rescind, modify or reaffirm its
9 order and require execution of the original or of a new or
10 modified order, as it shall determine and direct. The persons
11 affected shall be notified of the board's final order, and may
12 appeal therefrom, which appeal may operate as a supersedeas if
13 the court, upon proper cause shown, so orders, and provided the
14 appellants post bond, approved by the court, for the use of the
15 county, with sufficient surety to cover all the expense and cost
16 of executing the board's order.

17 Section 2199.1. Abatement of Public Nuisances by Board of
18 Health or County.--In any case where the persons ordered by the
19 board of health to abate or prevent a public nuisance or
20 anticipated public nuisance refuse or neglect to do so within
21 the time specified in the original or any subsequent order of
22 the board, then, unless the said order shall have been suspended
23 by appeal to the court and proper bond posted, the board may
24 direct its health officer and employes to execute the said
25 order; or if the execution of the said order requires the
26 grading, paving or repaving of private alleys or any similar
27 work upon any property whatsoever within the county or any other
28 work or service that may best be performed or contracted for by
29 the agencies and employes of the county itself, then the board
30 shall certify its order to the board of county commissioners and

1 the board of county commissioners shall thereupon proceed to
2 cause the execution of the order. In any case where the board of
3 health or the board of county commissioners thus abates or
4 prevents or causes the abatement or prevention of a public
5 nuisance, the cost and expense of such work, services and
6 materials shall be charged to the persons affected in their
7 proper proportions; and upon non-payment of such charges, the
8 county may file a lien therefor upon the affected premises in
9 the name of and for the use of the county, as provided by law
10 for municipal claims, in addition to the other remedies
11 available for the collection of debts due the county. The lien
12 shall attach as of the time the work was commenced, which shall
13 be fixed by the certificate of the health officer or of the
14 county engineer filed with the chief clerk of the county
15 commissioners.

16 Section 2199.2. Penalties.--Any person violating any
17 provision of this subdivision or any order of the board of
18 health made under the authority of this subdivision, or of any
19 law or ordinance therein referred to or authorized, or who shall
20 obstruct or interfere with any person in the execution of any
21 order of said board, or wilfully and illegally omit to obey any
22 such order, shall upon conviction thereof in a summary
23 proceeding, be sentenced to pay a fine not exceeding one hundred
24 dollars (\$100) or undergo imprisonment not exceeding ninety
25 days, or both.]

26 Section 83. Sections 2199.6, 2199.7 and 2199.8 of the act
27 are amended to read:

28 Section 2199.6. Expenses.--All expenses incident to the
29 maintenance and operation of any hospital [under the provisions
30 of this subdivision (h)] owned or leased to the county, or

1 otherwise established under section 2199.5, including any lease
2 rentals payable by the county to a municipal authority shall be
3 paid by the county out of county funds.

4 Section 2199.7. Administration of Hospitals.--Any hospitals
5 owned by or leased to the county [under this subdivision (h)]
6 may be operated by and under the authority of the county
7 commissioners of the county in the same manner that other county
8 buildings and institutions are operated or may be subleased to
9 the governing body of any general hospital within the county for
10 operation by such governing body.

11 Section 2199.8. Use of Hospital.--Every hospital owned by or
12 leased to the county [under the provisions of this subdivision
13 (h)] shall be used for the benefit of all inhabitants resident
14 within the county in which the hospital is located, and all such
15 persons shall be entitled to occupance, nursing, care, treatment
16 and maintenance according to the rules and regulations
17 prescribed by the county commissioners. The county commissioners
18 may exclude from the use of the hospital any person who
19 willfully violates any rule or regulation adopted for the
20 hospital by said county commissioners. The county commissioners
21 may charge and collect from persons admitted to the hospital or
22 persons legally responsible for their maintenance, reasonable
23 compensation for the care, treatment and maintenance of such
24 persons.

25 Section 84. Article XXII heading of the act is amended to
26 read:

27 ARTICLE XXII

28 AERONAUTICS AND TRANSPORTATION

29 Section 85. Article XXII of the act is amended by adding a
30 subdivision heading to read:

1 (a) Aeronautics

2 Section 86. Sections 2201, 2202, 2203, 2204, 2205, 2206,
3 2207, 2208 and 2209 of the act are amended to read:

4 Section 2201. Authority to Establish Airports.--Subject to
5 the provisions of [The Aeronautical Code, any county shall have
6 the right and authority to] 74 Pa.C.S. (relating to
7 transportation), a county may establish, construct and provide
8 for [air navigation facilities] airports in accordance with the
9 provisions of this article. For purposes of this article, the
10 term "airports" shall be defined as provided in 74 Pa.C.S. §
11 5102 (relating to definitions).

12 Section 2202. Counties May Hold or Acquire Lands for
13 Aeronautical Purposes.--(a) Any county may use for the purpose
14 of any [air navigation facilities] airport any land within the
15 county and owned by the county when the county commissioners
16 determine such land necessary for such purposes.

17 (b) Any county may appropriate for the purposes of any [air
18 navigation facilities] airport, any lands purchased by it at any
19 tax sale and not redeemed within the period of redemption, if
20 any, provided by law.

21 (c) Any county may acquire by gift, lease, purchase or
22 condemnation proceedings, any land lying within its territorial
23 limits or the territorial limits of any adjoining county which,
24 in the judgment of the county commissioners, may be necessary
25 and desirable for the purpose of establishing and maintaining
26 [air navigation facilities] airports or of enlarging them, but
27 no such land shall be so acquired in any adjoining county
28 without the assent of the county commissioners thereof.

29 Section 2203. Condemnation Proceedings; Title.--(a) The
30 proceedings for the condemnation of lands under the provisions

1 of this article and for the assessment of damages for property
2 taken, injured or destroyed shall be conducted in the same
3 manner as now provided by law for the condemnation of land or
4 buildings for county purposes in the county in which the land is
5 situated.

6 (b) The title acquired by virtue or any such condemnation
7 [shall] may be a title in fee simple or any lesser estate,
8 including an easement for aviation or any other purpose.

9 Section 2204. [Leases for Aeronautical Purposes] Agreements
10 for Airport Facilities.--Any county acquiring land for any
11 [aeronautical] airport purposes may [lease the same or part
12 thereof for an] enter into agreements in the form of a lease,
13 permit, license, concession or otherwise, for the use of all or
14 a part of the land, for adequate consideration, after due public
15 notice to any [individual or corporation] person desiring to use
16 the same for the purposes of taking off or landing an airplane,
17 or for other [aeronautical] aviation purposes, or for any
18 nonaviation purpose, on such terms and subject to such
19 conditions and regulations as may be provided. In counties of
20 the second class A, agreements for nonaviation purposes shall be
21 for terms of less than 50 years and shall only involve land
22 designated in the county's airport master plan as not needed for
23 airport purposes within the term of the lease. Any [such] county
24 may enter into a contract in the form of a lease providing for
25 the use of [said] airport land or any part thereof by the
26 Government of the United States for air mail delivery or other
27 [aeronautical] aviation purposes upon nominal rental or without
28 consideration.

29 Section 2205. Joint Operation; Leasing.--Any county
30 acquiring land for any [aviation] airport purpose may operate

1 and maintain such [air navigation] facilities jointly with any
2 [city, county, borough, town or township] municipal corporation
3 or other political subdivision, upon such terms and conditions
4 as may be agreed upon between the authorities thereof and the
5 county commissioners [of the county], and such joint facilities
6 may be operated and leased, as hereinbefore provided, upon the
7 joint action of the authorities involved and the county
8 commissioners.

9 Section 2206. Engineering and Construction;

10 Appropriations.--Any county acquiring any land for any
11 [aeronautical] airport purposes may, by resolution of the board
12 of commissioners, appropriate such funds as are necessary for
13 the engineering design, surveys and construction of such
14 facilities, either wholly by themselves or in cooperation with
15 State, Federal or other public agencies supplying a portion of
16 the necessary funds for said work.

17 Section 2207. Contracts for Construction and Repairs.--In
18 establishing, maintaining and operating [air navigation] airport
19 facilities where construction and repair of roadways, runways,
20 buildings and facilities, or the purchase thereof, are deemed
21 necessary within or for use within the limits of land acquired
22 for such purpose, there shall be no necessity for submission
23 thereof to [the court of quarter sessions] any court or grand
24 jury of any county, but contracts therefor shall be entered into
25 as provided for [the general business of the county] in Article
26 XVIII, and in the case of joint establishment, operation and
27 maintenance with any other political subdivision, contracts
28 relating thereto shall be entered into as provided for the
29 general business of any of such participating political
30 subdivisions.

1 Section 2208. Validation of Contracts.--Any contracts
2 [heretofore entered into] executed prior to July 28, 1953, in
3 the case of counties of the second class A, and August 9, 1955,
4 for counties of the third through eighth class, for construction
5 and repair of roadways, runways, buildings and facilities or the
6 purchase thereof within or for use within the limits of land
7 acquired for the establishment and operation of airdromes or
8 landing fields, without first having obtained the approval of
9 the court of quarter sessions or grand jury of any county and
10 entered into as provided for the general business of the county
11 or other political subdivisions jointly interested, are hereby
12 ratified, confirmed, approved and declared lawful contracts.

13 Section 2209. Appropriating Money to Assist Political
14 Subdivisions and Municipality Authorities for Airports in
15 certain counties.--The county commissioners of any county may
16 appropriate moneys to assist any [city, borough, town, township]
17 municipal corporation or other political subdivision, or
18 municipality airport authority, within such county or within any
19 adjacent county to acquire, establish, operate and maintain any
20 and all [air navigation] airport facilities.

21 Section 87. The act is amended by adding a section to read:

22 Section 2209.1. Issuance of Revenue Bonds for Airport
23 Facilities in Certain Counties.--(a) In addition to present
24 methods of financing the same, the county commissioners of
25 counties of the second class A may issue revenue bonds, pursuant
26 to provisions of 53 Pa.C.S. Pt. VII Subpt. B (relating to
27 indebtedness and borrowing), to provide sufficient money for and
28 toward the acquisition, construction, reconstruction, extension
29 or improvement of airport facilities, including, but not limited
30 to, airports, terminals, hangars, parking areas and all other

1 facilities either necessary thereto or appropriate therefor,
2 with said bonds to be secured solely by the pledge of the whole
3 or part of the fees, rents, tolls or charges derived from the
4 ownership or operation of the facilities or for the use or
5 service of the same.

6 (b) Airport facilities financed by the issuance of revenue
7 bonds as provided under this section may be leased by the
8 county, in whole or in part, to a lessee or lessees for a period
9 of years equal in time to the period of maturity of the bonds so
10 issued.

11 (c) Included in the cost of the issue may be any costs and
12 expenses incident to constructing and financing the facilities
13 and selling and distributing the bonds.

14 (d) Nothing in this section shall be construed as modifying
15 or restricting the power of any county of the third through
16 eighth class to incur debt for the acquisition, construction,
17 reconstruction, extension or improvement of airport facilities,
18 including, but not limited to, airports, terminals, hangars,
19 parking areas and all other facilities either necessary thereto
20 or appropriate therefor, to the extent such power exists on the
21 effective date of this subsection.

22 Section 88. Article XXII of the act is amended by adding a
23 subdivision to read:

24 (b) Second Class A County Transit
25 and Traffic Commission

26 Section 2250. Creation of County Transit and Traffic
27 Commission.

28 (a) Establishment.--The commissioners of a county of the
29 second class A may establish a county transit and traffic
30 commission under this subdivision.

1 (b) Existing commission.--A county transit and traffic
2 commission existing on the effective date of this section may
3 continue to exist under this subdivision.

4 (c) Composition.--The county transit and traffic commission
5 shall be composed of nine members in accordance with the
6 following:

7 (1) Each of the nine members shall be residents of the
8 county in accordance with the following:

9 (i) Not more than four of the members shall be
10 residents of cities in the county.

11 (ii) Not more than two of the members shall be
12 regular employees of a publicly financed body.

13 (2) Members shall be individuals experienced in at least
14 one of the following:

15 (i) Engineering.

16 (ii) Commerce.

17 (iii) Finance.

18 (iv) Law.

19 (v) Transportation.

20 (vi) Traffic matters.

21 (3) Each member shall be appointed by the county
22 commissioners.

23 (4) If there is an existing board on the effective date
24 of this section which has duties substantially similar to
25 those of the commission established under this section, new
26 members shall be appointed upon the expiration of the terms
27 of the existing members.

28 (d) Terms, quorums and vacancies.--

29 (1) Each member shall serve for a term of six years.

30 (2) Five members shall constitute a quorum.

1 (3) An appointment to fill a vacancy shall be only for
2 the unexpired term of the vacancy.

3 (e) Organization.--The commission members may make rules and
4 regulations for the commission's organization and procedure
5 consistent with the resolutions of the county commissioners and
6 the laws of this Commonwealth.

7 (f) Compensation and expenses.--

8 (1) Members shall serve without compensation.

9 (2) The county commissioners may provide for the
10 following expenses, at the county commissioners' discretion,
11 by resolution and appropriation:

12 (i) Employment of a technical staff or other
13 individuals as necessary.

14 (ii) Necessary expenses of the commission.

15 Section 2251. Duties of county transit and traffic commission.

16 (a) Duties.--The duties of the county transit and traffic
17 commission shall be:

18 (1) To investigate transit, traffic and parking
19 conditions in the county, including the volume and
20 characteristics of the movement of public carriers, such as
21 street railways, trains, buses and other motor vehicles,
22 throughout the county, with a view of determining advisable
23 means for obtaining adequate, rapid and safe transportation.

24 (2) To consider fully the coordination of existing
25 transportation services.

26 (3) To investigate and study safety measures for persons
27 and vehicles on highways, streets and thoroughfares in the
28 county.

29 (4) To advise with officials of political subdivisions
30 in the county about the transit, traffic and parking

1 problems.

2 (b) Report.--All minutes, reports and recommendations made
3 by the commission shall be a matter of public record.
4 Periodically, but not less than once a year, the commission
5 shall file with the county commissioners a report, which shall
6 include the results of investigations made by the commission and
7 any recommendations the commission may have to offer.

8 (c) Referral to commission.--The county commissioners shall
9 refer any plan, proposal or resolution affecting public
10 transportation and the safety of the public on public
11 transportation facilities and on highways, bridges and tunnels
12 in the county to the county transit and traffic commission for
13 consideration and recommendation. The county transit and traffic
14 commission shall report to the county commissioners on the plan,
15 proposal or resolution within a reasonable period of time.

16 (d) County planning commission.--

17 (1) In lieu of the creation of a county transit and
18 traffic commission in the county where a county planning
19 commission has been established, the county commissioners
20 may, by resolution, confer and impose on the county planning
21 commission the additional powers and duties of serving as the
22 county transit and traffic commission, with all the powers
23 and duties conferred by this subdivision upon the county
24 transit and traffic commission. Upon the passage of such
25 resolution by the county commissioners, the terms of office
26 of the existing county transit and traffic commissioners
27 shall terminate and they shall deliver all books, papers,
28 records, furnishings and supplies pertaining to their office
29 to the county planning commission.

30 (2) The passage of the resolution by the county

1 commissioners under paragraph (1) shall not impair nor affect
2 any act done, or right accruing, accrued or acquired, or
3 liability, duty or obligation incurred, prior to the time the
4 resolution takes effect.

5 Section 89. Sections 2301, 2301.1, 2302 and 2302.1 of the
6 act are amended to read:

7 Section 2301. Title to Real Estate Vested in County.--The
8 title to all [court houses, jails, prisons and workhouses,
9 together with the lots of land thereunto belonging or
10 appertaining, and all other] real property acquired [or that may
11 hereafter be acquired] by or for the use of the county, shall be
12 vested in the county for the use of the people thereof and for
13 no other use, except as hereinafter provided.

14 Section 2301.1. Days and Hours of [Court House] Courthouse
15 and Offices.--The [county] commissioners shall determine when
16 the county [court house] courthouse and all county offices
17 located elsewhere shall be open.

18 Section 2302. Exemption from Taxation and Attachment.--[All]
19 Except as provided under section 2306(a.1) or other law, all
20 property of the county, real or personal, shall be exempt from
21 taxation and from levy and sale by virtue of execution or of any
22 other process.

23 Section 2302.1. Payments in Lieu of Taxes.--Where real
24 property of the county is not presently being used for the
25 purposes for which it was acquired, [(as in the case of long-
26 range acquisition programs for parks, dams and the like),] the
27 county may make payments in lieu of taxes for such property to
28 [local governments] political subdivisions in which the property
29 is located.

30 Section 90. Section 2303 of the act is repealed:

1 [Section 2303. Insuring Buildings and Contents.--The county
2 commissioners may provide insurance against fire and extended
3 coverage, against public liability and such other forms of
4 insurance, including insurance against burglary, as shall seem
5 proper to them for county lands, buildings and farms and the
6 contents, real and personal, thereof.]

7 Section 91. Sections 2304, 2305, 2305.1, 2306 and 2306.1 of
8 the act are amended to read:

9 Section 2304. Credit of County Available for Grounds and
10 Buildings.--In the acquisition, construction or alteration[, as
11 the case may be,] of land and buildings for county purposes, the
12 commissioners may issue bonds [of the county to meet the costs
13 thereof, except as any other system of financing shall be
14 expressly provided by law for any particular county buildings.]
15 as provided by law.

16 Section 2305. Acquiring and Using Real Property;
17 Exceptions.--(a) The [county] commissioners may acquire real
18 property by purchase for not more than the fair market value,
19 [take by] gift, devise or [by the power of] eminent domain[, in
20 accordance with the provisions of this act,]. The commissioners
21 may acquire, improve and maintain such real property at the
22 county seat or in such other places as they deem necessary for
23 the purposes of a county courthouse, [county jail, prison,
24 workhouse, detention house or other county building, or in the
25 alteration, including enlargement, of an existing county
26 building.] prison and such other facilities necessary for county
27 purposes. The fair market value of real property in the case of
28 a purchase valued in excess of ten thousand dollars (\$10,000)
29 shall be determined by the [county] commissioners in
30 consultation with two of the following: the county assessor,

1 licensed real estate brokers, or licensed real estate appraisers
2 doing business within the county.

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

8 (c) The [county] commissioners may provide for the grading,
9 filling, draining, gardening and otherwise improving and
10 maintaining of all lands for county buildings, either by
11 contract or by county employes, as they deem proper.

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

17 Section 2305.1. Acquiring and Developing Industrial Areas.--

18 (a) The [county] commissioners may purchase, take by gift or
19 devise real property within the county including Federal surplus
20 real property, for the purpose of developing the same for
21 industrial use under a local, regional or county plan and to
22 expend funds to bring utilities within such county industrial
23 area and to develop such area for industrial sites. [The land so
24 purchased may be developed as stated and may be sold only to a
25 local industrial development corporation.]

26 (b) A county may sell, or lease for a term not to exceed
27 ninety-nine years, to any industrial development organization,
28 with or without consideration, any lands, easements or rights in
29 land, together with any improvements, buildings or structures
30 therein or thereon now owned by the county or hereafter acquired

1 by it for the purpose of establishing or enlarging any
2 commercial, industrial or manufacturing enterprise or research
3 and development center within the county. In addition, the
4 following shall apply:

5 (1) The industrial development organization shall be
6 designated in the manner provided by Chapter 23 of the act of
7 June 29, 1996 (P.L.434, No.67), known as the "Job Enhancement
8 Act."

9 (2) The county may make with such industrial development
10 organization any and all agreements for the industrial
11 development of such lands, easements or rights in lands.

12 (3) Any instrument of sale, lease or other agreement made
13 pursuant to this subsection may contain provisions regulating
14 the uses of lands, buildings and structures for trade, industry,
15 manufacture, research, residence, recreation, water supply,
16 public activities or other purposes.

17 Section 2306. Authority to Sell or Lease Real Property.--(a)
18 The [board of] commissioners may sell any estate in real
19 property for not less than the fair market value [or lease,
20 either as lessor or lessee, any real property belonging to the
21 county or to others where the county is lessee]. If the
22 commissioners know or have reason to believe that the property
23 to be sold contains oil, gas, coal, stone, timber or other
24 mineral or forest products of commercial value, such knowledge
25 or belief shall be advertised together with the description of
26 the land in at least [two newspapers, in said county, of general
27 circulation, once a week for three consecutive weeks. The] one
28 newspaper of general circulation in the county. In the case that
29 the fair market value of the real property [in the case of a
30 sale valued] is estimated to be in excess of ten thousand

1 dollars (\$10,000), the fair market value shall be determined by
2 the [county] commissioners in consultation with two of the
3 following: the county assessor, certified broker-appraisers or
4 certified real estate appraisers doing business within the
5 county.

6 (a.1) The commissioners may lease any estate in real
7 property owned by the county or such real property for which the
8 county is the lessee. In the case of any lease of county
9 property hereunder, such property, with any and all improvements
10 or additions thereon or thereto, shall, in the hands of the
11 lessee, be subject to taxation by such county and any other
12 political subdivision therein, in the same manner as other real
13 estate located in the county. Such taxes shall be levied and
14 assessed against and paid by the lessee. [This section shall not
15 apply to leases or sales of county property or other property
16 which are otherwise specifically provided for by law.]

17 (b) The provisions of subsection (a) shall not be mandatory
18 where county real property is to be sold to any of the
19 following:

20 (1) A [city, borough, town, township, institution district,
21 school district] political subdivision, volunteer fire company,
22 volunteer ambulance service or volunteer rescue squad located
23 within the county.

24 (2) A municipal authority pursuant to [the act of May 2,
25 1945 (P.L.382, No.164), known as the "Municipality Authorities
26 Act of 1945."] 53 Pa.C.S. Ch. 56 (relating to municipal
27 authorities).

28 (3) A nonprofit corporation or limited partnership in which
29 a nonprofit corporation is a general partner and managing agent
30 engaged in community industrial, commercial or affordable

1 housing development or reuse for its exclusive use for
2 industrial, commercial or affordable housing development. This
3 exemption shall not apply to property owned and operated by a
4 county or subcontracted or operated on the behalf of a county in
5 order to conduct existing government functions.

6 (4) A person for [his] the exclusive use of the property in
7 an industrial development program.

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

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

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

14 (8) The Federal Government.

15 (9) The Commonwealth.

16 (10) An authority pursuant to the act of August 23, 1967
17 (P.L.251, No.102), known as the "Economic Development Financing
18 Law."

19 (11) A redevelopment authority pursuant to the act of May
20 24, 1945 (P.L.991, No.385), known as the "Urban Redevelopment
21 Law."

22 (12) A public utility.

23 (13) A nonprofit organization providing community service or
24 development activities.

25 (14) A nonprofit corporation established for the
26 preservation of historical, architectural or aesthetic sites or
27 artifacts.

28 (15) A nonprofit association or nonprofit corporation
29 organized to acquire and maintain real property for the
30 preservation, conservation and stewardship of open space.

1 (16) A council of government, consortium, cooperative or
2 other similar entity created pursuant to 53 Pa.C.S. Ch. 23
3 Subch. A (relating to intergovernmental cooperation).

4 When the real property is to be sold or leased to a qualified
5 entity under this subsection, the [board of] commissioners may
6 elect to accept such nominal consideration for such sale as [it
7 shall deem] the commissioners deem appropriate. Real property
8 sold pursuant to this subsection to any entity under this
9 subsection, other than a city, borough, town, township,
10 institution district, school district, municipal authority
11 pursuant to [the "Municipality Authorities Act of 1945,"] 53
12 Pa.C.S. Ch. 56 located within the county, the Federal Government
13 or the Commonwealth shall be subject to the condition that when
14 the property is not used for the purposes of the entity the
15 property shall revert to the county.

16 (c) This section shall not apply to leases or sales of
17 county property or other property which are otherwise
18 specifically provided for by law.

19 (d) The commissioners shall provide for the transfer of any
20 interest in real property under this section by deed, or by
21 written lease, under the seal of the county, as applicable.

22 Section 2306.1. Authority to Sell Certain Real Property and
23 Personal Property as a Single Unit.--Notwithstanding any other
24 provisions of law, whenever the [county] commissioners [of a
25 county] determine that the continued ownership and operation of
26 an institution for the care of dependents is economically
27 unfeasible, the [county] commissioners may sell the real
28 property belonging to the county and being used for such
29 purposes, together with all of the contents of personal property
30 used in connection with and incidental to the operation of the

1 institution, as a single unit. Any such sale of real property
2 and personal property as a single unit shall be deemed a sale of
3 real property only and need only comply with the provisions of
4 this act relating to the sale of real property.

5 Section 92. Sections 2307, 2308, 2309 and 2310 of the act
6 are repealed:

7 ~~[Section 2307. Conveyance and Lease of Real Estate.--The~~
8 ~~board of commissioners shall make and acknowledge a deed or~~
9 ~~lease of any real estate belonging to the county, which they are~~
10 ~~authorized to sell or lease, under their hands and seals as~~
11 ~~commissioners with the seal of the county attached and the same~~
12 ~~shall be a good and lawful conveyance in fee simple or lease.~~

13 ~~Section 2308. Conveyances to General State Authority.--Any~~
14 ~~county may grant, assign and convey to the General State~~
15 ~~Authority, with or without consideration, any lands, easements~~
16 ~~or rights in lands, together with any improvements, buildings or~~
17 ~~structures therein or thereon, now owned by such county or~~
18 ~~hereafter acquired by it, needed or convenient as a site for a~~
19 ~~county court house, or may lease to the Authority for a term,~~
20 ~~not exceeding ninety-nine years, at a nominal or such other~~
21 ~~rental as may be determined, any or all such lands, easements or~~
22 ~~rights in lands, together with any improvements, structures or~~
23 ~~buildings therein or thereon.~~

24 ~~Section 2309. Leasing from General State Authority.--Any~~
25 ~~county may enter into contracts with the General State Authority~~
26 ~~to lease as lessee from the Authority, any county court house or~~
27 ~~any improvement thereto and the furnishings and equipment~~
28 ~~thereof constructed by the Authority, for a term not exceeding~~
29 ~~thirty years, at such rental or rentals as may be determined by~~
30 ~~the Authority. Upon the completion of such county court house or~~

1 improvements and the furnishings and equipment thereof, the
2 county may lease the same as lessee from the Authority for a
3 term not exceeding thirty years, at such rental or rentals as
4 may be determined by the Authority.

5 Section 2310. Acquisition of Lands for Conveyance to General
6 State Authority.--Any county may acquire lands or interests in
7 lands by purchase, gift or condemnation which may be required to
8 carry out the purposes of the two sections immediately
9 preceding.]

10 Section 93. Sections 2311, 2315, 2316, 2317, 2319, 2325 and
11 2326 of the act are amended to read:

12 Section 2311. Disposing of County Property for Other Uses;
13 Demolition.--[Whenever any new county building is constructed to
14 replace a county building no longer suitable for the purposes of
15 its use, or whenever the county has or acquires, incident to
16 purchase at tax sale or to any other acquisition of land
17 authorized by law, any building, title and interest to which is
18 in the county, and any such replaced or acquired building is
19 deemed no longer suitable or not suitable for use as a county
20 building or for use as an auxiliary to any county building, the
21 county commissioners may devote said replaced or acquired
22 building to such other public use or purpose as shall be found
23 suitable and proper, including a war memorial. They may convey
24 all or a part of the title and interest of the county in such
25 building, with or without the land or a part of the land upon
26 which it is situate, either by sale or by gift, to any public or
27 charitable institutions or to any political subdivisions singly,
28 in common, or jointly, within the county.

29 The county commissioners may remove any such building from
30 one location to another within the county, for the purpose of

1 enabling its use as a county building by virtue of its
2 relocation. The commissioners may cause any such building to be
3 demolished and removed from land of the county, if of no use to
4 the county.] (a) Whenever the commissioners find that an
5 existing county building is no longer suitable for its original
6 purpose, or where the county has acquired or received an
7 interest in real property which the commissioners find is not
8 suitable for the use of the county, the commissioners may do any
9 of the following:

10 (1) Devote the real property to another public purpose.

11 (2) Convey by sale or gift the real property to a public or
12 charitable institution.

13 (3) Convey by sale or gift the real property to a political
14 subdivision within the county.

15 (4) Demolish or relocate the building.

16 (b) For the purposes of this section, the commissioners may
17 convey, on behalf of the county, any interest in real property
18 to one or more parties authorized by this section in single or
19 concurrent ownership.

20 (c) Notwithstanding the provisions of Article XVIII, the
21 county may convey personal property together with an interest in
22 real property for the purposes of this section.

23 (d) Nothing in this section shall supersede the procedures
24 or limitations on the disposition of county property imposed by
25 law.

26 Section 2315. Authority and Procedure for Acquiring,
27 Constructing or Altering County Buildings[; Exceptions].--(a)
28 The [county] commissioners may purchase or take by gift any
29 building at the county seat or elsewhere as authorized by law
30 deemed suitable and proper by them for use as a county building.

1 (b) The [county] commissioners may provide[, in accordance
2 with this section,] for the construction or alteration,
3 including enlargement of [a county court house, county jail,
4 prison, workhouse, detention house and such other county
5 buildings, as may be required or authorized by law. Such
6 construction or alteration shall be done at the county seat or
7 elsewhere as authorized by law.] any county building. Whenever
8 the [county] commissioners undertake any such construction or
9 alteration, they shall cause to be prepared plans and
10 specifications therefor. The [county] commissioners [may secure
11 bids for the contract or contracts involved in the construction
12 or alteration in accordance with this act. Any such contract or
13 contracts shall be made as provided by this act.

14 (c) Except where another procedure is provided by law with
15 regard to such construction or alteration of any particular
16 county building, the provisions of this section shall be
17 followed for all such purposes.] shall secure bids and provide
18 for the formation of contracts necessary for the construction or
19 alteration according to the provisions of this act.

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

29 Section 2317. Separate Bids for Plumbing, Heating,
30 Ventilating, Air Conditioning, Electrical Work, Elevators and

1 [Moving Stairs.--] Escalators.--(a) In the preparation of
2 specifications for the erection, construction and alteration of
3 any public building, when the entire cost of such work shall
4 exceed the base amount [of eighteen thousand five hundred
5 dollars (\$18,500), subject to adjustment under section
6 1801(b.1)] established under the provisions of section 1801, the
7 architect, engineer or other person preparing such
8 specifications shall prepare [only] the following separate
9 specifications: (1) plumbing, (2) heating, [(3) ventilating, (4)
10 electrical work, (5) elevators and moving stairs, and (6)]
11 ventilating and air conditioning, (3) electrical work, (4)
12 elevators and escalators, and (5) one complete set of
13 specifications for all [the other work to be done in such
14 erection, construction and alteration. The board of] work not
15 otherwise specified. The commissioners shall receive separate
16 bids upon each of the said branches of work and award the
17 contract for the same to the lowest responsible bidder for each
18 of said branches, including the balance of the work [in addition
19 to the plumbing, heating, ventilating and electrical work, and
20 elevators and moving stairs. Where it is desired to install an
21 air conditioning unit, the heating and ventilating so involved
22 may be regarded as one branch of work having only one set of
23 specifications, and bids may be received and a contract awarded
24 thereon, as hereinbefore provided.] not otherwise specified.

25 (b) Notwithstanding the separate specification provisions of
26 subsection (a), an authority organized under the act of August
27 23, 1967 (P.L.251, No.102), known as the "Economic Development
28 Financing Law," which is engaged to erect, construct or alter a
29 public purpose facility for a county of the second class A may
30 elect to use an alternative contracting procedure as follows:

1 (1) The authority may, in its sole discretion, elect to use
2 an alternative contracting procedure for a project involving
3 selected public purpose facilities. If the authority elects to
4 utilize an alternative contracting procedure, its board shall
5 adopt a resolution that the use of an alternative contracting
6 procedure is the most efficient, economical and timely method to
7 proceed with a project. Upon adoption of a resolution, the
8 authority shall request written proposals from proposers for a
9 project involving selected public purpose facilities under an
10 alternative contracting method. In its request for proposals,
11 the authority shall include such terms, conditions and
12 requirements which it deems necessary to protect the authority
13 and the interests of the public.

14 (2) In reviewing and evaluating the proposals for a project
15 involving selected public purpose facilities, the authority
16 shall, in addition to compliance with the terms, conditions and
17 requirements set forth in the request for proposals, consider
18 the following criteria:

19 (i) The cost of the project.

20 (ii) Experience of the proposer.

21 (iii) Adherence to the act of March 3, 1978 (P.L.6, No.3),
22 known as the "Steel Products Procurement Act."

23 (iv) Adherence to prevailing wage laws and other work force
24 standards.

25 (v) Commitment to enter into voluntary contracts with
26 disadvantaged business enterprises. After due consideration of
27 proposals under the criteria described in this paragraph, the
28 authority may, in its discretion, upon recommendation of its
29 designee or project end user, select a proposal and award a
30 contract to a responsible proposer under an alternative

1 contracting procedure. The award of a contract for the project
2 need not be awarded to the lowest priced proposer.

3 (3) Any contract awarded under this subsection shall be
4 exempt from the act of May 1, 1913 (P.L.155, No.104), referred
5 to as the Separations Act, or from any subsequent enactment or
6 reenactment of substantially similar separate bid specification
7 requirements.

8 (4) As used in this section, the following words and phrases
9 shall have the meanings given to them in this subsection:

10 "Alternative contracting procedure" shall mean a procedure
11 under which a proposer would be responsible for all aspects or
12 phases necessary to achieve the development of a parcel of
13 property. Such aspects or phases of development may include, but
14 not necessarily be limited to, the planning, design, finance,
15 construction and management of property.

16 "Design/build contract" shall mean a construction contract in
17 which the contractor is responsible for both the design and
18 construction of any public structure, building or other public
19 improvement of any kind to any public real property.

20 "Project" or "project involving a selected public purpose
21 facility" shall mean the demolition, modification and
22 construction of a building or group of buildings with related
23 facilities formerly owned by a county and previously used as a
24 jail or office facility.

25 "Project end user" shall mean the governmental body or entity
26 that will use the selected public purpose facility under a
27 contract or lease with the authority.

28 "Proposer" shall mean a firm, organization or company or a
29 combination of firms, organizations or companies acting as a
30 partnership, joint venture, consortium or similar joint

1 relationship with sufficient knowledge, expertise and experience
2 in design/build contracts.

3 Section 2319. Compliance with Workers' Compensation Law.--

4 (a) All contracts executed by the [board of] commissioners,
5 which [shall] involve the construction or doing of any work
6 involving the employment of labor, shall contain a provision
7 that the contractor shall accept, in so far as the work covered
8 by any such contract is concerned, the provisions of the
9 [Workers' Compensation Act and any reenactments, supplements or
10 amendments thereto,] act of June 2, 1915 (P.L.736, No.338),
11 known as the "Workers' Compensation Act," and that the [said]
12 contractor will insure his liability thereunder or file with the
13 [board of] commissioners a certificate of exemption from
14 insurance from the Department of Labor and Industry of the
15 Commonwealth.

16 (b) The [board of] commissioners, before signing on behalf
17 of the county any contract requiring in its performance the
18 employment of labor, shall require proof that the said
19 contractor with whom the contract is made shall have accepted
20 the Workers' Compensation Act and any reenactments, supplements
21 or amendments thereto, and proof that the [said contractor has
22 insured his liability thereunder in accordance with the terms of
23 said act or that the contractor has had issued to him a
24 certificate of exemption from insurance from the Department of
25 Labor and Industry.] contractor has complied with the provisions
26 of subsection (a).

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

29 Section 2325. Buildings and Grounds to be Kept in Order and
30 Repair.--[The board of] Except as otherwise provided by law, the

1 commissioners shall keep and maintain the public buildings of
2 the county in suitable and convenient order and repair and shall
3 keep the grounds about county buildings in proper condition and
4 appearance. [The provisions of this subdivision shall not apply
5 to particular county buildings which are otherwise expressly
6 provided for by law.]

7 Section 2326. [Watchman and Employes.--The board of]
8 Security and Grounds Employees.--(a) The commissioners may
9 appoint one or more security officers [or watchmen] to guard and
10 protect the county buildings and to enforce the provisions of
11 this act and other [laws relating thereto. Such officers or
12 watchmen] related laws. The officers shall have power to arrest
13 on view any person violating the same.

14 [The board of commissioners shall employ all janitors,
15 firemen, engineers, mechanics, laborers and caretakers of all
16 county buildings and grounds.]

17 (b) The commissioners may employ such persons as may be
18 necessary to provide for maintenance and repair of all county
19 buildings and grounds.

20 Section 94. Section 2329 of the act is repealed:

21 [Section 2329. Disorderly Conduct in and About Court Houses
22 and Jails Prohibited.--It is unlawful for any person to cause
23 any outcry or disorder, or be guilty of any indecent or
24 unbecoming conduct tending to disturb the peace and good order
25 in the county court house, jail, or other county buildings, or
26 to willfully or carelessly defile, deface or injure the floors,
27 walls or any other portion of said buildings, or fences, or
28 railings surrounding the same, or the carpets, furniture, or
29 other articles or things used in or about said buildings,
30 belonging to the county. Any person violating any of the

1 provisions of this section commits a summary offense and shall
2 make restitution for damages arising therefrom.]

3 Section 95. Sections 2337 and 2339 of the act are amended to
4 read:

5 Section 2337. Room or Building for Juvenile Offenders
6 Waiting Trial.--The [board of] commissioners of each county of
7 the third through eighth class shall provide, furnish and heat,
8 within the county, a separate room or rooms, or a suitable
9 building, to be used exclusively for the confinement of any and
10 all [children under the age of sixteen years,] alleged or
11 adjudicated delinquent children or dependent children as defined
12 in 42 Pa.C.S. § 6302 (relating to definitions) who may be in
13 custody awaiting trial or hearing in the courts of the county,
14 and provide for the maintenance and care of such children while
15 in custody.

16 Section 2339. Furnishing Rooms for Meetings of Veterans [of
17 Certain Wars] and Other Organizations.--The [Board of
18 Commissioners] commissioners may, in their discretion, upon
19 application therefor, furnish [to each organization composed of
20 veterans of any foreign war, sons of veterans and to ladies'
21 auxiliaries of each such organization and to the American Gold
22 Star Mothers, Inc., a room or rooms in any public building of
23 such county, sufficient for the meeting of each of such
24 organizations at least once each month.] meeting accommodations
25 to any veterans, veterans auxiliary or other civic organization.

26 Section 96. Article XXIII of the act is amended by adding a
27 subdivision to read:

28 (e.1) Special Provisions for Temporary County Buildings
29 and for Rooms in County Buildings in Counties of the
30 Second Class A

1 Section 2339.1. Scope.

2 This subdivision shall apply to counties of the second class
3 A.

4 Section 2339.2. Room or building for juvenile offenders waiting
5 trial.

6 The commissioners shall provide, furnish and heat within the
7 county a separate room or rooms or a suitable building to be
8 used exclusively for the confinement of alleged or adjudicated
9 delinquent children or dependent children as defined in 42
10 Pa.C.S. § 6302 (relating to definitions) who are in custody
11 awaiting trial or hearing in the courts of the county and
12 provide for the maintenance and care of the children while in
13 custody.

14 Section 2339.3. Management of houses for detention of juveniles
15 and appointment of board and ex officio members.

16 The management of houses for the detention and reception of
17 juveniles awaiting trial, hearing or judicial investigation
18 under the laws of this Commonwealth shall be in a board of
19 managers consisting of three county commissioners, the county
20 controller and six private citizens, three to be appointed by
21 the president judge of the court of common pleas and three to be
22 appointed by the chairperson of the board of county
23 commissioners. The commissioners and the controller may appoint
24 persons to act as their designees for the purpose of attending
25 meetings of the board, and the designees shall have the right to
26 vote at the meetings. The private citizen members of the board
27 shall not be officers or employees of the county. The members of
28 the board or boards of managers existing in the county shall
29 remain as members of the board or boards of managers created in
30 this subdivision until the expiration of the terms to which they

1 were respectively appointed. Annually thereafter, the members or
2 their successors shall be appointed for a term of three years.
3 Vacancies occurring in the membership of the board shall be
4 filled for the unexpired term by the chairperson of the board of
5 county commissioners or the president judge of the court of
6 common pleas, depending upon who originally appointed the board
7 member. The members of the board shall serve without
8 compensation.

9 Section 2339.4. Appointment and compensation of employees.

10 The board of managers may appoint a superintendent and
11 additional staff members as may be necessary, whose salaries
12 shall be paid by the county. The number and compensation of the
13 employees shall be fixed by the salary board of the county.

14 Section 2339.5. Annual report and expenses.

15 The board of managers shall annually report to the county
16 commissioners, on or before the first day of November, the
17 amount of money required for the maintenance of the house or
18 houses of detention. The county commissioners shall make an
19 annual appropriation to the board of managers for the payment of
20 the expenses of administering the house or houses of detention.
21 Expenses incurred in the performance of duties by the board of
22 managers shall be itemized and presented with vouchers to the
23 county commissioners for payment, and a semiannual expense
24 report shall be made to the county commissioners. All expenses
25 in connection with the management and administration of the
26 house of detention shall be paid by the county in the manner
27 provided by law for the payment of county obligations.

28 Section 2339.6. Appropriation and bond issues.

29 The county commissioners shall have power and authority, for
30 the purpose of housing juveniles, to appropriate money from the

1 public funds or to issue bonds in the manner provided by law for
2 the purchase of lands or erecting, constructing and equipping a
3 building or buildings.

4 Section 97. Sections 2345 and 2346, subdivision (g) heading
5 of Article XXIII and sections 2350, 2355 and 2356 of the act are
6 amended to read:

7 Section 2345. Joining with Municipalities in Improving
8 Certain Streets and Highways.--(a) The [board of] commissioners
9 [of counties now erecting or which may hereafter erect public
10 buildings in any municipality] may join with the [proper
11 authorities of such municipality] governing body of a municipal
12 corporation in the grading, regrading, paving, repaving and
13 improvement of so much of the streets and highways as are in,
14 upon or alongside of the grounds [upon which said public
15 buildings stand] of a county building.

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

27 (c) [No obligation shall rest upon the county for any
28 proportion of the expenses of such improvements until the
29 selection of grades and paving materials and the acceptance of
30 bids by said municipalities shall have been ratified by the

1 board of commissioners.] The selection of grades, paving
2 materials and proportion of expenses to be paid by the county
3 shall be specified by any contract formulated under this
4 section.

5 Section 2346. Ornamental Illumination.--(a) [Whenever the
6 court house, jail, workhouse or other public building of a
7 county abuts upon the street of a city or borough which is the
8 county seat and which shall provide for the ornamental
9 illumination of that section of the street whereon the county
10 building abuts, the county commissioners of such county may
11 appropriate moneys from the county funds towards the
12 installation of such ornamental illumination.] The commissioners
13 may appropriate funds to support the installation, maintenance
14 or repair of ornamental illumination of any section of a street
15 that abuts the courthouse or other county building in the county
16 seat.

17 (b) The appropriation by the county commissioners of a
18 county for such purpose shall not exceed the amount that shall
19 be assessed for such ornamental illumination upon owners of an
20 equivalent frontage of property abutting upon said street,
21 measured by the foot front rule.

22 (g) [Comfort Stations] Public Accommodations
23 Section 2350. Appropriations for [Comfort Stations] Public
24 Accommodations.--(a) The [board of county] commissioners may
25 appropriate [moneys] money to assist any municipality to
26 construct and maintain [comfort stations within the boundaries
27 of the county] public restrooms and related facilities.

28 (b) The [county commissioners, in cooperation with the
29 municipal authorities of the municipality wherein the court
30 house lies,] commissioners may provide, [and] or cooperate with

1 a municipality or municipal authority, to equip and maintain in
2 the [court house] courthouse rest or waiting rooms for the
3 public[, and provide attendants therefor. The cost of providing
4 such rooms and of maintaining the same, including salaries, and
5 all incidental expenses, shall be paid by the county and by the
6 municipality, as they shall agree, for all which purposes the
7 county commissioners and said authorities may, respectively,
8 appropriate moneys].

9 (c) Any part of any ground acquired by any county for the
10 purposes of a [court house, jail or workhouse] courthouse or
11 other county building or facility may be leased by such county
12 to any municipality being the county seat of such county, for
13 the purpose of the construction thereon of a public comfort
14 station by such municipality.

15 Section 2355. Monuments [and], Memorials and Memorial Halls
16 to War Veterans.--The [board of] commissioners may appropriate
17 money for, and provide for, the erection of monuments [or],
18 memorials or memorial halls, commemorating or honoring the
19 services of any person who has served in the armed forces of the
20 United States or in any [women's] auxiliary organization
21 officially connected [therewith during any part of any war in
22 which the United States has been or may hereafter be engaged.]
23 with a division of the armed forces of the United States.

24 Section 2356. Assistance to Private or Municipal Agencies.--
25 The [board of] commissioners may[, in order to prevent
26 duplication,] appropriate money to assist any individual,
27 private corporation[, city, borough, town or township,] or
28 municipal corporation in the erection of any monument [or
29 memorial for said soldiers, sailors and marines], memorial or
30 memorial hall authorized under section 2355.

1 Section 98. Sections 2357 and 2358 of the act are repealed:

2 [Section 2357. Erection or Completion of Monuments and
3 Memorials on Petition to Court.--Upon the petition of at least
4 fifty citizens of the county, to the court of quarter sessions,
5 for the erection or completion and maintenance at the county
6 seat of a memorial, monument, or memorial hall in honor of the
7 soldiers, sailors or marines of such county who served in any
8 war in which the United States has been or may hereafter be
9 engaged, the court may lay the same before the grand jury. If
10 approved by two successive grand juries and the court, and, in
11 the case of a memorial hall by the electors of the county, the
12 board of commissioners may erect such memorial, monument, or
13 memorial hall, or complete any of them partly erected but not
14 completed, and maintain at the county seat a suitable monument
15 or memorial in honor of said soldiers, sailors and marines.

16 Section 2358. Election on Memorial Hall Purchase or
17 Condemnation of Site.--(a) When the petition provided for in
18 the preceding section has been approved by two successive grand
19 juries and the court of quarter sessions, the board of
20 commissioners shall submit the question of the erection of a
21 memorial hall to the electors of the county, at the next
22 election, and, if a majority of the votes cast on the question
23 of the erection of a memorial hall shall be in favor of the
24 same, the board of commissioners shall erect, at the county
25 seat, a memorial hall and, acquire, by purchase, donation, or by
26 condemnation, under the right of eminent domain the necessary
27 site and erect and maintain thereon a suitable and proper
28 memorial hall or building, in memory of the soldiers, sailors
29 and marines of any such wars.

30 (b) In case said election shall result adversely, and a

1 second petition shall be presented, the same shall be laid
2 before two successive grand juries, and, if approved, then, it
3 shall be the duty of the county commissioners to again in like
4 manner submit the question to vote, at the next general or
5 municipal election, and, if the result shall be favorable, then
6 it shall be the duty of the county commissioners to erect such
7 hall, at such place in the county as shall have been designated
8 upon the ballot or ballot label in the question submitted to the
9 electors.

10 (c) All proceedings for the condemnation of any property
11 under the provisions of this section shall be in the manner and
12 subject to the restrictions and procedure provided in this act.]

13 Section 99. Sections 2359, 2360 and 2361 of the act are
14 amended to read:

15 Section 2359. Existing Building May Be Used.--[If any such
16 site has a hall or building already erected thereon,] The
17 commissioners may acquire by any lawful means, any real property
18 which can be altered and improved so as to be made suitable for
19 [such] a memorial hall[, the board of commissioners may acquire
20 such site, in the manner aforesaid, for the purpose of a
21 memorial hall].

22 Section 2360. Donations.--For the purpose of aiding in
23 [paying the purchase money and price for the site,] the
24 acquisition of real property and erection and construction of
25 [such] a memorial hall, voluntary donations and contributions
26 may be accepted by the [board of] commissioners from
27 individuals, associations and organizations.

28 Section 2361. Maintenance of Hall.--[Such] Any county
29 memorial hall shall be and remain the property of and shall be
30 maintained at the expense of the county.

1 Section 100. Section 2362 of the act is repealed:

2 [~~Section 2362. Plan of Hall; Special Rooms to be Provided.--~~

3 (a) Such memorial hall shall be in honor of the soldiers,
4 sailors and marines from said county, who served in the Army and
5 Navy of the United States in any war in which the United States
6 has been or may hereafter be engaged. Such memorial halls shall
7 each contain one large assembly room, or auditorium for public
8 meetings of the soldiers, sailors and marines of such county,
9 which may be used also for other public meetings and patriotic
10 gatherings by the consent of the board of control herein
11 provided for.

12 (b) Such memorial hall shall also contain rooms for meetings
13 of organizations of veterans of all wars in which the United
14 States has or may be engaged, and also rooms for meetings of
15 ladies' auxiliaries of posts, encampments, camps and
16 organizations for which rooms for meetings may be contained in
17 the memorial hall, and also rooms for such committees of public
18 defense and welfare as may be created by the Commonwealth, or as
19 may be approved by the board of control hereinafter provided
20 for.

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

29 Section 101. Sections 2363, 2364, 2365, 2366, 2367, 2368,
30 2369 and 2374 of the act are amended to read:

1 Section 2363. Board of Control.--[(a) A board of control is
2 hereby created, which shall have charge of all matters relating
3 to such memorial hall and shall have the care thereof. The board
4 shall be composed of one member chosen by members of the
5 Veterans of Foreign Wars, one member chosen by members of the
6 American Legion, one member chosen by the American War Veterans
7 of World War II (AMVETS), one member chosen by the Italian
8 American War Veterans of the United States, Incorporated, one
9 member chosen by the Disabled American Veterans, and one member
10 chosen by the Military Order of the Purple Heart. The judges of
11 the court of common pleas and the board of commissioners shall
12 be ex-officio members of the board of control. The selected
13 members of the board shall serve one year, when their successors
14 shall be selected. Vacancies occurring shall be filled by the
15 board for the unexpired term of the member whose death,
16 resignation or removal caused the vacancy.]

17 (b) This section shall not apply to any county in which
18 there has been created by existing law a similar board of
19 control, and any references to the board of control in this
20 subdivision shall be inapplicable in so far as they are
21 inconsistent with the provisions of such law.] (a) In any
22 county where the commissioners have established a memorial hall,
23 the commissioners shall establish a board of control of the
24 memorial hall, and establish the powers and duties of that board
25 to provide for the operation and maintenance of the memorial
26 hall. The commissioners shall provide for the members of the
27 board of control to be selected by the veterans organizations
28 which operate in, and have been recognized by, the county.

29 (b) Any board of control established prior to the effective
30 date of this section shall persist according to the provisions

1 of law that applied at the time that the board was established
2 until such time as the commissioners take an action under
3 subsection (a).

4 Section 2364. Flagstaff to be Erected; Display of Flag.--A
5 [suitable] flagstaff shall be erected upon [said] any county
6 memorial hall, from which [shall be displayed] the flag of the
7 United States shall be displayed from sunrise to sunset on each
8 and every day of the year.

9 Section 2365. Acquisition of Additional Land; Equipment,
10 Furnishings, Etc.--In any county in which there [has been or may
11 hereafter be erected] is a memorial hall in honor of the
12 soldiers, sailors or marines from such county, [who served in
13 any war in which the United States has been or may be hereafter
14 engaged, upon petition of at least fifty citizens to the court
15 of quarter sessions, setting forth that it is necessary or
16 desirable to] the commissioners may acquire additional land
17 adjoining [that upon which said] the memorial hall [is erected,]
18 to enhance and preserve the beauty and character of [said] the
19 memorial hall[, and the object had in its erection, or that it
20 is necessary or desirable to] or equip, furnish, decorate and
21 make additions to [said] the memorial hall, or both. [, the court
22 shall lay said petition before the grand jury then or next
23 sitting for their approval. If said petition shall be approved
24 by said grand jury, it shall be certified back to the court. If
25 no exceptions thereto are filed within ten days from the date
26 upon which said petition was certified back to the court, or if
27 exceptions are filed and are dismissed, the court shall confirm
28 said petition absolutely, and thereupon the court may make an
29 order authorizing the board of commissioners to acquire, by
30 purchase, gift or condemnation, such additional land, or to

1 equip, furnish, decorate and make additions to said memorial
2 hall, or both.]

3 Section 2366. Tax Levy; Increase or Indebtedness.--The
4 [board of] commissioners may provide the funds with which to pay
5 for the ground purchased or condemned, and the erection thereon
6 of a memorial hall, or the acquiring of additional land, or for
7 the enlarging, equipping, furnishing and decorating of said
8 memorial hall, by the levying and collecting of a tax upon the
9 taxable persons and property within said county, and by
10 increasing the indebtedness of said county according to [law and
11 by issuing and selling bonds] the provisions of 53 Pa.C.S. Pt.
12 VII Subpt. B (relating to indebtedness and borrowing).

13 Section 2367. Preservation, Maintenance, Repair and
14 Completion of Public Monuments.--The [board of] commissioners
15 may preserve, maintain and repair any public monument or
16 memorial hall in the county, other than in cemeteries, including
17 the enclosed public ground surrounding the monument, and
18 appropriate moneys for such purposes. In any case where any
19 public monument referred to in this section has been partially
20 completed, either in construction or payment, the [board of]
21 commissioners may appropriate money for the purpose of such
22 completion.

23 Section 2368. Acquiring of Property.--[(a)] Counties shall
24 have power to [take, by gift, purchase, by the issuance of bonds
25 or otherwise, or acquire through condemnation proceedings,
26 property] acquire property according to the provisions of this
27 article for the purpose of erecting [thereon] public
28 auditoriums, public libraries, public memorial buildings and
29 monuments.

30 [All proceedings for the condemnation of any property, under

1 the provisions of this section, shall be in the manner and
2 subject to the restrictions and procedure provided by law.

3 (b) Counties may appropriate money from the public funds or
4 by issuance of bonds for the erection on said property taken,
5 purchased or acquired through condemnation proceedings, public
6 auditoriums, public libraries, public memorial buildings and
7 monuments. They may appropriate moneys for the operation and
8 maintenance of such public auditoriums, public libraries,
9 memorial buildings and monuments.]

10 Section 2369. Rental of Auditoriums.--[Counties, in case of
11 public auditoriums, may charge a rental for the use of said
12 auditoriums. All moneys] Any revenue derived from rental of
13 [said] a public auditorium shall first be devoted to the
14 maintenance of [said] the auditorium, and any remaining annual
15 balance accruing therefrom shall be [turned over to the county
16 funds for the general uses and purposes of said] deposited in
17 the general fund of the county.

18 Section 2374. Donations to Orphans' or Childrens' Homes.--
19 The [board of] commissioners may receive[, from time to time,
20 donations, gifts, legacies, endowments, devises, and conveyance
21 or conveyances of property,] real or personal property, that may
22 be given or granted to the county by any lawful means for the
23 use and purpose of providing a home within the county for the
24 keeping and care of indigent orphans and children dependent upon
25 the public of such county for support.

26 Section 102. Sections 2378, 2379, 2380, 2381, 2382, 2383,
27 2384 and 2385 of the act are repealed:

28 [Section 2378. Contagious Disease Hospitals or Units.--(a)
29 Whenever in the opinion of the board of commissioners of any
30 county or the boards of commissioners of two or more counties, a

1 hospital for the care and treatment of contagious diseases
2 appears to be necessary or advisable, the board of commissioners
3 of the county or the boards of commissioners of two or more
4 counties jointly may, either erect, construct, equip and
5 maintain such a hospital on the grounds of the county
6 institution district of any of the counties adjoining, or may
7 purchase a suitable site for such purpose in some other
8 locality.

9 (b) In lieu of erecting and constructing a separate
10 contagious disease hospital, the board of commissioners of a
11 county or the boards of commissioners of two or more counties
12 jointly may enter into an agreement with a general non-sectarian
13 nonprofit hospital or hospitals within the county or within any
14 of such counties or any adjoining county, and may appropriate
15 county moneys to such hospital or hospitals for the erection,
16 construction and equipment of a building or wing or unit for the
17 care, isolation and treatment of contagious disease cases. In
18 any such contagious disease hospital, or building, wing or unit,
19 provisions shall be made for the care and treatment of indigent
20 persons and of persons who are able to pay for their care and
21 treatment in whole or in part.

22 (c) The county commissioners may in like manner join in
23 establishing, maintaining, equipping and operating a contagious
24 disease hospital with any municipality within the county.

25 Section 2379. Plans and Specifications; Approval;
26 Construction.--Plans and specifications for any county or joint
27 county hospital, or building, wing or unit at a general
28 hospital, shall be prepared by the board or boards of
29 commissioners or at their instance, or by the general hospital
30 with which an agreement has been made, as the case may be, which

1 plans and specifications must be submitted to the Secretary of
2 Health of the Commonwealth. The cost of the preparation of such
3 plans shall be paid by the county or counties so joining. Upon
4 the approval of said plans and specifications by the Secretary
5 of Health of the Commonwealth, any county or joint county
6 contagious disease hospital may be constructed and equipped in
7 the same manner that any other county buildings are constructed
8 and equipped, and in the case of a building, wing or unit at a
9 general hospital, the same shall be constructed and equipped by
10 the authorities in charge of the general hospital as may be
11 provided in the agreement with the county or counties joining.
12 In either event, the expense and cost of such erection,
13 construction and equipment, and the cost of the site, if any,
14 shall be paid by the board or boards of commissioners out of
15 county funds.

16 Section 2380. County Agreements for Joint Contagious Disease
17 Hospitals, Buildings, Wings and Units.--Whenever the county
18 commissioners of two or more counties or the county
19 commissioners and the corporate authorities of any
20 municipalities within the county decide that a hospital or a
21 building, wing or unit at a general hospital for the care and
22 treatment of contagious diseases is necessary, they shall enter
23 into an agreement for such purposes and therein provide how and
24 in what proportions each county shall bear the expenses incident
25 to the construction, operation and maintenance of the joint
26 hospital, building, wing or unit for contagious diseases.

27 Section 2381. County Hospital for Tuberculosis.--Whenever a
28 number of citizens residents of a county, equal to the number of
29 votes cast at the last municipal election, shall petition the
30 county commissioners for the establishment of a county hospital

1 for the treatment of persons afflicted with tuberculosis, the
2 county commissioners shall, at the next municipal election,
3 submit to the voters of the county the question whether or not
4 the county shall establish such a hospital. Such question shall
5 be submitted, and the vote on such question shall be counted,
6 returned and computed in the manner prescribed by the
7 Pennsylvania Election Code.

8 Section 2382. Power to Acquire Site.--If a majority of the
9 electors voting upon such question at such election shall vote
10 in favor of the establishment of such a hospital, the county
11 commissioners shall acquire a site for such hospital, either by
12 purchase, gift or condemnation. In case such site shall be
13 acquired by condemnation, the procedure for the assessment of
14 damages for the property taken shall be as prescribed by law.

15 Section 2383. Site and Plans Approval.--If a majority of the
16 electors voting upon such question at such election shall be in
17 favor of the establishment of the hospital, the county
18 commissioners shall, after consultation with the advisory board
19 created by the provisions of this act, select a site for such
20 hospital and shall have plans and specifications prepared for
21 such hospital, but no such hospital shall be erected until such
22 plans and specifications, and the site therefor, have been first
23 approved by the Secretary of Health.

24 Section 2384. Construction and Equipment.--Any such hospital
25 shall be constructed by contract or contracts let by the county
26 commissioners to the lowest responsible and best bidder, in
27 accordance with the provisions of this act, and when so
28 constructed, the hospital shall be equipped by the county
29 commissioners at the cost of the county in the same manner as
30 other county buildings are equipped.

1 Section 2385. Increase of Indebtedness.--The county
2 commissioners of every county establishing a hospital for
3 tuberculosis, as provided for in this act, may incur or increase
4 the indebtedness of the county, in accordance with the Municipal
5 Borrowing Law, to an amount sufficient to pay the cost of
6 acquiring a site and of erecting, constructing and equipping the
7 said hospital. The county commissioners shall levy an annual tax
8 in an amount necessary to pay interest and sinking fund charges
9 upon such bonds.]

10 Section 103. Section 2390 of the act is amended to read:

11 Section 2390. Authority to Provide; Approval.--The county
12 commissioners of each county may buy or lease land and construct
13 and maintain thereon, at the expense of the county, a morgue for
14 the reception [and care of the bodies of all unclaimed deceased
15 persons upon whom it may be necessary to hold a coroner's
16 inquest and such other bodies as the coroner of the county may,
17 by written order, direct to be received therein. The location of
18 such morgue shall be determined by the county commissioners,
19 subject to the approval of the coroner of the county.] of all
20 deceased persons under the care and custody of the coroner.

21 Section 104. Sections 2391, 2392, 2393 and 2396 of the act
22 are repealed:

23 [Section 2391. Rules and Regulations; Employes.--The coroner
24 of each county having a morgue shall make general rules and
25 regulations for its government and control, and shall appoint
26 suitable persons not exceeding three in number to have charge of
27 the same. The number and salary of such employes shall be fixed
28 by the salary board.]

29 Section 2392. Ambulance.--The county commissioners may
30 purchase and maintain an ambulance or other proper vehicle for

1 the removal of bodies to and from said morgue, and for the
2 burial of unknown, unclaimed bodies, and the costs thereof shall
3 be paid from the funds of the county.

4 Section 2393. Private Morgues.--Where no county morgue is
5 maintained, the coroner may remove bodies coming within his
6 jurisdiction to a private morgue within the county, the cost
7 thereof to be paid from the funds of the county according to
8 rates established by the salary board thereof.

9 Section 2396. Land and Buildings for Garbage and Refuse
10 Disposal.--Any county may acquire by gift, lease, purchase by
11 current revenues, borrowing or incurring indebtedness, or
12 eminent domain, real property within said county for the purpose
13 of erecting thereon garbage and refuse disposal facilities, and
14 shall have power to erect and maintain suitable buildings for
15 such facilities and for incinerating furnaces to be operated by
16 the county, as provided in Article XIX of this act. In every
17 case of taking private property by eminent domain, the county
18 shall acquire the entire title, either in fee or otherwise, held
19 by the owner or owners of the property or of any interest
20 therein.]

21 Section 104.1. The definitions of "county" in sections
22 2399.3 and 2399.53 of the act are amended to read:

23 Section 2399.3. Definitions.--The following words and
24 phrases when used in this subdivision shall have the meanings
25 given to them in this section unless the context clearly
26 indicates otherwise or unless there is a specific definition in
27 another section:

28 * * *

29 "County" shall mean a county of the third class[.] or a
30 county which was a county of the third class at the time the

1 county took action to create an authority under this
2 subdivision.

3 * * *

4 Section 2399.53. Definitions.--The following words and
5 phrases when used in this subdivision shall have the meanings
6 given to them in this section unless the context clearly
7 indicates otherwise or unless there is a specific definition in
8 another section:

9 * * *

10 "County" shall mean a county of the third class[.] or a
11 county which was a county of the third class at the time the
12 county took action to create an authority under this
13 subdivision.

14 * * *

15 Section 105. Article XXIV of the act is repealed:

16 [ARTICLE XXIV

17 EMINENT DOMAIN AND INJURY TO PROPERTY

18 Section 2401. Eminent Domain; County May Enter Upon Land;
19 Etc.--In all cases where the power of eminent domain is
20 conferred upon the county by law, the county may enter upon,
21 appropriate, take, injure or destroy private lands, property or
22 material.

23 Section 2402. Certain Property Not to be Taken by Eminent
24 Domain.--The power conferred by this article shall not be
25 exercised to enter upon, appropriate, take, injure or destroy
26 any church property, graveyard or cemetery, and the right-of-way
27 of a railroad company shall not be acquired or occupied without
28 the consent of the company owning or operating or in possession
29 of said railroad.

30 Section 2403. Right to Entry to Make Preliminary Surveys.--

1 For the purpose of making all necessary preliminary surveys in
2 order to prepare plans and estimates, the board of commissioners
3 and the persons by them employed for such purposes may enter
4 upon private or public property and designate, by proper marks
5 upon the ground, the line of any improvement proposed to be made
6 and constructed under and for the purposes herein authorized.

7 Section 2404. Right of Damages.--The right to damages
8 against counties is hereby given to all owners or tenants of
9 lands, property or material appropriated, injured or destroyed
10 by the county in cases where the right of eminent domain has
11 been exercised, and to all owners or tenants of lands, property
12 or material abutting on or through which pass roads or highways
13 injured by the laying out, opening, widening, vacating,
14 extending or grading of such roads or highways or the changing
15 of the grades or lines thereof, the construction and the
16 vacation of bridges, piers and abutments and approaches
17 therefor, and the construction of sewers over, upon or through
18 such lands or property.

19 Section 2405. Agreement of Damages.--The county
20 commissioners may agree with the owner as to the amount of
21 damages occasioned to any person for property taken, injured or
22 destroyed. Such damages shall be payable by the county out of
23 the general county fund or other funds provided for that
24 purpose.

25 Section 2406. County to Furnish Bond When Immediate
26 Possession Is Desired; Notice.--(a) Whenever the board of
27 commissioners or the board of commissioners in conjunction and
28 acting with the corporate authorities of any city, borough, town
29 or township have selected any land, property or material to be
30 appropriated, injured or destroyed by the right of eminent

1 domain and desire immediate possession thereof, and are unable
2 to agree with the owner or owners upon the amount of damages due
3 them for such appropriation, injury or destruction, or by reason
4 of the absence or legal incapacity of such owner or owners no
5 such agreement can be made, they shall tender a bond to the said
6 owner or owners, or to the attorney or agent of any absent
7 owner, or to the guardian or committee of any one under legal
8 incapacity, in sufficient sum to secure him or them for damages.
9 Upon acceptance of said bond by the owner or owners of said
10 land, property or material, the county shall have the right to
11 immediate possession thereof.

12 (b) In case there is no acceptance of said bond by the owner
13 or owners, the board of commissioners, after written notice
14 thereof has first been given to said owner or owners, his or
15 their agent, attorney, guardian or committee, shall file the
16 same in the court of common pleas or with any judge thereof, and
17 upon approval thereof by said court or judge, the county shall
18 have the right to immediate possession of said land, property
19 and material.

20 Section 2407. Writ of Habere Facias Possessionem to Issue.--
21 If the owner, lessee or occupier shall refuse to remove his
22 personal property therefrom or give up possession thereof, the
23 petitioner in the proceedings may serve written notice upon such
24 owner, lessee or his agent or the occupier to remove his
25 personal property therefrom and give up possession of said
26 lands, property or materials within thirty days from the date of
27 the service of said notice.

28 If the owner, lessee or occupier of said lands, property or
29 material shall refuse or neglect to remove his personal property
30 therefrom and give possession thereof, upon proof of the service

1 of such notice being filed in the office of the prothonotary for
2 the county in which said lands, buildings or other property is
3 located, a writ of habere facias possessionem shall forthwith
4 issue, directing the sheriff to give to the party entitled
5 thereto possession, as is provided by existing laws.

6 Section 2408. Appointment of Viewers.--(a) In case the
7 board of commissioners or a majority of them and the parties
8 interested in the land, property or material appropriated,
9 injured or destroyed by the county fail to agree upon the
10 compensation to be made for the land, property or material so
11 taken, injured or destroyed, upon petition of such commissioners
12 or a majority of them or any person or parties interested and
13 whose land, property or material is affected thereby to the
14 court of common pleas of said county, the said court shall
15 appoint three viewers from the county board of viewers, and
16 appoint a time, not less than twenty nor more than thirty days
17 thereafter, when said viewers shall meet and view the land,
18 property or material to be so appropriated, injured or
19 destroyed.

20 (b) The said viewers shall give at least ten days' notice,
21 by publication in one newspaper of general circulation in the
22 county once and in accord with the provisions of section one
23 hundred ten of this act, of the time and place of their first
24 meeting, and shall also give notice thereof by handbills posted
25 in conspicuous places in the vicinity of the said proposed
26 public improvement.

27 (c) All the viewers shall act unless prevented by sickness
28 or other unavoidable cause, but a majority of the viewers may
29 hear, determine, pass upon and report all matters relating to
30 the view for which they were appointed.

1 Section 2409. Time of Appointment of Viewers; Cost.--(a)
2 The viewers provided for in the preceding section may be
3 appointed either before or at any time within six years after
4 the entry upon, taking, appropriating or injuring of said land,
5 property or material.

6 (b) The cost of said viewers and all court costs incurred,
7 including all advertising and notices in connection therewith,
8 shall be paid by the county, except that when the right of
9 eminent domain has been exercised by the county acting with the
10 corporate authorities of any city, borough, town or township,
11 then all costs shall be borne equally by the county and city,
12 borough, town or township.

13 Section 2410. Petition for Appointment of Viewers to Specify
14 Liens on Property.--In all proceedings hereafter instituted for
15 the condemnation and appropriation of land and property by
16 eminent domain, the petition for the appointment of viewers
17 shall contain allegations specifying any judgments, mortgages or
18 other claims (hereinafter designated "liens") which are liens
19 upon the land and property sought to be appropriated or
20 condemned as aforesaid.

21 Section 2411. Testimony and Evidence Concerning Liens.--
22 Testimony shall be taken in said proceedings to ascertain the
23 amounts of said liens and the dates of the entry of the same,
24 and the amounts of said liens and the dates of entry thereof
25 shall be found as facts by the viewers in said proceedings.
26 Certified lists of liens from the courts of the Commonwealth and
27 the United States shall be prima facie evidence of the
28 existence, dates, amounts, dates of entry and places of record
29 of said liens, and unless modified or overcome by oral or
30 documentary evidence, shall be conclusive upon the parties

1 thereto.

2 Section 2412. Procedure; Rights and Liabilities Where Liens
3 Exist.--When it appears that liens exist which are liens upon
4 property sought to be condemned and appropriated, a report of
5 the facts found shall be made to the court. Such report shall be
6 subject to exceptions in manner to be regulated by the Supreme
7 Court by general rule. When the court has finally determined the
8 findings in relation to the liens, the court shall make an order
9 directing the payment and distribution of the amount found to be
10 payable as compensation to the parties entitled thereto, first
11 to the owners of said liens, then to the owners of the property
12 appropriated as aforesaid. The parties interested shall have the
13 right of appeal from said order of distribution to the Superior
14 and Supreme Courts. Payment in accordance with the order of
15 distribution, evidenced by a receipt of record in the
16 proceedings, shall absolutely discharge the party making the
17 payment from all liens by any person, copartnership, association
18 or corporation as against said property. In such receipt and on
19 the record thereof, any claimant may reserve the right to
20 proceed against any other property or assets of the owner of the
21 property condemned for any balance due upon his lien.

22 Section 2413. Proceedings by and Before Viewers.--The said
23 viewers, having been duly sworn or affirmed faithfully, justly
24 and impartially to decide and true report to make concerning all
25 matters and things to be submitted to them and in relation to
26 which they are authorized to inquire and having viewed the
27 premises and examined the land, property or material to be
28 appropriated, injured or destroyed, shall hear all parties
29 interested and their witnesses, and, having a due regard to and
30 making just allowance for the advantages which may have resulted

1 or which may seem likely to result to the owner or owners of
2 said lands or materials in consequence of the proposed
3 improvement, shall estimate, determine and assess the damages
4 for the land, property or material taken, injured or destroyed,
5 and to whom the same is payable, and the benefits, if any, in
6 connection therewith. Having so estimated, determined and
7 assessed the damages and benefits, they shall prepare a schedule
8 thereof, and give notice to all parties to whom damages are
9 allowed or against whom benefits are assessed of a time, not
10 less than ten days thereafter, and of a place, where said
11 viewers shall meet and exhibit said schedule and hear all
12 exceptions thereto and evidence.

13 Section 2414. Notice of Meeting.--Notice of the time and
14 place of said meeting shall be given in the manner provided by
15 law for the service of summons in a personal action upon all
16 parties allowed damages and against whom benefits have been
17 assessed, as shown by said schedule, if the said parties can be
18 found in the county, or upon an adult person, if any, residing
19 upon the property affected in case the owner or reputed owner
20 cannot be found, and to all others by publication in the
21 newspaper or newspapers in which the first notices of said view
22 were published. When no service is made upon the owner, reputed
23 owner or upon an adult person residing upon the property
24 affected, said notice, where publication thereof has also been
25 made, shall be deemed to have been properly served if tacked or
26 conspicuously posted on the premises. The court may provide by
27 whom the notice provided by this act shall be posted, given and
28 served, and fix the compensation for said service.

29 Section 2415. Plans of Properties Condemned to be Furnished
30 to Viewers.--In all proceedings to assess damages for the

1 taking, injury or destruction of private property for public
2 use, the county taking, injuring or destroying property for said
3 purpose shall furnish the board of viewers with a correct plan
4 of all properties affected, showing all buildings or other
5 structures thereon, their width, length, elevation and cubical
6 contents, names of all owners, tenants or occupiers thereof, the
7 topography of the land and the grades and widths of all highways
8 running through or abutting on said properties, and all other
9 data necessary for a proper determination of the amount of
10 damages caused by the taking, injury or destruction of said
11 private property.

12 Said plans shall be prepared and ready for the use of the
13 viewers at their first meeting, and copies thereof shall be
14 furnished to all owners, tenants and occupiers of the property
15 and all other parties affected thereby without charge.

16 Section 2416. Report to Court.--After making whatever
17 changes are deemed necessary, the said viewers shall make report
18 to the court showing all the damages allowed and benefits
19 assessed in each case, and file therewith a plan showing the
20 improvement and the land, properties and materials taken,
21 injured or destroyed. When said report is filed, notice thereof
22 shall be given by publication once in the newspaper or
23 newspapers in which first notices of said view were published.
24 Said notice shall state the date of filing of the report and
25 shall contain a schedule of the damages and benefits shown
26 therein, and shall further state that, unless exceptions thereto
27 are filed within thirty days from the date of filing, the said
28 report will be confirmed absolutely.

29 Section 2417. Certain Testimony Authorized.--In all
30 proceedings arising from the exercise of the right of eminent

1 domain, it shall be competent for all witnesses called, when
2 duly qualified.

3 (1) To state in detail and costs all the elements of the
4 property before the exercise of the right of eminent domain and
5 as unaffected by it and its market value immediately after the
6 exercise of the right of eminent domain and as affected thereby.

7 (2) To state in detail and costs all the elements of benefit
8 or damage which they have taken into consideration in arriving
9 at their opinion.

10 (3) In arriving at their opinion as to the market value
11 immediately after the exercise of the right of eminent domain,
12 to add to their opinion of the market value before such exercise
13 the cost or value of all the elements of benefit or advantage
14 and to deduct therefrom all disadvantages or damage in order to
15 arrive at the market value after such exercise of the right of
16 eminent domain and as affected thereby.

17 (4) In all proceedings to assess damages or benefits for the
18 opening of any road or highway, to take into consideration as
19 one of the elements of advantage or disadvantage the cost of
20 highway improvements.

21 Section 2418. Value of Property.--In all claims for damages
22 against a county arising from the exercise of the right of
23 eminent domain, it shall be competent for the party or parties
24 claiming damages to offer in evidence the value of the property
25 affected as assessed for the purpose of taxation.

26 Section 2419. Unlawful Assessments.--In all cases of
27 appropriation of land for public use, other than for roads or
28 highways, it shall be unlawful to assess any portion of the
29 damage done to or value of the land so appropriated against the
30 other property adjoining or in the vicinity of the land so

1 appropriated.

2 Section 2420. Vacation of Road When No Property is Taken.--
3 Whenever viewers are appointed to vacate any road or highway and
4 the vacation of the same takes no land from the owner abutting
5 thereon, if, in the opinion of the viewers, such vacation
6 damages the property of the abutting owner, they may award
7 damages to such owner as though land has been actually taken.

8 Section 2421. Procedure When Building is on Line of Proposed
9 Road.--Whenever in locating, relocating, opening, widening,
10 straightening or extending any road or highway or parts thereof
11 the same shall be found to pass through, take or injure
12 buildings, barns or other valuable improvements thereon, the
13 said viewers or a majority of them shall have the right to
14 recommend that such buildings and improvements, situate in part
15 or in whole on the road or highway so to be improved, opened,
16 widened, straightened or extended, shall be permitted to remain
17 thereon for such time as shall be deemed wise and proper, and if
18 the court shall approve the finding and report of said viewers
19 or a majority of them, the owner or owners of such buildings or
20 improvements may continue to use and enjoy the same during the
21 time so fixed and determined. In case of the destruction,
22 vacation or abandonment of any such building within the time
23 they are so authorized to remain, such owners or owner shall not
24 have the right to re-erect and reconstruct or retake such
25 buildings or improvements within the line of such road or
26 highway.

27 Section 2422. Time Limit for Report of Viewers.--Viewers
28 appointed to assess the damages and benefits due to the
29 appropriation, injury or destruction of land, property and
30 materials shall make their reports within a time which the court

1 shall fix when so appointing them. If the viewers so appointed
2 shall, for any reason appearing sufficient to the court, be
3 unable to file their report within the period so fixed, the
4 court may, either before or after the expiration of the time
5 fixed, extend the time for the filing of such report.

6 Section 2425. Payment of Damages and Costs; Interest on
7 Awards.--All damages agreed upon or awarded and all costs and
8 expenses incurred shall be paid by the county, except in cases
9 where an appeal is taken by any party in interest from the award
10 of the viewers and the appellant does not recover any greater
11 amount than the viewers award, in which case the appellant shall
12 pay all costs of such appeal.

13 The amount of damages allowed in a report of viewers for the
14 taking, injury or destruction of property by the exercise of the
15 right of eminent domain shall, as finally confirmed, bear
16 interest at the rate of six per cent per annum from the date of
17 the final decree.

18 Section 2426. Collection of Awards.--Upon the final
19 confirmation of the report of the viewers, the party or parties
20 to whom an award has been made shall have the right to take such
21 further appropriate legal proceedings as may be necessary and
22 proper to enforce payment of said confirmed award, either in
23 nature of a writ of mandamus, execution or otherwise.

24 Section 2427. Title to Vest upon Payment of Award.--(a)
25 Upon payment of the compensation for land or property in
26 accordance with the order of distribution, title to such land or
27 property shall vest in the county in accordance with provisions
28 of the law under which the appropriation is made, and all claims
29 for compensation shall be deemed paid and satisfied.

30 (b) In counties of the third and fourth classes upon payment

1 of the compensation for land or property in accordance with the
2 order of distribution or upon the filing of a bond by such
3 county of the third or fourth class in an amount which shall be
4 fixed by the court having jurisdiction, which amount shall not
5 be less than the amount fixed by the viewers as the value of the
6 land or property, title to such land or property shall vest in
7 the respective third or fourth class county in accordance with
8 provisions of the law under which the appropriation is made, and
9 all claims for compensation shall be deemed paid and satisfied,
10 except where title vests by virtue of a bond having been filed,
11 seventy-five per centum of the amount of damages as fixed by the
12 viewers as the value of the land or property shall be paid to
13 the owner within six months after the date of the filing of the
14 bond and the balance due shall be determined by judicial
15 proceedings and promptly paid thereafter.

16 Section 2428. Money to be Paid Into Court in Case of Adverse
17 Claims.--(a) If any person or persons shall claim adversely to
18 each other any estate or interest in the land, property or
19 materials selected by the board of commissioners to be
20 appropriated, injured or destroyed for the purposes mentioned in
21 this act, and the viewers shall not be able to determine who are
22 the owner or owners of said land, property or materials, or the
23 value of their estates and interests therein, they shall so
24 report, valuing the land, property or materials as a whole, and
25 upon the confirmation by the court of the report of said
26 viewers, if no appeal shall be taken therefrom, the
27 commissioners of the county shall pay into the court the whole
28 of the said valuation money; thereupon, the title of the land,
29 property or material and the estates and interests of all the
30 owners thereof shall become vested in fee in the county

1 acquiring and taking said land, property or materials.

2 (b) The court of common pleas shall, by rule, process or
3 motion, require all said claimants to appear therein and may, by
4 an issue framed between them to be tried by a jury or by a
5 reference to a master or by such orders and decisions as shall
6 appear to be just under all the circumstances of the case,
7 determine the estates and interest of said claimants in said
8 valuation money. Upon the final determination of such
9 proceeding, the court shall direct said valuation money to be
10 paid to the person or persons ascertained to be entitled
11 thereto.

12 Section 2429. Appeals by Adverse Claimants.--(a) In case
13 any of said claimants shall appeal from the award of said
14 viewers, the county commissioners, upon filing in the court and
15 having approved thereby a bond in double amount of said award to
16 the said owners and claimants for the benefit of the persons
17 owning said land, property or materials, with at least two
18 sufficient sureties conditioned for the payment by the county of
19 such an amount as the owner or owners shall be entitled to
20 receive for said ground when the same shall have been finally
21 ascertained by due course of law, may lawfully enter upon and
22 take possession of said land, property or materials.

23 (b) The said court shall thereupon proceed to determine the
24 estates and interest of said claimants in said land, property or
25 material, as is hereinbefore provided when the valuation money
26 is paid into court. Said proceeding shall be finally determined
27 before the issue framed upon the said appeal shall be tried, and
28 if it be determined that the party appellant has no estate or
29 interest in said land, property or materials, his appeal shall
30 be disallowed.

1 Section 2430. Payment into Court When Award is Refused or
2 When Parties Cannot be Found.--Any amount of money awarded, as
3 herein provided, if refused by the person or persons entitled
4 thereto, or if the person or persons entitled thereto cannot be
5 found, shall be paid into court, and thereafter all such persons
6 shall look to said fund for all damages accruing by reason of
7 the appropriation, injury or destruction of such land, property
8 or material.

9 Section 2431. Notice to Vacate; Ejectment.--In case any land
10 or property selected by the board of commissioners or by the
11 board of commissioners in conjunction and acting with the
12 corporate authorities of any city, borough, town or township to
13 be appropriated, injured or destroyed, and said land or property
14 has improvements thereon in the actual occupancy of any person
15 or persons, and such person has had his, her or their damages
16 assessed and paid, thirty days' notice to vacate the same shall
17 be given to the party or parties so in actual possession. In
18 case of refusal or neglect on the part of any one to obey said
19 notice, the board of commissioners may, at the expiration of
20 said thirty days, be entitled to a writ of habere facias
21 possessionem or may enter upon and eject or cause to be ejected
22 any of the parties so refusing or neglecting to vacate, and use
23 force enough by themselves, agents or employes to accomplish the
24 same.

25 Section 2432. Appropriations of Right of Way or Easement.--
26 In any action brought to ascertain or recover damages caused to
27 any owner of lands by reason of the appropriation of a right of
28 way or easement in such lands by any county, where such owner of
29 lands and such county cannot agree upon the amount of damages
30 payable to such owner, the parties may by agreement waive the

1 right to have such damages assessed by viewers. Such owner may
2 thereupon file his statement and claim in the court of common
3 pleas and rule the defendant to plead thereto within twenty days
4 from notice of such rule duly served upon said county, and the
5 said suit shall be proceeded with the same as if an award of
6 viewers had been filed and an appeal had been taken therefrom.

7 Either party to such action shall have the right during the
8 trial to demand and have the jury which may be selected to try
9 said cause visit and view the premises over or through which the
10 right of way or easement extends before rendering a verdict in
11 such case.

12 Section 2433. Discontinuance of Proceedings by County.--In
13 case the county shall discontinue any proceedings taken
14 providing for the appropriation, injury or destruction of any
15 land, property or materials prior to the entry upon, taking or
16 appropriation thereof and before judgment therein, the said
17 county shall not thereafter be liable to pay any damages which
18 have been or might have been allowed, but all costs upon any
19 such proceedings had thereon shall be paid by the county,
20 together with any actual damages, loss or injury sustained by
21 reason of such proceeding, and the amount of the same may be
22 determined and fixed by the court in which such proceeding was
23 pending.]

24 Section 106. The act is amended by adding an article to
25 read:

26 ARTICLE XXIV-A

27 EMINENT DOMAIN AND INJURY TO PROPERTY

28 Section 2401-A. Exercise of eminent domain.

29 A county may enter upon, appropriate, injure or destroy
30 private lands, property or material, or lands previously granted

1 or dedicated to public use that are no longer used for the
2 purpose for which the lands were granted, according to the
3 proceedings set forth in 26 Pa.C.S. (relating to eminent
4 domain), for any purpose conferred upon the county by law.
5 Section 2402-A. Restrictions as to certain property.

6 (a) Prohibition.--Except as provided in subsection (b), no
7 land or property used for a cemetery, burying ground or place of
8 public worship may be taken or appropriated by virtue of a power
9 contained in this article.

10 (b) Exception for certain counties.--The prohibition in
11 subsection (a) shall not apply in the case of a county of the
12 second class A where the land or property is taken or
13 appropriated according to the provisions of the act of May 12,
14 1887 (P.L.96, No.47), entitled "A supplement to an act, entitled
15 'An act supplementary to an act relative to burial grounds and
16 cemeteries situated in incorporated boroughs,' approved the
17 nineteenth day of May, one thousand eight hundred and seventy-
18 four, changing the title of said act, and authorizing the court
19 to make orders and decrees required by the act, and to enforce
20 the same by process, approved the thirteenth day of May,
21 eighteen hundred and seventy-six, further empowering courts to
22 direct removal of remains in boroughs, cities, and towns from
23 burial grounds where interments have ceased or have become so
24 neglected as to become a public nuisance, or such remains
25 interfere with the improvements, extensions, and interests of
26 such cities, boroughs, or towns."

27 (c) Restrictions as to railroad property.--In the case of
28 counties of the third through eighth classes, the right-of-way
29 of a railroad company shall not be acquired or occupied without
30 the consent of the company owning or operating or in possession

1 of the property.

2 Section 2403-A. Declaration of intention.

3 A county shall declare its intention to acquire, enter upon,
4 take, use and appropriate any private property or land for any
5 of the purposes authorized by this article through a duly
6 enacted ordinance.

7 Section 2404-A. Application of 26 Pa.C.S.

8 Eminent domain proceedings must conform to the provisions of
9 26 Pa.C.S. (relating to eminent domain), including payment of
10 damages and costs.

11 Section 107. Sections 2501, 2502, 2503 and 2504 of the act
12 are amended to read:

13 Section 2501. Acquisition of Land and Buildings for
14 Recreation Places.--(a) The county commissioners may [in any
15 county] designate and set apart for use as [public parks,
16 parkways, bridle paths, foot paths, playgrounds, playfields,
17 gymnasiums, public baths, swimming pools, agricultural
18 fairgrounds, or other indoor or outdoor recreation centers, all
19 of which shall hereinafter be referred to as recreation places,]
20 recreation places or for the enlarging or extending of
21 recreation places, any lands or buildings owned by such county
22 and not dedicated or devoted to other public use. [They may also
23 designate and set apart any such land or buildings for the
24 enlarging or extending of any such recreation places.]

25 (b) The county commissioners may also acquire [for use as
26 any such recreation place, or the extension or enlargement
27 thereof,] lands or buildings, by gift[, purchase or the power of
28 eminent domain. They may also lease lands or buildings within
29 the county for use for any such purpose.] or purchase, or may
30 lease lands for use as, or the extension or enlargement of,

1 recreation places.

2 (b.1) The county commissioners may, in accordance with the
3 provisions of this act and 26 Pa.C.S. (relating to eminent
4 domain):

5 (1) In counties of the third through eighth class, acquire
6 private property by the power of eminent domain for use as, or
7 the extension or enlargement of, recreation places.

8 (2) In counties of the second class A, acquire private
9 property for the purpose of establishing, making, enlarging,
10 extending, operating and maintaining public parks and multiuse
11 recreational trails within the limits of the county.

12 (c) [The exercise of the power of eminent domain shall be in
13 accordance with the provisions of this act.] The power to
14 acquire lands or buildings, by gift or purchase, shall not
15 extend beyond the limits of the particular county, except upon
16 the consent of the adjoining county and [municipality or
17 township] municipal corporation which would be affected thereby.

18 (d) A county may exercise the powers granted in this article
19 jointly with any political subdivision.

20 Section 2502. Construction, Equipment and Maintenance;
21 General Powers.--The county commissioners of any county may
22 build, alter, extend, enlarge, manage, supervise, equip,
23 ornament, operate and maintain recreation places, and may vest
24 their authority to do so in any existing body or board, or in a
25 park board, recreation board or fair board, any of which may be
26 established by the county commissioners [of any county, except a
27 county of the second class,] for any or all of the aforesaid
28 purposes, functions and places as the county commissioners may
29 determine. For the purpose of carrying out the provisions of
30 this article, the county commissioners, or any body or board

1 vested with their authority, may employ play leaders, recreation
2 directors, supervisors, superintendents or any other officers or
3 employes, as they deem proper. The number and salary thereof to
4 the extent that such salary is paid from the funds of the county
5 shall be determined by the salary board. All such recreation
6 places shall be kept in good order and repair.

7 Section 2503. Fair, Park and Recreation Boards.--[If the
8 county commissioners of any county shall determine that the
9 power to supervise any or all recreation places shall be
10 exercised by a park board or recreation board or fair board,
11 they may establish in said county such] The county commissioners
12 may establish a fair board, park board or recreation board,
13 which shall possess all the powers and be subject to all the
14 responsibilities of the [respective] county commissioners in the
15 management, supervision, operation and maintenance of such
16 recreation places. Any [such boards, when established,] board
17 shall consist of a minimum of five persons and a maximum of nine
18 persons. The members of such boards shall be appointed by the
19 commissioners [of the county and shall be appointed] for a term
20 to extend no longer than five years and the terms of the members
21 shall be staggered in such a manner that at least one expires
22 annually. Members of such board shall serve without pay.
23 Vacancies in such board occurring otherwise than by expiration
24 of term shall be for the unexpired term and shall be filled in
25 the same manner as original appointments.

26 [If, on the effective date of this amendment, there is a
27 recreation board established in any county that is not comprised
28 of nine members, additional persons may be appointed but if
29 there are more than nine members, vacancies shall not be filled
30 until the membership is less than nine.]

1 Section 2504. Officers of Board.--The members of a fair
2 board, park board or recreation board[, established pursuant to
3 this article,] shall elect their own chairman and secretary and
4 select all other necessary officers, to serve for a period of
5 one year, and may, with the consent and approval of the county
6 commissioners, employ such persons as may be needed, as provided
7 by this article. Such boards shall have power to adopt rules and
8 regulations for the conduct of all business within their
9 jurisdiction.

10 Section 108. Section 2505 of the act is repealed:

11 [Section 2505. Joint Action.--Any county authorized by this
12 article to acquire property for and operate and maintain any
13 recreation places may acquire property in the manner provided in
14 this article for such purposes, and operate and maintain the
15 same jointly with any other county or any city, borough,
16 township or school district.]

17 Section 109. Sections 2506, 2507, 2508, 2509, 2510, 2511,
18 2512(a) and 2513 of the act are amended to read:

19 Section 2506. Indebtedness.--The county commissioners may
20 issue bonds, in accordance with [the Municipal Borrowing Law] 53
21 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and
22 borrowing), for the purpose of acquiring lands or buildings for
23 recreation places and for the construction, extension,
24 enlargement, alteration or equipment thereof.

25 Section 2507. Payment of Expenses; Taxation; Annual Fairs;
26 State Contributions.--(a) All expenses incurred in the
27 operation of [such] recreation places, established as herein
28 provided, shall be payable from the treasury of [such] the
29 county. The county commissioners may annually appropriate and
30 cause to be raised by taxation [such tax] funds for any or all

1 of the purposes authorized in this article, including debt
2 service upon bond issues authorized herein. In counties of the
3 second class A, the amount of the tax may not exceed two mills
4 on the dollar of the assessed valuation of taxable property in
5 the county.

6 (b) The county commissioners or the fair board, if there be
7 one, may provide for and hold an annual fair or agricultural
8 exhibition on [the fairgrounds acquired or maintained as
9 aforesaid] county fairgrounds, and may accept aid or
10 contributions from the Commonwealth under any act [of Assembly]
11 for the payment of premiums at any such fair or exhibition.

12 Section 2508. Park Buildings.--The county commissioners [of
13 any county] shall have exclusive power to lease all houses,
14 cottages and buildings within the park limits which may be let
15 without prejudice to the interest and purposes of the park, and
16 to collect the rents and other considerations, including license
17 fees provided therefor.

18 Section 2509. Use of Receipts.--All rents, license charges
19 and fees, all fines, proceeds of sales, and profits of
20 whatsoever kind, to be collected, received, or realized from
21 [said] recreation places and buildings in any county, shall be
22 paid into the county treasury. Moneys or property given or
23 bequeathed to the county commissioners upon specified trusts
24 shall be received and receipted for by the county treasurer and
25 held and applied according to the trusts specified.

26 Section 2510. Damages; Forfeiture of Leases; Penalties.--(a)
27 Any person violating any rules and regulations adopted for
28 [such] recreation places shall be [further] liable to the full
29 extent of any damage by him or her committed, in trespass or
30 other action, and any tenant or licensed party who shall violate

1 any rules and regulations [or any of them], or consent to or
2 permit the same to be violated on [his or her or their] the
3 premises, shall forfeit [his or her or their] the lease or
4 license and shall be liable to be forthwith removed by a vote of
5 the county commissioners. Every lease and license shall contain
6 a clause making it cause of forfeiture for the lessee or party
7 licensed to violate or permit or suffer any violation of any
8 such rules and regulations.

9 (b) In counties of the second class A, the violation of any
10 rules or regulations of the county commissioners for the
11 government of public parks shall constitute a summary offense.

12 Section 2511. Employees; Police.--(a) For the purpose of
13 performing all necessary duties relating to the establishing,
14 making, enlarging, extending and maintaining public parks,
15 buildings and other county-owned properties and for enforcing
16 the rules and regulations ordained or resolved by the county
17 commissioners or by any body or board of control where no
18 penalty or fine is involved, the county commissioners of the
19 county are hereby authorized to employ or appoint and equip
20 proper persons, in such numbers and at such compensation as may
21 be authorized by the salary board, to do all necessary and
22 proper work connected therewith, including police or guard duty.

23 (b) The board of commissioners of any county of the third
24 class that is contiguous to a county of the second class may, by
25 ordinance, create or disband a county park police force within
26 the county. When such a county park police force is created in
27 accordance herewith, the county commissioners shall have power
28 to employ the number of officers as may be fixed by the salary
29 board of the county. The compensation of the county park police
30 officers shall be paid by the county.

1 Section 2512. Duty of Police.--(a) It shall be the duty of
2 the police, county park police or guards appointed to duty in
3 any recreation places, buildings and other county-owned
4 properties, without warrant, forthwith to arrest any offender
5 against the rules and regulations, ordained or resolved by the
6 county commissioners, that they may detect in the commission of
7 such offense, and to take the person so arrested forthwith
8 before a [magistrate, alderman or justice of the peace]
9 magisterial district judge having competent jurisdiction.

10 * * *

11 Section 2513. [Commissioners May Hold] Property Held in
12 Trust.--(a) Where the owner or owners of any real property,
13 with or without improvements thereon, adapted to the use or
14 purpose of public agriculture fairs or exhibits are willing to
15 convey or devise said real property to the county wherein
16 located, to be held in trust for the citizens and inhabitants of
17 the county, the county commissioners may take title thereto and
18 hold such real property in trust for the benefit of the citizens
19 and inhabitants of the county.

20 (b) The county commissioners may receive and accept
21 contributions in buildings or materials for additional
22 improvements on the real property conveyed or devised and held
23 in trust.

24 (c) The county commissioners may lease real property
25 acquired under this section to any incorporated agriculture
26 association willing and financially able to manage the premises,
27 on condition that the premises will be used annually for
28 agriculture fairs and exhibitions without any liability on the
29 part of the county and with no expense to the county. Upon
30 failure of any lessee to comply with terms of any lease, the

1 county shall retake possession of the leased property.

2 (d) If, for a period of five years, no public use of the
3 real property as contemplated by the grant or gift to the county
4 is made, it may be sold on petition to the court of common pleas
5 as provided by this act for the sale of county real property.

6 Section 110. Sections 2514, 2515 and 2516 of the act are
7 repealed:

8 [Section 2514. Contributions for Additional Improvements.--
9 The county commissioners of any county may receive and accept
10 contributions in buildings or materials for additional
11 improvements on the real property conveyed or devised and held
12 in trust as hereinbefore provided.

13 Section 2515. Leases for Agricultural Fairs.--The county
14 commissioners may lease real property so conveyed or devised to
15 any incorporated agriculture association willing and financially
16 able to manage said premises, on condition that said premises
17 will be used annually for agriculture fairs and exhibitions
18 without any liability on the part of the county and with no
19 expense to the county. Upon failure of any lessee to comply with
20 terms of any lease, the county shall retake possession of the
21 leased property.

22 Section 2516. Power of Sale.--If for a period of five years
23 no public use of said real property as contemplated by the grant
24 or gift to the county is made, the county commissioners may sell
25 real estate on petition to the court of common pleas as provided
26 by this act for the sale of county real property.]

27 Section 111. Sections 2517, 2601, 2604, 2611, 2612, 2616,
28 2633, 2634, 2635, 2636, 2650, 2651, 2652 and 2653 of the act are
29 amended to read:

30 Section 2517. Appropriations to Political Subdivisions for

1 Recreation Places.--The board of commissioners, in counties of
2 the third through eighth class, may appropriate moneys from the
3 county treasury to aid [cities of the third class, boroughs,
4 incorporated towns and townships] municipal corporations in the
5 purchase, construction, operation and maintenance of [lands and
6 buildings for public parks, parkways, bridle paths, foot paths,
7 playfields, gymnasiums, public baths, swimming pools, golf
8 courses, tennis courts, agricultural fair grounds, or other
9 indoor or outdoor recreation centers and facilities] recreation
10 places.

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

27 (b) As used in this article "streams" include streams,
28 rivers, creeks, ponds, lakes and all other such natural waters;
29 "road" includes roads, streets, highways, lanes, alleys and all
30 other such public thoroughfares; and "bridge" shall for the

1 purpose of convenience include the bridges, provided for in this
2 article, and also the viaducts and culverts and all things
3 pertaining to such bridges, viaducts and culverts wherever such
4 meanings may reasonably be intended.

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

14 (d) No county of the third through eighth class shall, in
15 the exercise of any authority or duty conferred in this article,
16 enter upon any road or property of any city or borough of, or
17 adjacent to the county, or act in derogation of the lawful
18 authority of any such political subdivision, except with the
19 proper consent of such political subdivision.

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

24 Section 2604. Plans and Surveys for Bridges and Viaducts.--
25 Whenever the commissioners [of any county] resolve to provide a
26 bridge or viaduct, pursuant to this article, they shall cause to
27 be prepared plans and surveys showing the location of the
28 proposed structure, its approaches and the property or rights of
29 property affected thereby, together with any roads in any [city,
30 borough, incorporated town or township] municipal corporation

1 proposed to be used in connection therewith.

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

17 Section 2612. Bridges on Boundary Between Two Counties.--(a)
18 Whenever any bridge provided for by this article is on the
19 boundary line between two counties or within one-fourth of a
20 mile therefrom and necessary for the accommodation of the
21 inhabitants of both counties, the commissioners of such counties
22 shall act jointly in the exercise of all powers conferred upon
23 them and in the performance of all duties imposed upon them.
24 [Whenever] Except in a county of the second class A, whenever a
25 petition of residents or taxpayers is required, such petition
26 shall be made by the required number of petitioners in each
27 county in relation to a boundary bridge under this section to
28 the county commissioners of their county. Whenever any other
29 petitions are required, such petitions shall be made to the
30 county commissioners in each of such counties. Each of the

1 boards of county commissioners shall act on such petitions and
2 shall communicate its approval or disapproval to the other
3 board.

4 (b.1) If one of the counties is a county of the second class
5 A, and whenever the appointment of viewers or inspectors is
6 required, the court of each county shall appoint a full number
7 of viewers or inspectors and order a view in the manner and with
8 like powers, duties and procedure provided for in the case of
9 public roads. The total number thereof shall act together in the
10 view or inspection and shall make a joint report and
11 recommendations to each court. Exceptions to the report of
12 viewers may be filed in and appeals therefrom made to the courts
13 of either county, in which case the courts of the two counties
14 sitting together shall hear and determine the same. Whenever
15 publication of notice is required, the publications shall be
16 made in each county. The approval of both boards of
17 commissioners and of both courts shall be necessary in order to
18 authorize any action requiring such approval.

19 (c) Whenever publication of notice is required, such
20 publication shall be made in each county. The approval of both
21 boards of commissioners shall be necessary in order to authorize
22 any action requiring such approval.

23 (d) Whenever the procedure provided in Article XXIV of this
24 act is to be followed, such procedure shall be carried out only
25 in and by the county in which the lands, other property or
26 materials entered upon, taken or damaged are located and the
27 damages shall be paid by such county only.

28 (e) Any such bridge shall be a joint county bridge. All
29 costs and expenses pertaining to such bridge and the maintenance
30 thereof shall be borne by the two counties, jointly, in such

1 proportions as shall be agreed upon, from time to time, by the
2 commissioners thereof.

3 (f) For the purposes of this section, "joint county bridge"
4 shall include a bridge over the boundary line between two
5 counties constructed or proposed to be constructed as part of
6 the laying out, alteration or vacation of roads intended to form
7 a continuous highway from one county to another.

8 Section 2616. Acceptance of Bridge Donated to County.--(a)
9 The commissioners of any county may accept, take charge of and
10 enter upon the records as a county bridge, any bridge within the
11 county which has been built at the expense of private persons or
12 by public subscriptions, and has been opened to free public
13 travel, used by the public and become necessary and convenient
14 for the use of the public, upon notice in writing of the persons
15 who built it or of the subscribers to the original subscription
16 on which the money was raised to build the same, or the heirs or
17 assigns of such persons or subscribers, or of a duly authorized
18 board of trustees representing such persons or subscribers, that
19 they desire to give the bridge to the county in which it is
20 located. Where the bridge crosses the boundary line between two
21 counties, the person or the person's heirs or the assignees,
22 subscribers or trustees representing the person, shall give
23 notice in writing to the county commissioners of each county of
24 the intention to donate the bridge to the counties jointly.

25 (c) All costs shall be paid out of the treasury of the
26 county. The [county] commissioners may require the owner of said
27 bridge to file, together with their notice, a bond sufficient to
28 secure payment of the costs.

29 Section 2633. Temporary Substitutes for Bridges.--When any
30 county bridge is destroyed or rendered impassable, the [county]

1 commissioners may provide at the expense of the county, ferries
2 or other temporary ways as a substitute for such destroyed or
3 impassable bridge, until such bridge has been rebuilt or
4 rendered fit for public travel. Where [such bridge shall have
5 been] the bridge was maintained at the joint expense of two
6 adjoining counties, the establishment and maintenance of such
7 ferry or temporary way shall be by joint discretionary action of
8 the boards of commissioners of both counties, and the expense
9 thereof shall be borne by said counties in the same proportions
10 as the maintenance of [such] the bridge was borne before it was
11 destroyed or rendered impassable.

12 Section 2634. Closing, Vacating, Abandoning and Removing
13 County Bridges.--Whenever it appears to the [county]
14 commissioners that any county bridge including but not limiting
15 to any destroyed or partially destroyed bridge has, from any
16 cause, become burdensome and is no longer necessary for the
17 accommodation of public travel, they may close, vacate, abandon
18 and remove such bridge.

19 Section 2635. Contracts for Special Use of Bridge.--The
20 commissioners [of any county] may enter into a contract or lease
21 with any street railway, telegraph or telephone company or other
22 public utility, their successors or assigns, desiring to use a
23 county bridge and its approaches for other than ordinary public
24 foot or vehicular traffic for the concurrent use of such portion
25 of said public bridge and approaches as will not substantially
26 impair or restrict the public use and enjoyment thereof, upon
27 such terms and conditions as shall be agreed upon, and may
28 charge tolls or rentals for such special use. No such contract
29 or lease shall be entered into for a longer period than twenty
30 years nor shall any such contract or lease be entered into

1 unless approved by the Public Utility Commission or become
2 effective except in accordance with the provisions of the Public
3 Utility Law.

4 Section 2636. Contracts with Railroad Companies for Use,
5 Purchase, Removal, Replacing or Exchange of County Bridge.--(a)
6 Any railroad company whose tracks or other facilities are
7 located upon any county bridge may contract and agree with the
8 commissioners of the county for the use, purchase, removal,
9 replacing or exchange of such bridge, or for the compensation to
10 be paid to the county by [said] the company for the use and
11 occupancy of the bridge or [such] parts thereof [as may be used
12 and occupied by said company. For such purpose the commissioners
13 may contract with said company, and may do all acts necessary
14 and proper to carry out such contract effectually].

15 (b) All moneys due and all obligations incurred by said
16 companies under any such contract may be collected and enforced
17 in the same manner as debts of like amount are recovered and
18 similar obligations enforced in the Commonwealth.

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

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

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

17 (b.1) The commissioners shall keep a record of all
18 proceedings under this section.

19 (c) [Where the cost to the county will not exceed ten
20 thousand dollars (\$10,000), the county commissioners may furnish
21 such aid in the construction of such bridge without following
22 the procedure herein stipulated.] In addition to the provisions
23 of Articles XVIII and XXIII of this act relating to contracting
24 for services and personal property, whenever the county
25 commissioners propose to build or repair a bridge upon the line
26 between the two adjoining counties, required advertising shall
27 be done in each county and a copy of the plans and
28 specifications shall be kept in the commissioner's office of
29 each county.

30 Section 2651. Change in Location of Bridge and Roads.--

1 [When] In counties of the third through eighth classes, when
2 such bridge is to take the place of an existing bridge, the
3 viewers may change the location thereof so that it may be
4 located and built in the most suitable place, or at the least
5 expense, or in the best manner, and, in the case of the change
6 of location of such bridge, they shall also report what change
7 in the course or bed of the road to be connected therewith will
8 be necessary, and shall also report the vacation of the old or
9 existing bridge, and the vacation of such portion of the road
10 connecting therewith as they may deem proper.

11 Section 2652. Construction of Embankments and Causeways as
12 County Improvements[.--Where] in Certain Counties.--In counties
13 of the third through eighth classes, where a stream over which
14 it may be necessary to build a bridge crosses a public road, and
15 the building of such bridge requires the construction of an
16 embankment or causeway leading to either end of such bridge, the
17 erection of which embankment or causeway requires more expense
18 than it is reasonable that one or more adjoining townships
19 should bear, [and if it shall appear that for the use and
20 enjoyment of said bridge by the public it is necessary to
21 construct an embankment or causeway the construction of which
22 would be too expensive for such township or townships to bear,
23 it] the bridge may, in the discretion of the county
24 commissioners, be entered on record as a county improvement and
25 constructed as county bridges are constructed.

26 Section 2653. Contract for Parts of Municipal Bridges Where
27 County Might Have Built Bridge.--(a) Where a [city of the third
28 class, a borough or a township] municipal corporation is
29 authorized to construct a bridge or viaduct over a stream or
30 other place over which the county is authorized to build bridges

1 and such [political subdivision] municipal corporation is
2 authorized to contract with the county and with railroads,
3 street railways and other companies or parties interested for
4 the building and maintenance of such bridge or viaduct and for
5 the payment of any damages caused by the location or building
6 thereof, the county commissioners may contract with such [city,
7 borough or township] municipal corporation for that part or
8 portion of the bridge which crosses any of the places
9 hereinbefore mentioned, including the abutments and piers
10 thereof. Such part shall thereafter be maintained as a county
11 bridge.

12 (b) In lieu of the contract above provided for, the county
13 commissioners may contract for any part or portion of the whole
14 structure equal to or greater than the part or portion which the
15 county might have built.

16 (c) The contracts provided for in this section may stipulate
17 that the county shall pay a certain portion of the whole
18 contract price or cost of the work, including damages, or may
19 stipulate that the county shall construct or pay for the
20 construction of a certain part of the work, and may otherwise
21 provide for the payment of the damages. The amount to be paid by
22 the county shall be paid directly to the contractor as may be
23 provided by the contract. The agreements may also provide for
24 the maintenance of the viaducts and bridges after their
25 erection.

26 Section 112. The act is amended by adding a section to read:
27 Section 2653.1. Contribution Where County Might Not Have
28 Built Bridge in Certain Counties.--When a bridge or viaduct is
29 built by a municipality and does not cross any place over which
30 the county is authorized to construct a bridge but crosses

1 merely railroad or railroads and private property, the
2 commissioners of counties of the second class A may contract to
3 pay an amount of money, not exceeding thirty per centum of the
4 entire cost of the proposed bridge or viaduct. The bridge or
5 viaduct shall thereafter be maintained as a municipal structure,
6 and the county shall not be liable for any part of the cost of
7 maintenance or repair thereof.

8 Section 113. Sections 2655 and 2656 of the act are amended
9 to read:

10 Section 2655. Aiding Municipality in Constructing Bridge
11 Over Ravine or Valley.--Whenever different parts of any
12 municipality or any two municipalities are separated by an
13 intervening valley or ravine, and the commissioners of the
14 county in which such municipality or municipalities are located
15 shall decide it necessary that a public bridge, to connect the
16 territories thus separated, be constructed, [such] the county
17 may contract with [such] the municipality or municipalities for
18 the laying out and construction of [such] the bridge by such
19 municipality or municipalities, and may pay to the municipality
20 or municipalities such portion of the cost thereof as the county
21 commissioners shall deem reasonable.

22 Section 2656. Entry of Municipal Bridge on Record as County
23 Bridge.--Whenever a public bridge has been built or maintained
24 by [any municipality, or by any two municipalities] one or more
25 municipal corporations, and it shall afterwards appear to the
26 commissioners that the care, maintenance and responsibility of
27 said bridge is greater than it is reasonable that the said
28 [political subdivisions] municipal corporations should bear, the
29 commissioners may enter such bridge upon record as a county
30 bridge, and it shall thereafter be a county bridge in the same

1 manner as if it had originally been so entered on record, if the
2 proper local authorities having the maintenance, supervision and
3 control of such bridge shall tender the same to the said county
4 [commissioners] free and without charge.

5 Section 114. Section 2670 of the act is repealed:

6 [Section 2670. Building or Repair of Bridges.--In addition
7 to the provisions of Articles XVIII and XXIII of this act
8 relating to contracting for services and personal property,
9 whenever the county commissioners propose to build or repair a
10 bridge at a cost in excess of ten thousand dollars (\$10,000)
11 upon the line between two adjoining counties, the advertising
12 shall be done in each of said counties, and a copy of the plans
13 and specifications shall be kept in the commissioners' office of
14 each county.]

15 Section 115. Sections 2701, 2702, 2703 and 2704 of the act
16 are amended to read:

17 Section 2701. Definitions.--The words defined in section
18 [two thousand six hundred one of this act] 2601 shall be
19 construed to have like meanings when used in this article.

20 Section 2702. Establishing County Roads.--(a) For the
21 purpose of providing public roads, specially constructed,
22 improved and maintained, the county commissioners may[, upon
23 approval by the court of quarter sessions, originally lay out
24 and open any road, and take possession of and exercise control
25 over any existing township road or part thereof, and build and
26 maintain roads as county roads within their respective limits.
27 They may, at any time, straighten, widen, extend and alter any
28 such road or part thereof, and vacate so much thereof as may
29 become unnecessary and useless. Any road so]:

30 (1) Lay and open any road.

1 (2) Take possession of and exercise control over any
2 existing municipal road or part thereof, or any road decreed by
3 a court to be a county road.

4 (3) Build and maintain roads as county roads within the
5 county limits.

6 (4) Straighten, widen, extend and alter any county road or
7 part thereof laid out, opened or acquired, and vacate so much
8 thereof as may become unnecessary and useless.

9 (b) Any road taken over or improved shall thereupon become a
10 county road and be subject to the control and supervision of the
11 county commissioners. It shall be the duty of the county to keep
12 and maintain county roads established under this act and all
13 other county roads in repair, the expense thereof to be paid by
14 the county in the manner hereinafter provided.

15 Section 2703. Acquisition of Rights of Way of Abandoned
16 Railroads.--(a) The county commissioners [of any county] may
17 take over any abandoned rights of way or bridge of a railroad
18 company or any part thereof for the purpose of relocating any
19 existing or locating a new county road, and they may purchase
20 such abandoned right of way or bridge or such part thereof, as
21 may be necessary for the relocating or locating of said county
22 road, from the owner thereof[, at a fair price, to be approved
23 by the court of quarter sessions of the county].

24 (b) Whenever [any such] an abandoned right of way or bridge
25 of a railroad company or any part thereof is purchased under the
26 provisions of this section, a county road shall be laid out and
27 located thereon and shall thereafter be constructed, improved
28 and maintained in accordance with law. Any [such] bridge so
29 taken over shall become a county bridge and shall be maintained,
30 rebuilt and repaired accordingly.

1 Section 2704. Joint Action by Counties.--The provisions of
2 this article may also be exercised jointly by adjoining counties
3 as to roads extending along and adjacent to county lines and
4 from one adjoining county into another.

5 The procedure and jurisdiction in each county in such cases
6 shall be the same as to any portion of such road lying within
7 its limits, except that the petition, plans and surveys of such
8 road shall describe and exhibit every portion of such road
9 within the limits of such county and every portion thereof
10 extending along the line of or into an adjoining county. The
11 [several portions thereof] portions of the road lying within
12 limits of each county shall be treated in all proceedings as one
13 continuous road.

14 Section 116. Section 2705 of the act is repealed:

15 [Section 2705. To Be County Road as Soon as so Decreed.--All
16 roads and parts thereof heretofore and hereafter decreed by the
17 court, under this or any former acts of Assembly, to be a county
18 road shall be subject to the control and supervision of the
19 county commissioners. Upon the decree or order making an
20 existing township road or part thereof a county road, the same
21 shall immediately be kept in repair, made, constructed and
22 maintained by the county and the township relieved of any duty
23 thereto as a township road.]

24 Section 117. Sections 2706, 2707, 2708, 2709, 2710, 2721,
25 2722 and 2723 of the act are amended to read:

26 Section 2706. Maintenance and Repair of County Roads.--The
27 commissioners shall have prepared plans and estimates, as often
28 as required, for the repair and maintenance of all roads which
29 the county is required by law to maintain and repair. [They may
30 invite proposals for maintaining and repairing such roads or

1 parts thereof in accordance with such plans and estimates and
2 award the contract therefor in like manner as contracts for new
3 improvements, or they may make the necessary repairs themselves.
4 For the purpose of making such repairs, the commissioners may
5 employ or appoint the proper persons and buy the necessary
6 materials and buy or rent the necessary machinery.] Maintenance
7 and repair may be undertaken by contract or through the use of
8 county personnel, supplies and equipment. Any county may also
9 lease any of its [machinery] equipment to any political
10 subdivision within the county, upon such terms and conditions as
11 may be agreed upon.

12 Section 2707. Annual Tax.--The commissioners may levy,
13 assess and collect [an annual tax, of not more than two mills
14 upon the dollar,] annual taxes upon all real and personal
15 property within said county taxable for county purposes for the
16 purpose of acquiring and securing a fund from which to pay all
17 costs, damages and expenses required in the locating, opening,
18 building, improving, widening, straightening, extending,
19 maintaining, repairing or vacating of roads or parts thereof
20 [covered by the provisions of subdivision (a) 1 of this
21 article], and for the taking and use of [such] land as may be
22 necessary in constructing and maintaining proper slopes,
23 embankments, fills [and], culverts, embankment approaches and
24 termini for roads, tunnels, subways and underground roads. The
25 moneys so raised shall not be expended for any other purposes
26 [than those named in this section] other than those for which
27 the tax was levied, except for the maintenance, repair,
28 construction and reconstruction of any county bridge or bridges
29 whether or not located on a county road or roads. [All checks
30 for the payment of any portion of the money raised for the

1 purposes aforesaid shall be issued, in the manner provided by
2 this act, upon estimates which shall be made from time to time
3 by the persons charged with such duty. The amount and time
4 within which the same shall be paid shall be fixed and
5 determined in the contract made for the public work.] The taxes
6 shall be at the following rates, and retained, respectively, for
7 the following purposes:

8 (1) Not more than two mills on the dollar for any purpose
9 set forth in subdivision (a) 1 of this article.

10 (2) Not more than two mills on the dollar for any purpose
11 set forth in subdivision (a) 2 of this article.

12 (3) Not more than two mills on the dollar for any purpose
13 set forth in subdivision (a) 3 of this article.

14 Section 2708. Borrowing Money; Bond Issue and Tax Levy.--The
15 county commissioners may borrow money and secure any
16 indebtedness created by them for the purposes authorized under
17 [subdivision (a) 1 of this article, by issuing bonds in
18 accordance with the provisions of the Municipal Borrowing Law]
19 this article, in accordance with 53 Pa.C.S. Pt. VII Subpt. B
20 (relating to indebtedness and borrowing).

21 Section 2709. Changing Part of Road [Without View] Upon
22 Agreement.--Whenever the board of commissioners deem it
23 advisable to construct or alter any part of any road under their
24 supervision and can agree with the property owners affected by
25 such change as to damages, they may, upon payment of the damages
26 agreed upon, construct or alter such part of such public road as
27 contemplated in such agreement without the formality of a view.
28 [This authority shall not extend to any construction or
29 alteration, the cost and expenses of which to such county,
30 including damages, shall exceed one thousand dollars (\$1000). A

1 petition setting forth the facts, accompanied by a map or draft
2 of such proposed change, shall be presented to the court of
3 quarter sessions for approval before such actual change is made,
4 whereupon the new location, thus approved by the court, shall be
5 the public road to all intents and purposes and the old location
6 shall be vacated.] The old location of the road shall be vacated
7 in accordance with this act.

8 Section 2710. Assessment of Benefits.--Whenever, in any
9 county, any road or highway shall be originally located, laid
10 out or constructed or relocated, opened, straightened, widened,
11 extended or altered, or any part thereof vacated, the viewers
12 appointed to assess damages [for taking, injuring or destroying
13 property] in accordance with 26 Pa.C.S. (relating to eminent
14 domain), after having determined the amount of damages
15 sustained, shall assess the whole or such part of such damages
16 as may be represented by benefits upon the properties abutting
17 on and benefited by [such] the improvements. The remaining part
18 of such damages, if any, not so assessed against the abutting
19 properties, shall be paid by the county. The total assessments
20 for benefits shall in no case exceed the total damages awarded
21 and agreed upon.

22 [The viewers shall in such cases file their report showing
23 the balance struck between the damages awarded and the benefits
24 assessed.]

25 Section 2721. Improvement of [Borough and Township]
26 Municipal Roads.--Whenever such system of main thoroughfares had
27 been adopted or when the adoption thereof is contemplated within
28 two years after the commencement of such improvement, the
29 commissioners may[, upon approval by the court of quarter
30 sessions as hereinafter provided,] take exclusive control of and

1 improve any road or section thereof located either wholly or in
2 part[,] in any [borough or township] municipal corporation,
3 whether existing by their authority or laid out in whole or in
4 part by virtue of this act or otherwise. For that purpose, they
5 may originally locate, lay out, establish in whole or in part
6 relocate, straighten, widen, extend, alter and open roads, and
7 construct and improve the same, and vacate so much of any roads
8 as may be thereby rendered unnecessary and useless. Any road as
9 established or altered, constructed and improved, under the
10 provisions of this section, shall, by ordinance enacted by each
11 [borough or by resolution adopted by the commissioners or
12 supervisors of each township] municipal corporation through
13 which such road shall pass, become [borough or township]
14 municipal roads, and the duty of maintaining and keeping the
15 same in repair shall devolve upon each respective [township or
16 borough] municipal corporation through or into which the same
17 extends.

18 Section 2722. Plan of System to Be Followed; Variations.--
19 After such plans have been adopted and recorded pursuant to law,
20 all applications under the preceding section [to the court of
21 quarter sessions] shall be restricted and shall relate only to
22 the establishing, opening, construction and improvement of the
23 proposed roads of said system or parts thereof and the vacation
24 of roads supplied by the portion opened and improved. The
25 commissioners[, upon approval by the court of quarter sessions
26 as hereinafter provided,] may relocate, straighten, widen,
27 extend, alter and open, construct and improve, the proposed
28 roads as laid out, surveyed, marked and shown upon the plans of
29 said system, or to originally locate, lay out and establish,
30 construct and improve roads which substantially supply said

1 system or parts thereof which, although not parts of said
2 system, are deemed by the court to be main thoroughfares of
3 sufficient importance to be improved by the county and to be
4 added to said plan, and in such case to vacate so much of the
5 roads of the system and of roads already established as may be
6 rendered unnecessary by the changes or by an entirely new
7 location.

8 Section 2723. Improvement of Roads Not Part of System on
9 Contribution From Parties Interested.--The commissioners may
10 also originally locate, lay out and establish in whole or in
11 part, relocate, straighten, widen, extend, alter and open,
12 construct and improve roads not parts of said system nor deemed
13 main thoroughfares, upon parties interested therein paying or
14 securing to be paid[, in a manner to be approved by the court of
15 quarter sessions,] such proportion of the cost of the original
16 construction and improvement as the commissioners may deem just,
17 which shall not be less than one-fourth of the cost in any case.

18 Section 118. Sections 2724 and 2725 of the act are repealed:

19 [Section 2724. Annual Tax.--The commissioners may levy,
20 assess and collect an annual tax, of not more than two mills
21 upon the dollar, upon all real and personal property within the
22 county taxable for county purposes, for the purpose of acquiring
23 and securing a fund from which to pay all costs, damages and
24 expenses required in locating, opening, widening, straightening,
25 extending, building, improving, maintaining, repairing or
26 vacating of the roads or parts thereof improved under the
27 provisions of subdivision (a) 2 of this article, and for the
28 taking and using of such land as may be made necessary in
29 constructing and maintaining proper slopes, embankments, fills
30 and culverts. The moneys so raised shall not be expended for any

1 other purposes than those named in this section. All checks for
2 the payment of any portion of the money raised for the purposes
3 aforesaid shall be issued, in the manner provided by this act,
4 upon estimates which shall be made from time to time by the
5 person charged with such duty, and the amount and time within
6 which the same shall be paid shall be fixed and determined in
7 the contract made for the public work herein authorized.

8 Section 2725. Borrowing Money and Bond Issue.--Any county
9 may borrow money and secure such indebtedness by issuing bonds
10 in accordance with the provisions of the Municipal Borrowing Law
11 for the purpose of building and improving the roads or any part
12 thereof constructed under the provisions of subdivision (a) 2 of
13 this article.]

14 Section 119. Sections 2730, 2731 and 2732 of the act are
15 amended to read:

16 Section 2730. Purchase, Location, Construction, Operation
17 and Maintenance Authorized.--Whenever the county commissioners
18 shall deem it expedient [so to do and upon the approval thereof
19 by the court of quarter sessions as hereinafter provided], they
20 may cause to be purchased, located, constructed, operated and
21 maintained roads, tunnels, subways or underground roads anywhere
22 within the county, either wholly or partly within the boundaries
23 of any [city, borough, town or township] municipal corporation.

24 Any road, tunnel, subway or underground road, purchased or
25 constructed under the provisions of subdivision (a) 3 of this
26 article, shall forever thereafter be a county road, tunnel,
27 subway or underground road, and the duty of maintaining and
28 keeping the same in repair shall devolve upon the county. The
29 expense thereof shall be paid by the county as hereinafter
30 provided.

1 Section 2731. Contracts or Lease for Special Use of
2 Improvements.--The commissioners[, subject to the approval of
3 the court of quarter sessions,] may make a contract or lease
4 with any street railway or transportation company, its
5 successors and assigns, for the concurrent use of such a portion
6 of said road, tunnel or subway or underground road, as shall not
7 substantially impair or restrict the public use and enjoyment
8 thereof, upon such terms and conditions as shall be agreed upon.
9 [No such contract or lease for the concurrent use of a portion
10 of such improvement shall be for a longer term or period than
11 twenty years. Any such contract or lease shall be made in
12 accordance with applicable provisions of the Public Utility
13 Law.]

14 Section 2732. Taking Street or Other Property of [City or
15 Borough] Municipal Corporation.--Should the commissioners of any
16 county deem it necessary or advisable to enter upon or
17 appropriate any road or property of any [city or borough]
18 municipal corporation in the county, or take any other action
19 affecting the property rights or authority of such [city or
20 borough] municipal corporation, for the purpose of constructing
21 or maintaining a road, tunnel, subway or underground road, or in
22 connection with the improvement of any of them, which has been
23 or is about to be purchased by the county or otherwise, the
24 consent thereto of such [city or borough] municipal corporation
25 by ordinance shall be obtained before the actual entering in or
26 upon or the appropriation of such road or property. After such
27 entry and appropriation, the county shall be liable and charged
28 with the supervision, control and maintenance of said roads and
29 properties, or so much thereof as is taken and used for the
30 purpose of constructing and maintaining such road, tunnel,

1 subway or underground road, or in connection with the
2 improvement of any of them, purchased or to be purchased as
3 aforesaid.

4 Section 120. Sections 2733, 2734, 2740, 2741, 2742, 2743,
5 2744 and 2745 of the act are repealed:

6 [Section 2733. Annual Tax Levy.--The commissioners may levy,
7 assess and collect an annual tax, of not more than two mills on
8 the dollar, on all real and personal property within the county
9 taxable for county purposes for the purpose of acquiring and
10 securing a fund from which to pay all costs, damages and
11 expenses required in the purchasing, improving, locating,
12 opening, constructing, maintaining and repairing roads, tunnels,
13 subways and underground roads, purchased or constructed under
14 the provisions of subdivision (a) 3 of this article, and the
15 taking and using of such land as may be made necessary in
16 constructing the same and in maintaining proper slopes,
17 embankments approaches and termini for said roads, tunnels,
18 subways and underground roads. The money so raised shall not be
19 used or expended for any other purposes than those herein named.
20 All checks for the payment of any portion of the money raised
21 for the purposes aforesaid shall be issued, in the manner
22 provided by this act, upon estimates which shall be made from
23 time to time by the person charged with such duty. The amount
24 and time within which the same shall be paid shall be fixed and
25 determined in the contract made for the public work herein
26 authorized.

27 Section 2734. Borrowing Money and Bond Issue.--Any county
28 may borrow money and incur indebtedness in accordance with the
29 provisions of the Municipal Borrowing Law, to an amount not
30 exceeding the constitutional limitations, for the purchase and

1 improvement or construction of such roads, tunnels, subways and
2 underground roads.

3 Section 2740. Procedure to Obtain Approval of Quarter
4 Sessions.--(a) When the county commissioners resolve to
5 exercise any of the powers conferred in subdivision (a) of this
6 article, they shall cause to be prepared surveys and plans of
7 such road or tunnel, subway or underground road showing the
8 improvement proposed to be made, together with any proposed
9 changes in existing roads, and they shall present such surveys
10 and plans, together with their petition, on behalf of such
11 county, to the court of quarter sessions, praying for approval
12 of such proposed exercise of powers. Such petition shall briefly
13 describe the proposed improvement and the estimated cost thereof
14 and, if the method of construction has not been fully
15 determined, the estimated cost thereof according to each of the
16 several methods in which the improvement may practically be
17 made.

18 (b) On the filing of such petition, the court shall fix a
19 time for a hearing thereon. Notice of said hearing shall be
20 given, by an advertisement published at least ten days prior to
21 the hearing in two newspapers of general circulation in the
22 county, which notice shall briefly describe the location of the
23 improvement proposed to be made and the time, place and purpose
24 of said hearing. Upon the hearing thereof, the court may, for
25 proper cause shown, disapprove the petition; otherwise, it shall
26 approve the same and order that the improvement be made and
27 constructed in accordance with the plans and surveys
28 accompanying the petition. Thereupon, any original location,
29 relocation, opening, widening, straightening, extension,
30 alteration or vacation of any road as set forth in the

1 proceedings and the right to proceed with such improvement shall
2 become absolute.

3 (c) The words "improved" or "improvement" as herein used
4 mean each and every power conferred upon counties under the
5 terms of any of the preceding sections of this article.

6 Section 2741. Right of Eminent Domain.--For the purposes
7 described in subdivision (a) of this article, the county
8 commissioners may enter upon private or public property and may
9 take, injure and destroy the same in the manner and subject to
10 the restrictions and procedure prescribed by Article XXIV of
11 this act.

12 Section 2742. Contracts for Improvements.--After said
13 surveys and plans and the petition to the court of quarter
14 sessions have been approved by the court, and the road, tunnel,
15 subway or underground road, ordered to be made and constructed
16 in accordance therewith, the commissioners shall invite
17 proposals and let contracts for the making and constructing of
18 the same or such parts of the same as the commissioners shall
19 deem proper, in accordance with the provisions of Article XVIII
20 of this act and of sections two thousand three hundred eighteen
21 and two thousand three hundred nineteen and such provisions of
22 Article XXVI of this act as establish additional requirements
23 for advertising for bids, for inspection of plans and
24 specifications by bidders, and for the dating and marking of
25 bids filed.

26 Section 2743. Procedure Where Property is Left Without
27 Outlet by Reason of Vacating of Part of Old Road.--Whenever, by
28 reason of the relocating, opening, widening, straightening or
29 extending of any road or any part thereof, any part of the road
30 involved becomes useless and is vacated, and the property of one

1 owner shall intervene between the new road and the lands of
2 another owner, having no outlet by reason of said relocation,
3 opening, extending, straightening and widening, it shall be the
4 duty of the said county commissioners to obtain from the owner
5 of said intervening property and the owner of the formerly
6 contiguous or adjoining land an agreement satisfactory to such
7 parties for providing an outlet for the said land. If the
8 parties shall not agree to the transfer of the properties so
9 intervening upon the new road, and any such lot or piece of
10 land, in the opinion of the said county commissioners, be
11 insufficient for building purposes, it shall be taken and used
12 as part of said road or highway.

13 Section 2744. Parties Making Application for New Road to
14 Notify Local Road Authorities.--In all cases wherein any
15 proceedings are about to be had before the county commissioners
16 or court for the laying out, opening and construction of new
17 roads for public use, it shall be the duty of the parties making
18 application to the commissioners or to the court for the
19 appointment of viewers, reviewers or re-reviewers to lay out,
20 open or construct such road, to give written notice of such
21 application to the supervisors or commissioners of the territory
22 through which the proposed road is designated to be laid out and
23 constructed, of the time and place of such application, and the
24 time and place of the meeting of viewers, reviewers and re-
25 reviewers. A copy of said written notice, properly attested,
26 shall be filed among the records of the court having cognizance
27 of the matter. Failure to comply with the provisions of this
28 section as to such notice shall be sufficient grounds for an
29 application to set aside whatever proceedings may have been
30 taken of which said supervisors or commissioners had no written

1 notice.

2 Section 2745. Unlawful to Raise Road Above Ordinary Grade
3 Over Drain or Culvert.--In the construction or repair of any
4 road, it shall be unlawful for the person or persons in charge
5 of such construction or repair to raise such road or permit the
6 same to be raised or elevated above the ordinary grade thereof,
7 when a drain or culvert shall be constructed under such road or
8 when such road shall be constructed or repaired over such drain
9 or culvert.]

10 Section 121. Sections 2750, 2753, 2756, 2757, 2758, 2759 and
11 2760 of the act are amended to read:

12 Section 2750. Vacation as County Roads.--Upon petition of
13 the county commissioners, the court of [quarter sessions] common
14 pleas may vacate as a county road any portions of any abandoned
15 or condemned [turnpike] road, or any portions of any [turnpike]
16 road purchased by the county, or of any road, the permanent
17 location or improvement whereof has been ordered or made under
18 this or former acts relating to county roads. All portions of
19 such roads so vacated shall become [and be township roads] and
20 be roads of the municipal corporation through which they pass.

21 Written notice of the contents of said petition and the time
22 when the same will be presented to the court shall be given by
23 the county commissioners to the [supervisors or commissioners of
24 the township or townships] governing body of the municipal
25 corporation through which said road passes, at least ten days
26 before the date of presenting the same. At the time said
27 petition is presented, the court may fix a time for hearing in
28 open court, or may refer the matter to an examiner to take
29 testimony and report his findings to the court at such time as
30 the court shall direct. At any hearing in open court or before

1 an examiner appointed by the court, all parties in interest may
2 appear and be heard. After such hearing, the court, if it shall
3 find that the conditions prescribed by this act have been
4 complied with, may grant the [prayer] request of the petitioners
5 and make a decree accordingly or make such order in the premises
6 as it deems right and just. No order of vacation shall be made
7 until the [township] municipal corporation affected shall have
8 consented thereto by an ordinance or resolution certified to the
9 court.

10 Section 2753. Laying Out; Altering; Vacating.--Roads forming
11 or intended to form a continuous highway from one county to
12 another, which cross a river, creek or rivulet forming a
13 boundary line between said counties, may be laid out or altered
14 or vacated in the manner provided in the case of other roads.[,
15 except that the court of quarter sessions of each county shall
16 appoint three viewers and that a report as aforesaid shall be
17 made to each court respectively, and that each court shall
18 otherwise have and exercise concurrent jurisdiction therein.]

19 Section 2756. Municipal Streets Connecting Two Ends of
20 County Road.--When a city or borough intervenes between two ends
21 of a county road, and the [municipality] municipal corporation
22 has failed to properly improve the municipal streets
23 constituting the shortest and most reasonable route through
24 [said municipality which] the municipal corporation that will
25 connect the two ends of such county road, the board of
26 commissioners may contract with the [corporate authorities of
27 the municipality that] governing body of the municipal
28 corporation to improve the shortest and most reasonable route
29 [through said municipality] connecting the two ends of such
30 highway [be improved].

1 Section 2757. Municipal Streets as Terminus of County
2 Road.--(a) When a county road terminates at the corporate
3 limits of a city or borough in the same or in another county and
4 connects with a municipal street which the [municipality]
5 municipal corporation has failed to properly improve, and the
6 commissioners of the county in which the [municipality]
7 municipal corporation is located deem the improvement of such
8 municipal street necessary in order to make such county road
9 easily accessible to [the residents of the municipality]
10 residents or to the traveling public, the county commissioners
11 may contract with the [corporate officials of the municipality
12 that such municipal street or any part thereof be improved, and
13 also that there be improved, when necessary, any parts of the
14 streets connected therewith which connect said] governing body
15 of the municipal corporation to improve municipal streets,
16 including, where necessary, streets connecting a county road
17 with the business districts of [said municipality] the municipal
18 corporation or with a system of improved streets therein or
19 which connect the said road with another county road terminating
20 at the limits of [said municipality] the municipal corporation.

21 (b) If several [municipalities] municipal corporations are
22 contiguous to each other and at the corporate limits of any one
23 of them a county road terminates and one or more [of such
24 municipalities] have failed to properly improve any municipal
25 street therein, and the county commissioners deem the
26 improvement of such street necessary in order to make such
27 county road easily accessible to [the residents of the
28 municipality] residents or to the traveling public, the board of
29 commissioners may enter into a similar contract with [the
30 corporate authorities of such municipality or municipalities]

1 any of the municipal governing bodies.

2 Section 2758. Improvements.--The board of commissioners may
3 widen, repave or otherwise improve said municipal streets
4 whenever the same is necessary to accomplish any of the purposes
5 of sections [two thousand seven hundred fifty-six and two
6 thousand seven hundred fifty-seven] 2756 and 2757 of this act.
7 Whenever such improvement is made to a municipal street, the
8 county may pay the total cost of such improvement, or the cost
9 may be divided between or among the [municipality or
10 municipalities] municipal corporations and the county. [The
11 contract for any such improvement may be taken by the county
12 upon the stipulation by any municipality to pay its
13 proportionate share of the cost, if any, upon the completion of
14 the work, or it may be taken by any municipality upon a like
15 stipulation of the county, or the improvement may be made by
16 joint contract.]

17 Section 2759. Maintenance.--Before any municipal street is
18 so improved, the board of commissioners and the [council of such
19 municipality] governing body of the municipal corporation shall
20 agree upon the maintenance of such street. Such agreement may
21 provide that such street shall be kept and maintained in good
22 repair by the [municipality] municipal corporation, in which
23 case, upon the completion of said improvement, all further
24 liability and responsibility of the county shall [cease and
25 determine] terminate, or it may provide that it shall be kept
26 and maintained in good repair by the county and the share of the
27 [municipality] municipal corporation shall be paid annually to
28 the county.

29 Section 2760. Contracts With [Borough, Township or
30 Incorporated Town] Municipal Corporations.--(a) The board of

1 commissioners may contract with the [authorities of any borough
2 or township or any incorporated town] governing bodies of
3 municipal corporations, separately or jointly, providing that
4 the commissioners shall construct an improved road in a similar
5 manner as a county road. The expense or cost of said
6 construction shall be borne jointly by the [borough, township or
7 incorporated town] municipal corporations and the county in such
8 ratio or proportions as may be agreed on in said contract or
9 contracts, irrespective of whether the [municipality] municipal
10 corporation intervenes between two ends of the county road or
11 not, or whether [or not the municipality] it is the terminus of
12 a county road, State highway or township road.

13 (b) Payment for the construction of roads under this section
14 shall be made by the county, which shall be reimbursed by the
15 municipal corporation in such sums as agreed upon in said
16 contract or contracts.

17 (c) Any road jointly constructed under this section shall be
18 repaired and maintained at the expense of the county, but
19 nothing shall prevent the governing body of a municipal
20 corporation from entering into a contract or contracts with the
21 county for the maintenance of said improved road under such
22 terms and conditions as may be mutually satisfactory.

23 Section 122. Sections 2761 and 2762 of the act are repealed:

24 [Section 2761. Payment.--Payment for the construction of
25 said road or roads shall be made by the county, which shall be
26 reimbursed by the borough, township or incorporated town in such
27 sums as agreed upon in said contract or contracts, upon
28 presentation to them, from time to time, of estimates and bills
29 for work already performed and paid for.

30 Section 2762. Repair and Maintenance.--Any such road,

1 constructed jointly, shall be repaired and maintained at the
2 expense of the county, but nothing shall prevent the authorities
3 of a borough, township or incorporated town from entering into a
4 contract or contracts with the county for the maintenance of
5 said improved road under such terms and conditions as may be
6 mutually satisfactory.]

7 Section 123. Section 2763 of the act is amended to read:

8 Section 2763. Where Center Line of Highway is Boundary

9 Between City or Borough and Township.--(a) Whenever the center
10 line of any road constitutes the dividing line between any city
11 or borough and a township located in the same county, the board
12 of county commissioners and the commissioners or supervisors of
13 such township may enter into a contract with the city or borough
14 providing for the grading, curbing and macadamizing or paving of
15 the roadway of said road. The cost thereof shall be borne one-
16 half by the city or borough and one-half by the county and
17 township, in equal portions.

18 (b) Alterations or improvements under this section shall be
19 constructed, and subsequent repairs shall be made, under the
20 supervision of the city or borough, in compliance with
21 applicable laws, and in further compliance with plans and
22 specifications to be agreed upon in writing between the city or
23 borough and the board of commissioners of the county and the
24 governing body of the township. The cost of repairs shall be
25 borne one-half by the city or borough and one-half by the
26 township or by the county and township in equal portions or such
27 other proportion as may be agreed upon by the county and
28 township.

29 Section 124. Section 2764 of the act is repealed:

30 [Section 2764. Alteration or Improvement.--The said

1 alteration or improvement shall be constructed and subsequent
2 repairs shall be made under the supervision of the proper
3 authorities of the city or borough, in compliance with laws
4 governing the construction of such alterations or improvements
5 in said city or borough, and in further compliance with plans
6 and specifications to be agreed upon in writing between the said
7 city or borough and the board of commissioners of the county and
8 commissioners or supervisors of the township. The cost of
9 repairs shall be borne one-half by the city or borough and one-
10 half by the township, or by the county and township in equal
11 portions or such other proportion as may be agreed upon by the
12 county and township.]

13 Section 125. Section 2765 of the act is amended to read:

14 Section 2765. Where Center Line of Road is Boundary Between
15 City or Borough and Township in Adjoining County.--(a) Whenever
16 the center line of any road constitutes a dividing line between
17 a township and a city or borough located in an adjacent county,
18 the board of commissioners of the county and the commissioners
19 or supervisors of such township may enter into a contract with
20 the city or borough providing for the grading, curbing,
21 macadamizing or paving of the roadway of said road. The cost
22 thereof shall be borne one-half by the city or borough and one-
23 half by the township and the county in which such township shall
24 be situated, in equal portions.

25 (b) Alterations or improvements under this section shall be
26 constructed, and subsequent repairs shall be made, under the
27 supervision of the city or borough, in compliance with
28 applicable law, and in further compliance with plans and
29 specifications to be agreed upon in writing between such
30 municipal corporation and board of commissioners of the county

1 and the governing body of the township. The cost of repairs
2 shall be borne one-half by the city or borough and one-half by
3 the township or by the county and township in equal portions or
4 such other proportion as may be agreed upon by the county and
5 township.

6 Section 126. Section 2766 of the act is repealed:

7 [Section 2766. Alteration, Improvement and Repairs.--Said
8 alteration or improvement shall be constructed and subsequent
9 repairs shall be made under the supervision of the authorities
10 of the city or borough, in compliance with laws governing such
11 construction or improvement by such city or borough, and in
12 further compliance with plans and specifications to be agreed
13 upon in writing between such municipality and board of
14 commissioners of the county and the commissioners or supervisors
15 of the township. The cost of repairs shall be borne one-half by
16 the municipality and one-half by the township, or by the county
17 and township in equal portions or such other proportion as may
18 be agreed upon by the county and township.]

19 Section 127. Section 2767 of the act is amended to read:

20 Section 2767. Improvement on Order of Common Pleas.--(a) In
21 all cases in which it shall be found impossible to enter into
22 [such] contracts or agreements under section 2765, or where
23 either the city or borough and the township or the county in
24 which such township is situated shall refuse to enter into such
25 contract or agreement, either [the municipality] a municipal
26 corporation or the county [or township] may present its petition
27 to the court of common pleas of either county setting forth the
28 facts and circumstances, including the condition of the road
29 from which the necessity and desirability for the grading,
30 curbing, macadamizing or paving of the roadway appears, and the

1 estimated cost thereof, and that the terms of such contract
2 cannot be agreed upon by the [municipality and county or
3 township] municipal corporations and the county, or either or
4 any of them, or that either such [municipality or the county or
5 township] municipal corporations or the county or any of them
6 refuses to enter into such contract.

7 (b) The petition may [pray] request that the court, after
8 hearing all the parties concerned, make its order or decree
9 defining the nature and character of the improvement reasonably
10 necessary or desirable to be made to the roadway, and requiring
11 the parties hereinabove specified to enter into a contract or
12 contracts for the making and constructing of the same as herein
13 provided for. A copy of said petition, duly certified, shall be
14 served upon the [municipality or county and township] municipal
15 corporations or county concerned, other than the petitioner,
16 with notice of the day fixed by the court for the hearing.
17 Thereupon, any of the parties served with such notice shall be
18 entitled, on or before such date, to file in the court its
19 answer to said petition setting forth its version of the facts
20 or such other matters in relation thereto as may be deemed
21 necessary or proper by it.

22 (c) The court, upon the date fixed or at such other time as
23 it may appoint, shall hear the evidence of the parties, or it
24 may refer the matter to a master who shall hear the testimony of
25 the parties and report his findings, in the same manner and
26 under the same procedure as provided by the rules in equity in
27 similar cases, to the court, which may reject, confirm or modify
28 the same, and may make its decree or order directing the making
29 of such alterations or improvements to the roadway as may be
30 deemed reasonably necessary or desirable, and providing for the

1 sharing of the cost of such improvements, one-half by the
2 [municipality] municipal corporation and one-half by the county
3 and township, in equal portions.

4 (d) Said order or decree may further provide that the
5 repairs to such alterations and improvements subsequently
6 required shall be borne one-half by the [municipality] municipal
7 corporation, whether borough or city, and one-half by the county
8 or township in equal portions, or such other proportions, as
9 between the county and the township, as such court may find to
10 be legal and proper. Thereupon, the grading, curbing,
11 macadamizing or paving of the roadway of such road shall proceed
12 in accordance with the decree or order of the said court in the
13 same manner as if the contract or agreement had been entered
14 into and duly executed.

15 Section 128. Section 2768 of the act is repealed:

16 [Section 2768. Guards or Barriers Along Township Roads.--
17 When a township road runs along the edge of a precipice along
18 which it may be necessary to erect guards or barriers for the
19 proper protection of the traveling public, and the erecting of
20 such guards or barriers requires more expense than it is
21 reasonable the township should bear, the court of quarter
22 sessions having jurisdiction shall, on the representation of the
23 supervisors or on the petition of any of the inhabitants of such
24 township, order a view. If, on the report of the viewers, it
25 shall appear to the court and to the commissioners of the county
26 that such guards and barriers are necessary and would be too
27 expensive for such township, the same shall be erected and
28 maintained by the county as county improvements. The county and
29 the township may contract to share the cost thereof jointly. The
30 provisions of this section shall apply to roads already opened

1 as well as those hereafter opened.]

2 Section 129. Sections 2769, 2770, 2775, 2776 and 2777 of the
3 act are amended to read:

4 Section 2769. Improvements of Roads Connecting With State
5 Highway.--The county may, singly, or jointly with any [city or
6 borough] municipal corporation, appropriate and expend moneys
7 for the improvement of any road, not more than one mile in
8 length in distance, outside of the limits of such [city or
9 borough] municipal corporation, for the purpose of connecting
10 improved streets in such [cities or boroughs] municipal
11 corporations with a State highway.

12 Section 2770. Purchase of Road [Machinery] Equipment;
13 Renting of Road [Machinery] Equipment to [Townships] Municipal
14 Corporations.--The county commissioners of any county may
15 purchase such [machinery] equipment for the preparation of road
16 material and the construction and maintenance of roads as they
17 deem necessary and pay for the same out of the general funds of
18 the county. Such [machinery] equipment may be rented by the
19 county commissioners to any of the [townships] municipal
20 corporations within such county applying for same, under such
21 regulations and at such rentals as the county commissioners
22 shall prescribe and fix. All [machinery] equipment, purchased
23 under the provisions of this section, shall be operated only by
24 persons employed for that purpose by and under the direct
25 supervision of the county commissioners.

26 Section 2775. Laying Out Detours When County Road is
27 Closed.--(a) Except in the case of emergency wherein the safety
28 of the public would be endangered, no county road shall be
29 closed to vehicular traffic except upon order of the county
30 commissioners, nor for a longer period than is necessary for the

1 purpose for which such order is issued. Except for temporary
2 emergency police measures wherein the safety of the public would
3 be endangered if it were not temporarily closed, no county road
4 shall be closed to vehicular traffic when the same has been
5 designated as a detour by the Department of [Highways of the
6 Commonwealth] Transportation unless the written consent of the
7 Department of [Highways] Transportation has first been obtained,
8 or unless the county commissioners having jurisdiction over said
9 road shall, by resolution, declare such closing necessary for
10 the protection of the public safety.

11 (b) Whenever any county road shall be closed to vehicular
12 travel, the board of commissioners shall immediately designate
13 or lay out a detour, on which they shall cause to be erected and
14 maintained, while such detour is in use, legible signs at each
15 public road intersection throughout its entire length indicating
16 the direction to the main highway. During the period when such
17 detour is in use, the county commissioners shall maintain such
18 detour in safe and passable condition. They shall also
19 immediately remove all detour signs when the highway originally
20 closed is again opened for traffic.

21 (c) The county commissioners shall, as soon as possible,
22 repair the road designated as a detour and place it in a
23 condition at least equal to its condition when designated as a
24 detour.

25 [(d) "Highways" as used in this act includes all public
26 thoroughfares and ways equally with the word "road", for
27 convenience of expression.]

28 Section 2776. Detour Over Private Lands.--Whenever necessary
29 in the creation of a detour as aforesaid, the county
30 commissioners responsible for laying out the detour may enter

1 into an agreement with the owners of private lands covering the
2 acquisition of right of way privileges over private property for
3 the period when the main highway shall be closed to traffic. In
4 the exercise of the rights conferred by this section, the county
5 commissioners responsible [are hereby empowered to] may pay for
6 the necessary maintenance, subsequent repair and land rental out
7 of such funds as are available for the construction and
8 maintenance of the roads in their charge.

9 Section 2777. Fines and Damages.--(a) Any person who shall
10 [wilfully] willfully remove, deface, destroy or disregard any
11 barricade, light, danger sign, detour sign [or], warning or
12 traffic control device of any character whatsoever, erected or
13 placed under authority of section [two thousand seven hundred
14 seventy-five of this act] 2775, or who shall drive on, over or
15 across any road which had been closed by proper authority,
16 shall[, upon conviction thereof in a summary proceeding before a
17 magistrate, alderman or justice of the peace, be sentenced to
18 pay a fine of not less than twenty-five dollars (\$25) nor more
19 than one hundred dollars (\$100), and the cost of prosecution,
20 and in default of the payment thereof, shall be imprisoned one
21 day for each dollar of fine and costs unpaid] be convicted of a
22 summary offense: Provided, however, That persons who have no
23 outlet due to the closing of a road may drive on, over or across
24 such road, with the consent in writing of and subject to such
25 conditions as may be prescribed by the county commissioners
26 responsible for the closing, or their agents or contractors,
27 without being subject to the fines imposed by this section.

28 (b) In addition to the fines herein provided, the county
29 commissioners responsible for the maintenance of a road which
30 has been closed to vehicular traffic, or their agents or

1 contractors, may, in an action at law, recover damages from any
2 person or persons who have damaged a road when it is closed to
3 vehicular traffic.

4 (c) All fines collected under the provision of this section
5 shall be paid [by the officer receiving the same to the
6 treasurer of the boroughs, towns or townships in which the
7 offenses shall have been committed] to the county treasurer for
8 the general fund use of the county.

9 Section 130. Sections 2781, 2782, 2783 and 2784 of the act
10 are repealed:

11 [Section 2781. County Road Caretakers.--The persons
12 appointed by the board of commissioners to inspect and repair
13 roads improved and maintained as county roads shall be
14 designated county road caretakers. The caretakers shall have all
15 the power and authority now vested by law in the constables of
16 the several cities, boroughs and townships of this Commonwealth
17 to keep the peace in and along the county roads of such county,
18 and to enforce all laws regulating the speed of automobiles and
19 other vehicles thereon, and to enforce all rules or regulations
20 governing the use of such roads, and to make arrests therefor.

21 Section 2782. Caretakers Not Entitled to Fines or
22 Penalties.--No such caretaker shall be entitled to any portion
23 of any fine or penalty imposed upon any person or persons for
24 any violation of any act of Assembly or rule relating thereto,
25 but all such fines and penalties, when the proceeding is
26 initiated by such caretaker, shall belong to and be paid into
27 the county treasury for the benefit of the county.

28 Section 2783. Badge of Caretaker.--The board of
29 commissioners shall furnish each of said caretakers, as an
30 evidence of his authority, a badge having impressed thereon the

1 words "Police County Road
2 Caretaker".

3 Section 2784. Rules for Protection of Road; Penalty for
4 Violation.--(a) For the purpose of preventing unreasonable wear
5 and destruction of public roads improved and maintained by the
6 county, the board of commissioners may adopt and prescribe
7 reasonable rules, regulating and restricting the use of said
8 roads within the county by any means of locomotion and prescribe
9 pecuniary penalties for the enforcement thereof. All such rules
10 adopted by the board of commissioners shall, before becoming
11 operative, be published once a week for three weeks in two
12 newspapers of general circulation in the county to which the
13 rules apply, and be recorded in the office of the recorder of
14 deeds of said county.

15 (b) Any resident of the county within which the violation of
16 any rule so adopted shall occur may institute and prosecute to
17 judgment and execution an action of assumpsit, in any court
18 having jurisdiction of such actions and the amounts involved,
19 for the recovery of any penalty for the violation of any rule
20 prescribed by the board of commissioners, of which penalty the
21 plaintiff shall be entitled to one-half and the county shall be
22 entitled to the other half, payable to the county treasurer, who
23 shall add the same to the fund for the improvement of said
24 county roads.

25 (c) Any person violating any rule so adopted shall, upon
26 summary conviction, be sentenced to pay a fine of not less than
27 five dollars (\$5) or more than one hundred dollars (\$100),
28 payable to the county treasurer, who shall add the same to the
29 fund for the improvement of said county roads. From any judgment
30 obtained for said penalty and from said summary conviction an

1 appeal shall lie as provided by law.]

2 Section 131. Section 2785 of the act is amended to read:

3 Section 2785. Penalty for Destroying, Et Cetera, Index

4 Boards.--(a) It shall be unlawful for any person to [wilfully]

5 willfully destroy, remove, injure or deface any sign or index

6 board erected upon or near any public street, road or bridge by

7 the authorities of any county, or erected, with the consent of

8 such authorities, by any club, association or other organized

9 body, for the direction, guidance or safety of travelers. Any

10 and all such signs of wood, metal or other substance, affixed to

11 trees or posts in or upon any roads, properly erected in such

12 manner that they do not interfere with travel, or upon fences,

13 telegraph, telephone, trolley or other poles, with the

14 permission of the owners thereof, or upon private grounds, where

15 consent has been obtained from the owners and tenants thereof,

16 and which are close to roads, shall be within the provisions of

17 this section.

18 (b) Any person violating the provisions of this section

19 shall[, upon summary conviction, be sentenced to pay a fine of

20 not less than ten dollars (\$10) nor more than twenty-five

21 dollars (\$25) with all costs of prosecution, together with the

22 value of such sign so destroyed, removed or defaced. In default

23 of payment of said fine, costs and expenses, such person shall

24 undergo an imprisonment for a period of not less than five nor

25 more than sixty days.] be convicted of a summary offense and, in

26 addition to other fines and penalties provided by law, may be

27 required to provide reimbursement for the value of a sign

28 destroyed.

29 Section 132. Nothing in this act shall be construed as

30 requiring a county to liquidate any investment, in whole or in

1 part, by disposing of securities or withdrawing funds on deposit
2 if the investment was lawfully authorized prior to the effective
3 date of this act.

4 Section 133. Repeals are as follows:

5 (1) The General Assembly declares that the repeal under
6 paragraph (2) is necessary to implement the amendment of
7 section 405 of the act of August 9, 1955 (P.L.323, No.130),
8 known as The County Code.

9 (2) Section 210(2) and (2.1) of the act of July 28, 1953
10 (P.L.723, No.230), known as the Second Class County Code.

11 Section 134. This act shall take effect in 60 days.