

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1039 Session of
2020

INTRODUCED BY MARTIN, HUTCHINSON, J. WARD, SCHWANK AND KEARNEY,
FEBRUARY 19, 2020

REFERRED TO LOCAL GOVERNMENT, FEBRUARY 19, 2020

AN ACT

1 Amending Title 16 (Counties) of the Pennsylvania Consolidated
2 Statutes, consolidating the act of August 9, 1955 (P.L.323,
3 No.130), known as The County Code; and making a related
4 repeal.

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

7 Section 1. Part I heading of Title 16 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 PART I

10 PRELIMINARY PROVISIONS

11 [(Reserved)]

12 Section 2. Part I of Title 16 is amended by adding chapters
13 to read:

14 CHAPTER 1

15 GENERAL PROVISIONS

16 Sec.

17 101. Scope of title.

18 102. Applicability.

19 102.1. Definitions.

1 103. Excluded provisions.

2 104. Saving clause.

3 105. Holding of office.

4 106. Construction of references.

5 107. Constitutional construction.

6 108. Legislation according to class.

7 108.1. (Reserved).

8 § 101. Scope of title.

9 This title relates to counties.

10 § 102. Applicability.

11 Except for the following, this title does not apply to
12 counties of the first or second classes:

13 (1) Section 108 (relating to legislation according to
14 class).

15 (2) Sections 301 (relating to enumeration of counties),
16 310 (relating to counties divided into nine classes) and 311
17 (relating to ascertainment, certification and effect of
18 change of class).

19 (3) Subchapter B of Chapter 11 (relating to required
20 fiscal security for officers and employees).

21 (4) Part II (relating to counties of the first class).

22 (5) Part III (relating to counties of the second class).

23 (6) Chapter 139 (relating to coroner).

24 (7) Section 14301 (relating to district attorney,
25 qualifications, eligibility and compensation) or in section
26 17509 (relating to hotel room rental tax in second class and
27 second class A counties).

28 (8) Chapter 171 (relating to Southwestern Pennsylvania
29 Regional Renaissance Initiative).

30 (9) Chapter 173 (relating to third class county

convention center authorities).

§ 102.1. Definitions.

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

"County Code." The former act of August 9, 1955 (P.L.323, No.130), known as The County Code.

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

"Municipality." A municipal corporation or county.

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

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

§ 103. Excluded provisions.

This title does not include any provisions of, and may not be construed to repeal:

(1) Article XIII.1 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

(2) Except as otherwise provided in section 3903 of the County Code, the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(3) The act of August 24, 1951 (P.L.1304, No.315), known as the Local Health Administration Law.

(4) Any law relating to the fees of county officers, except any acts repealed by former Article XXXIX of the

1 County Code.

2 (5) Except if expressly provided, any law relating to
3 the collection of municipal and tax claims.

4 (6) Any law relating to the assessment and valuation of
5 property and persons for taxation.

6 (7) Any law relating to the giving of county consent to
7 public utilities.

8 (8) Any law relating to State highways.

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

11 (10) Any law relating to collections by county officers
12 of money for the Commonwealth, and the issuance of State
13 licenses.

14 (11) Any law relating to the government and regulation
15 of or commitment to jails, prisons and other correctional
16 institutions and maintenance and care of prisoners or inmates
17 in jails, prisons and other correctional institutions.

18 (12) Any law relating to civil and criminal procedure,
19 except special provisions concerning action.

20 (13) Any law relating to joint county and municipal
21 buildings and works.

22 (14) Any law relating to county libraries, except law
23 libraries.

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

26 (16) Any law relating to the rebinding, reindexing and
27 transcribing of records in county offices.

28 (17) Any temporary law.

29 (18) Any amendment or supplement of any of the laws
30 referred to in this section.

1 (19) 53 Pa.C.S. Pt. VII Subpt. B (relating to
2 indebtedness and borrowing).

3 (20) 66 Pa.C.S. Pt. I (relating to public utility code).
4 § 104. Saving clause.

5 (a) Continuation.--This title, as far as the provisions of
6 this title are the same as the provisions of laws in existence
7 on January 1, 1956, shall be construed as a continuation of the
8 laws, and not as a new enactment. The repeal by the County Code
9 of any provisions of law, may not revive any law repealed or
10 superseded prior to January 1, 1956, nor affect the existence or
11 class of any county created prior to January 1, 1956. This title
12 may not affect any act done, liability incurred or right accrued
13 or vested, nor affect any suit or prosecution, pending or to be
14 instituted, to enforce any right or penalty or punish any
15 offense under the authority of the repealed laws.

16 (b) Local laws.--Each ordinance, resolution, regulation and
17 rule, made under an act repealed by the County Code, shall
18 continue with the same force and effect as if the act had not
19 been repealed. Each local act applying to particular counties,
20 not specifically repealed, shall continue in force, and any
21 provisions of this title inconsistent with local laws may not
22 apply to the counties affected by the local laws, unless the
23 application is clearly indicated.

24 (c) Remain in force.--All acts and parts of acts relating to
25 counties, or to particular classes of counties, in force as of
26 January 1, 1956, and not repealed by the County Code, shall
27 remain in force in the same manner and with the same effect as
28 prior to the adoption of the County Code.

29 (d) Second Class County Code.--This title shall be
30 considered a continuation of the act of July 28, 1953 (P.L.723,

No.230), known as the Second Class County Code, as it pertains to second class A counties, except where otherwise expressly provided. The repeal of the Second Class County Code as it relates to second class A counties by former section 3901 of the County Code may not be construed as modifying or repealing any term of office, power, ordinance, rule or regulation of home rule counties or counties of the second class A existing on December 24, 2018.

§ 105. Holding of office.

An individual holding an elective office under the County Code shall continue to hold the office until the expiration of the individual's term, subject to the conditions and salary attached to the office prior to October 24, 2018.

§ 106. Construction of references.

If reference is made to any act, the reference shall also apply to and include any codifications in which the provisions of the act referred to are substantially reenacted or to reenactments, revisions or amendments of the act.

§ 107. Constitutional construction.

The provisions of this title shall be severable, and, if any of its provisions are held to be unconstitutional, the decision of the court may not affect the validity of the remaining provisions of this title. It is declared as a legislative intent that this title would have been adopted by the General Assembly had the unconstitutional provisions not been included within this title.

§ 108. Legislation according to class.

The affairs of counties shall be legislated for and regulated by general laws, applicable to each county, or to particular classes, as fixed and appointed by this title. Each law adopted

1 by the General Assembly for one or more of the classes fixed and
2 appointed by this title shall be deemed to be general laws.
3 § 108.1. (Reserved).

4 CHAPTER 3

5 NAMES AND CORPORATE POWERS

6 AND CLASSIFICATION OF COUNTIES

7 Subchapter

8 A. Division of Commonwealth into Counties and Corporate
9 Powers

10 B. Classification

11 SUBCHAPTER A

12 DIVISION OF COMMONWEALTH INTO

13 COUNTIES AND CORPORATE POWERS

14 Sec.

15 301. Enumeration of counties.

16 § 301. Enumeration of counties.

17 The Commonwealth shall be divided into 67 named counties, as
18 now established by law. The counties shall be Adams, Allegheny,
19 Armstrong, Beaver, Bedford, Berks, Blair, Bradford, Bucks,
20 Butler, Cambria, Cameron, Carbon, Centre, Chester, Clarion,
21 Clearfield, Clinton, Columbia, Crawford, Cumberland, Dauphin,
22 Delaware, Elk Erie, Fayette, Forest Franklin, Fulton, Greene,
23 Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lancaster,
24 Lawrence, Lebanon, Lehigh, Luzerne, Lycoming, McKean, Mercer,
25 Mifflin, Monroe, Montgomery, Montour, Northampton,
26 Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill,
27 Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango,
28 Warren, Washington, Wayne, Westmoreland, Wyoming and York.

29 SUBCHAPTER B

30 CLASSIFICATION

1 Sec.

2 310. Counties divided into nine classes.

3 311. Ascertainment, certification and effect of change of
4 class.

5 § 310. Counties divided into nine classes.

6 For the purposes of legislation and the regulation of a
7 county's affairs, counties of this Commonwealth, now in
8 existence and counties to be created, shall be divided into nine
9 classes as follows:

10 (1) First Class Counties, having a population of at
11 least 1,500,000 inhabitants.

12 (2) Second Class Counties, having a population of at
13 least 1,000,000 but less than 1,500,000 inhabitants.

14 (3) Second Class A Counties, having a population of at
15 least 500,000 but less than 1,000,000 inhabitants.

16 (4) The following shall apply:

17 (i) Third Class Counties, having a population of at
18 least 210,000 but less than 500,000 inhabitants.

19 (ii) After the results of a Federal decennial census
20 are published, a county of the third class having a
21 population of at least 500,000 inhabitants may elect not
22 to become a county of the second class A by enacting an
23 ordinance or adopting a resolution of the county
24 commissioners not later than February 15 of the year
25 following the year in which the figures from the Federal
26 decennial census are certified by the United States
27 Department of Commerce and available.

28 (5) Fourth Class Counties, having a population of at
29 least 145,000 but less than 210,000 inhabitants.

30 (6) Fifth Class Counties, having a population of at

1 least 90,000 but less than 145,000 inhabitants.

2 (7) Sixth Class Counties, having:

3 (i) a population of at least 45,000 but less than
4 90,000 inhabitants; and

5 (ii) having a population of at least 35,000 but less
6 than 45,000 inhabitants which by ordinance or resolution
7 of the county commissioners elect to be a county of the
8 sixth class.

9 (8) Seventh Class Counties, having:

10 (i) a population of at least 20,000 but less than
11 45,000 inhabitants; and

12 (ii) having a population of at least 35,000 but less
13 than 45,000 inhabitants which have not elected to be a
14 county of the sixth class.

15 (9) Eighth Class Counties, having a population of less
16 than 20,000 inhabitants.

17 § 311. Ascertainment, certification and effect of change of
18 class.

19 (a) Ascertainment.--The classification of counties shall be
20 ascertained and fixed according to population by reference to
21 the Federal decennial census under this section, less the number
22 of individuals residing on lands that have been ceded to the
23 United States.

24 (b) Certification.--

25 (1) The Governor, under the great seal of this
26 Commonwealth, shall certify the following to the county
27 commissioners on or before October 1 of the year succeeding
28 the year in which the Federal decennial census was taken:

29 (i) that a Federal decennial census shows that a
30 county has attained a population entitling the county to

1 an advance in classification; or

2 (ii) that the last two preceding Federal decennial
3 censuses show that a county has decreased in population
4 so as to recede in classification, as provided under this
5 section.

6 (2) The county commissioners shall forward the
7 certificate under paragraph (1) to the recorder of deeds, and
8 the certificate shall be recorded in the recorder's office.

9 (c) Intent.--It is recognized that a change in the form of
10 local government is attended by certain expense and hardship and
11 the change should not be occasioned by a temporary fluctuation
12 in population. Therefore, it is the intent of this section that
13 the classification of a county may not be changed because its
14 population has decreased at the time of one Federal decennial
15 census, but rather only after the change is demonstrated by two
16 Federal decennial censuses that the population of a county has
17 remained below the minimum figure of its class for at least a
18 decade.

19 (d) Change in class.--

20 (1) Changes of class ascertained and certified shall
21 take effect on January 1 next following the year in which the
22 change was certified by the Governor to the county
23 commissioners, except that the salaries of county officers
24 may not be increased or decreased during the term for which
25 the county officers have been elected.

26 (2) In the municipal election following the
27 certification of change of class and preceding the effective
28 date of the change, the proper number of individuals shall be
29 elected to fill an elective office which will exist in the
30 county by the change of classification certified. An election

1 may not be held for an office which will be abolished as a
2 result of a change of classification.

3 CHAPTER 5

4 FIXING AND RELOCATING LINES AND BOUNDARIES

5 Sec.

6 501. Petition to Commonwealth Court.

7 502. Commonwealth Court designation of neutral court and
8 appointment of commission.

9 503. Compensation, assistants and expenses.

10 504. Oath, organization and duties.

11 505. Authority to fix undetermined county line.

12 506. Report of boundary commission, approval by court and
13 certification of line.

14 § 501. Petition to Commonwealth Court.

15 (a) Boundary lines.--The boundary line between two or more
16 adjoining counties may be determined, surveyed, established or
17 marked as provided under this title.

18 (b) Petition.--The process under subsection (a) shall be
19 instituted on petition of a taxpayer, the county commissioners
20 or the governing body of a political subdivision of any of the
21 counties involved.

22 § 502. Commonwealth Court designation of neutral court and
23 appointment of commission.

24 (a) Designation.--The court, upon the filing of the
25 petition, shall designate a court of a county not affected by
26 the question and not adjoining any of the counties involved to
27 act in the proceeding. The designated court shall sit in the
28 court's home county.

29 (b) Appointment.--If the designated court determines that
30 the county line, or any part of the county line, shall be

1 surveyed or marked, the court shall appoint a boundary
2 commission, composed of three surveyors or professional
3 engineers licensed or registered in accordance with the act of
4 May 23, 1945 (P.L.913, No.367), known as the Engineer, Land
5 Surveyor and Geologist Registration Law, to act for the court.
6 § 503. Compensation, assistants and expenses.

7 (a) Compensation.--The surveyors or professional engineers
8 composing the boundary commission under section 502 shall each
9 receive compensation fixed by the court for the time necessarily
10 spent in the discharge of the duties and shall be reimbursed the
11 necessary expenses incurred while engaged with the work of the
12 commission.

13 (b) Assistants.--The boundary commission may employ
14 assistants as the court allows, at compensation fixed by the
15 court. An assistant shall be reimbursed for actual necessary
16 expenses incurred while employed by the commission.

17 (c) Expenses.--Each cost, including the necessary expenses
18 of advertising the meeting of the boundary commission under this
19 chapter, and in procuring and setting the permanent monuments
20 necessary to mark the county line, the expenses of the boundary
21 commission and the commission's assistants and each other
22 expense necessarily incurred shall be paid by the interested
23 counties jointly, in equal parts, or by each party to the
24 proceeding as directed by the court, upon presentation of
25 properly itemized bills, duly verified by affidavit of the
26 person claiming payment or someone on the person's behalf.

27 § 504. Oath, organization and duties.

28 (a) Oath.--The members of the boundary commission shall take
29 and subscribe the oath under 53 Pa.C.S. § 1141 (relating to form
30 of oaths of office) prior to assuming duties with the

1 commission.

2 (b) Organization.--The boundary commission shall:

3 (1) Meet and organize within two weeks of the
4 appointment.

5 (2) Select from the commission's membership a
6 chairperson and a secretary who shall keep a full record of
7 the proceedings and work of the commission.

8 (3) Advertise in not more than two newspapers published
9 in each of the affected counties, a time and place of meeting
10 and when and where parties shall be heard.

11 (4) Without unreasonable delay after the hearing,
12 ascertain the location and survey and mark with permanent
13 monuments the existing county line between the counties.

14 § 505. Authority to fix undetermined county line.

15 (a) Recommendations.--If the boundary commission cannot
16 determine, ascertain or locate the existing county line, the
17 commission shall report to the court of common pleas, with a
18 recommendation that a new county line be established in whole or
19 in part.

20 (b) Establishing new lines.--If the court deems
21 establishment of a new line necessary, the court shall direct
22 the boundary commission to fix and determine a new county line,
23 to mark the new county line with permanent monuments and to
24 prepare a report in accordance with section 506 (relating to
25 report of boundary commission, approval by court and
26 certification of line).

27 § 506. Report of boundary commission, approval by court and
28 certification of line.

29 (a) Report.--The boundary commission shall prepare a written
30 report containing a map or draft showing the courses and

distances of the line ascertained and designated by the
commission as the existing county line, or if the commission has
been directed to fix and determine a new county line, the map or
draft shall instead show the courses and distances of the new
county line. A map or draft under this subsection shall show the
lands through which the line passes and the buildings in close
proximity, together with the roads and streams crossed by or
near to the line.

(b) Filing.--The report and map, signed by a majority of the
members of the boundary commission, shall be filed in the court
of common pleas having been given jurisdiction and, if approved
by the court, shall be recorded in the records of the court of
common pleas having been given jurisdiction.

(c) Notice.--Written notice shall be given by the boundary
commission to the affected counties and to the owners of each
land that will be affected by the proposed change of the date
the report containing the recommendation of the boundary
commission will be considered by the court.

(d) Recording.--A copy of the report and approval shall be
certified by the prothonotary to the prothonotary of each county
affected, where the report and approval shall be recorded in the
records. The line ascertained, surveyed, fixed and marked shall,
as of the date of the certification, be the boundary line
between the counties.

(e) Approval.--The prothonotary, having determined the
matter, shall certify the approval of the court on two copies of
the report and map filed in the prothonotary's office and shall,
within 30 days, transmit a copy by mail to the:

(1) Secretary of Community and Economic Development;

(2) Secretary of Conservation and Natural Resources; and

1 (3) Secretary of Transportation.

2 CHAPTER 11

3 GENERAL PROVISIONS

4 SUBCHAPTER A

5 (Reserved)

6 SUBCHAPTER B

7 REQUIRED FISCAL SECURITY FOR OFFICERS AND EMPLOYEES

8 Sec.

9 1121. Short title and scope of subchapter.

10 1122. Definitions.

11 1123. Required security.

12 1124. Official security and officers.

13 1125. Other county officers and employees.

14 1126. County officers and employees acting as agents.

15 1127. Bonds or blanket bond as security coverage.

16 1128. Insurance as security coverage.

17 1129. Form of required security.

18 1130. Amount of coverage.

19 1131. Custody and filing of required security documents.

20 1132. Payment of premiums and commissions on collections.

21 1133. Other requirements, references and approvals.

22 § 1121. Short title and scope of subchapter.

23 (a) Short title of subchapter.--This subchapter shall be
24 known and may be cited as the County Officer and Employee Fiscal
25 Security Act.

26 (b) Scope of subchapter.--This subchapter applies to
27 security coverage and additional coverage in the form of bonds,
28 blanket bond or insurance, protecting against events of loss of
29 money or property as a result of misconduct by officers and
30 employees in counties of the second class, second class A, third

class, fourth class, fifth class, sixth class, seventh class or eighth class, including counties of these classes which have adopted a home rule charter or an optional plan.

(c) Inapplicability.--This subchapter shall not apply to bonds of county treasurers acting as tax collectors as provided in section 4 of the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law.

§ 1122. Definitions.

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

"Additional coverage." Insurance that covers each county at a minimum for the loss of money or property through robbery, burglary and larceny committed by parties other than officers or employees required to receive or hold money.

"Blanket bond." Security coverage in the form of a bond for county officers and employees as follows:

(1) for county officers and employees as a comprehensive group;

(2) for a group of named county officers and employees;
or

(3) for county officers and employees in scheduled positions.

"Bond." Security coverage under which a surety guarantees the performance of a duty by a county officer or employee in compliance with this subchapter.

"County." A county of the second class, second class A, third class, fourth class, fifth class, sixth class, seventh class or eighth class, including counties of these classes which have adopted or may adopt a home rule charter or an optional

1 plan.

2 "County officers and employees." Elected and appointed
3 county officials, deputies and other appointees of county
4 elected and appointed officials and county employees, whether
5 acting on behalf of the county or as agents of a Commonwealth
6 agency or a governing authority, who are required to receive,
7 account for or hold any money or property by virtue of their
8 office or employment.

9 "Crime-fidelity insurance." Insurance that is endorsed with
10 faithful performance of duty coverage and which insures, at a
11 minimum, against events of loss of money or other property
12 resulting from one or more fraudulent or dishonest acts,
13 including, but not limited to, embezzlement, theft, forgery,
14 similar acts of dishonesty or fraud by a county officer or
15 employee acting alone or in collusion with others, or from a
16 breach of fiduciary duty or a failure of a county officer or
17 employee to perform faithfully the officer's or employee's
18 duties or to account properly for all money and property
19 received or held by virtue of the officer's or employee's office
20 or employment.

21 "Governing authority." Includes:

22 (1) The Supreme Court.

23 (2) Any agency or unit of the unified judicial system
24 exercising a power or performing a duty under 42 Pa.C.S. §
25 1721 (relating to delegation of powers).

26 "Governing body." The county board of commissioners or the
27 body vested with the legislative authority of the county in
28 counties which have adopted a home rule charter or an optional
29 plan.

30 "Home rule charter." A charter adopted under 53 Pa.C.S. Pt.

III Subpt. E (relating to home rule and optional plan government) or its predecessor, the former act of April 13, 1972 (P.L.184, No.62), known as the Home Rule Charter and Optional Plans Law, or Article XXXI-C of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code.

"Money." Coin or currency of the United States or of any other country, travelers checks, personal checks, bank checks and bank notes in current use and having a face value, money orders and securities.

"Official security." Security on behalf of a county officer to provide protection from events of loss or misconduct when the officer fails to faithfully perform the duties of the office.

"Optional plan." An optional plan adopted under 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and optional plan government) or its predecessor, the former act of April 13, 1972 (P.L.184, No.62), known as the Home Rule Charter and Optional Plans Law.

"Required security." Security coverage and additional coverage provided in compliance with this subchapter.

"Securities." All negotiable and nonnegotiable instruments or contracts representing either money or other property, including revenue and other stamps in current use, tokens and tickets and evidences of debt issued in connection with credit or charge cards, which cards are not issued by the county.

"Security coverage." A bond, a blanket bond or a crime-fidelity insurance policy, which is endorsed with faithful performance of duty coverage, provided in compliance with this subchapter for the purpose of protecting against the loss of money and other property sustained as a result of one or more fraudulent or dishonest acts, including, but not limited to,

embezzlement, theft, forgery, similar acts of dishonesty or fraud by a county officer or employee acting alone or in collusion with others, or from a breach of fiduciary duty or a failure of a county officer or employee to perform faithfully the officer's or employee's duties or to account properly for all money and property received by virtue of the officer's or employee's position or employment.

§ 1123. Required security.

(a) In general.--A county shall obtain security coverage and additional coverage for county officers and employees in accordance with this subchapter.

(b) Security coverage.--Security coverage shall be provided in accordance with the following:

(1) Section 1124 (relating to official security and officers).

(2) Section 1125 (relating to other county officers and employees).

(3) Section 1126 (relating to county officers and employees acting as agents).

(c) Additional coverage.--Supplemental to or as part of the security coverage to be provided in accordance with this subchapter, the county shall obtain additional coverage in the form of adequate insurance indemnifying it against the loss of money and property through robbery, burglary and larceny by parties other than those required to obtain security in accordance with this chapter.

(d) Primary liability.--

(1) Except as provided in paragraph (2), the county shall be primarily liable for a claim for the loss of money and property which a county officer or employee is required

1 to receive, account for or hold by virtue of the officer's or
2 employee's office or employment, to the extent that the loss
3 is or could have been the subject of required security under
4 this subchapter.

5 (2) The county shall not be primarily liable for a claim
6 for the loss of money and property under paragraph (1) to the
7 extent that recovery of the loss can be obtained from other
8 insurance or bond protection provided by the Commonwealth
9 agency or any other person or entity asserting a claim.

10 (3) With regard to the loss of money or property,
11 nothing in this subchapter shall be deemed to restrict or
12 diminish a county's right to reimbursement or subrogation or
13 to limit any right the county may have to be indemnified or
14 receive restitution for the loss.

15 § 1124. Official security and officers.

16 (a) Official security.--Each county shall obtain official
17 security in the form of bonds, a blanket bond or a crime-
18 fidelity insurance policy, which is endorsed with faithful
19 performance of duty coverage, that protects the county from
20 losses caused by acts of the officers set forth in subsection
21 (b) or the equivalent officers in home rule or optional plan
22 counties, whether elected, appointed or appointed to fill a
23 vacancy, before those officers begin their official duties.

24 (b) Officers.--The following are the officers or equivalent
25 officers in home rule or optional plan counties upon whose
26 behalf official security shall be obtained in accordance with
27 subsection (a):

28 (1) Each county commissioner.

29 (2) The chief clerk of the county commissioners.

30 (3) The controller.

1 (4) The county treasurer.

2 (5) The prothonotary of the court of common pleas.

3 (6) The sheriff.

4 (7) The coroner.

5 (8) The clerk of the courts of the court of common
6 pleas.

7 (9) The clerk of the orphans' court division of the
8 court of common pleas.

9 (10) The recorder of deeds.

10 (11) The register of wills.

11 (12) Probation and parole officers, if required by order
12 of court to obtain official security.

13 (13) The fire marshal and deputy fire marshals, if
14 required by law to obtain official security.

15 (14) The secretary of the board of health and the health
16 officer in a county in which the secretary is required by law
17 to obtain official security.

18 § 1125. Other county officers and employees.

19 A county shall obtain security coverage with faithful
20 performance of duty coverage for all county officers and
21 employees who are not subject to section 1124 (relating to
22 official security and officers), including deputies and other
23 appointees in each county office, who are required to receive,
24 account for or hold any money and other property by virtue of
25 their office or employment.

26 § 1126. County officers and employees acting as agents.

27 Each county shall obtain security coverage for county
28 officers and employees acting as agents of a Commonwealth agency
29 or governing authority in accordance with this subchapter or any
30 other law, regulation or rule requiring the posting of security

1 in the form of a bond or otherwise.

2 § 1127. Bonds or blanket bond as security coverage.

3 (a) In general.--A county may comply with section 1123(b)
4 (relating to required security) by providing bonds or a blanket
5 bond in accordance with the following:

6 (1) The bond or blanket bond shall be joint and several,
7 with one or more surety companies authorized to do business
8 in this Commonwealth and licensed by the Insurance
9 Commissioner.

10 (2) The bond or blanket bond shall be conditioned upon
11 each of the following:

12 (i) The faithful performance of all duties required
13 of the person holding the office or position.

14 (ii) The just and faithful use, accounting or
15 payment over, according to law, of all moneys and
16 balances and other property, which are received or held
17 by the officer or employee by virtue of the officer's or
18 employee's office or employment whether on behalf of the
19 county, the Commonwealth, a political subdivision or any
20 other person.

21 (iii) The delivery to the successor in office of all
22 books, papers, documents or other official things, whole,
23 safe and undefaced, held in right of the office.

24 (3) A bond or blanket bond shall be taken in the name of
25 the county and, in case of a breach of any of the conditions
26 thereof by the acts or neglect of a principal on the bond,
27 shall be for the use of the county, the Commonwealth, a
28 political subdivision or any other person as that person's
29 interest shall otherwise appear.

30 (4) The county, the Commonwealth, a political

1 subdivision or other listed obligees or insureds, as the case
2 may be, may sue upon the bond in its name or for its own use.
3 Acts of the General Assembly pertaining to actions and
4 limitations of actions upon official bonds given to the
5 Commonwealth shall apply to the bonds provided for in this
6 subchapter just as if they were given to the Commonwealth,
7 except as otherwise specifically provided in this subchapter.

8 (b) Combined offices.--In counties in which one or more of
9 the county offices set forth in section 1124(b) (relating to
10 official security and officers) are combined, if officers are
11 covered by individual bonds, a single bond covering the combined
12 offices shall suffice for the officer holding the combined
13 offices.

14 § 1128. Insurance as security coverage.

15 A county may comply with section 1123(b) (relating to
16 required security) by providing crime-fidelity insurance for
17 county officers or employees in accordance with this subchapter.

18 § 1129. Form of required security.

19 The form and contents of a bond, a blanket bond or insurance
20 obtained in compliance with this subchapter shall be approved by
21 the governing body of the county, after review by the county
22 solicitor and consultation with the county risk manager, if any.
23 In cases in which required security is being provided for a
24 county officer or employee who is acting as an agent for a
25 Commonwealth agency or the governing authority, the Commonwealth
26 agency or the governing authority may review and comment on the
27 form of the required security. The governing body may refer to
28 sample forms that may be made available by the Department of
29 State in the approval process.

30 § 1130. Amount of coverage.

1 (a) Governing body.--The governing body shall establish a
2 procedure pursuant to which the governing body shall annually
3 determine the form and amount of required security that will be
4 reasonably sufficient to protect against the risks of loss in
5 compliance with this subchapter.

6 (b) Risk manager.--The governing body may appoint a risk
7 manager who, at the request of the governing body, shall compile
8 and submit information relevant to the determination of an
9 amount of required security under subsection (a).

10 (c) Consultation.--To determine the amount of security for a
11 county officer or employee who is acting as an agent for a
12 Commonwealth agency or governing authority, the governing body
13 may, or the risk manager shall, if directed by the governing
14 body, provide written notice to the secretary or head of the
15 Commonwealth agency or the governing authority. The Commonwealth
16 agency or governing authority may provide input concerning the
17 amount of security it believes is reasonably sufficient to
18 protect against the risks of loss required to comply with this
19 subchapter. Nothing in this subchapter shall impair the right of
20 a Commonwealth agency or governing authority from approving the
21 amount of required security, if it is explicitly authorized by
22 law to approve the amount of a bond or other security of a
23 county officer or employee acting as its agent.

24 § 1131. Custody and filing of required security documents.

25 (a) Custody.--The governing body shall direct the chief
26 clerk or equivalent officer in a home rule or optional plan
27 county to present the documents evidencing required security
28 obtained in accordance with this subchapter to the recorder of
29 deeds or equivalent officer in a home rule or optional plan
30 county for recording. No tax, fee or other charge shall be

1 imposed for the recording of documents in compliance with this
2 section. Following the recording, the documents shall be
3 returned to the chief clerk or equivalent officer in a home rule
4 or optional plan county, who shall maintain the custody of these
5 documents on behalf of the governing body.

6 (b) Department of State filing.--

7 (1) In compliance with section 809 of the act of April
8 9, 1929 (P.L.177, No.175), known as The Administrative Code
9 of 1929, it shall be sufficient for a copy of the recorded
10 documents evidencing the required security for county
11 officers to be filed with the Department of State in
12 accordance with deadlines established by the department.

13 (2) No other filing or approvals, except as provided in
14 section 1133(c)(2) (relating to other requirements,
15 references and approvals) of documents evidencing the
16 required security for county officers, except that required
17 in accordance with paragraph (1), shall be required as a
18 condition for the issuance of commissions to elected county
19 officials by the Department of State.

20 (3) Notwithstanding the provision of any other law, no
21 tax, fee or other charge shall be imposed as a result of the
22 issuance of commissions to elected county officials, and no
23 fee may be imposed for the recording of required security
24 documents or commissions.

25 (c) Copies.--If requested by the Commonwealth agency or
26 governing authority on whose behalf a county officer or employee
27 is acting as an agent, a copy of recorded documents evidencing
28 the required security shall be provided by the chief clerk or
29 the equivalent officer in a home rule or optional plan county to
30 the Commonwealth agency or governing authority. No charge or fee

1 shall be imposed for any copy provided in accordance with this
2 subsection.

3 (d) Filing by governing body.--The governing body shall have
4 the duty to file documents as required by this section.

5 (e) Retention of documents.--Documents evidencing required
6 security shall be held by the custodian thereof for the longer
7 of the following periods:

8 (1) For at least one year after the officer's term of
9 office or employee's period of employment and, in the case of
10 a county officer or employee who is acting as an agent for a
11 Commonwealth agency or governing authority, for at least one
12 year after the settlement of accounts with the Commonwealth
13 agency or the governing authority.

14 (2) For the period of time required by the act of August
15 14, 1963 (P.L.839, No.407), entitled "An act creating a
16 county records committee; imposing powers and duties upon it;
17 authorizing the Pennsylvania Historical and Museum Commission
18 to assist and cooperate with it; defining county records; and
19 authorizing the disposition of certain county records by
20 county officers in counties of the second to eighth class,"
21 or the rules and regulations adopted pursuant thereto.

22 (f) Evidence.--A copy of original documents evidencing
23 required security, certified as true and correct by the
24 custodian thereof, or a copy of the recorded documents
25 evidencing required security, certified as true and correct by
26 the recorder of deeds, shall be competent evidence thereof in
27 any judicial proceeding, in the same manner as the original
28 would be if produced and offered in evidence.

29 (g) Sufficiency of filing and recording.--Notwithstanding
30 any other provision of law, it shall be sufficient to file and

record documents evidencing required security in accordance with this subchapter without further acknowledgment, filing or recording of these documents with any other county officer or with any other Commonwealth agency, except as required by this subchapter.

§ 1132. Payment of premiums and commissions on collections.

(a) Premiums and costs.--The premiums and costs for all forms of required security for county officials and employees shall be paid by the county. The requirement of this subchapter that a county acquire and pay the premiums and costs for required security shall not relieve a Commonwealth agency on whose behalf a county officer or employee is acting as an agent from an obligation, imposed by law, to procure insurance or bonding protection.

(b) Commissions on collections.--Nothing in this subchapter shall affect the right, provided for in any other law, of a county officer or employee to retain a commission, for use of the county, on amounts collected or transmitted as agent for a Commonwealth agency. Notwithstanding the right to retain commissions in accordance with this paragraph, no county officer or employee shall be entitled to retain any additional sums from amounts collected for or to be transmitted to the Commonwealth agency for the purpose of paying premiums or costs related to the acquisition of required security.

§ 1133. Other requirements, references and approvals.

(a) Compliance.--A requirement in another law, regulation or rule that a bond be provided by a county officer or employee to secure the faithful performance of duty or to act as the agent of a Commonwealth agency or governing authority may be satisfied by including this obligation within the coverage of required

1 security supplied in accordance with this subchapter.

2 (b) Reference to bonds.--Reference to bonds of county
3 officers and employees in any other law shall be construed and
4 read together with this subchapter, and if a conflict exists
5 between this subchapter and the reference to bonds of county
6 officers and employees in any other law, the provisions of this
7 subchapter shall prevail.

8 (c) Other approvals.--Notwithstanding any other provision of
9 law, the following shall apply to required security in the form
10 of a bond, a blanket bond or insurance:

11 (1) Except as provided in paragraph (2), when required
12 security is obtained in compliance with this subchapter, it
13 shall not require the approval of any Commonwealth agency or
14 the Governor as to form, content or amount.

15 (2) If any other law explicitly authorizes a
16 Commonwealth agency or the Governor to approve the amount of
17 a bond or other security of a county officer or employee, the
18 amount of required security under this subchapter shall be
19 subject to approval by the Commonwealth agency or the
20 Governor, which approval shall not be unreasonably withheld.

21 Section 3. Parts II and III of Title 16 are repealed:

22 [PART II

23 CREATION, ALTERATION AND FUNCTIONS

24 (Reserved)

25 PART III

26 GOVERNMENT AND ADMINISTRATION

27 Subpart

28 A. General Provisions

29 SUBPART A

30 GENERAL PROVISIONS

Chapter

11. General Provisions

CHAPTER 11

GENERAL PROVISIONS

Subchapter

A. (Reserved)

B. Required Fiscal Security for Officers and Employees

SUBCHAPTER A

(Reserved)

SUBCHAPTER B

REQUIRED FISCAL SECURITY FOR OFFICERS AND EMPLOYEES

Sec.

1121. Short title and scope of subchapter.

1122. Definitions.

1123. Required security.

1124. Official security and officers.

1125. Other county officers and employees.

1126. County officers and employees acting as agents.

1127. Bonds or blanket bond as security coverage.

1128. Insurance as security coverage.

1129. Form of required security.

1130. Amount of coverage.

1131. Custody and filing of required security documents.

1132. Payment of premiums and commissions on collections.

1133. Other requirements, references and approvals.

§ 1121. Short title and scope of subchapter.

(a) Short title of subchapter.--This subchapter shall be known and may be cited as the County Officer and Employee Fiscal Security Act.

1 (b) Scope of subchapter.--This subchapter applies to
2 security coverage and additional coverage in the form of bonds,
3 blanket bond or insurance, protecting against events of loss of
4 money or property as a result of misconduct by officers and
5 employees in counties of the second class, second class A, third
6 class, fourth class, fifth class, sixth class, seventh class or
7 eighth class, including counties of these classes which have
8 adopted a home rule charter or an optional plan.

9 (c) Inapplicability.--This subchapter shall not apply to
10 bonds of county treasurers acting as tax collectors as provided
11 in section 4 of the act of May 25, 1945 (P.L.1050, No.394),
12 known as the Local Tax Collection Law.

13 § 1122. Definitions.

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

17 "Additional coverage." Insurance that covers each county at
18 a minimum for the loss of money or property through robbery,
19 burglary and larceny committed by parties other than officers or
20 employees required to receive or hold money.

21 "Blanket bond." Security coverage in the form of a bond for
22 county officers and employees as follows:

23 (1) for county officers and employees as a comprehensive
24 group;

25 (2) for a group of named county officers and employees;
26 or

27 (3) for county officers and employees in scheduled
28 positions.

29 "Bond." Security coverage under which a surety guarantees
30 the performance of a duty by a county officer or employee in

1 compliance with this subchapter.

2 "County." A county of the second class, second class A,
3 third class, fourth class, fifth class, sixth class, seventh
4 class or eighth class, including counties of these classes which
5 have adopted or may adopt a home rule charter or an optional
6 plan.

7 "County officers and employees." Elected and appointed
8 county officials, deputies and other appointees of county
9 elected and appointed officials and county employees, whether
10 acting on behalf of the county or as agents of a Commonwealth
11 agency or a governing authority, who are required to receive,
12 account for or hold any money or property by virtue of their
13 office or employment.

14 "Crime-fidelity insurance." Insurance that is endorsed with
15 faithful performance of duty coverage and which insures, at a
16 minimum, against events of loss of money or other property
17 resulting from one or more fraudulent or dishonest acts,
18 including, but not limited to, embezzlement, theft, forgery,
19 similar acts of dishonesty or fraud by a county officer or
20 employee acting alone or in collusion with others, or from a
21 breach of fiduciary duty or a failure of a county officer or
22 employee to perform faithfully the officer's or employee's
23 duties or to account properly for all money and property
24 received or held by virtue of the officer's or employee's office
25 or employment.

26 "Governing authority." Includes:

27 (1) The Supreme Court.

28 (2) Any agency or unit of the unified judicial system
29 exercising a power or performing a duty under 42 Pa.C.S. §
30 1721 (relating to delegation of powers).

1 "Governing body." The county board of commissioners or the
2 body vested with the legislative authority of the county in
3 counties which have adopted a home rule charter or an optional
4 plan.

5 "Home rule charter." A charter adopted under 53 Pa.C.S. Pt.
6 III Subpt. E (relating to home rule and optional plan
7 government) or its predecessor, the former act of April 13, 1972
8 (P.L.184, No.62), known as the Home Rule Charter and Optional
9 Plans Law, or Article XXXI-C of the act of July 28, 1953
10 (P.L.723, No.230), known as the Second Class County Code.

11 "Money." Coin or currency of the United States or of any
12 other country, travelers checks, personal checks, bank checks
13 and bank notes in current use and having a face value, money
14 orders and securities.

15 "Official security." Security on behalf of a county officer
16 to provide protection from events of loss or misconduct when the
17 officer fails to faithfully perform the duties of the office.

18 "Optional plan." An optional plan adopted under 53 Pa.C.S.
19 Pt. III Subpt. E (relating to home rule and optional plan
20 government) or its predecessor, the former act of April 13, 1972
21 (P.L.184, No.62), known as the Home Rule Charter and Optional
22 Plans Law.

23 "Required security." Security coverage and additional
24 coverage provided in compliance with this subchapter.

25 "Securities." All negotiable and nonnegotiable instruments
26 or contracts representing either money or other property,
27 including revenue and other stamps in current use, tokens and
28 tickets and evidences of debt issued in connection with credit
29 or charge cards, which cards are not issued by the county.

30 "Security coverage." A bond, a blanket bond or a crime-

1 fidelity insurance policy, which is endorsed with faithful
2 performance of duty coverage, provided in compliance with this
3 subchapter for the purpose of protecting against the loss of
4 money and other property sustained as a result of one or more
5 fraudulent or dishonest acts, including, but not limited to,
6 embezzlement, theft, forgery, similar acts of dishonesty or
7 fraud by a county officer or employee acting alone or in
8 collusion with others, or from a breach of fiduciary duty or a
9 failure of a county officer or employee to perform faithfully
10 the officer's or employee's duties or to account properly for
11 all money and property received by virtue of the officer's or
12 employee's position or employment.

13 § 1123. Required security.

14 (a) In general.--A county shall obtain security coverage and
15 additional coverage for county officers and employees in
16 accordance with this subchapter.

17 (b) Security coverage.--Security coverage shall be provided
18 in accordance with the following:

19 (1) Section 1124 (relating to official security and
20 officers).

21 (2) Section 1125 (relating to other county officers and
22 employees).

23 (3) Section 1126 (relating to county officers and
24 employees acting as agents).

25 (c) Additional coverage.--Supplemental to or as part of the
26 security coverage to be provided in accordance with this
27 subchapter, the county shall obtain additional coverage in the
28 form of adequate insurance indemnifying it against the loss of
29 money and property through robbery, burglary and larceny by
30 parties other than those required to obtain security in

1 accordance with this chapter.

2 (d) Primary liability.--

3 (1) Except as provided in paragraph (2), the county
4 shall be primarily liable for a claim for the loss of money
5 and property which a county officer or employee is required
6 to receive, account for or hold by virtue of the officer's or
7 employee's office or employment, to the extent that the loss
8 is or could have been the subject of required security under
9 this subchapter.

10 (2) The county shall not be primarily liable for a claim
11 for the loss of money and property under paragraph (1) to the
12 extent that recovery of the loss can be obtained from other
13 insurance or bond protection provided by the Commonwealth
14 agency or any other person or entity asserting a claim.

15 (3) With regard to the loss of money or property,
16 nothing in this subchapter shall be deemed to restrict or
17 diminish a county's right to reimbursement or subrogation or
18 to limit any right the county may have to be indemnified or
19 receive restitution for the loss.

20 § 1124. Official security and officers.

21 (a) Official security.--Each county shall obtain official
22 security in the form of bonds, a blanket bond or a crime-
23 fidelity insurance policy, which is endorsed with faithful
24 performance of duty coverage, that protects the county from
25 losses caused by acts of the officers set forth in subsection
26 (b) or the equivalent officers in home rule or optional plan
27 counties, whether elected, appointed or appointed to fill a
28 vacancy, before those officers begin their official duties.

29 (b) Officers.--The following are the officers or equivalent
30 officers in home rule or optional plan counties upon whose

1 behalf official security shall be obtained in accordance with
2 subsection (a):

- 3 (1) Each county commissioner.
- 4 (2) The chief clerk of the county commissioners.
- 5 (3) The controller.
- 6 (4) The county treasurer.
- 7 (5) The prothonotary of the court of common pleas.
- 8 (6) The sheriff.
- 9 (7) The coroner.
- 10 (8) The clerk of the courts of the court of common
11 pleas.
- 12 (9) The clerk of the orphans' court division of the
13 court of common pleas.
- 14 (10) The recorder of deeds.
- 15 (11) The register of wills.
- 16 (12) Probation and parole officers, if required by order
17 of court to obtain official security.
- 18 (13) The fire marshal and deputy fire marshals, if
19 required by law to obtain official security.
- 20 (14) The secretary of the board of health and the health
21 officer in a county in which the secretary is required by law
22 to obtain official security.

23 § 1125. Other county officers and employees.

24 A county shall obtain security coverage with faithful
25 performance of duty coverage for all county officers and
26 employees who are not subject to section 1124 (relating to
27 official security and officers), including deputies and other
28 appointees in each county office, who are required to receive,
29 account for or hold any money and other property by virtue of
30 their office or employment.

1 § 1126. County officers and employees acting as agents.

2 Each county shall obtain security coverage for county
3 officers and employees acting as agents of a Commonwealth agency
4 or governing authority in accordance with this subchapter or any
5 other law, regulation or rule requiring the posting of security
6 in the form of a bond or otherwise.

7 § 1127. Bonds or blanket bond as security coverage.

8 (a) In general.--A county may comply with section 1123(b)
9 (relating to required security) by providing bonds or a blanket
10 bond in accordance with the following:

11 (1) The bond or blanket bond shall be joint and several,
12 with one or more surety companies authorized to do business
13 in this Commonwealth and licensed by the Insurance
14 Commissioner.

15 (2) The bond or blanket bond shall be conditioned upon
16 each of the following:

17 (i) The faithful performance of all duties required
18 of the person holding the office or position.

19 (ii) The just and faithful use, accounting or
20 payment over, according to law, of all moneys and
21 balances and other property, which are received or held
22 by the officer or employee by virtue of the officer's or
23 employee's office or employment whether on behalf of the
24 county, the Commonwealth, a political subdivision or any
25 other person.

26 (iii) The delivery to the successor in office of all
27 books, papers, documents or other official things, whole,
28 safe and undefaced, held in right of the office.

29 (3) A bond or blanket bond shall be taken in the name of
30 the county and, in case of a breach of any of the conditions

1 thereof by the acts or neglect of a principal on the bond,
2 shall be for the use of the county, the Commonwealth, a
3 political subdivision or any other person as that person's
4 interest shall otherwise appear.

5 (4) The county, the Commonwealth, a political
6 subdivision or other listed obligees or insureds, as the case
7 may be, may sue upon the bond in its name or for its own use.
8 Acts of the General Assembly pertaining to actions and
9 limitations of actions upon official bonds given to the
10 Commonwealth shall apply to the bonds provided for in this
11 subchapter just as if they were given to the Commonwealth,
12 except as otherwise specifically provided in this subchapter.

13 (b) Combined offices.--In counties in which one or more of
14 the county offices set forth in section 1124(b) (relating to
15 official security and officers) are combined, if officers are
16 covered by individual bonds, a single bond covering the combined
17 offices shall suffice for the officer holding the combined
18 offices.

19 § 1128. Insurance as security coverage.

20 A county may comply with section 1123(b) (relating to
21 required security) by providing crime-fidelity insurance for
22 county officers or employees in accordance with this subchapter.

23 § 1129. Form of required security.

24 The form and contents of a bond, a blanket bond or insurance
25 obtained in compliance with this subchapter shall be approved by
26 the governing body of the county, after review by the county
27 solicitor and consultation with the county risk manager, if any.
28 In cases in which required security is being provided for a
29 county officer or employee who is acting as an agent for a
30 Commonwealth agency or the governing authority, the Commonwealth

1 agency or the governing authority may review and comment on the
2 form of the required security. The governing body may refer to
3 sample forms that may be made available by the Department of
4 State in the approval process.

5 § 1130. Amount of coverage.

6 (a) Governing body.--The governing body shall establish a
7 procedure pursuant to which the governing body shall annually
8 determine the form and amount of required security that will be
9 reasonably sufficient to protect against the risks of loss in
10 compliance with this subchapter.

11 (b) Risk manager.--The governing body may appoint a risk
12 manager who, at the request of the governing body, shall compile
13 and submit information relevant to the determination of an
14 amount of required security under subsection (a).

15 (c) Consultation.--To determine the amount of security for a
16 county officer or employee who is acting as an agent for a
17 Commonwealth agency or governing authority, the governing body
18 may, or the risk manager shall, if directed by the governing
19 body, provide written notice to the secretary or head of the
20 Commonwealth agency or the governing authority. The Commonwealth
21 agency or governing authority may provide input concerning the
22 amount of security it believes is reasonably sufficient to
23 protect against the risks of loss required to comply with this
24 subchapter. Nothing in this subchapter shall impair the right of
25 a Commonwealth agency or governing authority from approving the
26 amount of required security, if it is explicitly authorized by
27 law to approve the amount of a bond or other security of a
28 county officer or employee acting as its agent.

29 § 1131. Custody and filing of required security documents.

30 (a) Custody.--The governing body shall direct the chief

1 clerk or equivalent officer in a home rule or optional plan
2 county to present the documents evidencing required security
3 obtained in accordance with this subchapter to the recorder of
4 deeds or equivalent officer in a home rule or optional plan
5 county for recording. No tax, fee or other charge shall be
6 imposed for the recording of documents in compliance with this
7 section. Following the recording, the documents shall be
8 returned to the chief clerk or equivalent officer in a home rule
9 or optional plan county, who shall maintain the custody of these
10 documents on behalf of the governing body.

11 (b) Department of State filing.--

12 (1) In compliance with section 809 of the act of April
13 9, 1929 (P.L.177, No.175), known as The Administrative Code
14 of 1929, it shall be sufficient for a copy of the recorded
15 documents evidencing the required security for county
16 officers to be filed with the Department of State in
17 accordance with deadlines established by the department.

18 (2) No other filing or approvals, except as provided in
19 section 1133(c) (2) (relating to other requirements,
20 references and approvals) of documents evidencing the
21 required security for county officers, except that required
22 in accordance with paragraph (1), shall be required as a
23 condition for the issuance of commissions to elected county
24 officials by the Department of State.

25 (3) Notwithstanding the provision of any other law, no
26 tax, fee or other charge shall be imposed as a result of the
27 issuance of commissions to elected county officials, and no
28 fee may be imposed for the recording of required security
29 documents or commissions.

30 (c) Copies.--If requested by the Commonwealth agency or

1 governing authority on whose behalf a county officer or employee
2 is acting as an agent, a copy of recorded documents evidencing
3 the required security shall be provided by the chief clerk or
4 the equivalent officer in a home rule or optional plan county to
5 the Commonwealth agency or governing authority. No charge or fee
6 shall be imposed for any copy provided in accordance with this
7 subsection.

8 (d) Filing by governing body.--The governing body shall have
9 the duty to file documents as required by this section.

10 (e) Retention of documents.--Documents evidencing required
11 security shall be held by the custodian thereof for the longer
12 of the following periods:

13 (1) For at least one year after the officer's term of
14 office or employee's period of employment and, in the case of
15 a county officer or employee who is acting as an agent for a
16 Commonwealth agency or governing authority, for at least one
17 year after the settlement of accounts with the Commonwealth
18 agency or the governing authority.

19 (2) For the period of time required by the act of August
20 14, 1963 (P.L.839, No.407), entitled "An act creating a
21 county records committee; imposing powers and duties upon it;
22 authorizing the Pennsylvania Historical and Museum Commission
23 to assist and cooperate with it; defining county records; and
24 authorizing the disposition of certain county records by
25 county officers in counties of the second to eighth class,"
26 or the rules and regulations adopted pursuant thereto.

27 (f) Evidence.--A copy of original documents evidencing
28 required security, certified as true and correct by the
29 custodian thereof, or a copy of the recorded documents
30 evidencing required security, certified as true and correct by

1 the recorder of deeds, shall be competent evidence thereof in
2 any judicial proceeding, in the same manner as the original
3 would be if produced and offered in evidence.

4 (g) Sufficiency of filing and recording.--Notwithstanding
5 any other provision of law, it shall be sufficient to file and
6 record documents evidencing required security in accordance with
7 this subchapter without further acknowledgment, filing or
8 recording of these documents with any other county officer or
9 with any other Commonwealth agency, except as required by this
10 subchapter.

11 § 1132. Payment of premiums and commissions on collections.

12 (a) Premiums and costs.--The premiums and costs for all
13 forms of required security for county officials and employees
14 shall be paid by the county. The requirement of this subchapter
15 that a county acquire and pay the premiums and costs for
16 required security shall not relieve a Commonwealth agency on
17 whose behalf a county officer or employee is acting as an agent
18 from an obligation, imposed by law, to procure insurance or
19 bonding protection.

20 (b) Commissions on collections.--Nothing in this subchapter
21 shall affect the right, provided for in any other law, of a
22 county officer or employee to retain a commission, for use of
23 the county, on amounts collected or transmitted as agent for a
24 Commonwealth agency. Notwithstanding the right to retain
25 commissions in accordance with this paragraph, no county officer
26 or employee shall be entitled to retain any additional sums from
27 amounts collected for or to be transmitted to the Commonwealth
28 agency for the purpose of paying premiums or costs related to
29 the acquisition of required security.

30 § 1133. Other requirements, references and approvals.

1 (a) Compliance.--A requirement in another law, regulation or
2 rule that a bond be provided by a county officer or employee to
3 secure the faithful performance of duty or to act as the agent
4 of a Commonwealth agency or governing authority may be satisfied
5 by including this obligation within the coverage of required
6 security supplied in accordance with this subchapter.

7 (b) Reference to bonds.--Reference to bonds of county
8 officers and employees in any other law shall be construed and
9 read together with this subchapter, and if a conflict exists
10 between this subchapter and the reference to bonds of county
11 officers and employees in any other law, the provisions of this
12 subchapter shall prevail.

13 (c) Other approvals.--Notwithstanding any other provision of
14 law, the following shall apply to required security in the form
15 of a bond, a blanket bond or insurance:

16 (1) Except as provided in paragraph (2), when required
17 security is obtained in compliance with this subchapter, it
18 shall not require the approval of any Commonwealth agency or
19 the Governor as to form, content or amount.

20 (2) If any other law explicitly authorizes a
21 Commonwealth agency or the Governor to approve the amount of
22 a bond or other security of a county officer or employee, the
23 amount of required security under this subchapter shall be
24 subject to approval by the Commonwealth agency or the
25 Governor, which approval shall not be unreasonably withheld.]

26 Section 4. Title 16 is amended by adding parts to read:

27 PART II

28 COUNTIES OF THE FIRST CLASS

29 Chapter

30 21. (Reserved)

1 23. Vehicle Rental Tax

2 CHAPTER 21

3 (Reserved)

4 CHAPTER 23

5 VEHICLE RENTAL TAX

6 Sec.

7 2301. Authorization of vehicle rental tax by counties of the
8 first class.

9 § 2301. Authorization of vehicle rental tax by counties of the
10 first class.

11 (a) Authorization.--Notwithstanding any provision of this
12 title or any other law, each county of the first class may
13 impose an excise tax on the rental of a rental vehicle in that
14 county. If the county is coterminous with a city of the first
15 class, imposition of the tax in the county, if any, shall be by
16 the city. The tax may be imposed on a person renting a rental
17 vehicle at a rate of up to 2% of the purchase price of the
18 rental.

19 (b) Proceeds.--

20 (1) The proceeds of the vehicle rental tax shall be
21 dedicated solely to the payment of the costs of capital
22 projects, including lease payments or service agreements with
23 authorities for capital projects and debt service on bonds
24 issued for capital projects.

25 (2) The Commonwealth pledges to and agrees with any
26 person, firm or corporation subscribing to or acquiring bonds
27 issued by the county, city or an authority to finance a
28 capital project for which the tax was dedicated that the
29 Commonwealth will not repeal this authorization or reduce the
30 rate of tax authorized under this section until each of the

1 bonds and the interest on the bonds have been paid or
2 provision for the payment has been made.

3 (3) A county or city of the first class imposing the tax
4 and dedicating the tax under this section may not repeal the
5 tax, reduce the rate of the tax or revoke the dedication
6 until each of the bonds and the interest on the bonds have
7 been paid or provision for the payment has been made.

8 (4) Payments by a county or a city of the first class
9 under a lease or service agreement may not constitute debt of
10 the Commonwealth or of a county or city of the first class.

11 (c) Collection.--The vehicle rental tax shall be collected
12 by each vehicle rental company in the county or city of the
13 first class imposing the tax. The tax shall be collected at the
14 time the rental vehicle is rented by the vehicle rental company
15 and shall be remitted by the vehicle rental company to the
16 county or city of the first class that imposed the tax in
17 accordance with rules and regulations established by the county
18 or city or the tax collection agencies of the county or city for
19 collection and remittance of the tax. A person required to
20 collect or pay over the tax authorized under this section and
21 who fails to collect or pay over the tax shall be liable for the
22 full amount of the tax, including interest or penalties which
23 may be imposed by a county or city of the first class.

24 (d) Regulations.--The county or city of the first class and
25 the county's or city's tax collection agencies may promulgate
26 and enforce rules and regulations not inconsistent with this
27 section relating to the collection, administration and
28 enforcement of this section.

29 (e) Location.--For purposes of this section, the location of
30 the rental of the vehicle is the place where the renter takes

possession of the rental vehicle.

(f) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Rental vehicle." Any of the following:

(1) A private passenger motor vehicle designed to transport no more than 15 passengers.

(2) A truck, trailer or semitrailer used in the transportation of property other than commercial freight, that is:

(i) rented without a driver;

(ii) part of a fleet of at least five rental vehicles that are used for that purpose and owned or leased by the same person or entity; and

(iii) rented for a period of not more than 29 consecutive days.

"Vehicle rental company." An entity engaged in the business of renting motor vehicles in this Commonwealth.

PART III

COUNTIES OF THE SECOND CLASS

Chapter

71. (Reserved)

73. Salaries

CHAPTER 71

(Reserved)

CHAPTER 73

SALARIES

Sec.

7301. Salary of solicitor and costs.

§ 7301. Salary of solicitor and costs.

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

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

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

PART IV

COUNTIES OF THE SECOND CLASS A THROUGH EIGHTH CLASS

Chapter

121. General Provisions

123. County Officers

125. County Commissioners and Chief Clerks

127. Controller

129. Auditors

131. Treasurer

133. County Solicitor

135. Engineer

137. Sheriff

139. Coroner

141. Prothonotary, Clerk of Courts, Clerk of Orphans' Court,

Register of Wills and Recorder of Deeds

143. District Attorney, Assistants and Detectives

145. Salaries of County Officers

147. Fees of Salaried County Officers and Salary Boards

149. Fiscal Affairs

151. Contracts

153. Special Powers and Duties of Counties

155. Military and Veterans Affairs
157. Public Health
159. Aeronautics and Transportation
161. Grounds and Buildings
163. Eminent Domain and Injury to Property
165. Recreation Places
167. Bridges, Viaducts and Culverts
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CHAPTER 121

GENERAL PROVISIONS

Sec.

12101. Scope of part.

12102. (Reserved).

12103. Proceedings for recovery of penalties.

12104. Collection of tax and municipal claims by suit and
limitations.

12105. Publication of legal notices.

12106. General powers.

12107. Vesting of corporate power.

§ 12101. Scope of part.

Except where otherwise specifically provided, this part
applies to each county of the second class A and third, fourth,
fifth, sixth, seventh and eighth class.

§ 12102. (Reserved).

§ 12103. Proceedings for recovery of penalties.

Unless otherwise specifically provided in this part, if a

pecuniary penalty or forfeiture is imposed by this part, the
proceeding for the recovery of the pecuniary penalty or
forfeiture shall be by indictment in the court of common pleas
or by civil action as debts of equivalent amount are by law
recoverable. Magisterial district judges may not have
jurisdiction of a suit or action for the recovery of a penalty
imposed by this part for official misconduct. The suit or
action, if brought in the court of common pleas, shall have
preference for trial over all other actions.

§ 12104. Collection of tax and municipal claims by suit and
limitations.

(a) Proceedings.--In addition to the remedies provided by
law for the collection of tax and municipal claims, a county may
proceed for the recovery and collection of a tax or municipal
claim owed to the county against each owner of the property
owing the tax or municipal claim to the county by a civil action
or other appropriate remedy. A penalty of 10% and interest at
the prevailing legal rate and costs of suit shall be added to
each judgment obtained for the taxes or municipal claim. Upon
judgment, execution may be issued without a stay or benefit of
an exemption law.

(b) Right to collect.--The right of a county to collect
unpaid taxes or municipal claims owed to the county under this
section may not be affected by the fact that the tax or
municipal claims have or have not been entered as liens in the
office of the prothonotary.

(c) Civil action.--A civil action brought to recover unpaid
taxes or municipal claims owed to the county shall be commenced
within 20 years of the following:

(1) The date a tax is due.

1 (2) The date of completion of an improvement from which
2 the claim arises.

3 (3) The date that the property owner first became liable
4 for payment of a claim other than that for taxes or
5 improvements.

6 (d) Retroactivity.--The remedy granted under this section
7 shall be applied retroactively.

8 § 12105. Publication of legal notices.

9 (a) Publication.--

10 (1) Except as provided under paragraph (2), if
11 advertisement, notice or publication is required to be
12 published in one newspaper, the publication shall be made in
13 a newspaper of general circulation as defined in 45 Pa.C.S. §
14 101 (relating to definitions) printed in the county.

15 (2) If the matter in connection with which the
16 advertising under paragraph (1) is being done affects only a
17 political subdivision, the advertisement shall be published
18 in a newspaper printed in the political subdivision, if there
19 is a newspaper and, if not, in a newspaper circulating
20 generally in the political subdivision.

21 (3) If notice is required to be published in more than
22 one newspaper, notice shall be published in at least one
23 newspaper of general circulation printed, if there is a
24 newspaper, or circulating generally in the county, as
25 provided under this subsection.

26 (b) Legal newspaper.--If a notice under subsection (a)
27 relates to a proceeding or matter in a court, the holding of an
28 election for the increase of indebtedness or the issue and sale
29 of bonds to be paid by taxation, the notice shall also be
30 published in the legal newspaper, if any, designated by the

rules of court of the proper county for the publication of legal notices and advertisement, unless the publication is dispensed with by special order of court. Each ordinance, auditor report, controller report or advertisement, inviting proposal for public contract and bid for materials and supplies, shall be published only in newspapers of general circulation.

§ 12106. General powers.

Each county shall have capacity as a body corporate to:

(1) Have succession perpetually by the county's corporate name.

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

(3) Purchase, acquire by gift or otherwise, hold, lease, let and convey real and personal property as is deemed to be for the best interests of the county.

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

(5) Have and use a seal which shall be in the custody of the county commissioners. The official acts of the county commissioners shall be authenticated with the seal. The county commissioners may prescribe the form of the seal.

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

§ 12107. Vesting of corporate power.

The corporate power of each county shall be vested in the county commissioners.

CHAPTER 123

COUNTY OFFICERS

Subchapter

A. General Provisions

B. (Reserved)

C. State Associations

D. Removal of County Officers

E. Conduct of Official Business

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

12301. Elected officers.

12302. Incompatible offices.

12303. Oath of office.

12303.1. (Reserved).

12304. Recorded commissions.

12305. Location of offices, records and papers.

12306. Open records.

12307. Securing from predecessors.

12308. Action by deputies.

12309. Vacancies.

12310. Information to heads of governmental departments.

12311. Penalty.

12312. (Reserved).

12313. Qualifications.

12314. Mileage.

12315. Security.

12316. Solicitors to county officers other than county
commissioners.

§ 12301. Elected officers.

(a) Election.--In each county, the following officers shall
be elected by the qualified electors of the county:

(1) Three county commissioners.

(2) Three auditors or, in counties of the second class A

1 and in each county in which the office of auditor has been or
2 shall be abolished, one controller.

3 (3) One treasurer.

4 (4) One coroner.

5 (5) One recorder of deeds.

6 (6) One prothonotary.

7 (7) One clerk of the court of common pleas.

8 (8) Except in counties of the second class A, one clerk
9 of the orphans' court.

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

12 (10) One sheriff.

13 (11) One district attorney.

14 (12) Two jury commissioners, except in counties in which
15 the office of jury commissioner has been abolished.

16 (b) Term.--

17 (1) Except as provided under paragraph (2) and
18 subsection (c), each officer shall be elected at the
19 municipal election next preceding the expiration of the terms
20 of the officers in office on October 10, 1955, and every four
21 years thereafter, and shall hold the offices for a term of
22 four years from the first Monday of January next after the
23 election in which the officer was elected and until a
24 successor is duly qualified.

25 (2) If an elected officer, except a county commissioner
26 or auditor, fails to qualify or if a successor is not
27 elected, the chief deputy, first assistant, first deputy or
28 principal deputy in office at the time the vacancy occurred
29 shall assume the office until a successor has been appointed
30 under section 12309 (relating to vacancies) or until the

first Monday in January following the next municipal election, whichever period is shorter. For a county commissioner or auditor, a vacancy shall exist which shall be filled as provided under this part.

(c) Second class A.--If an officer in a county of the second class A, other than a county commissioner, fails to qualify or if no successor is elected, the officer then in office shall continue in office only until the first Monday in January following the next municipal election, at which time a successor shall be elected for a term of four years.

(d) Offices remain.--Each county officer enumerated under this section shall remain as constituted on October 10, 1955. This section shall not create an office in a county if the office does not exist on October 10, 1955.

(e) Jury commissioner abolishment by referendum or resolution.--

(1) The office of jury commissioner may be abolished by referendum at the option of each county which on August 17, 1998, is a county of the third class having a population under the 1990 Federal decennial census in excess of:

(i) 237,000 residents, but less than 240,000 residents; or

(ii) 337,000 residents, but less than 341,000 residents.

(2) In order to effectuate abolishment under this subsection:

(i) electors equal to at least 5% of the highest vote cast for any office in the county at the last preceding general election must file a petition with the county board of elections; or

1 (ii) the governing body of the county must adopt, by
2 a majority vote, a resolution to place the question on
3 the ballot and a copy of the resolution must be filed
4 with the county board of elections for a referendum on
5 the question of abolishing the office of jury
6 commissioner.

7 (3) Proceedings under this subsection shall be in
8 accordance with the act of June 3, 1937 (P.L.1333, No.320),
9 known as the Pennsylvania Election Code.

10 (4) Upon approval of a referendum under this subsection,
11 the office of jury commissioner shall expire at the
12 completion of the current jury commissioners' terms of
13 office.

14 (5) A referendum under this subsection may not take
15 place in a year in which the office of jury commissioners is
16 on the ballot.

17 (f) Jury commissioner abolishment by resolution.--The office
18 of jury commissioner may be abolished in a county of the third
19 class having a population under the 2000 Federal decennial
20 census of not less than 371,000 and not more than 380,000 if the
21 governing body of the county adopts, by a majority vote, a
22 resolution abolishing the office of jury commissioner. Upon
23 approval of the resolution, the office of jury commissioner
24 shall expire at the completion of the current jury
25 commissioners' terms of office.

26 (g) Jury commissioner abolition.--After review of the
27 procedures in effect within the county to ensure that lists of
28 potential jurors are a representative cross section of the
29 community, the governing body of a county of the second class A,
30 third, fourth, fifth, sixth, seventh or eighth class may adopt,

1 by a majority vote, a resolution abolishing the office of jury
2 commissioner. Upon approval of the resolution, the office of
3 jury commissioner shall expire at the completion of the current
4 jury commissioners' terms of office.

5 § 12302. Incompatible offices.

6 (a) Legislative member, school director or board of health
7 member.--An elected county officer or, in counties of the third,
8 fourth, fifth, sixth, seventh and eighth class, county
9 solicitor, if the county solicitor is an individual, may not, at
10 the same time, serve as:

11 (1) A member of the legislative body of a municipal
12 corporation.

13 (2) A school director of a school district.

14 (3) A member of a board of health.

15 (b) Treasurer or tax collector.--Except as authorized under
16 law, an elected county officer or county solicitor, if the
17 county solicitor is an individual, of a county of the third,
18 fourth, fifth, sixth, seventh or eighth class may not, at the
19 same time, serve as treasurer or tax collector of a municipal
20 corporation.

21 (c) Congress or Federal office.--A member of Congress from
22 this Commonwealth and an individual holding or exercising an
23 office or appointment of trust or profit under the United States
24 may not, at the same time, hold or exercise a county office in
25 this Commonwealth to which a salary, fee or perquisites are
26 attached. This subsection shall not apply to a member of the
27 National Guard or other reserve component of the armed forces
28 not called into active duty.

29 § 12303. Oath of office.

30 (a) Requirement.--In addition to an oath or affirmation

required by another statute, each county officer and the county officer's deputies, assistants and clerks shall, before entering on the duties of the individual's respective offices or employments, take and subscribe the oath under 53 Pa.C.S. § 1141 (relating to form of oaths of office).

(b) Administration.--The oath under subsection (a) shall be administered by an individual authorized to administer oaths and shall be filed in the office of the prothonotary of the county in which the oath is taken. An individual refusing to take the oath or affirmation shall forfeit the office. A person convicted of having sworn or affirmed falsely or of having violated the oath or affirmation commits perjury.

§ 12303.1. (Reserved).

§ 12304. Recorded commissions.

Each county officer receiving a commission from the Governor shall, immediately, deliver the same to the recorder of deeds for recordation. An officer may not execute any of the duties of office until the commission has been delivered.

§ 12305. Location of offices, records and papers.

(a) County seat.--Each county commissioner, auditor, controller, treasurer, sheriff, recorder of deeds, prothonotary, clerk of courts, clerk of orphans' court, register of wills and district attorney shall keep the individual's respective offices and each public record and paper of the office at the county seat and in buildings erected or appropriated for keeping offices and public records and papers.

(b) Storage.--

(1) The county commissioners may keep and maintain records and contract with persons for storage, retrieval and transmission of county records within or outside the county

1 except that no records shall be stored outside the county
2 seat without the approval of the officer in charge of the
3 office to which the records belong. The approval of the
4 president judge shall be required if records are in the
5 custody of agencies of the court of common pleas, the clerk
6 of courts, the prothonotary, the register of wills or the
7 clerk of the orphans' court. Public records stored outside of
8 the county seat shall be made accessible to the general
9 public at the county seat by an electronic means or facility
10 which will permit the retrieval of the records or exact
11 copies of the records within five business days.

12 (2) County records used on a regular or frequent basis
13 shall remain in the county seat.

14 (c) Fee.--The county commissioners of counties of the second
15 class A may impose a fee on recorded instruments required to be
16 kept permanently that are filed with the county and, with the
17 approval of the president judge, may impose a fee on civil or
18 criminal cases filed in the court of common pleas. Fees shall be
19 collected by the appropriate row officer and deposited into a
20 special records management fund, administered by the county's
21 records management program in the Office of Management and
22 Productivity or, in the absence of an Office of Management and
23 Productivity, an office that handles the same or similar
24 functions. The fund shall be solely used to help defray the cost
25 of maintaining, administering, preserving and caring for the
26 records of the county.

27 (d) Office.--The county commissioners shall, after
28 consultation with an officer, furnish each officer with an
29 office and additional space in the county building, courthouse
30 or other building at the county seat sufficient to perform the

1 duties of the office.

2 (e) Maintenance.--An officer failing or refusing to maintain
3 the office and to keep each public record and paper of the
4 office in the buildings appropriated under this section, commits
5 a misdemeanor and, upon conviction, shall be sentenced to:

6 (1) imprisonment until the officer complies with this
7 section or until sooner discharged by order of the court; and

8 (2) pay a fine of not more than \$500 for the use of the
9 county.

10 § 12306. Open records.

11 Except as provided under this chapter, each record of a
12 county office shall be open for inspection subject to the rules
13 and regulations provided under the act of February 14, 2008
14 (P.L.6, No.3), known as the Right-to-Know Law.

15 § 12307. Securing from predecessors.

16 (a) Demand and receipt.--An elected or appointed person,
17 duly commissioned to a county office, shall demand and receive
18 each record, book, draft, plan, paper, seal or other official
19 thing, including public money held in the office, and not
20 provided for under Article XIII.1 of the act of April 9, 1929
21 (P.L.343, No.176), known as The Fiscal Code, belonging to the
22 office from each person who held the office immediately before
23 the officer's election or appointment or from each other person
24 holding or possessing the items.

25 (b) Detention.--A person that detains from a county office a
26 record, book, draft, plan, paper, seal or other official thing,
27 including public money, as provided under this section,
28 belonging to an office after reasonable demand has been made,
29 commits a misdemeanor and, upon conviction, shall be sentenced
30 to:

1 (1) undergo imprisonment until the delivery of each
2 official thing found to be in the person's possession or
3 control to the proper officer or until sooner discharged by
4 order of the court; and

5 (2) pay a fine of not more than \$500 for the use of the
6 county.

7 § 12308. Action by deputies.

8 (a) Appointment.--

9 (1) If a county officer is authorized or required to
10 appoint a deputy, the deputy or principal deputy, if there is
11 more than one, shall, during the necessary or temporary
12 absence of the deputy's principal, perform each duty of the
13 principal and, in case of a vacancy or under section 12301(b)
14 (relating to elected officers), until a successor is
15 qualified.

16 (2) If fulfilling the duties under paragraph (1) for a
17 vacancy in a county of the third, fourth, fifth, sixth,
18 seventh or eighth class, a deputy shall receive the salary
19 provided under law for the principal or the salary provided
20 for the deputy, whichever is greater.

21 (b) Oath.--A person temporarily succeeding to a county
22 office by reason of the death, resignation or removal of the
23 duly elected or appointed officer, may not execute any of the
24 duties of the office until the person has taken the oath and
25 filed the bond required of the principal officer.

26 § 12309. Vacancies.

27 (a) Appointment by Governor.--

28 (1) Except as provided under subsection (b), for a
29 vacancy in a county office created by the Constitution of
30 Pennsylvania or laws of this Commonwealth, and, if no other

1 provision is made under the Constitution of Pennsylvania or
2 under this part to fill the vacancy, the Governor shall
3 appoint a suitable individual to fill the office, who shall
4 continue to hold and discharge the duties of the office until
5 the first Monday in January following the next municipal
6 election occurring not less than 90 days after the occurrence
7 of the vacancy, or for the balance of the unexpired term,
8 whichever period is shorter.

9 (2) If a municipal election occurs not less than 90 days
10 after the occurrence of the vacancy under paragraph (1),
11 other than the municipal election at which the office
12 ordinarily is filled, the office shall be filled at that
13 municipal election for the balance of the unexpired term.

14 (3) An appointee under this subsection shall be
15 confirmed by the Senate, if in session.

16 (b) Second class A.--In counties of the second class A, an
17 appointed person shall continue in office and discharge the
18 duties of the office for the balance of the unexpired term.

19 (c) Discharge of duties.--The Governor shall discharge the
20 duties under this section in accordance with section 207.1(d)
21 (5.1) of the act of April 9, 1929 (P.L.177, No.175), known as
22 The Administrative Code of 1929.

23 § 12310. Information to heads of governmental departments.

24 (a) Duty.--

25 (1) Upon application by the head of a State agency, each
26 county officer shall furnish information and copies of
27 records or documents contained in the respective offices as
28 the head of the agency determines may be necessary or
29 pertinent to the work of the department.

30 (2) The county furnishing information under paragraph

(1) shall receive reasonable compensation as may be determined by the Auditor General. The compensation shall be paid to the county by the State Treasurer, out of money not otherwise appropriated, upon warrant from the Auditor General.

(b) Department of Community and Economic Development.--Each county officer shall furnish to the Department of Community and Economic Development any information requested by the Department of Community and Economic Development.

§ 12311. Penalty.

If a county officer neglects or refuses to perform a duty imposed on the officer under this part, any other act or by a rule of court, the officer commits, for each neglect or refusal, a misdemeanor and, upon conviction, shall be sentenced to pay a fine not exceeding \$500.

§ 12312. (Reserved).

§ 12313. Qualifications.

(a) General rule.--An individual may not be elected to a county office, except the office of district attorney, as provided for under this part, unless the person is:

(1) at least 18 years of age;

(2) a citizen of the United States;

(3) a resident of the county; and

(4) has resided within the county for at least the directly preceding year prior to the election.

(b) Sheriff.--In addition to the qualifications under subsection (a), an individual may not be eligible for the office of sheriff except in accordance with the act of February 9, 1984 (P.L.3, No.2), known as the Sheriff and Deputy Sheriff Education and Training Act.

1 § 12314. Mileage.

2 Each county official or employee may, if authorized by the
3 county commissioners, be reimbursed in accordance with the act
4 of July 20, 1979 (P.L.156, No.51), referred to as the Uniform
5 Mileage Fee Law.

6 § 12315. Security.

7 The county shall obtain required security for county officers
8 and employees in accordance with Subchapter B of Chapter 11
9 (relating to required fiscal security for officers and
10 employees).

11 § 12316. Solicitors to county officers other than county
12 commissioners.

13 (a) Appointment.--Each of the following officers may
14 designate and appoint a solicitor licensed to practice law in
15 this Commonwealth which may be an individual or a law firm,
16 partnership, association or professional corporation:

17 (1) The county treasurer.

18 (2) The sheriff.

19 (3) The register of wills.

20 (4) The recorder of deeds.

21 (5) The coroner.

22 (6) The controller or auditors, as appropriate.

23 (b) Advisement.--The solicitor shall advise on all legal
24 matters, and conduct litigation, as requested by the officer.

25 (c) Office.--The solicitor shall hold office at the pleasure
26 of the appointing officer.

27 (d) Appropriation.--The county commissioners may appropriate
28 money for the payment of a solicitor appointed under this
29 section.

30 (e) Judiciary.--The appointment, compensation, powers and

duties of solicitors appointed by prothonotaries, clerks of
court and clerks of orphans' court shall be in accordance with
42 Pa.C.S. (relating to judiciary and judicial procedure).

SUBCHAPTER B

(Reserved)

SUBCHAPTER C

STATE ASSOCIATIONS

Sec.

12340. State associations.

12341. Purpose and annual meetings.

12342. Deputies and solicitors.

12343. Expenses and time limits.

12344. Other meeting expenses.

12345. Annual assessments.

12346. Associations and organizations concerned with

governmental affairs.

§ 12340. State associations.

County officers of each county may organize for themselves a

State association as follows:

(1) County commissioners, with the county solicitor, the
chief clerk to the county commissioners and officers who are
counterpart personnel in counties having a home rule charter
or optional form of government.

(2) County controllers.

(3) Sheriffs.

(4) District attorneys.

(5) Probation officers.

(6) Registers of wills and clerks of orphans' courts.

(7) Prothonotaries and clerks of courts.

(8) County treasurers.

1 (9) Recorders of deeds.

2 (10) Directors of veterans' affairs.

3 (11) Coroners.

4 (12) Jury commissioners.

5 (13) County auditors.

6 (14) Public defenders.

7 § 12341. Purpose and annual meetings.

8 (a) Purpose.--The purpose of the respective State
9 associations under section 12340 (relating to State
10 associations) shall be to discuss and resolve the various
11 questions arising in the discharge of the duties and functions
12 of the respective officers and to provide uniform, efficient and
13 economical methods of administering the affairs of the counties
14 pertaining to the officer's offices.

15 (b) Annual meeting.--Each State association may hold an
16 annual meeting at a time and place within this Commonwealth
17 designated by the association to facilitate cooperation,
18 coordination and full exchange of information provided under
19 subsection (a).

20 (c) Joint session.--The association of county controllers,
21 county auditors and the association of county treasurers may
22 meet in joint session with the association of county
23 commissioners, solicitors and chief clerks, if the associations
24 mutually agree. Each association shall have a separate session
25 on at least two days during the annual meeting to facilitate
26 cooperation, coordination and full exchange of information
27 provided under subsection (c).

28 § 12342. Deputies and solicitors.

29 With the approval of the solicitor's principals, the first
30 and, if appointed, second deputy and the solicitor of the

following officers may attend the annual meeting of the
principal's respective association with or in place of the
solicitor's principals:

- (1) Controller.
- (2) Sheriff.
- (3) Register of wills.
- (4) Clerk of orphans' court.
- (5) Treasurer.
- (6) Prothonotary.
- (7) Clerk of courts.
- (8) Recorder of deeds.
- (9) District attorney.
- (10) Public defender.
- (11) Coroner.

§ 12343. Expenses and time limits.

(a) Elected officers.--

(1) The actual expenses of each authorized elected
county officer attending the annual meetings of the county
officer's associations shall be paid by the county out of the
general fund of the county.

(2) Each of the officers, except the county
commissioners, shall be reimbursed for actual expenses not to
exceed \$220 per day for the number of days specified under
subsection (d), including mileage traveling to and returning
from the annual meeting and the registration fee.

(3) The amount under paragraph (2) shall be adjusted
annually by the annual increase in the cost of living as
determined annually by the United States Department of Labor.

(b) Nonelected officers and employees.--

(1) The actual expenses of each authorized nonelected

1 county officer and employee attending the annual meetings of
2 the associations may be paid by the county out of the general
3 fund of the county.

4 (2) Each officer may be reimbursed for actual expenses
5 in an amount not to exceed \$220 per day for the number of
6 days specified under subsection (d), including mileage
7 traveling to and returning from the annual meeting and the
8 registration fee.

9 (3) The amount under paragraph (2) shall be adjusted
10 annually as provided under subsection (a) (3).

11 (c) Account and payment.--

12 (1) Each delegate attending the annual meeting shall
13 submit to the county original receipts with an itemized
14 account of expenses incurred at the meeting.

15 (2) The county may authorize an employee to be
16 compensated at the employee's regular employee rate during
17 attendance at the annual meeting.

18 (3) The actual expenses for elected officers shall be
19 paid and for nonelected officers may be paid for the number
20 of days specified under subsection (d). Elected county
21 officers shall receive and nonelected county officers and
22 employees may receive actual expenses not to exceed \$220 per
23 day for each day not in excess of two in going to and
24 returning from the meeting.

25 (4) The amount under paragraph (3) shall be adjusted
26 annually as provided under subsection (a) (3).

27 (d) Time limit.--

28 (1) The annual meeting of:

29 (i) The association of county commissioners, county
30 solicitors and chief clerks may not exceed four days.

1 (ii) The association of district attorneys may not
2 exceed three days.

3 (iii) A State association, other than an association
4 under subparagraphs (i) and (ii), may not exceed three
5 days.

6 (2) The time limit under paragraph (1) shall not include
7 time spent traveling to and returning from the annual
8 meeting.

9 § 12344. Other meeting expenses.

10 (a) Equal payments.--In addition to the expenses authorized
11 under this subchapter, the necessary expenses of the annual
12 meetings under this section shall be paid in equal parts by each
13 county with officers that are members of the respective
14 associations.

15 (b) Limit.--For county commissioners, county solicitors and
16 county clerks, county controllers, county auditors, sheriffs,
17 register of wills, clerks of orphans' courts, county treasurers,
18 recorders of deeds, prothonotaries, clerks of courts, public
19 defenders, district attorneys, jury commissioners, coroners and,
20 for counties of the second class A, directors of veterans'
21 affairs, the portion of annual expenses charged to each county
22 may not exceed the following:

23 (1) For each county of the second class A, \$1,000.

24 (2) For each county of the third and fourth class, \$750.

25 (3) For each county of the fifth and sixth class, \$625.

26 (4) For each county of the seventh and eighth class,
27 \$500.

28 (c) Directors of veterans' affairs and probation officers.--
29 Notwithstanding subsections (a) and (b), the following shall
30 apply:

1 (1) For directors of veterans' affairs for counties
2 other than a county of the second class A, the portion of
3 annual expenses charged to each county may not exceed \$400.

4 (2) For probation officers an annual membership
5 subscription not exceeding \$12.50 per member shall be paid by
6 the county.

7 (d) Increase.--The amounts under subsections (b) and (c)
8 shall be adjusted annually by the annual increase in the cost of
9 living as determined annually by the United States Department of
10 Labor.

11 \$ 12345. Annual assessments.

12 (a) County commissioners, county solicitors and chief
13 clerks.--In addition to the expenses authorized under this
14 subchapter, the necessary expenses of the association of county
15 commissioners, county solicitors and chief clerks shall be
16 apportioned among each county holding membership in the
17 association in amounts provided for by the rules and regulations
18 of each association.

19 (b) District attorneys.--In addition to the expenses
20 authorized under this subchapter, the necessary expenses of the
21 association of district attorneys shall be apportioned among
22 each county holding membership in the association in amounts
23 provided for by the rules and regulations of the association.

24 (c) Approval.--The annual apportionment of expenses under
25 subsections (a) and (b) shall be approved at each annual
26 conference of the association by a majority vote of the members
27 present and, when approved, shall be paid by the counties from
28 the general fund of each county.

29 \$ 12346. Associations and organizations concerned with
30 governmental affairs.

1 (a) Associations and organizations.--The county
2 commissioners may:

3 (1) Join associations and organizations, in addition to
4 the County Commissioners Association of Pennsylvania,
5 concerned with county or governmental affairs.

6 (2) Pay dues to the associations and organizations.

7 (3) Send delegates to meetings or conferences of the
8 associations and organizations and pay the necessary expenses
9 incident to attendance at the meetings or conferences.

10 (b) Professional associations and organizations.--The county
11 commissioners may authorize a county official and employees of
12 the official to attend meetings of professional associations and
13 organizations, or study or training sessions for individuals
14 holding the same or similar office or employment, and may pay
15 all or a portion of the necessary expenses related to attendance
16 at the meetings or sessions.

17 (c) Itemized account of expenses.--Each individual attending
18 a conference, meeting, study or training session under this part
19 shall submit to the county controller, or to the county
20 commissioners in counties having no controller, an itemized
21 account of expenses related to the event, including traveling
22 expenses or mileage approved by the county commissioners.

23 SUBCHAPTER D

24 REMOVAL OF COUNTY OFFICERS

25 Sec.

26 12350. Removal of county officers and appointees.

27 § 12350. Removal of county officers and appointees.

28 (a) Elected.--A county commissioner, sheriff, coroner,
29 prothonotary, register of wills, recorder of deeds, treasurer,
30 county auditor or county controller, clerk of courts, district

attorney or any other officer of the counties, whether elected
or duly appointed to fill a vacancy, may be removed from office
only:

(1) by impeachment, or by the Governor, for reasonable
cause after due notice and full hearing on the advice of two-
thirds of the Senate; or

(2) upon conviction of misbehavior in office or of an
infamous crime in accordance with the Constitution of
Pennsylvania, but their title to office may be tried by
proceedings of quo warranto as provided by law.

(b) Appointed.--An appointee to a county office or position
other than to an elected office shall be:

(1) Subject to removal at the pleasure of the appointing
authority, except as otherwise expressly provided by law.

(2) Removed on conviction of misbehavior in office or of
an infamous crime.

SUBCHAPTER E

CONDUCT OF OFFICIAL BUSINESS

Sec.

12360. Meetings open to public.

§ 12360. Meetings open to public.

Each regular or special meeting of the county commissioners
and of each board, commission and authority, created by or
operating as an agency of a county, shall be a public meeting
subject to 65 Pa.C.S. Ch. 7 (relating to open meetings).

CHAPTER 125

COUNTY COMMISSIONERS AND CHIEF CLERKS

Subchapter

A. County Commissioners

B. Chief Clerk of County Commissioners

1 SUBCHAPTER A

2 COUNTY COMMISSIONERS

3 Sec.

4 12501. Election and vacancies.

5 12502. Organization.

6 12503. Meetings.

7 12504. Quorum and execution of official instruments.

8 12505. Certified copies of proceedings.

9 12506. Oaths.

10 12507. Expenses.

11 12508. Office supplies.

12 12509. Ordinances and resolutions.

13 12510. (Reserved).

14 12511. (Reserved).

15 12512. (Reserved).

16 12513. (Reserved).

17 § 12501. Election and vacancies.

18 (a) Election.--Three county commissioners shall be elected
19 in each county in the year 1955 and every fourth year
20 thereafter. In the election of county commissioners, each
21 qualified elector shall vote for no more than two individuals.
22 The three individuals having the highest number of votes shall
23 be elected.

24 (b) Vacancy.--A vacancy in the office of county
25 commissioners shall be filled for the balance of the unexpired
26 term by the court of common pleas of the county in which the
27 vacancy occurs by the appointment of a registered elector of the
28 county who was a member of the same political party as the
29 vacating county commissioner at the time the vacating county
30 commissioner was elected.

1 § 12502. Organization.

2 The county commissioners shall meet on the first Monday of
3 January 1956 and on the first Monday of January every fourth
4 year thereafter in the office provided for the county
5 commissioners at the county seat for the purpose of
6 organization. If the first Monday is a legal holiday, the
7 meeting shall be held the next day.

8 § 12503. Meetings.

9 (a) Rules.--The county commissioners shall adopt rules for
10 the conduct and order of business and establish regular times
11 and places of meetings. A copy of the rules shall be posted in a
12 conspicuous place in the county courthouse for the benefit of
13 the public.

14 (b) Special meeting notice.--Each county commissioner shall
15 have at least 20 hours notice of a special meeting and of the
16 nature of business to be conducted at the meeting, unless the
17 notice is waived by the county commissioner in writing or by
18 attendance at the special meeting.

19 § 12504. Quorum and execution of official instruments.

20 (a) Quorum.--The county commissioners shall constitute a
21 board, two members of which shall be a quorum for the
22 transaction of business and, when convened after notice, shall
23 be competent to perform each of the duties pertaining to the
24 office of county commissioners.

25 (b) Execution.--If an official document, instrument or
26 official paper is to be executed by the county commissioners,
27 the execution shall be done by at least two of the county
28 commissioners and attested by the chief clerk who shall affix
29 the county seal to the document.

30 § 12505. Certified copies of proceedings.

1 Copies of the proceedings of the county commissioners and of
2 each record in the possession of the county commissioners,
3 certified by the chief clerk under the county seal, shall be
4 admitted in evidence in any court of the Commonwealth.

5 § 12506. Oaths.

6 Each county commissioner may administer oaths and
7 affirmations in each case arising in the performance of the
8 duties of the office of the county commissioners.

9 § 12507. Expenses.

10 A county commissioner may receive expenses necessarily
11 incurred and actually paid in the discharge of the county
12 commissioner's official duties or in the performance of a
13 service, office or duty imposed upon a county commissioner.

14 § 12508. Office supplies.

15 (a) Supplies.--The county commissioners, at the cost of the
16 county, shall purchase and provide office furniture, equipment
17 and supplies, blank books, blank dockets, books for records,
18 stationery, postage, utilities, cleaning and maintenance
19 required for each of the county officers whose offices are
20 located in a county building or at another place at the county
21 seat as may be designated by the county commissioners and each
22 supply used by the public in connection with each office.

23 (b) Preference.--Before purchasing office furniture,
24 equipment or supplies, blank books, blank dockets, books for
25 records or stationery, county officers furnished with any of the
26 items may state in writing preferences as to the type and make
27 of the items. The county commissioners shall, if feasible,
28 purchase and supply to each officer the preferred item if a
29 preference has been given.

30 § 12509. Ordinances and resolutions.

1 (a) Authorization.--The county commissioners may adopt
2 ordinances and resolutions prescribing the manner in which the
3 powers of the county shall be carried out and generally
4 regulating the affairs of the county. The county commissioners
5 may formulate and adopt ordinances, resolutions, rules and
6 regulations pertaining to the use of property owned or used by
7 the county and the conduct of individuals in, on or about the
8 property in order to preserve the property and to promote and
9 preserve public health, safety and welfare.

10 (b) Publication.--

11 (1) A proposed ordinance, unless otherwise provided by
12 law, shall be published at least once in a newspaper of
13 general circulation in the county not more than 60 days
14 before passage and not less than seven days before passage.

15 (2) A public notice of a proposed ordinance shall
16 include the full text of the proposed ordinance or the title
17 and a brief summary of the proposed ordinance prepared by the
18 county solicitor setting forth all the provisions in
19 reasonable detail and a reference to a location within the
20 county in which copies of the proposed ordinance may be
21 examined.

22 (3) If the full text is not included in the public
23 notice required under this section, the following apply:

24 (i) A copy of the text shall be supplied to the same
25 newspaper of general circulation in which the public
26 notice is published.

27 (ii) An attested copy shall be filed in the county
28 law library within 30 days after the enactment or
29 adoption of the ordinance. The date of the filing of a
30 proposed ordinance may not affect the validity of the

1 process of the enactment or adoption of the ordinance and
2 a failure to record within the time period specified
3 under this subparagraph may not be deemed a defect in the
4 process of the enactment or adoption of the ordinance.

5 (4) In the event substantial amendments are made in the
6 proposed ordinance, the county commissioners shall, at least
7 10 days before the enactment or adoption, republish the
8 proposed ordinance in a newspaper of general circulation in
9 the county and a brief summary setting forth all the
10 provisions in reasonable detail with a summary of the
11 amendments.

12 (5) An ordinance may not take effect until recorded in
13 the ordinance book of the county. If maps, plans or drawings
14 are adopted as part of an ordinance, the county commissioners
15 may, instead of publishing the the maps, plans or drawings as
16 part of the ordinance, refer to the location where the maps,
17 plans or drawings are on file and may be examined by the
18 public in the publication of the ordinance.

19 (c) Violations.--The county commissioners may:

20 (1) Prescribe fines and penalties as follows:

21 (i) Not exceeding \$1,000 for a violation of a
22 building, housing, property maintenance, health, fire or
23 public safety code or ordinance and for water, air and
24 noise pollution violations.

25 (ii) Not exceeding \$600 for a violation of any other
26 county ordinance.

27 (2) Collect fines and penalties by suit, brought in the
28 name of the county, in like manner for which debts of like
29 amount may be sued.

30 (d) Penalties.--A person who violates an ordinance enacted

by the county commissioners under this section shall, upon conviction at a summary proceeding, be sentenced to pay a fine as may be prescribed in the ordinance by the county commissioners. The fine shall not exceed an amount of \$1,000 per violation, with the costs of prosecution, or imprisonment of not more than 10 days, or both. The fine shall be paid to the county for use by the county.

§ 12510. (Reserved).

§ 12511. (Reserved).

§ 12512. (Reserved).

§ 12513. (Reserved).

SUBCHAPTER B

CHIEF CLERK OF COUNTY COMMISSIONERS

Sec.

12520. Chief clerk.

12521. Duties and powers of chief clerk.

§ 12520. Chief clerk.

The county commissioners shall appoint a chief clerk.

§ 12521. Duties and powers of chief clerk.

(a) Duties.--The chief clerk shall keep the books and accounts of the county commissioners, record and file the proceedings and papers of the county commissioners, attest all orders and voucher checks issued by the county commissioners and perform all other duties pertaining to the office of chief clerk.

(b) Oaths and affirmations.--The chief clerk shall have the power to administer oaths and affirmations pertaining to the business of the office of the county commissioners.

CHAPTER 127

CONTROLLER

1 Sec.
2 12701. Election, term and seal.
3 12702. Eligibility.
4 12703. Deputy controller and clerks.
5 12704. (Reserved).
6 12705. Establishment of office of controller in counties of the
7 sixth, seventh and eighth classes.
8 12706. Appointment by Governor, duties of auditors and
9 abolition of office of auditor.
10 12707. Expenses.
11 § 12701. Election, term and seal.
12 (a) Election of controller.--At the municipal election
13 immediately preceding the expiration of the term of the
14 controller in office on January 1, 1956, and every four years
15 thereafter, the qualified electors of each county of the third,
16 fourth and fifth class and every other county in which the
17 office of controller has been or may be established, including
18 counties in which the office was established by general law or
19 otherwise when the counties were in a higher classification,
20 shall elect one resident of the county to serve as controller
21 for the term of four years beginning the first Monday of January
22 after the controller's election or until a successor is
23 qualified to serve in office.
24 (b) Counties of second class A.--In counties of the second
25 class A, a controller shall be elected at the municipal election
26 immediately preceding the expiration of the term of the
27 controller in office on December 24, 2018, and every four years
28 thereafter.
29 (c) Seals.--A county controller shall be provided with an
30 official seal of the office by the county commissioners. The

1 seal shall be used for the attestation of all official papers.

2 § 12702. Eligibility.

3 (a) Office holders.--An individual holding office under the
4 United States shall not be eligible to the office of county
5 controller while in office and for one year after leaving
6 office.

7 (b) Local office holders.--A county commissioner, county
8 treasurer, prothonotary, register of wills, clerk of courts,
9 recorder of deeds, sheriff or district attorney, or the chief
10 clerk or deputy of a county commissioner, county treasurer,
11 prothonotary, register of wills, clerk of courts, recorder of
12 deeds, sheriff or district attorney, shall be ineligible to hold
13 the office of county controller while in office and for two
14 years after leaving office.

15 § 12703. Deputy controller and clerks.

16 (a) Appointments.--

17 (1) In counties of the second class A, third, fourth and
18 fifth classes, the controller shall appoint a deputy
19 controller and clerks.

20 (2) In counties of the sixth, seventh and eighth
21 classes, the controller may appoint a deputy controller and
22 clerks.

23 (3) A controller may authorize one or more of the clerks
24 employed in the controller's office to administer to all
25 oaths and affirmations pertaining to the business of the
26 office with the same force and effect as if administered by
27 the controller or deputy controller.

28 (b) Second deputy controller.--A controller may appoint a
29 second deputy controller who shall possess and discharge all the
30 rights, powers and duties of the principal deputy controller

during the principal deputy controller's and the controller's
temporary absence.

§ 12704. (Reserved).

§ 12705. Establishment of office of controller in counties of
sixth, seventh and eighth classes.

(a) Authorization.--The office of controller may be
established in a county of the sixth, seventh and eighth class
by the affirmative vote of a majority of the electors of the
county voting on the question submitted, in accordance with this
section, at the general election when the auditor of the county
is in the third year of the auditor's term.

(b) Petition.--The question shall be submitted to the
electors of the county when county electors file a petition
containing signatures equal to at least 5% of the highest vote
cast for an office in the county at the last preceding general
election. The petition shall be filed with the county
commissioners no less than 60 days before the day of the general
election when the question is to be submitted. If the petition
is sufficiently signed under this subsection, the county
commissioners shall cause the question to be submitted in the
manner provided by the act of June 3, 1937 (P.L.1333, No.320),
known as the Pennsylvania Election Code.

(c) Establishment.--If the majority of electors voting on
the question vote in favor of establishing the office of county
controller, the office shall be established. At the next
municipal election and every four years thereafter, the electors
of the county shall choose a resident of the county for the
office of controller as a replacement for the county auditors.

§ 12706. Appointment by Governor, duties of auditors and
abolition of office of auditor.

1 (a) Appointment.--If the office of controller is established
2 in a county under section 12705 (relating to establishment of
3 office of controller in counties of sixth, seventh and eighth
4 classes), or by a change in class of the county not otherwise
5 provided for by law, the Governor shall appoint a suitable
6 individual to act as the controller of the county until a
7 successor in office is duly elected and installed.

8 (b) Duties of auditors.--Upon the appointment of a
9 controller under subsection (a), the county auditors in office
10 at the time of the appointment shall proceed to audit all
11 accounts as required by law and file a report of the audit with
12 the controller no later than three months after the controller
13 assumes office. Whereupon, the office of county auditor shall be
14 abolished and cease to exist in the county.

15 § 12707. Expenses.

16 The county controller and the county controller's deputy,
17 clerks and auditors shall be reimbursed for expenses necessarily
18 incurred and actually paid in the discharge of their official
19 duties or in the performance of any service or duty imposed.

20 CHAPTER 129

21 AUDITORS

22 Sec.

23 12901. Election and vacancies.

24 12902. Eligibility.

25 12903. Meetings and quorum.

26 12904. (Reserved).

27 § 12901. Election and vacancies.

28 (a) Election.--In each county in which the office of
29 controller has not been established, three county auditors shall
30 be elected in 1955 and every four years thereafter. In the

1 election of county auditors, each qualified elector shall vote
2 for no more than two individuals. The three individuals with the
3 highest number of votes shall be elected to the office of county
4 auditor.

5 (b) Vacancies.--A vacancy in the office of county auditors
6 shall be filled, for the balance of the unexpired term, by the
7 court of common pleas of the county, sitting en banc, appointing
8 a successor who, at the time the vacating auditor assumed
9 office, was a registered elector of the county and was a member
10 of the same political party as the vacating auditor.

11 § 12902. Eligibility.

12 (a) Treasurers.--An individual may not be eligible to the
13 office of county auditor if the individual has been the
14 treasurer of the county within the previous two years.

15 (b) Officers.--An individual holding the office of county
16 auditor may not at the same time hold an office or employment
17 for the county or for a municipal authority of which the county
18 is a member. A county auditor may not be employed in an
19 administrative position by a school district or organization or
20 entity that may be audited by the board of auditors. A county
21 auditor may not hold an elected or appointed office or serve as
22 a manager for a municipal corporation in the county.

23 § 12903. Meetings and quorum.

24 (a) Meetings.--The auditors shall meet at the county seat on
25 the first Monday of January in each year for the purpose of
26 organizing and to begin the audit of the fiscal affairs of the
27 county for the immediately preceding fiscal year. If the first
28 Monday in January is a legal holiday, the meeting shall be held
29 the first day after the first Monday in January.

30 (b) Deadline.--The auditors shall meet as necessary for the

1 completion of the audit under subsection (a) by the following
2 July 1. The auditors may petition the court of common pleas for
3 additional time for the completion of the audit and the filing
4 of the report. The court, upon a showing of due cause, shall
5 grant additional time as the court deems necessary for
6 completion of the audit and report.

7 (c) Compensation.--The auditors shall receive compensation
8 as determined by the county commissioners in accordance with the
9 act of November 1, 1971 (P.L.495, No.113), entitled "An act
10 providing for the compensation of county officers in counties of
11 the second through eighth classes, for compensation of district
12 attorneys in cities and counties of the first class, for
13 compensation of district election officers in all counties, for
14 the disposition of fees, for filing of bonds in certain cases
15 and for duties of certain officers," and daily or hourly
16 compensation set for the auditors shall be applicable for any
17 period of additional time granted under subsection (b).

18 (d) Quorum.--Any two auditors when duly convened shall be a
19 quorum for the purpose of transacting business.

20 § 12904. (Reserved).

21 CHAPTER 131

22 TREASURER

23 Sec.

24 13101. County treasurer and eligibility.

25 13102. (Reserved).

26 13103. (Reserved).

27 13104. (Reserved).

28 13105. Misapplication of money collected for specific purposes.

29 13106. Deputy treasurer.

30 13106.1. Second deputy treasurer.

1 13107. (Reserved).

2 § 13101. County treasurer and eligibility.

3 No judge, clerk or prothonotary of any court, register of
4 wills, recorder of deeds, county commissioner or county
5 controller shall be eligible to serve as county treasurer during
6 their continuance in office.

7 § 13102. (Reserved).

8 § 13103. (Reserved).

9 § 13104. (Reserved).

10 § 13105. Misapplication of money collected for specific
11 purposes.

12 If money is collected by law in a county and is in the
13 possession or control of the treasurer of the county, it shall
14 be unlawful for the treasurer to apply the money to any other
15 purpose than that for which the money was collected unless
16 otherwise authorized by law. A misapplication of money under
17 this section shall constitute a violation of 18 Pa.C.S. § 3927
18 (relating to theft by failure to make required disposition of
19 funds received).

20 § 13106. Deputy treasurer.

21 The county treasurer may appoint a deputy county treasurer
22 who shall perform duties as prescribed by the county treasurer.

23 § 13106.1. Second deputy treasurer.

24 The county treasurer may appoint a second deputy treasurer.
25 The second deputy treasurer shall possess and discharge all the
26 rights, powers and duties of the principal deputy treasurer
27 during the principal deputy treasurer's and treasurer's
28 temporary absence.

29 § 13107. (Reserved).

30 CHAPTER 133

COUNTY SOLICITOR

Sec.

13301. Appointment and qualifications.

13302. Duties.

13303. Employees in certain counties.

13304. Assistant county solicitors.

§ 13301. Appointment and qualifications.

The county commissioners shall appoint a county solicitor.

The county solicitor shall be an attorney at law admitted to

practice in the courts of this Commonwealth and may be an

individual, a law firm, a partnership, an association or a

professional corporation. Before entering upon the duties of

office, the county solicitor shall file with the county

commissioners an agreement to pay all fees, attorney's fees and

commissions received from every source as county solicitor into

the county treasury.

§ 13302. Duties.

The county solicitor shall have the following duties:

(1) Commence and prosecute each suit brought, or to be brought, by the county when the rights, privileges, properties, claims or demands of the county are involved.

(2) Defend all actions or suits brought against the county.

(3) Perform all duties now enjoined by law upon county solicitors.

(4) Act professionally and render legal advice incident to the office which may be required of the county solicitor by the county commissioners.

§ 13303. Employees in certain counties.

In counties of the second class A and third class, the county

1 solicitor may, with the consent of the county commissioners,
2 employ clerks or assistants as may be necessary in the discharge
3 of the county solicitor's duties.

4 § 13304. Assistant county solicitors.

5 (a) Appointment.--Except as provided under subsection (b),
6 the county commissioners may appoint one or more assistant
7 county solicitors or special counsel. The assistant county
8 solicitors or special counsel shall be attorneys at law admitted
9 to practice in the courts of this Commonwealth. The assistant
10 county solicitors and special counsel shall perform duties in
11 connection with the legal affairs of the county as may be
12 assigned by the county commissioners or the county solicitor.

13 (b) Authorization.--In counties of the second class A, the
14 county solicitor shall have the authority to appoint assistant
15 county solicitors and special counsel under subsection (a),
16 subject to the approval of the county commissioners.

17 CHAPTER 135

18 ENGINEER

19 Sec.

20 13501. County engineer, appointment and term.

21 13502. Duties.

22 § 13501. County engineer, appointment and term.

23 The county commissioners may appoint a professional engineer
24 in civil engineering or an engineering firm as the county
25 engineer. The engineer shall serve at the pleasure of the county
26 commissioners.

27 § 13502. Duties.

28 The county engineer shall have the following duties:

29 (1) Prepare plans, specifications and estimates of all
30 engineering work undertaken by the county.

1 (2) As necessary, furnish the county commissioners with
2 reports, information or estimates on work.

3 (3) In general, perform all duties with reference to any
4 county engineering work as the county commissioners may
5 prescribe.

6 (4) Perform all duties relating to surveying as may be
7 assigned by the county commissioners or by law.

8 CHAPTER 137

9 SHERIFF

10 Sec.

11 13701. Unfinished business of outgoing sheriff.

12 13702. Deputy action authorized.

13 13703. Chief deputy and petition.

14 13704. Real estate deputies.

15 13705. Deputies and clerks.

16 13706. Deputy sheriff's qualifications.

17 13707. False statements in deputy's affidavit.

18 13708. Filed items and public records.

19 13709. Public list of applicants for deputy sheriff.

20 13710. Private services, gifts and payments prohibited.

21 13711. Penalties.

22 13712. Construction.

23 13713. Chief deputy sheriff to act as sheriff in case of
24 vacancy.

25 13714. Sheriff to keep docket.

26 13715. Not to exercise office until commission granted and
27 recorded and penalty.

28 § 13701. Unfinished business of outgoing sheriff.

29 (a) Unfinished business.--An outgoing sheriff shall deliver
30 all unfinished and unexecuted writs and process to the sheriff's

1 successor. The sheriff's successor shall receive and execute the
2 writs and process as if the writs and process had been
3 originally issued and directed to the sheriff's successor and
4 carry out and complete all other official duties of the outgoing
5 sheriff.

6 (b) Successor powers and duties.--If real estate is sold
7 under an execution by a sheriff who is succeeded in office
8 before a deed is executed and acknowledged by the sheriff in due
9 form of law for the real estate, the sheriff's successor shall
10 execute and acknowledge a deed for the real estate to the
11 purchaser in the same manner as if the former sheriff were still
12 in office. A deed executed under this subsection shall be as
13 effectual in law as if the title had been completed by the
14 former sheriff.

15 (c) No court order necessary.--No court order shall be
16 necessary to authorize an incoming sheriff to carry out the
17 duties as prescribed by this section.

18 § 13702. Deputy action authorized.

19 If the sheriff is required by law to act in person under or
20 by virtue of any writ or process issued by a court of the
21 Commonwealth, the sheriff may act either in person or by a
22 regularly appointed deputy sheriff.

23 § 13703. Chief deputy and petition.

24 (a) Appointment.--The sheriff of each county shall appoint,
25 by commission duly recorded in the office for recording deeds, a
26 chief deputy. The chief deputy's appointment shall be revocable
27 by the sheriff by a signed revocation recorded in the office for
28 recording deeds. The chief deputy, during continuance in office,
29 may perform any duty incumbent upon the sheriff, which shall
30 have the effect in law as if the duty had been done by the

1 sheriff in person, regardless of the ability or temporary
2 disability of the sheriff to act, while the sheriff continues in
3 office. Nothing in this subsection shall be construed to relieve
4 the sheriff or the sheriff's sureties from liability upon the
5 official bond of the sheriff or the sheriff's sureties.

6 (b) Petition.--If, during a vacancy in the office of sheriff
7 the duties of the office cannot be discharged in accordance with
8 section 13713 (relating to chief deputy sheriff to act as
9 sheriff in case of vacancy) or any other law, the ranking deputy
10 of the office shall petition the court of common pleas to
11 authorize a deputy to perform any duty incumbent upon the
12 sheriff. Upon a finding that no other individual has the legal
13 capacity to discharge the duty, the court shall authorize the
14 deputy to perform the duty during the vacancy as if the official
15 act had been done by the sheriff.

16 § 13704. Real estate deputies.

17 The sheriff may appoint a real estate deputy to administer
18 all matters relating to the sheriff's sales of real estate and
19 distributions of the proceeds of the sheriff's sales of real
20 estate. The real estate deputy's appointment shall be made and
21 be revocable as provided for the chief deputy. The real estate
22 deputy may perform all duties incumbent upon the sheriff in the
23 same manner as the chief deputy and the same effect in law as if
24 the official duties had been performed by the sheriff in person.
25 The duties shall include the execution and acknowledgment of
26 sheriff's deeds for real estate upon receipt of the purchase
27 price for the real estate. Nothing in this section shall operate
28 to relieve the sheriff or the sheriff's sureties from liability
29 upon official bond of the sheriff or the sheriff's sureties.

30 § 13705. Deputies and clerks.

1 The sheriff of each county may appoint deputies and clerks to
2 positions established in accordance with section 14723 (relating
3 to number and compensation of officers, deputies, assistants,
4 clerks and employees and revisions of salary schedules) for the
5 transaction of the business of the sheriff's office. The sheriff
6 may revoke the appointment of deputies in the same manner as the
7 chief deputy. In counties of the third, fourth, fifth, sixth,
8 seventh and eighth class, the sheriff may also appoint as
9 necessary special deputies to assist the sheriff in executing a
10 civil or criminal process or court order or in preserving the
11 peace when an emergency arises. A special deputy shall serve for
12 a period only as necessary to conduct the special deputy's
13 duties under this section.

14 § 13706. Deputy sheriff's qualifications.

15 (a) Requirements.--A sheriff may not appoint an individual
16 as a chief deputy or any other deputy sheriff unless the sheriff
17 files with the prothonotary, before the appointment of the
18 individual, the name and photograph of the individual and an
19 affidavit of the individual setting forth the following:

20 (1) The full name, age and residence address of the
21 individual, chief deputy or other deputy sheriff.

22 (2) That the individual, chief deputy or other deputy
23 sheriff is a citizen of the United States and 18 years of age
24 or older.

25 (3) That the individual, chief deputy or other deputy
26 sheriff has never been convicted of a crime involving moral
27 turpitude under Federal or State law or the laws of another
28 state.

29 (4) That the individual, chief deputy or other deputy
30 sheriff has not, for a period of two years immediately

1 preceding the filing of the affidavit under this subsection:

2 (i) acted individually or as the agent or employee
3 of another person in a labor dispute;

4 (ii) provided any service as a private detective,
5 private police officer or private guard in a labor
6 dispute;

7 (iii) received any fee or compensation for acting as
8 a private detective, private police officer or private
9 guard in a labor dispute;

10 (iv) conducted the business of a private detective
11 agency or any agency supplying private detectives,
12 private police officers or private guards in a labor
13 dispute; or

14 (v) advertised or solicited the business of a
15 private detective agency or any agency supplying private
16 detectives, private police officers or private guards in
17 a labor dispute.

18 (b) Limitation.--An individual may not be appointed or
19 receive compensation as chief deputy or any other deputy except
20 in accordance with the act of February 9, 1984 (P.L.3, No.2),
21 known as the Sheriff and Deputy Sheriff Education and Training
22 Act.

23 § 13707. False statements in deputy's affidavit.

24 Any false statement contained in an affidavit filed under
25 section 13706 (relating to deputy sheriff's qualifications)
26 shall constitute and shall be punishable as perjury.

27 § 13708. Filed items and public records.

28 The name, photograph and affidavit filed under section 13706
29 (relating to deputy sheriff's qualifications) with the
30 prothonotary shall constitute a public record.

1 § 13709. Public list of applicants for deputy sheriff.

2 The sheriff shall, from time to time, prepare a list of the
3 names of all the individuals who have applied for appointment as
4 deputy sheriff and meet the qualifications for the position. The
5 list shall be posted in a public place for a period of not less
6 than 10 days. After the 10 days have elapsed, the list shall be
7 filed in the office of the prothonotary. No deputy sheriffs
8 shall be appointed by the sheriff whose names do not appear on
9 the list.

10 § 13710. Private services, gifts and payments prohibited.

11 (a) Services, gifts and payments.--

12 (1) A sheriff, deputy sheriff, detective or other county
13 police officer may not perform, directly or indirectly, any
14 official services or official duties for an individual,
15 association or corporation. A sheriff, deputy sheriff,
16 detective or other county police officer may not receive,
17 directly or indirectly, compensation, gifts or gratuities
18 from a person, association or corporation during the period
19 of official services. Nothing in this paragraph shall be
20 construed to prohibit county officers from serving writs and
21 other legal process as authorized by law.

22 (2) Compensation payable to an officer for official
23 duties and services shall be paid only out of the proper
24 county or with other public money to the amount and in the
25 manner prescribed by law. Gifts, donations and gratuities
26 made by an individual, association or corporation to the
27 county or an official or agent of the county shall not be
28 considered public money for the purposes of this paragraph.

29 (b) Firearms and military supplies.--

30 (1) A county or an official or agent of the county may

1 not accept as a gift, donation or gratuity any arms,
2 ammunition, military supplies, tear gas or equipment or
3 supplies or articles of a similar character.

4 (2) An individual, association or corporation may not
5 provide as a gift, donation or gratuity any arms, ammunition,
6 military supplies, tear gas or equipment or supplies or
7 articles of a similar character to a county or an official or
8 agent of the county.

9 (c) Contract or agreement void.--A contract or agreement
10 made in violation of the provisions of this section shall be
11 null and void, have no effect in law or in equity and be
12 declared contrary to public policy.

13 (d) Outside employment.--Notwithstanding any other provision
14 of this section, unless otherwise prohibited by resolution or
15 ordinance of the county, an individual who is employed as a
16 sheriff, deputy sheriff, detective or other county police
17 officer may engage in outside employment, including employment
18 in security, during a period when the individual is not
19 scheduled to perform and is not performing a duty as a county
20 employee. The county shall not be liable for damage resulting
21 from an act of an individual engaging in outside employment as
22 authorized under this subsection.

23 § 13711. Penalties.

24 A sheriff, deputy sheriff or other county police officer or
25 another official of the county or an individual, association or
26 corporation that violates the provisions of section 13706
27 (relating to deputy sheriff's qualifications), 13709 (relating
28 to public list of applicants for deputy sheriff) or 13710
29 (relating to private services, gifts and payments prohibited)
30 commits a misdemeanor and shall, upon conviction, be sentenced

1 to pay a fine of not less than \$100 nor more than \$500, or to
2 undergo imprisonment for not less than 90 days nor more than two
3 years, or both.

4 § 13712. Construction.

5 Nothing contained in section 13706 (relating to deputy
6 sheriff's qualifications) or 13710 (relating to private
7 services, gifts and payments prohibited) shall be construed to
8 prohibit any of the following:

9 (1) The appointment, employment or compensation by a
10 county in the manner expressly provided by law of any of the
11 following:

12 (i) Night watchmen.

13 (ii) Railroad police.

14 (iii) Bank police.

15 (iv) Payroll police.

16 (v) Special policemen to police and protect
17 cemeteries and grounds and buildings open to the public,
18 or to enforce laws for the prevention of cruelty to
19 persons or animals.

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

22 (vii) Police or guards employed by nonprofit
23 corporations or organizations.

24 (2) The payment by an individual, association or
25 corporation of fees or compensation for county police or
26 other peace officers assigned to exhibitions, athletic
27 contests or other recreational activities.

28 § 13713. Chief deputy sheriff to act as sheriff in case of
29 vacancy.

30 If a sheriff is legally removed from office or dies or

1 resigns before the expiration of the term for which the sheriff
2 was commissioned, the chief deputy sheriff shall:

3 (1) execute the office of sheriff and perform all duties
4 required by the office of sheriff; and

5 (2) receive and retain the compensation provided by law
6 for sheriffs until another sheriff is commissioned and notice
7 is given to the chief deputy sheriff.

8 § 13714. Sheriff to keep docket.

9 A sheriff shall provide and keep in the office of sheriff a
10 book in which the sheriff shall enter all writs that may be
11 received and the proceedings of all the writs. At the expiration
12 of the term of office, the book shall be deposited in the office
13 of the prothonotary for the inspection of all interested members
14 of the public.

15 § 13715. Not to exercise office until commission granted and
16 recorded and penalty.

17 An individual elected or appointed to the office of sheriff
18 may not execute any of the duties of office before a commission
19 is duly granted to the sheriff by the Governor and properly
20 recorded, under a penalty of imprisonment for a term not
21 exceeding six months, at the discretion of the court of common
22 pleas. The individual elected or appointed to the office of
23 sheriff shall be liable to a person injured by acts done by the
24 sheriff under the purview of the office of sheriff.

25 CHAPTER 139

26 CORONER

27 Subchapter

28 A. Preliminary Provisions

29 B. General Provisions

30 C. Fees and Cost Recovery

1 SUBCHAPTER A

2 PRELIMINARY PROVISIONS

3 Sec.

4 13901. Applicability.

5 13902. Definitions.

6 § 13901. Applicability.

7 Except as otherwise expressly provided under this chapter,
8 this chapter shall apply to counties of the second class, second
9 class A and third, fourth, fifth, sixth, seventh and eighth
10 class.

11 § 13902. Definitions.

12 The following words and phrases when used in this chapter
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 individual, including all of the following:

17 (1) Gross visual inspection and dissection of the body
18 and the body's 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 all of the following which are necessary to
26 establish and defend against challenges to the cause and
27 manner of death of the deceased individual:

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 includes a medical investigator,
6 forensic technician, laboratory director, forensic supervisor,
7 forensic investigator, scientist or autopsy or histology
8 technician.

9 SUBCHAPTER B

10 GENERAL PROVISIONS

11 13911. Deputies.

12 13912. Duties regarding county morgues.

13 13913. Removal of bodies to morgue.

14 13914. Removal of body, burial and vehicle.

15 13915. Unclaimed property and sales.

16 13916. Private morgue.

17 13917. Requests for examinations and reports.

18 13918. Coroner's investigation.

19 13919. Autopsy, inquest and records.

20 13920. Child deaths.

21 13921. Sudden death.

22 13922. Prohibition on moving a body.

23 13923. Release of coroner's jurisdiction.

24 13924. Cooperation with district attorney.

25 13925. Cooperation with other counties.

26 13926. Certificate of cause of death.

27 13927. Subpoena and attachment.

28 13928. Jury.

29 13929. Oaths.

30 13930. Commitment to county prison.

1 13931. Excluded individuals.

2 13932. Vacancy.

3 13933. Anatomical gifts.

4 13934. Execution of office.

5 13935. Records.

6 § 13911. Deputies.

7 The coroner may appoint a deputy to act in the coroner's
8 place and may appoint staff to positions established in
9 accordance with section 14723 (relating to number and
10 compensation of officers, deputies, assistants, clerks and
11 employees and revisions of salary schedules) as the coroner
12 determines. A deputy shall have the same powers as the coroner.

13 § 13912. Duties regarding county morgues.

14 (a) Coroner.--The coroner of a county in which a county
15 morgue is established shall have the following duties:

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

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

21 (b) Salary board.--The salary board shall determine the
22 number of individuals appointed under subsection (a)(2) and
23 each individual's salary.

24 § 13913. Removal of bodies to morgue.

25 (a) Unidentified or unclaimed body.--If the body of a
26 deceased individual is unidentified or unclaimed by a proper
27 individual located within the county, the body shall be removed
28 to the county morgue or, in a county of the third, fourth,
29 fifth, sixth, seventh and eighth class, to a facility serving in
30 lieu of the county morgue. If necessary, the coroner shall have

1 the body properly embalmed or prepared for preservation for the
2 length of time the coroner determines is required to determine
3 the deceased's identity, the identity of a party responsible for
4 the deceased and the cause and manner of death. The body may
5 only be examined or inspected by an individual authorized by the
6 coroner or who is admitted in the coroner's presence.

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

9 § 13914. Removal of body, burial and vehicle.

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

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

20 § 13915. Unclaimed property and sales.

21 (a) Duties.--The coroner shall safely keep all of the
22 following in the coroner's charge:

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

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

30 (b) Required holding period.--The coroner shall hold the

1 property for one year, unless the property is claimed by a legal
2 representative of the deceased or is duly and lawfully disposed
3 of or claimed.

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

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

16 § 13916. Private morgue.

17 In a county of the third, fourth, fifth, sixth, seventh and
18 eighth class in which a county morgue is not maintained, the
19 coroner may have a body that the coroner may admit to a county
20 morgue removed to a private facility. The county commissioners
21 shall procure by contract, as under Chapter 151 (relating to
22 contracts), the use of a private facility in consultation with
23 the coroner.

24 § 13917. Requests for examinations and reports.

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

29 (b) Fees and charges.--A fee and charge for an examination
30 or professional service shall be established by the coroner,

1 subject to approval by the county commissioners, and shall be
2 accounted for and paid to the county treasurer as provided under
3 section 14960 (relating to receipts and accounts of money due
4 county). Payment for an examination or professional service
5 shall be the responsibility of the county or person requesting
6 the service.

7 § 13918. Coroner's investigation.

8 (a) Duties.--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 if an autopsy or inquest should be conducted in
13 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, a death due to mechanical, thermal, chemical,
24 electrical or radiational injury, drowning, cave-in or
25 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.

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 all of the following:

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

16 (2) If there is sufficient reason for the coroner to
17 believe that the death may have resulted from a criminal act
18 or criminal neglect of an individual other than the deceased.

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

22 § 13919. Autopsy, inquest and records.

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

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

30 (1) Ascertain the cause of death.

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

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

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

9 (d) Retention and disposal.--

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

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

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

21 § 13920. Child deaths.

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

27 (b) Investigation.--

28 (1) If the coroner determines that an investigation is
29 appropriate in the case of the death of a child who is not
30 more than three years of age, the investigation shall include

1 the following information:

2 (i) Demographic information on the child and the
3 child's primary caregivers.

4 (ii) Witness interviews.

5 (iii) Infant medical history.

6 (iv) Biological mother's prenatal history.

7 (v) Incident scene investigation.

8 (vi) Scene and body diagrams.

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

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

16 § 13921. Sudden death.

17 (a) Recognition.--The coroner shall recognize a death as
18 sudden if all of the following apply:

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

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

23 (i) was discharged from medical attendance;

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

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

28 (b) Construction.--Nothing in this section may be construed
29 to affect the coroner's discretion in determining if a death is
30 suspicious or to authorize a coroner to investigate a sudden

1 death further than necessary to determine the cause and manner
2 of death.

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

7 § 13922. Prohibition on moving a body.

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

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

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

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

27 § 13923. Release of coroner's jurisdiction.

28 If a coroner assumes jurisdiction of a body under the
29 provisions of this chapter or any other law, the body may not be
30 released or removed from the coroner's jurisdiction except upon

1 the coroner's directions and consent in accordance with law.

2 § 13924. Cooperation with district attorney.

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

7 § 13925. Cooperation with other counties.

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

11 § 13926. Certificate of cause of death.

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

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

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

20 § 13927. Subpoena and attachment.

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

24 (1) A death investigation.

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

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

30 (4) To compel the production of any of the following:

1 (i) A paper.

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

4 (iii) Another object relative to the investigation
5 or inquest.

6 § 13928. Jury.

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

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

15 § 13929. Oaths.

16 The coroner may administer an oath and affirmation to an
17 individual brought or appearing before the coroner. An
18 individual who falsely swears or affirms during the examination
19 commits perjury.

20 § 13930. Commitment to county prison.

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

25 (1) take an oath or affirmation; or

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

28 (b) Case required.--A warrant issued under subsection (a)
29 shall specifically set forth the cause of the commitment to
30 county jail.

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

5 § 13931. Excluded individuals.

6 The following apply:

7 (1) In counties of the second, second A, third, fourth,
8 fifth, sixth, seventh and eighth class, the coroner may admit
9 or exclude any of the following:

10 (i) A member of the public from an inquest or a part
11 of an inquest.

12 (ii) An individual interested or suspected from the
13 inquest or a part of an inquest.

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

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

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

22 § 13932. Vacancy.

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

30 (b) Neglect or refusal.--Except as otherwise provided under

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

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

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

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

19 § 13933. Anatomical gifts.

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

23 § 13934. Execution of office.

24 An individual elected or appointed to the office of coroner
25 may not execute any of the duties of the office before a
26 commission has been issued to the coroner by the Governor and
27 properly recorded. An individual who violates this section may
28 be sentenced to imprisonment for a term of not more than six
29 months. The individual shall be liable to a person injured by an
30 act done by the individual under authority of the office.

1 § 13935. Records.

2 In counties of the third, fourth, fifth, sixth, seventh and
3 eighth classes, every coroner, within 30 days after the end of
4 each year, shall deposit all official records and papers for the
5 preceding year in the office of the prothonotary for the
6 inspection of interested members of the public.

7 SUBCHAPTER C

8 FEES AND COST RECOVERY

9 Sec.

10 13951. Disposition costs.

11 13952. Fees for reports.

12 § 13951. Disposition costs.

13 (a) Cost of disposition.--If a legal representative makes a
14 claim to property after disposition of the deceased has occurred
15 at county expense, any property retained from the deceased by
16 the coroner in accordance with section 13915 (relating to
17 unclaimed property and sales) shall be subject to sale to cover
18 the cost of disposition with the balance, if any, going to the
19 legal representatives. No property shall be sold under this
20 subsection unless the coroner has provided written notice to the
21 representative of all of the following:

22 (1) The costs of disposition.

23 (2) A list of the property held in accordance with
24 section 13915.

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

27 (b) Costs of securing.--If the coroner secures the premises
28 of the deceased, the costs of securing the premises may be
29 charged against the estate of the deceased.

30 (c) Civil liability.--A coroner who reasonably attempts to

1 secure or safeguard any real property where the deceased is
2 found and any personal property on or around the deceased is
3 immune from civil liability for damage to or loss of the
4 property or its contents.

5 § 13952. Fees for reports.

6 The coroner shall charge and collect a fee of \$500 for an
7 autopsy report, \$100 for a toxicology report, \$100 for an
8 inquisition or coroner's report, \$50 for a cremation or
9 disposition authorization and other fees as may be established
10 for other reports or documents requested by nongovernmental
11 agencies in order to investigate a claim asserted under a policy
12 of insurance or to determine liability for the death of the
13 deceased. The fees collected under this section shall be
14 accounted for and paid to the county treasurer in accordance
15 with section 14960 (relating to receipts and accounts of money
16 due county) and shall be used to defray the expenses involved in
17 the county complying with the training of coroners or coroner
18 office personnel, as may be required or authorized under this
19 part or any other act.

20 CHAPTER 141

21 PROTHONOTARY, CLERK OF COURTS, CLERK OF ORPHANS' COURT,

22 REGISTER OF WILLS AND RECORDER OF DEEDS

23 Sec.

24 14101. Election of prothonotary, clerk of courts, clerk of
25 orphans' court, register of wills and recorder of
26 deeds.

27 14102. Office holders.

28 14103. Separate judicial districts.

29 14104. (Reserved).

30 14105. Appointment of first deputies.

1 14106. (Reserved).

2 14107. (Reserved).

3 14107.1. (Reserved).

4 14108. (Reserved).

5 14109. (Reserved).

6 14110. (Reserved).

7 14111. (Reserved).

8 14112. Second deputy recorder.

9 14113. Clerks of recorder to administer oaths.

10 14114. (Reserved).

11 14115. (Reserved).

12 14116. (Reserved).

13 § 14101. Election of prothonotary, clerk of courts, clerk of
14 orphans' court, register of wills and recorder of
15 deeds.

16 At the municipal election preceding the expiration of the
17 term of office of a prothonotary, clerk of the courts of common
18 pleas, register of wills, clerk of orphans' court or recorder of
19 deeds of any county and every four years thereafter, the
20 electors of the county shall elect an individual to fill the
21 office from the first Monday of January next succeeding the
22 election, for a term of four years and until a successor is
23 elected and qualified. If, under this part or other law, it is
24 provided that two or more offices be held by the same
25 individual, only one individual may be elected to hold the
26 office.

27 § 14102. Office holders.

28 (a) Counties of the third and fourth classes.--In counties
29 of the third and fourth classes, one individual shall hold the
30 office of prothonotary, one individual shall hold the office of

1 clerk of courts, one individual shall hold the offices of
2 register of wills and clerk of orphans' court and one individual
3 shall hold the office of recorder of deeds.

4 (b) Reconfiguration.--

5 (1) Notwithstanding subsection (a) or any other
6 provision of law, a county advancing from the fifth class to
7 fourth class as a result of Federal decennial census data
8 certified after the primary election in the year of a
9 municipal election may maintain the configuration of offices
10 in effect in the county if the county, in consultation with
11 the president judge of the court of common pleas of the
12 county, deems appropriate.

13 (2) If a county subject to paragraph (1) determines that
14 reconfiguration of offices under subsection (a) or other
15 general law applicable to the holding of offices and to the
16 classification of the county is appropriate, the county shall
17 wait until the year when the offices are next up for election
18 to initiate the reconfiguration.

19 (c) Continuation.--Notwithstanding subsection (a) or (b) or
20 any other provision of law, the county commissioners of a county
21 advancing from the fifth class to fourth class may adopt a
22 resolution providing that one individual shall continue to hold
23 the offices of prothonotary and clerk of courts, unless an
24 applicable local law states otherwise.

25 (d) One office holder.--Notwithstanding subsection (a) or
26 (b) or any other provision of law, the county commissioners of a
27 county advancing from the fifth class to fourth class may adopt
28 a resolution providing that one individual shall hold the
29 offices of register of wills, recorder of deeds and clerk of
30 orphans' court, unless an applicable local law states otherwise.

1 (e) Counties of the fifth class.--In counties of the fifth
2 class, one individual shall hold the offices of prothonotary and
3 clerk of courts, one individual shall hold the offices of
4 register of wills and clerk of orphans' court and one individual
5 shall hold the office of recorder of deeds, unless an applicable
6 local law states otherwise.

7 (f) Counties advancing to fifth class.--Notwithstanding
8 subsection (e) or any other provision of law, the county
9 commissioners of a county advancing from the sixth class to
10 fifth class may adopt a resolution providing that one individual
11 shall continue to hold the offices of register of wills,
12 recorder of deeds and clerk of orphans' court, unless an
13 applicable local law states otherwise.

14 (g) Counties of sixth and seventh classes.--In counties of
15 the sixth and seventh classes, one individual shall hold the
16 offices of prothonotary and clerk of courts and one individual
17 shall hold the offices of register of wills, recorder of deeds
18 and clerk of orphans' court, unless an applicable local law
19 states otherwise.

20 (h) Counties of the eighth class.--In counties of the eighth
21 class, one individual shall hold the offices of prothonotary,
22 clerk of courts, clerk of orphans' court, register of wills and
23 recorder of deeds, unless local laws applying to the county
24 shall otherwise provide.

25 (i) Applicability.--Nothing in this section shall be
26 construed to repeal the act of July 2, 1839 (P.L.559, No.193),
27 entitled "An act to provide for the election of Prothonotaries,
28 Clerks, Recorders, and Registers," or the provisions of any
29 other local law.

30 (j) Offices not held.--

1 (1) A county in which the offices under this chapter are
2 not held that seeks to provide for the holding of two or more
3 of the offices by the same individual may, at any time:

4 (i) apply the provisions of this section, in whole
5 or in part; and

6 (ii) provide for the holding of the county offices
7 in the manner specified under this section for the class
8 of counties to which the county belongs.

9 (2) The recombining of the offices under paragraph (1)
10 shall take effect in the year in which the offices are next
11 up for election, at which time offices in the county shall be
12 held in accordance with the provisions of this section
13 authorizing the combining of the offices or any other general
14 law applicable to the holding of offices and to the
15 classification of the county.

16 (k) Proceedings.--The proceedings for a county to accept the
17 provisions of this section regarding the county's offices shall
18 be in accordance with section 14103 (relating to separate
19 judicial districts) as applicable. Upon the expiration of the
20 term of a county officer affected by the proceeding, the
21 following apply:

22 (1) The office of the county officer shall be joined to
23 another county officer whose term still continues, and no
24 successor shall be elected to the office.

25 (2) If the terms of all officers affected expire at the
26 same time, upon expiration the offices shall be joined and
27 occupied by one individual elected at the preceding municipal
28 election.

29 § 14103. Separate judicial districts.

30 (a) Elections.--In each county containing 40,000

inhabitants, which has been created as a separate and independent judicial district as provided by the Constitution of Pennsylvania, upon acceptance of the provisions of this section under subsection (c) and at the expiration of the terms of the offices in that county, there shall be:

(1) one individual elected to fill the office of prothonotary;

(2) one individual elected to fill the office of the clerk of the courts of common pleas;

(3) one individual elected to fill the office of register of wills and clerk of the orphans' court; and

(4) one individual elected to fill the office of recorder of deeds.

(b) Offices held.--In a county in which the offices under this subsection were held on October 10, 1955, the offices shall continue to be held and individuals shall continue to be elected to fill the offices and are not subject to the acceptance of provisions required under subsection (c).

(c) Acceptance.--Upon petition of the county commissioners, the acceptance of the provisions of this section shall be exercised by a decree of the court of common pleas of the county. The petition and decree shall be recorded in the office of the recorder of deeds of the county and in the office of the Secretary of the Commonwealth.

§ 14104. (Reserved).

§ 14105. Appointment of first deputies.

The recorder of deeds shall appoint one first deputy to act for the death or resignation of the first deputy's principal or when the office becomes vacant from other causes. The register of wills shall appoint a deputy or deputies with powers and

duties specified under 20 Pa.C.S. Ch. 9 (relating to register of wills).

§ 14106. (Reserved).

§ 14107. (Reserved).

§ 14107.1. (Reserved).

§ 14108. (Reserved).

§ 14109. (Reserved).

§ 14110. (Reserved).

§ 14111. (Reserved).

§ 14112. Second deputy recorder.

The recorder of deeds may appoint a second deputy recorder of deeds. A second deputy recorder of deeds shall possess and discharge all the rights, powers and duties of the principal deputy recorder of deeds during the principal deputy's necessary or temporary absence.

§ 14113. Clerks of recorder to administer oaths.

The recorder of deeds may appoint one or more clerks employed in the recorder's office to administer oaths and affirmations to all individuals pertaining to the business of the recorder's office. Oaths and affirmations under this section shall have the same force and effect as if administered by the recorder or deputy recorder.

§ 14114. (Reserved).

§ 14115. (Reserved).

§ 14116. (Reserved).

CHAPTER 143

DISTRICT ATTORNEY, ASSISTANTS AND DETECTIVES

Subchapter

A. District Attorney

B. Assistant and Acting District Attorneys, Stenographers

1 and Clerks

2 C. County Detectives

3 SUBCHAPTER A

4 DISTRICT ATTORNEY

5 Sec.

6 14301. District attorney, qualifications, eligibility and
7 compensation.

8 14302. Duties of district attorney and entry of nolle prosequi.

9 14303. Expenses incurred by district attorney.

10 14304. Filling of vacancies.

11 14305. Misconduct of district attorney.

12 14306. District attorney charged with crime.

13 14307. Legal resources for district attorney.

14 14308. Police radio in counties of the third class.

15 14309. Prosecution by private counsel.

16 § 14301. District attorney, qualifications, eligibility and
17 compensation.

18 (a) Qualifications.--The district attorney must meet all of
19 the following qualifications:

20 (1) Be a resident of the county.

21 (2) Be at least 25 years of age.

22 (3) Be a citizen of the United States.

23 (4) Have been admitted to practice as an attorney before
24 the Supreme Court of Pennsylvania for at least one year
25 before taking the oath of office.

26 (5) Have resided in the county for which the district
27 attorney is elected or appointed for one year prior to the
28 election or appointment.

29 (b) Eligibility.--A district attorney may not be eligible
30 for a seat in the General Assembly or to any other office under

1 the laws of this Commonwealth and the Constitution of
2 Pennsylvania, except an office or commission under 51 Pa.C.S.
3 (relating to military affairs) in the militia of the
4 Commonwealth, the Pennsylvania Guard or the Pennsylvania
5 National Guard, during the district attorney's continuance in
6 office.

7 (c) Counties of the eighth class.--In counties of the eighth
8 class, the district attorney shall be a full-time position if
9 any of the following apply:

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

16 (2) The president judge of the county court of common
17 pleas orders that the office of district attorney shall be
18 full time. Upon motion of the district attorney, the
19 president judge shall conduct a hearing and shall issue an
20 order whether the office of district attorney shall be full
21 time within 180 days of the filing of the motion. The order
22 may be appealed by the district attorney or the county
23 commissioners in accordance with the Pennsylvania Rules of
24 Appellate Procedure. An order under this paragraph shall take
25 effect 60 days after issuance. An order under this paragraph
26 directing that the office of district attorney be full time
27 shall be made if the president judge of the county court of
28 common pleas finds that two or more of the following factors
29 are present in the county:

30 (i) The average caseload of felony, misdemeanor and

1 juvenile cases for the past five years exceed 200 per
2 year.

3 (ii) The average caseload for homicide cases for the
4 past five years equal or exceed one per year.

5 (iii) The county has:

6 (A) a State correctional facility, juvenile
7 detention facility, youth development center, youth
8 forestry camp, other licensed residential facility
9 serving children and youth or mental health or
10 intellectual and developmental disability facility or
11 institution with a population exceeding 250
12 individuals; or

13 (B) more than one facility or institution listed
14 under clause (A) which have an aggregate population
15 exceeding 250 individuals.

16 (iv) A major controlled substances transportation
17 route passes through the county.

18 (v) The average number of convictions under 75
19 Pa.C.S. § 3802 (relating to driving under influence of
20 alcohol or controlled substance) subject to the alcoholic
21 ignition interlock statutory provision requirements
22 exceeds 30 per year.

23 (vi) The county constitutes a single and separate
24 judicial district.

25 (d) Change prohibited.--Once the office of district attorney
26 becomes full time, the office may not be changed.

27 (e) Compensation.--A full-time district attorney shall be
28 compensated at \$1,000 lower than the compensation paid to a
29 judge of the court of common pleas in the respective judicial
30 district.

1 (f) Limitations.--

2 (1) In a county in which the office of district attorney
3 is full time, the district attorney shall devote full time to
4 the office.

5 (2) A district attorney may not derive other income as a
6 result of honorariums, profit shares or divisions of income
7 from a firm with which the district attorney was associated
8 prior to election of the district attorney. The limitation
9 under this paragraph may not be construed to preclude payment
10 of fees earned for legal work done prior to, but not
11 concluded until after the district attorney is made
12 full time, or until after being sworn in as a full-time
13 district attorney, whichever is earlier.

14 (3) The district attorney may not engage in private
15 practice and must be completely disassociated with any firm
16 with which the district attorney was affiliated prior to the
17 earlier of being made full time or being sworn in as a full-
18 time district attorney. The district attorney-elect may not
19 accept any civil or criminal cases after being elected to the
20 office.

21 (g) Outside practice.--A part-time district attorney may
22 have an outside practice and shall be compensated at 40% of the
23 annual salary payable to a judge of the court of common pleas of
24 the judicial district of the county.

25 (h) Full time.--Except as provided in subsection (c), an
26 office of district attorney that was part time on January 2,
27 2012, shall become full time as of that date.

28 (i) Professional conduct.--

29 (1) A district attorney shall be subject to the Rules of
30 Professional Conduct and the canons of ethics as applied to

1 judges in the courts of common pleas insofar as the canons
2 apply to salaries, full-time duties and conflicts of
3 interest.

4 (2) A complaint by a resident of a county that a full-
5 time district attorney may be in violation of this section
6 shall be made to the Disciplinary Board of the Supreme Court
7 of Pennsylvania. If any substantive basis is found that a
8 violation has been committed, the Disciplinary Board of the
9 Supreme Court of Pennsylvania shall proceed in the manner
10 prescribed by the rules of the Supreme Court of Pennsylvania
11 and make a recommendation for disciplinary action as the
12 Disciplinary Board of the Supreme Court of Pennsylvania deems
13 advisable. If the Disciplinary Board of the Supreme Court of
14 Pennsylvania deems the violation so grave as to warrant
15 removal from office, the prothonotary of the Supreme Court of
16 Pennsylvania shall transmit its findings to the Speaker of
17 the House of Representatives for the action as the House of
18 Representatives deems appropriate under Article VI of the
19 Constitution of Pennsylvania.

20 (j) Reimbursement.--The Commonwealth shall annually
21 reimburse each county with a full-time district attorney an
22 amount equal to 65% of the district attorney's salary.
23 § 14302. Duties of district attorney and entry of nolle
24 prosequi.

25 The district attorney shall sign each bill of indictment and
26 conduct in court each criminal and other prosecution, in the
27 name of the Commonwealth or, if the Commonwealth is a party,
28 that arises in the county for which the district attorney is
29 elected, and perform all the duties which, prior to May 3, 1850,
30 were performed by deputy attorneys general. The duties conferred

1 shall be in addition to all other duties given to the district
2 attorney by other acts.

3 § 14303. Expenses incurred by district attorney.

4 All necessary expenses incurred by the district attorney or
5 the district attorney's assistants or an officer directed by the
6 district attorney in the investigation of crime and the
7 apprehension and prosecution of persons charged with or
8 suspected of the commission of crime, upon approval by the
9 district attorney and the court, shall be paid by the county
10 from the general funds of the county. If a defendant is
11 convicted and sentenced to pay the costs of prosecution and
12 trial, the expenses of the district attorney in connection with
13 the prosecution shall be considered a part of the costs of the
14 case and shall be paid by the defendant.

15 § 14304. Filling of vacancies.

16 (a) Counties of second class A or third class.--If a vacancy
17 occurs in the office of district attorney in a county of the
18 second class A or third class, either by death, resignation,
19 removal from office or from the county or otherwise, the judges
20 of the court of common pleas shall fill the vacancy by the
21 appointment of a competent individual to fill the office during
22 the balance of the unexpired term.

23 (b) Counties of fourth, fifth, sixth, seventh and eighth
24 class.--If a vacancy occurs in the office of district attorney
25 in a county of the fourth, fifth, sixth, seventh and eighth
26 class, the first assistant district attorney shall become
27 district attorney and discharge the duties of the district
28 attorney until the first Monday in January following the next
29 municipal election occurring not less than 90 days after the
30 occurrence of the vacancy. If the first assistant district

attorney is unwilling or unable to serve, the judges of the
court of common pleas shall fill the vacancy by the appointment
of a competent individual to fill the office until the first
Monday in January following the next municipal election
occurring not less than 90 days after the occurrence of the
vacancy.

§ 14305. Misconduct of district attorney.

(a) Offense defined.--If a district attorney willfully and
corruptly demands, takes or receives a fee or reward other than
as prescribed by law for official duties executed by the
district attorney in a criminal proceeding or if the district
attorney commits willful and gross negligence in the execution
of the duties of the office, the district attorney commits a
misdemeanor in office and, upon conviction, shall be sentenced
to pay a fine not exceeding \$1,000 and to undergo imprisonment
not exceeding one year.

(a.1) Declaration of vacancy.--If a district attorney is
found guilty under subsection (a), the office of the district
attorney shall be declared vacant.

(b) Notice and probable cause.--

(1) Upon complaint in writing charging a district
attorney with willful and gross negligence in the execution
of the duties of the office, the court shall provide notice
of the complaint to the district attorney and of the time
fixed by the court for a hearing.

(2) A complaint under paragraph (1) shall be:

(i) filed in the court of common pleas of the county
in which the district attorney prosecutes the pleas of
the Commonwealth; and

(ii) verified by oath or affirmation of the person

1 in whose name the complaint has been filed.

2 (3) If after the hearing the court finds that there is
3 probable cause for the complaint, the court shall hand over
4 or commit the district attorney to answer the complaint in
5 due course of law. If the court finds that there is no
6 probable cause for the complaint, the court shall dismiss the
7 complaint, with reasonable costs to be assessed by the court.

8 § 14306. District attorney charged with crime.

9 If a district attorney is charged with a crime or
10 misdemeanor, before or bound over or committed by a court to
11 answer for willful and gross negligence in the execution of the
12 duties of the office, the court shall appoint a competent
13 attorney to prepare an indictment against the district attorney
14 and to prosecute the district attorney on behalf of the
15 Commonwealth until final judgment. The attorney shall be paid by
16 the county for services a reasonable compensation to be fixed by
17 the court. If the district attorney is convicted of a crime for
18 which that individual may be sentenced to imprisonment by
19 separate or solitary confinement at labor, the office shall be
20 declared vacant by the court.

21 § 14307. Legal resources for district attorney.

22 The county commissioners may purchase, for the use of the
23 office of the district attorney, out of the funds of the county,
24 law books and other legal research resources as may be selected
25 by the district attorney and, in counties of the third, fourth,
26 fifth, sixth, seventh and eighth classes, as approved by the
27 president judge of the court.

28 § 14308. Police radio in counties of the third class.

29 The district attorney of a county of the third class may,
30 with the consent and approval of the county commissioners and at

1 the expense of the county, purchase and maintain a short wave
2 police radio receiving and transmitting set and the necessary
3 accessory equipment, to be installed and used in the office of
4 the district attorney.

5 § 14309. Prosecution by private counsel.

6 If a district attorney neglects or refuses to prosecute in
7 due form of law a criminal charge regularly returned to the
8 district attorney or to the court or if at any stage of the
9 proceedings the district attorney and the private counsel
10 employed by the prosecutor differ as to the manner of conducting
11 the trial, the prosecutor may present a petition to the court,
12 specifying the character of the complaint, and verify the
13 petition by affidavit. If the court is of the opinion that it is
14 a proper case for a criminal proceeding or prosecution, the
15 court may direct a private counsel employed by the prosecutor to
16 conduct the entire proceeding and, if an indictment is
17 necessary, to verify the indictment by the private counsel's own
18 signature as fully as the indictment could be done by the
19 district attorney.

20 SUBCHAPTER B

21 ASSISTANT AND ACTING DISTRICT ATTORNEYS,

22 STENOGRAPHERS AND CLERKS

23 Sec.

24 14320. Assistant district attorneys.

25 14321. Designation, powers and duties of first assistant.

26 14322. (Reserved).

27 14323. (Reserved).

28 14324. Temporary court appointment in counties of the third,
29 fourth, fifth, sixth, seventh and eighth class.

30 14325. Indictment and cost clerk in counties of the fourth

1 class.

2 14326. Stenographers and clerks.

3 § 14320. Assistant district attorneys.

4 (a) Appointment of assistants.--The district attorney may
5 appoint assistants who are licensed to practice law in this
6 Commonwealth to assist in the discharge of the district
7 attorney's duties. The number of assistants and salary shall be
8 fixed by the county salary board.

9 (b) Appointment of temporary assistants in certain
10 counties.--In counties of the third, fourth, fifth, sixth,
11 seventh and eighth class, the district attorney may appoint
12 temporary assistants who are licensed to practice law in this
13 Commonwealth to assist in the discharge of duties, as provided
14 by contract or other personnel agreement with the county or the
15 district attorney. An attorney at law, including a deputy
16 Attorney General or an attorney employed by the Commonwealth,
17 may be appointed under this subsection.

18 (c) Violation and remedy.--

19 (1) In counties of the third, fourth, fifth, sixth,
20 seventh and eighth class, an allegation of a violation of
21 this section must be timely raised prior to the participation
22 of the prosecutor accused of the violation.

23 (2) The exclusive remedy for a violation of this section
24 shall be removal by quo warranto of the prosecutor from the
25 appointment that is in violation of this section.

26 (d) Applicability.--Subsections (b) and (c) shall apply to
27 all cases pending on June 18, 1998, and each case thereafter,
28 including cases on posttrial or on appeal.

29 § 14321. Designation, powers and duties of first assistant.

30 The following shall apply:

1 (1) If more than one assistant district attorney is
2 appointed, the district attorney shall designate one
3 assistant as the first assistant.

4 (2) The first assistant or the assistant district
5 attorney if only one is appointed shall, in the absence of
6 the district attorney from the jurisdiction or during the
7 district attorney's inability to perform the duties of the
8 office through sickness or other cause, be vested with all
9 the duties, powers and privileges given by law to the
10 district attorney and generally shall be empowered to do and
11 perform all things in connection with the office that the
12 district attorney is authorized to do or perform.

13 (3) In case of an incapacity of the district attorney or
14 the first assistant, or both, a duty, power or privilege may
15 be exercised by other assistant district attorneys, if any,
16 as may be designated by the district attorney.

17 § 14322. (Reserved).

18 § 14323. (Reserved).

19 § 14324. Temporary court appointment in counties of the third,
20 fourth, fifth, sixth, seventh and eighth class.

21 The court of common pleas of a county of the third, fourth,
22 fifth, sixth, seventh or eighth class shall temporarily appoint
23 a district attorney if the district attorney and the assistants
24 are absent from the court. An individual appointed under this
25 section shall perform the duties of the office until the regular
26 district attorney or one of the assistants appears in person to
27 perform the duties and shall be paid by the county as may be
28 fixed by the court.

29 § 14325. Indictment and cost clerk in counties of the fourth
30 class.

1 The district attorney of a county of the fourth class, in
2 addition to other assistants authorized in this subchapter, may
3 appoint an assistant who is licensed to practice law in this
4 Commonwealth as an indictment and cost clerk to assist the
5 district attorney in the discharge of the district attorney's
6 duties.

7 § 14326. Stenographers and clerks.

8 The salary board in a county may provide for the appointment
9 by the district attorney of clerks and stenographers in the
10 district attorney's office as may be deemed necessary for the
11 proper dispatch of business.

12 SUBCHAPTER C

13 COUNTY DETECTIVES

14 Sec.

15 14340. Appointment, duties and compensation of county
16 detectives.

17 14341. Appointment of special detective with approval of court.

18 § 14340. Appointment, duties and compensation of county
19 detectives.

20 (a) Counties of second class A, third and fourth class.--

21 (1) In counties of the second class A, the district
22 attorney may appoint one chief county detective, an assistant
23 chief county detective and as many county detectives,
24 sergeants, special county detectives and junior county
25 detectives as the county salary board shall fix.

26 (2) In counties of the third and fourth classes, the
27 district attorney may appoint one chief county detective, one
28 assistant county detective and other county detectives as the
29 county salary board may authorize.

30 (b) Counties of fifth, sixth, seventh and eighth class.--In

counties of the fifth, sixth, seventh and eighth class, the district attorney may appoint one chief county detective and other county detectives as the county salary board may authorize.

(c) Duties.--County detectives are subject to the orders of the district attorney and shall:

(1) Investigate and make reports to the district attorney as to the conduct in office of magistrates, constables, deputy constables and other officers connected with the administration of criminal law.

(2) Make investigations and endeavor to obtain evidence required by the district attorney in criminal cases.

(3) Perform other duties as the district attorney may direct.

(d) Powers.--

(1) County detectives shall be general police officers and shall have the powers conferred on constables by the laws of this Commonwealth relating to criminal law and procedures.

(2) In counties of the second class A, county detectives shall serve subpoenas in cases in which the Commonwealth is a party in a court of record.

(e) Fees and compensation.--

(1) In counties of the second class A, county detectives of every grade and rank may not be entitled to receive fees but shall receive a salary as fixed by the county salary board and necessary traveling expenses. Upon verification by affidavit of a detective and approval by the district attorney, the salary and expenses of the detective shall be paid out of the treasury of the county on a certificate issued by the district attorney directed to the controller of

1 the county, who shall order warrants for the amounts
2 according to law.

3 (2) In counties of the third, fourth, fifth, sixth,
4 seventh and eighth class, county detectives of every grade
5 and rank, in addition to an annual salary, shall be allowed
6 all expenses actually and necessarily incurred in the
7 performance of the duties. The salaries and expenses shall be
8 paid by the county as provided by law. County detectives
9 shall not be entitled to fees.

10 § 14341. Appointment of special detective with approval of
11 court.

12 If the court of common pleas and district attorney deem it
13 necessary for a particular and temporary assignment, the
14 district attorney of a county, with the approval of the county
15 salary board, may appoint a special detective, whose duty it
16 shall be to assist in obtaining evidence as directed by the
17 district attorney for the Commonwealth and to perform other
18 duties as the court may direct. The special detective shall be:

19 (1) Allowed expenses necessarily and actually incurred
20 in the performance of duties.

21 (2) A general police officer and have all the powers
22 that are conferred on constables under the existing laws of
23 this Commonwealth relating to crimes or criminal procedure.

24 CHAPTER 145

25 SALARIES OF COUNTY OFFICERS

26 Sec.

27 14501. Salaries of county officers.

28 14502. Insurance and other employee benefits.

29 § 14501. Salaries of county officers.

30 (a) Amount.--Except as otherwise provided under this part or

other applicable law, salary and changes in salary of county officers shall be set in accordance with the act of November 1, 1971 (P.L.495, No.113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for compensation of district attorneys in cities and counties of the first class, for compensation of district election officers in all counties, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers."

(b) Construction.--Nothing in this part shall be construed as affecting the salaries of county officers existing as of the effective date of this section.

§ 14502. Insurance and other employee benefits.

In addition to other authorized compensation, county commissioners and other county officers and their dependents shall be eligible for inclusion in group life, health, hospitalization, medical service and accident insurance plans or other employee benefits, or payments made in lieu of the benefits, paid in whole or in part by the county, if the plans, benefits or payments are offered generally to employees of the county.

CHAPTER 147

FEES OF SALARIED COUNTY OFFICERS AND SALARY BOARDS

Subchapter

A. Fees of Salaried County Officers

B. Salary Boards

C. (Reserved)

SUBCHAPTER A

FEES OF SALARIED COUNTY OFFICERS

Sec.

1 14701. Fees belonging to county.
2 14702. System of accounts and fees paid to county treasurer.
3 14703. Penalty for receiving gratuities or percentages.
4 14704. False swearing to county accounts, bills or transcripts.
5 14705. Officers to be paid salaries.
6 14706. (Reserved).
7 14707. Monthly returns.
8 14708. Payment of certain officers.
9 14709. Salaries in lieu of fees.
10 14710. Rights of action and remedies for collection of fees.
11 § 14701. Fees belonging to county.

12 (a) General rule.--Except as provided under law, fees that
13 an elected or appointed county officer is legally authorized,
14 required or entitled to charge or receive belong to the county.

15 (b) Collection and receipt.--Each county officer shall
16 exact, collect and receive all fees to and for the use of the
17 county, except taxes and fees as are levied by the Commonwealth,
18 which shall be to and for the use of the Commonwealth.

19 (c) Use.--No county officer shall use fees received for
20 official services for any purpose except for the use of the
21 county or the Commonwealth.

22 § 14702. System of accounts and fees paid to county treasurer.

23 (a) System of accounts.--Each county officer receiving fees
24 shall keep a system of accounts, the form of which shall be
25 prescribed by the controller, or, if that office does not exist,
26 by the county auditors, on which entry shall be made of all the
27 money received for fees and of all money earned and chargeable
28 upon the county, specifying the day and date, the title of the
29 case, if applicable, for what service and from whom received.

30 (b) Duties of officer.--At the times designated by

resolution of the county commissioners but not later than the
10th day of each month, each officer shall:

(1) Pay to the county treasurer all fees received for
each designated period. Duplicate receipts shall be taken,
one of which the treasurer shall deposit with the county
controller or the chief clerk if the office of controller
does not exist.

(2) Deposit with the county controller, or in counties
without a controller, with the county auditors a transcript,
in detail, of the officer's system of accounts for the
preceding month. The officer shall make oath or affirmation
before the county controller or the county auditors if the
office of controller does not exist that the transcript
contains a true and correct list of all the fees received,
earned or chargeable upon the county for services rendered in
the office, either by the officer, deputies or clerks, during
the preceding month that the fees were severally charged and
collected at regular rates and that the officer has not
received and is not to receive, for any official services or
duty, any other fees than those entered on the transcript.

(c) Duties of county controller or county auditor.--The
county controller, or the county auditors in counties without a
controller, shall receive, audit and verify the returns for the
preceding month and charge the county treasurer with the money
for fees paid in.

(d) Fees for another office.--If fees are paid to an office
for services rendered or to be rendered by another office, the
officer receiving the fees shall specify the fees on the account
book and on the transcript reflecting the office to which the
fees are due.

1 § 14703. Penalty for receiving gratuities or percentages.

2 (a) Prohibited conduct.--An officer under this subchapter
3 may not:

4 (1) Receive or stipulate to receive, from a deputy,
5 clerk or any person awarded a contract, money as percentage
6 on the salaries of the deputy or clerk or on the amounts or
7 profits of the contract or money as compensation for making
8 the appointment or contract.

9 (2) Neglect to render the accounts or to pay over the
10 money received for fees as required by this subchapter.

11 (3) Willfully neglect to make proper entry in the book
12 required to be kept.

13 (4) Willfully neglect to charge the fees allowed by law
14 for any official services.

15 (5) Take any fees for the officer's own use.

16 (6) Fail to comply with any of the provisions of this
17 subchapter.

18 (7) Neglect to discharge any of the duties imposed on
19 the office.

20 (b) Penalty.--A violation of subsection (a) shall be deemed
21 a misdemeanor in office, and, in addition to other applicable
22 penalties, the officer shall, upon conviction, refund the money
23 unlawfully received and shall be deemed incapable of holding the
24 office.

25 § 14704. False swearing to county accounts, bills or
26 transcripts.

27 (a) Perjury.--A county officer under this subchapter or
28 another individual who willfully swears or affirms falsely as to
29 the accuracy of an account, transcript or bill required in this
30 subchapter or in making an affidavit in reference to the

1 account, transcript or bill, commits perjury and, upon
2 conviction, shall be liable to the punishment prescribed by law
3 for perjury.

4 (b) Subornation of perjury.--An individual who procures
5 another individual to swear or affirm falsely in verifying any
6 account, transcript or bill, or in making an affidavit in
7 reference to the account, transcript or bill, commits
8 subornation of perjury and, upon conviction, shall be liable to
9 the punishment prescribed by law for that offense.

10 § 14705. Officers to be paid salaries.

11 Each county officer and their deputies and clerks shall be
12 paid for services rendered by fixed and specific salaries as
13 follows:

14 (1) The salaries of each officer, deputy and clerk shall
15 be paid out of the treasury of the county which the officer,
16 deputy or clerk serve to the extent that the fees collected
17 and paid in by each officer respectively or earned if fees
18 are chargeable upon the county treasury, except as provided
19 in section 14708 (relating to payment of certain officers).

20 (2) The salaries shall be paid weekly, biweekly,
21 semimonthly or monthly during the month in which the services
22 were rendered, at the discretion of the county commissioners.

23 (3) A voucher check or warrant may not be drawn for the
24 payment of an officer, deputy or clerk who has not filed the
25 receipt and transcript for the month as provided under this
26 subchapter.

27 § 14706. (Reserved).

28 § 14707. Monthly returns.

29 (a) Separate returns and payment.--Each county officer shall
30 make a separate return to the Department of Revenue of all taxes

or fees collected or earned for the Commonwealth by the officer,
if any, at the same time that monthly returns are made under
section 14702 (relating to system of accounts and fees paid to
county treasurer). The taxes, fees and other amounts due to the
Commonwealth shall be paid over as required, but not more often
than monthly, unless specifically provided by law or regulation.

(b) Commissions.--All commissions on the collection of taxes
and fees for the Commonwealth shall be deemed and taken as part
of the regular fees of the county officer collecting and shall
be accounted for accordingly.

(c) Applicability of section.--This section applies only to
the reporting and payment of any taxes or fees and to the
treatment of commissions as are not otherwise provided for by
law.

§ 14708. Payment of certain officers.

The following shall apply:

(1) The following individuals shall be paid weekly,
biweekly, semimonthly or monthly, at the discretion of the
county commissioners:

(i) The county solicitor.

(ii) County prison warden.

(iii) County commissioners.

(iv) County controller.

(v) County surveyor or engineer.

(vi) County detectives.

(vii) County treasurer.

(viii) Interpreter of courts.

(ix) District attorney and assistants of the
district attorney.

(x) In counties of the sixth, seventh and eighth

class, all county officers for whom a salary is fixed by law and the deputies, clerks and employees of their respective offices.

(2) The county officers listed under paragraph (1) shall be paid the full amount allowed under law, but all fees and emoluments that may accrue by virtue of an office shall be paid by the officer or employee to the county treasurer as directed by law, and all other officers shall be paid the amounts assigned in accordance with this subchapter.

§ 14709. Salaries in lieu of fees.

Except to the extent this section may be inconsistent with any other express provision of this part, the salaries fixed and provided by law for county officers shall be in lieu of money, fees, perquisites or mileage expenses and other allowances received or allowed to any officer. All money, fees, perquisites or mileage expenses and other allowances, not governed by the exceptions, shall belong to the county and shall be paid into the county treasury, except if required to be paid to the Commonwealth in the manner provided by this subchapter for fees.

§ 14710. Rights of action and remedies for collection of fees.

All rights of action and all other remedies granted or extended to a salaried county officer under this subchapter for the collection of the officer's respective fees are extended and shall inure to the benefit of counties for the collection of all fees and costs that may accrue to counties under the provisions of this subchapter.

SUBCHAPTER B

SALARY BOARDS

Sec.

14720. Salaries and compensation.

1 14721. Fees.

2 14722. Salary boards.

3 14723. Number and compensation of officers, deputies,
4 assistants, clerks and employees and revisions of
5 salary schedules.

6 14724. (Reserved).

7 14725. Procedure and action of salary board.

8 § 14720. Salaries and compensation.

9 The salaries and compensation of county officers shall be as
10 provided under law. The salaries and compensation of all
11 appointed officers and employees who are paid from the county
12 treasury shall be fixed by the salary board established under
13 section 14722 (relating to salary boards). The board of county
14 commissioners shall have the sole power and responsibility to
15 represent judges of the court of common pleas in proceedings
16 before the Pennsylvania Labor Relations Board or collective
17 bargaining negotiations involving employees paid from the county
18 treasury, the county and all elected or appointed county
19 officers having employment powers over the affected employees.
20 The powers authorized by the county commissioners under this
21 section shall not affect the hiring, discharging and supervising
22 rights and obligations with respect to employees as may be
23 vested in the judges or other county officers.

24 § 14721. Fees.

25 (a) General rule.--A county officer shall charge and collect
26 the fees, mileage and emoluments of the office for the officer's
27 own use or for the use of the county, as provided by law.

28 (b) Payment of fees.--Fees, mileage and emoluments shall be
29 paid to the county treasurer.

30 (c) Timing of payment.--Fees, mileage and emoluments shall

be paid on or before the 10th day of each month unless otherwise required.

§ 14722. Salary boards.

A salary board is created in each county. The following apply:

(1) The salary board shall consist of the three individual members of the county commissioners and:

(i) the county controller; or

(ii) for counties without a controller, the county treasurer.

(2) The chairperson of the county commissioners shall be chairperson of the salary board.

(3) The county controller or county treasurer, as the case may be, shall be secretary of the board.

(4) The salary board shall meet and organize on the first Monday of January of each year.

§ 14723. Number and compensation of officers, deputies,

assistants, clerks and employees and revisions of salary schedules.

(a) Setting numbers and compensation.--The following apply:

(1) At each annual meeting, the salary board, subject to limitations imposed by law, shall fix the compensation of each appointed county officer and the number and compensation of the following who are paid from the county treasury:

(i) all deputies, assistants, clerks and other individuals whose compensation is paid out of the county treasury, except employees of county officers who are paid by fees and not by salary;

(ii) all court criers, tipstaves and other court employees; and

1 (iii) all officers, clerks, stenographers and
2 employees appointed by the judges of a court.

3 (2) Between annual salary board meetings as required by
4 a judge, county officer or executive head of a separate
5 board, commission or division whose deputies', assistants',
6 clerks' and employees' numbers or compensation is sought to
7 be fixed, the board shall meet and consider and shall fix and
8 determine the numbers and compensation.

9 (3) All salaries fixed under this part shall be paid out
10 of the county treasury in the manner provided by law.

11 (b) Effect of section.--

12 (1) Upon action by the salary board under subsection
13 (a), the number and compensation of all the officers,
14 deputies, assistants, clerks and individuals are repealed.

15 (2) If a salary board fails to fix the number or
16 compensation of an officer, deputy, assistant, clerk or other
17 employee as required under this section, the number and
18 compensation shall continue, as fixed by or in accordance
19 with law with the same effect as though the number and
20 compensation had been fixed by the salary board, but the
21 salary board may fix any number or compensation at a later
22 time and with similar effect.

23 § 14724. (Reserved).

24 § 14725. Procedure and action of salary board.

25 (a) Attendance by officer or executive head.--Except as
26 otherwise provided in this part, when the salary board considers
27 the number or salaries of the deputies or other employees of a
28 county office or agency, the officer or the executive head of
29 the agency shall sit as a member of the board until the matter
30 affecting the office or agency is resolved.

1 (b) Attendance by president judge.--When the board considers
2 the number or salaries of court employees, the president judge
3 of the court shall sit as a member of the board until the matter
4 affecting the court criers, tipstaves or employees of the court
5 is resolved.

6 (c) Attendance by certain judges.--

7 (1) When the board considers the number or salaries of
8 the officers or employees appointed by a judge of a court,
9 the judge shall sit as a member of the board until the matter
10 affecting the judge's appointees is resolved.

11 (2) Notwithstanding any law to the contrary, in counties
12 of the second class A, when the board considers the number or
13 salaries of the employees of the prison board, the president
14 judge of the court of common pleas shall sit as a member of
15 the board, and the board shall fix the number and salaries of
16 the employees.

17 (d) Majority decision and minute book.--The following apply:

18 (1) The decision of a majority of members of the salary
19 board shall govern.

20 (2) Each salary board shall keep a correct minute book
21 of the board's proceedings in all cases heard and determined.
22 The minute book shall be a public record.

23 SUBCHAPTER C

24 (Reserved)

25 CHAPTER 149

26 FISCAL AFFAIRS

27 Subchapter

28 A. Fiscal Policy and Systems

29 B. Accounts, Audits and Reports by Controller or Auditors

30 C. Disbursals of County Money

1 D. County Treasury and County Depositories

2 E. (Reserved)

3 F. Budgets

4 G. Sinking Fund Commission

5 SUBCHAPTER A

6 FISCAL POLICY AND SYSTEMS

7 Sec.

8 14901. Functions of county commissioners.

9 14901.1. Billing and collection of third, fourth, fifth, sixth,
10 seventh and eighth class county taxes.

11 14901.2. Collection of tax on real property from rent paid to
12 owner in county of the second class A.

13 14902. Functions of controller.

14 14903. Accounts of officers.

15 14904. Custody of documents.

16 14905. Financial records.

17 14906. Investment of money.

18 § 14901. Functions of county commissioners.

19 The county commissioners shall be the responsible managers
20 and administrators of the fiscal affairs of their respective
21 county in accordance with this part and other applicable law.

22 § 14901.1. Billing and collection of third, fourth, fifth,
23 sixth, seventh and eighth class county taxes.

24 (a) County institution district taxes.--The county
25 commissioners of each county of the third, fourth, fifth, sixth,
26 seventh and eighth class may, by resolution, provide for the
27 billing and collecting of all county and county institution
28 district taxes levied within a third class city and may, in the
29 resolution, vest the county treasurer with the duties and
30 responsibilities of billing and collecting all the taxes. The

resolution shall be adopted by the county, and the city
treasurer shall be notified of adoption of the resolution no
later than the first day for the circulation of nomination
petitions for the office of tax collector within the county and
shall take effect upon the first day of the next succeeding term
of office of tax collector following adoption of the resolution.

(b) County taxes.--The county commissioners of each county
of the third, fourth, fifth, sixth, seventh and eighth class
may, by resolution, provide for the billing and collection of
all county taxes in municipalities existing or organized under
53 Pa.C.S. Pt. III Subpt. E (relating to home rule and optional
plan government) or under the former act of April 13, 1972
(P.L.184, No.62), known as the Home Rule Charter and Optional
Plans Law, that have eliminated the elective office of tax
collector, by the authorities empowered to levy those taxes, and
by resolution, vest in the county treasurer the duties and
responsibilities of billing and collecting county taxes in those
municipalities.

(c) Vacancy in office.--Notwithstanding any law to the
contrary, if, as a result of a vacancy in the office of elected
tax collector in a municipality within a county of the third,
fourth, fifth, sixth, seventh or eighth class, an employee or
paid official of the municipality is appointed or directed by
the governing body of the municipality to assume the duties of
tax collector, the county commissioners may, by resolution,
provide, until a successor tax collector is elected in
accordance with law, for the following:

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

1 municipality;

2 (2) payment to the municipality, rather than the
3 employee or paid official appointed or directed by the
4 governing body of the municipality to assume the duties of
5 tax collector, the compensation that otherwise would be
6 attributable to the billing and collecting of county and
7 county institution district taxes levied within the
8 municipality; or

9 (3) an agreement with the tax collector in an adjoining
10 or conveniently located municipality to assume the duties of
11 the tax collector and receive the compensation that otherwise
12 would be attributable to the billing and collecting of county
13 and county institution district taxes levied within the
14 municipality.

15 (d) Duties passing to county treasurer.--Notwithstanding any
16 law to the contrary, if, as a result of a vacancy in the office
17 of elected tax collector in a municipality, the county treasurer
18 is appointed or directed by the county commissioners to bill and
19 collect all county and county institution district taxes within
20 the municipality, the governing body of the municipality and the
21 county commissioners may, by agreement, provide that the county
22 treasurer shall have the duties and responsibilities of billing
23 and collecting all taxes levied by the municipality in
24 accordance with section 4.4 of the act of May 25, 1945
25 (P.L.1050, No.394), known as the Local Tax Collection Law.

26 (e) Appointment of other employees.--The county
27 commissioners may appoint other employees as may be necessary to
28 carry out the provisions of this section.

29 (f) Compensation.--

30 (1) Except as otherwise provided in the Local Tax

1 Collection Law, the compensation of personnel and other
2 expenses of billing and collecting county and county
3 institution district taxes under this section shall be paid
4 out of the general fund in the county treasury.

5 (2) Except for the county treasurer, the compensation
6 and number of employees shall be governed by Chapter 147
7 (relating to fees of salaried county officers and salary
8 boards).

9 (3) If the county treasurer is designated as the
10 collector of the county and county institution district
11 taxes, the county treasurer may not receive added
12 compensation for performing these functions.

13 (g) Treasurer.--The county treasurer shall be governed by
14 the Local Tax Collection Law.

15 § 14901.2. Collection of tax on real property from rent paid to
16 owner in county of the second class A.

17 (a) Rental income.--If the owner of residential or
18 commercial real property that is located in a county of the
19 second class A and subject to a claim owed to the county under
20 the act of May 16, 1923 (P.L.207, No.153), referred to as the
21 Municipal Claim and Tax Lien Law, derives any rental income from
22 the property, the county treasurer shall notify the property
23 owner in writing of the property owner's duty to remit the
24 rental income to the office of the county treasurer. The rent
25 remitted shall be applied to the amount of tax owed to the
26 county, with any interest or penalties due, until the claim is
27 paid in full.

28 (b) Notice.--The notice under subsection (a) shall include
29 the amount of the claim on the property, including interest and
30 penalties, and each date the rental income is to be remitted.

1 If, after 15 days of the date or dates specified in the notice,
2 the property owner fails to remit the rental income, the county
3 may immediately begin the judicial sale process under the
4 Municipal Claim and Tax Lien Law.

5 § 14902. Functions of controller.

6 (a) Duties.--

7 (1) Subject to the power and duty of the county
8 commissioners to manage and administer the fiscal affairs of
9 the county, the controller shall supervise the fiscal affairs
10 of the county, including the related accounts and official
11 acts of all officers or other individuals who shall collect,
12 receive, hold or disburse or be charged with the management
13 or custody of the public assets of the county. The
14 discretionary powers of the controller shall be applicable to
15 matters or official acts involving the accounts and
16 transactions of officers or other persons of the county,
17 including those indicated in section 14905 (relating to
18 financial records). The discretionary policies of the
19 controller may not be applicable to the establishment and
20 adoption of the fiscal policies of the county commissioners.

21 (2) The following shall apply:

22 (i) The controller may only refuse to authorize a
23 fiscal transaction which:

24 (A) Is, by law, subject to the controller's
25 supervision or control and it appears that a
26 transaction:

27 (I) Is not authorized by law.

28 (II) Has not been undertaken according to
29 law.

30 (III) Has not received approval according to

1 law.

2 (B) The controller desires upon reasonable
3 grounds to investigate for or has already discovered
4 fraud, flagrant abuse of public office or a criminal
5 act or neglect of an officer or other person of the
6 county relating to their public accounts and
7 transactions.

8 (ii) The controller may require from the officer or
9 other person, in writing, an account of each asset which
10 may have come into the officer's or person's control.

11 (iii) Immediately on the discovery of a default or
12 delinquency, the controller shall report the discovery to
13 the county commissioners and the district attorney of the
14 county for prosecution as may be warranted and shall take
15 immediate measures to secure the public assets.

16 (b) Report of audit.--Under subsection (a), the county
17 commissioners, for the purpose of meeting Federal or State
18 requirements, may issue a request for proposals for and contract
19 with an independent certified public accountant or employ a
20 public accountant for the purpose of preparing or conducting a
21 report or audit of the fiscal affairs of the county, independent
22 of or in addition to, the audit conducted by the county
23 controller or auditors. The controller shall be afforded an
24 opportunity to comment on the request for proposals prior to
25 issuance and the contract prior to execution. The contracts
26 shall supplement, but not replace, the official acts and audits
27 of the controller.

28 § 14903. Accounts of officers.

29 (a) Furnishing information.--If requested by the county
30 commissioners, the controller shall furnish a detailed account

1 of an officer or other individual having in that individual's
2 possession or under that individual's control money belonging to
3 the county, and shall, during regular office hours, give
4 information regarding the accounts to a taxpayer of the county
5 demanding the account.

6 (b) Information regarding financial institutions.--

7 (1) The controller shall have the power and authority to
8 require each county officer to make a quarterly statement
9 with respect to money in the officer's possession or control
10 as a county officer, showing the amount of cash on hand and
11 the amount deposited in banks, banking institutions and trust
12 companies, together with the names of the institutions.

13 (2) The controller shall have power to examine each
14 account of a county officer in a bank, banking institution or
15 trust company to verify the accuracy of the statement of the
16 county officer.

17 (3) Each bank, banking institution or trust company, its
18 officers and agents shall furnish full information to the
19 controller in relation to the account of the county officer.

20 (4) No bank, banking institution or trust company, its
21 officers or agents shall be subject to prosecution under
22 other laws of this Commonwealth for disclosing information
23 with respect to an account of a county officer.

24 § 14904. Custody of documents.

25 The controller shall have custody of and retain in original
26 or other acceptable form, as provided in the most recent edition
27 of the County Records Manual issued for the County Records
28 Committee by the Pennsylvania Historical and Museum Commission,
29 all title deeds to real estate owned by the county, all executed
30 contracts entered into by or on behalf of the county, all

records relating to the county's financial affairs and all bonds and other obligations issued by the county, when paid. The bonds and other obligations shall be monitored by the controller, a ledger of which shall be maintained by the controller in a book or an electronic file dedicated for that purpose and retained according to the most recent edition of the County Records Manual.

§ 14905. Financial records.

The following shall apply:

(1) The controller shall maintain a full and regular set of financial records, including the general ledger, in electronic form or otherwise, which support financial statements in accordance with generally accepted accounting principles of all the fiscal operations of the county, embracing as many accounts, under appropriate titles, to:

(i) meet Federal and State reporting requirements;

and

(ii) show distinctly and separately the following records classified by reference to the subject matter:

(A) property of the county;

(B) the county's revenue and expenditures;

(C) all debts and accounts due by the county officers or others;

(D) the amount raised from each source of revenue; and

(E) expenditures in detail.

(2) The controller shall select and administer the form and manner of maintaining the records required under paragraph (1).

(3) If the controller prescribes a change in the form

1 and manner of maintaining the records required under
2 paragraph (1), any costs necessary for implementation shall
3 be subject to the approval of the county commissioners.

4 (4) In counties without a controller, the requirements
5 of this section shall be fulfilled by the office of the
6 county commissioners.

7 § 14906. Investment of money.

8 (a) Investment standards.--

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

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

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

10 (b) Investment board and investment program.--

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

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

1 (c) Authorized investments or financial products.--
2 Authorized types of investments or financial products for money,
3 in addition to those authorized under the act of July 25, 1973
4 (P.L.217, No.53), entitled "An act authorizing cities of the
5 first class and second class to invest all funds received and
6 deposited with the city treasurer in certain commercial paper
7 under certain terms and conditions; and providing for investment
8 of public corporation or municipal authority funds," shall be:

9 (1) Obligations of:

10 (i) the United States or any of its agencies or
11 instrumentalities backed by the full faith and credit of
12 the United States, including United States Treasury
13 bills;

14 (ii) the Commonwealth or any of its agencies or
15 instrumentalities backed by the full faith and credit of
16 the Commonwealth; or

17 (iii) a political subdivision of the Commonwealth or
18 any of its agencies or instrumentalities backed by the
19 full faith and credit of the political subdivision.

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

30 (3) Shares of an investment company registered under the

1 Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. §
2 80a-1 et seq.), whose shares are registered under the
3 Securities Act of 1933 (48 Stat. 74, 15 U.S.C. § 77a et
4 seq.), if the only investments of the company are in the
5 authorized investments for county money in paragraphs (1) and
6 (2) and:

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

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

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

19 (i) Certificates of deposit purchased from
20 commercial banks shall be limited to an amount equal to
21 20% of a bank's total capital and surplus.

22 (ii) Certificates of deposit purchased from savings
23 and loan associations or savings banks shall be limited
24 to an amount equal to 20% of an institution's assets
25 minus liabilities.

26 (5) An investment authorized under 20 Pa.C.S. Ch. 73
27 (relating to municipalities investments), which shall be an
28 authorized investment for a pension or retirement fund.

29 (d) Limitation on certain officials.--Officials, as
30 authorized in subsection (a) (1) or (2), may not have invested in

negotiable certificates of deposit, bankers' acceptances or commercial paper, respectively, as authorized by the act of July 25, 1973 (P.L.217, No.53), more than an aggregate of the total sum as the investment policy of the board of investment or the county commissioners has prescribed.

(e) Authority of officials making investments of county money.--Officials making investments of county money, as authorized in subsection (a) (1) or (2), may:

(1) Permit assets pledged as collateral under subsection (c) (2) to be pooled in accordance with the act of August 6, 1971 (P.L.281, No.72), entitled "An act standardizing the procedures for pledges of assets to secure deposits of public funds with banking institutions pursuant to other laws; establishing a standard rule for the types, amounts and valuations of assets eligible to be used as collateral for deposits of public funds; permitting assets to be pledged against deposits on a pooled basis; and authorizing the appointment of custodians to act as pledgees of assets," relating to pledges of assets to secure deposits of public money.

(2) Combine money from more than one fund under county control for the purchase of a single investment, if each of the funds combined are accounted for separately in all respects and that the earnings from the investment are separately and individually computed and recorded and credited to the accounts from which the investment was purchased.

(3) Join with one or more other political subdivisions and municipal authorities in accordance with 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation) in

1 the purchase of a single investment, if the requirements of
2 paragraph (2) on separate accounting of individual funds and
3 separate computation, recording and crediting of the earnings
4 from the funds are adhered to.

5 (4) Join with the Commonwealth, political subdivision or
6 redevelopment authority in the purchase of real estate for
7 the purposes of community and economic development.

8 (5) Grant money to the Commonwealth, political
9 subdivision or redevelopment authority for the purposes of
10 supporting community and economic development projects.

11 (f) Income earned.--All income earned on an investment shall
12 inure to the benefit of the county and shall be placed in the
13 county general fund except as otherwise directed by the county
14 commissioners or restricted by law.

15 SUBCHAPTER B

16 ACCOUNTS, AUDITS AND REPORTS

17 BY CONTROLLER OR AUDITORS

18 Sec.

19 14920. Settlement of accounts, report to common pleas,
20 publications and financial report.

21 14920.1. Audit of additional accounts.

22 14921. (Reserved).

23 14922. (Reserved).

24 14922.1. (Reserved).

25 14923. (Reserved).

26 14924. (Reserved).

27 14924.1. Audit of insurance and escrow accounts.

28 14925. Power of subpoena and attachment.

29 14926. Power to administer oaths.

30 14927. Refusal to obey subpoena or submit to examination.

1 14928. Witness fees.
2 14929. Settlement of accounts on extraneous proof.
3 14930. Filing reports.
4 14931. Appeals from reports.
5 14932. Form of issue on appeals.
6 14933. Allowance of attorney fees.
7 14934. (Reserved).
8 14935. (Reserved).
9 14936. (Reserved).
10 14937. (Reserved).
11 14938. (Reserved).
12 14939. (Reserved).
13 § 14920. Settlement of accounts, report to common pleas,
14 publications and financial report.
15 (a) Reports and audit, settlement and adjustment of
16 accounts.--
17 (1) At the end of each fiscal year, the controller or
18 auditors, as the case may be, shall complete the audit,
19 settlement and adjustment of the accounts of all county
20 officers.
21 (2) The controller or auditors shall make a report,
22 verified by oath or affirmation, to the county court of
23 common pleas annually before July 1, except if the court
24 grants an extension of time upon due cause shown, of all
25 receipts and expenditures of the county for the preceding
26 year, in detail and classified by reference to the object
27 thereof, together with a full statement of the financial
28 conditions of the county.
29 (b) Notice, public inspection and costs.--
30 (1) Within 10 days after making a report to the court of

1 common pleas, notice that the report is available for public
2 inspection shall be published one time in at least one
3 newspaper of general circulation in the county as the
4 controller or auditors may direct and shall be posted on the
5 official publicly accessible Internet website of the county,
6 but the aggregate cost of newspaper publication may not
7 exceed \$1,500 in any one year in a county, to be paid for out
8 of the county treasury.

9 (2) The entire report, which shall include a concise
10 summary, shall be available for public inspection in the
11 office of the controller or auditors during regular business
12 hours and on the official publicly accessible Internet
13 website of the county.

14 (3) The report may also be published in printed
15 pamphlets at the cost of the county. The number and cost of
16 the pamphlets shall be determined by the controller or
17 auditors and the county commissioners with consideration of
18 current budget allocations.

19 (c) Report to Department of Community and Economic
20 Development.--The county controller shall, on or before the date
21 required by section 123 of the act of July 10, 1987 (P.L.246,
22 No.47), known as the Municipalities Financial Recovery Act, or
23 July 1, whichever occurs first, make an annual report to the
24 Department of Community and Economic Development of the
25 financial condition of the county, on forms furnished by the
26 Secretary of Community and Economic Development.

27 (d) Penalty.--A controller or auditor refusing or neglecting
28 to file a report with the Department of Community and Economic
29 Development as required by this section commits a summary
30 offense and, upon conviction in a proceeding brought at the

1 instance of the department, shall be sentenced to pay a fine of
2 \$5 for each day's delay beyond July 1 and costs. All fines
3 recovered shall be for the use of the Commonwealth.

4 § 14920.1. Audit of additional accounts.

5 (a) Specific accounts.--The county controller or county
6 auditors shall audit, settle and adjust the accounts of:

7 (1) Each parole and probation officer appointed by a
8 court under law who receives money paid under an order,
9 sentence or judgment of a court and report the results of the
10 audits to the court which appointed the officer.

11 (2) Money appropriated by the county to units of the
12 Pennsylvania National Guard.

13 (3) Each magistrate or district justice within the
14 county and report the results of the audits to the county
15 commissioners, the Auditor General and the governing body of
16 each political subdivision that is entitled or has a right to
17 receive money collected by the magistrate or district
18 justice.

19 (4) The treasurer of the county, along with each officer
20 of the county receiving money for the use of the
21 Commonwealth, as may be referred to them by the Auditor
22 General or the Department of Revenue, with the State Treasury
23 and make a separate report to the court of common pleas,
24 together with a statement of the balances due from or to the
25 treasurer or other officer. A certified copy of the report
26 shall be transmitted to the Auditor General or the Department
27 of Revenue, as the case may be, within 10 days after the
28 report is prepared.

29 (5) Other county funds as may be prescribed by law for
30 the controller or county auditors to audit, settle and

1 adjust.

2 (b) Taxes, penalties, fines and costs.--All taxes,
3 penalties, fines and costs collected by the county treasurer and
4 belonging to a taxing district shall be entered and carried in
5 the records of the county in the same manner as county money and
6 shall be audited in a similar manner. When the taxes, penalties,
7 fines or costs are paid to the taxing district entitled to them,
8 as provided by law, payments shall be made on voucher checks in
9 the same manner as payments are made of county money.

10 § 14921. (Reserved).

11 § 14922. (Reserved).

12 § 14922.1. (Reserved).

13 § 14923. (Reserved).

14 § 14924. (Reserved).

15 § 14924.1. Audit of insurance and escrow accounts.

16 For the purposes of this part relating to the auditing of
17 accounts and the purchasing of insurance, money held by a county
18 official in escrow shall be deemed the same as county money or
19 public money.

20 § 14925. Power of subpoena and attachment.

21 (a) Subpoena and power to compel.--The controller or
22 auditors may issue a subpoena to obtain the attendance of an
23 officer whose accounts the controller or auditors are required
24 to adjust, including an executor or administrator of the
25 officer, and of an individual whom it may be necessary to
26 examine as a witness and to compel:

27 (1) attendance by attachment, in accordance with the
28 Pennsylvania Rules of Civil Procedure, in a similar manner
29 and to the same extent as a court of common pleas may or can
30 do in cases pending before the court; and

1 (2) in a similar manner the production of all books,
2 vouchers and papers relative to the accounts.

3 (b) Service and execution.--The subpoena under subsection
4 (a) shall be served and executed by the sheriff or a constable
5 of the county.

6 § 14926. Power to administer oaths.

7 (a) Power.--The controller or auditors may administer oaths
8 and affirmations to each individual brought or appearing before
9 the controller or auditors.

10 (b) Penalty.--An individual swearing or affirming falsely on
11 examination commits perjury.

12 § 14927. Refusal to obey subpoena or submit to examination.

13 An individual commits a misdemeanor for any of the following:

14 (1) Refusing to appear or produce documents after being
15 served a subpoena in accordance with this chapter.

16 (2) After appearing before the controller or auditors
17 for examination, refusing to take oath or affirmation.

18 (3) After having been sworn or affirmed, refusing to
19 answer questions of the controller or auditors relating to
20 the public accounts or the official conduct of public
21 officers.

22 § 14928. Witness fees.

23 Witnesses appearing before the controller or auditors shall
24 receive the same allowance as is received by witnesses appearing
25 before the courts of this Commonwealth. The allowance shall be
26 paid out of the county treasury and, if final judgment is given
27 against an officer whose accounts are settled by the controller
28 or auditor, shall be included in the costs assessed against the
29 officer.

30 § 14929. Settlement of accounts on extraneous proof.

If an individual in possession of books, vouchers or papers relative to public accounts before the controller or auditors refuses to produce the documents, or if an officer whose accounts are to be settled and adjusted by the controller or auditors refuses to attend or submit to examination, the auditors or controller shall proceed, by the examination of witnesses and other evidence, to ascertain and settle the amount of public money received by the officer and its application to public purposes.

§ 14930. Filing reports.

(a) Filing among court records.--The reports of the controller or auditors shall be filed among the records of the court of common pleas of the county.

(b) Surcharge.--The amount of a balance or shortage or of an expenditure of a kind, or made in a manner prohibited or not authorized by statute which causes a financial loss to the county shall be a surcharge against an officer against whom the balance or shortage appears or against whom by vote, act or neglect permitted or approved the expenditure. The following apply:

(1) An elected or appointed official of a county shall not be surcharged for an act, error or omission in excess of the actual financial loss sustained by the county.

(2) The imposition of a surcharge shall take into consideration as its basis the results of the act, error or omission and the results had the procedure been conducted strictly according to law.

(3) The provisions limiting the amount of any surcharge may not apply to:

(i) Cases involving fraud or collusion on the part

1 of officers.

2 (ii) A penalty inuring to the benefit of or payable
3 to the Commonwealth.

4 (c) Judgment and execution on judgment.--

5 (1) The amount of a balance and of an express surcharge
6 found in a report under subsection (a) shall, if no appeal is
7 taken or after an appeal has been finally determined in favor
8 of the county or the Commonwealth, be entered by the
9 prothonotary as a judgment against the officer.

10 (2) The Commonwealth or the county may execute a final
11 judgment under this section against the property of the
12 defaulting officer in accordance with law and rule of court.

13 § 14931. Appeals from reports.

14 (a) Right of appeal.--An appeal may be taken from a report
15 to the court of common pleas by:

16 (1) the Commonwealth;

17 (2) the county;

18 (3) the officer; or

19 (4) 10 or more taxpayers on behalf of the county.

20 (b) Conditions.--The following apply:

21 (1) An appeal under subsection (a) shall be entered by:

22 (i) The Commonwealth within four months after the
23 filing of the report.

24 (ii) The county, the officer or taxpayers within 60
25 days after the filing of the report.

26 (2) An appeal by officers or taxpayers may not be
27 allowed unless within the time of taking the appeal the
28 appellant secures a bond in the sum of \$1,000 with sufficient
29 surety to prosecute the appeal and to pay the costs of
30 appeal. The costs of the appeal shall be paid as follows:

1 (i) If the appellant is a taxpayer, by the appellant
2 if the appellant fails to obtain a final decision more
3 favorable to the Commonwealth or county than that awarded
4 by the auditors or in the case.

5 (ii) If the appellant is an officer, by the
6 appellant if the appellant fails to obtain a final
7 decision more favorable to the officer than that awarded
8 by the auditors.

9 (3) Unless the bond is filed as required under this
10 section, the court of common pleas, upon application, shall
11 set aside the appeal.

12 (c) Validity and payment.--

13 (1) Upon appeal to the court of common pleas, the
14 controller or auditors shall be required to establish the
15 validity of the surcharge and shall establish the loss
16 sustained to the county.

17 (2) If the surcharge is upheld on appeal to the court of
18 common pleas, the officer surcharged shall immediately pay
19 the actual loss of costs and money due to the county.

20 § 14932. Form of issue on appeals.

21 The courts of common pleas shall direct the form in which the
22 issues shall be entered in all appeals from the reports of the
23 county controller or auditors. The issues shall be tried by a
24 jury or may be submitted to reference and arbitration in the
25 manner and subject to the proceedings provided by law.

26 § 14933. Allowance of attorney fees.

27 (a) Award.--Upon final determination of an appeal taken
28 under section 14931 (relating to appeals from reports), attorney
29 fees shall be awarded as follows:

30 (1) If the court's final determination is more favorable

1 to the officer involved than that awarded by the controller
2 or auditors, the county shall pay reasonable attorney fees,
3 except under paragraph (3).

4 (2) For an appeal taken by the Commonwealth, the county
5 or taxpayers, if the court's final determination is more
6 favorable to the Commonwealth or county than that awarded by
7 the controller or auditors, the officer who is the subject of
8 the surcharge proceeding shall pay reasonable attorney fees,
9 except under paragraph (3).

10 (3) If the court's final determination is in part more
11 favorable to the Commonwealth or county and in part more
12 favorable to the officer involved in the surcharge proceeding
13 than that awarded by the controller or auditors, the court
14 may order the Commonwealth or the county to pay a portion of
15 reasonable attorney fees incurred by the officer in
16 connection with the surcharge proceeding or may order the
17 officer who is the subject of the surcharge proceeding to pay
18 a portion of reasonable attorney fees incurred by the
19 Commonwealth, county or taxpayer in connection with the
20 surcharge proceeding.

21 (b) Allocation.--The attorney fees for appeals involving
22 accounts other than those of county officers shall be allocated
23 in the court's discretion.

24 (c) Justice and equity.--In adjudications of the official
25 actions of the auditors or controllers other than appeals as
26 provided in section 14931, the court may award reasonable
27 attorney fees to the prevailing party.

28 (d) Effect of section.--Nothing in this section shall be
29 construed as authorizing personal liability for attorney fees or
30 costs.

1 \$ 14934. (Reserved).
2 \$ 14935. (Reserved).
3 \$ 14936. (Reserved).
4 \$ 14937. (Reserved).
5 \$ 14938. (Reserved).
6 \$ 14939. (Reserved).

7 SUBCHAPTER C

8 DISBURSALS OF COUNTY MONEY

9 Sec.

10 14950. Claims against county.

11 14951. Procedure for approval.

12 14952. Claims not approved by controller.

13 14953. Reports to county commissioners.

14 14954. Fees of witnesses and jurors.

15 \$ 14950. Claims against county.

16 (a) General duties.--The controller or the county
17 commissioners in counties without a controller shall scrutinize,
18 audit and decide on each bill, claim or demand against the
19 county, except as otherwise provided in this subchapter.

20 (b) Presentation of claim and evidence.--

21 (1) Each person with a claim shall first present the
22 claim to the controller or the county commissioners and, if
23 required, make oath or affirmation before the controller or
24 county commissioners to the accurateness of the claims.

25 (2) The controller or the county commissioners may
26 require evidence by oath or affirmation of the claimant that
27 the claim is legally due and that the supplies or services
28 for which payment is claimed have been furnished or performed
29 under legal authority.

30 (c) Conflict of interest.--

1 (1) The controller or county commissioners may inquire
2 or ascertain if:

3 (i) An officer or agent of the county:

4 (A) is interested in the contract under which a
5 claim may arise; or

6 (B) has received or is to receive a commission,
7 consideration or gratuity.

8 (ii) There has been an evasion of the provisions of
9 this part by making two or more contracts for small
10 amounts which should have been in one.

11 (2) Except as provided under section 15106 (relating to
12 conflicts of interest prohibited), if the controller or
13 county commissioners find that an officer or agent has a
14 conflict of interest under paragraph (1) or that there has
15 been any evasion by the officer or agent, the controller or
16 county commissioners shall refuse to approve the claim.

17 § 14951. Procedure for approval.

18 (a) Counties with controller.--In counties having a
19 controller:

20 (1) The controller shall date, upon receipt, all bills,
21 claims and demands that the controller approves and shall
22 forward the bills, claims or demands along with checks to the
23 county commissioners for approval or, if already approved by
24 the county commissioners, for signatures under this section.

25 (2) If the county commissioners approve payment of a
26 bill, claim or demand, at least two county commissioners
27 shall sign the check as properly drawn upon the county
28 treasury. In these cases facsimiles of the signatures of the
29 county commissioners may be used.

30 (3) The bill, claim or demand shall be returned to the

1 controller for filing in the controller's office, and the
2 check shall be forwarded to the county treasurer.

3 (4) The county treasurer shall sign the check as the
4 treasurer's draft upon the county treasury, but the treasurer
5 may not sign a check that is not already signed by the county
6 commissioners and the controller.

7 (5) Every check issued shall include reference to the
8 corresponding bill, claim or demand as well as the number or
9 numbers which may be put upon it by the county treasurer.

10 (6) If the county commissioners refuse to approve a
11 bill, claim or demand, the county commissioners shall return
12 the bill, claim or demand, together with the check involved
13 to the controller for filing in the controller's office.

14 (b) Counties without controller.--In counties without a
15 controller:

16 (1) The county commissioners shall approve each
17 transaction.

18 (2) The check shall be drawn by the chief clerk who
19 shall keep files of the bills, claims or demands.

20 (3) At least two county commissioners shall sign the
21 checks either personally or by facsimile.

22 (4) The checks shall be forwarded, together with a check
23 register or similar description of the corresponding bill,
24 claim or demand providing a clear description of the nature
25 and purpose of the expenditure, to the county treasurer for
26 the treasurer's signature.

27 (c) Filing.--In all cases, the canceled checks or official
28 bank record shall be filed in the office of the county
29 treasurer, but the treasurer shall transmit, at times the
30 controller shall establish, a list of all checks paid from the

1 county treasury not previously transmitted, along with
2 appropriate identification.

3 (d) Facsimile signature.--The county treasurer and the
4 controller in counties with a controller may use a facsimile
5 signature on a check which the county treasurer and controller
6 are required to sign.

7 (e) Effect of section.--Nothing in this section shall
8 preclude the receipt or transfer of money to or from the county,
9 or payment of a bill, claim or demand, by electronic fund
10 transfer if adequate and recognized fiscal and procedural
11 controls, together with proper system security, are in place.
12 § 14952. Claims not approved by controller.

13 If, upon receipt, the controller does not approve a claim,
14 bill or demand, the controller shall within 15 days forward the
15 claim, bill or demand to the county commissioners, together with
16 notice that the controller has disapproved the claim, bill or
17 demand or is unable to approve the claim, bill or demand and the
18 reasons for the disapproval. The county commissioners shall
19 consider the claim, bill or demand and, if the county
20 commissioners consider that the claim, bill or demand should be
21 paid by the county, the county commissioners shall notify the
22 controller. If the controller continues to refuse approval, no
23 payment shall be made by the county except under an order of
24 court upon a proper issue directing the controller to approve
25 payment.

26 § 14953. Reports to county commissioners.

27 At the request of the county commissioners, the controller
28 shall report to the county commissioners monthly the amount of
29 outstanding checks registered and the amount of money in the
30 treasury or the amount of a particular unencumbered

1 appropriation item involved.

2 § 14954. Fees of witnesses and jurors.

3 Fees of witnesses and jurors shall be ascertained by the
4 courts of the county entered upon the records and duly certified
5 by the respective clerks to the county commissioners being first
6 sworn to or affirmed before the controller or the chief clerk of
7 the county commissioners, as the case may be.

8 SUBCHAPTER D

9 COUNTY TREASURY AND COUNTY DEPOSITORIES

10 Sec.

11 14960. Receipts and accounts of money due county.

12 14961. (Reserved).

13 14962. Depositories.

14 14963. (Reserved).

15 14964. (Reserved).

16 § 14960. Receipts and accounts of money due county.

17 (a) Duties of county treasurer.--The county treasurer shall
18 receive and issue receipts for money due or accruing to the
19 county.

20 (b) Accounts.--The county treasurer shall keep proper
21 accounts of money received and disbursed. The treasurer's
22 records shall be open to the inspection of the controller and
23 the county commissioners at all times during office hours.

24 (c) Receipts.--The treasurer shall issue receipts for money
25 received for the county and shall transmit the duplicate or
26 triplicate receipts daily to the controller or to the county
27 commissioners in counties without a controller. The receipts
28 shall:

29 (1) be serially numbered; and

30 (2) indicate:

- (i) the amount of money received;
- (ii) the payor;
- (iii) on what account the money is received; and
- (iv) the date.

(d) Disbursals.--The treasurer shall keep daily records of disbursals from the county treasury and shall forward daily records to the controller or the county commissioners in counties without a controller.

(e) Account information.--The controller, or the chief clerk of the county commissioners in counties without a controller, may review depository account information upon request from the county depository, without prejudice to the depositories, of the money deposited in the name of the county by the treasurer.

(f) Quarterly statements.--In counties having no controller, the treasurer shall provide, at least quarterly and more frequently if required, a statement of money received and disbursed since the treasurer's last statement showing:

- (1) the balance remaining in the accounts; and
- (2) the names of the collectors having arrearages in taxes with the amounts of the arrearages.

(g) Annual statements.--The treasurer shall state the accounts at the end of each fiscal year. The statement shall be examined by the county commissioners and delivered by the commissioners to the county auditors for settlement.

§ 14961. (Reserved).

§ 14962. Depositories.

(a) Designation.--The county commissioners and the county treasurer shall designate by resolution one or more depositories for county money. The depositories shall be banks, banking institutions or trust companies located in the Commonwealth.

1 (b) Collateral.--

2 (1) A depository designated under subsection (a) shall,
3 upon receipt of notice of its designation, collateralize
4 deposits of public money in accordance with the act of August
5 6, 1971 (P.L.281, No.72), entitled "An act standardizing the
6 procedures for pledges of assets to secure deposits of public
7 funds with banking institutions pursuant to other laws;
8 establishing a standard rule for the types, amounts and
9 valuations of assets eligible to be used as collateral for
10 deposits of public funds; permitting assets to be pledged
11 against deposits on a pooled basis; and authorizing the
12 appointment of custodians to act as pledgees of assets," by
13 pledging collateral in an account in the name of the county
14 or utilizing a letter of credit from the Federal Home Loan
15 Bank to secure public deposits in excess of Federal Deposit
16 Insurance Corporation insurance limits. The depository shall
17 provide a monthly report within 15 days after the end of each
18 month to the county commissioners in accordance with the
19 reporting requirements under the act of August 6, 1971
20 (P.L.281, No.72), including the composition of the collateral
21 and related market value.

22 (2) A county may elect to require that a depository
23 pledge collateral in an account in the name of the county to
24 collateralize deposits above the Federal Deposit Insurance
25 Corporation insurance limit. These accounts may be in the
26 custody of the depository's trust department or at a third-
27 party financial institution. The arrangement with the
28 depository may be governed by a written agreement, approved
29 by the board of directors or loan committee of the
30 depository, with approval reflected in the minutes of the

1 board or committee, which are kept continuously as an
2 official record of the depository. The agreement shall
3 include all of the following if collateral is pledged instead
4 of a Federal Home Loan Bank letter of credit:

5 (i) Collateral shall be marked to market daily.

6 (ii) Collateral shall be in investments as
7 prescribed in the investment program provided by the
8 board of investment or the county commissioners.

9 (iii) If the financial institution serves as the
10 custodian, the pledged collateral shall be held in a
11 separate account, established under the act of August 6,
12 1971 (P.L.281, No.72), in the depository's trust
13 department.

14 (iv) The market value of the pledged collateral
15 shall be at least 102% of the county deposits in excess
16 of federally insured limits.

17 (v) A monthly report shall be provided as specified
18 in paragraph (1).

19 (3) The depository may not be required to secure payment
20 of deposits and interest insured by the Federal Deposit
21 Insurance Corporation.

22 (c) Deposits.--The county treasurer shall, upon the
23 designation of the depository, immediately transfer all county
24 money to be deposited and shall thereafter keep deposits solely
25 in the depository in the name of the county.

26 (d) Withdrawals.--Withdrawals from the depository shall be
27 only drawn by the treasurer upon properly authorized checks or
28 by other commercially accepted methods of electronic funds
29 transfer that have been specifically approved by the county
30 commissioners.

(e) Loss of county money.--No county commissioner or treasurer complying with this chapter, or their surety, may be charged with losses of county money caused by the failure or negligence of the depository.

§ 14963. (Reserved).

§ 14964. (Reserved).

SUBCHAPTER E

COUNTY TAXATION, BORROWING AND

TRANSFER OF FUNDS

Sec.

14970. Tax levies.

14971. Additions and revisions to duplicates.

14972. (Reserved).

14973. (Reserved).

14974. Temporary loans.

14975. Transfer of certain money into general fund of county.

14976. Supplemental appropriations, transfers of money and appropriation limits.

14977. Banks authorized to receive taxes in counties of the second class A.

§ 14970. Tax levies.

(a) Rate.--The county commissioners shall fix, by resolution, the rate of taxation for each year. A tax may not be levied under this subsection on personal property taxable for county purposes if the rate of taxation is fixed by law other than at the rate fixed under this subsection. The following shall apply:

(1) A tax for general county purposes in any county of the second class A may not, in any one year, exceed the rate of 40 mills on every dollar of the adjusted valuation.

1 (2) The rate of taxation for payment of interest and
2 principal on any indebtedness incurred under 53 Pa.C.S. Pt.
3 VII Subpt. B (relating to indebtedness and borrowing), or any
4 prior or subsequent act governing the incurrence of
5 indebtedness of the county shall be unlimited.

6 (3) If the rate is fixed in mills, in fixing the rate of
7 taxation, the county commissioners shall include in the
8 resolution a statement expressing the rate of taxation in
9 dollars and cents on each \$100 of assessed valuation of
10 taxable property.

11 (b) Payments.--The tax levied in counties of the second
12 class A shall be for the purpose of creating a general fund to
13 pay expenses incurred for general county purposes, for the
14 payment of the matters connected with roads under section 16907
15 (relating to annual tax), for the payment of the matters
16 connected with parks and related matters under section 16507
17 (relating to payment of expenses, taxation, annual fairs and
18 State contributions).

19 (c) Other taxes.--The county commissioners in counties of
20 the second class A shall have the power to levy a tax for
21 institution district purposes and for the payment of the
22 obligations of the predecessor poor districts on real estate,
23 trades, occupations and professions, in the same manner and at
24 the same time as county taxes and annual taxes to pay the
25 current expense of the institution district, none of which may
26 exceed 15 mills on the dollar of the last adjusted assessed
27 valuation for county purposes.

28 (d) Prohibition.--A tax may not be levied and collected on
29 trades, occupations and professions at the same time a per
30 capita tax on individuals is levied and collected.

1 (e) Limitations.--A tax for general county purposes in a
2 county of the third, fourth, fifth, sixth, seventh or eighth
3 class, exclusive of the requirements for the payment of rentals
4 to any municipal authority, may not in any one year exceed the
5 rate of 25 mills on every dollar of the adjusted valuation,
6 unless the county commissioners by majority action shall, upon
7 due cause shown by resolution, petition the court of common
8 pleas, in which case the court may order a rate of not more than
9 an additional five mills to be levied. The following shall
10 apply:

11 (1) If the rate of taxation for payment of interest and
12 principal on any indebtedness incurred under 53 Pa.C.S. Pt.
13 VII Subpt. B or any prior or subsequent act governing the
14 incurrence of indebtedness of the county shall be unlimited.

15 (2) Tax for payment of rentals to any municipal
16 authority shall not exceed the rate of 10 mills on every
17 dollar of the adjusted valuation and shall be in addition to
18 the 25 mill limitation for general county purposes.

19 (f) Statement required.--In fixing the rate of taxation, the
20 county commissioners, if the rate is fixed in mills, shall also
21 include in the resolution a statement expressing the rate of
22 taxation in dollars and cents on each \$100 of assessed valuation
23 of taxable property.

24 (g) Fourth, fifth, sixth, seventh or eighth class
25 counties.--The rate of taxation fixed for any occupation tax
26 levied by a county shall not in any one year exceed 20 mills.
27 The county commissioners may, by resolution, abolish the levy
28 and collection of occupation taxes for county purposes and the
29 following shall apply:

30 (1) The county commissioners may levy and collect an

1 annual per capita tax on individuals for county purposes.

2 (2) A county which becomes a county of the third class
3 may collect for a period of four years after the status has
4 been certified a per capita tax from any individual not to
5 exceed a total of \$5 for county purposes in any one year.

6 (h) Third, fourth, fifth, sixth, seventh or eighth class
7 counties.--A tax may not be levied and collected for county
8 purposes on offices and posts of profits or on professions,
9 trades and occupations at the same time during which a per
10 capita tax on persons is levied and collected for county
11 purposes. The following shall apply:

12 (1) Per capita taxes levied upon and collected from an
13 individual may not exceed a total of \$5 for county and
14 institution district purposes in any one year.

15 (2) A county may, by ordinance or resolution, exempt an
16 individual whose total income from all sources is less than
17 the dollar amount per annum as provided in section 301.1(b)
18 of the act of December 31, 1965 (P.L.1257, No.511), known as
19 The Local Tax Enabling Act, from any per capita tax levied
20 under this part.

21 § 14971. Additions and revisions to duplicates.

22 (a) Addition to tax duplicates.--If in any county there is
23 any construction of a building or buildings not otherwise exempt
24 as a dwelling after January first of any year, and the building
25 is not included in the tax duplicate of the county, the
26 authority responsible for assessments in the county shall, upon
27 the request of the county commissioners, cause to be inspected
28 and reassessed, subject to the right of appeal and adjustment
29 provided by any statute under which assessments are made, all
30 taxable property in the county to which major improvements have

1 been made after January 1 of any year.

2 (b) Notice of the reassessments.--Notice of the
3 reassessments shall be given in accordance with 53 Pa.C.S. §
4 8841(c) (relating to assessment roll and interim revisions) to
5 the authority responsible for assessments, the county
6 commissioners and the property owner and the following shall
7 apply:

8 (1) Reassessed property shall be added to the duplicate
9 and shall be taxable for county purposes at the reassessed
10 valuation for that proportionate part of the fiscal year of
11 the county remaining after the property was improved.

12 (2) Any improvement made during any given month shall be
13 computed as having been made on the first of the month.

14 (3) A certified copy of the additions or revisions to
15 the duplicate shall be furnished by the county commissioners
16 to the proper tax collector for the county, and, within 10
17 days of receipt of the copy, the tax collector shall notify
18 the owner of the property of the taxes due the county.

19 (4) If an assessment is made for a portion of a year
20 under this section, the assessment shall be added to the
21 duplicate of the following or succeeding year unless the
22 value of the improvements has already been included in the
23 duplicate.

24 § 14972. (Reserved).

25 § 14973. (Reserved).

26 § 14974. Temporary loans.

27 If the money of a county has been exhausted, the county
28 commissioners may borrow money in anticipation of taxes to be
29 collected for the current fiscal year in accordance with 53
30 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and

borrowing), payable on a certain date, not later than the last day of the fiscal year in which the tax anticipation note is issued.

§ 14975. Transfer of certain money into general fund of county.

The county commissioners may transfer and cover into the general fund of the county money placed to the credit of a city, borough or township, if:

(1) the money has been paid into the county treasury upon a duplicate for taxes and has remained during a period of 10 years uncalled for by the authorities of the city, borough or township to whose credit it may have been placed; and

(2) the right to the money is not, at the time of the transfer, a matter of litigation or dispute.

§ 14976. Supplemental appropriations, transfers of money and appropriation limits.

(a) Authority.--The county commissioners have the power to:

(1) By resolution, make supplemental appropriations for a lawful purpose from money on hand or estimated to be received within the fiscal year and not otherwise appropriated. This paragraph includes proceeds of borrowing authorized by law.

(2) Authorize the transfer of:

(i) The unencumbered balance of an appropriation item or any portion of the balance.

(ii) The unencumbered balance or any portion of the balance within a fund from one spending agency to another.

(3) During the last 15 days of a fiscal year:

(i) authorize the transfer of the unencumbered

1 balance or any portion of the balance in a county fund to
2 a fund of the institution district; and

3 (ii) reappropriate the transferred money to the
4 institution district.

5 (b) No expenditures.--The county commissioners may not do
6 any of the following which would cause the sums appropriated to
7 be exceeded:

8 (1) Hiring work to be done.

9 (2) Purchasing materials.

10 (3) Making a contract.

11 (4) Issuing a payment order.

12 \$ 14977. Banks authorized to receive taxes in counties of the
13 second class A.

14 (a) Scope of section.--This section applies to counties of
15 the second class.

16 (b) Designation.--The county commissioners, the county
17 treasurer and the county controller may designate any bank,
18 savings bank, bank and trust company, trust company or national
19 banking association, located within the county as a deputy
20 county tax collector for the sole purpose of receiving and
21 receipting for county taxes paid to the deputy county tax
22 collector at the collector's place of business.

23 (c) Immunity.--The county tax collector shall not be held
24 responsible for losses occasioned by the failure of an
25 institution, for money received by it as a deputy county tax
26 collector.

27 (d) Security.--Before entering upon the duties of receiving
28 and receipting for taxes, an institution shall post security in
29 an amount as determined by the county commissioners, the county
30 treasurer and the county controller, to ensure the faithful

performance of duties and the remission of taxes and money
received.

(e) Functions.--A deputy county tax collector shall, within
five days after the last day of each calendar month, transmit to
the county tax collector all money received by it as the deputy
during the preceding month. The payment shall be accompanied by
an itemized statement identifying:

- (1) the tax paid;
- (2) the date of payment; and
- (3) the payor.

(f) Compensation and expenses.--A deputy tax collector:

(1) Shall not be allowed compensation or commission for
acting as a deputy tax collector.

(2) Shall be reimbursed for expenses actually incurred
in transmitting money and records of payments to the county
tax collector.

SUBCHAPTER F

BUDGETS

Sec.

14980. Fiscal year and preparation of proposed annual budget.

14981. (Reserved).

14982. Adoption of budget, publication of proposed budget and
notice of final action date.

14982.1. Amended budget and notice.

14982.2. Delivery of tax duplicates.

14982.3. Amending budget, levy and tax rate, revising tax
duplicates and filing.

14983. Annual budget appropriations and tax rate.

14984. (Reserved).

14984.1. Taking of money and property.

14984.2. Capital reserve fund for anticipated capital expenditures.

14984.3. Operating reserve fund.

14985. Committee to prepare uniform forms.

§ 14980. Fiscal year and preparation of proposed annual budget.

(a) Fiscal year.--The fiscal year of each county shall begin on January 1 and end on December 31 of each year.

(b) Preparation of proposed budget.--At least 90 days prior to adopting the budget, the county commissioners shall begin the preparation of the proposed budget for the succeeding fiscal year. The budget may be prepared based upon information collected and transmitted by the controller as provided under subsection (c) or by the county commissioners, a finance department or a designated person employed and qualified by the county commissioners.

(c) Budget information.--At the request of the county commissioners, but in no case less than 60 days prior to adoption of the budget by the commissioners, the controller shall prepare and transmit to the commissioners:

(1) A comparative statement of revenues for the current and immediately preceding fiscal year and a comparative statement of expenditures, including interest due and to become due on the lawful interest-bearing debts of the county for the same years. In counties in which the controller is a participant in the development of the budget, the controller shall also include balances projected for the close of the current fiscal year.

(2) The amounts of the appropriation requests, submitted to the controller or to the county commissioners and supplied by the county commissioners to the controller, from the

county offices and agencies, including estimates of
expenditures contemplated by the county commissioners as
forwarded by the county commissioners to the controller.

(d) Form.--The information requested by the county
commissioners under subsection (b) or (c) shall be in the form
requested by the commissioners or on forms furnished by the
Department of Community and Economic Development under this
subchapter. With this information as a guide, the county
commissioners shall, within a reasonable time, begin the
preparation of a proposed budget for the succeeding fiscal year.

§ 14981. (Reserved).

§ 14982. Adoption of budget, publication of proposed budget and
notice of final action date.

(a) Publication of proposed budget and adoption of budget.--
The proposed budget shall be prepared and adopted as follows:

(1) The public shall be given notice by publication in
one newspaper of general circulation at least 20 days before
the date set for the adoption of the budget that the proposed
budget is available for public inspection. The notice shall
contain the date set for the adoption of the budget and the
manner in which the proposed budget has been made available
for public inspection.

(2) The budget shall be adopted on or before December
31.

(b) Revision of proposed budget.--If any revision of the
proposed budget is made after the budget has been published
under subsection (a) which would increase the estimated
expenditures in the adopted budget by more than 10% in the
aggregate over the proposed budget as made available for public
inspection, the revised budget may not be adopted with any

increases unless the budget is made available for public inspection and for protest of any increases for a period of at least 10 days after notice to that effect is published.

§ 14982.1. Amended budget and notice.

(a) Amended budget.--During the month of January next following a municipal election, the county commissioners may amend the budget and the levy and tax rate to conform with the amended budget.

(b) Notice.--The county shall provide public notice by publication in one newspaper of general circulation that an amended budget has been proposed and is available for public inspection for a period of 10 days at a location specified in the notice.

(c) Adoption of amended budget.--An amended budget must be adopted by the county commissioners after the public inspection period and no later than February 15. A proposed amended budget may not be revised upward in excess of 10% in the aggregate.

§ 14982.2. Delivery of tax duplicates.

(a) Delivery of tax duplicates.--The county commissioners shall prepare and deliver the duplicates of taxes assessed to the respective tax collectors, together with the warrant for the collection at least 15 days prior to the date of the tax bill.

(b) Alternative delivery date.--Notwithstanding the provisions of subsection (a), the county commissioners shall have the option to prepare and deliver the duplicates of taxes assessed to the respective tax collectors, together with the warrant for collection no later than the final date for a school district to prepare and deliver the duplicates for school real estate taxes under section 682 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, if the

1 county commissioners:

2 (1) find that exercise of the option will result in cost
3 savings compared to proceeding under the deadline imposed
4 under subsection (a); and

5 (2) adopt a resolution that refers to the finding.

6 § 14982.3. Amending budget, levy and tax rate, revising tax
7 duplicates and filing.

8 At any time prior to the time tax duplicates are sent by the
9 county in any year, the county commissioners may amend the
10 budget and the levy and tax rate and revise the tax duplicate to
11 conform with its amended budget if the county receives
12 unanticipated revenues that may be expended during the county's
13 fiscal year that may enable the county commissioners to reduce
14 the levy and tax rate to conform with its amended budget.

15 § 14983. Annual budget appropriations and tax rate.

16 The budget shall reflect as nearly as possible the estimated
17 revenues and expenditures for the year for which the budget is
18 prepared. Upon adopting the budget, the county commissioners
19 shall:

20 (1) adopt the appropriation measures required to put the
21 budget into effect; and

22 (2) fix the rate of taxation upon the valuation of the
23 property taxable for county purposes that, together with the
24 other estimated revenues of the county, excluding operating,
25 capital and other reserve funds, raise a sufficient sum to
26 meet the expenditures.

27 § 14984. (Reserved).

28 § 14984.1. Taking of money and property.

29 The county commissioners may take by gift, grant, devise or
30 bequest any money or property, real, personal or mixed, for the

1 benefit of the county.

2 § 14984.2. Capital reserve fund for anticipated capital
3 expenditures.

4 (a) Capital reserve fund.--The county commissioners shall
5 have the power to create and maintain a separate capital reserve
6 fund for anticipated legal capital expenditures. Money in the
7 fund shall be used for the construction, purchase or replacement
8 of or addition to county buildings, equipment, machinery, motor
9 vehicles or other capital assets of the county.

10 (b) Deposits.--The county commissioners may annually
11 appropriate money from the general county fund, not to exceed
12 10% of a county's operating budget, to be paid into the capital
13 reserve fund or place in the fund any money received from the
14 sale, lease or other disposition of county property or from any
15 other source unless received or acquired for a particular
16 purpose.

17 (c) Administration of fund.--The fund shall be controlled,
18 invested, reinvested and administered and the money and income
19 from the fund expended for any purpose for which the fund is
20 created, as may be determined by the county commissioners. The
21 money in the fund, when invested, shall be invested in a manner
22 consistent with the provisions of section 14906 (relating to
23 investment of money). This subsection may not be construed to
24 limit the powers of the county to the use of money in the
25 capital reserve fund in making lawful capital expenditures.

26 § 14984.3. Operating reserve fund.

27 (a) Operating reserve fund.--The county commissioners shall
28 have the power to create and maintain a separate operating
29 reserve fund in order to:

30 (1) minimize future revenue shortfalls and deficits;

1 (2) provide greater continuity and predictability in the
2 funding of vital government services;

3 (3) minimize the need to increase taxes to balance the
4 budget in times of fiscal distress;

5 (4) provide the capacity to undertake long-range
6 financial planning; and

7 (5) develop fiscal resources to meet long-term needs.

8 (b) Appropriations from general county fund.--The county
9 commissioners may annually make appropriations from the general
10 county fund to the operating reserve fund, but no appropriation
11 may be made to the operating reserve fund if the appropriation
12 would cause the fund to exceed 25% of the estimated revenues of
13 the county's general fund in the current fiscal year.

14 (c) Purpose of appropriations.--The county commissioners
15 may, by resolution, make appropriations from the operating
16 reserve fund only to:

17 (1) meet emergencies involving the health, safety or
18 welfare of the residents of the county;

19 (2) counterbalance potential budget deficits resulting
20 from shortfalls in anticipated revenues or program receipts
21 from any source;

22 (3) counterbalance potential budget deficits resulting
23 from increases in anticipated costs of goods or services; or

24 (4) provide for anticipated operating expenditures
25 related either to the planned growth of existing projects or
26 programs or the establishment of new projects or programs if
27 for each project or program appropriations have been made and
28 allocated to a separate restricted account established within
29 the operating reserve fund.

30 (d) Administration of fund.--The operating reserve fund

1 shall be invested, reinvested and administered in a manner
2 consistent with the provisions of section 14906 (relating to
3 investment of money).

4 § 14985. Committee to prepare uniform forms.

5 (a) Committee to prepare forms.--The report forms specified
6 in this chapter shall be prepared by a committee. The committee
7 shall consist of the following members:

8 (1) The Secretary of Community and Economic Development
9 or the secretary's designee, who shall be trained in the
10 field of municipal finance.

11 (2) One member of the Senate and one member of the House
12 of Representatives, who shall be members of the Local
13 Government Commission, appointed by the majority chairperson
14 of the commission.

15 (3) Three representatives from the County Commissioners
16 Association of Pennsylvania.

17 (4) Three representatives from the Pennsylvania State
18 Association of County Controllers.

19 (5) Three representatives from the Pennsylvania State
20 Association of County Auditors.

21 (6) One certified public accountant.

22 (b) Appointment of committee members.--Except for the
23 certified public accountant who shall be appointed by the
24 Governor, the committee members shall be appointed by the
25 president of each organization. For representatives of the
26 county commissioners, one shall be appointed from a county of
27 either the third or fourth class, one from a county of either
28 the fifth or sixth class and one from a county of either the
29 seventh or eighth class. The president of each organization
30 shall supply to the Department of Community and Economic

Development the names and addresses of the representatives
immediately upon appointment.

(c) Reimbursement of expenses.--The representatives shall
serve without compensation but shall be reimbursed by the
Commonwealth for all necessary expenses incurred while attending
meetings of the committee.

(d) Meetings.--The committee shall meet at the call of the
Secretary of Community and Economic Development or the
secretary's designee, who shall serve as chairperson of the
committee. The Secretary of Community and Economic Development
shall call meetings of the committee at the request of the
secretary of any of the associations represented under
subsection (a). There shall be at least two weeks' notice to
each member of the committee of any meeting.

(e) Preparations of forms.--In preparing the uniform forms
for annual reports, the committee shall give careful
consideration to the differing legal requirements and needs of
the counties, producing, if necessary, separate forms for
certain classes of counties or groups of classes.

(f) Oversight.--The Secretary of Community and Economic
Development or the secretary's designee shall ensure that the
forms required under this section are prepared in cooperation
with the committee. If the committee fails to cooperate, the
Secretary of Community and Economic Development or the
secretary's designee shall complete the preparation of the
forms. The Secretary of Community and Economic Development shall
issue and distribute the forms annually, as needed, to the
county commissioners, controller or auditors of each county.

(g) Changes to forms.--The Secretary of Community and
Economic Development shall include within the report forms

specified in this section the changes necessitated under this part in regard to property, powers, duties and obligations of institution districts transferred to counties. The committee may not be held responsible for the changes to the forms.

(h) Accounting and fiscal practices.--The Secretary of Community and Economic Development shall convene the committee to assist counties in developing appropriate accounting and fiscal practices in compliance with generally accepted accounting principles.

SUBCHAPTER G

SINKING FUND COMMISSION

Sec.

14990. Membership.

14991. Management of sinking funds.

14992. Bonds of county held by commission.

14993. Pay off, cancellation, priority and sale of county bonds.

14994. (Reserved).

14995. Investment of sinking fund money.

§ 14990. Membership.

Each county may establish a sinking fund commission. The sinking fund commission shall be composed of:

(1) the county commissioners;

(2) the controller, or auditors in counties without a controller; and

(3) the treasurer.

§ 14991. Management of sinking funds.

(a) Income.--The sinking fund commission shall annually apply the interest received on sinking fund deposits, the interest received on bonds held in the sinking fund and all

1 other income, if any, from the sinking fund for the purpose of
2 reducing the amount of money required to be paid by the county
3 for sinking fund purposes for the following year, unless the
4 income is necessary to pay the bonds of the county as the bonds
5 mature and become payable. The income and the amount required to
6 be paid by the county for sinking fund purposes shall annually
7 equal the full amount required to be paid for sinking fund
8 purposes to the several sinking funds.

9 (b) Sale of bonds.--The sinking fund commission may,
10 whenever the commission deems necessary and for the best
11 interest of the several sinking funds, sell any bonds held by
12 the commission other than bonds of the county itself.

13 § 14992. Bonds of county held by commission.

14 (a) Bonds generally.--The bonds of the county held by the
15 sinking fund commission shall be stamped in a conspicuous manner
16 to show that the bonds have been purchased for the sinking fund.
17 The bonds may not be reissued or sold.

18 (b) Interest.--The sinking fund commission may not require
19 the county to pay interest on any of the bonds held by the
20 commission, unless the commission deems the payment of interest
21 necessary for the purpose of having adequate money on hand to
22 pay the bonds of the county as the bonds mature and become
23 payable.

24 (c) Cancellation of bonds.--The bonds of the county held by
25 the sinking fund commission shall be canceled immediately upon
26 maturity.

27 § 14993. Pay off, cancellation, priority and sale of county
28 bonds.

29 (a) Pay off and cancellation of bonds.--In order to
30 facilitate the extinguishment of the county debt, the county

bonds purchased by the sinking fund commission shall be paid off
and canceled according to the priority of maturity. The
commission may, at the commission's discretion, withhold the
purchase of the maturing county bonds until after bonds
purchased from a later issue of county bonds shall be paid off
and canceled.

(b) Sale of bonds.--If the sinking fund commission does not
have sufficient money to meet the payment of the earlier
maturing bonds, the bonds shall be sold by the commission at not
less than par.

§ 14994. (Reserved).

§ 14995. Investment of sinking fund money.

The sinking fund commission shall have the power to invest
county sinking funds as authorized by the act of July 12, 1972
(P.L.781, No.185), known as the Local Government Unit Debt Act,
and liquidate the investment, in whole or in part, by disposing
of securities or withdrawing money on deposit. Any action taken
to make or to liquidate any investment shall be made by the
commission.

CHAPTER 151

CONTRACTS

Sec.

15100. Contracting.

15101. Commissioners sole contractors for county generally.

15102. Contract procedures, terms and bonds and advertising for
bids.

15103. Evasion of advertising requirements.

15104. (Reserved).

15105. Sales of personal property and surplus farm products.

15106. Conflicts of interest prohibited.

1 15107. Application of contract provisions.

2 15107.1. Printing contracts.

3 15107.2. Prohibited contract provisions.

4 § 15100. Contracting.

5 The county commissioners may make contracts for lawful
6 purposes and for executing the provisions of this chapter and
7 the laws of this Commonwealth.

8 § 15101. Commissioners sole contractors for county generally.

9 (a) Contracts for services and personal property.--In
10 counties of the third, fourth, fifth, sixth, seventh or eighth
11 class, the county commissioners shall contract for and purchase
12 the services referred to in section 12508 (relating to office
13 supplies) and personal property for county officers and
14 agencies. A contract and purchase not in excess of the base
15 amount of \$18,500, subject to adjustment under subsection (c),
16 shall be by note or memorandum, in writing, signed by the
17 county commissioners or their designees. A copy of the note and
18 memorandum and the executed written contract, or electronic copy
19 of the executed written contract, shall be filed in the office
20 of the controller, or in a county without a controller, with the
21 chief clerk of the county commissioners.

22 (b) Price quotations.--

23 (1) Except as otherwise provided in section 15102(h)(4)
24 (relating to contract procedures, terms and bonds and
25 advertising for bids), for counties of the third, fourth,
26 fifth, sixth, seventh or eighth class, written or telephonic
27 price quotations from at least three qualified and
28 responsible contractors shall be requested for the contracts
29 in excess of the base amount of \$10,000, subject to
30 adjustment under subsection (c), but less than the amount

1 requiring advertisement and competitive bidding. In lieu of
2 price quotations, a memorandum shall be kept on file showing
3 that fewer than three qualified contractors exist in the
4 market area within which it is practicable to obtain
5 quotations.

6 (2) A written record of telephonic price quotations
7 shall be made and shall contain at least:

8 (i) the date of the quotation;

9 (ii) the name of the contractor and the contractor's
10 representative;

11 (iii) the construction, reconstruction, repair,
12 maintenance or work which was the subject of the
13 quotation; and

14 (iv) the price.

15 (3) Written price quotations, written records of
16 telephonic price quotations and memoranda shall be retained
17 for a period of three years.

18 (c) Adjustments to base amounts.--Adjustments to the base
19 amounts specified under subsections (a) and (b) shall be made as
20 follows:

21 (1) The Department of Labor and Industry shall determine
22 the percentage change in the Consumer Price Index for All
23 Urban Consumers: All Items (CPI-U) for the United States City
24 Average as published by the United States Department of
25 Labor, Bureau of Labor Statistics, for the 12-month period
26 ending September 30, 2012, and for each successive 12-month
27 period thereafter.

28 (2) If the department determines that there is no
29 positive percentage change, no adjustment to the base amounts
30 shall occur for the relevant time period provided for in this

1 subsection.

2 (3) If the department determines that there is a
3 positive percentage change in the first year that the
4 determination is made under paragraph (1):

5 (i) the positive percentage change shall be
6 multiplied by each base amount, and the products shall be
7 added to the base amounts, respectively, and the sums
8 shall be preliminary adjusted amounts; and

9 (ii) the preliminary adjusted amounts shall be
10 rounded to the nearest \$100 to determine the final
11 adjusted base amounts for purposes of subsections (a) and
12 (b).

13 (4) In each successive year in which there is a positive
14 percentage change in the CPI-U for the United States City
15 Average:

16 (i) the positive percentage change shall be
17 multiplied by the most recent preliminary adjusted
18 amounts and the products shall be added to the
19 preliminary adjusted amount of the prior year to
20 calculate the preliminary adjusted amounts for the
21 current year; and

22 (ii) the sums shall be rounded to the nearest \$100
23 to determine the new final adjusted base amounts for
24 purposes of subsections (a) and (b).

25 (5) The determinations and adjustments required under
26 this subsection shall be made in the period between October 1
27 and November 15 of the year following November 3, 2011, and
28 annually between October 1 and November 15 of each year
29 thereafter.

30 (6) The final adjusted base amounts and new final

1 adjusted base amounts obtained under paragraphs (3) and (4)
2 shall become effective January 1 for the calendar year
3 following the year in which the determination required under
4 paragraph (1) is made.

5 (7) The department shall transmit notice to the
6 Legislative Reference Bureau for publication in the
7 Pennsylvania Bulletin prior to January 1 of each calendar
8 year of the annual percentage change determined under
9 paragraph (1) and the unadjusted or final adjusted base
10 amounts determined under paragraphs (3) and (4) at which
11 competitive bidding is required under subsection (a) and
12 written or telephonic price quotations are required under
13 subsection (b), respectively, for the calendar year beginning
14 January 1 after publication of the notice. The notice shall
15 include a written and illustrative explanation of the
16 calculations performed by the department in establishing the
17 unadjusted or final adjusted base amounts under this
18 subsection for the ensuing calendar year.

19 (8) The annual increase in the preliminary adjusted base
20 amounts obtained under paragraphs (3) and (4) may not exceed
21 3%.

22 (d) Wholesale purchases.--The county commissioners shall, if
23 possible, anticipate the needs of the various officers, agencies
24 and operations of the county and endeavor to purchase in
25 wholesale quantities, if practicable and if savings could be
26 achieved by wholesale purchase.

27 (e) Purposes of contracts and purchases.--The county
28 commissioners may make contracts and purchases for all purposes
29 expressly or impliedly authorized by law.

30 § 15102. Contract procedures, terms and bonds and advertising

1 for bids.

2 (a) Contract requirements.--A contract for services and
3 personal property in which the base amount of the contract
4 exceeds the sum of \$18,500, subject to adjustment under section
5 15101(c) (relating to commissioners sole contractors for county
6 generally), shall be in writing and shall, except as otherwise
7 specified, be made by advertising for bids.

8 (b) Bids.--

9 (1) Contracts or purchases in excess of the base amount
10 of \$18,500, subject to adjustment under section 15101(c),
11 except those specified in subsection (h) and except as
12 provided by the act of October 27, 1979 (P.L.241, No.78),
13 entitled "An act authorizing political subdivisions,
14 municipality authorities and transportation authorities to
15 enter into contracts for the purchase of goods and the sale
16 of real and personal property where no bids are received,"
17 must be made:

18 (i) with and from the lowest responsible and
19 responsive bidder submitting a bid in conformity with the
20 specifications approved by the county commissioners for
21 the contract or purchase;

22 (ii) after due notice in one newspaper of general
23 circulation, published or circulating in the county:

24 (A) at least two times at intervals of not less
25 than three days where daily newspapers of general
26 circulation are employed for such publication; or

27 (B) once a week for two successive weeks where
28 weekly newspapers are employed.

29 (2) The first notice under paragraph (1)(ii) shall be
30 published not less than 10 days prior to the date fixed for

1 the opening of bids.

2 (3) The requirements of this subsection need not be
3 followed in cases of emergency, but in emergency cases the
4 actual emergency shall be declared and stated by resolution
5 of the county commissioners.

6 (c) Receipt and opening of bids.--All bids shall be received
7 by the controller, or, for a county without a controller, by the
8 chief clerk of the county commissioners, in sealed envelopes.

9 The following apply:

10 (1) For a county of the second class A, bids shall be
11 opened publicly at a time and place to be designated in the
12 advertisement for bids. The figures shall be announced
13 publicly by the chief clerk or the chief clerk's designee and
14 referred to the appropriate departments for tabulation
15 without the presence of the county commissioners.

16 (2) For a county of the third, fourth, fifth, sixth,
17 seventh or eighth class, bids shall be opened publicly at a
18 time and place specified in the advertisement for bids, in
19 the presence of the controller or chief clerk, as the case
20 may be, by the county commissioners or their designee. The
21 controller or the chief clerk, shall keep a record of the
22 bids.

23 (d) Entire amount.--

24 (1) The amount or price of the contract shall be the
25 entire amount which the county pays to the successful bidder
26 or the bidder's assigns less the value of personal property
27 transferred from the county to the bidder or the bidder's
28 assigns at any time during the duration of the contract, in
29 order to obtain the services or property, or both. The amount
30 of the contract may not be construed to mean only the amount

1 that is paid to acquire title or to receive any other
2 particular benefit of the whole bargain.

3 (2) The value of personal property transferred to the
4 bidder or the bidder's assigns upon execution of the contract
5 shall be specified in the bid. The method of determining the
6 value of personal property transferred to the bidder or his
7 assigns at a time during the duration of the contract shall
8 be specified in the bid and shall be determined using
9 generally accepted valuation methods.

10 (e) Acceptance of bids.--

11 (1) The acceptance of bids by advertising required under
12 this section shall be made by the controller, for a county of
13 the second class A, or by the county commissioners, for a
14 county of the third, fourth, fifth, sixth, seventh or eighth
15 class. The acceptance of bids shall only be made by public
16 announcement at the meeting at which bids are opened, or at a
17 subsequent meeting, the time and place of which shall be
18 publicly announced when bids are opened. If for any reason
19 the award is not made at either of the meetings, the same
20 business may be transacted at any subsequent meeting, the
21 time and place of which shall have been announced at the
22 previous meeting held for the award.

23 (2) The contract shall be awarded, or the bids shall be
24 rejected, within 30 days of the opening of the bids, except
25 for bids subject to 62 Pa.C.S. (relating to procurement). A
26 30-day extension of the date for the award may be made by the
27 mutual written consent of the county commissioners and any
28 bidder that wishes to remain under consideration for award.
29 The county commissioners shall excuse from consideration any
30 bidder not wishing to agree to a request for extension of the

1 date for the award and shall release the bidder from any bid
2 bond or similar bid security furnished under subsection (f).

3 (3) A contract shall be filed with the controller, or
4 with the chief clerk as the case may be, immediately after
5 the execution.

6 (f) Security permitted.--The county commissioners may
7 require, as a necessary condition of considering a bid, that any
8 bids advertised be accompanied by a cashier's check or other
9 irrevocable letter of credit in a reasonable amount drawn upon a
10 bank authorized to do business in this Commonwealth or by a bond
11 with corporate surety in a reasonable amount. In the event a
12 bidder shall, upon award of the contract to the bidder, fail to
13 comply with the requirements of subsection (g) as to security
14 guaranteeing the performance of the contract, the security
15 furnished under this subsection shall be forfeited to the county
16 as liquidated damages.

17 (g) Security required.--If a formal bid is required by this
18 chapter, the successful bidder may be required to furnish a bond
19 or irrevocable letter of credit or other security in an amount
20 sufficient to the county commissioners guaranteeing performance
21 of the contract within 30 days after the contract has been
22 awarded, unless the county commissioners prescribe a shorter
23 period. The successful bidder for a contract which involves the
24 construction, erection, installation, completion, alteration,
25 repair of or addition to any public work or improvement of any
26 kind shall furnish security as provided in section 16118
27 (relating to contract performance security and payment bonds).
28 Performance security for services and contracts for labor and
29 materials delivered on a periodic basis, including food service
30 contracts, home health services and janitorial services and

1 supplies, may be computed on the expected average value for one
2 or more months at the discretion of the county commissioners.
3 Upon failure to furnish the security within the time fixed, the
4 previous awards shall be void. Deliveries, performances and
5 guarantees may be required in all cases of expenditures,
6 including the exceptions under subsection (h).

7 (h) Exceptions.--Contracts or purchases made by the county
8 commissioners for the following may not require advertising,
9 bidding or price quotations:

10 (1) Maintenance, repairs or replacements for water,
11 electric light or other public works if not new additions,
12 extensions or enlargements of existing facilities and
13 equipment. Security may be required by the county
14 commissioners as in other cases for work done.

15 (2) Improvements, repairs and maintenance, made or
16 provided by the county through its own employees. This
17 paragraph does not apply to construction materials used in a
18 street improvement.

19 (3) Particular types, models or pieces of new equipment,
20 articles, apparatus, appliances, vehicles or parts thereof
21 requested by the county commissioners, which are patented and
22 manufactured or copyrighted products.

23 (4) Policies of insurance or surety company bonds.

24 (5) Public utility service and electricity, natural gas
25 or telecommunication services, provided that, for utilities
26 not under tariff with the Pennsylvania Public Utility
27 Commission, contracts made without advertising and bidding
28 shall be made only after receiving written or telephonic
29 price quotations in accordance with the procedures specified
30 in section 15101(b).

1 (6) Services of members of the medical or legal
2 profession, registered architects, engineers, certified
3 public accountants or other personal services involving
4 professional expertise.

5 (7) Materials, supplies and equipment contracts entered
6 into by nonprofit cooperative hospital service associations
7 for hospitals and nursing homes which are part of the
8 institutional district or which are owned by the county,
9 operated by the county or affiliated with the county.

10 (8) Tangible client services provided by nonprofit
11 agencies. For the purposes of this paragraph, the term
12 "tangible client services" shall mean congregate meals, home-
13 delivered meals, transportation or chore services provided
14 through area agencies on aging.

15 (9) The sale, lease or loan of supplies or materials to
16 the county by a public body if the price is not in excess of
17 that fixed by the public body. The requirements of 53 Pa.C.S.
18 Ch. 23 Subch. A (relating to intergovernmental cooperation)
19 may not apply when a county purchases cooperatively with
20 another public body that has entered into a contract for
21 supplies or materials. As used in this paragraph, the term
22 "public body" shall mean any of the following:

23 (i) the Federal Government;

24 (ii) the Commonwealth;

25 (iii) any other state;

26 (iv) a political subdivision, local or municipal
27 authority, council of government, entity created in
28 accordance with 53 Pa.C.S. Ch. 23 Subch. A or other
29 similar local entity of the Commonwealth or any other
30 state; or

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

3 (10) The purchase of milk for counties of the second
4 class A.

5 (11) Construction management services.

6 (12) Computer software.

7 (i) Contracts for technology and information systems.--

8 (1) Notwithstanding the provisions of this chapter to
9 the contrary, the county commissioners shall have authority
10 to enter into contracts for equipment and services related to
11 technology and information systems on the basis of best value
12 procurement.

13 (2) Contracts under best value procurement shall be made
14 only after the county has solicited proposals based on
15 performance and outcome specifications developed by the
16 county and describing at minimum:

17 (i) the objectives to be met by the system;

18 (ii) the tasks to be performed by the system;

19 (iii) the users of the system;

20 (iv) system security issues;

21 (v) the time frame for system implementation;

22 (vi) potential operating technologies;

23 (vii) compatibility with existing systems;

24 (viii) training and maintenance; and

25 (ix) the process by which the contract shall be
26 awarded.

27 (3) Best value procurement may not require a sealed bid
28 process and shall permit the county commissioners to
29 negotiate the terms of the agreement with any responsive and
30 responsible vendor.

1 (j) Other acts.--A contract subject to this chapter shall
2 comply, as applicable, with the provisions of:

3 (1) The act of August 15, 1961 (P.L.987, No.442), known
4 as the Pennsylvania Prevailing Wage Act.

5 (2) The act of December 20, 1967 (P.L.869, No.385),
6 known as the Public Works Contractors' Bond Law of 1967.

7 (3) The act of January 23, 1974 (P.L.9, No.4), referred
8 to as the Public Contract Bid Withdrawal Law.

9 (4) The act of March 3, 1978 (P.L.6, No.3), known as the
10 Steel Products Procurement Act.

11 (5) The act of February 17, 1994 (P.L.73, No.7), known
12 as the Contractor and Subcontractor Payment Act.

13 (6) 62 Pa.C.S. Chs. 37 Subch. B. (relating to motor
14 vehicles), 39 (relating to contracts for public works) and 45
15 (relating to antibid-rigging).

16 (k) Shared fees and compensation.--Individuals, consultants,
17 firms or corporations contracting with a county for purposes of
18 rendering personal or professional services to the county may
19 not share with a county officer or employee, and county officers
20 or employees may not accept any portion of the compensation or
21 fees paid by the county for the contracted services provided to
22 the county except under the following terms or conditions:

23 (1) Full disclosure of all relevant information
24 regarding the sharing of the compensation or fees shall be
25 made to the county commissioners.

26 (2) The county commissioners must approve the sharing of
27 any fee or compensation for personal or professional services
28 prior to the performance of the services.

29 (3) Fees or compensation for personal or professional
30 services may not be shared except for work actually

1 performed.

2 (4) Shared fees or compensation for personal or
3 professional services may not be paid at a rate in excess of
4 that commensurate for similar personal or professional
5 services.

6 § 15103. Evasion of advertising requirements.

7 (a) Prohibition.--

8 (1) No commissioner may evade the provisions of section
9 15102 (relating to contract procedures, terms and bonds and
10 advertising for bids), for advertising for bids or purchasing
11 or contracting for services and personal properties piece-
12 meal, for the purpose of obtaining prices under the base
13 amount of \$18,500, subject to adjustment under section
14 15101(c) (relating to commissioners sole contractors for
15 county generally), upon transactions which should, in the
16 exercise of reasonable discretion and prudence, be conducted
17 as one transaction amounting to more than the base amount of
18 \$18,500, subject to adjustment under section 15101(c). This
19 paragraph is intended to make unlawful the practice of
20 evading advertising requirements by making a series of
21 purchases or contracts each for less than the advertising
22 requirement price, or by making several simultaneous
23 purchases or contracts each below that price, if in either
24 case the transaction involved should have been made as one
25 transaction for one price.

26 (2) Commissioners who vote in violation of this
27 provision and who know that the transaction upon which the
28 commissioners so vote is or should be a part of a larger
29 transaction and that it is being divided in order to evade
30 the requirements as to advertising for bids shall be, jointly

1 and severally, subject to surcharge for any loss sustained.

2 (3) If it appears that a county commissioner may have
3 voted in violation of this section, but the purchase or
4 contract on which a county commissioner voted was not
5 approved by the board of commissioners, this section shall be
6 inapplicable.

7 (b) Criminal offense.--Each county commissioner who votes to
8 unlawfully evade section 15102 and who knows that the
9 transaction is or should be a part of a larger transaction and
10 that it is being divided in order to evade the requirements as
11 to advertising for bids commits a misdemeanor of the third
12 degree for each contract entered into as a direct result of that
13 vote. This penalty shall be in addition to any surcharge that
14 may be assessed under subsection (a).

15 § 15104. (Reserved).

16 § 15105. Sales of personal property and surplus farm products.

17 (a) General rule.--Personal property and surplus farm
18 products of the county may not be disposed of by sale or
19 otherwise, except upon resolution of the county commissioners.

20 (b) Small lots.--If the county commissioners approve a sale
21 of the property or farm products, the commissioners shall
22 estimate the sale value of the entire lot to be disposed of,
23 and, if the estimate is less than \$2,000, the commissioners
24 shall require notice of the proposed sale to be posted, for at
25 least 10 days, in a prominent place in the courthouse,
26 describing and itemizing the property to be sold, and directing
27 that bids may be made at the office of the chief clerk of the
28 county commissioners. After the notice period, the county
29 commissioners may sell the property in whole or in part for the
30 best price or prices obtainable.

1 (c) Large lots.--If the county commissioners estimate the
2 sale value of the personal property or of the surplus farm
3 products to be sold at \$2,000 or more, the entire lot shall be
4 advertised for sale, once, in at least one newspaper of general
5 circulation in the county, and sale of the property advertised
6 shall be made to the highest and best bidder. The bids may not
7 be opened until at least 10 days after the advertisement.

8 (d) Auctions.--The county commissioners may sell any
9 property at auction, but the notice contained in this section
10 shall be likewise observed as to the holding of auction sales.

11 (e) Exceptions.--The provisions of this section may not be
12 mandatory if county property is to be traded-in or exchanged for
13 new personal property. The provisions of this section may not
14 apply to sale of personal property with real property as a
15 single unit under section 16106.1 (relating to authority to sell
16 certain property as a single unit).

17 (f) Electronic auctions.--A public auction of personal
18 property may be conducted by means of an online or electronic
19 auction sale. During an electronic auction sale, bids shall be
20 accepted electronically at the time and in the manner designated
21 in the advertisement. During the electronic auction, each bidder
22 shall have the capability to view the bidder's bid rank or the
23 high bid price. Bidders may increase bid prices during the
24 electronic auction. The record of the electronic auction shall
25 be accessible as a public record under the provisions of the act
26 of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know
27 Law. The purchase price shall be paid by the high bidder
28 immediately or at a reasonable time after the conclusion of the
29 electronic auction as determined by the county commissioners. In
30 the event that shipping costs are incurred, the shipping costs

1 shall be paid by the high bidder. A county that has complied
2 with the advertising requirements of this section may provide
3 additional notice of the sale by bids or public auction in any
4 manner deemed appropriate by the county commissioners. The
5 advertisement for electronic auction sales authorized in this
6 subsection shall include the publicly accessible Internet
7 website of, or means of accessing, the electronic auction and
8 the date, time and duration of the electronic auction.

9 § 15106. Conflicts of interest prohibited.

10 (a) General rule.--Except as provided in subsection (b),
11 restrictions on the involvement of elected and appointed county
12 officers in a county contract shall be as prescribed in 65
13 Pa.C.S. Ch. 11 (relating to ethics standards and financial
14 disclosure) and the limitations and procedures under section
15 15102(k) (relating to contract procedures, terms and bonds and
16 advertising for bids).

17 (b) Architects and engineers and criminal offense.--
18 Notwithstanding subsection (a), the following shall apply:

19 (1) It shall be unlawful for an architect or engineer
20 employed by a county of the second class A and engaged in the
21 preparation of plans, specifications or estimates, to bid or
22 negotiate on any public work contracted by the county, except
23 that an architect or engineer who prepared preliminary plans
24 only may bid on or negotiate the final contract for the work.

25 (2) It shall be unlawful for the officers of a county of
26 the second class A charged with the duty of contracting for
27 public work, to award a contract to an architect or engineer,
28 employed by the county who is interested in a contract for
29 public work for the county or for any architect or engineer
30 to receive any remuneration or gratuity from any person

1 interested in the contract except as provided under section
2 15102(k).

3 (3) A person violating any of the provisions of
4 paragraph (1) or (2) commits a misdemeanor in office and,
5 upon conviction, shall forfeit the office and be sentenced to
6 pay a fine not exceeding \$500, or to imprisonment for not
7 more than six months, or both.

8 § 15107. Application of contract provisions.

9 The provisions of this chapter shall apply to all of the
10 contractual powers of the county commissioners contained in this
11 part, or other laws not inconsistent with this chapter, and the
12 mention of powers of contract outside this chapter shall not be
13 construed as disregarding the applicable provisions of this
14 chapter.

15 § 15107.1. Printing contracts.

16 (a) Responsible bidders.--In counties of the second class A,
17 the county commissioners may, by resolution, require that a
18 printing firm presenting a bid for county printing establish
19 itself as a responsible bidder by requiring that:

20 (1) The printing firm file, with the chief clerk of the
21 county commissioners, a sworn statement to the effect that
22 employees are receiving the prevailing wage rate and are
23 working under conditions prevalent in the locality in which
24 the work is produced.

25 (2) If a collective bargaining agreement is in effect
26 between an employer and employees who are represented by a
27 responsible organization that is not influenced or controlled
28 by the management, the agreement and the provisions of the
29 agreement shall be considered as conditions prevalent in the
30 locality and shall be the minimum requirements for being

1 deemed a responsible bidder under this chapter.

2 (3) In case a dispute arises as to what is the
3 prevailing rate of wages for work applicable to the contract,
4 which cannot be adjusted by the county commissioners, the
5 matter shall be referred to the county salary board and the
6 board's decision shall be conclusive.

7 (b) Prevailing wage rate.--If the wage rates vary in any
8 district in a county, then a printing firm that pays wages at
9 least equal to those in any agreement, shall, for the purposes
10 of this chapter, be deemed to be paying the prevailing wage
11 rate.

12 (c) Definition.--As used in this section, the term
13 "prevailing wage rate" means at least the minimum wages that are
14 received by employees of a printing firm, in second class A
15 counties as a result of a collective bargaining agreement
16 negotiated by an employer with a responsible organization
17 representing the employees.

18 § 15107.2. Prohibited contract provisions.

19 A political subdivision or authority in a county of the
20 second class A may not enter into a contract related to a
21 redevelopment capital assistance project under section 318 of
22 the act of February 9, 1999 (P.L.1, No.1), known as the Capital
23 Facilities Debt Enabling Act, which contains a provision
24 requiring that a specified percentage of a contracting party's
25 work force be residents of a specific municipality.

26 CHAPTER 153

27 SPECIAL POWERS AND DUTIES OF COUNTIES

28 Subchapter

29 A. (Reserved)

30 B. (Reserved)

1 C. (Reserved)

2 D. County Histories

3 E. Animal and Plant Husbandry

4 F. Communications

5 G. Prevention and Control of Floods

6 G.1. Disaster Emergency Aid to Municipalities in Counties of
7 the Third through Eighth Class

8 H. Aid to Firefighting Departments and Companies

9 H.1. Fire Marshal and Assistant Fire Marshals in Counties of
10 the Third through Eighth Class

11 I. Utilities

12 J. (Reserved)

13 K. Rewards and Bounties

14 L. Garbage and Refuse Disposal

15 M. (Reserved)

16 N. Appropriations to Industrial Development Agencies

17 O. Surplus Foods and Food Stamp Program

18 P. Historical Property and Museums

19 P.1. Legal Aid Services

20 Q. Transportation and Traffic Control Devices

21 R. (Reserved)

22 S. Appropriations for Recreation and Historic and Museum
23 Projects of Municipal Corporations, Authorities and
24 Nonprofit Organizations

25 T. Appropriations to Institutions of Higher Learning or to
26 Nonprofit Educational Trusts in Counties of the Third
27 through Eighth Class

28 U. Agreements with Federal Government for the Promotion of
29 Health or Welfare

30 V. Appropriations for Reservoirs and Water Resources

1 W. Tourist Promotion Agencies

2 X. Crime Detection Laboratory and Police Training School in
3 Counties of the Third Class

4 Y. Parking Facilities

5 Z. Revenue Bonds for Industrial Development Projects

6 Z.1. Grants to Nonprofit Art Corporations

7 Z.2. Commission on Women

8 Z.3. Civil Service in Counties of the Second Class A

9 Z.4. Insuring County Against Loss or Liability

10 Z.5. Lot and Block System in Counties of the Second Class A

11 SUBCHAPTER A

12 (Reserved)

13 SUBCHAPTER B

14 (Reserved)

15 SUBCHAPTER C

16 (Reserved)

17 SUBCHAPTER D

18 COUNTY HISTORIES

19 Sec.

20 15328. County history.

21 15329. Payment to historical societies.

22 15330. Qualification of society.

23 15331. Restoration and preservation of historic sites.

24 § 15328. County history.

25 The county commissioners, either independently or in
26 connection with any other municipality within the county or a
27 society or organization, may appropriate money for the
28 compilation of a county war history or any general history or
29 historical account related to the historical records and
30 government of the county, and for publication and distribution.

1 § 15329. Payment to historical societies.

2 (a) Payments.--The county commissioners may pay, out of the
3 county money not otherwise appropriated, a sum of money to a
4 county historical society, qualified under section 15330
5 (relating to qualification of society), to assist in paying
6 expenses. If a county historical society is comprised of
7 residents of more than one county, the county commissioners of
8 the respective counties may jointly pay the sum in such
9 proportion as the county commissioners shall agree.

10 (b) Vouchers.--Appropriations may not be renewed until
11 vouchers have been filed with the county commissioners showing
12 that the appropriation for any prior year has been expended
13 under this chapter.

14 § 15330. Qualification of society.

15 A historical society eligible to receive county money
16 according to the provisions of section 15329 (relating to
17 payment to historical societies) shall:

18 (1) be a not-for-profit corporation, in good standing
19 and registered according to the laws of this Commonwealth
20 with the Pennsylvania Commission on Charitable Organizations;

21 (2) have operated for two years prior to receiving an
22 appropriation from a county; and

23 (3) control and operate a museum or other facility
24 related to the history of the county or this Commonwealth
25 that is open to the public at least 100 days per year.

26 § 15331. Restoration and preservation of historic sites.

27 The county commissioners may make appropriations out of
28 county money to any nonprofit corporation organized for the
29 purpose of restoring and preserving historic sites that are
30 within the county. For the purposes of this section, an eligible

1 historic site shall be listed or eligible to be listed in the
2 National Register of Historic Places or designated as historic
3 by resolution of the county commissioners.

4 SUBCHAPTER E

5 ANIMAL AND PLANT HUSBANDRY

6 Sec.

7 15335. Appropriations for prevention of cruelty to animals.

8 15336. Cooperative Extension, natural resources, 4-H youth,
9 families, nutrition and community development.

10 15337. Agricultural or horticultural societies.

11 15338. Suppression of animal and plant disease.

12 15339. County fair associations in counties of the third,
13 fourth, fifth, sixth, seventh and eighth class.

14 § 15335. Appropriations for prevention of cruelty to animals.

15 The county commissioners may appropriate money toward the
16 maintenance of an organization or society, incorporated under
17 the laws of this Commonwealth, for the prevention of cruelty to
18 animals and which, for a period of at least two years prior to
19 the making of the appropriation, shall have been engaged in
20 carrying out the purposes of its incorporation, in whole or in
21 part, within the county.

22 § 15336. Cooperative Extension, natural resources, 4-H youth,
23 families, nutrition and community development.

24 (a) Appropriations.--The county commissioners may make
25 annual appropriations for Cooperative Extension work, in
26 cooperation with The Pennsylvania State University, to support
27 improved methods of agricultural production and management,
28 economic development, family and youth programming and practical
29 instruction and demonstrations, both in-person and online. The
30 purpose of these activities is to help communities, businesses

1 and people solve problems and improve their quality of life.
2 The money shall be expended according to rules and regulations
3 prescribed or approved by the county commissioners to support
4 Cooperative Extension's mission to provide educational
5 opportunities to constituents, regardless of where the expertise
6 is located.

7 (b) Cooperative Extension services.--Cooperative Extension
8 shall provide counties access to The Pennsylvania State
9 University's science-based information, expertise and education
10 and shall continually work to expand access to its Statewide
11 programs through technology channels.

12 (c) Offices.--The county commissioners may provide offices
13 in the county for headquarters for cooperative work under this
14 section.

15 § 15337. Agricultural or horticultural societies.

16 (a) Appropriations.--The county commissioners are authorized
17 to make appropriations annually out of the current revenues of
18 the county to an incorporated agricultural or horticultural
19 society or association located within the county.

20 (b) Additional appropriations.--The county commissioners are
21 authorized to make additional appropriations annually out of the
22 current revenues of the county to an incorporated agricultural
23 or horticultural society or association located within the
24 Commonwealth.

25 § 15338. Suppression of animal and plant disease.

26 (a) Appropriations.--The county commissioners may make
27 appropriations from county money and cooperate with the
28 Department of Agriculture, for the purpose of controlling and
29 suppressing:

30 (1) dangerous transmissible diseases of domestic

1 animals;

2 (2) dangerous plant diseases;

3 (3) insect pests; and

4 (4) diseases of honeybees.

5 (b) Agreements.--For the purpose of carrying out this
6 section, the county commissioners may enter into agreements with
7 the Department of Agriculture concerning terms, rules,
8 regulations and practices for conducting the work.

9 § 15339. County fair associations in counties of the third,
10 fourth, fifth, sixth, seventh and eighth class.

11 The county commissioners in counties of the third, fourth,
12 fifth, sixth, seventh and eighth class may appropriate annually,
13 out of current revenues, to an incorporated nonprofit
14 agriculture association or a nonprofit county fair association
15 located within the county, for the repair and maintenance of the
16 real estate, buildings and structures within the county used
17 annually by the association for county agriculture fairs and
18 exhibitions, regardless of if the real estate is owned by the
19 county and leased to the association.

20 SUBCHAPTER F

21 COMMUNICATIONS

22 Sec.

23 15343. Appropriations for radio broadcasting station.

24 15344. Appropriations for police, fire and other public safety
25 radio and telecommunications networks.

26 § 15343. Appropriations for radio broadcasting station.

27 The county commissioners may make an appropriation for the
28 purpose of assisting a naval reserve unit or amateur radio
29 league in maintaining, equipping and operating a shortwave radio
30 broadcasting station or cable television community access

1 stations geared to public access, educational access or
2 governmental access, which shall be available for public use in
3 the event of emergency or disaster.

4 § 15344. Appropriations for police, fire and other public
5 safety radio and telecommunications networks.

6 The county commissioners may make appropriations for the
7 erection, operation and maintenance of a county police radio,
8 fire and other public safety radio and telecommunications
9 networks.

10 SUBCHAPTER G

11 PREVENTION AND CONTROL OF FLOODS

12 Sec.

13 15347. Prevention and control of floods.

14 § 15347. Prevention and control of floods.

15 (a) Prevention and control of floods.--The county
16 commissioners may borrow, appropriate and expend money and may
17 acquire by purchase or dedication or by the power of eminent
18 domain real property, or any interest in real property, for the
19 purpose of cleansing, maintaining, regulating, improving and
20 controlling rivers, streams and other bodies of water and
21 stormwater drainage systems lying within the boundaries of the
22 county, either in whole or in part, for the prevention and
23 control of floods. The county commissioners may make contracts
24 and expenditures for the cleansing, maintenance, regulation,
25 improvement and control of waters and drainage systems and for
26 the prevention and control of floods by storage or retaining
27 reservoirs, or otherwise, in parts of waters beyond the limits
28 of the county or of the Commonwealth, if, in the county
29 commissioner's judgment, the expenditures are necessary and for
30 the benefit of the county.

1 (b) Investigations.--The county commissioners may make
2 appropriations and expenditures for investigating and examining
3 or for assisting in the investigation and examination of the
4 condition of waters for the purpose of subsection (a).

5 (c) Agreements.--The county commissioners may enter into
6 agreements with the United States Secretary of Defense or other
7 public authorities empowered to act under any law of the United
8 States or of this or any other state, as may be necessary and
9 proper for the prevention and control of floods.

10 (d) Bonds.--In exercising the powers under this chapter, the
11 county commissioners may, subject to the limitation of the
12 Constitution of Pennsylvania, issue interest bearing bonds of
13 the county in accordance with the provisions of 53 Pa.C.S. Pt.
14 VII Subpt. B (relating to indebtedness and borrowing).

15 SUBCHAPTER G.1

16 DISASTER EMERGENCY AID TO MUNICIPALITIES

17 IN COUNTIES OF THE THIRD THROUGH EIGHTH CLASS

18 Sec.

19 15348. Emergency appropriation to municipal corporations.

20 § 15348. Emergency appropriation to municipal corporations.

21 (a) Appropriations.--The county commissioners of counties of
22 the third, fourth, fifth, sixth, seventh and eighth class may
23 appropriate money for the purpose of assisting municipal
24 corporations within the county with any cleanup, maintenance,
25 repair and improvements undertaken as a result of damage
26 incurred or a dangerous condition caused by either a disaster
27 emergency within the county declared by the Governor or a local
28 emergency declared by the governing body of a municipal
29 corporation within the county.

30 (b) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection unless the context clearly indicates otherwise:

3 "Disaster emergency." As defined in 35 Pa.C.S. § 7102
4 (relating to definitions).

5 "Local emergency." As defined in 35 Pa.C.S. § 7102.

6 SUBCHAPTER H

7 AID TO FIREFIGHTING DEPARTMENTS AND COMPANIES

8 Sec.

9 15351. Counties of seventh and eighth classes and

10 appropriations to borough fire departments and
11 volunteer fire companies.

12 15352. Establishment of fire training schools.

13 § 15351. Counties of seventh and eighth classes and

14 appropriations to borough fire departments and
15 volunteer fire companies.

16 (a) Appropriations.--The county commissioners of a county of
17 the seventh or eighth class may make an appropriation annually
18 to the fire department of a borough in the county or to a
19 volunteer fire company located within a borough in the county
20 that gives fire protection to approximately all parts of the
21 county. Money appropriated to a fire department or fire company
22 shall be used for the purchase, maintenance and repair of
23 firefighting equipment.

24 (b) Restriction.--The county commissioners of a county of
25 the seventh or eighth class may not authorize the appropriation
26 of money to a fire department or fire company that receives
27 contributions or appropriations from any township in the county.

28 § 15352. Establishment of fire training schools.

29 (a) Appropriations.--The county commissioners may
30 appropriate annual money to lawfully organized or incorporated

1 county or regional firemen's associations to establish, equip,
2 maintain and operate, and the county commissioners may
3 establish, equip, maintain and operate, fire training schools or
4 centers for the purpose of giving instruction and practical
5 training in the prevention, control and fighting of fire and
6 related fire department emergencies to the members of paid fire
7 departments and volunteer fire companies in any city, borough,
8 town or township within the county.

9 (b) Regional fire training schools.--If a firemen's
10 association is comprised of residents of two or more counties or
11 contemplates operation of a regional fire training school in two
12 or more counties, the county commissioners may appropriate money
13 to the association.

14 SUBCHAPTER H.1

15 FIRE MARSHAL AND ASSISTANT FIRE MARSHALS IN 16 COUNTIES OF THE THIRD THROUGH EIGHTH CLASS

17 Sec.

18 15353. Appointment.

19 § 15353. Appointment.

20 (a) Appointment.--The county commissioners of a county of
21 the third, fourth, fifth, sixth, seventh and eighth class may
22 appoint a fire marshal and assistant fire marshals as necessary
23 to perform duties relating to the prevention and control of fire
24 as the county commissioners deem to be in the best interests of
25 the county.

26 (b) Duties.--A fire marshal or assistant fire marshal may
27 not be assigned duties that will conflict with fire marshals or
28 municipal fire marshals or powers relating to the control of
29 fires conferred by law upon the Pennsylvania State Police.

30 (c) Compensation.--Compensation for the fire marshal and

assistant fire marshals shall be set by the county salary board.

SUBCHAPTER I

UTILITIES

Sec.

15355. Drilling gas wells and laying gas lines.

15356. Contracts for relocation, change or elevation of
railroads.

15357. County may assist municipalities.

§ 15355. Drilling gas wells and laying gas lines.

(a) Contracts.--For the purpose of furnishing gas for light
and fuel to the county buildings and for other purposes, the
county commissioners may contract for:

(1) The drilling of gas wells upon lands owned by the
county.

(2) The laying of gas lines equipped with modern
appliances and machinery as may be necessary.

(b) Procedure.--Contracts under this section, including
contracts for the building of rigs or derricks and the purchase
of machinery, shall be made by the county commissioners in the
manner provided for in Chapter 151 (relating to contracts).

§ 15356. Contracts for relocation, change or elevation of
railroads.

The county commissioners may enter into contracts with a
railroad company to relocate, change or elevate the railroads
within the county in such manner as, in the judgment of the
board, may be best adapted to secure the safety of lives and
property and promote the interest of the county.

§ 15357. County may assist municipalities.

(a) Assistance.--Upon the request of a political subdivision
within a county, the county may assist the political subdivision

1 in negotiations or a contest with a public utility company and
2 may use or allow the political subdivision to use the legal,
3 engineering, accounting or clerical service of the county.

4 (b) Intervention.--The county commissioners may enter their
5 appearance as interveners or otherwise in a proceeding before
6 the Pennsylvania Public Utility Commission or before a court in
7 a proceeding involving a controversy between a political
8 subdivision in the county and a public utility company.

9 SUBCHAPTER J

10 (Reserved)

11 SUBCHAPTER K

12 REWARDS AND BOUNTIES

13 Sec.

14 15371. Rewards for detection or apprehension of criminals.

15 15372. (Reserved).

16 § 15371. Rewards for detection or apprehension of criminals.

17 (a) Rewards.--The county commissioners may offer a reward,
18 in addition to that authorized by law, for information leading
19 to the detection or apprehension of an individual charged with
20 or perpetrating a felony or misdemeanor, or aiding or abetting.

21 (b) Payment of rewards.--Upon the conviction of an
22 individual under subsection (a), the county commissioners may
23 pay the reward out of the county treasury, but in no case may
24 the owner of stolen property be entitled to the reward for the
25 detection or apprehension of the individual who commits the
26 offense of larceny.

27 (c) Misdemeanors.--In cases of misdemeanors, the county
28 commissioners must have the approval of the president judge of
29 the court of common pleas of the county before offering or
30 paying a reward.

1 § 15372. (Reserved).

2 SUBCHAPTER L

3 GARBAGE AND REFUSE DISPOSAL

4 Sec.

5 15375. Municipal waste processing and disposal in county
6 facilities.

7 § 15375. Municipal waste processing and disposal in county
8 facilities.

9 (a) Power.--The county commissioners shall have the power
10 to:

11 (1) operate or provide for the operation of municipal
12 waste processing and disposal facilities, including municipal
13 waste landfills, resource recovery facilities and recycling
14 facilities; and

15 (2) enter into agreements or contracts with any person,
16 corporation or political subdivision for the disposal of
17 municipal waste in the facilities constructed and maintained
18 by the county and charge and receive fees for services
19 provided under this subsection.

20 (b) Acquisition of real property.--A county may acquire by
21 gift, lease, purchase by current revenues, borrowing or
22 incurring indebtedness or eminent domain real property within
23 the county for the purpose of constructing any facility under
24 subsection (a) or other buildings necessary to operate the
25 facility. If private property is taken by eminent domain, the
26 county shall acquire the entire title, either in fee or
27 otherwise, held by the owner or owners of the property or of any
28 interest.

29 (c) Definitions.--As used in this section, the following
30 words and phrases shall have the meanings given to them in this

subsection unless the context clearly indicates otherwise:

"Municipal waste landfill." As defined in the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.

"Recycling facility." As defined in the Municipal Waste Planning, Recycling and Waste Reduction Act.

"Resource recovery facility." As defined in the Municipal Waste Planning, Recycling and Waste Reduction Act.

SUBCHAPTER M

(Reserved)

SUBCHAPTER N

APPROPRIATIONS TO INDUSTRIAL DEVELOPMENT AGENCIES

Sec.

15385. Appropriations to industrial development agencies by counties.

15386. (Reserved).

§ 15385. Appropriations to industrial development agencies by counties.

The county commissioners may annually appropriate amounts as deemed necessary to an industrial development organization, as defined in section 2301 of the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, to assist the agencies in the:

(1) financing of operational costs for the purposes of making studies, surveys and investigations and compiling data and statistics; and

(2) carrying out of planning and promotional programs.

§ 15386. (Reserved).

SUBCHAPTER O

SURPLUS FOODS AND FOOD STAMP PROGRAM

1 Sec.

2 15390. Appropriations for handling, storage and distribution of
3 surplus foods.

4 15391. (Reserved).

5 § 15390. Appropriations for handling, storage and distribution
6 of surplus foods.

7 The county commissioners may appropriate from county money,
8 or, in counties of the second class A and third class from
9 county institution district money, money for the handling,
10 storage and distribution of surplus foods obtained through a
11 Federal, State or local agency.

12 § 15391. (Reserved).

13 SUBCHAPTER P

14 HISTORICAL PROPERTY AND MUSEUMS

15 Sec.

16 15395. Acquisition, repair and maintenance of historical
17 property.

18 15395.1. Contributions to museums of fine art or natural
19 history.

20 § 15395. Acquisition, repair and maintenance of historical
21 property.

22 The county commissioners may acquire by purchase or by gift
23 and repair, supervise, operate and maintain ancient landmarks
24 and other property of historical or antiquarian interest that is
25 listed or eligible to be listed in the National Register of
26 Historic Places or designated as historic by resolution of the
27 county commissioners.

28 § 15395.1. Contributions to museums of fine art or natural
29 history.

30 The county commissioners may appropriate money from county

1 money for the purpose of contributing toward the cost of
2 operating, maintaining or carrying out or furthering the
3 purposes of institutes or museums of fine art or natural history
4 that is:

- 5 (1) located within the county on public property;
- 6 (2) established by private grant or bequest;
- 7 (3) open to the public; and
- 8 (4) not used for private or corporate profit.

9 SUBCHAPTER P.1

10 LEGAL AID SERVICES

11 Sec.

12 15396. Appropriations for legal aid services.

13 § 15396. Appropriations for legal aid services.

14 The county commissioners may appropriate money for payment to
15 nonprofit legal aid associations or societies or county bar
16 associations that provide legal aid services for indigent
17 persons in civil matters in the county.

18 SUBCHAPTER Q

19 TRANSPORTATION AND TRAFFIC CONTROL DEVICES

20 Sec.

21 15397. Improvement of operation and facilities.

22 15398. Money for traffic control devices.

23 § 15397. Improvement of operation and facilities.

24 The county commissioners may enter into contracts and long
25 range cooperative programs with Federal, State and local
26 governmental agencies, public utilities or authorities for the
27 improvement of transportation operations and facilities within
28 and across county lines. The county commissioners may
29 independently or in cooperation with any other county or
30 municipality appropriate money annually in furtherance of

transportation improvements and may also accept on behalf of the
county gifts, grants and Federal and State loans in connection
to a transportation improvement.

§ 15398. Money for traffic control devices.

The county commissioners may contribute money to any
municipal corporation within the county for the erection and
maintenance of any traffic signal, as defined under 67 Pa. Code
§ 212.1. (relating to definitions).

SUBCHAPTER R

(Reserved)

SUBCHAPTER S

APPROPRIATIONS FOR RECREATION AND HISTORIC AND MUSEUM PROJECTS OF MUNICIPAL CORPORATIONS, AUTHORITIES AND NONPROFIT ORGANIZATIONS

Sec.

15399. Appropriations for recreation and historic and museum
projects.

§ 15399. Appropriations for recreation and historic and museum
projects.

(a) Appropriations.--The county commissioners may
appropriate county money for grants to assist municipal
corporations and authorities within the county, as well as
nonprofit organizations, in the purchase, acquisition,
improvement, equipping or landscaping of the following:

(1) lands;

(2) buildings and facilities, along with the demolition
of buildings and facilities;

(3) parks, recreation areas, open space projects and
other outdoor projects; and

(4) historic and museum projects.

1 (b) Definitions.--As used in this section, the term
2 "nonprofit organization" shall mean an entity which is tax
3 exempt under section 501(a) of the Internal Revenue Code of 1986
4 (Public Law 99-514, 26 U.S.C. § 501(a)), as amended, or any
5 successor provisions, not operated for profit and organized to:

6 (1) preserve or conserve open space, natural resources
7 or natural habitats;

8 (2) promote outdoor recreation and the acquisition and
9 development of facilities related thereto; or

10 (3) preserve sites of historical significance.

11 SUBCHAPTER T

12 APPROPRIATIONS TO INSTITUTIONS OF HIGHER
13 LEARNING OR TO NONPROFIT EDUCATIONAL TRUSTS IN
14 COUNTIES OF THE THIRD THROUGH EIGHTH CLASS

15 Sec.

16 15399a. Appropriations to institutions of higher learning or to
17 nonprofit educational trusts.

18 § 15399a. Appropriations to institutions of higher learning or
19 to nonprofit educational trusts.

20 The county commissioners may appropriate county money in
21 amounts as may be deemed necessary to any of the following
22 institutions or trusts located within the county to assist the
23 institution or trust in the financing of the functions specified
24 by the county commissioners:

25 (1) Nonsectarian institutions of higher learning.

26 (2) A nonprofit educational trust created for the
27 purpose of constructing or maintaining facilities for
28 Pennsylvania State System of Higher Education universities
29 and State-related universities, including The Pennsylvania
30 State University, Lincoln University, Temple University and

1 the University of Pittsburgh.

2 SUBCHAPTER U

3 AGREEMENTS WITH FEDERAL GOVERNMENT FOR THE

4 PROMOTION OF HEALTH OR WELFARE

5 Sec.

6 15399b. Federal health and welfare programs.

7 § 15399b. Federal health and welfare programs.

8 (a) Agreements.--

9 (1) The county commissioners may enter into an agreement
10 with the Federal Government, or with any city, borough, town,
11 township or nonprofit corporation or association located or
12 carrying on the functions of the nonprofit corporation or
13 association within the county or serving the residents of the
14 county.

15 (2) The county commissioners may only enter into an
16 agreement under paragraph (1) with a city, borough, town,
17 township, nonprofit corporation or association that has or
18 will contract with the Federal Government or the Commonwealth
19 whereby the Federal Government will provide a portion of the
20 money necessary, payable either to the county or State or
21 directly to the city, borough, town, township, nonprofit
22 corporation or association to provide a program not in
23 conflict with a Federal or State program for the promotion of
24 the health or welfare of the Commonwealth's residents.

25 (b) Donations.--The county may accept gifts or grants of
26 money, property or services from any source, public or private,
27 and may appropriate money as may be necessary to carry out a
28 program under subsection (a).

29 SUBCHAPTER V

30 APPROPRIATIONS FOR RESERVOIRS AND WATER RESOURCES

1 Sec.

2 15399c. Appropriations for reservoirs and water resources.

3 § 15399c. Appropriations for reservoirs and water resources.

4 (a) Facilities.--

5 (1) The county commissioners may borrow, appropriate and
6 expend money for the construction, acquisition by purchase,
7 lease or otherwise, operation and maintenance of dams,
8 reservoirs, wells and other facilities for the utilization of
9 surface, subsurface and groundwater resources and all related
10 structures, appurtenances and equipment necessary for the use
11 of dams, reservoirs, wells and other facilities.

12 (2) The county commissioners may acquire by purchase,
13 lease, gift or the exercise of power of eminent domain, sites
14 for a facility listed under paragraph (1) in accordance with
15 the following:

16 (i) The county commissioners shall obtain a permit
17 from the Department of Environmental Protection whenever
18 a permit is required by law.

19 (ii) The county commissioners may not acquire by the
20 exercise of power of eminent domain the property of a
21 public utility subject to the jurisdiction of the Federal
22 Energy Regulatory Commission or the Pennsylvania Public
23 Utility Commission.

24 (b) Agreements and contracts.--The county commissioners may
25 enter into:

26 (1) agreements for the regulation of withdrawals,
27 diversions and sales of waters from dams, reservoirs, wells
28 and other facilities, subject to the approval of Federal,
29 State or interstate agencies which may have primary
30 jurisdiction over water resources. Dams, wells and reservoirs

1 acquired by purchase, lease or otherwise or constructed by
2 the county commissioners may not be used for the generation
3 of electric energy; and

4 (2) contracts or long-range cooperative programs with
5 Federal, State, interstate and local government agencies or
6 public utilities for the development and use of the county's
7 water resources.

8 (c) Regulation of agreements and contracts.--

9 (1) It shall be lawful for any county to execute
10 agreements and contracts as deemed necessary or advisable
11 with an authority organized by the county to:

12 (i) provide, design, acquire, hold, construct,
13 improve, own, lease, as lessor or lessee, maintain and
14 operate dams, reservoirs, wells and other facilities for
15 the utilization of surface, subsurface and groundwater
16 resources and all necessary related structures,
17 appurtenances and equipment;

18 (ii) grant, convey, lease, transfer, encumber,
19 mortgage and pledge to the authority the dams,
20 reservoirs, wells and related facilities and any
21 improvements and additions; and

22 (iii) assign and pledge to the authority rentals,
23 rates and charges charged and collected by the authority
24 and to assign to the authority the power to collect the
25 the rentals, rates and charges.

26 (2) An agreement, contract, grant, conveyance, lease,
27 assignment, encumbrance, mortgage or pledge under paragraph
28 (1) shall not be construed to prevent the affected county
29 from using tax revenues for the purpose of maintaining,
30 repairing, altering, inspecting or improving the dams,

reservoirs, wells and related facilities.

(d) Sale of water.--A county may enter into an agreement and contract for the sale of water to a municipality, authority or public utility at a reasonable and uniform rate to be determined exclusively by the county.

SUBCHAPTER W

TOURIST PROMOTION AGENCIES

Sec.

15399d. Tourist promotion agencies and appropriations.

§ 15399d. Tourist promotion agencies and appropriations.

(a) Creation.--The county commissioners may create or join with other counties in the creation of a tourist promotion agency, as defined under the act of July 4, 2008 (P.L.621, No.50), known as the Tourism Promotion Act, for the purpose of making studies, surveys and investigations and for planning and carrying out promotional programs and projects designed to stimulate and increase the volume of tourist, visitor and vacation business within the county or counties.

(b) Appropriation.--The county commissioners may appropriate annually an amount of money as may be deemed necessary to any tourist promotion agency, as defined under the Tourism Promotion Act, to assist the agencies in carrying out tourism promotional activities.

SUBCHAPTER X

CRIME DETECTION LABORATORY AND POLICE TRAINING SCHOOL

IN COUNTIES OF THE THIRD CLASS

Sec.

15399e. Crime detection laboratories and police training schools.

§ 15399e. Crime detection laboratories and police training

1 schools.

2 The county commissioners of a county of the third class may
3 appropriate money and provide for establishing a crime detection
4 laboratory and police training school for the:

5 (1) use of any political subdivision situated within the
6 county; and

7 (2) training of police employed by the political
8 subdivision.

9 SUBCHAPTER Y

10 PARKING FACILITIES

11 Sec.

12 15399f. Parking facilities.

13 § 15399f. Parking facilities.

14 (a) Appropriation.--The county commissioners may appropriate
15 money from the county treasury for purchasing, constructing,
16 maintaining and operating a motor vehicle parking facility to be
17 used as a county facility.

18 (b) Lease.--The county commissioners, or a municipal
19 authority created by the county commissioners, may lease a
20 parking facility, or the land to be used for a parking facility,
21 to a city, borough or township in which the parking facility is
22 located or shall be constructed or a parking authority created
23 by the city, borough or township.

24 (c) Authorization.--The county commissioners may create and
25 appropriate money to a municipal authority under subsection (b).

26 SUBCHAPTER Z

27 REVENUE BONDS FOR INDUSTRIAL DEVELOPMENT PROJECTS

28 Sec.

29 15399g. Issuance of revenue bonds for industrial development
30 projects.

1 § 15399g. Issuance of revenue bonds for industrial development
2 projects.

3 (a) General rule.--

4 (1) The county commissioners may issue revenue bonds of
5 the county under 53 Pa.C.S. Pt. VII Subpt. B (relating to
6 indebtedness and borrowing) to provide sufficient money for
7 and toward the acquisition, construction, reconstruction,
8 extension, equipping or improvement of an industrial
9 development project.

10 (2) A project under paragraph (1) may consist of any
11 building or facility, or combination or part of a building or
12 facility, occupied or utilized by an industrial,
13 manufacturing or research and development enterprise existing
14 or acquired on January 12, 1968, including any buildings,
15 improvements, additions, extensions, replacements,
16 appurtenances, lands, rights in land, water rights,
17 franchises, machinery, equipment, furnishings, landscaping,
18 utilities, railroad spurs and sidings, wharfs, approaches and
19 roadways necessary or desirable in connection or incidental
20 to the building or facility for the purposes of the project.

21 (3) A bond issued under paragraph (1) shall be secured
22 solely by the pledge of the whole or part of the fees, rents,
23 tolls or charges derived from the ownership or operation of
24 the facility or for the use or services of the facility.

25 (b) Lease of project.--An industrial development project
26 financed by the issuance of revenue bonds under this section may
27 be leased by the county in whole or in part to a lessee or
28 lessees for a period of years equal in time to the period of
29 maturity of the bonds so issued.

30 (c) Costs of bond issue.--Included in the cost of the bond

issue may be any costs and expenses incident to constructing and financing the facilities and selling and distributing the bonds.

(d) Transfer.--The county commissioners may:

(1) Sell, lease, lend, grant, convey, transfer or pay over the following, with or without consideration, to any authority created under the act of August 23, 1967 (P.L.251, No.102), known as the Economic Development Financing Law:

(i) a project or part of a project; or

(ii) any interest in real or personal property or money available for industrial development purposes, including the proceeds of revenue bonds issued for industrial development purposes under subsection (a).

(2) Assign, transfer and set over to an authority any project or interest in real or personal property listed under paragraph (1), along with any contract for the project or interest, which may have been awarded for the construction of projects not begun or not completed.

(e) Power to enter into contract.--The county commissioners may enter into a contract or agreement with an authority or with a tenant or proposed tenant of an industrial development project and to do all things necessary or proper to effectuate the public purpose of this section.

SUBCHAPTER Z.1

GRANTS TO NONPROFIT ART CORPORATIONS

Sec.

15399h. Grants to nonprofit art corporations.

§ 15399h. Grants to nonprofit art corporations.

(a) Authorization.--The county commissioners may make grants annually, not exceeding an amount equal to one mill of the real estate tax to nonprofit art corporations for artistic and

1 cultural activities.

2 (b) Definitions.--As used in this section, the following
3 words and phrases shall have the meanings given to them in this
4 subsection unless the context clearly indicates otherwise:

5 "Artistic and cultural activities." The term includes the
6 display or production of theater, music, dance, painting,
7 architecture, sculpture, arts and crafts, photography, film,
8 graphic arts and design and creative writing.

9 "Nonprofit art corporation." A local arts council,
10 commission or coordinating agency or any other nonprofit
11 corporation engaged in the production or display of works of
12 art, including the visual, written or performing arts.

13 SUBCHAPTER Z.2

14 COMMISSION ON WOMEN

15 Sec.

16 15399i. Commission on the status of women.

17 § 15399i. Commission on the status of women.

18 The county commissioners may establish a commission on the
19 status of women.

20 SUBCHAPTER Z.3

21 CIVIL SERVICE IN COUNTIES OF THE SECOND CLASS A

22 Sec.

23 15399j. Civil service for certain employees.

24 § 15399j. Civil service for certain employees.

25 The county commissioners of a county of the second class A
26 may establish by ordinance a merit system for the selection,
27 tenure, promotion and discharge of employees involved in any
28 work for which the county receives or is eligible to receive
29 Federal or State grants-in-aid.

30 SUBCHAPTER Z.4

1 INSURING COUNTY AGAINST LOSS OR LIABILITY

2 Sec.

3 15399k. Insurance.

4 § 15399k. Insurance.

5 (a) General rule.--The county commissioners may provide for
6 insurance as they deem appropriate on the real and personal
7 property of the county, including all grounds, buildings and
8 contents, vehicles and information technology.

9 (b) Types of insurance.--In addition to any form of
10 comprehensive, general or umbrella liability insurance, the
11 board of commissioners may acquire insurance against any form of
12 loss or liability, including crime, fire, natural disaster,
13 errors and omissions of officers or employees, vehicle operation
14 and use of information technology.

15 SUBCHAPTER Z.5

16 LOT AND BLOCK SYSTEM IN

17 COUNTIES OF THE SECOND CLASS A

18 Sec.

19 15399l. Lot and block system.

20 15399m. Duties of county officers and employees under lot and
21 block system.

22 § 15399l. Lot and block system.

23 A county of the second class A which, on December 24, 2018,
24 has adopted and maintains a lot and block system for the
25 registration of land titles, for the accumulation of county tax
26 liens and for the enumeration of the parcels of real estate for
27 the assessment of real estate taxes in one or more political
28 subdivisions of the county may continue to operate a lot and
29 block system until the board of commissioners deem appropriate.

30 § 15399m. Duties of county officers and employees under lot and

1 block system.

2 (a) Custody of records.--If a lot and block system under
3 section 153991 (relating to lot and block system) remains in
4 effect, the portion of the system relating to the plats, plat
5 books and the upkeep of the plats and plat books shall remain in
6 the custody of the deed registry office of the county. The
7 portion of the system containing the files, cards, indexes and
8 other records relating to the lien of county taxes shall
9 remain in and be maintained by the office of the controller of
10 the county.

11 (b) Assessments.--

12 (1) The district assessors appointed by the county board
13 of assessment appeals, whose assessments are being made
14 within the municipal subdivisions that have had the lot and
15 block system completed, shall use the lot and block system
16 descriptive numbers in the original books of assessment.

17 (2) The board of assessment appeals shall, within
18 municipal subdivisions covered by a lot and block system,
19 correct any assessment in which the lot and block system
20 descriptive number is absent.

21 (3) The recorder of deeds shall receive and record any
22 deed that refers to a specific parcel of real estate. If the
23 deed does not bear the certification by the custodian of the
24 lot and block system that the descriptive numbers
25 incorporated in the description of the real estate are
26 correct, the recorder of deeds shall obtain the certification
27 from the custodian of the lot and block system before
28 transcribing any deed lacking the certification.

29 (4) The treasurer or tax collector of each city,
30 borough, town, township or school district in which the lot

1 and block system has been completed under the order of court
2 shall place upon each tax bill sent out, and upon each tax
3 receipt issued upon payment, the lot and block system
4 descriptive numbers.

5 (5) The county controller and the treasurer, tax
6 collector or solicitor, as the case may be in a city,
7 borough, township or school district, within which the lot
8 and block system has been completed, shall, at the time of
9 filing liens for unpaid taxes with the prothonotary, set
10 forth on the liens the individual lot and block system
11 descriptive numbers, and the prothonotary may not receive and
12 file a lien unless the descriptive numbers are contained on
13 the lien.

14 (6) For the purposes of the sale of real estate for
15 delinquent taxes, either by the sheriff of the county, the
16 board of commissioners and treasurer of the county or the
17 treasurer of a city, borough, town, township or school
18 district, the lot and block system descriptive numbers are
19 declared to be sufficient description for the:

20 (i) advertising preceding the sale;

21 (ii) oral description read at the sale prior to
22 receiving bids; and

23 (iii) purposes of the description to be inserted in
24 any tax deed to be given to the purchaser at the sale.

25 CHAPTER 155

26 MILITARY AND VETERANS AFFAIRS

27 Subchapter

28 A. Appropriations for Military Purposes

29 B. Interment of Deceased Servicepersons and Surviving
30 Spouses

1 C. Memorial Observances

2 SUBCHAPTER A

3 APPROPRIATIONS FOR MILITARY PURPOSES

4 Sec.

5 15501. Appropriation of money or land for National Guard

6 Armories.

7 15502. Appropriation for maintenance of National Guard.

8 15503. Appropriation to rifle clubs in time of war.

9 § 15501. Appropriation of money or land for National Guard

10 Armories.

11 (a) Conveyance of land.--The county commissioners may convey
12 land to the Commonwealth to assist the State Armory Board in the
13 erection of armories for the use of the Pennsylvania National
14 Guard. The county commissioners may acquire land for this
15 purpose in a lawful manner.

16 (b) Board.--The county commissioners may furnish water,
17 light or fuel, free of cost to the Commonwealth, for use in an
18 armory of the National Guard and may do all things necessary to
19 accomplish this purpose.

20 § 15502. Appropriation for maintenance of National Guard.

21 (a) Authorization.--The county commissioners may make
22 appropriations for the support, maintenance, discipline and
23 training of one or more units of the National Guard. If units
24 are organized as a battalion, regiment or similar organization,
25 the total amount due may be paid to the commanding officer of
26 the battalion, regiment or similar organization.

27 (b) Requirements.--All money appropriated under subsection
28 (a) shall be paid to the order of the commanding officer of the
29 company, battalion, regiment or similar organization if the
30 Adjutant General certifies to the county commissioners that the

1 unit or units have satisfactorily passed the annual inspection
2 provided by law. The money appropriated shall be used and
3 expended solely and exclusively for the support, maintenance,
4 discipline and training of the company, battalion, regiment or
5 similar organization, and the commanding officer shall account
6 by proper vouchers to the county each year for the expenditure
7 of the money appropriated.

8 (c) Subsequent expenditures.--The county commissioners may
9 not make an appropriation under subsection (a) for a subsequent
10 year until the commanding officer has duly and satisfactorily
11 accounted for the expenditure of the previous year.

12 (d) Inspection.--Accounts of expenditures shall be subject
13 to the inspection of the Department of Military and Veterans
14 Affairs and shall be audited by the auditors or the controller
15 in the manner provided by law for the audit of accounts of
16 county money.

17 § 15503. Appropriation to rifle clubs in time of war.

18 (a) Appropriation.--If a state of war exists, the county
19 commissioners may appropriate money to civilian rifle clubs,
20 duly chartered by the National Rifle Association of America, for
21 the:

22 (1) maintenance and rental of rifle ranges;

23 (2) employment of competent instructors and necessary
24 employees; and

25 (3) equipment and uniforms for the members of clubs who
26 volunteer for special military duty in the members'
27 respective counties or answer a call of the Governor.

28 (b) Restriction.--Money may not be appropriated to a club
29 under this section unless practice by the members of the club on
30 a rifle range is with a United States military rifle or arms

1 approved by the Adjutant General.

2 SUBCHAPTER B

3 INTERMENT OF DECEASED SERVICEPERSONS

4 AND SURVIVING SPOUSES

5 Sec.

6 15508. Definitions.

7 15509. Funeral expenses of deceased servicepersons.

8 15510. Interment of spouses of deceased servicepersons.

9 15511. Payment.

10 15512. Flagholders for graves.

11 15513. Memorial benefit.

12 15514. Burial plots.

13 15515. Care of graves and headstones.

14 15516. Determining eligibility for interment benefits.

15 § 15508. Definitions.

16 As used in this subchapter, the following words and phrases
17 shall have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "Deceased serviceperson." The term includes:

20 (1) A deceased individual who, at the time of death, was
21 serving, whether or not in a combat zone, in the Army, Navy,
22 Air Force, Marine Corps, Coast Guard or a women's
23 organization officially connected to those forces, during a
24 war or armed conflict in which the United States has been, is
25 now or shall be engaged, or who, at the time of death, was
26 serving in a zone in which a campaign or state or condition
27 of war or armed conflict then existed, in which the United
28 States was, is or shall be a participant. The existence of a
29 campaign or state or condition of war or armed conflict, and
30 the participation of the United States in the conflict as

1 well as the fact that the deceased person served in a zone in
2 which a campaign or state or condition of war or armed
3 conflict existed shall, in each case, be established by the
4 records of the United States Department of Defense.

5 (2) A deceased individual who served at any time during
6 the individual's life and whose separation from service was
7 honorable, whether by discharge or otherwise, or who, at the
8 time of death, was continuing in service after the cessation
9 of the war, armed conflict, campaign or state or condition of
10 war during or in which the person served.

11 (3) A deceased individual who was in active service in
12 the militia of the Commonwealth under a proclamation issued
13 by the Governor during the Civil War and who was not duly
14 mustered into the service of the United States but was
15 honorably discharged or relieved from service.

16 "Legal residence." An actual residence, coupled with the
17 intention that the residence shall be permanent, or a residence
18 presently fixed with no definite intention of changing it or of
19 returning to a former residence at some future period. Legal
20 residence shall be determined by the abode of a person and the
21 person's intention to abandon a former domicile and establish a
22 new one. The legal residence of a deceased serviceperson shall
23 be prima facie in the county in which the person resided at the
24 time of death.

25 § 15509. Funeral expenses of deceased servicepersons.

26 (a) Contributions.--In accordance with subsection (b), each
27 county shall contribute at least \$75 towards the funeral
28 expenses of each deceased serviceperson if application for the
29 contribution is made within one year after the date of the
30 deceased serviceperson's death. For a deceased serviceperson who

1 died while in service, application may be made at any time.

2 (b) Uniform contribution.--All contributions made under this
3 section shall be uniform as to eligible deceased servicepersons
4 within the same calendar year.

5 (c) Payments.--Payments under this section shall be made
6 under the following circumstances:

7 (1) If the deceased serviceperson, at the time of death,
8 had a legal residence in the county to which an application
9 for a contribution under subsection (a) has been made,
10 regardless of if the person died or was interred in the
11 county. Every deceased serviceperson having a legal residence
12 in this Commonwealth at the time of death shall be entitled
13 to the benefits of this section, regardless of where the
14 individual died or where the individual is interred, and the
15 liability shall be on the county where the deceased
16 serviceperson shall have had legal residence at the time of
17 death.

18 (2) If the deceased serviceperson died and was interred
19 in the county to which an application for a contribution
20 under subsection (a) has been made, but, at the time of
21 death, did not have legal residence within this Commonwealth,
22 if the county commissioners in the county in which the
23 individual died are notified in writing by an organization of
24 veterans, and upon investigation finds, that the body is
25 unclaimed by relatives or friends.

26 § 15510. Interment of spouses of deceased servicepersons.

27 (a) General rule.--Upon application and proof, the county
28 shall contribute at least \$75 towards the funeral expenses of a
29 spouse of a deceased serviceperson who, at the time of death,
30 had a legal residence in the county, regardless of if the

individual died or is interred in the county.

(b) Limitation.--The county may not contribute money toward the funeral expenses of a spouse of a deceased serviceperson who had remarried after the death of the deceased serviceperson.

(c) Uniform contribution.--In each case, application for the contribution shall be made within one year after the date of the death of the spouse. All contributions made under this section shall be uniform as to eligible spouses within the same calendar year.

§ 15511. Payment.

(a) Funeral expenses.--The county shall make a payment in the amount authorized or required under section 15509 (relating to funeral expenses of deceased servicepersons) or 15510 (relating to interment of spouses of deceased servicepersons) for each deceased serviceperson or spouse of a deceased serviceperson in accordance with this subchapter.

(b) Money.--A payment under this subchapter shall be paid out of the money of the county.

(c) Payments.--Payments under this subchapter shall be made payable to the applicant if the application shows that the funeral expenses have been paid. Otherwise, payments shall be made to the funeral director performing the services, with notice to the applicant.

(d) Applications.--Application for contributions under this subchapter shall be made by a personal representative or spouse of the deceased serviceperson. If no qualified personal representative is available, the application may be made by the next-of-kin of the deceased serviceperson, an individual or a veterans' organization, that shall assume responsibility for the cost of burial. The facts contained in the application shall be

sustained by affidavit. An individual who knowingly files an application under this section that is false in any material manner commits a misdemeanor in accordance with 18 Pa.C.S. § 4903 (relating to false swearing).

(e) Application.--The application shall be:

(1) on a form prescribed by the Department of Military and Veterans Affairs and shall verify whether the funeral expenses have been paid; and

(2) attached to a certified copy of the death certificate and an affidavit prepared by the funeral director who had charge of the interment, which certifies that the funeral director did render the service.

§ 15512. Flagholders for graves.

(a) Flagholders.--The county commissioners shall, at the county commissioners' discretion, procure appropriate flagholders for the graves of deceased servicepersons and the graves of all other deceased individuals who served in the Army, Navy, Air Force, Marine Corps, Coast Guard or Merchant Marine during World War II or an organization officially connected to those forces and whose separation from service was honorable, whether by discharge or otherwise.

(b) Material of flagholder.--A flagholder shall be of bronze, aluminum or other suitable weather-resistant material.

(c) Requirement for flagholders.--The county commissioners shall place a flagholder under subsection (a) if the deceased individual:

(1) had legal residence in the county, regardless of if the individual died or is interred in the county; or

(2) did not have a legal residence within this Commonwealth.

1 (d) Design of flagholders.--

2 (1) If a deceased serviceperson was a veteran of a war
3 or campaign for which the Federal Government issued discharge
4 buttons, the flagholder designated for the grave shall
5 include a facsimile of the discharge button.

6 (2) If a deceased serviceperson was a veteran of the
7 Korean Conflict, the flagholder designated for the grave
8 shall include a circular emblem with the words "Korea, U.S.,
9 1950-1953" in the border and shall incorporate the insignia
10 of the Army, Navy, Marine Corps, Air Force or Coast Guard, as
11 appropriate, in the form approved by the State Veterans'
12 Commission.

13 (e) Memorial certificate.--For a county of the second class
14 A, in lieu of placing a flagholder on the grave, if the next-of-
15 kin of a veteran so requests, a memorial certificate may be
16 issued to the next-of-kin of a deceased serviceperson who, at
17 the time of death, had legal residence in the county, regardless
18 of if the individual died or is interred in the county. The
19 memorial certificate shall indicate the deceased serviceperson's
20 name and designate the war or campaign in which the deceased
21 serviceperson served.

22 § 15513. Memorial benefit.

23 (a) Memorial.--The county commissioners shall provide,
24 either directly or through reimbursement, a memorial designated
25 in subsection (b) on the graves of deceased servicepersons who,
26 at the time of death, had legal residence in the county as well
27 as on the graves of all other deceased servicepersons who served
28 in the Army, Navy, Air Force, Marine Corps, Coast Guard or
29 Merchant Marine during World War II or an organization
30 officially connected to those forces and whose separation from

1 service was honorable, whether by discharge or otherwise.

2 (b) Specifications.--The county commissioners shall provide
3 a concrete or granite base for a headstone provided by the
4 Federal Government, or if lettering only on an existing memorial
5 is desired by the family, the county commissioners shall provide
6 the lettering.

7 (c) Commissioner requirements.--In the event the body of a
8 deceased serviceperson either cannot or will not be returned to
9 the United States, the county commissioners shall provide a
10 memorial benefit in the family plot of the deceased
11 serviceperson. If lettering of an existing memorial is desired
12 by the family, the inscription shall include:

13 (1) the name, rank and organization of the deceased
14 serviceperson;

15 (2) the name of the country, location or manner in which
16 the person lost his or her life; and

17 (3) the cemetery or other interment site where the
18 deceased serviceperson is interred, if any.

19 (d) Expense for benefit.--The expense for a benefit provided
20 under this section shall be paid by the county in which the
21 deceased serviceperson had legal residence at the time of death,
22 regardless of if the individual died or is interred in the
23 county. The expense may not exceed the actual cost of providing
24 the concrete or granite base or lettering. The county
25 commissioners shall pay from the treasury to the party
26 furnishing the benefit.

27 (e) Legal disputes.--In cases of dispute concerning the
28 legal residence of a deceased serviceperson, the county in which
29 a deceased serviceperson is interred shall perform the duties
30 required under this section. Payment may not be made unless the

1 application is approved by the county commissioners before the
2 commencement of the project.

3 (f) Offense.--An individual who intentionally or recklessly
4 destroys, mutilates, removes or defaces a grave marker,
5 headstone or flagholder commits an offense under 18 Pa.C.S. §
6 3903 (relating to grading of theft offenses).
7 § 15514. Burial plots.

8 (a) Authorization.--The county commissioners are authorized
9 to purchase plots of ground in each cemetery or other interment
10 site for the interment of deceased servicepersons whose bodies
11 are entitled to be interred under this subchapter.

12 (b) Costs.--Costs under this section shall be paid by the
13 county commissioners from the county treasury.

14 (c) Limitation.--The purchase price of plots of ground may
15 not be charged against or allotted as part of the cost of
16 interment of deceased servicepersons who may be interred in any
17 of the plots under this subchapter.

18 § 15515. Care of graves and headstones.

19 (a) General rule.--The county commissioners may:

20 (1) ensure that the graves and headstones of all
21 deceased servicepersons and all other veterans who are buried
22 in the county receive proper and fitting care; and

23 (2) employ all necessary assistants to carry out the
24 provisions of this section.

25 (b) Expenses.--The expense of the care of the graves and
26 headstones under subsection (a) may be paid for by the county in
27 which the graves are located, except if suitable care is
28 otherwise provided.

29 (c) Spending of money.--Money appropriated may be expended
30 directly by the board of county commissioners or paid over to

1 the individual, firm, association or corporation owning or
2 controlling a cemetery or other interment site in the county in
3 which a grave is situated.

4 (d) Limitation.--The amount paid to care for a grave each
5 year under this section may not exceed the charge for the annual
6 care and maintenance of similar graves in the same cemetery or,
7 if no fixed charge is established in that cemetery, may not
8 exceed the sum charged in other cemeteries in the same county
9 for similar services.

10 § 15516. Determining eligibility for interment benefits.

11 (a) Proof required.--If application is made for a
12 contribution toward the funeral expenses of a deceased
13 serviceperson or the surviving spouse of a deceased
14 serviceperson or for a memorial benefit under section 15513
15 (relating to memorial benefit), the county commissioners shall,
16 before expending money, require proof of the following:

17 (1) The service of the deceased serviceperson that
18 entitles the individual or the surviving spouse to the
19 benefits under this subchapter. Proof shall be made by the
20 production of:

21 (i) an honorable discharge or other official record
22 showing service during a war in which the United States
23 is or was engaged; or

24 (ii) records of the United States Department of
25 Defense, or copies filed in the Department of Military
26 and Veterans Affairs, showing the existence of a campaign
27 or state or condition of war in which the United States
28 participated and the service of the deceased
29 serviceperson in a zone in which a campaign or state or
30 condition of war existed.

1 (2) The death of the deceased serviceperson.

2 (3) In addition to paragraphs (1) and (2), for the
3 interment of the surviving spouse of a deceased
4 serviceperson, the death of the surviving spouse and the fact
5 that the spouse was married to the deceased serviceperson at
6 the time of the serviceperson's death and that the spouse has
7 not since remarried.

8 (4) Except for individuals who do not have legal
9 residence within this Commonwealth and who are entitled to
10 any of the benefits under this subchapter, the legal
11 residence within the county of the deceased serviceperson or
12 of the surviving spouse of a deceased serviceperson, as the
13 case may be.

14 (b) Documentation required.--Death shall, in all cases, be
15 proven by a death certificate, if procurable, or by one of the
16 following:

17 (1) Affidavit of one or more individuals personally
18 acquainted with the deceased and the fact of the individual's
19 death.

20 (2) Proof of the record of death kept by the attending
21 physician.

22 (3) Proof of the record of interment kept by the funeral
23 director.

24 (4) Records of the church burial association or cemetery
25 company maintaining the graveyard, burial ground, cemetery or
26 other interment site in which the deceased serviceperson was
27 interred.

28 (c) Satisfaction of proof.--If proof required by this
29 subchapter has been furnished to the county commissioners, no
30 further proof of the facts shall be required in order to obtain

1 any other benefit under this subchapter.

2 SUBCHAPTER C

3 MEMORIAL OBSERVANCES

4 Sec.

5 15521. Appropriations to veterans' organizations for expenses
6 of Memorial Day, Veterans' Day, Flag Day and
7 Independence Day.

8 15522. Flags to decorate graves.

9 15523. Compilation of war records.

10 15524. Director of veterans' affairs.

11 \$ 15521. Appropriations to veterans' organizations for expenses
12 of Memorial Day, Veterans' Day, Flag Day and
13 Independence Day.

14 (a) Appropriations.--The board of commissioners of a county
15 may make appropriations to aid in defraying the expenses of
16 Memorial Day, Veterans' Day, Flag Day and Independence Day to
17 each camp, post, detachment or organization in the county of the
18 following:

19 (1) The United Spanish War Veterans.

20 (2) The American Legion.

21 (3) The Veterans of Foreign Wars.

22 (4) The Veterans of World War I of the USA, Inc.

23 (5) AMVETS.

24 (6) The Society of the Twenty-eighth Division, AEF,
25 Incorporated.

26 (7) Italian American War Veterans of the United States,
27 Incorporated.

28 (8) The Marine Corps League.

29 (9) Each naval association.

30 (10) The Grand Army of the Republic.

1 (11) The Disabled American Veterans.

2 (12) The American Gold Star Mothers.

3 (13) The Sons of Union Veterans of the Civil War, the
4 Daughters of Union Veterans of the Civil War or, in the
5 absence of orders, a duly constituted organization that
6 decorates graves of Union Veterans of the Civil War.

7 (14) Any other nationally chartered veterans'
8 organization or other veterans' organization recognized by
9 the county.

10 (b) Payments.--Payments under this section shall be made to
11 defray actual expenses only. Before any payment is made, the
12 organization receiving the payment shall submit verified
13 accounts of their expenditures.

14 \$ 15522. Flags to decorate graves.

15 (a) Memorial Day flags.--The board of county commissioners
16 shall provide flags on each Memorial Day with which to decorate
17 the graves of all deceased servicepersons and the graves of all
18 other deceased individuals who served in the Army, Navy, Air
19 Force, Marine Corps, Coast Guard or Merchant Marine during World
20 War II or an organization officially connected to those forces,
21 whose separation from service was honorable and who are interred
22 within the county. Flags provided under this section shall be
23 standard size, colorfast and American-made and shall be
24 purchased at the expense of the county from money in the county
25 treasury.

26 (b) Veterans' organizations.--A county may coordinate with
27 local veterans' organizations to ensure that cemeteries are
28 decorated in compliance with the provisions of this section.
29 Flags required under this section shall be furnished to the
30 various veterans' organizations in numbers required for their

1 respective communities.

2 (c) Appropriations.--Money expended by a county under this
3 section shall be in addition to money appropriated by counties
4 for Memorial Day purposes.

5 (d) Maintenance.--

6 (1) Annually, the authorities in charge of each cemetery
7 are authorized to remove flags as follows:

8 (i) A cemetery may remove flags when flags become
9 unsightly or weatherworn any time on or after the first
10 working day after Veterans' Day. Prior to Veterans' Day,
11 a cemetery may request replacement flags from the county
12 which may be used by the cemetery to replace weatherworn
13 flags, if replacement flags are available.

14 (ii) Notwithstanding subparagraph (i), a cemetery
15 may remove flags as a part of the cemetery's normal
16 course of maintenance not before the first working day
17 after Independence Day, but prior to Veterans' Day
18 provided that the cemetery makes the flags available to
19 family members, veterans' organizations or other
20 community organizations for the purpose of decorating
21 graves in recognition of Veterans' Day.

22 (2) A cemetery may remove flagholders for annual storage
23 upon the authorized removal of flags.

24 (e) Removal of flags by family members.--A family member of
25 an individual whose grave is decorated with a flag by the county
26 for the purpose of Memorial Day may take and keep the flag after
27 the first working day after Veterans' Day.

28 (f) Offense.--Except as otherwise provided in this section,
29 an individual, other than a family member removing the flag from
30 a deceased relative's grave, who removes or causes the removal

of flags prior to the first working day after Independence Day
commits a summary offense and, upon conviction, shall be
sentenced to pay a fine of \$300 and, upon failure to pay a fine,
to undergo imprisonment not to exceed 90 days.

(g) Exception.--A cemetery or an owner, employee, agent or
contractor of a cemetery who removes or causes the removal of a
flag, grave marker, headstone, flagholder or other memorial in
good faith in the course of maintenance, repair or mitigation of
damage may not be subject to subsection (f) or section 15513(f)
(relating to memorial benefit).

§ 15523. Compilation of war records.

(a) Records required.--The county commissioners are
authorized and directed, at the expense of the county, to
compile a record of the interment sites within the county of
deceased servicepersons and all other veterans. Records, so far
as practicable, shall indicate the:

- (1) name of each deceased serviceperson;
- (2) service in which the individual was engaged;
- (3) number of the regiment, company or command in which
the individual served;
- (4) individual's rank and period of service;
- (5) name and location of the cemetery or other place in
which the individual's body is interred; and
- (6) location of the deceased individual's grave and the
character of headstone or other marker, if any, at the grave.

(b) Title of record.--The record shall be known as the
Veterans' Grave Registration Record of
County, and shall be a public record, open to inspection during
business hours.

(c) Record blanks.--The county commissioners shall ensure

1 that record blanks are prepared, according to forms prescribed
2 by the Department of Military and Veterans Affairs, whereby the
3 information required for the record may be transmitted to the
4 county commissioners upon request.

5 (d) Certificate required.--Every individual, firm,
6 association or corporation, including a municipal corporation,
7 owning or controlling a cemetery or interment site in this
8 Commonwealth which inters bodies of deceased servicepersons
9 shall file with the director of veterans' affairs of the county
10 in which the cemetery is located a certificate, on the record
11 blanks provided by the county commissioners, of the facts
12 required for the record if the facts are within the knowledge of
13 the individual, firm, association or corporation or a designated
14 agent.

15 (e) Offense.--The county commissioners shall ensure that
16 record blanks are distributed to an individual, firm,
17 association or corporation, as the county commissioners deem
18 advisable, with the request that the information required under
19 this section be transmitted to the county. An individual, firm,
20 association or corporation, except municipal corporations, that
21 refuses or neglects to fill out and transmit to the county
22 commissioners the blanks or forms within six months after
23 receipt of the blanks or forms commits a summary offense and,
24 upon conviction, shall be sentenced to pay a fine of \$100.

25 (f) Location of interment sites.--For the purpose of
26 locating the interment sites of individuals who have served in
27 the armed forces of the United States during a war or armed
28 conflict in which the United States was engaged, any veterans'
29 organization listed in section 15521(a) (relating to
30 appropriations to veterans' organizations for expenses of

1 Memorial Day, Veterans' Day, Flag Day and Independence Day) or
2 recognized by the county may, without expense to the county, to
3 collect the required data and prepare and file certificates with
4 the county commissioners, including the information required
5 under this section.

6 (g) Written notice.--Notwithstanding any provision to the
7 contrary, any organization that accepts remains under section
8 506.2 of the act of June 29, 1953 (P.L.304, No.66), known as the
9 Vital Statistics Law of 1953, which allows certain veterans'
10 service organizations to claim the remains of certain deceased
11 veterans, shall give written notice of the location and manner
12 of the final disposition of the remains to the director of
13 veterans' affairs of the county in which the final disposition
14 of the remains is made.

15 § 15524. Director of veterans' affairs.

16 (a) Appointment.--The county commissioners shall appoint an
17 eligible individual under 51 Pa.C.S. § 1731(a) (relating to
18 accreditation) to serve as the county's director of veterans'
19 affairs, who shall receive compensation as fixed by the salary
20 board.

21 (b) Responsibility of director.--A county's director of
22 veterans' affairs shall:

23 (1) Assist all veterans and their families in securing
24 rights relating to their person, property and care of family
25 under any Federal or State laws.

26 (2) Assist the county commissioners in administering the
27 provisions of this subchapter which relate to the interment
28 of deceased servicepersons and their surviving spouses and to
29 furnishing flagholders and placing headstones on graves.

30 (3) Compile and maintain war records and records of

interment sites of deceased servicepersons in accordance with
the provisions of this subchapter.

(4) Perform other duties provided by statute, including
the duties required under 51 Pa.C.S. § 1731(c).

(c) Compensation.--For services performed under subsection
(b), the director of veterans' affairs of a county shall be
entitled to expenses incurred and additional compensation. Both
expenses and compensation shall be subject to the approval of
the salary board.

CHAPTER 157

PUBLIC HEALTH

Subchapter

A. General Provisions

B. (Reserved)

C. County Health Aid to Institutions and Political
Subdivisions

D. Insect Control

E. Care of Dependents and Children

F. Training for County Health, Welfare and Probation
Personnel

G. (Reserved)

H. General Hospitals

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

15701. Health work.

§ 15701. Health work.

The county commissioners may provide and annually appropriate
from money in the county treasury not otherwise appropriated an
amount deemed necessary for the protection of the health,

cleanliness, convenience, comfort and safety of the people of
the county.

SUBCHAPTER B

(Reserved)

SUBCHAPTER C

COUNTY HEALTH AID TO INSTITUTIONS

AND POLITICAL SUBDIVISIONS

Sec.

15730. Appropriations to hospitals, health clinics and homes.

15731. (Reserved).

15732. Aid to municipal corporations for sewage purposes.

15733. Aid to municipal corporations for water systems.

§ 15730. Appropriations to hospitals, health clinics and homes.

The county commissioners may make appropriations to support:

(1) a hospital, health clinic or comparable facility
that is engaged in charitable work and extends treatment and
medical attention to residents of the county; and

(2) a home or place of detention of dependent,
delinquent and neglected children located within the county.

§ 15731. (Reserved).

§ 15732. Aid to municipal corporations for sewage purposes.

The county commissioners may make appropriations to aid
municipal corporations in the construction or maintenance of
sewers or wastewater treatment facilities if the project has
received all necessary approvals or permits from the Department
of Environmental Protection.

§ 15733. Aid to municipal corporations for water systems.

The county commissioners may make appropriations to aid
municipal corporations in the construction or maintenance of
public water systems if the project has first received all

necessary approvals or permits from the Department of
Environmental Protection.

SUBCHAPTER D

INSECT CONTROL

Sec.

15750. Elimination and abatement of larvae breeding places and
liens.

15751. Not to affect public water supply.

15752. Appropriations.

§ 15750. Elimination and abatement of larvae breeding places
and liens.

(a) Authorization.--

(1) The county commissioners of counties of the third,
fourth, fifth, sixth, seventh and eighth class may eliminate
breeding places of mosquitoes on private or public property
within the county.

(2) The county commissioners may provide for all acts,
including entry upon private or public property, to carry out
plans which, in the county commissioner's opinion and
judgment through consultation with public health or
veterinary officials, are deemed to be necessary for the
preservation of human or animal health by the elimination of
breeding places of mosquitoes or which will tend to
exterminate disease-carrying mosquitoes within the county.

(b) Public nuisance abatement.--

(1) Any water in which mosquito larvae breed is declared
a public nuisance and subject to abatement.

(2) If a breeding place exists on any lands in the
county, other than meadow or marsh lands subject to the ebb
and flow of the tide, which breeding place should, in the

1 opinion of the county commissioners, be abated, the county
2 commissioners shall, in writing, order the owner of the lands
3 to abate the public nuisance within a reasonable period and
4 in a manner to be specified in the order.

5 (3) If the owner has failed to comply with an order at
6 the expiration of the period under paragraph (2), or if the
7 owner of the land cannot be ascertained or found, the county
8 commissioners shall abate the public nuisance and may assess
9 all or part of the cost of the abatement against the lands on
10 which the breeding place exists. The county commissioners may
11 file municipal liens for the assessments within the time and
12 in the manner provided by law, to be subject in all respects
13 to the general law providing for the filing and recovery of
14 municipal liens.

15 § 15751. Not to affect public water supply.

16 An order of abatement may not authorize and the county
17 commissioners may not employ any method of extermination by a
18 municipality or a water supply company which affects waters used
19 and useful in the supply of water to the public. Manmade pools
20 which allow mosquito propagation are subject to be targeted
21 first, and strategies shall be supported that minimize
22 environmental impact.

23 § 15752. Appropriations.

24 The county commissioners may appropriate the amount of money
25 necessary for the purpose of carrying out the provisions of this
26 subchapter. The amount appropriated under this section may not
27 exceed one-fourth of one mill on each dollar of the assessed
28 value of taxable real estate in the county in a given year. The
29 amounts appropriated under this section shall be paid out by the
30 county treasurer on the orders of the county commissioners.

SUBCHAPTER E

CARE OF DEPENDENTS AND CHILDREN

Sec.

15760. Definitions.

15761. County institution districts abolished.

15762. Records.

15763. Powers and duties.

15764. Further powers and duties.

15765. Referral by Department of Human Services.

15766. Provision for burial.

15767. (Reserved).

15768. Powers and duties of county commissioners relating to
children.

15769. Contributions for medical care.

15770. Inspections by Department of Human Services.

15771. Reports of individuals applying for treatment of
disease.

15772. Rules and regulations.

15773. Providing services without charge prohibited.

15774. Payments by county commissioners for assistance.

15774.1. Limitation of authority respecting public assistance
recipients.

15775. (Reserved).

15776. (Reserved).

15777. (Reserved).

§ 15760. Definitions.

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

"Dependent." An indigent individual requiring public care,

including maintenance, medical care, clothing and incidentals,
due to physical or mental health needs or disability.

"Institution." A hospital, health care clinic or comparable
facility.

"Institution district." A county institution district
managed by the county commissioners.

"Public charge." An individual who is unable to maintain the
individual and who requires and receives aid from the
Commonwealth or from any political subdivision.

§ 15761. County institution districts abolished.

Each county institution district in counties of the fourth,
fifth, sixth, seventh and eighth class is abolished. The
property, real and personal, of each county institution district
existing on July 31, 1963, is transferred to and vested in the
county in which the institution district is located. The
indebtedness of an institution district, regardless of if
current or bonded, incurred in the acquisition of property or
erecting improvements, shall become the debt and obligation of
the county and shall be paid by the county. All the powers and
duties of an institution district, in connection with
administering the affairs of the institution district, are
transferred to the county in which the institution district is
located.

§ 15762. Records.

The county commissioners of each county of the fourth, fifth,
sixth, seventh and eighth class shall keep records of the work
necessitated by this subchapter as prescribed by the Department
of Human Services and shall make reports to the Department of
Human Services as the department requires.

§ 15763. Powers and duties.

The county commissioners of counties of the fourth, fifth, sixth, seventh and eighth class shall have the power and their duty shall be to:

(1) Erect, equip, maintain, repair, alter and add to institutions for the care of dependents. A plan for the erection or substantial alteration of an institution must be approved as to suitability by the Department of Human Services.

(2) Pay the necessary expenses of land and buildings for the care of dependents and farms.

\$ 15764. Further powers and duties.

The county commissioners of counties of the fourth, fifth, sixth, seventh and eighth class shall have the power and duty, with funds of the county and according to the rules, regulations and standards established by the Department of Human Services, to:

(1) care for any dependent in the county, who is not otherwise cared for;

(2) contract with other counties or an individual, association, corporation or other entity for the care of any dependent;

(3) contract with any association in this Commonwealth organized to provide a home or employment for individuals with disabilities;

(4) pay the cost or part of the cost imposed by law upon county institution districts for patients with mental health needs or intellectual disability;

(5) take any other action authorized by law;

(6) contract with an individual, association, corporation, institution or governmental agency for the

1 purpose of providing foster home care for individuals over 18
2 years of age. If, in the discretion of the county
3 commissioners, foster home care is advisable, the county
4 commissioners may expend money for a foster home care in
5 addition to any money paid by the Commonwealth or an
6 individual, association, corporation, institution or
7 governmental agency to or for individuals over 18 years of
8 age;

9 (7) require that an individual cared for in an
10 institution shall pay for the cost of the individual's care
11 to the extent of the individual's available resources; and

12 (8) provide or contract with an individual, corporation,
13 institution or governmental agency to provide care and
14 services designed to help dependents remain in or return to
15 community living, outside county institutions.

16 § 15765. Referral by Department of Human Services.

17 The county commissioners of counties of the fourth, fifth,
18 sixth, seventh and eighth class may care for a dependent or
19 other indigent individual in the county who is referred to the
20 county commissioners by the Department of Human Services or by a
21 local board under the supervision of the Department of Human
22 Services.

23 § 15766. Provision for burial.

24 Except as otherwise provided by law, the county commissioners
25 of a county of the fourth, fifth, sixth, seventh and eighth
26 class shall provide for the burial of an individual who dies in
27 the county unless the individual's body is claimed by a relative
28 by blood or marriage, a friend, a fraternal or veterans'
29 organization, a charitable organization or the Department of
30 Health, and is buried at the expense of the relative, friend or

1 organization. Burial may not cost more than \$300.

2 § 15767. (Reserved).

3 § 15768. Powers and duties of county commissioners relating to
4 children.

5 The county commissioners of a county of the fourth, fifth,
6 sixth, seventh or eighth class may, and for the purpose of
7 protecting and promoting the welfare of children and youth,
8 shall, provide child welfare services designed to:

9 (1) keep children in their own homes;

10 (2) prevent neglect, abuse and exploitation;

11 (3) help overcome problems that result in dependency,
12 neglect or delinquency;

13 (4) provide in foster family homes and child-caring
14 institutions adequate substitute care for any child in need
15 of substitute care; and

16 (5) upon the request of the court, provide services and
17 care for children and youth who have been adjudicated
18 dependent, neglected or delinquent.

19 § 15769. Contributions for medical care.

20 The county commissioners of each county of the fourth, fifth,
21 sixth, seventh or eighth class may make annual appropriations
22 from the money of the county for the support of any public
23 institution operated or to any nonprofit corporation organized
24 to give medical care to the dependents and children of the
25 county.

26 § 15770. Inspections by Department of Human Services.

27 The institutions and books, accounts and records of each
28 county pertaining to the county's powers and duties authorized
29 by this subchapter shall, at all times, be open to the
30 inspection of the Department of Human Services and the

1 department's agents.

2 § 15771. Reports of individuals applying for treatment of
3 disease.

4 (a) General rule.--Each county of the fourth, fifth, sixth,
5 seventh and eighth class shall make a record of all personal and
6 statistical particulars related to the inmates in the county's
7 institutions, as directed by the Department of Health, for
8 statistical purposes.

9 (b) Future admissions.--The county shall make a record for
10 all future inmates at the time of the inmate's admission.

11 (c) Requirement.--For a dependent admitted or committed for
12 medical treatment of disease, the physician in charge shall
13 specify in the record the nature of the disease and where, in
14 the physician's opinion, the disease was contracted.

15 (d) Acquisition of information.--The information required by
16 this section shall be obtained from the individual dependent, if
17 it is practicable to do so. If the information cannot be
18 obtained from the dependent, the information shall be secured in
19 as complete a manner as possible from the relatives, friends or
20 other persons acquainted with the facts of the disease.

21 § 15772. Rules and regulations.

22 The county commissioners of each county of the fourth, fifth,
23 sixth, seventh and eighth class shall have power to make rules
24 and regulations, not inconsistent with this part and not
25 inconsistent with the rules and regulations of the Department of
26 Human Services, as may be deemed proper, convenient and
27 necessary for the government of the county's institutions and to
28 properly care for dependents.

29 § 15773. Providing services without charge prohibited.

30 (a) General rule.--Notwithstanding any other provision of

1 law, the county commissioners may not provide without charge
2 items of care or service which an individual is entitled to
3 receive as assistance under the act of June 13, 1967 (P.L.31,
4 No.21), known as the Human Services Code.

5 (b) Construction of section.--This section may not be
6 construed to preclude county commissioners from providing
7 additional forms of assistance not inconsistent with the Human
8 Services Code or the regulations of the Department of Human
9 Services.

10 § 15774. Payments by county commissioners for assistance.

11 (a) General rule.--The county commissioners shall pay
12 monthly to the Department of Human Services the:

13 (1) Amount expended by the department during the
14 preceding month as assistance on behalf of:

15 (i) patients receiving public nursing home care in a
16 county medical institution; and

17 (ii) children in foster family homes and child-
18 caring institutions.

19 (2) Cost of administering the assistance, minus the
20 amount of Federal money properly received by the Department
21 of Human Services on account of expenditures increased or
22 reduced by any amount by which the amount paid for any
23 previous month differed from the amount which should have
24 been paid for the previous month and by the proportionate
25 share of refunds of assistance as provided in the act of June
26 13, 1967 (P.L.31, No.21), known as the Human Services Code.

27 (b) Certification.--The Department of Human Services shall
28 certify to the county commissioners the amount to be paid by the
29 county to the department under subsection (a).

30 § 15774.1. Limitation of authority respecting public assistance

1 recipients.

2 The county commissioners may not exercise supervision or
3 control over the finances or services other than medical or
4 remedial care provided as assistance to or on behalf of
5 dependents who are recipients of assistance under the former act
6 of June 24, 1937, (P.L.2051, No.399), known as the Public
7 Assistance Law.

8 § 15775. (Reserved).

9 § 15776. (Reserved).

10 § 15777. (Reserved).

11 SUBCHAPTER F

12 TRAINING FOR COUNTY HEALTH,

13 WELFARE AND PROBATION PERSONNEL

14 Sec.

15 15780. Attendance at training courses and conferences.

16 § 15780. Attendance at training courses and conferences.

17 (a) General rule.--The county commissioners may approve for
18 county health, human services or probation personnel to attend
19 the following at the county's expense:

20 (1) Appropriate training courses.

21 (2) National or State conferences in the health, welfare
22 or correctional fields.

23 (b) Account of expenses.--Each individual attending a
24 training course or conference shall submit an itemized account
25 of expenses related to the event under section 12346 (relating
26 to associations and organizations concerned with governmental
27 affairs).

28 SUBCHAPTER G

29 (Reserved)

30 SUBCHAPTER H

1 GENERAL HOSPITALS

2 Sec.

3 15799.5. Establishment and creation of municipal authorities.

4 15799.6. Expenses.

5 15799.7. Administration of hospitals.

6 15799.8. Use of hospital.

7 § 15799.5. Establishment and creation of municipal authorities.

8 The county commissioners may acquire, hold, construct,
9 improve, maintain and operate, own and lease, either in the
10 capacity of lessor or lessee, general hospitals within the
11 county for the use, benefit, health, comfort, safety and general
12 welfare of the residents of this Commonwealth and appropriate
13 money from the county treasury for such purposes or may create a
14 municipal authority under the former act of June 28, 1935
15 (P.L.463, No.164), known as the Municipality Authorities Act of
16 1945, and appropriate money to the municipal authority for any
17 of the purposes under this section.

18 § 15799.6. Expenses.

19 All expenses incident to the maintenance and operation of a
20 hospital owned or leased to the county, or otherwise established
21 under section 15799.5 (relating to establishment and creation of
22 municipal authorities), including any lease rentals payable by
23 the county to a municipal authority shall be paid by the county
24 out of county money.

25 § 15799.7. Administration of hospitals.

26 A hospital owned by or leased to the county may be operated
27 by and under the authority of the county commissioners in the
28 same manner that other county buildings and institutions are
29 operated or may be subleased to the governing body of a general
30 hospital within the county for operation by the governing body.

1 § 15799.8. Use of hospital.

2 Each hospital owned by or leased to the county shall be used
3 for the benefit of all residents within the county in which the
4 hospital is located, and all residents within the county shall
5 be entitled to occupancy, nursing, care, treatment and
6 maintenance according to the rules and regulations prescribed by
7 the county commissioners. The county commissioners may exclude
8 from the use of the hospital an individual who willfully
9 violates any rule or regulation adopted for the hospital by the
10 county commissioners. The county commissioners may charge and
11 collect from an individual admitted to the hospital or an
12 individual legally responsible for their maintenance, reasonable
13 compensation for the care, treatment and maintenance of the
14 individual.

15 CHAPTER 159

16 AERONAUTICS AND TRANSPORTATION

17 Subchapter

18 A. Aeronautics

19 B. Second Class A County Transit and Traffic Commission

20 SUBCHAPTER A

21 AERONAUTICS

22 Sec.

23 15900. Definitions.

24 15901. Authority to establish airports.

25 15902. Acquisition of land for aeronautical purposes.

26 15903. Condemnation proceedings and title.

27 15904. Agreements for airport facilities.

28 15905. Joint operation and leasing.

29 15906. Engineering and construction and appropriations.

30 15907. Contracts for construction and repairs.

1 15908. Validation of contracts.
2 15909. Airport appropriation assistance.
3 15909.1. Issuance of revenue bonds for airport facilities in
4 counties.

5 15910. Municipal approval required.

6 § 15900. Definitions.

7 The following words and phrases when used in this chapter
8 shall have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Airport." As defined in 74 Pa.C.S. § 5102 (relating to
11 definitions).

12 § 15901. Authority to establish airports.

13 Subject to the provisions of 74 Pa.C.S. (relating to
14 transportation), a county may establish, construct and provide
15 for airports in accordance with the provisions of this article.

16 § 15902. Acquisition of land for aeronautical purposes.

17 (a) Use of land.--A county may use land within the county
18 and owned by the county, determined by the county commissioners
19 to be necessary for an airport.

20 (b) Appropriation of land.--A county may appropriate for the
21 purposes of an airport lands purchased by the county at any tax
22 sale and not redeemed within the period of redemption, if any,
23 provided by law.

24 (c) Acquisition of land.--A county may acquire by gift,
25 lease, purchase or condemnation proceedings, land lying within
26 its territorial limits or the territorial limits of any
27 adjoining county which, in the judgment of the county
28 commissioners, may be necessary and desirable for the purpose of
29 establishing and maintaining airports or of enlarging airports,
30 but no land shall be acquired in any adjoining county without

1 the assent of the county commissioners of that county.

2 § 15903. Condemnation proceedings and title.

3 (a) Conduct of proceedings.--The proceedings for the
4 condemnation of lands under this chapter and for the assessment
5 of damages for property taken, injured or destroyed shall be
6 conducted in the same manner as provided by law for the
7 condemnation of land or buildings for county purposes in the
8 county in which the land is situated.

9 (b) Acquisition of title.--The title acquired by virtue or
10 any condemnation may be a title in fee simple or any lesser
11 estate, including an easement for aviation or any other purpose.

12 § 15904. Agreements for airport facilities.

13 A county acquiring land for an airport may enter into
14 agreements for the use of all or a part of the land, for
15 adequate consideration, after due public notice to a person
16 desiring to use the same for the purposes of taking off or
17 landing an airplane, for other aviation purposes or for any
18 nonaviation purpose, on terms and subject to conditions and
19 regulations. In counties of the second class A, agreements for
20 nonaviation purposes shall be for terms of less than 50 years
21 and shall only involve land designated in the county's airport
22 master plan not needed for airport purposes within the term of
23 the lease. A county may enter into a contract in the form of a
24 lease providing for the use of airport land or any part thereof
25 by the Federal Government for air mail delivery or other
26 aviation purposes upon nominal rental or without consideration.
27 § 15905. Joint operation and leasing.

28 A county acquiring land for an airport purpose may operate
29 and maintain airport facilities jointly with a municipal
30 corporation or other political subdivision, upon terms and

1 conditions as may be agreed upon between the authorities of the
2 municipal corporation or other political subdivision and the
3 county commissioners, and the joint airport facilities may be
4 operated and leased, as provided under this subchapter, upon the
5 joint action of the authorities involved and the county
6 commissioners.

7 § 15906. Engineering and construction and appropriations.

8 A county acquiring land for airport purposes may, by
9 resolution of the county commissioners, appropriate money for
10 the engineering design, surveys and construction of airport
11 facilities, either individually or in cooperation with Federal,
12 State or other public agencies supplying a portion of the
13 necessary money for the work.

14 § 15907. Contracts for construction and repairs.

15 In establishing, maintaining and operating airport
16 facilities, if construction, repair or purchase of roadways,
17 runways, buildings and facilities, is deemed necessary within or
18 for use within the limits of land acquired for the purpose of
19 establishing, maintaining and operating airport facilities,
20 submission to a court or grand jury of any county is not
21 necessary, but a contract under this chapter shall be entered
22 into as provided for in Chapter 151 (relating to contracts), and
23 for joint establishment, operation and maintenance with any
24 other political subdivision, a contract shall be entered into as
25 provided for the general business of the participating political
26 subdivisions.

27 § 15908. Validation of contracts.

28 A contract executed prior to July 28, 1953, for counties of
29 the second class A, and August 9, 1955, for counties of the
30 third, fourth, fifth, sixth, seventh and eighth class, for

construction and repair of roadways, runways, buildings and facilities or the purchase thereof within or for use within the limits of land acquired for the establishment and operation of airdromes or landing fields, without first having obtained the approval of the court of quarter sessions or grand jury of a county and entered into as provided for the general business of the county or other political subdivisions jointly interested, are ratified, confirmed, approved and declared lawful contracts.

§ 15909. Airport appropriation assistance.

The county commissioners may appropriate money to assist a municipal corporation or other political subdivision, or municipality airport authority, within the county or within any adjacent county to acquire, establish, operate and maintain airport facilities.

§ 15909.1. Issuance of revenue bonds for airport facilities in counties.

(a) General rule.--In addition to present methods of financing, the county commissioners of counties of the second class A may issue revenue bonds, under 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing), for sufficient money for and toward the acquisition, construction, reconstruction, extension or improvement of airport facilities, including airports, terminals, hangars, parking areas and all other facilities, with bonds secured solely by the pledge of the whole or part of the fees, rents, tolls or charges derived from the ownership or operation of the facilities or for the use or service of the same.

(b) Lease of airport facilities.--Airport facilities financed by the issuance of revenue bonds under this section may be leased by the county, in whole or in part, to a lessee or

1 lessees for a period of years equal in time to the period of
2 maturity of the issued bonds.

3 (c) Costs.--Included in the cost of the issue may be costs
4 and expenses incident to constructing and financing the
5 facilities and selling and distributing the bonds.

6 (d) Construction.--Nothing in this section shall be
7 construed as modifying or restricting the power of any county of
8 the third, fourth, fifth, sixth, seventh and eighth class to
9 incur debt for the acquisition, construction, reconstruction,
10 extension or improvement of airport facilities, including
11 airports, terminals, hangers, parking areas and all other
12 facilities necessary or appropriate, to the extent the power
13 exists on December 23, 2018.

14 § 15910. Municipal approval required.

15 Federal or State money from the Aviation Restricted Account
16 in the Motor License Fund or any other State money may not be
17 expended for airport operations or airport development in any
18 county of the second class A having a population in excess of
19 675,000 individuals without the approval of the municipality or
20 municipalities in which an airport is situated.

21 SUBCHAPTER B

22 SECOND CLASS A COUNTY TRANSIT AND TRAFFIC COMMISSION

23 Sec.

24 15950. Creation of county transit and traffic commission.

25 15951. Duties of county transit and traffic commission.

26 § 15950. Creation of county transit and traffic commission.

27 (a) Establishment.--The county commissioners of a county of
28 the second class A may establish a county transit and traffic
29 commission under this subchapter.

30 (b) Existing commission.--A county transit and traffic

commission existing on December 24, 2018, may continue to exist under this subchapter.

(c) Composition.--The county transit and traffic commission shall be composed of nine members in accordance with the following:

(1) Each of the nine members shall be residents of the county in accordance with the following:

(i) Not more than four of the members shall be residents of cities in the county.

(ii) Not more than two of the members shall be regular employees of a publicly financed body.

(2) Members shall be individuals experienced in at least one of the following:

(i) Engineering.

(ii) Commerce.

(iii) Finance.

(iv) Law.

(v) Transportation.

(vi) Traffic matters.

(3) Each member shall be appointed by the county commissioners.

(4) If there is an existing board on December 24, 2018, which has duties substantially similar to those of the commission established under this section, new members shall be appointed upon the expiration of the terms of the existing members.

(d) Terms, quorums and vacancies.--

(1) Each member shall serve for a term of six years.

(2) Five members shall constitute a quorum.

(3) An appointment to fill a vacancy shall be only for

1 the unexpired term of the vacancy.

2 (e) Organization.--The commission members may make rules and
3 regulations for the commission's organization and procedure
4 consistent with the resolutions of the county commissioners and
5 the laws of this Commonwealth.

6 (f) Compensation and expenses.--

7 (1) Members shall serve without compensation.

8 (2) The county commissioners may provide for the
9 following expenses, at the county commissioners' discretion,
10 by resolution and appropriation:

11 (i) Employment of a technical staff or other
12 individuals as necessary.

13 (ii) Necessary expenses of the commission.

14 § 15951. Duties of county transit and traffic commission.

15 (a) Duties.--The duties of the county transit and traffic
16 commission shall be to:

17 (1) Investigate transit, traffic and parking conditions
18 in the county, including the volume and characteristics of
19 the movement of public carriers, including street railways,
20 trains, buses and other motor vehicles, throughout the
21 county, with a view of determining advisable means for
22 obtaining adequate, rapid and safe transportation.

23 (2) Fully consider the coordination of existing
24 transportation services.

25 (3) Investigate and study safety measures for
26 individuals and vehicles on highways, streets and
27 thoroughfares in the county.

28 (4) Advise and consult with officials of political
29 subdivisions in the county about the transit, traffic and
30 parking problems.

1 (b) Report.--All minutes, reports and recommendations made
2 by the commission shall be a matter of public record.
3 Periodically, but not less than once a year, the commission
4 shall file with the county commissioners a report, which shall
5 include the results of investigations made by the commission and
6 any recommendations the commission may have to offer.

7 (c) Referral to commission.--The county commissioners shall
8 refer any plan, proposal or resolution affecting public
9 transportation and the safety of the public on public
10 transportation facilities and on highways, bridges and tunnels
11 in the county to the county transit and traffic commission for
12 consideration and recommendation. The county transit and traffic
13 commission shall report to the county commissioners on the plan,
14 proposal or resolution within a reasonable period of time.

15 (d) County planning commission.--

16 (1) In lieu of the creation of a county transit and
17 traffic commission in the county in which a county planning
18 commission has been established, the county commissioners
19 may, by resolution, confer and impose on the county planning
20 commission the additional powers and duties of serving as the
21 county transit and traffic commission, with all the powers
22 and duties conferred by this subchapter upon the county
23 transit and traffic commission. Upon the passage of the
24 resolution by the county commissioners, the terms of office
25 of the existing county transit and traffic commissioners
26 shall terminate, and the commissioners shall deliver all
27 books, papers, records, furnishings and supplies pertaining
28 to their office to the county planning commission.

29 (2) The passage of the resolution by the county
30 commissioners under paragraph (1) may not impair nor affect

1 any act done, or right accruing, accrued or acquired, or
2 liability, duty or obligation incurred, prior to the time the
3 resolution takes effect.

4 CHAPTER 161

5 GROUND AND BUILDINGS

6 Subchapter

7 A. General Provisions

8 B. Acquisition, Use, Leasing and Disposing of Real Property
9 for County

10 C. Acquisition, Construction or Alteration of County
11 Buildings

12 D. Policing, Administration and Public Order of Grounds and
13 Buildings

14 E. Special Provisions for Temporary County Buildings and for
15 Rooms in County Buildings

16 E.1. Special Provisions for Temporary County Buildings and
17 for Rooms in County Buildings in Counties of the Second
18 Class A

19 F. Improvement of Streets Along County Buildings and Street
20 Lighting

21 G. Public Accommodations

22 H. Monuments and Memorials

23 I. Public Auditoriums, Public Libraries, Public Memorial
24 Buildings and Monuments

25 J. Homes and Hospitals

26 K. Morgues

27 L. (Reserved)

28 SUBCHAPTER A

29 GENERAL PROVISIONS

30 Sec.

1 16101. Title to real estate vested in county.

2 16101.1. Days and hours of courthouse and offices.

3 16102. Exemption from taxation and attachment.

4 16102.1. Payments in lieu of taxes.

5 16103. (Reserved).

6 16104 Credit of county available for grounds and buildings.

7 § 16101. Title to real estate vested in county.

8 The title to all real property acquired by or for the use of
9 the county shall be vested in the county for the use of the
10 people in the county and for no other use, except as provided in
11 this chapter.

12 § 16101.1. Days and hours of courthouse and offices.

13 The county commissioners shall determine when the county
14 courthouse and all county offices located elsewhere shall be
15 open.

16 § 16102. Exemption from taxation and attachment.

17 Except as provided under section 16106(b) (relating to
18 authority to sell or lease real property) or other law, all
19 property of the county, real or personal, shall be exempt from
20 taxation and from levy and sale by virtue of execution or of any
21 other process.

22 § 16102.1. Payments in lieu of taxes.

23 If real property of the county is not presently being used
24 for the purposes for which it was acquired, the county may make
25 payments in lieu of taxes for the property to political
26 subdivisions in which the property is located.

27 § 16103. (Reserved).

28 § 16104 Credit of county available for grounds and buildings.

29 In the acquisition, construction or alteration of land and
30 buildings for county purposes, the commissioners may issue bonds

1 as provided by law.

2 SUBCHAPTER B

3 ACQUISITION, USE, LEASING AND DISPOSING

4 OF REAL PROPERTY FOR COUNTY

5 Sec.

6 16105. Acquiring and using real property and exceptions.

7 16105.1. Acquiring and developing industrial areas.

8 16106. Authority to sell or lease real property.

9 16106.1. Authority to sell certain property as a single unit.

10 16107. (Reserved).

11 16108. (Reserved).

12 16109. (Reserved).

13 16110. (Reserved).

14 16111. Disposing of county property for other uses and

15 demolition.

16 § 16105. Acquiring and using real property and exceptions.

17 (a) General rule.--The county commissioners may acquire real
18 property by purchase for not more than the fair market value,
19 gift, devise or eminent domain. The county commissioners may
20 acquire, improve and maintain real property at the county seat
21 or in other places as the county commissioners deem necessary
22 for the purposes of a county courthouse, prison and other
23 facilities necessary for county purposes. The fair market value
24 of real property for a purchase valued in excess of \$10,000
25 shall be determined by the county commissioners in consultation
26 with two of the following:

27 (1) The county assessor.

28 (2) Licensed real estate brokers.

29 (3) Licensed real estate appraisers doing business

30 within the county.

1 (b) Other uses of property.--The county commissioners may
2 also use real property, as authorized by law, owned by the
3 county and deemed suitable by the county commissioners for the
4 purposes under subsection (a), except property that is bound by
5 contract to another public use.

6 (c) Land for county buildings.--The county commissioners may
7 provide for the grading, filling, draining, gardening and
8 otherwise improving and maintaining of all lands for county
9 buildings, either by contract or by county employees, as the
10 county commissioners deem proper.

11 (d) Application.--This section shall not apply to an
12 acquisition of real property by a county, either by tax sales or
13 by other purchases, that is specifically provided for under
14 another provision of law.

15 § 16105.1. Acquiring and developing industrial areas.

16 (a) General rule.--The county commissioners may purchase,
17 accept by gift or devise real property within the county,
18 including Federal surplus real property, for the purpose of
19 developing the same for industrial use under a local, regional
20 or county plan and to expend money to bring utilities within a
21 county industrial area and to develop an area for industrial
22 sites.

23 (b) Sale or lease of land.--A county may sell, or lease for
24 a term not to exceed 99 years, to an industrial development
25 organization, with or without consideration, lands, easements or
26 rights in land, together with any improvements, buildings or
27 structures on the land owned by the county for the purpose of
28 establishing or enlarging a commercial, industrial or
29 manufacturing enterprise or research and development center
30 within the county. In addition, the following shall apply:

1 (1) The industrial development organization shall be
2 designated in the manner provided by Chapter 23 of the act of
3 June 29, 1996 (P.L.434, No.67), known as the Job Enhancement
4 Act.

5 (2) The county may make an agreement with an industrial
6 development organization for the industrial development of
7 the lands, easements or rights in lands.

8 (3) An instrument of sale, lease or other agreement made
9 under this subsection may contain provisions regulating the
10 uses of lands, buildings and structures for trade, industry,
11 manufacture, research, residence, recreation, water supply,
12 public activities or other purposes.

13 § 16106. Authority to sell or lease real property.

14 (a) General rule.--The county commissioners may sell any
15 estate in real property for not less than the fair market value.
16 If the county commissioners know or have reason to believe that
17 the property to be sold contains oil, gas, coal, stone, timber
18 or other mineral or forest products of commercial value, the
19 knowledge or belief shall be advertised, together with the
20 description of the land, in at least one newspaper of general
21 circulation in the county. In the case that the fair market
22 value of the real property is estimated to be in excess of
23 \$10,000, the fair market value shall be determined by the county
24 commissioners in consultation with two of the following:

25 (1) The county assessor.

26 (2) Certified broker-appraisers.

27 (3) Certified real estate appraisers doing business
28 within the county.

29 (b) Lease of property.--The county commissioners may lease
30 an estate in real property owned by the county or other real

property for which the county is the lessee. For a lease of county property, the property, with improvements or additions on or to the property, shall, in the hands of the lessee, be subject to taxation by the county and any other political subdivision in the county in the same manner as other real estate located in the county. The taxes shall be levied and assessed against and paid by the lessee.

(c) Exception.--Subsection (a) may not be mandatory if county real property is to be sold to any of the following:

(1) A political subdivision, volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the county.

(2) A municipal authority under 53 Pa.C.S. Ch. 56 (relating to municipal authorities).

(3) A nonprofit corporation or limited partnership in which a nonprofit corporation is a general partner and managing agent engaged in community industrial, commercial or affordable housing development or reuse for its exclusive use for industrial, commercial or affordable housing development. This exemption may not apply to property owned and operated by a county or subcontracted or operated on the behalf of a county in order to conduct existing government functions.

(4) A person for the exclusive use of the property in an industrial development program.

(5) A nonprofit corporation organized as a public library for the exclusive use as a library.

(6) A nonprofit medical service corporation for the exclusive use as a site for a medical service facility.

(7) A nonprofit housing corporation.

(8) The Federal Government.

1 (9) The Commonwealth.

2 (10) An authority under the act of August 23, 1967
3 (P.L.251, No.102), known as the Economic Development
4 Financing Law.

5 (11) A redevelopment authority under the act of May 24,
6 1945 (P.L.991, No.385), known as the Urban Redevelopment Law.

7 (12) A public utility.

8 (13) A nonprofit organization providing community
9 service or development activities.

10 (14) A nonprofit corporation established for the
11 preservation of historical, architectural or aesthetic sites
12 or artifacts.

13 (15) A nonprofit association or nonprofit corporation
14 organized to acquire and maintain real property for the
15 preservation, conservation and stewardship of open space.

16 (16) A council of government, consortium, cooperative or
17 other similar entity created under 53 Pa.C.S. Ch. 23 Subch. A
18 (relating to intergovernmental cooperation).

19 (d) Sale to qualified entity.--If the real property is sold
20 or leased to a qualified entity under subsection (c), the
21 commissioners may elect to accept nominal consideration for the
22 sale as the commissioners deem appropriate. Real property sold
23 under this subsection to an entity under subsection (c), other
24 than a city, borough, town, township, institution district,
25 school district, municipal authority under 53 Pa.C.S. Ch. 56
26 located within the county, the Federal Government or the
27 Commonwealth shall be subject to the condition that when the
28 property is not used for the purposes of the entity the property
29 shall revert to the county.

30 (e) Application.--This section does not apply to leases or

sales of county property or other property which are otherwise specifically provided for by law.

(f) Transfer of interest in real property.--The commissioners shall provide for the transfer of an interest in real property under this section by deed or by written lease under the seal of the county, as applicable.

§ 16106.1. Authority to sell certain property as a single unit.

Notwithstanding any other provisions of law, if the county commissioners determine that the continued ownership and operation of an institution for the care of dependents is economically unfeasible, the county commissioners may sell the real property belonging to the county and being used for the care of dependents and the contents of personal property used in connection with and incidental to the operation of the institution, as a single unit. The sale of real property and personal property as a single unit shall be deemed a sale of real property only and need only comply with this part relating to the sale of real property.

§ 16107. (Reserved).

§ 16108. (Reserved).

§ 16109. (Reserved).

§ 16110. (Reserved).

§ 16111. Disposing of county property for other uses and demolition.

(a) General rule.--If the county commissioners find that an existing county building is no longer suitable for its original purpose or if the county has acquired or received an interest in real property which the county commissioners find is not suitable for the use of the county, the county commissioners may do any of the following:

1 (1) Devote the real property to another public purpose.

2 (2) Convey by sale or gift the real property to a public
3 or charitable institution.

4 (3) Convey by sale or gift the real property to a
5 political subdivision within the county.

6 (4) Demolish or relocate the building.

7 (b) Conveyance of real property.--For the purposes of this
8 section, the county commissioners may convey, on behalf of the
9 county, any interest in real property to one or more parties
10 authorized by this section in single or concurrent ownership.

11 (c) Conveyance of personal property.--Notwithstanding
12 Chapter 151 (relating to contracts), the county may convey
13 personal property together with an interest in real property for
14 the purposes of this section.

15 (d) Application.--Nothing in this section shall supersede
16 the procedures or limitations on the disposition of county
17 property imposed by law.

18 SUBCHAPTER C

19 ACQUISITION, CONSTRUCTION OR ALTERATION OF COUNTY BUILDINGS
20 Sec.

21 16115. Authority and procedure for acquiring, constructing or
22 altering county buildings.

23 16116. Right to build on public squares.

24 16117. Separate bids for plumbing, heating, ventilating, air
25 conditioning, electrical work, elevators and
26 escalators.

27 16118. Contract performance security and payment bonds.

28 16119. Compliance with workers' compensation law.

29 16120. (Reserved).

30 § 16115. Authority and procedure for acquiring, constructing or

1 altering county buildings.

2 (a) General rule.--The county commissioners may purchase or
3 accept by gift any building authorized by law deemed suitable
4 and proper by the county commissioners for use as a county
5 building.

6 (b) Construction or alteration.--The county commissioners
7 may provide for the construction or alteration, including
8 enlargement of any county building. If the county commissioners
9 undertake any construction or alteration, the county
10 commissioners shall prepare plans and specifications for the
11 construction or alteration. The county commissioners shall
12 secure bids and provide for the formation of contracts necessary
13 for the construction or alteration according to this act.

14 § 16116. Right to build on public squares.

15 If the courthouse or other building of the county is located
16 upon a public square or common in the city, borough or town then
17 being the county seat, and a new building is authorized and
18 required to be erected, in place of the courthouse or other
19 building, the county commissioners may erect a new building upon
20 any other of the public squares or commons of the city, borough
21 or town, or upon any part thereof.

22 § 16117. Separate bids for plumbing, heating, ventilating, air
23 conditioning, electrical work, elevators and
24 escalators.

25 (a) General rule.--In the preparation of specifications for
26 the erection, construction and alteration of a public building,
27 if the entire cost of the work shall exceed the base amount
28 established under section 15101 (relating to commissioners sole
29 contractors for county generally), the architect, engineer or
30 other person preparing specifications shall prepare the

following separate specifications:

(1) Plumbing.

(2) Heating, ventilating and air conditioning.

(3) Electrical work.

(4) Elevators and escalators.

(5) One complete set of specifications for all work not otherwise specified.

(b) Separate bids.--The county commissioners shall receive separate bids upon each of the branches of work under subsection (a) and award the contract to the lowest responsible bidder for each of the branches, including the balance of the work not otherwise specified.

(c) Alternative contracting procedure.--Notwithstanding the separate specification of subsection (a), an authority organized under the act of August 23, 1967 (P.L.251, No.102), known as the Economic Development Financing Law, which is engaged to erect, construct or alter a public purpose facility for a county of the second class A may elect to use an alternative contracting procedure as follows:

(1) The authority may elect to use an alternative contracting procedure for a project involving selected public purpose facilities. If the authority elects to utilize an alternative contracting procedure, the county commissioners shall adopt a resolution that the use of an alternative contracting procedure is the most efficient, economical and timely method to proceed with a project. Upon adoption of a resolution, the authority shall request written proposals from proposers for a project involving selected public purpose facilities under an alternative contracting method. In a request for proposals, the authority shall include

1 terms, conditions and requirements which the authority deems
2 necessary to protect the authority and the interests of the
3 public.

4 (2) In reviewing and evaluating the proposals for a
5 project involving selected public purpose facilities, the
6 authority shall, in addition to compliance with the terms,
7 conditions and requirements set forth in the request for
8 proposals, consider the following criteria:

9 (i) The cost of the project.

10 (ii) Experience of the proposer.

11 (iii) Adherence to the act of March 3, 1978 (P.L.6,
12 No.3), known as the Steel Products Procurement Act.

13 (iv) Adherence to prevailing wage laws and other
14 work force standards.

15 (v) Commitment to enter into voluntary contracts
16 with disadvantaged business enterprises. After due
17 consideration of proposals under the criteria described
18 in this paragraph, the authority may, upon recommendation
19 of a designee or project end user, select a proposal and
20 award a contract to a responsible proposer under an
21 alternative contracting procedure. The award of a
22 contract for the project need not be awarded to the
23 lowest priced proposer.

24 (3) A contract awarded under this subsection shall be
25 exempt from the act of May 1, 1913 (P.L.155, No.104),
26 referred to as the Separations Act, or from any subsequent
27 enactment or reenactment of substantially similar separate
28 bid specification requirements.

29 (d) Definitions.--As used in this section, the following
30 words and phrases shall have the meanings given to them in this

1 subsection unless the context clearly indicates otherwise:

2 "Alternative contracting procedure." A procedure under which
3 a proposer would be responsible for all aspects or phases
4 necessary to achieve the development of a parcel of property.
5 The aspects or phases of development may include the planning,
6 design, finance, construction and management of property.

7 "Design/build contract." A construction contract in which
8 the contractor is responsible for both the design and
9 construction of a public structure, building or other public
10 improvement of any kind to any public real property.

11 "Project." The demolition, modification and construction of
12 a building or group of buildings with related facilities
13 formerly owned by a county and previously used as a jail or
14 office facility.

15 "Project end user." The governmental body or entity to use
16 the selected public purpose facility under a contract or lease
17 with the authority.

18 "Proposer." A firm, organization or company or a combination
19 of firms, organizations or companies acting as a partnership,
20 joint venture, consortium or similar joint relationship with
21 sufficient knowledge, expertise and experience in design/build
22 contracts.

23 § 16118. Contract performance security and payment bonds.

24 (a) General rule.--Unless covered under the bonding
25 requirements of the act of December 20, 1967 (P.L.869, No.385),
26 known as the Public Works Contractors' Bond Law of 1967, for
27 construction contracts awarded for amounts between \$25,000 and
28 \$100,000, the successful bidder shall furnish a bond
29 guaranteeing performance of the contract, in an amount as
30 determined by the county commissioners at the time of

1 advertising for bids, which shall be no less than 10% or more
2 than 100% of the amount of the contract, within 30 days after
3 the contract is awarded. If a construction contract is awarded
4 in excess of \$100,000, the following bonds shall be delivered to
5 the county and shall be binding on the parties upon the
6 execution of the contract:

7 (1) A performance bond, executed by a surety company
8 authorized to do business in this Commonwealth and made
9 payable to the county, in an amount determined by the county
10 commissioners at the time of advertising for bids which shall
11 be not less than 50% or more than 100% of the price specified
12 in the contract and conditioned upon the faithful performance
13 of the contract in accordance with the plans, specifications
14 and conditions of the contract.

15 (2) A payment bond, executed by a surety company
16 authorized to do business in this Commonwealth and made
17 payable to the county, in an amount equal to 100% of the
18 price specified in the contract and conditioned upon the
19 prompt payment for all materials furnished or labor supplied
20 or performed in the prosecution of the work. Labor and
21 materials include public utility services and reasonable
22 rentals of equipment for the periods when the equipment is
23 actually used at the site.

24 (b) Bond protection.--A performance bond shall be solely for
25 the protection of the county. A payment bond shall be solely for
26 the protection of claimants supplying labor or materials to the
27 prime contractor to whom the contract was awarded or to any
28 subcontractors in the prosecution of the work provided for in
29 the contract, regardless of if the labor or materials constitute
30 a component part of the construction.

1 (c) Construction.--Nothing in this section shall be
2 construed to limit the authority of the county commissioners to
3 require a performance bond, payment bond or other security in
4 addition to those bonds or in circumstances other than specified
5 in subsection (a).

6 (d) Payment bonds.--Actions on payment bonds shall be in
7 accordance with the following:

8 (1) Subject to paragraph (2), a claimant who has
9 performed labor or furnished material in the prosecution of
10 the work under a contract for which a payment bond has been
11 given under subsection (a) and who has not been paid in full
12 before the expiration of 90 days after the day on which the
13 claimant performed the last of the labor or furnished the
14 last of the materials for which it claims payments may bring
15 an action on the payment bond in its own name, in assumpsit,
16 to recover any amount due it for the labor or material and
17 may prosecute the action to final judgment and have execution
18 on the judgment.

19 (2) A claimant who has a direct contractual relationship
20 with a subcontractor of the prime contractor who gave the
21 payment bond but has no contractual relationship, express or
22 implied, with the prime contractor may bring an action on the
23 payment bond only if the claimant has given written notice to
24 the contractor within 90 days from the date on which the
25 claimant performed the last of the labor or furnished the
26 last of the materials for which it claims payment, stating
27 with substantial accuracy the amount and the name of the
28 person for whom the work was performed or to whom the
29 material was furnished.

30 (3) Notice shall be served by registered mail in an

1 envelope addressed to the contractor at any place where the
2 contractor's office is regularly maintained for the
3 transaction of business or served in any manner in which
4 legal process may be served in the manner provided by law for
5 the service of a summons except that the service need not be
6 made by a public officer.

7 (e) Dollar thresholds.--The dollar thresholds provided under
8 subsection (a) shall be adjusted annually to reflect the annual
9 percentage change in the Composite Construction Cost Index of
10 the United States Department of Commerce occurring in the one-
11 year period ending on December 31 of each year.

12 § 16119. Compliance with workers' compensation law.

13 (a) General rule.--Each contract executed by the county
14 commissioners, which involves the construction or doing of any
15 work involving the employment of labor, shall contain a
16 provision that the contractor shall accept, in so far as the
17 work covered by a contract is concerned, the provisions of the
18 act of June 2, 1915 (P.L.736, No.338), known as the Workers'
19 Compensation Act, and that the contractor will insure
20 contractor's liability under the act or file with the county
21 commissioners a certificate of exemption from insurance from the
22 Department of Labor and Industry.

23 (b) Proof of compliance.--The county commissioners, before
24 signing on behalf of the county a contract requiring in its
25 performance the employment of labor, shall require proof that
26 the contractor with whom the contract is made shall have
27 accepted the Workers' Compensation Act and any reenactments,
28 supplements or amendments to the act, and proof that the
29 contractor has complied with subsection (a).

30 (c) Violation.--A contract executed in violation of the

1 provisions of this section shall be null and void.

2 § 16120. (Reserved).

3 SUBCHAPTER D

4 POLICING, ADMINISTRATION AND PUBLIC ORDER

5 OF GROUNDS AND BUILDINGS

6 Sec.

7 16125. Buildings and grounds.

8 16126. Security and grounds employees.

9 16127. Display of municipal flags on county buildings

10 authorized.

11 16128. (Reserved).

12 16129. (Reserved).

13 § 16125. Buildings and grounds.

14 Except as otherwise provided by law, the county commissioners
15 shall keep and maintain the public buildings of the county in
16 suitable and convenient order and repair and shall keep the
17 grounds about county buildings in proper condition and
18 appearance.

19 § 16126. Security and grounds employees.

20 (a) Security officers.--The county commissioners may appoint
21 one or more security officers to guard and protect the county
22 buildings and to enforce this part and other related laws. The
23 security officers shall have power to arrest on view a person
24 violating this part.

25 (b) Grounds employees.--The county commissioners may employ
26 persons as may be necessary to provide for maintenance and
27 repair of all county buildings and grounds.

28 § 16127. Display of municipal flags on county buildings
29 authorized.

30 It shall be lawful to display the flag of any county, city,

borough or other municipality in the Commonwealth or the
official POW/MIA flag on the public buildings or grounds of any
county.

§ 16128. (Reserved).

§ 16129. (Reserved).

SUBCHAPTER E

SPECIAL PROVISIONS FOR TEMPORARY COUNTY BUILDINGS

AND FOR ROOMS IN COUNTY BUILDINGS

Sec.

16135. (Reserved).

16136. (Reserved).

16137. Room or building for juvenile offenders awaiting trial.

16138. (Reserved).

16139. Furnishing rooms for meetings of veterans and other
organizations.

§ 16135. (Reserved).

§ 16136. (Reserved).

§ 16137. Room or building for juvenile offenders awaiting
trial.

The county commissioners of the third, fourth, fifth, sixth,
seventh and eighth class shall provide, furnish and heat within
the county a separate room or rooms or a suitable building to be
used exclusively for the confinement of any and all alleged or
adjudicated delinquent children or dependent children as defined
in 42 Pa.C.S. § 6302 (relating to definitions) who may be in
custody awaiting trial or hearing in the courts of the county,
and provide for the maintenance and care of the children while
in custody.

§ 16138. (Reserved).

§ 16139. Furnishing rooms for meetings of veterans and other

1 organizations.

2 The county commissioners may, upon application, furnish
3 meeting accommodations to any veterans, veterans auxiliary or
4 other civic organization.

5 SUBCHAPTER E.1

6 SPECIAL PROVISIONS FOR TEMPORARY COUNTY BUILDINGS

7 AND FOR ROOMS IN COUNTY BUILDINGS

8 IN COUNTIES OF THE SECOND CLASS A

9 Sec.

10 16139.1. Scope of subchapter.

11 16139.2. Room or building for juvenile offenders awaiting trial.

12 16139.3. Management of houses for detention of juveniles and
13 appointment of board and ex officio members.

14 16139.4. Appointment and compensation of employees.

15 16139.5. Annual report and expenses.

16 16139.6. Appropriation and bond issues.

17 § 16139.1. Scope of subchapter.

18 This subchapter shall apply to counties of the second class

19 A.

20 § 16139.2. Room or building for juvenile offenders awaiting
21 trial.

22 The county commissioners shall provide, furnish and heat
23 within the county a separate room or rooms or a suitable
24 building to be used exclusively for the confinement of alleged
25 or adjudicated delinquent children or dependent children as
26 defined in 42 Pa.C.S. § 6302 (relating to definitions) who are
27 in custody awaiting trial or hearing in the courts of the county
28 and provide for the maintenance and care of the children while
29 in custody.

30 § 16139.3. Management of houses for detention of juveniles and

1 appointment of board and ex officio members.

2 (a) Board of managers.--The management of houses for the
3 detention and reception of juveniles awaiting trial, hearing or
4 judicial investigation under the laws of this Commonwealth shall
5 be in a board of managers consisting of the following members:

6 (1) Three county commissioners.

7 (2) The county controller.

8 (3) Six private citizens to be appointed as follows:

9 (i) Three to be appointed by the president judge of
10 the court of common pleas.

11 (ii) Three to be appointed by the chairperson of the
12 county commissioners.

13 (b) Designees.--The county commissioners and the controller
14 may appoint individuals to act as designees for the purpose of
15 attending meetings of the board, and the designees shall have
16 the right to vote at the meetings.

17 (c) Private citizen members.--The private citizen members of
18 the board may not be officers or employees of the county.

19 (d) Existing boards of managers.--The members of the board
20 of managers existing in the county shall remain as members of
21 the board or boards of managers created in this subchapter until
22 the expiration of the terms to which the members were appointed.
23 Annually thereafter, the members or successors shall be
24 appointed for a term of three years.

25 (e) Vacancies.--Vacancies occurring in the membership of the
26 board shall be filled for the unexpired term by the chairperson
27 of the county commissioners or the president judge of the court
28 of common pleas, depending upon who originally appointed the
29 board member.

30 (f) Compensation.--The members of the board shall serve

1 without compensation.

2 § 16139.4. Appointment and compensation of employees.

3 The board of managers may appoint a superintendent and
4 additional staff members as may be necessary, whose salaries
5 shall be paid by the county. The number and compensation of the
6 employees shall be fixed by the salary board of the county.

7 § 16139.5. Annual report and expenses.

8 On or before November 1, the board of managers shall annually
9 report to the county commissioners the amount of money required
10 for the maintenance of the house or houses of detention. The
11 county commissioners shall make an annual appropriation to the
12 board of managers for the payment of the expenses of
13 administering the house of detention. Expenses incurred in the
14 performance of duties by the board of managers shall be itemized
15 and presented with vouchers to the county commissioners for
16 payment, and a semiannual expense report shall be made to the
17 county commissioners. All expenses in connection with the
18 management and administration of the house of detention shall be
19 paid by the county in the manner provided by law for the payment
20 of county obligations.

21 § 16139.6. Appropriation and bond issues.

22 The county commissioners shall have power and authority for
23 the purpose of housing juveniles to appropriate money from
24 public money or to issue bonds in the manner provided by law for
25 the purchase of lands or erecting, constructing and equipping a
26 building or buildings.

27 SUBCHAPTER F

28 IMPROVEMENT OF STREETS ALONG

29 COUNTY BUILDINGS AND STREET LIGHTING

30 Sec.

1 16145. Joining with municipalities in improving certain streets
2 and highways.

3 16146. Ornamental illumination.

4 § 16145. Joining with municipalities in improving certain
5 streets and highways.

6 (a) General rule.--The county commissioners may join with
7 the governing body of a municipal corporation in the grading,
8 regrading, paving, repaving and improvement of so much of the
9 streets and highways as are in, upon or alongside of the grounds
10 of a county building.

11 (b) Contract with municipalities.--The county commissioners
12 may enter into contract with a municipality to pay a fair
13 proportion of the expense of grading, regrading, paving,
14 repaving and improvement of the streets and highways and may
15 appropriate from the county treasury sufficient money for this
16 purpose. The county commissioners may act with any committee
17 appointed by municipalities to establish grades, determine the
18 kind and quality of paving materials to be used and ratify the
19 contracts entered into by the municipalities in the course of
20 the improvements.

21 (c) Contract specifications.--The selection of grades,
22 paving materials and proportion of expenses to be paid by the
23 county shall be specified by a contract formulated under this
24 section.

25 § 16146. Ornamental illumination.

26 (a) General rule.--The county commissioners may appropriate
27 money to support the installation, maintenance or repair of
28 ornamental illumination of any section of a street that abuts
29 the courthouse or other county building in the county seat.

30 (b) Limitation.--The appropriation by the county

1 commissioners under subsection (a) may not exceed the amount
2 that shall be assessed for ornamental illumination upon owners
3 of an equivalent frontage of property abutting upon the street,
4 measured by the foot front rule.

5 SUBCHAPTER G

6 PUBLIC ACCOMMODATIONS

7 Sec.

8 16150. Appropriations for public accommodations.

9 § 16150. Appropriations for public accommodations.

10 (a) General rule.--The county commissioners may appropriate
11 money to assist a municipality to construct and maintain public
12 restrooms and related facilities.

13 (b) Courthouse rest and waiting rooms.--The county
14 commissioners may provide or cooperate with a municipality or
15 municipal authority to equip and maintain in the courthouse rest
16 or waiting rooms for the public.

17 (c) Lease of ground.--Any part of a ground acquired by a
18 county for the purposes of a courthouse or other county building
19 or facility may be leased by the county to a municipality being
20 the county seat of the county for the purpose of the
21 construction of a public comfort station by the municipality.

22 SUBCHAPTER H

23 MONUMENTS AND MEMORIALS

24 Sec.

25 16155. Monuments, memorials and memorial halls to war veterans.

26 16156. Assistance to private or municipal agencies.

27 16157. (Reserved).

28 16158. (Reserved).

29 16159. Existing buildings.

30 16160. Donations.

1 16161. Maintenance of hall.

2 16162. (Reserved).

3 16163. Board of control.

4 16164. Flagstaff and display of flag.

5 16165. Acquisition of additional land and equipment,

6 furnishings, etc.

7 16166. Tax levy and increase or indebtedness.

8 16167. Preservation, maintenance, repair and completion of

9 public monuments.

10 § 16155. Monuments, memorials and memorial halls to war

11 veterans.

12 The county commissioners may appropriate money for and

13 provide for the erection of monuments, memorials or memorial

14 halls commemorating or honoring the services of any individual

15 who has served in the armed forces of the United States or in

16 any auxiliary organization officially connected with a division

17 of the armed forces of the United States.

18 § 16156. Assistance to private or municipal agencies.

19 The county commissioners may appropriate money to assist any

20 individual, private corporation or municipal corporation in the

21 erection of a monument, memorial or memorial hall authorized

22 under section 16155 (relating to monuments, memorials and

23 memorial halls to war veterans).

24 § 16157. (Reserved).

25 § 16158. (Reserved).

26 § 16159. Existing buildings.

27 The county commissioners may acquire by any lawful means any

28 real property which can be altered and improved so as to be made

29 suitable for a memorial hall.

30 § 16160. Donations.

For the purpose of aiding in the acquisition of real property and erection and construction of a memorial hall, voluntary donations and contributions may be accepted by the county commissioners from individuals, associations and organizations.

§ 16161. Maintenance of hall.

A county memorial hall shall be the property of and shall be maintained at the expense of the county.

§ 16162. (Reserved).

§ 16163. Board of control.

(a) Establishment.--In a county in which the county commissioners have established a memorial hall, the county commissioners shall establish a board of control of the memorial hall and shall establish the powers and duties of the board of control to provide for the operation and maintenance of the memorial hall. The county commissioners shall provide for the members of the board of control to be selected by the veterans organizations which operate in, and have been recognized by, the county.

(b) Existing boards of control.--A board of control established prior to December 24, 2018, shall continue according to the provisions of law that applied at the time that the board was established until the county commissioners take an action under subsection (a).

§ 16164. Flagstaff and display of flag.

A flagstaff shall be erected upon any county memorial hall from which the flag of the United States shall be displayed from sunrise to sunset on each day of the year.

§ 16165. Acquisition of additional land and equipment, furnishings, etc.

In a county in which there is a memorial hall in honor of the

soldiers, sailors or marines from the county, the county
commissioners may acquire additional land adjoining the memorial
hall to enhance and preserve the beauty and character of the
memorial hall or equip, furnish, decorate and make additions to
the memorial hall, or both.

§ 16166. Tax levy and increase or indebtedness.

The county commissioners may levy and collect a tax upon the
taxable persons and property within the county or increase the
indebtedness of the county according to 53 Pa.C.S. Pt. VII
Subpt. B (relating to indebtedness and borrowing) to pay for the
following:

(1) Erecting a memorial hall, including the purchased or
condemned ground upon which the memorial hall is erected.

(2) Acquiring additional land or enlarging, equipping,
furnishing or decorating of a memorial hall.

§ 16167. Preservation, maintenance, repair and completion of
public monuments.

The county commissioners may preserve, maintain and repair
any public monument or memorial hall in the county, other than
in cemeteries, including the enclosed public ground surrounding
the monument, and appropriate money for these purposes. If a
public monument referred to in this section has been partially
completed, either in construction or payment, the commissioners
may appropriate money for the purpose of completion.

SUBCHAPTER I

PUBLIC AUDITORIUMS, PUBLIC LIBRARIES,

PUBLIC MEMORIAL BUILDINGS AND MONUMENTS

Sec.

16168. Acquiring of property.

16169. Rental of auditoriums.

1 16170. (Reserved).

2 § 16168. Acquiring of property.

3 Counties may acquire property according to this chapter for
4 the purpose of erecting public auditoriums, public libraries,
5 public memorial buildings and monuments.

6 § 16169. Rental of auditoriums.

7 Revenue derived from rental of a public auditorium shall
8 first be devoted to the maintenance of the auditorium and any
9 remaining annual balance accruing from rent shall be deposited
10 in the general fund of the county.

11 § 16170. (Reserved).

12 SUBCHAPTER J

13 HOMES AND HOSPITALS

14 Sec.

15 16174. Donations to orphans' or childrens' homes.

16 16175. Management and control of orphans' home.

17 16176. Admission to home.

18 16177. Maintenance of childrens' homes.

19 16178. (Reserved).

20 16179. (Reserved).

21 16180. (Reserved).

22 16181. (Reserved).

23 16182. (Reserved).

24 16183. (Reserved).

25 16184. (Reserved).

26 16185. (Reserved).

27 § 16174. Donations to orphans' or childrens' homes.

28 The county commissioners may receive real or personal
29 property which may be given or granted to the county by any
30 lawful means for the use and purpose of providing a home within

the county for the keeping and care of indigent orphans and children who depend on the county for support.

§ 16175. Management and control of orphans' home.

An orphans' home shall be under the management and control of the county commissioners. The county commissioners may appoint a superintendent and assistants as necessary to properly conduct the affairs of the home.

§ 16176. Admission to home.

Indigent orphans and children shall be admitted to an orphans' or childrens' home on order of the county commissioners.

§ 16177. Maintenance of childrens' homes.

If a property has been given or granted to a county for a childrens' home and a home is established, the county may appropriate money for the support and maintenance of orphans and children and for the payment of the salary of the superintendent and assistants.

§ 16178. (Reserved).

§ 16179. (Reserved).

§ 16180. (Reserved).

§ 16181. (Reserved).

§ 16182. (Reserved).

§ 16183. (Reserved).

§ 16184. (Reserved).

§ 16185. (Reserved).

SUBCHAPTER K

MORGUES

Sec.

16190. Authority to provide and approval.

16191. (Reserved).

1 16192. (Reserved).

2 16193. (Reserved).

3 § 16190. Authority to provide and approval.

4 The county commissioners may buy or lease land and construct
5 and maintain on the land, at the expense of the county, a morgue
6 for the reception of all deceased individuals under the care and
7 custody of the coroner.

8 § 16191. (Reserved).

9 § 16192. (Reserved).

10 § 16193. (Reserved).

11 SUBCHAPTER L

12 (Reserved)

13 CHAPTER 163

14 EMINENT DOMAIN AND INJURY TO PROPERTY

15 Sec.

16 16301. Exercise of eminent domain.

17 16302. Restrictions as to certain property.

18 16303. Declaration of intention.

19 16304. Application of 26 Pa.C.S.

20 § 16301. Exercise of eminent domain.

21 A county may enter upon, appropriate, injure or destroy
22 private lands, property or material, or lands previously granted
23 or dedicated to public use that are no longer used for the
24 purpose for which the lands were granted, according to the
25 proceedings set forth in 26 Pa.C.S. (relating to eminent
26 domain), for any purpose conferred upon the county by law.

27 § 16302. Restrictions as to certain property.

28 (a) Prohibition.--Except as provided in subsection (b), land
29 or property used for a cemetery, burying ground or place of
30 public worship may not be taken or appropriated by virtue of a

1 power contained in this chapter.

2 (b) Exception for certain counties.--The prohibition in
3 subsection (a) shall not apply to a county of the second class A
4 in which the land or property is taken or appropriated according
5 to the provisions of the act of May 12, 1887 (P.L.96, No.47),
6 entitled "A supplement to an act, entitled 'An act supplementary
7 to an act relative to burial grounds and cemeteries situated in
8 incorporated boroughs,' approved the nineteenth day of May, one
9 thousand eight hundred and seventy-four, changing the title of
10 said act, and authorizing the court to make orders and decrees
11 required by the act, and to enforce the same by process,
12 approved the thirteenth day of May, eighteen hundred and
13 seventy-six, further empowering courts to direct removal of
14 remains in boroughs, cities, and towns from burial grounds where
15 interments have ceased or have become so neglected as to become
16 a public nuisance, or such remains interfere with the
17 improvements, extensions, and interests of such cities,
18 boroughs, or towns."

19 (c) Railroad property restrictions.--For counties of the
20 third, fourth, fifth, sixth, seventh and eighth class, the
21 right-of-way of a railroad company may not be acquired or
22 occupied without the consent of the company owning or operating
23 or in possession of the property.

24 § 16303. Declaration of intention.

25 A county shall declare its intention to acquire, enter upon,
26 take, use and appropriate any private property or land for any
27 of the purposes authorized by this chapter through a duly
28 enacted ordinance.

29 § 16304. Application of 26 Pa.C.S.

30 Eminent domain proceedings must conform to the provisions of

1 26 Pa.C.S. (relating to eminent domain), including payment of
2 damages and costs.

3 CHAPTER 165

4 RECREATION PLACES

5 Sec.

6 16501. Acquisition of land and buildings for recreation places.

7 16502. Construction, equipment and maintenance and general
8 powers.

9 16503. Fair, park and recreation boards.

10 16504. Officers of board.

11 16505. (Reserved).

12 16506. Indebtedness.

13 16507. Payment of expenses, taxation, annual fairs and State
14 contributions.

15 16508. Park buildings.

16 16509. Use of receipts.

17 16510. Damages, forfeiture of leases and penalties.

18 16511. Employees and police.

19 16512. Duty of police.

20 16513. Property held in trust.

21 16514. (Reserved).

22 16515. (Reserved).

23 16516. (Reserved).

24 16517. Appropriations to political subdivisions for recreation
25 places.

26 § 16501. Acquisition of land and buildings for recreation
27 places.

28 (a) General rule.--The county commissioners may designate
29 and set apart for use as recreation places or for the enlarging
30 or extending of recreation places any lands or buildings owned

1 by the county and not dedicated or devoted to other public use.

2 (b) Extension or enlargement of recreation places.--The
3 county commissioners may acquire lands or buildings, by gift or
4 purchase, or may lease lands for use as recreation places or for
5 the extension or enlargement of recreation places.

6 (c) Private property.--The county commissioners may, in
7 accordance with this part and 26 Pa.C.S. (relating to eminent
8 domain):

9 (1) In counties of the second class A, acquire private
10 property for the purpose of establishing, making, enlarging,
11 extending, operating and maintaining public parks and
12 multiuse recreational trails within the limits of the county.

13 (2) In counties of the third, fourth, fifth, sixth,
14 seventh or eighth class, acquire private property by the
15 power of eminent domain for use as, or the extension or
16 enlargement of, recreation places.

17 (d) Limitation.--The power to acquire lands or buildings, by
18 gift or purchase, may not extend beyond the limits of the
19 particular county, except upon the consent of the adjoining
20 county and municipal corporation which would be affected.

21 (e) Joint exercise of powers.--A county may exercise the
22 powers granted in this part jointly with any political
23 subdivision.

24 § 16502. Construction, equipment and maintenance and general
25 powers.

26 The county commissioners may build, alter, extend, enlarge,
27 manage, supervise, equip, ornament, operate and maintain
28 recreation places and may vest the authority to do so in an
29 existing body or board or in a park board, recreation board or
30 fair board, any of which may be established by the county

commissioners for any purpose, function and place as the county
commissioners may determine. For the purpose of carrying out
this chapter, the county commissioners, or any body or board
vested with the authority of the county commissioners, may
employ play leaders, recreation directors, supervisors,
superintendents or any other officers or employees. The number
and salary of the employees, to the extent that the employee's
salary is paid from the money of the county, shall be determined
by the salary board. All recreation places shall be kept in good
order and repair.

§ 16503. Fair, park and recreation boards.

The county commissioners may establish a fair board, park
board or recreation board, which shall possess all the powers
and be subject to all the responsibilities of the county
commissioners in the management, supervision, operation and
maintenance of recreation places. A board shall consist of a
minimum of five individuals and a maximum of nine individuals.
The members of the boards shall be appointed by the county
commissioners for a term to extend no longer than five years and
the terms of the members shall be staggered so at least one
expires annually. Members of the board shall serve without pay.
Vacancies in the board occurring otherwise than by expiration of
term shall be for the unexpired term and shall be filled in the
same manner as original appointments.

§ 16504. Officers of board.

The members of a fair board, park board or recreation board
shall elect a chairperson and secretary and select all other
necessary officers to serve for a period of one year and may,
with the consent and approval of the county commissioners,
employ individuals as needed under this chapter. The boards

1 shall have power to adopt rules and regulations for the conduct
2 of all business within their jurisdiction.

3 § 16505. (Reserved).

4 § 16506. Indebtedness.

5 The county commissioners may issue bonds, in accordance with
6 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and
7 borrowing), for the purpose of acquiring lands or buildings for
8 recreation places and for the construction, extension,
9 enlargement, alteration or equipment thereof.

10 § 16507. Payment of expenses, taxation, annual fairs and State
11 contributions.

12 (a) General rule.--Expenses incurred in the operation of
13 recreation places established under this chapter shall be
14 payable from the treasury of the county. The county
15 commissioners may annually appropriate and impose a tax to raise
16 money for any of the purposes authorized in this chapter,
17 including debt service upon bond issues authorized under section
18 16506 (relating to indebtedness). In counties of the second
19 class A, the amount of the tax may not exceed two mills on the
20 dollar of the assessed valuation of taxable property in the
21 county.

22 (b) Annual fair or agricultural exhibition.--The county
23 commissioners or the fair board may provide for and hold an
24 annual fair or agricultural exhibition on county fairgrounds,
25 and may accept aid or contributions from the Commonwealth under
26 any act for the payment of premiums at any fair or exhibition.

27 § 16508. Park buildings.

28 The county commissioners shall have exclusive power to lease
29 all buildings and facilities within the park limits and to
30 collect rent, fees and other consideration.

1 § 16509. Use of receipts.

2 All rents, license charges and fees, all fines, proceeds of
3 sales and profits that are collected, received or realized from
4 recreation places and buildings in any county, shall be paid
5 into the county treasury. Money or property given or bequeathed
6 to the county commissioners upon specified trusts shall be
7 received and receipted for by the county treasurer and held and
8 applied according to the trusts specified.

9 § 16510. Damages, forfeiture of leases and penalties.

10 (a) Liability for violation.--A person violating any rules
11 and regulations adopted for recreation places shall be liable to
12 the full extent of any damage committed by that person, in
13 trespass or other action, and a tenant or licensed party who
14 violates any rule and regulation, or consent to or permit the
15 same to be violated on the premises, shall forfeit the lease or
16 license and may be removed by a vote of the county
17 commissioners. Every lease and license shall contain a clause
18 stating that it shall be cause for forfeiture for a lessee or
19 licensed party to violate or permit or suffer any violation of
20 any rules and regulations.

21 (b) Specific offense.--In counties of the second class A,
22 the violation of any rules or regulations of the county
23 commissioners for the government of public parks shall
24 constitute a summary offense.

25 § 16511. Employees and police.

26 (a) Additional personnel permitted.--For the purpose of
27 performing all necessary duties relating to the establishing,
28 making, enlarging, extending and maintaining public parks,
29 buildings and other county-owned properties and for enforcing
30 the rules and regulations ordained or resolved by the county

commissioners or by any body or board of control if no penalty or fine is involved, the county commissioners may employ or appoint and equip proper persons as may be authorized by the salary board, to do all necessary and proper work connected with the requirements of this subsection, including police or guard duty.

(b) County park police.--The county commissioners of a county of the third class which is contiguous to a county of the second class may, by ordinance, create or disband a county park police force within the county. If a county park police force is created under this chapter, the county commissioners shall have power to employ the number of officers as may be fixed by the salary board of the county. The compensation of the county park police officers shall be paid by the county.

§ 16512. Duty of police.

(a) Arrest and initial appearance.--The police, county park police or guards appointed to duty in a recreation place, building and other county-owned property may:

(1) Arrest, without warrant, an offender against the rules and regulations, ordained or resolved by the county commissioners, that the police, county park police or guards appointed to duty may detect in the commission of an offense.

(2) Take the offender before a magisterial district judge having competent jurisdiction.

(b) Primary jurisdictional area for county park police.--In the ordinance creating a county park police force, the county commissioners shall designate a primary jurisdictional area where the county park police officers shall have jurisdiction. The primary jurisdictional area shall include only property owned, leased or controlled by the county, by a county municipal

authority, county redevelopment authority, county industrial development authority or agency, county airport authority or by a community college of which the county is a local sponsor, whether the property is within or outside the territorial limits of the county. A county road, street or highway may not be designated or considered as a primary jurisdictional area unless it is located within the boundaries of a geographical area otherwise designated by ordinance as a primary jurisdictional area under this section.

(c) County park police powers and duties.--County park police shall have the following powers and duties:

(1) To enforce good order and protect the grounds and buildings within a primary jurisdictional area.

(2) To exclude all disorderly persons from the grounds and buildings within a primary jurisdictional area.

(3) To exercise the same powers that may be exercised under authority of law or ordinance by the police of the municipalities in which the primary jurisdictional area is located, including those powers conferred under 42 Pa.C.S. Ch. 89 Subch. D (relating to municipal police jurisdiction).

(4) To prevent crime, investigate criminal acts, apprehend, arrest and charge criminal offenders and issue summary citations for acts committed on the grounds and in the buildings of the primary jurisdictional area and take the offender before the proper authority and issue charges against the offender under the laws of this Commonwealth. Except when acting under 42 Pa.C.S. Ch. 89 Subch. D, county park police shall exercise these powers and perform these duties only on the grounds of the primary jurisdictional area.

1 (5) To order off the grounds and out of the buildings
2 within the primary jurisdictional area all vagrants, loafers,
3 trespassers and persons under the influence of liquor and, if
4 necessary, remove them by force and, in case of resistance,
5 transport the offenders to the proper authority.

6 (6) To arrest an individual who damages, mutilates or
7 destroys the trees, plants, shrubbery, turf, grass plots,
8 benches, buildings and structures or commits any other
9 offense on the grounds and in the buildings within the
10 primary jurisdictional area and transport the offender to the
11 proper authority and prefer charges against the offender
12 under the laws of this Commonwealth.

13 (d) Chief and other designations.--The county commissioners
14 shall designate, from the county park police officers, the chief
15 and other ranks or classifications of officers as desired by the
16 county commissioners.

17 § 16513. Property held in trust.

18 (a) Conveyance to county.--If the owner of any real property
19 adapted to the use or purpose of public agriculture fairs or
20 exhibits are willing to convey or devise the real property to
21 the county wherein located, to be held in trust for the citizens
22 and inhabitants of the county, the county commissioners may take
23 title of the real property and hold the real property in trust
24 for the benefit of the residents of the county.

25 (b) Acceptance of contributions.--The county commissioners
26 may receive and accept contributions in buildings or materials
27 for additional improvements on the real property conveyed or
28 devised and held in trust.

29 (c) Lease of real property.--The county commissioners may
30 lease real property acquired under this section to any

incorporated agriculture association willing and financially
able to manage the premises, on condition that the premises
shall be used annually for agriculture fairs and exhibitions
without any liability or expense on the part of the county. Upon
failure of a lessee to comply with terms of any lease, the
county shall retake possession of the leased property.

(d) Sale of real property.--If, for a period of five years,
public use of the real property as contemplated by the grant or
gift to the county is not made, the real property may be sold on
petition to the court of common pleas under this part for the
sale of county real property.

§ 16514. (Reserved).

§ 16515. (Reserved).

§ 16516. (Reserved).

§ 16517. Appropriations to political subdivisions for
recreation places.

The county commissioners in counties of the third, fourth,
fifth, sixth, seventh and eighth class may appropriate money
from the county treasury to aid municipal corporations in the
purchase, construction, operation and maintenance of recreation
places.

CHAPTER 167

BRIDGES, VIADUCTS AND CULVERTS

Subchapter

A. General Authority and Procedures for Providing Bridges

B. Special Authorities and Procedures

C. Taking Over or Assisting with Township or Municipal
Bridges

D. (Reserved)

E. Taxation and Borrowing

1 SUBCHAPTER A

2 GENERAL AUTHORITY AND PROCEDURES

3 FOR PROVIDING BRIDGES

4 Sec.

5 16700. Definitions.

6 16701. Authority, definitions and application of chapter.

7 16702. Maintenance and repairs.

8 16703. Acquisition of real property.

9 16704. Plans and surveys for bridges and viaducts.

10 16705. (Reserved).

11 16706. (Reserved).

12 16707. Approval of Federal or State agencies and change in
13 location.

14 16708. (Reserved).

15 16709. (Reserved).

16 16710. (Reserved).

17 16711. Cost sharing.

18 16712. Boundary line bridges.

19 16713. (Reserved).

20 16714. Authorization to purchase.

21 16715. Privately owned bridge.

22 16716. Acceptance of donated bridge.

23 § 16700. Definitions.

24 The following words and phrases when used in this chapter
25 shall have the meanings given to them in this section unless the
26 context clearly indicates otherwise:

27 "Bridge." The term includes bridges, viaducts and culverts
28 and all items pertaining to bridges, viaducts and culverts.

29 "Road." The term includes roads, streets, highways, lanes,
30 alleys and all other public thoroughfares.

1 "Streams." The term includes streams, rivers, creeks, ponds,
2 lakes and all other natural waters.

3 § 16701. Authority, definitions and application of chapter.

4 (a) Bridges and viaducts.--The county commissioners may
5 locate, lay out, open, construct, reconstruct, widen,
6 straighten, extend, alter, replace, remove and otherwise provide
7 for bridges and viaducts over streams and other topographical
8 impediments to public traffic, as parts or adjuncts of the roads
9 within the county for vehicles and pedestrians or for
10 pedestrians only, and culverts within the county or partly
11 within and partly without the county, in accordance with this
12 chapter.

13 (b) Application.--This chapter shall apply to necessary
14 approaches, abutments, slopes, walls, embankments, fills, piers
15 and other items pertaining to bridges, viaducts and culverts as
16 to the bridges, viaducts and culverts themselves.

17 (c) Limitation.--The provisions of this chapter may not
18 apply to any matters relating to county bridges, viaducts or
19 culverts to the extent they are covered by the act of June 1,
20 1945 (P.L.1242, No.428), known as the State Highway Law, or of
21 any other law vesting in the Department of Transportation and
22 the various counties of the Commonwealth, rights, powers and
23 duties. The terms of the foregoing limitation shall apply as
24 well for the former act of May 28, 1937 (P.L.1053, No.286),
25 known as the Public Utility Law, and the Public Utility
26 Commission.

27 (d) Entrance during exercise of authority.--Counties of the
28 third, fourth, fifth, sixth, seventh and eighth class may not,
29 in the exercise of any authority or duty conferred in this
30 chapter, enter upon any road or property of any city or borough

1 of or adjacent to the county or act in derogation of the lawful
2 authority of such political subdivision, except with the proper
3 consent of such political subdivision.

4 (e) Obstruction prohibited.--Bridges provided under this
5 chapter may not obstruct any canal or railroad, and nothing in
6 this chapter shall be deemed to release any railroad or other
7 public utility from the requirements of existing law.

8 § 16702. Maintenance and repairs.

9 Every county bridge under this chapter shall be maintained
10 and kept in repair by the county or counties involved except as
11 may be otherwise provided by agreements between or among the
12 county or counties and other political subdivisions or other
13 persons as to the costs of the maintenance and repairs.

14 § 16703. Acquisition of real property.

15 The county commissioners may purchase, in accordance with
16 this part, accept by gift or acquire by the power of eminent
17 domain, real property devoted to private or public use in the
18 manner provided by law.

19 § 16704. Plans and surveys for bridges and viaducts.

20 If the county commissioners provide a bridge or viaduct under
21 this chapter, the county commissioners shall prepare plans and
22 surveys showing the location of the proposed structure, the
23 structures approaches and the property or rights of property
24 affected by the structure, together with any roads in any
25 municipal corporation proposed to be used in connection to the
26 project.

27 § 16705. (Reserved).

28 § 16706. (Reserved).

29 § 16707. Approval of Federal or State agencies and change in
30 location.

1 If a proposed bridge crosses a navigable stream or other
2 public water or the property or right-of-way of any railroad or
3 other public utility requiring the approval of any Federal or
4 State officer, board or body as to the location and construction
5 of the bridge or its approaches, the county shall have authority
6 to construct the bridge in another location and manner as may be
7 necessary to comply with the conditions prescribed by the
8 officer, board or body in granting approval, if the county
9 commissioners deem the proposed bridge necessary for the
10 convenience of the traveling public and accommodates
11 substantially the same traveling public as the bridge would have
12 done if it had been constructed at the location and in the
13 manner originally provided.

14 § 16708. (Reserved).

15 § 16709. (Reserved).

16 § 16710. (Reserved).

17 § 16711. Cost sharing.

18 If a bridge is proposed to be located in a municipality, the
19 county may enter into an agreement with the municipality if the
20 municipality bears a portion of the cost of the location, laying
21 out, opening, construction and maintenance of the bridge or that
22 the municipality provides or maintains the approach to the
23 bridge within the municipality or bears the costs of property
24 damages of the approach. Each agreement shall be entered into in
25 writing and at least one executed copy of the agreement shall be
26 provided to each party. Each bridge shall be a county bridge
27 and, except as otherwise provided, be maintained by the county.
28 Maintenance expenses shall be provided out of county funds
29 authorized for use in the maintenance of county bridges.

30 § 16712. Boundary line bridges.

1 (a) Boundary line bridge.--If a bridge under this chapter is
2 on the boundary line between two counties or within one-fourth
3 of a mile from a boundary line and necessary for the
4 accommodation of the inhabitants of both counties, the county
5 commissioners of the counties shall act jointly in the exercise
6 of all powers conferred upon the county commissioners and in the
7 performance of all duties imposed upon the county commissioners.
8 Except in a county of the second class A, if a petition of
9 residents or taxpayers is required, the petition shall be made
10 by the required number of petitioners in each county in relation
11 to a boundary bridge under this section to the county
12 commissioners of their county. If any other petitions are
13 required, the petitions shall be made to the county
14 commissioners in each of the counties. Each of the county
15 commissioners shall act on petitions and shall communicate
16 approval or disapproval to the other board.

17 (b) Court-appointed viewers or inspectors.--For a county of
18 the second class A that is required to appoint viewers or
19 inspectors, the court of the county shall appoint a full number
20 of viewers or inspectors and order a view in the manner and with
21 like powers, duties and procedure provided for public roads. The
22 total number of viewers or inspectors shall act together in the
23 view or inspection and shall make a joint report and
24 recommendations to each court. Exceptions and appeals to the
25 report of viewers may be filed in the courts of either county,
26 in which case the courts of the two counties sitting together
27 shall hear and determine the matter.

28 (c) Publication of notice.--If publication of notice is
29 required, the publication shall be made in each county. The
30 approval of both boards of commissioners shall be necessary in

1 order to authorize any action requiring approval.

2 (d) Commencement of eminent domain.--If the procedure under
3 Chapter 163 (relating to eminent domain and injury to property)
4 is to be followed, the procedure shall be carried out only in
5 and by the county in which the lands, other property or
6 materials entered upon, taken or damaged are located and the
7 damages shall be paid by the county.

8 (e) Joint county bridge.--Any bridge shall be a joint county
9 bridge. All costs and expenses pertaining to a joint county
10 bridge and the maintenance thereof shall be borne by the two
11 counties, jointly, in proportions agreed on by the county
12 commissioners.

13 (f) Construction and maintenance.--Any authorized bridge
14 shall be erected, constructed, maintained and kept in repair in
15 the manner provided for bridges erected on the line of adjoining
16 counties.

17 (g) Definition.--For the purposes of this section, the term
18 "joint county bridge" shall include a bridge over the boundary
19 line between two counties constructed or proposed to be
20 constructed as part of the laying out, alteration or vacation of
21 roads intended to form a continuous highway from one county to
22 another.

23 § 16713. (Reserved).

24 § 16714. Authorization to purchase.

25 If, in accordance with this chapter, a county is authorized
26 to erect a bridge, the county commissioners may purchase a
27 bridge already erected at a reasonable cost instead of building
28 a new bridge.

29 § 16715. Privately owned bridge.

30 The county commissioners may take charge of or rebuild a

bridge suitable for public traffic within the county that was
abandoned by the owners.

§ 16716. Acceptance of donated bridge.

(a) County acceptance of bridge as donation.--The county
commissioners may accept, take charge of and enter into county
records as a county bridge any bridge within the county which
has:

(1) been built at the expense of a private person or by
a public subscription;

(2) been opened to free public travel;

(3) been used by the public; and

(4) become necessary and convenient for the use of the
public.

(b) Notice.--

(1) A county may not accept, take charge of or enter
into county records a bridge until the county has received
written notice of the desire to give the bridge to the county
from one of the following:

(i) the individuals who built the bridge;

(ii) subscribers to the original subscription on
which the money was raised to build the bridge;

(iii) the heirs, assigns or duly authorized board of
trustees representing the individuals or subscribers
included under subparagraph (i) or (ii).

(2) If a bridge crosses the boundary line between two
counties, the individual or the individual's heirs or the
assignees, subscribers or trustees representing the
individual shall give notice in writing to the county
commissioners of each county of the intention to donate the
bridge to the counties jointly.

1 (c) Costs and bond requirement.--All costs shall be paid out
2 of the treasury of the county. The county commissioners may
3 require the owner of said bridge to file, together with their
4 notice, a bond sufficient to secure payment of the costs.

5 SUBCHAPTER B

6 SPECIAL AUTHORITIES AND PROCEDURES

7 Sec.

8 16730. Widening, straightening, altering or changing course of
9 unnavigable streams for protection of county bridges
10 and highways.

11 16731. Providing and maintaining dykes, banks, causeways and
12 sluiceways for protection of bridges and highways.

13 16732. Lighting of county bridges.

14 16733. Temporary substitutes for bridges.

15 16734. Closing, vacating, abandoning and removing county
16 bridges.

17 16735. Contracts for special use of bridge.

18 16736. Contracts with railroad companies.

19 16737. (Reserved).

20 16738. (Reserved).

21 16739. (Reserved).

22 § 16730. Widening, straightening, altering or changing course
23 of unnavigable streams for protection of county
24 bridges and highways.

25 If, in the construction, repair or maintenance of a county
26 bridge or highway, it becomes necessary for the safety of the
27 bridge or highway or economically advisable to widen,
28 straighten, alter, protect or change the course of an
29 unnavigable stream, it shall be lawful for the county to enter
30 upon abutting or adjacent land, and to widen, straighten, alter,

protect or change the course of the stream for these purposes,
and, in connection with the entry, to take, injure and destroy
any necessary land or property in the manner and subject to the
restrictions and procedure provided by law.

§ 16731. Providing and maintaining dykes, banks, causeways and
sluiceways for protection of bridges and highways.

(a) Authority.--A county, for the purpose of protecting a
county bridge or the abutments and approaches of a county bridge
and any public highway adjacent to the county bridge from the
incursions of the tide floods or waters of any stream, and to
prolong the life of any structure, may provide and maintain
dykes, banks, causeways and sluiceways over or across any
unnavigable stream and may secure a right-of-way for the proper
ingress to and egress from the county bridge.

(b) Taking.--In connection with the exercise of the
authority under subsection (a), the county may take, injure and
destroy any necessary land or property in the manner and subject
to the restrictions and procedure provided by law.

(c) Approval.--A change in an existing stream channel under
this subchapter may not be undertaken until it has been approved
by the Department of Environmental Protection.

§ 16732. Lighting of county bridges.

If considered necessary for the safety and convenience of the
traveling public, the county commissioners may provide a county
bridge with lights of any kind and character that the county
commissioners shall deem suitable and may contract with any
individual or with any municipal or private corporation for the
purpose of supplying the necessary light.

§ 16733. Temporary substitutes for bridges.

If a county bridge is destroyed or rendered impassable, the

1 county commissioners may provide at the expense of the county,
2 ferries or other temporary ways as a substitute for the
3 destroyed or impassable bridge, until the bridge has been
4 rebuilt or rendered fit for public travel. If the bridge was
5 maintained at the joint expense of two adjoining counties, the
6 establishment and maintenance of the ferry or temporary way
7 shall be by joint discretionary action of the boards of
8 commissioners of both counties, and the expense shall be paid by
9 the counties in the same proportions as the maintenance of the
10 bridge was paid before it was destroyed or rendered impassable.
11 § 16734. Closing, vacating, abandoning and removing county
12 bridges.

13 If it appears to the county commissioners that any county
14 bridge, including any destroyed or partially destroyed bridge,
15 has become burdensome and is no longer necessary for the
16 accommodation of public travel, the county commissioners may
17 close, vacate, abandon and remove the bridge.

18 § 16735. Contracts for special use of bridge.

19 The county commissioners may enter into a contract or lease
20 with a street railway, telegraph or telephone company or other
21 public utility, or the successors or assigns of a street
22 railway, telegraph or telephone company or other public utility,
23 desiring to use a county bridge and the approaches of the bridge
24 for other than ordinary public foot or vehicular traffic for the
25 concurrent use of the portion of the public bridge and
26 approaches as will not substantially impair or restrict the
27 public use and enjoyment, upon agreed to terms and conditions,
28 and may charge tolls or rentals for that special use. Contracts
29 or leases entered into under this section may not be entered
30 into for a longer period than 20 years nor shall any contract or

1 lease be entered into unless approved by the Pennsylvania Public
2 Utility Commission or become effective except in accordance with
3 the provisions of the former act of May 28, 1937 (P.L.1053,
4 No.286), known as the Public Utility Law.

5 § 16736. Contracts with railroad companies.

6 (a) Contract with railroad.--A railroad company whose tracks
7 or other facilities are located upon a county bridge may
8 contract and agree with the county commissioners for the use,
9 purchase, removal, replacing or exchange of the bridge, or for
10 the compensation to be paid to the county by the company for the
11 use and occupancy of the bridge or parts of the bridge.

12 (b) Debts.--All money due and all obligations incurred by
13 the companies under a contract may be collected and enforced in
14 the same manner as debts of like amount are recovered and
15 similar obligations enforced in the Commonwealth.

16 § 16737. (Reserved).

17 § 16738. (Reserved).

18 § 16739. (Reserved).

19 SUBCHAPTER C

20 TAKING OVER OR ASSISTING WITH

21 TOWNSHIP OR MUNICIPAL BRIDGES

22 Sec.

23 16750. Procedure for taking over bridge by county, aid to
24 political subdivisions in construction and
25 maintenance of bridge.

26 16751. Change of location.

27 16752. Construction of embankments and causeways.

28 16753. Contract for parts of municipal bridges.

29 16753.1. Contributions.

30 16754. Municipal cooperation.

1 16755. Construction of bridge over ravine or valley.

2 16756. Municipal bridge as county bridge.

3 16757. (Reserved).

4 16758. (Reserved).

5 16759. (Reserved).

6 16760. (Reserved).

7 16761. (Reserved).

8 § 16750. Procedure for taking over bridge by county, aid to

9 political subdivisions in construction and

10 maintenance of bridge.

11 (a) Commissioner discretionary acceptance of costs.--If the

12 construction of a new bridge, or of a bridge to replace any

13 existing bridge, over a stream or over or under a railroad, and

14 forming part of any road in any city, borough, town or township,

15 or between any two or more municipal corporations is necessary,

16 and requires more expense than it is reasonable that the

17 municipal corporations, individually or jointly, should bear,

18 and if it shall appear to the county commissioners that such

19 bridge is necessary, the bridge may, at the discretion of the

20 county commissioners, be entered on record as a county bridge.

21 The bridge shall thereupon be erected, maintained and kept in

22 repair in the same manner as other county bridges constructed

23 under Subchapter A (relating to general authority and procedures

24 for providing bridges).

25 (b) Refusal to record bridge.--If the county commissioners

26 refuse to have the bridge entered on record as a county bridge,

27 the county may pay the entire cost or any part of the cost of

28 constructing the bridge including damages. The bridge shall be a

29 municipal bridge to be maintained and kept in repair by the

30 municipal corporation. The county commissioners may furnish the

municipal corporation the whole or any part of the money
necessary to maintain the municipal bridge.

(c) Retention of records.--The county commissioners shall
keep a record of all proceedings under this section.

(d) Required advertising.--In addition to Chapters 151
(relating to contracts) and 161 (relating to grounds and
buildings) relating to contracting for services and personal
property, if the county commissioners propose to build or repair
a bridge upon the line between the two adjoining counties,
required advertising shall be done in each county, and a copy of
the plans and specifications shall be kept in the county
commissioner's office of each county.

§ 16751. Change of location.

In counties of the third, fourth, fifth, sixth, seventh and
eighth class, if a bridge is to take the place of an existing
bridge, the viewers may change the location of the bridge so
that it may be located and built in the most suitable place, or
at the least expense, or in the best manner, and, for the change
of location of the bridge, the county commissioners shall report
what change in the course or bed of the road connected with the
bridge will be necessary, and shall also report the vacation of
the old or existing bridge, and the vacation of the portion of
the road connecting with the bridge as the county commissioners
deem proper.

§ 16752. Construction of embankments and causeways.

In counties of the third, fourth, fifth, sixth, seventh and
eighth class, in which a stream over which it may be necessary
to build a bridge crosses a public road, and the building of the
bridge requires the construction of an embankment or causeway
leading to either end of such bridge, the erection of which

embankment or causeway requires more expense than it is
reasonable that one or more adjoining townships should bear, the
bridge may, in the discretion of the county commissioners, be
entered on record as a county improvement and constructed as
county bridges are constructed.

\$ 16753. Contract for parts of municipal bridges.

(a) Contract with municipal corporation.--If a municipal
corporation may construct a bridge or viaduct over a stream or
other place over which the county may build bridges and the
municipal corporation may contract with the county and with
railroads, street railways and other companies or parties
interested for the building and maintenance of the bridge or
viaduct and for the payment of any damages caused by the
location or building, the county commissioners may contract with
the municipal corporation for that part or portion of the bridge
which crosses any of the places listed under this subsection,
including the abutments and piers. The part shall be maintained
as a county bridge.

(b) Contracts for partial structures permitted.--In lieu of
the contract under subsection (a), the county commissioners may
contract for any part or portion of the whole structure equal to
or greater than the part or portion which the county might have
built.

(c) Contract terms.--The contracts under this section may
stipulate that the county shall pay a certain portion of the
whole contract price or cost of the work, including damages, or
may stipulate that the county shall construct or pay for the
construction of a certain part of the work, and may otherwise
provide for the payment of the damages. The amount to be paid by
the county shall be paid directly to the contractor as may be

1 provided by the contract. The agreements may also provide for
2 the maintenance of the viaducts and bridges after their
3 erection.

4 § 16753.1. Contributions.

5 If a bridge or viaduct is built by a municipality and does
6 not cross any place over which the county may construct a bridge
7 but crosses merely railroad or railroads and private property,
8 the county commissioners of counties of the second class A may
9 contract to pay an amount of money, not exceeding 30% of the
10 entire cost of the proposed bridge or viaduct. The bridge or
11 viaduct shall thereafter be maintained as a municipal structure,
12 and the county may not be liable for any part of the cost of
13 maintenance or repair thereof.

14 § 16754. Municipal cooperation.

15 If a bridge or proposed bridge is on the dividing line
16 between two counties which is also the dividing line between one
17 county and a municipality in the other county and the
18 municipality has authority to build or rebuild the bridge or to
19 join with any county therein, the county may join with said
20 municipality in the other county in building or rebuilding the
21 bridge. The cost of the bridge shall be paid in the relevant
22 proportions as shall be agreed upon by the county and
23 municipality that joined.

24 § 16755. Construction of bridge over ravine or valley.

25 If different parts of any municipality or any two
26 municipalities are separated by an intervening valley or ravine,
27 and the county commissioners in which the municipality or
28 municipalities are located decide it is necessary that a public
29 bridge be constructed, the county may contract with the
30 municipality or municipalities for the laying out and

construction of the bridge by the municipality or
municipalities, and may pay to the municipality or
municipalities the portion of the cost as the county
commissioners deem reasonable.

§ 16756. Municipal bridge as county bridge.

If a public bridge has been built or maintained by one or
more municipal corporations and it appears to the county
commissioners that the care, maintenance and responsibility of
the bridge is greater than it is reasonable that the municipal
corporations should be responsible for, the county commissioners
may enter the bridge upon record as a county bridge to be
maintained, supervised and controlled by the county free and
without charge.

§ 16757. (Reserved).

§ 16758. (Reserved).

§ 16759. (Reserved).

§ 16760. (Reserved).

§ 16761. (Reserved).

SUBCHAPTER D

(Reserved)

SUBCHAPTER E

TAXATION AND BORROWING

Sec.

16775. Appropriations and tax levy.

16776. Incurring of indebtedness and taxation for debt service.

§ 16775. Appropriations and tax levy.

In the exercise of the powers, authorities and duties
provided in this chapter, a county may appropriate and pay out
of the county general fund all money necessary for the purposes
enumerated in this chapter, and may levy, assess and collect

taxes on all real and personal property within the county, and
taxable for county purposes, in addition to all other taxes.
\$ 16776. Incurring of indebtedness and taxation for debt
service.

A county constructing a bridge or making any other capital
improvement or major repairs under this chapter may, under a
resolution adopted by the county commissioners, incur
indebtedness and borrow money under this section. A county may
levy and collect on all taxable property in the county, in
addition to all other taxes, for the purposes of servicing
indebtedness under this section.

CHAPTER 169

ROADS

Subchapter

A. Authorization, Construction and Maintenance

B. Vacation as County Roads

C. Continuous Highways from One County to Another

D. County Aid to Municipalities and Townships

E. Detours

F. Protection of Roads

SUBCHAPTER A

AUTHORIZATION, CONSTRUCTION AND MAINTENANCE

Sec.

16901. Definitions.

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1 16935. (Reserved).

2 16936. (Reserved).

3 16937. (Reserved).

4 16938. (Reserved).

5 16939. (Reserved).

6 16940. (Reserved).

7 16941. (Reserved).

8 16942. (Reserved).

9 16943. (Reserved).

10 16944. (Reserved).

11 16945. (Reserved).

12 § 16901. Definitions.

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

16 "Bridge." As defined in section 16700 (relating to
17 definitions).

18 "Road." As defined in section 16700.

19 "Streams." As defined in section 16700.

20 § 16902. Establishing county roads.

21 (a) Powers of the county commissioners.--For the purpose of
22 providing public roads, specially constructed, improved and
23 maintained, the county commissioners may:

24 (1) Lay and open a road.

25 (2) Take possession of and exercise control over an
26 existing municipal road or part of a municipal road, or any
27 road decreed by a court to be a county road.

28 (3) Build and maintain roads as county roads within the
29 county limits.

30 (4) Straighten, widen, extend and alter any county road

1 or part of the road laid out, opened or acquired and vacate
2 as much as may become unnecessary and useless.

3 (b) Control of road by commissioners.--Any road taken over
4 or improved shall become a county road and be subject to the
5 control and supervision of the county commissioners. The county
6 shall keep and maintain county roads established under this part
7 and all other county roads in repair, the expense thereof to be
8 paid by the county in the manner provided under this part.

9 § 16903. Acquisition of rights-of-way of abandoned railroads.

10 (a) Commissioners control of rights-of-way.--The county
11 commissioners may take over an abandoned right-of-way or bridge
12 of a railroad company or any part of an abandoned right-of-way
13 or bridge for the purpose of relocating an existing or locating
14 a new county road, and the county commissioners may purchase the
15 abandoned right of way or bridge or part thereof as may be
16 necessary for the relocating or locating of the county road.

17 (b) County road to be laid out.--Whenever an abandoned
18 right-of-way or bridge of a railroad company or any part thereof
19 is purchased under this section, a county road shall be laid
20 out, located thereafter constructed, improved and maintained in
21 accordance with law. Any bridge taken over shall become a county
22 bridge and shall be maintained, rebuilt and repaired
23 accordingly.

24 § 16904. Joint action by counties.

25 (a) Additional powers.--The provisions of this chapter may
26 also be exercised jointly by adjoining counties as to roads
27 extending along and adjacent to county lines and from one
28 adjoining county into another.

29 (b) Procedure and jurisdiction.--The procedure and
30 jurisdiction in each county under subsection (a) shall be the

1 same as to any portion of the road lying within the limits of
2 the county, except that the petition, plans and surveys of the
3 road shall describe and exhibit every portion of the road within
4 the limits of the county and every portion of the road extending
5 along the line of or into an adjoining county. The portions of
6 the road lying within limits of each county shall be treated in
7 all proceedings as one continuous road.

8 § 16905. (Reserved).

9 § 16906. Maintenance and repair of county roads.

10 The county commissioners shall have prepared plans and
11 estimates, as often as required, for the repair and maintenance
12 of all roads which the county is required by law to maintain and
13 repair. Maintenance and repair may be undertaken by contract or
14 through the use of county personnel, supplies and equipment. Any
15 county may also lease any of the equipment of the county to any
16 political subdivision within the county according to any terms
17 and conditions agreed upon.

18 § 16907. Annual tax.

19 The county commissioners may levy, assess and collect annual
20 taxes upon all real and personal property within the county
21 taxable for county purposes to acquire and secure a fund from
22 which to pay all costs, damages and expenses required in the
23 locating, opening, building, improving, widening, straightening,
24 extending, maintaining, repairing or vacating of roads or parts
25 of the road, and to take and use land as may be necessary in
26 constructing and maintaining proper slopes, embankments, fills,
27 culverts, embankment approaches and termini for roads, tunnels,
28 subways and underground roads. The money raised may not be
29 expended for any purpose other than those for which the tax was
30 levied, except for the maintenance, repair, construction and

reconstruction of any county bridge or bridges whether or not
located on a county road or roads. The taxes shall be at the
following rates and retained, respectively, for the following
purposes:

(1) Not more than two mills on the dollar in the
aggregate for any of the following sections:

(i) 16902 (relating to establishing county roads).

(ii) 16903 (relating to acquisition of rights-of-way
of abandoned railroads).

(iii) 16904 (relating to joint action by counties).

(iv) 16906 (relating to maintenance and repair of
county roads).

(v) 16908 (relating to borrowing money, bond issue
and tax levy).

(vi) 16909 (relating to changing part of road upon
agreement).

(vii) 16910 (relating to assessment of benefits).

(viii) 16911 (relating to interest on benefits
assessed).

(ix) 16912 (relating to liens for benefits
assessed).

(x) 16913 (relating to sidewalks along county
roads).

(xi) 16914 (relating to lights along county roads).

(2) Not more than two mills on the dollar in the
aggregate for any of the following sections:

(i) 16920 (relating to adoption of system of main
thoroughfares).

(ii) 16921 (relating to improvement of municipal
roads).

1 (iii) 16922 (relating to plan of system to be
2 followed and variations).

3 (iv) 16923 (relating to improvement of roads not
4 part of system on contribution from parties interested).

5 (3) Not more than two mills on the dollar in the
6 aggregate for any of the following sections:

7 (i) 16930 (relating to purchase, location,
8 construction, operation and maintenance authorized).

9 (ii) 16931 (relating to contracts or lease for
10 special use of improvements).

11 (iii) 16932 (relating to taking street or other
12 property of municipal corporation).

13 § 16908. Borrowing money, bond issue and tax levy.

14 The county commissioners may borrow money and secure
15 indebtedness for the purposes authorized under this chapter, in
16 accordance with 53 Pa.C.S. Pt. VII Subpt. B (relating to
17 indebtedness and borrowing).

18 § 16909. Changing part of road upon agreement.

19 If the county commissioners deem it advisable to construct or
20 alter any part of any road under the supervision of the county
21 commissioners and agree with the property owners affected by the
22 change as to damages, the county commissioners may, upon payment
23 of the damages agreed upon, construct or alter the part of the
24 public road as contemplated in the agreement without the
25 formality of a view. The old location of the road shall be
26 vacated in accordance with this act.

27 § 16910. Assessment of benefits.

28 If, in a county, a road or highway originally located, laid
29 out, constructed, relocated, opened, straightened, widened,
30 extended or altered or any part of the road or highway vacated,

1 the viewers appointed to assess damages in accordance with 26
2 Pa.C.S. (relating to eminent domain), after determining the
3 amount of damages sustained, shall assess the whole or part of
4 the damages as may be represented by benefits upon the
5 properties abutting on and benefited by the improvements. The
6 remaining part of the damages, if any, not assessed against the
7 abutting properties, shall be paid by the county. The total
8 assessments for benefits shall in no case exceed the total
9 damages awarded and agreed upon.

10 § 16911. Interest on benefits assessed.

11 All assessments for benefits shall bear interest at the
12 expiration of 30 days after the assessments have been determined
13 final and fixed and shall be payable to the treasurer of the
14 county.

15 § 16912. Liens for benefits assessed.

16 (a) Filing, revival and collection of liens.--All liens for
17 the assessment of benefits under sections 16910 (relating to
18 assessment of benefits) and 16911 (relating to interest on
19 benefits assessed) shall be filed, revived and collected in
20 accordance with law.

21 (b) Appeal of liens.--Appeals taken may not prevent the
22 filing of liens by any county for any assessment made by virtue
23 of the viewers' report, but upon final determination of the
24 issue, the court may make an order as to any lien filed that
25 shall appear right and proper.

26 § 16913. Sidewalks along county roads.

27 If considered necessary for the safety and accommodation of
28 the public, the county commissioners may locate, construct and
29 maintain sidewalks along county roads. The cost of the
30 construction and maintenance of sidewalks shall be paid by the

1 county.

2 § 16914. Lights along county roads.

3 If considered necessary for the safety and convenience of the
4 traveling public, the county commissioners may supply and equip
5 any county road or parts of the road with lights as deemed
6 necessary. The county commissioners may contract with an
7 individual or municipal or private corporation. The cost of the
8 construction may and the cost of maintenance of all lights shall
9 be paid by the county.

10 § 16915. (Reserved).

11 § 16916. (Reserved).

12 § 16917. (Reserved).

13 § 16918. (Reserved).

14 § 16919. (Reserved).

15 § 16920. Adoption of system of main thoroughfares.

16 (a) System of roads.--The county commissioners may, in the
17 manner provided by this section, cause to be laid out, surveyed
18 and adopted a system of main thoroughfares which the board shall
19 determine the proper roads to be established and specially
20 constructed and improved. In adopting the system under this
21 subsection, the county commissioners shall consider the
22 population and needs of all parts of the county and make an
23 equitable distribution of the roads to be specially constructed,
24 located and improved by the the county. The county commissioners
25 shall develop a plan or plans to be made showing the system of
26 proposed roads, the relation of the proposed roads to existing
27 public roads or roads to be supplied, the names of abutting
28 property owners and also roads which already have been improved
29 by the county. Upon approval of the plan or plans by the county
30 commissioners, at least two county commissioners shall certify

1 and file the plan for public inspection in the office of the
2 county commissioners and record the plan in the office of the
3 recorder of deeds.

4 (b) Requirements.--Subsection (a) shall be carried out in
5 accordance with the following sections:

6 (1) This section.

7 (2) 16921 (relating to improvement of municipal roads).

8 (3) 16922 (relating to plan of system to be followed and
9 variations).

10 (4) 16923 (relating to improvement of roads not part of
11 system on contribution from parties interested).

12 (c) Interference with real property.--The proposed roads
13 under subsection (a) may not be an easement upon private
14 property or in any manner interfere with the use of private
15 property until established as a public road by the action of the
16 court of common pleas.

17 § 16921. Improvement of municipal roads.

18 (a) General rule.--If a system of main thoroughfares had
19 been adopted or if the adoption is being contemplated within two
20 years after the commencement of the improvement, the county
21 commissioners may take exclusive control of and improve any road
22 or section of road located either wholly or in part in any
23 municipal corporation, whether existing by the municipal
24 corporation's authority or laid out in whole or in part by
25 virtue of this act or otherwise.

26 (b) Necessary power.--For the purposes of subsection (a),
27 the county commissioners may originally locate, lay out,
28 establish in whole or in part, relocate, straighten, widen,
29 extend, alter, open, construct and improve roads, or vacate as
30 much of a road rendered unnecessary and useless.

1 (c) Maintenance.--A road established, altered, constructed
2 and improved under this section shall, by ordinance enacted by
3 each municipal corporation through which the road shall pass,
4 become a municipal road, and each respective municipal
5 corporation through or into which the road extends shall
6 maintain and keep the road.

7 § 16922. Plan of system to be followed and variations.

8 (a) General rule.--The county commissioners may:

9 (1) relocate, straighten, widen, extend, alter, open,
10 construct and improve the proposed roads as laid out,
11 surveyed, marked and shown upon the plans of the system;

12 (2) originally locate, lay out, establish, construct and
13 improve roads which substantially supply the system or parts
14 of the system which, although not parts of the system, are
15 deemed by the court to be main thoroughfares of sufficient
16 importance to be improved by the county and added to the
17 plan; and

18 (3) vacate as much of the roads of the system and of
19 roads already established as may be rendered unnecessary by
20 the changes or by an entirely new location.

21 (b) Limitation.--After plans have been adopted and recorded
22 under applicable law, all applications under section 16921
23 (relating to improvement of municipal roads) shall be restricted
24 and shall relate only to the establishing, opening, construction
25 and improvement of the proposed roads of the system or parts of
26 the system and the vacation of roads supplied by the portion
27 opened and improved.

28 § 16923. Improvement of roads not part of system on
29 contribution from parties interested.

30 The county commissioners may originally locate, lay out and

establish in whole or in part, relocate, straighten, widen,
extend, alter and open, construct and improve roads not parts of
the system nor deemed main thoroughfares, upon parties
interested in paying or securing to be paid the proportion of
the cost of the original construction and improvement as the
commissioners may deem just, which may not be less than one-
fourth of the cost.

§ 16924. (Reserved).

§ 16925. (Reserved).

§ 16926. (Reserved).

§ 16927. (Reserved).

§ 16928. (Reserved).

§ 16929. (Reserved).

§ 16930. Purchase, location, construction, operation and
maintenance authorized.

(a) County purchase of structures.--The county commissioners
may, if deemed expedient, provide for the purchase, location,
construction, operation and maintenance of roads, tunnels,
subways or underground roads within the county, either wholly or
partly within the boundaries of any municipal corporation. A
road, tunnel, subway or underground road shall be a county road,
tunnel, subway or underground road, and the duty of maintaining
and keeping the road in repair shall devolve upon the county.
All expenses under this section shall be paid by the county as
provided under this subchapter.

(b) Requirements.--This section shall be carried out in
accordance with the following sections:

(1) 16931 (relating to contracts or lease for special
use of improvements).

(2) 16932 (relating to taking street or other property

1 of municipal corporation).

2 § 16931. Contracts or lease for special use of improvements.

3 The county commissioners may make a contract or lease with
4 any street railway or transportation company, its successors and
5 assigns, for the concurrent use of such a portion of the road,
6 tunnel or subway or underground road, as may not substantially
7 impair or restrict the public use and enjoyment, upon agreed
8 upon terms and conditions.

9 § 16932. Taking street or other property of municipal
10 corporation.

11 If the county commissioners deem it necessary or advisable to
12 enter upon or appropriate a road or property of any municipal
13 corporation in the county or to take action affecting the
14 property rights or authority of the municipal corporation for
15 the purpose of constructing or maintaining a road, tunnel,
16 subway or underground road or the improvement of a road, tunnel,
17 subway or underground road which has been or is about to be
18 purchased by the county or otherwise, the consent of the
19 municipal corporation by ordinance shall be obtained before the
20 actual entering in or upon or the appropriation of the road or
21 property. After the entry and appropriation, the county shall be
22 liable and charged with the supervision, control and maintenance
23 of the roads and properties, or as much of the road or property
24 as is taken and used for the purpose of constructing and
25 maintaining the road, tunnel, subway or underground road or the
26 improvement of the road, tunnel, subway or underground road,
27 purchased or to be purchased.

28 § 16933. (Reserved).

29 § 16934. (Reserved).

30 § 16935. (Reserved).

1 § 16936. (Reserved).
2 § 16937. (Reserved).
3 § 16938. (Reserved).
4 § 16939. (Reserved).
5 § 16940. (Reserved).
6 § 16941. (Reserved).
7 § 16942. (Reserved).
8 § 16943. (Reserved).
9 § 16944. (Reserved).
10 § 16945. (Reserved).

11 SUBCHAPTER B

12 VACATION AS COUNTY ROADS

13 Sec.

14 16950. Vacation as county roads.

15 § 16950. Vacation as county roads.

16 Upon petition of the county commissioners, the court of
17 common pleas may vacate as a county road any portion of an
18 abandoned or condemned road or a road purchased by the county or
19 the permanent location or improvement of a road which has been
20 ordered or made under this part or former acts relating to
21 county roads. All portions of the vacated roads shall become
22 roads of the municipal corporation through which the roads pass.
23 Written notice of the contents of the petition and the time when
24 the petition will be presented to the court shall be given by
25 the county commissioners to the governing body of the municipal
26 corporation through which the road passes at least 10 days
27 before the date of presenting the petition. At the time the
28 petition is presented, the court may fix a time for hearing in
29 open court or may refer the matter to an examiner to take
30 testimony and report findings to the court at a time the court

1 directs. At any hearing in open court or before an examiner
2 appointed by the court, all interested parties may appear and be
3 heard. After the hearing, the court may grant the request of the
4 petitioners and make a decree accordingly or make the order in
5 the premises as the court deems right and just if the court
6 finds the conditions of this part have been complied with.
7 Orders of vacation may not be made until the municipal
8 corporation affected has consented by an ordinance or resolution
9 certified to the court.

10 SUBCHAPTER C

11 CONTINUOUS HIGHWAYS FROM ONE COUNTY TO ANOTHER

12 Sec.

13 16953. Laying out, altering and vacating.

14 § 16953. Laying out, altering and vacating.

15 Roads forming or intended to form a continuous highway from
16 one county to another, which cross a river, creek or rivulet
17 forming a boundary line between the counties, may be laid out or
18 altered or vacated in the manner provided for other roads.

19 SUBCHAPTER D

20 COUNTY AID TO MUNICIPALITIES AND TOWNSHIPS

21 Sec.

22 16956. Municipal streets connecting two ends of county road.

23 16957. Municipal streets as terminus of county road.

24 16958. Improvements.

25 16959. Maintenance.

26 16960. Contracts with municipal corporations.

27 16961. (Reserved).

28 16962. (Reserved).

29 16963. Center line highway boundary between city or borough and
30 township.

1 16964. (Reserved).
2 16965. Center line road boundary between city or borough and
3 township in adjoining county.
4 16966. (Reserved).
5 16967. Improvement on order of common pleas.
6 16968. (Reserved).
7 16969. Improvements of roads connecting with State highway.
8 16970. Purchase and rental of road equipment to municipal
9 corporations.
10 § 16956. Municipal streets connecting two ends of county road.
11 If a city or borough intervenes between two ends of a county
12 road and the municipal corporation has failed to properly
13 improve the municipal streets constituting the shortest and most
14 reasonable route through the municipal corporation that will
15 connect the two ends of the county road, the board of
16 commissioners may contract with the governing body of the
17 municipal corporation to improve the shortest and most
18 reasonable route connecting the two ends of the highway.
19 § 16957. Municipal streets as terminus of county road.
20 (a) Contract for improvements.--If a county road terminates
21 at the corporate limits of a city or borough in the same county
22 or in another county and connects with a municipal street which
23 the municipal corporation has failed to properly improve, and
24 the county commissioners in which the municipal corporation is
25 located deem the improvement of the municipal street necessary
26 to make the county road easily accessible to residents or to the
27 traveling public, the county commissioners may contract with the
28 governing body of the municipal corporation to improve municipal
29 streets, including streets connecting a county road with the
30 business districts of the municipal corporation or with a system

1 of improved streets in the municipal corporation or which
2 connect the road with another county road terminating at the
3 limits of the municipal corporation.

4 (b) Contract to connect roads.--The county commissioners may
5 enter into a similar contract as subsection (a) with one or more
6 municipal governing bodies if:

7 (1) several municipal corporations are contiguous to
8 each other;

9 (2) a county road terminates at the corporate limits of
10 any of the municipal corporations;

11 (3) one or more of the municipal corporations have
12 failed to properly improve a municipal street therein; and

13 (4) the county commissioners deem the improvement of the
14 street necessary in order to make the county road easily
15 accessible to residents or to the traveling public.

16 § 16958. Improvements.

17 The board of commissioners may widen, repave or otherwise
18 improve municipal streets if necessary to accomplish any of the
19 purposes of sections 16956 (relating to municipal streets
20 connecting two ends of county road) and 16957 (relating to
21 municipal streets as terminus of county road). If the
22 improvement is made to a municipal street, the county may pay
23 the total cost of the improvement or the cost may be divided
24 between or among the municipal corporations and the county.

25 § 16959. Maintenance.

26 Before a municipal street is improved, the county
27 commissioners and the governing body of the municipal
28 corporation shall agree upon the maintenance of the street. The
29 agreement may provide that:

30 (1) the street shall be kept and maintained in good

1 repair by the municipal corporation and, upon the completion
2 of the improvement, further liability and responsibility of
3 the county shall terminate; or

4 (2) the street shall be kept and maintained in good
5 repair by the county and the share of the municipal
6 corporation shall be paid annually to the county.

7 § 16960. Contracts with municipal corporations.

8 (a) Contract to construct improved road.--The county
9 commissioners may contract with the governing bodies of
10 municipal corporations, separately or jointly, providing that
11 the county commissioners shall construct an improved road in a
12 similar manner as a county road. The expense or cost of
13 construction shall be borne jointly by the municipal
14 corporations and the county in a ratio or proportions as may be
15 agreed on in each contract, notwithstanding if the municipal
16 corporation intervenes between two ends of the county road or if
17 the intersection is the terminus of a county road, State highway
18 or township road.

19 (b) Payments made by the county.--Payment for the
20 construction of roads under this section shall be made by the
21 county, which shall be reimbursed by the municipal corporation
22 in the sums as agreed upon in the contract or contracts.

23 (c) Maintenance and repair of jointly constructed roads.--A
24 road jointly constructed under this section shall be repaired
25 and maintained at the expense of the county. Nothing shall
26 prevent the governing body of a municipal corporation from
27 entering into a contract or contracts with the county for the
28 maintenance of the improved road under terms and conditions as
29 may be mutually satisfactory.

30 § 16961. (Reserved).

1 § 16962. (Reserved).

2 § 16963. Center line highway boundary between city or borough
3 and township.

4 (a) Grading, curbing and macadamizing of roads.--If the
5 center line of any road constitutes the dividing line between
6 any city or borough and a township located in the same county,
7 the county commissioners and the commissioners or supervisors of
8 the township may enter into a contract with the city or borough
9 providing for the grading, curbing and macadamizing or paving of
10 the roadway of the road. The cost shall be borne one-half by the
11 city or borough and one-half by the township and the county in
12 which the township is situated, in equal portions.

13 (b) Supervision for alterations or improvements.--
14 Alterations or improvements under this section shall be
15 constructed and subsequent repairs shall be made, under the
16 supervision of the city or borough, in compliance with
17 applicable laws and in further compliance with plans and
18 specifications to be agreed upon in writing between the city or
19 borough and the board of county commissioners and the governing
20 body of the township. The cost of repairs shall be borne one-
21 half by the city or borough and one-half by the township or by
22 the county and township, in equal portions or other proportion
23 as may be agreed upon by the county and township.

24 § 16964. (Reserved).

25 § 16965. Center line road boundary between city or borough and
26 township in adjoining county.

27 (a) Costs.--If the center line of any road constitutes a
28 dividing line between a township and a city or borough located
29 in an adjacent county, the county commissioners and the
30 commissioners or supervisors of the township may enter into a

contract with the city or borough providing for the grading,
curbing, macadamizing or paving of the roadway of the road. The
cost shall be borne one-half by the city or borough and one-half
by the township and the county in which the township is
situated, in equal portions.

(b) Supervision of city or borough.--Alterations or
improvements under this section shall be constructed and
subsequent repairs shall be made under the supervision of the
city or borough in compliance with applicable law and in further
compliance with plans and specifications to be agreed upon in
writing between the municipal corporation and the county
commissioners and the governing body of the township. The cost
of repairs shall be borne one-half by the city or borough and
one-half by the township or by the county and township, in equal
portions or other proportion as may be agreed upon by the county
and township.

§ 16966. (Reserved).

§ 16967. Improvement on order of common pleas.

(a) Court ordered improvements.--If contracts or agreements
under section 16963 (relating to center line highway boundary
between city or borough and township) are impossible to enter
into or if either the city or borough and the township or the
county in which the township is situated, refuses to enter into
the contract or agreement, either a municipal corporation or the
county may present a petition to the court of common pleas of
either county setting forth the facts and circumstances,
including:

(1) the condition of the road from which the necessity
and desirability for the grading, curbing, macadamizing or
paving of the roadway appears;

1 (2) the estimated cost; and

2 (3) that the terms of the contract cannot be agreed upon
3 by the municipal corporations or the county or that the
4 municipal corporations or the county refuses to enter into a
5 contract.

6 (b) Petition and service.--The petition under subsection (a)
7 may request that the court, after hearing all the parties
8 concerned, make the court's order or decree defining the nature
9 and character of the improvement reasonably necessary or
10 desirable to be made and requiring the parties to enter into a
11 contract for the making and constructing of the improvement. A
12 copy of the petition, duly certified, shall be served upon the
13 municipal corporations or county concerned, other than the
14 petitioner, with notice of the day fixed by the court for the
15 hearing. Any of the parties served with notice shall be
16 entitled, on or before the date, to file in the court the
17 party's answer to the petition setting forth the party's version
18 of the facts or other matters as may be deemed necessary or
19 proper.

20 (c) Hearing or referral.--The court, upon the date fixed or
21 other time as the court may appoint, shall hear the evidence of
22 the parties or may refer the matter to a master who shall hear
23 the testimony of the parties and report findings, in the same
24 manner and under the same procedure as provided by the rules in
25 equity in similar cases, to the court, which may reject, confirm
26 or modify the findings, and may issue a decree or order
27 directing the making of any alterations or improvements to the
28 roadway as may be deemed reasonably necessary or desirable and
29 provide for the sharing of the cost of the improvements one-half
30 by the municipal corporation and one-half by the county and

1 township, in equal portions.

2 (d) Additional findings.--The following apply:

3 (1) The order or decree under subsection (c) may further
4 provide that the repairs to alterations and improvements
5 subsequently required shall be borne as follows:

6 (i) one-half by the municipal corporation, either
7 borough or city; and

8 (ii) one-half by the county or township in equal
9 portions or other proportions as the court may find to be
10 legal and proper.

11 (2) Upon the finding by the court, the grading, curbing,
12 macadamizing or paving of the roadway shall proceed in
13 accordance with the decree or order of the court in the same
14 manner as if the contract or agreement had been entered into
15 and duly executed.

16 § 16968. (Reserved).

17 § 16969. Improvements of roads connecting with State highway.

18 The county may, singly or jointly with any municipal
19 corporation, appropriate and expend money for the improvement of
20 any road, not more than one mile in length in distance, outside
21 of the limits of a municipal corporation, for the purpose of
22 connecting improved streets in the municipal corporations with a
23 State highway.

24 § 16970. Purchase and rental of road equipment to municipal
25 corporations.

26 The county commissioners may purchase equipment for the
27 preparation of road material and the construction and
28 maintenance of roads as the county commissioners deem necessary
29 and pay for the equipment out of the general funds of the
30 county. Equipment may be rented by the county commissioners to

any of the municipal corporations within the county applying for equipment rental, under regulations and at rentals as the county commissioners shall prescribe and fix. All equipment purchased under the provisions of this section shall be operated only by persons employed for that purpose by and under the direct supervision of the county commissioners.

SUBCHAPTER E

DETOURS

Sec.

16975. County road detours.

16976. Detour over private lands.

16977. Fines and damages.

§ 16975. County road detours.

(a) Closure of roads.--Except for an emergency in which the safety of the public would be endangered, a county road may not be closed to vehicular traffic except upon order of the county commissioners and may not be closed for a longer period than is necessary for the purpose for which the order is issued. Except for temporary emergency police measures by which the safety of the public would be endangered if it were not temporarily closed, a county road may not be closed to vehicular traffic if the road has been designated as a detour by the Department of Transportation, unless the written consent of the Department of Transportation has first been obtained or unless the county commissioners having jurisdiction over the road, by resolution, declare the closing necessary for the protection of the public safety.

(b) Designation of detour on road closure.--If a county road is closed to vehicular travel, the county commissioners shall immediately designate or lay out a detour on which the county

commissioners shall cause to be erected and maintained while the
detour is in use legible signs at each public road intersection
throughout the entire length of the detour indicating the
direction to the main highway. During the period when the detour
is in use, the county commissioners shall maintain the detour in
safe and passable condition. The county commissioners shall also
immediately remove all detour signs when the highway originally
closed is opened again for traffic.

(c) Repair of road designated as detour.--The county
commissioners shall, as soon as possible, repair the road
designated as a detour and place the road in a condition at
least equal to the road's condition when designated as a detour.
§ 16976. Detour over private lands.

If necessary in the creation of a detour under section 16975
(relating to county road detours), the county commissioners
responsible for laying out the detour may enter into an
agreement with the owners of private lands covering the
acquisition of right-of-way privileges over private property for
the period when the main highway shall be closed to traffic. In
the exercise of the rights conferred by this section, the county
commissioners responsible may pay for the necessary maintenance,
subsequent repair and land rental out of funds available for the
construction and maintenance of the roads in the commissioners
charge.

§ 16977. Fines and damages.

(a) Summary offense and exception.--

(1) Except as provided under paragraph (2), an
individual who shall willfully remove, deface, destroy or
disregard any barricade, light, danger sign, detour sign,
warning or traffic control device of any character

1 whatsoever, erected or placed under authority of section
2 16975 (relating to county road detours), or who drives on,
3 over or across a road which had been closed by proper
4 authority, commits a summary offense.

5 (2) Individuals who have no outlet due to the closing of
6 a road may drive on, over or across the road, with the
7 consent in writing of and subject to any conditions as may be
8 prescribed by the county commissioners responsible for the
9 closing, or the agents or contractors of the individual,
10 without being subject to the fines imposed by this section.

11 (b) Recovery of damages.--In addition to the fines under
12 subsection (a), the county commissioners responsible for the
13 maintenance of a road which has been closed to vehicular
14 traffic, or the agents or contractors of the county
15 commissioners, may, in an action at law, recover damages from
16 each individual who has damaged a road when the road is closed
17 to vehicular traffic.

18 (c) Fines paid to county treasurer.--All fines collected
19 under the provision of this section shall be paid to the county
20 treasurer for the general use of the county.

21 SUBCHAPTER F

22 PROTECTIONS OF ROADS

23 Sec.

24 16981. (Reserved).

25 16982. (Reserved).

26 16983. (Reserved).

27 16984. (Reserved).

28 16985. Sign destruction penalties.

29 16986. Snow fences.

30 16987. Elimination of dangerous curves and widening of narrow

1 roads.

2 § 16981. (Reserved).

3 § 16982. (Reserved).

4 § 16983. (Reserved).

5 § 16984. (Reserved).

6 § 16985. Sign destruction penalties.

7 (a) General rule.--It shall be unlawful for an individual to
8 willfully destroy, remove, injure or deface any sign or index
9 board erected upon or near any public street, road or bridge by
10 the authorities of any county, or erected, with the consent of
11 such authorities, by any club, association or other organized
12 body, for the direction, guidance or safety of travelers. Each
13 sign affixed to a tree or post in or upon a road, properly
14 erected in a manner that the sign does not interfere with
15 travel, or on a fence, telegraph, telephone, trolley or other
16 pole, with the permission of the owners of the fence or pole, or
17 on private grounds, if consent has been obtained from the owners
18 and tenants, and which are close to roads, shall be within the
19 provisions of this section.

20 (b) Penalties.--An individual who violates the provisions of
21 this section commits a summary offense and, in addition to other
22 finances and penalties provided by law, may be required to provide
23 reimbursement for the value of a sign destroyed.

24 § 16986. Snow fences.

25 (a) Placement.--A county that is responsible for the
26 maintenance of any road may enter upon private property adjacent
27 to the road and place snow fences, at any point as may be
28 necessary to within a limit of 100 feet from the right-of-way
29 line of the road, in order to eliminate snow drifting on the
30 traveled portion.

1 (b) Timeframe.--A snow fence, authorized under this section,
2 may not be placed prior to November 1 nor shall the same remain
3 in place after April 1 of the succeeding year, unless the
4 written consent of the owner of the adjacent property is
5 obtained, agreeing to an extension of time for the removal of
6 the snow fence.

7 (c) Damages.--If the county responsible for the maintenance
8 of the road is not able to enter into an agreement with the
9 owner of adjacent property occupied by the snow fence as to the
10 amount of damages sustained as a result of the fence being
11 placed and removed, the owner may petition the court of the
12 proper county for the appointment of viewers to ascertain the
13 amount of damages incurred. The appointment of viewers and the
14 procedure for viewing shall be governed by and be in accordance
15 with this part, as provided for eminent domain proceedings.
16 Damages, if any, if ascertained, shall be paid by the county
17 responsible for the maintenance of the road, and any money
18 available to the county for the construction and maintenance of
19 roads under the county's supervision shall be available for the
20 payment of damages.

21 § 16987. Elimination of dangerous curves and widening of narrow
22 roads.

23 (a) General rule.--A county may acquire, by purchase or by
24 the right of eminent domain, property and lands situate along or
25 adjacent to any county road as, in the opinion of the county
26 commissioners, may be necessary to eliminate dangerous curves
27 and widen narrow roads, for the better protection and safety to
28 the traveling public.

29 (b) Condemnation.--Upon a purchase or condemnation, the
30 county commissioners having had property and lands condemned may

1 cause to be abated or removed any dangerous curve or curves or
2 widen the narrow road to the extent of the property and land so
3 acquired.

4 (c) Proceedings.--Proceedings for the condemnation of
5 property and lands shall be as under Chapter 163 (relating to
6 eminent domain and injury to property).

7 CHAPTER 171

8 SOUTHWESTERN PENNSYLVANIA REGIONAL RENAISSANCE INITIATIVE

9 Subchapter

10 A. Preliminary Provisions

11 B. Regional Growth Fund

12 C. Regional Renaissance Authority

13 D. Bonds and Funds of Authority

14 E. Additional Sales and Use Taxes

15 F. Increase in Hotel Tax

16 G. Regional Destination Facilities Fund

17 H. Conveyance of David L. Lawrence Convention Center

18 SUBCHAPTER A

19 PRELIMINARY PROVISIONS

20 Sec.

21 17111. Scope of chapter.

22 17112. Findings and declaration of policy.

23 17113. Definitions.

24 § 17111. Scope of chapter.

25 This chapter relates to the southwestern Pennsylvania
26 regional renaissance initiative.

27 § 17112. Findings and declaration of policy.

28 (a) Findings.--The General Assembly finds the following:

29 (1) The health, safety and general welfare of the
30 residents of southwestern Pennsylvania are directly dependent

1 upon the continual encouragement, development, growth and
2 expansion of business, industry, commerce and tourism within
3 that region.

4 (2) Unemployment, the spread of indigence and the heavy
5 burden of public assistance and unemployment compensation in
6 southwestern Pennsylvania can be avoided by the promotion,
7 attraction, stimulation, development and expansion of
8 business, industry, commerce and tourism in that region.

9 (3) Supplemental sources of revenue are needed by
10 municipalities in southwestern Pennsylvania to invest in
11 facilities that will promote economic development and tourism
12 and improve the quality of life of their residents.

13 (4) Supplemental sources of public and private revenue
14 are required to improve and develop the region's existing
15 economy and to develop new civic, convention, sports,
16 cultural, industrial, transportation and other facilities.

17 (5) Local governments in southwestern Pennsylvania lack
18 adequate resources to maintain, improve and modernize the
19 region's civic, convention, sports, cultural, industrial,
20 transportation and other facilities, the continued
21 availability of which is vital to the economic growth and
22 development of southwestern Pennsylvania, to the ability of
23 the region to compete globally for visitors, residents and
24 investment in quality jobs at living wages and to the health,
25 welfare, education and quality of life of the residents of
26 the region.

27 (b) Declaration of policy.--It is declared to be the public
28 policy of the Commonwealth to promote the health, welfare and
29 quality of life of the residents of southwestern Pennsylvania
30 and to enhance economic development and employment in that

region by supporting the construction of regional destination facilities and other regional growth projects for the public purpose of promoting, attracting, stimulating, developing and expanding business, industry, commerce and tourism. That purpose is declared to be a public purpose supporting the enactment of all of the provisions of this chapter and for which public money may be spent, taxes may be imposed and private property may be acquired by the exercise of the power of eminent domain.

§ 17113. Definitions.

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

"Auditorium authority." The authority created to operate the convention center under the act of July 29, 1953 (P.L.1034, No.270), known as the Public Auditorium Authorities Law.

"Authority." The Regional Renaissance Authority established under section 17131 (relating to authority established).

"Authority employee." The chairperson and members of the board of the authority, counsel retained by the authority either as an employee or otherwise, the chief administrative officer of the authority and any employee with discretionary powers who may affect the outcome of a decision by the authority in relation to a private corporation or business or any employee who by virtue of the employee's job function could influence the outcome of a decision.

"Baseball park." A baseball park to be constructed in the central city, designed for the purpose of playing major league baseball games.

"Board." The governing body of the Regional Renaissance Authority.

1 "Bonds." Notes, bonds, refunding notes and bonds, interim
2 certificates, debentures and other evidences of indebtedness or
3 obligations that the authority may issue under this chapter.
4 Bonds may be either tax-exempt bonds, the interest on which is
5 excludable from gross income for Federal income tax purposes or
6 taxable bonds, the interest on which is includable in gross
7 income for Federal income tax purposes.

8 "Central city." A city of the second class located in a
9 county of the second class.

10 "Central county." A county of the second class.

11 "Construction." The term includes site acquisition,
12 demolition and other preparation for and the design, renovation,
13 improvement, expansion, erection, furnishing, fixturing and
14 equipping of the facility or building involved.

15 "Contiguous county." A county, other than a county of the
16 second class, that:

17 (1) has a boundary that touches, even at a single point,
18 a county of the second class;

19 (2) is a county of the fourth, fifth or sixth class and
20 shares common boundaries at more than a single point with two
21 counties described in paragraph (1); or

22 (3) is a county of the sixth class and is located to the
23 south and west of a county described in paragraph (2).

24 "Convention and visitors bureau." The tourist promotion
25 agency located in the central city that receives funds from the
26 hotel tax imposed by section 1970.2 of the act of July 28, 1953
27 (P.L.723, No.230), known as the Second Class County Code.

28 "Convention center." The real property described in section
29 17181(a) (relating to conveyance of convention center), together
30 with the structures, facilities, buildings, fixtures and

1 improvements located thereon, and known as the David L. Lawrence
2 Convention Center.

3 "County account." A special account established within the
4 Regional Growth Fund under section 17121(c) (relating to
5 establishment of Regional Growth Fund).

6 "County growth board." A new or existing entity designated
7 under section 17122(c)(2)(ii) (relating to use of Regional
8 Growth Fund) for the purpose of developing a county growth plan.

9 "County growth plan." A plan for the use of money in a
10 county account that is developed and submitted to the authority
11 in accordance with section 17122(c).

12 "Cultural district." A geographic area within a city of the
13 second class adjacent to the convention center that is not more
14 than one-half square mile in size and that has located within it
15 at least three theaters for the performing arts.

16 "Department." The Department of Revenue of the Commonwealth.

17 "Design commission." The Southwestern Pennsylvania
18 Convention Center Design Commission established under section
19 17162 (relating to Southwestern Pennsylvania Convention Center
20 Design Commission).

21 "Football stadium." A football stadium to be constructed in
22 the central city, designed for the purpose of playing National
23 Football League games.

24 "Governing body." The board of county commissioners or the
25 county executive or other person exercising the functions of the
26 county executive in a county without a board of county
27 commissioners.

28 "Immediate family." A parent, spouse, child, brother,
29 sister, the spouse of a child, brother or sister or the parent
30 of a spouse.

1 "Participating county." A county in which the referendum
2 provided for in section 17154 (relating to referenda levying
3 additional taxes) has been approved by the voters.

4 "Party officer." The following members or officers of any
5 political party:

6 (1) A member of a national committee.

7 (2) A chairman, vice chairman, secretary, treasurer or
8 counsel of a State committee or members of the executive
9 committee of a State committee.

10 (3) A county chairman, vice chairman, counsel, secretary
11 or treasurer of a county committee.

12 (4) A city chairman, vice chairman, counsel, secretary
13 or treasurer of a city committee.

14 "Public employee." An individual employed by the
15 Commonwealth or a political subdivision within the Commonwealth.

16 "Public officer." An individual elected to any public office
17 of Commonwealth government or any political subdivision within
18 the Commonwealth.

19 "Public official." Any elected or appointed official in the
20 executive, legislative or judicial branch of Commonwealth
21 government or any political subdivision within the Commonwealth.

22 The term does not include the following:

23 (1) Members of advisory boards who do not have authority
24 to expend public money other than reimbursement for personal
25 expenses or to otherwise exercise the power of the
26 Commonwealth or any political subdivision within the
27 Commonwealth.

28 (2) Any appointed official who does not receive
29 compensation other than reimbursement for actual expenses.

30 "Regional Destination Facilities Fund." The Regional

Destination Facilities Fund established under section 17171
(relating to establishment of Regional Destination Facilities
Fund).

"Regional destination facility." Any of the following:

(1) The convention center.

(2) The baseball park.

(3) The football stadium.

(4) Parks, parking facilities and at least two theaters
to be constructed in the cultural district.

"Regional Growth Fund." The Regional Growth Fund established
under section 17121.

SUBCHAPTER B

REGIONAL GROWTH FUND

Sec.

17121. Establishment of Regional Growth Fund.

17122. Use of Regional Growth Fund.

§ 17121. Establishment of Regional Growth Fund.

(a) Establishment.--The Regional Growth Fund is established.
The treasurer of the authority shall be custodian of the
Regional Growth Fund which shall be subject to the provisions of
law applicable to funds listed in section 302 of the act of
April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

(b) Credits.--Taxes imposed under Subchapter E (relating to
additional sales and use taxes) shall be received by the
department and paid to the treasurer of the authority and, along
with interest and penalties less any collection costs allowed
under Subchapter E and any refunds and credits paid, shall be
credited in the manner provided in section 17152(f) (relating to
imposition of additional sales and use taxes) to the Regional
Growth Fund not less frequently than every two weeks. Any

1 amounts appropriated to the Regional Growth Fund by the General
2 Assembly and any contributions received from any other source
3 shall be credited to the Regional Growth Fund.

4 (c) Special accounts.--A special account shall be
5 established within the Regional Growth Fund for each
6 participating county. All of the taxes, interest and penalties
7 that are collected under section 17152 from a particular county
8 and deposited into the Regional Growth Fund in accordance with
9 section 17152(f) shall be credited to the special account for
10 that county. All of the money in a county account must be spent
11 on projects located in whole or in part within that county
12 unless the governing body of that county authorizes by
13 resolution the use of a portion of the money in its county
14 account for a regional project located outside of the county.

15 (d) Other special accounts.--The authority may also
16 establish other special accounts within the Regional Growth Fund
17 to which shall be credited any amounts appropriated to the
18 Regional Growth Fund by the General Assembly and any
19 contributions received from any other source. Money in such
20 special accounts shall be used for eligible projects in a
21 participating county as determined by the board, subject to any
22 limitations imposed by the source of the money.

23 (e) Restrictions.--All money in the Regional Growth Fund,
24 including money credited under this section, prior year
25 encumbrances and the interest earned on the money in the fund,
26 may not lapse or be transferred to any other fund but shall
27 remain in the Regional Growth Fund and must be used exclusively
28 as provided in this chapter.

29 (f) Earnings.--Pending disbursement, money received on
30 behalf of or deposited into the Regional Growth Fund shall be

invested or reinvested in the same manner as money in the
custody of the State Treasurer. All earnings received from the
investment or reinvestment of the money shall be credited to the
Regional Growth Fund and shall be allocated on a proportional
basis to each special account within the Regional Growth Fund.
§ 17122. Use of Regional Growth Fund.

(a) General rule.--Subject to the limitations in subsections
(b) and (c), money in the Regional Growth Fund shall be used by
the authority to fund the capital costs of new or improved
economic development projects of the following types:

(1) Industrial site development, including site
acquisition, preparation and clearance, construction of
necessary infrastructure such as water and sewer facilities
and construction of buildings for use by businesses.

(2) Cultural, recreational, historical and entertainment
facilities, including, without limitation, African-American
cultural facilities, regional destination facilities and
projects in heritage areas.

(3) Transportation facilities that will assist in the
attraction and retention of jobs in the region, including
construction of highways, bridges, transit facilities,
airports, ports, rail lines and related facilities.

(4) Revolving loan money to assist in the establishment,
location and expansion of businesses, including, without
limitation, small or minority-owned businesses, in the
region.

(5) New or improved water or sewer facilities serving
residential customers.

(b) Limitations.--Expenditures from the Regional Growth Fund
for an eligible project shall be subject to the following

1 limitations:

2 (1) The funding provided from the Regional Growth Fund
3 for an eligible project may not exceed 50% of the total cost
4 of the project.

5 (2) No money may be expended from the Regional Growth
6 Fund for operating costs of any project or facility.

7 (3) No more than 20% of the money in a county account
8 may be used for the purpose described in subsection (a)(4).

9 (4) No more than 40% of the money in a county account
10 may be used for the purpose described in subsection (a)(5).

11 (c) Notification.--

12 (1) No later than March 31, 1998, each participating
13 county shall initially notify the board if the county intends
14 to develop and submit a county growth plan, which of the
15 optional methods described in paragraph (2) will be used and
16 what portion of the money in the county account shall be
17 reserved for implementation of the plan. In establishing the
18 long-term budget and capital budget under sections 17135
19 (relating to initial financial plan) and 17136 (relating to
20 capital budgets), the board shall reserve money in each
21 county account in accordance with the notification and shall
22 not approve projects using reserved money unless they are
23 contained in the county growth plan.

24 (2) If a participating county chooses to develop and
25 submit a county growth plan to the authority, the governing
26 body of a participating county shall select one of the
27 following three methods for developing the plan:

28 (i) The redevelopment authority of the county
29 created under the act of May 24, 1945 (P.L.991, No.385),
30 known as the Urban Redevelopment Law, may adopt a county

1 growth plan by resolution and submit it to the authority.
2 The redevelopment authority must hold at least one public
3 hearing regarding the plan or any revision to the plan
4 prior to adopting the plan or revision and submitting it
5 to the authority.

6 (ii) The governing body may create a county growth
7 board or designate an existing public or nonprofit agency
8 to serve as the county growth board. The county growth
9 board must hold at least one public hearing regarding the
10 plan or any revision to the plan prior to adopting the
11 plan or revision and submitting it to the authority.

12 (iii) The governing body may directly adopt a county
13 growth plan by resolution and submit it to the authority.
14 The governing body must hold at least one public hearing
15 regarding the plan or any revision to the plan prior to
16 adopting the plan or revision and submitting it to the
17 authority.

18 (3) The governing body of a participating county that
19 has not previously submitted a county growth plan may elect
20 to submit one at any time by giving the authority notice to
21 that effect. The governing body of a participating county
22 that has submitted a county growth plan may at any time
23 change the method of developing its county growth plan by
24 giving the authority notice to that effect.

25 (4) All expenditures from the Regional Growth Fund for
26 projects contained in a county growth plan must meet the
27 criteria and limitations contained in subsections (a) and
28 (b). The total expenditures that the county growth plan
29 requests from the county account may not exceed the total
30 amount projected to be deposited into the account.

1 (d) Automatic approval.--The authority shall automatically
2 approve funding from a county account for any project in the
3 participating county that meets the eligibility criteria of this
4 section and is contained in a county growth plan, up to the
5 amount of money available in the county account.

6 SUBCHAPTER C

7 REGIONAL RENAISSANCE AUTHORITY

8 Sec.

9 17131. Authority established.

10 17132. Board of authority.

11 17133. Purposes and powers.

12 17134. Fiscal matters.

13 17135. Initial financial plan.

14 17136. Capital budgets.

15 17137. Operating budget.

16 17138. Restrictions upon activities of board members and
17 employees.

18 17139. Exemption from taxation.

19 § 17131. Authority established.

20 (a) General rule.--A body corporate and politic to be known
21 as the Regional Renaissance Authority is established as a
22 special purpose area wide unit of local government under section
23 7 of Article IX of the Constitution of Pennsylvania, exercising
24 powers as a unit of local government under this chapter and
25 having territorial limits that encompass the geographic areas of
26 the participating counties. The exercise by the authority of the
27 powers conferred by this chapter is the performance of an
28 essential public function.

29 (b) Time.--The authority shall be established at the time
30 set forth in section 17154(e) (relating to referenda levying

additional taxes). Once established, the authority shall
continue in existence perpetually.

(c) Sovereign immunity.--The following apply:

(1) The authority and its board members, officers and
employees shall have sovereign immunity as provided in 1
Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed;
specific waiver).

(2) The authority and its board members, officers and
employees shall remain immune from suit except as provided by
and subject to 42 Pa.C.S. Ch. 85 Subchs. A (relating to
general provisions) and B (relating to actions against
Commonwealth parties).

(3) Notwithstanding 42 Pa.C.S. § 8525 (relating to legal
assistance), the authority, through its legal counsel, shall
defend actions brought against the authority or its board
members, officers and employees when acting within the scope
of their official duties.

(d) Liability.--Members of the board may not be held
personally liable for the bonds or other obligations of the
authority, and the rights of creditors shall be solely against
the authority.

§ 17132. Board of authority.

(a) General rule.--The powers of the authority shall be
exercised by a governing body having full authority to manage
the properties and business of the authority and to prescribe,
amend and repeal bylaws, rules and regulations governing the
manner in which the business of the authority may be conducted
and the powers given to the authority may be exercised. All
bylaws, rules and regulations and amendments of the bylaws,
rules and regulations shall be filed with the secretary of the

1 authority.

2 (b) Appointments.--The members of the board of the authority
3 shall be appointed as follows:

4 (1) The Governor shall appoint three members, not all of
5 whom are members of the same political party and at least one
6 of whom has experience and expertise in convention and
7 tourism promotion programs.

8 (2) The President pro tempore of the Senate shall
9 appoint a member.

10 (3) The Speaker of the House of Representatives shall
11 appoint a member.

12 (4) The Minority Leader of the Senate shall appoint a
13 member.

14 (5) The Minority Leader of the House of Representatives
15 shall appoint a member.

16 (6) The governing body of the central county shall
17 appoint a member to represent that county.

18 (7) The governing body of each other participating
19 county shall appoint a member to represent that county.

20 (8) The mayor of the central city shall appoint a member
21 to represent that city.

22 (c) Members.--

23 (1) The number of members of the board appointed under
24 each of subsection (b)(4), (5), (6) and (7) shall be
25 increased to two if the number of participating counties is
26 greater than five.

27 (2) The persons appointing members of the board under
28 subsection (b)(4), (5), (6), (7) and (8) shall consult with
29 each other to ensure:

30 (i) If there is more than one participating county,

1 that not more than a majority of the members of the board
2 appointed under subsection (b) (4), (5), (6), (7) and (8)
3 are residents of any one participating county.

4 (ii) That the board is reflective, to the extent
5 feasible, of the cultural, racial, ethnic and gender
6 demographic proportions of the participating counties.

7 (d) Appointment lists.--The governing body of each
8 participating county shall only appoint individuals from lists
9 of three or more names submitted by the members of the General
10 Assembly who represent any portion of that county. In developing
11 the lists, the members of the General Assembly shall solicit
12 nominations from public and private economic development
13 agencies within the county and may solicit nominations from
14 other sources. The individuals appointed must have the unanimous
15 approval of all of the members of the governing body in office
16 at the time.

17 (e) Term.--

18 (1) The term of office of a member of the board
19 appointed:

20 (i) under subsection (b) (1), (2) and (3) shall be
21 four years; and

22 (ii) under subsection (b) (4), (5), (6), (7) and (8)
23 shall be five years.

24 (2) The term of office of a member shall begin on the
25 date of appointment. Members may hold office until successors
26 have been appointed and qualified or until death or
27 resignation.

28 (3) An individual may not serve more than two
29 consecutive full terms on the board.

30 (4) An individual appointed to the board when a vacancy

1 occurs during the term of office of a member of the board
2 shall serve for the remainder of the term. A vacancy in the
3 office of a member appointed under subsection (b) (4), (5),
4 (6) and (7) shall be filled for the balance of the term by
5 appointment made by the individual who at the time is the
6 ranking member in the same chamber of the General Assembly
7 and of the same political party as the individual who
8 appointed the vacating member.

9 (f) Officers.--The Governor shall select one of the initial
10 members of the board as the interim chair of the authority and
11 shall, within 10 days of the effective date of the establishment
12 of the authority, set a date, time and place for the initial
13 organizational meeting of the board. The members shall elect a
14 chair, vice chair, secretary, treasurer and other officers. A
15 member may not hold more than one office of the board at any
16 time. Members may serve successive terms as officers of the
17 board.

18 (g) Meetings.--The board shall meet as frequently as it
19 deems appropriate, but at least once a month during the first
20 year that the authority is in existence and thereafter at least
21 once during each quarter of its fiscal year. In addition, a
22 meeting of the board shall be called by the chair if a request
23 for a meeting is submitted to the chair by at least two members
24 of the board. A majority of the members of the board in office
25 shall constitute a quorum for the purpose of conducting the
26 business of the board and for all other purposes. The acts of a
27 majority of the members of the board taken at a meeting of the
28 board at which a quorum is present shall be the acts of the
29 board, except that, for the purposes of making decisions
30 regarding personnel matters, contracts and capital and operating

1 budgets, the affirmative vote of at least six members of the
2 board shall be required.

3 (h) Advisory members.--There shall be nonvoting advisory
4 members of the board with the right to attend and be heard at
5 every meeting of the board who shall be appointed as follows:

6 (1) An advisory member shall be appointed by each of the
7 following:

8 (i) The convention and visitors bureau.

9 (ii) The principal tenant of the baseball park.

10 (iii) The principal tenant of the football stadium.

11 (iv) The private nonprofit corporation with the
12 largest membership supporting the development of the
13 entire cultural district.

14 (v) The private nonprofit corporation with the
15 largest membership supporting the development,
16 preservation and expansion of African-American culture
17 and history in southwestern Pennsylvania.

18 (vi) The labor organization representing the largest
19 number of members of the building trades.

20 (2) In addition to the six advisory members appointed
21 under paragraph (1), the authority may appoint one or more
22 additional advisory members.

23 § 17133. Purposes and powers.

24 (a) Purposes.--The purpose of the authority includes, but is
25 not limited to, the following:

26 (1) Supporting and financing the construction of
27 regional destination facilities.

28 (2) Assuring the efficient and effective operation and
29 development of regional destination facilities.

30 (3) Supporting and financing the construction of other

1 economic development projects.

2 (b) Powers.--Subject to the limitations under subsection
3 (d), the authority is granted all powers necessary or convenient
4 to carry out the authority's purposes, including to:

5 (1) Have continuing succession.

6 (2) Sue and be sued, implead and be impleaded, complain
7 and defend in all courts.

8 (3) Adopt, use and alter at will a corporate seal.

9 (4) Acquire by gift or otherwise, purchase, hold,
10 receive, lease, sublease and use any license, franchise or
11 property, real, personal or mixed, tangible or intangible, or
12 any interest therein, including a regional destination
13 facility or parts of the facility.

14 (5) Sell, transfer or dispose of any property or
15 interest therein for adequate and fair consideration.

16 (6) Acquire, hold, develop, construct, maintain, manage,
17 operate, repair, own, lease or sublease a regional
18 destination facility or parts of the facility and projects
19 funded from the Regional Growth Fund.

20 (7) Make, enter into and award contracts with any person
21 for the development, financing, construction, maintenance,
22 operation and repair of regional destination facilities or
23 parts of the facility and projects funded from the Regional
24 Growth Fund.

25 (8) Conduct financial and performance reviews and audits
26 of regional destination facilities and projects funded from
27 the Regional Growth Fund.

28 (9) Conduct long-term planning necessary for the
29 efficient and effective operation and development of regional
30 destination facilities and projects funded from the Regional

1 Growth Fund.

2 (10) Make bylaws for the regulation of the authority's
3 affairs and promulgate rules, regulations and policies in
4 connection with the performance of the authority's functions
5 and duties.

6 (11) (i) Borrow money for the purpose of paying the
7 costs of any project and to evidence such borrowing in
8 any customary and appropriate fashion.

9 (ii) Make and issue taxable or tax-exempt negotiable
10 bonds of the authority and secure the payment of the
11 bonds or any part of the bonds by pledge or deed of trust
12 of all or any of its revenues, rentals, receipts and
13 contract rights.

14 (iii) Make agreements with the purchasers or holders
15 of the bonds or with other obligees of the authority in
16 connection with any bonds, whether issued or to be
17 issued, as the authority shall deem advisable, which
18 agreements shall constitute contracts with the holders or
19 purchasers.

20 (iv) Obtain credit enhancement or liquidity
21 facilities in connection with any bonds as the authority
22 shall determine to be advantageous.

23 (v) Provide, in general, for the security for the
24 bonds and for the rights of the holders of the bonds.

25 (12) Make, enter into and award contracts and to execute
26 all instruments necessary or convenient for the carrying out
27 of its business.

28 (13) Borrow money and accept grants and to enter into
29 contracts, leases, subleases, licenses or other transactions
30 with any Federal agency, State public body, political

1 subdivision or person.

2 (14) Mortgage, pledge, hypothecate or otherwise encumber
3 any of its property, real, personal or mixed, tangible or
4 intangible, and its revenues or receipts, including any tax
5 revenues or interest the authority may have in any lease or
6 sublease of regional destination facilities or parts of
7 regional destination facilities.

8 (15) Procure insurance containing coverage, including,
9 without limitation, insurance covering the timely payment in
10 full of principal and interest on bonds of the authority, in
11 the amounts and from the insurers the authority may determine
12 to be necessary or desirable for its purposes.

13 (16) Invest authority money.

14 (17) Cooperate with any Federal agency, State public
15 body or political subdivision.

16 (18) Invest money not required for immediate
17 disbursement in reserve or sinking funds.

18 (19) Appoint all officers, agents and employees required
19 for the performance of its duties and fix and determine their
20 qualifications, duties and compensation and to retain or
21 employ other agents or consultants.

22 (20) Enroll authority employees in a retirement system,
23 including an existing retirement system of a participating
24 county or any other governmental entity located within a
25 participating county.

26 (21) Appoint and fix the compensation of chief counsel
27 and assistant counsel, who may not be required to be
28 employees of the authority, to provide it with legal
29 assistance. Notwithstanding 42 Pa.C.S. § 8525 (relating to
30 legal assistance), the authority through its counsel shall

1 defend actions brought against the authority and its officers
2 and employees when acting within the scope of their official
3 duties.

4 (22) Do all acts and things necessary or convenient for
5 the promotion of its purposes and the general welfare of the
6 authority and to carry out the powers granted to the
7 authority under this chapter or any other law.

8 (c) Eminent domain.--The authority, upon making a finding
9 that it is necessary or convenient to acquire any real or
10 personal property in the central city for immediate or future
11 use for purposes related to the construction of regional
12 destination facilities or related developments, may acquire
13 property by the exercise of the power of eminent domain under 26
14 Pa.C.S. (relating to eminent domain), and for those purposes
15 shall have the power of eminent domain. The authority may use
16 its eminent domain power to acquire property already devoted to
17 a public use, except that the power may not be used to acquire
18 property owned or used by the Commonwealth. The board may not
19 exercise the authority's eminent domain power without the
20 approval of the mayor of the central city and the members of the
21 board appointed under section 17122(b)(1) and (3) (relating to
22 board of authority).

23 (d) Operations.--Notwithstanding any purpose of the
24 authority or a general or specific power granted by this chapter
25 or any other law, whether express or implied, the following
26 limitations and conditions shall apply to the operations of the
27 authority:

28 (1) The authority shall have no power to pledge the
29 credit or taxing powers of the Commonwealth or any other
30 government agency, except the credit of the authority, nor

1 shall any of the bonds of the authority be deemed a debt or
2 liability of the Commonwealth or of any other government
3 agency, except as otherwise agreed by the Commonwealth or a
4 government agency.

5 (2) Neither the Commonwealth nor any government agency,
6 except the authority, shall be liable for payment of the
7 principal or maturity value of or interest or premium on any
8 of the bonds of the authority, except as otherwise agreed by
9 the Commonwealth or a government agency.

10 (3) Notwithstanding any provision of this chapter or any
11 other act to the contrary or of any implication that may be
12 drawn from this chapter or any other law, the Commonwealth
13 and all other government agencies, except the authority,
14 shall have no legal or moral obligation for the payment of
15 any expenses or obligations of the authority, including, but
16 not limited to, bond principal and interest, the funding or
17 refunding of any reserve and any administrative or operating
18 expenses whatsoever, except as otherwise agreed to by the
19 Commonwealth or another government agency.

20 (4) Bonds of the authority shall contain a prominent
21 statement of the limitations set forth in this subsection and
22 a further statement to the effect that obligees of the
23 authority shall have no recourse, either legal or moral, to
24 the Commonwealth or to any other government agency for
25 payment of the bonds, except as otherwise agreed to by the
26 Commonwealth or another government agency.

27 (5) The authority may not assume the responsibility of
28 employing personnel directly engaged in the operation of
29 regional destination facilities described in paragraphs (1)
30 and (4) of the definition of "regional destination facility"

1 but may enter into contracts for the operation, maintenance
2 and ongoing improvement of those facilities with public and
3 private organizations that have expertise in operating the
4 type of facility involved.

5 (6) The authority may not operate, maintain or, after
6 the completion of initial construction, design or perform
7 subsequent improvements to the baseball park or football
8 stadium but shall contract for the performance of those
9 functions with the principal tenant of each of those
10 facilities.

11 § 17134. Fiscal matters.

12 (a) Fiscal year.--The fiscal year of the authority shall
13 commence on July 1 of each year and end on June 30 of the next
14 year, except as otherwise provided by the board.

15 (b) Annual report.--The board shall, no later than the start
16 of each fiscal year, prepare a comprehensive annual report of
17 its activities and operations for the previous year, make the
18 report publicly available and conduct public meetings and
19 hearings to receive public comments and recommendations
20 regarding the activities and operations of the board. The board
21 shall forward a copy of the annual report each year to the
22 Governor and the General Assembly.

23 (c) Audit.--The board shall provide for an annual audit of
24 the authority by an independent certified public accounting
25 firm.

26 § 17135. Initial financial plan.

27 (a) Agreements.--Immediately upon the creation of the
28 authority, the board shall commence the negotiation, with public
29 or private entities as it considers appropriate, of agreements
30 relating to the construction of regional destination facilities.

Agreements regarding the construction of the baseball park and the football stadium shall provide that those facilities may not be owned by the teams that will be the principal tenants but that the authority shall either own or enter into long-term leases with the owner of the land, building and fixtures for each of those facilities regardless of what public or private entities are responsible for the construction of those facilities. Each agreement regarding a regional destination facility shall provide for:

(1) The development of long-term plans for the financing, development and operation of the facility.

(2) Performance and financial goals, objectives and standards for the operation of the facility.

(3) Assurances that adequate measures will be undertaken to maintain and improve the facility.

(4) Assurances that the operating and capital budgeting for the facility will occur in a financially responsible manner.

(b) Budgets.--Prior to the start of the first full fiscal year of the authority, the board shall adopt, in addition to the operating and capital budgets required under sections 17136 (relating to capital budgets) and 17137 (relating to operating budget), long-term budgets for the Regional Destination Facilities Fund and the Regional Growth Fund. The long-term budget for the Regional Destination Facilities Fund shall estimate the total revenues required to complete the construction of all projects included in a regional destination facility and the amount of revenues to be received by the authority during the first seven calendar years of its existence. At least 90 days before commencement of the second

1 and third full fiscal years of the authority, the board shall
2 update and revise the operating and capital budgets as required
3 under the long-term budget.

4 § 17136. Capital budgets.

5 (a) General rule.--At least 90 days before commencement of
6 the ensuing fiscal year of the authority, recommended capital
7 budgets relating to the Regional Destination Facilities Fund and
8 the Regional Growth Fund shall be prepared and submitted to the
9 board. The capital budgets shall show, in detail, the capital
10 expenditures to be made or incurred in the next fiscal year
11 which are to be financed from each fund. The capital budgets
12 shall be adopted by the board no later than the date of the
13 adoption of its annual operating budget as required under
14 section 17137 (relating to operating budget).

15 (b) Vote.--Except for projects contained in a county growth
16 plan, a majority of the members of the board who are residents
17 of a particular participating county must vote in favor of the
18 inclusion in a capital budget for the Regional Growth Fund of
19 any expenditure relating to a project within that county.

20 Projects contained in a county growth plan shall be approved in
21 accordance with sections 17121 (relating to establishment of
22 Regional Growth Fund) and 17122 (relating to use of Regional
23 Growth Fund).

24 (c) Public hearing.--The board shall conduct an annual
25 public hearing regarding the proposed annual capital budget for
26 the Regional Growth Fund.

27 § 17137. Operating budget.

28 (a) General rule.--At least 90 days before commencement of
29 the ensuing fiscal year of the authority, a recommended
30 operating budget shall be prepared and submitted to the board.

1 The operating budget shall set forth the estimated receipts and
2 revenues of the authority during the next fiscal year. The
3 operating budget for the next fiscal year shall be adopted by
4 the board at least 30 days before the end of the current fiscal
5 year.

6 (b) Expenses.--The money necessary to pay the administrative
7 expenses of the authority during each fiscal year may be drawn
8 from the Regional Destination Facilities Fund and the Regional
9 Growth Fund. Money drawn under this subsection shall be drawn
10 from the funds in proportion to the amount of time and expense
11 involved in administering each fund. The authority shall not use
12 more than 1% of the total revenues from the taxes imposed under
13 Subchapter E (relating to additional sales and use taxes) to pay
14 the administrative expenses of the authority.

15 (c) Public hearing.--The board shall conduct public hearings
16 and meetings regarding its operating budget.
17 § 17138. Restrictions upon activities of board members and
18 employees.

19 (a) General rule.--A member of the board or an employee of
20 the authority may not, concurrent with the service of the member
21 or employee with the authority, be a party officer, public
22 officer, public official, public employee or a member of the
23 immediate family of a party officer, public officer or public
24 official. This section may not apply to members of the board
25 appointed under section 17132(b)(4), (5), (6), (7) and (8)
26 (relating to board of authority).

27 (b) Applicability.--The provisions of the act of October 4,
28 1978 (P.L.883, No.170), referred to as the Public Official and
29 Employee Ethics Law, and the act of July 19, 1957 (P.L.1017,
30 No.451), known as the State Adverse Interest Act, are made

specifically applicable to board members, officers and employees
of the authority. For the purposes of application of the
referenced acts, employees of the authority shall be regarded as
public employees of the Commonwealth, and officers or board
members of the authority shall be regarded as public officials
of the Commonwealth, regardless of if the employees receive
compensation. The authority shall also be subject to 65 Pa.C.S.
(relating to public officers) and the act of February 14, 2008
(P.L.6, No.3), known as the Right-to-Know Law, relating to the
inspection and copying of public records.

§ 17139. Exemption from taxation.

The effectuation of the authorized purpose of the authority
shall be exclusively for the benefit of the residents of this
Commonwealth, the increase of commerce and prosperity and the
improvement of health and living conditions. The authority may
not be required to pay taxes or assessments upon any property
acquired or used by the authority for the purposes under this
section, and the bonds issued by the authority and the interest
and income related to the bonds shall be free from State and
local taxation.

SUBCHAPTER D

BONDS AND FUNDS OF AUTHORITY

Sec.

17141. Bonds.

17142. Governmental immunity.

17143. Money of authority.

17144. Transfer of money.

§ 17141. Bonds.

The authority may issue bonds, sell bonds, use net proceeds
of bond sales, refund bonds, adopt pledges, mortgages,

covenants, indentures and trusts, exercise remedies and confer additional remedies upon persons holding bonds in the same manner as provided in 64 Pa.C.S. Ch. 60 (relating to Pennsylvania Convention Center Authority).

§ 17142. Governmental immunity.

Except as provided by and subject to 42 Pa.C.S. Ch. 85 Subchs. A (relating to general provisions) and C (relating to actions against local parties), the authority and its officers, officials and employees shall have governmental immunity.

§ 17143. Money of authority.

All money of the authority shall be paid to the treasurer of the authority and invested in the same manner as provided in 64 Pa.C.S. § 6012 (relating to moneys of authority).

§ 17144. Transfer of money.

(a) General rule.--

(1) The central city, the central county or a contiguous county, regardless of if the county is a participating county, and any special-purpose areawide unit of local government located or operating, in whole or in part, in any county may make grants from current and future revenues to the authority and to assist in defraying the costs of managing, operating, maintaining, financing and servicing the debt of regional destination facilities or parts of regional destination facilities, to enter into long-term agreements providing for payment of the costs and to enter into long-term leases or subleases as lessee or sublessee of all or part of a regional destination facility.

(2) The city or county may issue general obligation bonds for the purpose of obtaining money for the acquisition or improvement of regional destination facilities or parts of

1 regional destination facilities.

2 (b) Contributions.--The Commonwealth may contribute to the
3 capital costs of constructing regional destination facilities by
4 the issuance of Commonwealth bonds and notes under Article XIX-B
5 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax
6 Reform Code of 1971. A project undertaken by the authority is
7 deemed to be a redevelopment assistance project under which
8 capital money of the Commonwealth may be expended under the act
9 of May 20, 1949 (P.L.1633, No.493), known as the Housing and
10 Redevelopment Assistance Law, and, notwithstanding provisions of
11 the Housing and Redevelopment Assistance Law, the Department of
12 Community and Economic Development may make capital grants
13 directly to the authority.

14 SUBCHAPTER E

15 ADDITIONAL SALES AND USE TAXES

16 Sec.

17 17151. Construction of subchapter.

18 17152. Imposition of additional sales and use taxes.

19 17153. Situs.

20 17154. Referenda levying additional taxes.

21 17155. Licenses.

22 17156. Rules and regulations.

23 17157. Collection costs.

24 § 17151. Construction of subchapter.

25 The tax imposed under this subchapter shall be in addition to
26 any tax imposed by the Commonwealth under Article II of the act
27 of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of
28 1971. Except for the differing situs provisions in section 17153
29 (relating to situs), the provisions of Article II of the Tax
30 Reform Code of 1971 shall apply to the tax.

1 § 17152. Imposition of additional sales and use taxes.

2 (a) Tax.--A county shall levy, assess and collect a tax on
3 the purchase price upon each separate sale at retail of tangible
4 personal property or services, as defined in Article II of the
5 act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code
6 of 1971, within the boundaries of the participating county in
7 which the electorate has approved the referendum provided under
8 section 17154 (relating to referenda levying additional taxes).
9 The tax shall be collected by the vendor from the purchaser and
10 shall be paid over to the Commonwealth for deposit in the
11 Regional Destination Facilities Fund and the Regional Growth
12 Fund as provided in subsection (f).

13 (b) Use tax.--In each participating county in which the
14 electorate approves the referendum levying the tax authorized
15 under subsection (a), a tax shall be levied, assessed and
16 collected upon the use within the county of the purchase price
17 of tangible personal property purchased at retail and on
18 services purchased at retail as defined in Article II of the Tax
19 Reform Code of 1971. The tax shall be paid to the Commonwealth
20 by the individual who makes the use for deposit in the Regional
21 Destination Facilities Fund and the Regional Growth Fund as
22 provided in subsection (f). The use tax imposed under this
23 subsection may not be paid to the Commonwealth by an individual
24 who has paid the tax imposed under subsection (a) or who has
25 paid the tax imposed by this subsection to the vendor with
26 respect to the use.

27 (c) Rate of tax.--The taxes authorized under subsections (a)
28 and (b) shall be imposed at the rate of 0.5% and shall be
29 uniform, upon the same class of subjects and within the
30 territorial limits of the participating counties.

1 (d) Seven-year period.--The taxes imposed under subsections
2 (a) and (b) shall be collected only on sales or uses occurring
3 during the seven-year period from July 1, 1998, through June 30,
4 2005.

5 (e) Computation.--The taxes imposed under subsections (a)
6 and (b) shall be computed in the manner set forth in section
7 503(e) of the act of June 5, 1991 (P.L.9, No.6), known as the
8 Pennsylvania Intergovernmental Cooperation Authority Act for
9 Cities of the First Class.

10 (f) Disbursements.--The taxes imposed under subsections (a)
11 and (b) and any interest and penalties on the taxes shall be
12 received by the department and paid by the State Treasurer as
13 follows:

14 (1) Seventy-five percent of the taxes, interest and
15 penalties collected in the central county shall be paid to
16 the Regional Destination Facilities Fund and 25% to the
17 Regional Growth Fund.

18 (2) Twenty-five percent of the taxes, interest and
19 penalties collected in each contiguous county that is a
20 participating county shall be paid to the Regional
21 Destination Facilities Fund and 75% to the Regional Growth
22 Fund.

23 (g) Levying of the tax.--The governing body of a county in
24 which the electorate has approved a referendum levying the taxes
25 provided for in this subchapter may not be required to adopt an
26 ordinance levying the tax. Upon approval of the referendum
27 provided under section 17154, taxes approved by referendum under
28 this subchapter shall be deemed levied by the governing board
29 under this subchapter.

30 § 17153. Situs.

The situs of sales at retail or uses, including leases, of motor vehicles, aircraft, motorcraft and utility services shall be determined in the manner specified by section 504 of the act of June 5, 1991 (P.L.9, No.6), known as the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class.

§ 17154. Referenda levying additional taxes.

(a) Ballot.--The county board of elections of the central county and each contiguous county shall cause to be printed on the official ballot and ballot labels at the municipal election in November 1997 a referendum to determine the will of the electorate within the county with respect to levying the additional sales and use taxes under this subchapter.

(b) Question in central county.--The question as printed on the official ballot and ballot labels in the central county shall be in the following form:

REGIONAL RENAISSANCE INITIATIVE

Do you favor supporting job creation projects in this county by temporarily increasing the sales tax by 0.5% for seven years, with 75% of the revenues used to fund not more than 1/2 the cost of expanding the Lawrence Convention Center, and constructing facilities in the cultural district, a baseball park and a football stadium; and with the remaining 25% of the revenues used for other economic development projects in Allegheny County?

(c) Question in contiguous counties.--The question as printed on the official ballot and ballot labels in the contiguous counties shall be in the following form:

REGIONAL RENAISSANCE INITIATIVE

1 Do you favor supporting job creation projects in this
2 county by temporarily increasing the sales tax by 0.5%
3 for seven years, with 75% of the revenues used for
4 economic development, transportation and tourism projects
5 in (name) County; and with 25% of the revenues used to
6 fund not more than 1/2 the cost of expanding the Lawrence
7 Convention Center and constructing facilities in the
8 cultural district, a baseball park and a football stadium
9 in Pittsburgh?

10 (d) Advertisement.--The referenda required under this
11 section shall be advertised and conducted in accordance with the
12 act of June 3, 1937 (P.L.1333, No.320), known as the
13 Pennsylvania Election Code.

14 (e) Approval.--Except as provided in subsections (f), (g)
15 and (h), upon certification that the referendum under subsection
16 (a) has been approved in any county, the authority shall be
17 established as under section 17131 (relating to authority
18 established).

19 (f) Partial approval.--If the referendum provided for in
20 this section is not approved by the voters in the central county
21 but is approved by the voters in at least one contiguous county:

22 (1) The Regional Destination Facilities Fund may not be
23 established and all taxes collected by participating counties
24 under section 17152 (relating to imposition of additional
25 sales and use taxes) shall be deposited into the Regional
26 Growth Fund.

27 (2) Members of the board may not be appointed under
28 section 17132(b)(1) and (3) (relating to board of authority).

29 (g) Nonparticipation.--If the referendum under this section
30 is approved by the voters in at least one county but is not

1 approved by the voters in a particular contiguous county, the
2 defeat of the referendum in that contiguous county may not
3 affect the establishment of the authority or the operation of
4 the provisions of this chapter, except that the additional taxes
5 provided for in section 17152 may not be collected in the
6 contiguous county and the contiguous county shall not be a
7 participating county.

8 (h) Defeated referenda.--If the referenda under this section
9 are defeated in the central county and all of the contiguous
10 counties, this subchapter and Subchapters G (relating to
11 Regional Destination Facilities Fund) and H (relating to
12 conveyance of David L. Lawrence Convention Center) shall be of
13 no further force and effect.

14 (i) Hotel tax.--If the referendum under this section is
15 approved by the voters in the central county, the increase in
16 the hotel tax in the central county provided for in section
17 17161 (relating to increase in rate of hotel tax in central
18 county) shall be reduced to 1.5% during the period that the
19 taxes imposed by section 17152 are collected in the central
20 county.

21 § 17155. Licenses.

22 A license for the collection of the taxes imposed under this
23 subchapter shall be issued in the same manner as is provided for
24 in section 505 of the act of June 5, 1991 (P.L.9, No.6), known
25 as the Pennsylvania Intergovernmental Cooperation Authority Act
26 for Cities of the First Class.

27 § 17156. Rules and regulations.

28 Rules and regulations shall be applicable to the taxes
29 imposed under this subchapter in the same manner as is provided
30 for in section 506(1) and (2) of the act of June 5, 1991 (P.L.9,

No.6), known as the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class.
§ 17157. Collection costs.

(a) General rule.--The department may retain a sum equal to the reasonable and necessary costs of collection and shall inform the authority in writing monthly of the sum retained and the costs of collection reimbursed. To provide a timely forecast and assure consideration of the sum retained, the department shall estimate the costs of collection for the next succeeding fiscal year and provide the estimate, with all supporting detail, to the authority. When the annual operating budget for the department is submitted to the General Assembly, the department shall submit to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives the actual sums retained for costs of collection in the preceding fiscal year, together with all supporting details.

(b) Definition.--As used in this section, the term "costs of collection" may not include any charge for overhead or capital costs.

SUBCHAPTER F

INCREASE IN HOTEL TAX

Sec.

17161. Increase in rate of hotel tax in central county.

17162. Southwestern Pennsylvania Convention Center Design Commission.

17163. Restrictions of design commission members and employees.

17164. Design of convention center.

§ 17161. Increase in rate of hotel tax in central county.

1 (a) General rule.--The rate of the tax imposed under section
2 1970.2 of the act of July 28, 1953 (P.L.723, No.230), known as
3 the Second Class County Code, shall be increased by 2% to a rate
4 of 7%, subject to adjustment under section 17154(i) (relating to
5 referenda levying additional taxes), for the period provided in
6 subsection (c). Following the end of the period provided in
7 subsection (c), the tax shall be collected at the rate in effect
8 immediately prior to June 18, 1997.

9 (b) Definitions.--Terms used in this section that are not
10 otherwise defined in this part but are defined in section 1970.2
11 of the Second Class County Code shall have the meanings ascribed
12 to them in that section of that act.

13 (c) Tax rate increase.--The increased tax rate required
14 under this section shall apply to and be collected only on
15 rentals of a room or rooms to accommodate transients that occur
16 during the period from September 1, 1997, through the earliest
17 of:

18 (1) February 28, 1999, if the auditorium authority has
19 not, in the period between June 18, 1997, and February 28,
20 1999, issued any bonds that are secured by the increased tax
21 revenues to be collected under this subchapter and are for
22 the purpose of financing the costs of any of the activities
23 described in subsection (d);

24 (2) the date on which all bonds issued by the auditorium
25 authority that are secured by the increased tax revenues to
26 be collected under this subchapter and are for the purpose of
27 financing construction of the convention center have been
28 retired in full; or

29 (3) August 31, 2027.

30 (d) Distribution of revenues.--The incremental additional

1 revenues received from the tax increase under this section shall
2 be distributed as follows:

3 (1) One-third of the additional tax revenues collected
4 by hotels located within a municipality other than the
5 central city that at the time receives revenues under section
6 1970.2(b.1)(2) of the Second Class County Code shall be
7 returned to that municipality and otherwise handled in the
8 same fashion as if the incremental additional revenues
9 returned to the municipality under this paragraph were part
10 of the base revenues disbursed to it under that section.

11 (2) All other incremental additional revenues shall be
12 deposited by the treasurer of the central county with the
13 treasurer of the auditorium authority, who shall deposit the
14 revenue in a special fund to be used solely for:

15 (i) Project design and property acquisition in
16 connection with construction of a convention center until
17 the cost of the project design and property acquisition
18 have been completely paid or full funding has been
19 committed.

20 (ii) Following completion of the project design and
21 property acquisition under subparagraph (i), the costs of
22 constructing the convention center.

23 (e) Approval.--Money may not be disbursed under subsection
24 (d)(2)(i) for project design purposes without the approval of
25 the design commission established under section 17162 (relating
26 to Southwestern Pennsylvania Convention Center Design
27 Commission).

28 § 17162. Southwestern Pennsylvania Convention Center Design
29 Commission.

30 (a) General rule.--A body corporate and politic to be known

1 as the Southwestern Pennsylvania Convention Center Design
2 Commission is established as a special-purpose government
3 instrumentality exercising the powers conferred by this chapter.
4 The exercise by the design commission of the powers conferred by
5 this chapter is declared to be the performance of an essential
6 public function.

7 (b) Establishment.--The design commission shall be
8 established on June 18, 1997. Once established, the design
9 commission shall continue in existence until the renovations,
10 improvements and expansion of a convention center have been
11 completed.

12 (c) Sovereign immunity.--The following apply:

13 (1) The members, employees and staff of the design
14 commission shall have sovereign immunity as provided in 1
15 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed;
16 specific waiver).

17 (2) The members, employees and staff of the design
18 commission shall remain immune from suit except as provided
19 by and subject to the provisions of 42 Pa.C.S. Ch. 85 Subchs.
20 A (relating to general provisions) and B (relating to actions
21 against Commonwealth parties).

22 (3) Notwithstanding the provisions of 42 Pa.C.S. § 8525
23 (relating to legal assistance), the design commission through
24 its legal counsel shall defend actions brought against the
25 design commission or its members, officers and employees if
26 acting within the scope of their official duties.

27 (d) Membership.--The design commission shall be composed of
28 the following 15 members:

29 (1) One member appointed by the mayor of the central
30 city.

1 (2) One member appointed by the city council of the
2 central city.

3 (3) Two members appointed by the governing body of the
4 central county.

5 (4) One member appointed by the Governor.

6 (5) One member appointed by the regional planning
7 commission established under 53 Pa.C.S. § 2344 (relating to
8 establishment and organization of regional planning
9 commission) of which the central county is a member.

10 (6) Two members appointed by the Governor who have been
11 nominated by the governing board of the largest private trade
12 or industry association formed to represent the owners of
13 hotels located in the central county only.

14 (7) Two members appointed by the Governor who have been
15 nominated by the governing board of the largest private trade
16 or industry association formed to represent the owners of
17 restaurants located in the central county only.

18 (8) Four members appointed by the governing board of the
19 convention and visitors bureau.

20 (9) The chair of the auditorium authority.

21 (e) Term.--The term of office of the members of the design
22 commission shall be coincident with the term of existence of the
23 design commission.

24 (f) Qualifications.--The members appointed under subsection
25 (d) (8) shall have the following qualifications:

26 (1) One member shall have experience and expertise in
27 planning and marketing national meetings and conventions.

28 (2) One member shall have experience and expertise in
29 planning and marketing consumer shows.

30 (3) One member shall have experience and expertise in

1 marketing convention centers.

2 (4) One member shall have experience and expertise in
3 providing support services for conventions and shows.

4 (g) Election of officers.--The members of the design
5 commission shall elect from members of the commission a chair,
6 secretary and other officers as the commission determines. Each
7 officer shall serve for a term of two years and until a
8 successor is elected and qualified or until death or
9 resignation. A member may not hold more than one office of the
10 design commission at any time. Members may serve successive
11 terms as officers of the design commission.

12 (h) Meetings.--The design commission shall meet as
13 frequently as it deems appropriate, but at least once a month
14 during the first year that it is in existence and thereafter at
15 least once during each calendar quarter. In addition, a meeting
16 of the design commission shall be called by the chair if a
17 request for a meeting is submitted to the chair by at least two
18 members of the design commission. A majority of the members of
19 the design commission in office shall constitute a quorum for
20 the purpose of conducting the business of the design commission
21 and for all other purposes. The acts of a majority of the
22 members of the design commission taken at a meeting at which a
23 quorum is present shall be the acts of the design commission.

24 (i) Powers.--The design commission is granted all powers
25 necessary or convenient to carry out the commission's purpose
26 under this chapter.

27 (j) Reimbursement of expenses.--The members of the design
28 commission shall serve without compensation but shall be
29 entitled to reimbursement of reasonable expenses incurred while
30 participating in the business of the design commission. Expense

1 reimbursements, as well as all costs associated with conducting
2 the business of the design commission, shall be paid by the
3 auditorium authority out of the special fund established under
4 section 17161(d) (relating to increase in rate of hotel tax in
5 central county).

6 § 17163. Restrictions of design commission members and
7 employees.

8 (a) General rule.--A member or employee of the design
9 commission may not, concurrent with the service of the member or
10 employee with the design commission, be a party officer, public
11 officer, public official, public employee or a member of the
12 immediate family of a party officer, public officer or public
13 official.

14 (b) Application of acts.--65 Pa.C.S. Ch. 11 (relating to
15 ethics standards and financial disclosure) and the act of July
16 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest
17 Act, are made specifically applicable to members and employees
18 of the design commission. For the purposes of application of the
19 acts, employees of the design commission shall be regarded as
20 public employees of the Commonwealth, and members of the design
21 commission shall be regarded as public officials of the
22 Commonwealth, regardless of if the members or employees receive
23 compensation. The design commission shall also be subject to 65
24 Pa.C.S. Ch. 7 (relating to open meetings) and the act of
25 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

26 § 17164. Design of convention center.

27 (a) Contracts.--Contracts for the design and planning of the
28 renovations, improvements and expansion of the convention center
29 that are to be funded in whole or in part under this chapter may
30 not be let without the approval of the design commission. The

1 power of the design commission to approve contracts under this
2 subsection shall include all aspects of the contracts,
3 including, without limitation, the identity of the architects,
4 engineers, surveyors and other persons who are parties to the
5 contracts and the terms of the contracts.

6 (b) Approval.--Capital projects for construction of the
7 convention center may not be undertaken unless and until the
8 schematic design and the preliminary design development
9 documents have been approved by the design commission. The
10 design and construction of the convention center may be divided
11 into stages or phases for which schematic design and preliminary
12 design development documents may be approved separately by the
13 design commission and may be undertaken as if each stage or
14 phase were a separate capital project. Further design approval
15 shall not be required if the construction documents are
16 consistent with the design set forth in the schematic and
17 preliminary design development documents.

18 SUBCHAPTER G

19 REGIONAL DESTINATION FACILITIES FUND

20 Sec.

21 17171. Establishment of Regional Destination Facilities Fund.

22 17172. Use of Regional Destination Facilities Fund.

23 § 17171. Establishment of Regional Destination Facilities Fund.

24 (a) Fund established.--Subject to section 17154(f)(1)
25 (relating to referenda levying additional taxes), the Regional
26 Destination Facilities Fund is established. The treasurer of the
27 authority shall be custodian of the Regional Destination
28 Facilities Fund, which shall be subject to the provisions of law
29 applicable to funds listed in section 302 of the act of April 9,
30 1929 (P.L.343, No.176), known as The Fiscal Code.

1 (b) Source of fund money.--Taxes imposed under Subchapter E
2 (relating to additional sales and use taxes) shall be received
3 by the department and paid to the treasurer of the authority
4 and, along with interest and penalties less any collection costs
5 allowed under Subchapter E and any refunds and credits paid,
6 shall be credited in the manner provided in section 17152(f)
7 (relating to imposition of additional sales and use taxes) to
8 the Regional Destination Facilities Fund not less frequently
9 than every two weeks. Amounts appropriated to the fund by the
10 General Assembly and any contributions received from any other
11 source shall be credited to the Regional Destination Facilities
12 Fund.

13 (c) Limitation on use of fund money.--All money in the
14 Regional Destination Facilities Fund, including money credited
15 under this section, prior year encumbrances and interest earned
16 on money in the fund, shall not lapse or be transferred to any
17 other fund, except as provided in section 17172(c) (relating to
18 use of Regional Destination Facilities Fund), but shall remain
19 in the Regional Destination Facilities Fund and must be used
20 exclusively as provided in this chapter.

21 (d) Interest earnings.--Pending disbursement, money received
22 on behalf of or deposited into the Regional Destination
23 Facilities Fund shall be invested or reinvested in the same
24 manner as is money in the custody of the State Treasurer. All
25 earnings received from the investment or reinvestment of the
26 money shall be credited to the Regional Destination Facilities
27 Fund.

28 § 17172. Use of Regional Destination Facilities Fund.

29 (a) Allocations.--Each long-term budget required by section
30 17135(b) (relating to initial financial plan) shall provide that

1 the total expenditure of money in the Regional Destination
2 Facilities Fund which has already been made plus the
3 expenditures provided for in the long-term budget are allocated
4 to ensure that the total amount ultimately expected to be
5 deposited in the fund is allocated as follows:

6 (1) Except for the portion of the Regional Destination
7 Facilities Fund used to defray the operating expenses of the
8 authority as provided in section 17137(b) (relating to
9 operating budget), all of the money in the fund shall be used
10 to fund the construction of regional destination facilities
11 and related developments. Not less than 85% shall be used for
12 the construction of the regional destination facilities, with
13 the remaining 15% available for the construction of related
14 developments, such as parking facilities for a baseball park
15 and football stadium.

16 (2) Subject to paragraphs (3), (4), (5) and (6), the
17 total amount of the fund shall be allocated in the manner
18 most likely, in the judgment of the authority, to permit the
19 completion of the construction of all of the regional
20 destination facilities.

21 (3) Not less than 30% nor more than 40% shall be spent
22 on construction of the convention center, but in no event
23 shall the money provided from the fund represent more than
24 50% of the cost of that project.

25 (4) Not less than 28% nor more than 32% shall be spent
26 on construction of the baseball park, but in no event shall
27 the money provided from the fund represent more than 50% of
28 the cost of that project.

29 (5) Not less than 28% nor more than 32% shall be spent
30 on construction of the football stadium, but in no event

1 shall the money provided from the fund represent more than
2 50% of the cost of that project.

3 (6) Not less than 5% nor more than 10% shall be spent on
4 construction of the projects described in paragraph (4) of
5 the definition of "regional destination facility," but in no
6 event shall the money provided from the fund represent more
7 than 50% of the individual cost of any of those projects.

8 (b) Baseball park and football stadium costs.--The authority
9 shall ensure that a portion of the cost of constructing the
10 baseball park and the football stadium shall be paid for from
11 private funding sources. The cost of retiring the bonds issued
12 by the authority organized under the act of July 29, 1953
13 (P.L.1034, No.270), known as the Public Auditorium Authorities
14 Law, and known as the Stadium Authority of The City of
15 Pittsburgh that are outstanding at the time that the stadium
16 owned by the Stadium Authority of The City of Pittsburgh is used
17 neither for professional baseball games nor for professional
18 football games and the cost of demolishing the stadium may be
19 treated as eligible for funding from the Regional Destination
20 Facilities Fund, but none of those costs may be funded under
21 subsection (a)(3) or (6).

22 (c) Transfer to Regional Growth Fund.--Any money in the
23 Regional Destination Facilities Fund that cannot be disbursed as
24 a result of limitations under subsection (a) shall be
25 transferred on July 1, 2005, to the Regional Growth Fund.

26 SUBCHAPTER H

27 CONVEYANCE OF DAVID L. LAWRENCE CONVENTION CENTER

28 Sec.

29 17181. Conveyance of convention center.

30 § 17181. Conveyance of convention center.

1 (a) Authorization.--The Department of General Services, with
2 the approval of the Governor, is authorized and directed on
3 behalf of the Commonwealth to grant and convey to the authority,
4 for a consideration of \$1, as soon as practicable after the
5 approval in the central county of the referendum required by
6 section 17154 (relating to referenda levying additional taxes),
7 the tract of land, with the structures, facilities, buildings,
8 fixtures and improvements erected on the tract, situate in the
9 City of Pittsburgh, Allegheny County, Pennsylvania, and known as
10 the David L. Lawrence Convention Center. The conveyance shall
11 include any property adjacent to the convention center that is
12 acquired by the Commonwealth prior to the date of the conveyance
13 and any options to acquire the adjacent property held by the
14 Commonwealth on the date of the conveyance.

15 (b) Easements.--The following apply:

16 (1) The conveyance of the convention center shall be
17 made under and subject to:

18 (i) all easements, servitudes and rights of others,
19 including streets, roadways and rights of a telephone,
20 telegraph, water, electric, sewer, gas or pipeline
21 company; and

22 (ii) any interest, estates or tenancies vested in
23 third persons, whether or not appearing of record, for
24 any portion of the land or improvements erected thereon.

25 (2) The authority shall be bound by the terms of any
26 labor contracts relating to the convention center that are in
27 effect at the time of its conveyance to the authority.

28 (c) Deed of conveyance.--The deed of conveyance shall be
29 approved as provided by law and shall be executed by the
30 Secretary of General Services in the name of the Commonwealth.

1 (d) Costs and fees.--Costs and fees incidental to the
2 conveyance of the convention center shall be borne by the
3 grantee.

4 (e) Construction.--The conveyance of the convention center
5 under this section shall not affect the availability of the
6 revenues from the hotel tax authorized in section 1970.2 of the
7 act of July 28, 1953 (P.L.723, No.230), known as the Second
8 Class County Code, to fund the operational and maintenance
9 expenditures of the convention center.

10 CHAPTER 173

11 THIRD CLASS COUNTY CONVENTION CENTER AUTHORITIES

12 Subchapter

13 A. Third Class County Convention Center Authorities

14 B. Third Class County Convention Center Authorities,
15 Alternative Provisions

16 SUBCHAPTER A

17 THIRD CLASS COUNTY CONVENTION CENTER AUTHORITIES

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14 § 17301. Scope of subchapter.

15 This subchapter relates to third class county convention
16 center authorities.

17 § 17302. Findings, declaration of policy and scope.

18 (a) Findings.--The General Assembly finds as follows:

19 (1) The health, safety and general welfare of the people
20 of this Commonwealth are directly dependent upon the
21 continual encouragement, development, growth and expansion of
22 business, industry, commerce and tourism within this
23 Commonwealth.

24 (2) Unemployment, the spread of indigency and the heavy
25 burden of public assistance and unemployment compensation can
26 be avoided by the promotion, attraction, stimulation,
27 development and expansion of business, industry, commerce and
28 tourism in this Commonwealth.

29 (3) Development of convention centers is appropriate
30 within the redevelopment assistance eligible area of a third

1 class county and that the attraction of business to this
2 Commonwealth as a result of the development is an important
3 factor in the continual encouragement, promotion, attraction,
4 stimulation, development, growth and expansion of business,
5 industry, commerce and tourism within the county seat, the
6 surrounding counties and this Commonwealth as a whole.

7 (4) The purpose of a convention center should be the
8 promotion, attraction, stimulation, development and expansion
9 of business, industry, commerce and tourism in the county
10 seat, the surrounding counties and this Commonwealth as a
11 whole.

12 (5) The development of a convention center will provide
13 benefits to the hotel industry throughout the entire area of
14 the county in which the convention center is developed.

15 (6) The development of a convention center will also
16 provide benefits to the restaurant and entertainment
17 industries throughout the entire county in which the
18 convention center is located, to all other businesses and
19 individuals benefited by the attraction of major conventions
20 and tourists, to other individual businesses whose livelihood
21 is dependent on major conventions and tourists and to the
22 general public.

23 (7) The need for and promotion of the type of facility
24 which will provide significant benefits to the general public
25 will require the expenditure of public money and it is
26 appropriate to authorize a county to impose and collect a tax
27 applicable within the entire territorial limits of the county
28 to facilitate the development of a convention facility and
29 the promotion of tourism within the county.

30 (8) To promote the development of convention centers

1 within this Commonwealth, it is necessary to provide
2 additional and flexible means of developing, constructing,
3 designing, managing, financing and operating convention
4 centers.

5 (9) An important aspect of the development of convention
6 centers should be the removal and redevelopment of blighted
7 areas.

8 (b) Declaration.--It is declared to be the policy of the
9 Commonwealth to promote the health, safety, employment, business
10 opportunities and general welfare of the people of this
11 Commonwealth by providing for the creation of third class county
12 convention center authorities, which shall exist and operate as
13 public instrumentalities of the Commonwealth for the public
14 purpose of promoting, attracting, stimulating, developing and
15 expanding business, industry, commerce and tourism in this
16 Commonwealth. This purpose is declared to be a public purpose
17 supporting the enactment of all provisions of this subchapter
18 for which public money may be spent and taxes may be imposed.

19 (c) Scope of subchapter.--

20 (1) This subchapter shall not apply to a county which
21 has an existing convention center owned, leased or operated
22 by an existing authority or the Commonwealth, which covers an
23 area of more than 40,000 square feet.

24 (2) This subchapter shall not apply to a county which is
25 served, together with one or more other counties, by a joint
26 planning commission.

27 (3) No provision of this subchapter other than section
28 17323 (relating to hotel room rental tax) shall apply to an
29 existing authority.

30 § 17303. Definitions.

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

"Authority." An agency and public instrumentality of the Commonwealth and a body politic and corporate created under this subchapter.

"Board." The governing body of an authority.

"Bonds." Notes, bonds, refunding notes and bonds, interim certificates, debentures and other evidence of indebtedness or obligations which an authority may issue under this subchapter.

"Construction." The acquisition, design, erection, extension, renovation, rehabilitation, conversion, furnishing, fixturing, equipping, enlargement or substantial repair of a convention center, or part of a convention center, and activities substantially related to the acquisition, design, erection, extension, renovation, rehabilitation, conversion, furnishing, fixturing, equipping, enlargement or substantial repair of a convention center or part of a convention center.

"Convention center." Includes:

(1) Any land, improvement, structure, building, or part of a land, improvement, structure or building, or property interest in any land, improvement, structure, building, or part of a land, improvement, structure or building, whether owned by or leased by or to or otherwise acquired by an authority, appropriate for any of the following:

(i) Large public assemblies.

(ii) The holding of conventions, conferences, trade exhibitions and other business, social, cultural, scientific and public interest events.

(2) All facilities, furniture, fixtures and equipment

1 necessary or incident to any property or property interest
2 under paragraph (1), including meeting rooms, dining rooms,
3 kitchens, ballrooms, reception areas, registration and
4 prefunction areas, truck loading areas, including access
5 thereto, accessways, common areas, lobbies, offices and areas
6 appurtenant to any of the preceding, together referred to as
7 the main convention area.

8 (3) Other buildings, structures or facilities for use in
9 conjunction with the main convention area, including
10 provision for off-street parking, retail areas and other
11 improvements related to the convention center owned by or
12 leased by or to an authority for the purpose of producing
13 revenues to assist in defraying the costs or expenses of the
14 convention center.

15 "Cost of a project." All or any part of the cost of
16 construction, acquisition, alteration, enlargement, furnishing,
17 fixturing and equipping, reconstruction and rehabilitation of a
18 convention center project. The term includes:

19 (1) The cost of all lands, structures, real or personal
20 property, rights, rights-of-way, roads, franchises, easements
21 and interests acquired or used for or in connection with a
22 project.

23 (2) The cost of demolishing or removing buildings or
24 structures on land acquired, including the cost of acquiring
25 lands to which the buildings or structures may be moved or
26 located.

27 (3) The cost of all utility lines, structures or
28 equipment.

29 (4) The charges, interest prior to, during and for a
30 period of six months after completion of construction and

1 acquisition.

2 (5) Provisions for reserves for principal and interest
3 and for extensions, enlargements, additions and improvements.

4 (6) The cost of architectural, engineering, financial
5 and legal services, plans, specifications, studies, surveys,
6 estimates of cost and revenues.

7 (7) Expenses necessary or incident to determining the
8 feasibility or practicability of constructing the project.

9 (8) Other capital cost or expense as may be necessary or
10 incident to the construction, development and acquisition of
11 the project, the financing of construction, development and
12 acquisition and the placing of the project in operation,
13 including, without limitation, a proper allowance for
14 contingencies and the provision of reasonable initial working
15 capital for operating the project.

16 "County." A county of the third class or a county which was
17 a county of the third class at the time the county took action
18 to create an authority under this subchapter.

19 "Existing authority." An authority incorporated by a county
20 of the third class prior to November 1, 1994, under the former
21 act of May 2, 1945 (P.L.382, No.164), known as the Municipality
22 Authorities Act of 1945, for the principal purpose of owning or
23 operating a convention center.

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

28 "Obligee." A bondholder or a trustee for a bondholder party
29 to a contract with an authority.

30 "Project." A site, building, structure, equipment,

furnishing and other facilities or undertaking in respect of a convention center which an authority may acquire, construct, improve, install, maintain or operate under the provisions of this subchapter.

"Redevelopment assistance eligible area." An area determined by the Department of Community and Economic Development to be eligible as a site for a facility receiving a grant under the Redevelopment Assistance Capital Program.

"State public body." The Commonwealth and its executive, administrative and independent agencies, departments, officers, boards, authorities, commissions and instrumentalities.

"Substantial completion." Construction that is sufficiently completed in accordance with contract documents and certified by the convention center authority's architect or engineer, as modified by change orders so that the main convention area can be used, occupied or operated for its intended use. In no event shall a project be certified as substantially complete until at least 90% of the work on the main convention area is completed.

§ 17304. Authority creation.

The governing bodies of a third class county and the political subdivision constituting the county seat or the county acting alone may create a body corporate and politic to be named the County Convention Center Authority to be created as a public authority and government instrumentality to have continuing succession until its existence shall be terminated by law. If the convention center to be constructed by an authority created under this subchapter shall be located within the jurisdictional limits of the county seat of the county, the authority shall be a joint authority of the county and the county seat. If the convention center shall be located outside

the jurisdictional limits of the county seat of the county, the authority may be created solely by the county. The exercise by the authority of the powers conferred by this subchapter is an essential public function.

§ 17305. Purposes and powers in general.

(a) Purposes.--An authority created under this subchapter shall be a public body, corporate and politic, exercising public powers of the Commonwealth as an agency and instrumentality and shall be for the purpose, without limitation, by itself or by agreement in cooperation with others, of acquiring, holding, developing, designing, constructing, improving, maintaining, managing, operating, financing, furnishing, fixturing, equipping, repairing, leasing or subleasing, either in the capacity of lessor or lessee or sublessor or sublessee, and owning a convention center, or parts of a convention center.

(b) Powers.--The authority is granted all powers necessary or convenient for the carrying out of the purposes in subsection (a), including the right and power to:

(1) Have continuing succession.

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

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

(4) Acquire by gift or otherwise, purchase, hold, receive, lease, sublease and use a license, franchise or property, real, personal or mixed, tangible or intangible, or any interest in a license, franchise or property, including a convention center or part of a convention center.

(5) Sell, transfer or dispose of property or an interest in property with adequate and fair consideration.

(6) Acquire, hold, develop, design, construct, improve,

1 maintain, manage, operate, furnish, fix, equip, repair, own,
2 lease or sublease a convention center, or part of a
3 convention center.

4 (6.1) Make, enter into and award contracts with any
5 person, association, partnership or corporation for the
6 development, design, financing, construction, improvement,
7 maintenance, operation, management, furnishing, fixturing,
8 equipping and repairing of a convention center or part of a
9 convention center.

10 (7) Make bylaws for the management and regulation of its
11 affairs and issue rules, regulations and policies in
12 connection with the performance of the authority's functions
13 and duties.

14 (8) Appoint officers, agents, employees and servants, to
15 prescribe duties and to fix compensation.

16 (9) Fix, alter, charge and collect rentals, admissions,
17 license fees and other charges.

18 (10) Do the following:

19 (i) Borrow money for the purpose of paying the costs
20 of a project and to evidence the same.

21 (ii) Make and issue negotiable bonds of the
22 authority.

23 (iii) Secure payment of the bonds, or any part of
24 the payment, by pledge or deed of trust of all or any of
25 its revenues, including any hotel room rental tax,
26 rentals, receipts and contract rights.

27 (iv) Make agreements with the purchasers or holders
28 of the bonds or with other obligees of the authority in
29 connection with the bonds, whether issued or to be
30 issued, as the authority shall deem advisable, which

1 agreements shall constitute contracts with the holders or
2 purchasers.

3 (v) Obtain credit enhancement or liquidity
4 facilities in connection with the bonds as the authority
5 shall determine to be advantageous.

6 (vi) Provide for the security of the bonds and the
7 rights of the bondholders.

8 (11) Make, enter into and award contracts and to execute
9 all instruments necessary or convenient for the carrying out
10 of its business.

11 (12) Borrow money and accept grants and to enter into
12 contracts, leases, subleases, licenses or other transactions
13 with any Federal agency, State public body, political
14 subdivision, person, association, partnership or corporation.

15 (13) Pledge, hypothecate or otherwise encumber its
16 property, real, personal or mixed, tangible or intangible,
17 and its revenues or receipts, including, but not limited to,
18 any interest the authority may have in a lease or sublease of
19 a convention center or part of a convention center.

20 (14) Procure insurance containing coverages, including
21 insurance covering the timely payment in full of principal of
22 and interest on bonds of the authority, in amounts and from
23 insurers, as the authority may determine to be necessary or
24 desirable for its purposes.

25 (15) Invest money of the authority.

26 (16) Cooperate with any Federal agency, State public
27 body or political subdivision.

28 (17) Invest money held in reserve or sinking funds or
29 money not required for immediate disbursements as authorized
30 by section 17313(d) (relating to money of authority).

1 (18) Appoint all officers, agents and employees required
2 for the performance of its duties and fix and determine their
3 qualifications, duties and compensation and retain or employ
4 other agents or consultants, including architects, auditors,
5 engineers, private legal counsel and private consultants, on
6 a contract basis or otherwise for rendering professional or
7 technical services and advice.

8 (19) Enroll authority employees in an existing
9 retirement system of the State, county, city or other
10 governmental entity.

11 (20) Appoint and fix the compensation of chief counsel
12 and assistant counsel to provide the authority with legal
13 assistance, and the authority through counsel shall defend
14 actions brought against the authority and officers and
15 employees of the authority when acting within the scope of
16 their official duties.

17 (21) Maintain an office in the county seat.

18 (22) Appoint an executive director who shall:

19 (i) be the chief executive officer of the authority;

20 (ii) devote full time during business hours to the
21 duties of the office; and

22 (iii) receive compensation as the board shall
23 determine.

24 (23) Do all acts and things necessary or convenient for
25 the promotion of authority purposes and the general welfare
26 of the authority and to carry out the powers granted to the
27 authority by this subchapter or by any other act.

28 (c) Limitations.--

29 (1) The authority shall have no power to pledge the
30 credit or taxing powers of a State public body, a political

1 subdivision or the county.

2 (2) Authority obligations may not be deemed obligations
3 of any State public body, a political subdivision or the
4 county.

5 (3) A State public body, a political subdivision or the
6 county shall not be liable for the payment of principal or
7 interest on obligations of the authority.

8 (4) The authority shall have no power of eminent domain.

9 (d) Affirmative action.--The authority shall develop and
10 implement an affirmative action plan to assure that all persons
11 are accorded equality of opportunity in employment and
12 contracting by the authority and authority contractors,
13 subcontractors, assignees, lessees, agents, vendors and
14 suppliers.

15 § 17306. Capital and operating budgets.

16 (a) Capital budget.--At least 90 days before the commencing
17 of the ensuing fiscal year of the authority, a recommended
18 capital budget shall be prepared and submitted to the board. The
19 capital budget shall show in detail the capital expenditures to
20 be made or incurred in the next fiscal year and financed from
21 money subject to control or appropriation by the board. For each
22 separate purpose, project, facility or other property, the
23 amount and the source of the money that has been spent,
24 encumbered or is intended to be spent or encumbered during the
25 fiscal year shall be shown. No later than the date of the
26 adoption of the annual operating budget, the board shall by a
27 majority vote of its members adopt a capital budget.

28 (b) Operating budget.--At least 90 days before the
29 commencing of the ensuing fiscal year of the authority, a
30 recommended operating budget shall be prepared and submitted to

the board. The operating budget shall be prepared with the aid of the governing bodies of the county and county seat. In the event that the operating budget is not in a form and detail satisfactory to a governing body, the governing body may require that the operating budget be redrafted and resubmitted, and the governing body shall not be considered to be in receipt of the operating budget or any amendments unless the form and detail is to the governing body's satisfaction. The operating budget shall set forth the estimated receipts and revenues of the authority during the next fiscal year. The board shall, at least 30 days before the end of the fiscal year, adopt by a majority vote of its members an operating budget for the next fiscal year.

§ 17307. Authorization to issue bonds.

(a) Authorization.--

(1) The authority may authorize the issuance of bonds by resolution of the board. A resolution authorizing the issuance of bonds must specify all of the following:

(i) Series.

(ii) Date of maturity not exceeding 40 years from date of issue.

(iii) Interest rate, as determined by the board as necessary to issue and sell the authorized bonds.

(iv) Denomination.

(v) Form, either coupon or fully registered without coupons.

(vi) Registration, exchangeability and interchangeability privileges.

(vii) Medium of payment and place of payment.

(viii) Terms of redemption.

(ix) Priorities in the revenue or receipts of the

1 authority.

2 (2) The bonds shall be signed by or shall bear the
3 facsimile signatures of officers the authority determines,
4 and coupon bonds shall have attached to them interest coupons
5 bearing the facsimile signature of the treasurer of the
6 authority, and all bonds shall be authenticated by an
7 authenticating agent, fiscal agent or trustee, as may be
8 prescribed in a resolution of the board. The bonds may be
9 issued and delivered regardless of whether one or more of the
10 officers who signed the bonds or the treasurer who, by
11 facsimile, signed the coupon are not officers at the time the
12 bonds are delivered.

13 (b) Sale of bonds.--The bonds may be sold at public sale or
14 private negotiated sale for the price or prices and at the rate
15 of interest as the authority determines. Pending the preparation
16 of the definitive bonds, interim receipts may be issued to the
17 purchaser or purchasers of the bonds and may contain terms and
18 conditions as the authority determines.

19 (c) Negotiability.--The bonds shall have the qualities of
20 negotiable instruments under 13 Pa.C.S. (relating to commercial
21 code).

22 (d) Use of net proceeds.--The net proceeds of the issue of
23 bonds or notes may be used to pay the costs of the project or to
24 reimburse costs initially paid by a State public body, the
25 county, another political subdivision, an agency, an
26 organization or an individual.

27 (e) Refunding authorized.--

28 (1) Subject to the provisions of the outstanding bonds,
29 notes or other obligations and subject to the provisions of
30 this subchapter, the authority shall have the right and power

1 to refund outstanding debt, in whole or in part, at any time
2 and shall have the right and power to refund outstanding
3 notes with bonds or bonds with notes.

4 (2) As used in this subsection, the term "refund" and
5 its variations means the issuance and sale of obligations the
6 proceeds of which are used or are to be used for the payment
7 or redemption of outstanding obligations upon or prior to
8 maturity.

9 § 17308. Provisions of bonds, trusts, indentures and mortgages.

10 In connection with the issuance of bonds or the incurring of
11 obligations under leases and in order to secure the payment of
12 the bonds and obligations, the authority, in addition to its
13 other powers, shall have the power to:

14 (1) Pledge all or part of the gross or net revenues to
15 which the authority's right then exists or may come into
16 existence.

17 (2) Mortgage all or part of the authority's real or
18 personal property.

19 (3) Covenant the following:

20 (i) Against pledging all or part of the authority's
21 revenues or against mortgaging all or part of the
22 authority's real or personal property or permitting or
23 suffering a lien on the revenues or property.

24 (ii) With respect to limitations on the authority's
25 right to sell, lease or otherwise dispose of real
26 property.

27 (iii) Other or additional debts or obligations
28 incurred by the authority.

29 (4) Do the following:

30 (i) Covenant as to the bonds to be issued and as to

1 the issuance of the bonds, in escrow or otherwise, and as
2 to the use and disposition of the proceeds.

3 (ii) Provide for the replacement of lost, destroyed
4 or mutilated bonds.

5 (iii) Covenant against extending the time for the
6 payment of its bonds or interest.

7 (iv) Redeem the bonds and to covenant for and
8 provide the terms and conditions for redemption.

9 (5) Do the following:

10 (i) Covenant as to the amount and the use and
11 disposition of revenues to be raised each year or other
12 period of time by the authority.

13 (ii) Create or authorize the creation of special
14 funds for debt service or other purposes.

15 (iii) Covenant as to the use and disposition of the
16 money held in the funds for debt service or other
17 purposes.

18 (6) Prescribe the procedure, if any, by which the terms
19 of a contract with bondholders may be amended or abrogated,
20 the amount of bonds, to which bondholders must consent, and
21 the manner in which consent may be given.

22 (7) Do the following:

23 (i) Covenant as to the use of its real or personal
24 property.

25 (ii) Warrant its title.

26 (iii) Covenant as to the maintenance and replacement
27 of its real and personal property, the insurance to be
28 carried on the property and the use and disposition of
29 insurance money.

30 (8) Do the following:

1 (i) Covenant as to the rights, liabilities, powers
2 and duties arising upon the breach by it of any covenant,
3 condition or obligation.

4 (ii) Covenant and prescribe in the event of default
5 as to terms and conditions upon which authority bonds or
6 obligations are due before maturity and as to the terms
7 and conditions upon which a declaration and its
8 consequences may be waived.

9 (9) Do the following:

10 (i) Vest in a trustee or bondholders or any
11 proportion of the bondholders the right to enforce the
12 payment of the bonds or any covenants securing or
13 relating to the bonds and vest in a trustee the right in
14 the event of a default by the authority to take
15 possession and use, operate and manage any real property
16 and collect the rents and revenues that arise from the
17 real property and to dispose of the money collected in
18 accordance with the agreement of the authority with the
19 trustee.

20 (ii) Provide for the powers and duties of a trustee
21 and limit the trustee's liabilities.

22 (iii) Provide the terms and conditions upon which
23 the trustee or bondholders or any proportion of
24 bondholders may enforce covenants or rights securing or
25 relating to the bonds.

26 (10) Obtain letters of credit and bond insurance.

27 (11) Exercise all, any part or combination of the powers
28 granted in this section.

29 (12) Make covenants other than and in addition to the
30 covenants expressly authorized in this section.

1 (13) Make covenants and perform acts necessary,
2 convenient or desirable in order to secure the authority's
3 bonds or, in the absolute discretion of the authority, that
4 will accomplish the purpose of this subchapter by making the
5 bonds more marketable even if the covenants or acts may not
6 be specifically enumerated in this section.

7 § 17309. Remedies of obligee of authority.

8 An obligee of the authority shall have the right, in addition
9 to all other rights which may be conferred on the obligee,
10 subject only to contractual restrictions binding upon the
11 obligee:

12 (1) By mandamus, suit, action or proceeding at law or in
13 equity, to compel the authority and authority members,
14 officers, agents or employees to perform each term, provision
15 and covenant contained in any bond or contract of the
16 authority with or for the benefit of the obligee and require
17 the carrying out of any or all covenants and agreements of
18 the authority and the fulfillment of all duties imposed upon
19 the authority by this subchapter.

20 (2) By proceeding in equity, to obtain an injunction
21 against any acts or things which may be unlawful or the
22 violation of any of the rights of the obligee.

23 § 17310. Additional remedies conferrable by authority.

24 (a) Default.--The authority shall have power by resolution,
25 trust, indenture or mortgage to confer upon an obligee holding
26 or representing a specified percentage of bonds the right, in
27 addition to all rights that may otherwise be conferred, upon the
28 happening of an event of default as defined in the resolution or
29 instrument, by suit, action or proceeding in a court of
30 competent jurisdiction:

1 (1) to obtain the appointment of a receiver of any real
2 property or leasehold interest of the authority and of the
3 rents and profits from the real property or leasehold
4 interest. If a receiver is appointed, the receiver may enter
5 and take possession of the real property or any leasehold
6 interest, operate the property of leasehold interest and
7 collect and receive all revenues or other income arising from
8 the operation and shall keep the money in a separate account
9 and apply the money in accordance with the obligations of the
10 authority as the court shall direct; or

11 (2) to require the authority and authority members to
12 account as if it and they were the trustees of an express
13 trust.

14 (b) Authority of receiver.--Nothing in this subchapter shall
15 authorize a receiver appointed under this subchapter for the
16 purpose of operating and maintaining facilities of the authority
17 to sell, assign, mortgage or otherwise dispose of the assets of
18 the authority. It is the intention of this subchapter to limit
19 the powers of the receiver to the operation and maintenance of
20 the facilities of the authority as the court directs, and the
21 following apply:

22 (1) Receivers may not sell, assign, mortgage or
23 otherwise dispose of any assets of the authority.

24 (2) Bondholders, trustees and other obligees do not have
25 the right in any suit, action or proceeding, at law or in
26 equity, to compel a receiver to sell, assign, mortgage or
27 otherwise dispose of any assets of the authority.

28 (3) A court may not direct a receiver to sell, assign,
29 mortgage or otherwise dispose of any assets of the authority.

30 § 17311. Governing board.

1 (a) Appointment.--The power of the authority shall be
2 exercised by a governing board. The following apply:

3 (1) The governing body of the county seat of the county
4 in which the convention center is located shall appoint three
5 members. The terms of the first three members appointed shall
6 be allocated between them for a two-year, three-year and
7 four-year term, respectively.

8 (2) The governing body of the county in which the
9 convention center is located shall appoint three members. The
10 terms of the first three members appointed shall be allocated
11 between them for a two-year, three-year and four-year term,
12 respectively.

13 (3) The two governing bodies shall alternate in the
14 appointment of the seventh board member. The governing body
15 of the county shall make the first appointment of the seventh
16 board member, whose term shall be four years.

17 (b) Terms.--Except as otherwise provided, members shall
18 serve a four-year term from the date of appointment and until
19 successors have been appointed and qualified. Subject to
20 subsection (a), if a vacancy occurs by means of the death,
21 disqualification, resignation or removal of a member, the
22 appointing authority shall appoint a successor to fill the
23 unexpired term.

24 (c) Compensation.--Subject to an aggregate per annum
25 limitation and other rules and regulations as the board
26 determines, a member shall receive \$100 per board meeting.

27 (d) Organization.--

28 (1) The members of the board shall select from the
29 members a chairperson and other officers as the board may
30 determine.

1 (2) Except as otherwise provided, all actions of the
2 board shall be taken by a vote of at least four members of
3 the board, which shall constitute a majority, unless the
4 bylaws of the authority provide for a majority vote by a
5 present quorum in the absence of a full board.

6 (3) The board shall have full authority to manage the
7 properties and business of the authority and to prescribe,
8 amend and repeal bylaws, rules and regulations governing the
9 manner in which the business of the authority may be
10 conducted and the powers granted to it may be exercised and
11 embodied.

12 (4) Notwithstanding any other law, court decision,
13 precedent or practice to the contrary, actions by or on
14 behalf of the board shall not be taken by an officer of the
15 board except upon the approval of the board.

16 (5) As used in this subsection, the term "actions by or
17 on behalf of the board" means any action of the board,
18 including:

19 (i) the hiring, appointment, removal, transfer,
20 promotion or demotion of officers and employees;

21 (ii) the retention, use or remuneration of advisors,
22 counsel, auditors, architects, engineers or consultants;

23 (iii) the initiation of legal action;

24 (iv) the making of contracts, leases, agreements,
25 bonds, notes or covenants;

26 (v) the approval of requisitions, purchase orders,
27 investments and reinvestments; and

28 (vi) the adoption, amendment, revision or rescission
29 of rules and regulations, orders or other directives.

30 (e) Nonliability of members.--Members of the board may not

be held personally liable for the bonds or other obligations of the authority, and the rights of creditors shall be solely against the authority. The authority, itself or by contract, shall defend board members, and the authority shall indemnify and hold harmless board members, regardless of whether currently serving as an authority member, against and from personal liabilities, actions, causes of action and claims made against the authority for actions performed within the scope of duties as board members.

§ 17312. Sovereign immunity.

The following apply:

(1) The authority created under this subchapter and its officers, officials and employees shall have sovereign and official immunity, as provided in 1 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed; specific waiver).

(2) The authority shall remain immune from suit except as provided by and subject to 42 Pa.C.S. §§ 8501 (relating to definitions), 8502 (relating to enforcement proceedings), 8521 (relating to sovereign immunity generally), 8522 (relating to exceptions to sovereign immunity), 8523 (relating to venue and process), 8524 (relating to defenses), 8525 (relating to legal assistance), 8526 (relating to counterclaim by the Commonwealth), 8527 (relating to indemnity relating to inmate health care) and 8528 (relating to limitations on damages).

(3) Notwithstanding 42 Pa.C.S. § 8525, the authority shall defend actions brought against the authority and the authority's officers and employees if acting within the scope of their official duties.

§ 17313. Money of authority.

1 (a) Payment to treasurer.--All money of the authority shall
2 be paid to the treasurer of the authority.

3 (b) Investment of money.--The board shall invest authority
4 money consistent with sound business practice.

5 (c) Investment program.--The board shall provide for an
6 investment program subject to restrictions contained in this
7 subchapter, any other applicable statute and rules or
8 regulations adopted by the board.

9 (d) Authorized types of investments.--Authorized types of
10 investments for authority money shall be:

11 (1) Direct obligations of or obligations guaranteed by
12 the United States.

13 (2) A bond, debenture, note, participation certificate
14 or other similar obligation issued by any one or combination
15 of the following agencies:

16 (i) Government National Mortgage Corporation.

17 (ii) Federal Land Banks.

18 (iii) Federal Home Loan Banks.

19 (iv) Federal Intermediate Credit Banks.

20 (v) Banks for Cooperatives.

21 (vi) Tennessee Valley Authority.

22 (vii) United States Postal Service.

23 (viii) Farmers Home Administration.

24 (ix) Student Loan Marketing Association.

25 (x) Export-Import Bank of the United States.

26 (3) A bond, debenture, note, participation certificate
27 or other similar obligation issued by the Federal National
28 Mortgage Corporation to the extent the obligations are
29 guaranteed by the Government National Mortgage Corporation or
30 issued by another Federal agency and backed by the full faith

1 and credit of the United States.

2 (4) Deposits in interest-bearing time or demand deposits
3 or certificates of deposit fully insured by the Federal
4 Deposit Insurance Corporation or its successors or the
5 Federal Savings and Loan Insurance Corporation or its
6 successors or fully secured by any of the obligations
7 described in paragraphs (1), (2) and (3) to the extent not so
8 insured.

9 (5) Repurchase agreements relating to, or investment
10 agreements secured by or providing for the acquisition of
11 and, if applicable, the resale of, obligations described in
12 paragraphs (1), (2), (3) and (4) or obligations of the
13 Federal Home Loan Mortgage Corporation or the Federal
14 National Mortgage Association with:

15 (i) banks or trust companies, which may include a
16 banking entity or depository;

17 (ii) brokers or broker-dealers registered under the
18 Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C.
19 §§ 78a-78jj) acceptable to the authority; or

20 (iii) insurance companies rated A+ or better by
21 Best's and having a net capital and surplus of at least
22 \$25,000,000 or certificates of deposit with banks or
23 trust companies fully secured as to principal and accrued
24 interest by obligations described in paragraphs (1), (2),
25 (3) and (4) deposited with or subject to the control of
26 the authority.

27 (6) Money market deposit accounts of banks or trust
28 companies having a net capital and surplus of at least
29 \$25,000,000, which may include a banking entity or
30 depository.

1 (7) The description of authorized investments under
2 paragraphs (5) and (6) shall be met only if the agreements
3 referenced in paragraph (5) or (6) provide for the repayment
4 of the principal amount invested at an amount not less than
5 that invested. If security is required under paragraph (4),
6 (5) or (6), the security shall be deposited with the
7 treasurer of the authority or be held by a trustee or agent
8 satisfactory to the authority. Money of the authority shall
9 be paid out on the warrant or other order of the chairperson
10 of the authority or other person as the authority may
11 authorize to execute warrants or orders.

12 (e) Annual report and audit.--An authority created under
13 this subchapter shall file an annual report with the Department
14 of Community and Economic Development, with the county and with
15 the political subdivision constituting the county seat, which
16 shall make provisions for the accounting of revenues and
17 expenses. Authority books, accounts and records shall be audited
18 annually in accordance with generally accepted auditing
19 standards by an independent auditor who shall be a certified
20 public accountant, and a copy of the audit report shall be
21 attached to and be made a part of the annual report. A concise
22 financial statement shall be published annually in a newspaper
23 of general circulation in the county in which the authority is
24 located.

25 (f) Power of inspection.--The Attorney General, the Auditor
26 General, the Secretary of the Budget, the chairperson and
27 minority chairperson of the Appropriations Committee of the
28 Senate and the chairperson and minority chairperson of the
29 Appropriations Committee of the House of Representatives shall
30 have the right to examine the books, accounts and records of the

1 authority.

2 § 17314. Transfer of existing facilities or money, making of
3 annual grants and lease payments to authority.

4 (a) Authority to transfer.--

5 (1) A State public body or political subdivision may
6 sell, lease or sublease from or to, lend, grant, convey or
7 otherwise transfer or pay over to the authority, with or
8 without consideration, any of the following:

9 (i) A convention center or part of a convention
10 center.

11 (ii) An interest in property, real, personal or
12 mixed, tangible or intangible.

13 (iii) Any money available, needed or obligated for
14 development, acquisition, design, maintenance,
15 management, operation, financing, leasing or subleasing,
16 construction or improvement purposes, including the
17 proceeds of bonds issued before or after November 3,
18 1999, for construction or improvement of a convention
19 center or part of a convention center.

20 (2) Property, money, a convention center or part of a
21 convention center received by the authority may be used for
22 any lawful purpose of the authority.

23 (3) Nothing in this subchapter or in any other law shall
24 be deemed to make an authority or person a State-supported or
25 State-aided institution under any law of this Commonwealth.

26 (b) Grants authorized.--

27 (1) Subject to paragraph (2), the governing bodies of
28 the county and county seat are authorized to:

29 (i) Make grants from current revenues to the
30 authority.

1 (ii) Assist in defraying the costs of management,
2 operation, maintenance, financing and debt service of a
3 convention center or part of a convention center.

4 (iii) Enter into long-term agreements providing for
5 payments under subparagraph (i) or (ii).

6 (iv) Enter into long-term leases or subleases as
7 lessee or sublessee of all or part of a convention
8 center.

9 (2) Obligations of the county and county seat to make
10 grants, lease or sublease payments to an authority shall not,
11 even if based on debt obligations of an authority, constitute
12 debts of the county and county seat within the meaning of any
13 constitutional or statutory provision and shall be payable
14 only to the extent that current revenues of the county and
15 county seat are available.

16 (3) The county and county seat may issue general
17 obligation bonds for the purpose of obtaining money for local
18 contributions pertaining to a convention center or part of a
19 convention center.

20 (c) Capital costs.--The Commonwealth may contribute to the
21 capital costs of constructing a convention center by the
22 issuance of Commonwealth bonds and notes under Article XIX-B of
23 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform
24 Code of 1971, or under Chapter 3 of the act of February 9, 1999
25 (P.L.1, No.1), known as the Capital Facilities Debt Enabling
26 Act. A convention center project undertaken by the authority is
27 deemed to be a redevelopment assistance project for which
28 capital funds of the Commonwealth may be expended under the
29 provisions of the act of May 20, 1949 (P.L.1633, No.493), known
30 as the Housing and Redevelopment Assistance Law, and,

notwithstanding any provisions of the Housing and Redevelopment Assistance Law, the Department of Community and Economic Development may make capital grants directly to the authority in furtherance of this subchapter.

§ 17315. Award of contracts.

(a) General rule.--All construction, reconstruction, repairs or work of any nature made by an authority in which the entire cost, value or amount of the construction, reconstruction, repairs or work, including labor and materials, shall exceed \$10,000, except construction, reconstruction, repairs or work done by employees of the authority or by labor supplied under agreement with a Federal agency, State public body or political subdivision, with supplies and materials purchased as provided under this section, shall be done only under contract or contracts to be entered into by the authority with the lowest responsible bidder upon proper terms after due public notice has been given asking for competitive bids as provided under this section and in accordance with the following:

(1) The authority shall have the right to reject any or all bids or select a single item from any bid.

(2) Contracts may not be entered into for construction or improvement or repair of a project or portion of a project unless the contractor provides sufficient surety or sureties approved by the authority in an amount fixed by the authority for the performance of the contract.

(3) All contracts shall provide that the person or corporation entering into the contract with the authority pay for all materials furnished and services rendered for the performance of the contract and that a person or corporation furnishing materials or rendering services may maintain an

1 action to recover for the same against the obligor in the
2 undertaking as though the person or corporation was named in
3 the contract if the action is brought within one year after
4 the time the cause of action accrued.

5 (4) Nothing in this section shall be construed to limit
6 the power of the authority to construct, repair or improve a
7 project or portion of a project or an addition, betterment or
8 extension to a project directly by the officers and employees
9 of the authority.

10 (5) The authority shall award the construction of a
11 convention center according to the provisions of the act of
12 May 1, 1913 (P.L.155, No.104), referred to as the Separations
13 Act, and shall be subject to 62 Pa.C.S. Pt. I (relating to
14 Commonwealth procurement code).

15 (6) Nothing in this section or any other law shall
16 require the authority to competitively bid architectural
17 design, engineering or other professional services required
18 by the authority.

19 (b) Purchasing of supplies and materials.--All supplies and
20 materials which cost \$10,000 or more to be acquired directly by
21 the authority shall be purchased only after due advertisement.
22 The authority shall accept the lowest bid or bids from a
23 responsible bidder, kind, quality and material being equal, but
24 the authority shall have the right to reject any bid or select a
25 single item from a bid. The provisions as to bidding shall not
26 apply to the purchase of unique supplies and materials or
27 supplies and materials which cannot be obtained in the open
28 market.

29 (c) Construction.--Nothing in this section or in any other
30 law shall preclude the board with the approval of five members

1 from negotiating contracts for management, operation, concession
2 services, licensing or leasing of a convention center or any
3 part of a convention center. The authority may not award a
4 contract to a manager, operator, concessionaire, licensee,
5 lessee or lessor which exceeds three years in duration unless
6 five members of the board approve the awarding of a contract for
7 a greater period of time.

8 (d) Local regulation.--The authority and authority
9 contractors, subcontractors, assignees, lessees, agents, vendors
10 and suppliers are not subject to county or county seat laws,
11 ordinances, rules or regulations relating to limits or
12 preferences with regard to employment, contracting or
13 procurement in the construction and operation of the convention
14 center.

15 (e) Applicability of other acts.--The authority shall be
16 subject to the act of August 15, 1961 (P.L.987, No.442), known
17 as the Pennsylvania Prevailing Wage Act, the act of March 3,
18 1978 (P.L.6, No.3), known as the Steel Products Procurement Act,
19 and 62 Pa.C.S. Ch. 37 Subch. B (relating to motor vehicles).

20 (f) Definitions.--As used in this section, the following
21 words and phrases shall have the meanings given to them in this
22 subsection unless the context clearly indicates otherwise:

23 "Advertisement." A public notice.

24 "Public notice." A notice published at least 10 days before
25 the award of a contract in a newspaper of general circulation
26 published in the county, which may be waived if the authority
27 determines an emergency exists and supplies and materials must
28 be immediately purchased by the authority.

29 § 17316. Interests of public officers, public employees and
30 party officers.

1 (a) Management level employees.--

2 (1) A party officer, public officer, public official or
3 public employee may not be employed as a management-level
4 authority employee.

5 (2) A person convicted of an infamous crime may not be
6 employed as a management-level employee by the authority.

7 (b) Other laws applicable.--

8 (1) The provisions of the act of July 19, 1957
9 (P.L.1017, No.451), known as the State Adverse Interest Act,
10 and 65 Pa.C.S. Ch. 11 (relating to ethics standards and
11 financial disclosure) are made specifically applicable to
12 board members, officers and employees of the authority. For
13 the purposes of application of these acts, employees of the
14 authority shall be regarded as public employees of the
15 Commonwealth, and officers and board members of the authority
16 shall be regarded as public officials of the Commonwealth,
17 regardless of whether the employee, officer or board member
18 receive compensation.

19 (2) The authority is subject to the act of February 14,
20 2008 (P.L.6, No.3), known as the Right-to-Know Law, and 65
21 Pa.C.S. Ch. 7 (relating to open meetings).

22 (c) Conflicts of interest.--Notwithstanding the provisions
23 of subsection (b), the following prohibitions shall apply:

24 (1) A management-level employee or other employee of the
25 authority may not use the employee's position with the
26 authority or confidential information received through the
27 employee's position with the authority to obtain financial
28 gain other than compensation provided by law for the
29 employee, a member of the employee's immediate family or a
30 business with which the employee is associated. For purposes

1 of this paragraph, the term "business with which the employee
2 is associated" shall mean a business in which the employee or
3 a member of the employee's immediate family is a director,
4 officer, owner, employee or stockholder.

5 (2) A person may not offer or give to a management-level
6 employee or other employee of the authority or a member of
7 the employee's immediate family or a business with which the
8 employee is associated, and management-level employees or
9 other employees of the board may not solicit or accept,
10 anything of value, including a gift, loan, political
11 contribution, reward or promise of future employment, based
12 on an understanding that the vote, official action or
13 judgment of the employee would be influenced thereby. For
14 purposes of this paragraph, the term "business with which the
15 employee is associated" shall mean a business in which the
16 person or a member of the person's immediate family is a
17 director, officer, owner, employee or stockholder.

18 (3) A management-level employee or other employee of the
19 authority or a member of the employee's immediate family or a
20 business in which the employee or a member of the employee's
21 immediate family is a director, officer, owner or stockholder
22 exceeding 5% of the equity at fair market value of the
23 business may not enter into a contract valued at \$500 or more
24 to provide goods or services to the authority unless the
25 contract has been awarded to the lowest responsible bidder
26 through an open and public process, including prior public
27 notice and subsequent public disclosure of all proposals
28 considered and contracts awarded.

29 (4) A former management-level employee or other former
30 employee of the authority may not represent a person, with or

1 without compensation, on any matter before the authority with
2 which the employee has been associated for one year after the
3 employee leaves employment with the authority.

4 (5) An individual who is a State, county seat or county
5 public officer or public official or a party officer, a
6 member of the immediate family of the individual or a
7 business with which the individual or immediate family member
8 is associated shall not have a financial interest in a
9 contract valued at \$500 or more to provide goods or services
10 to the authority either during the time the individual holds
11 the office or for two years after the individual terminates
12 the office unless the contract is executed under paragraph
13 (3). For purposes of this paragraph:

14 (i) The term "financial interest" does not include
15 employment by, association with or ownership of a
16 business association unless the public officer, public
17 official, party officer or immediate family member owns
18 shares of stock in the corporation in an amount in excess
19 of 5% of the total issue of the stock of the corporation
20 or has an ownership interest in a noncorporate business
21 association in an amount in excess of 5% of the total
22 ownership of the noncorporate business association.

23 (ii) The term "business with which the individual or
24 immediate family member is associated" shall mean a
25 business in which the person or a member of the person's
26 immediate family is a director, officer, owner, employee
27 or holder of stock.

28 (6) An employee of the authority or an advisor or
29 consultant to the county seat, the county or the State who
30 has recommended to the authority which the employee serves

1 either entering into a contract relating to a convention
2 center authority or a course of action of which entering into
3 the contract is an express or implied part may not have an
4 adverse interest in the contract.

5 (7) A management-level employee or other employee of the
6 authority, the county seat, the county or the State may not
7 influence or attempt to influence the making of or supervise
8 or in any manner deal with a contract with the authority in
9 which the employee has an adverse interest.

10 (8) A management-level employee or other employee of the
11 authority may not have an adverse interest in a contract with
12 the authority.

13 (9) An individual having an adverse interest in a
14 contract with the authority may not become a management-level
15 employee or other employee of the authority until the adverse
16 interest is wholly divested.

17 (10) A management-level employee or other employee of
18 the Commonwealth, authority, county seat, or county, except
19 in the performance of the employee's duties for the
20 authority, may not, directly or indirectly, represent a
21 person upon a matter pending before the authority for
22 remuneration.

23 (d) Penalties.--

24 (1) An individual who violates this section shall be
25 immediately terminated from employment with the authority by
26 the appropriate individual having the power to terminate and
27 shall be liable to the authority to reimburse the authority
28 for all compensation received by the employee from the
29 authority while employed in violation of subsection (a).

30 (2) An individual who violates subsection (c) (1) or (2)

1 commits a felony and, upon conviction, shall be sentenced to
2 pay a fine of not more than \$10,000 or to imprisonment for
3 not more than five years, or both.

4 (3) An individual who violates subsection (c) (3), (4),
5 (5), (6), (7), (8), (9) or (10) commits a misdemeanor and,
6 upon conviction, shall be sentenced to pay a fine of not more
7 than \$1,000 or to imprisonment for not more than one year, or
8 both.

9 (4) An individual who obtains financial gain from
10 violating subsection (c), in addition to any other penalty
11 provided by law, shall pay into the accounts of the authority
12 a sum of money equal to three times the financial gain
13 resulting from the violation.

14 (5) An individual who violates subsection (c) shall be
15 barred for a period of five years from engaging in any
16 business or contract with the authority, the county seat, the
17 county, the Commonwealth and all political subdivisions of
18 the Commonwealth.

19 (6) An employee of the county seat, the county or the
20 Commonwealth or any political subdivision of the Commonwealth
21 or a public officer or public official who violates
22 subsection (c) must automatically forfeit the office or
23 employment the employee, officer or official holds.

24 (7) The penalties and sanctions provided by this section
25 shall supersede any similar penalties and sanctions provided
26 by 65 Pa.C.S. Ch. 11 and the State Adverse Interest Act.

27 (e) Definitions.--As used in this section, the following
28 words and phrases shall have the meanings given to them in this
29 subsection unless the context clearly indicates otherwise:

30 "Business." A corporation, partnership, sole proprietorship,

firm, enterprise, franchise, association, organization, self-
employed individual, holding company, joint-stock company,
receivership, trust or any legal entity organized for profit or
as a not-for-profit corporation or organization.

"Immediate family." A parent, spouse, child, brother, sister
or like relative-in-law.

"Infamous crime." A violation and conviction for an offense
which would disqualify an individual from holding public office
pursuant to section 6 of Article II of the Constitution of
Pennsylvania or a conviction for a violation of this section, 18
Pa.C.S. § 4113 (relating to misapplication of entrusted property
and property of government or financial institutions) or 18
Pa.C.S. Ch. 47 (relating to bribery and corrupt influence), 49
(relating to falsification and intimidation), 51 (relating to
obstructing governmental operations) or 53 (relating to abuse of
office) or any other violation of the laws of this Commonwealth
for which an individual has been convicted within the preceding
10 years and which is classified as a felony, and similar
violations of the laws of another state or the Federal
Government.

"Management-level authority employee." The chairperson and
members of the board, counsel employed by the authority, the
executive director of the authority and authority employees with
discretionary powers which may affect the outcome of the
authority's decision in relation to a private corporation or
business or employees who, by virtue of the employee's job
function, have the ability to influence the outcome of the
decision.

"Party officer." Any of following members or officers of a
political party:

1 (1) A member of a national committee.

2 (2) A chairperson, vice chairperson, secretary,
3 treasurer or counsel of a State committee or member of the
4 executive committee of a State committee.

5 (3) A city chairperson or vice chairperson or counsel,
6 secretary or treasurer of a city committee.

7 (4) A county chairperson or vice chairperson or counsel,
8 secretary or treasurer of a county committee.

9 "Person." A business, individual, corporation, union,
10 association, firm, partnership, committee, club or other
11 organization or group of persons.

12 "Public employee." As follows:

13 (1) The term includes an individual employed by the
14 Commonwealth or a political subdivision of the Commonwealth
15 who is responsible for taking or recommending official action
16 of a nonministerial nature with regard to:

17 (i) contracting or procurement;

18 (ii) administering or monitoring grants or
19 subsidies;

20 (iii) planning or zoning;

21 (iv) inspecting, licensing, regulating or auditing
22 any person; or

23 (v) any other official action which has an economic
24 impact of greater than a de minimis nature on the
25 interest of any person.

26 (2) The term does not include individuals who are
27 employed by the Commonwealth or a political subdivision of
28 the Commonwealth in teaching, as distinguished from
29 administrative duties.

30 "Public officer." An individual elected to any public office

1 of the Commonwealth or a political subdivision of the
2 Commonwealth.

3 "Public official." An elected or appointed official in the
4 executive, legislative or judicial branch of the Commonwealth or
5 a political subdivision of the Commonwealth. The term does not
6 include any of the following:

7 (1) Members of advisory boards who have no authority to
8 expend public money other than reimbursement for personal
9 expense or to otherwise exercise the power of the
10 Commonwealth or a political subdivision of the Commonwealth.

11 (2) An appointed official who receives no compensation
12 other than reimbursement for actual expenses.

13 § 17317. Acquisition of lands.

14 The authority shall have the power to acquire by purchase
15 either the fee or a right, title, interest or easement, or any
16 combination, in land within the county or county seat as the
17 authority may deem necessary for the purpose mentioned in this
18 subchapter, except that a convention center constructed pursuant
19 to the terms of this subchapter must be located in a
20 redevelopment assistance eligible area.

21 § 17318. Use and operation of convention center.

22 The use and operation of the convention center, including all
23 parts of a convention center, and the operation of the business
24 of the authority shall be subject to the rules and regulations
25 adopted by the authority. The authority is not authorized to
26 take any action which may impair the security of the obligees of
27 the authority or violate any agreements with the obligees or for
28 the benefit of the obligees or violate any contracts, leases or
29 other agreements awarded, made or entered into by the authority.

30 § 17319. Limitation of powers.

1 (a) Commonwealth pledge.--

2 (1) The Commonwealth pledges to and agrees with any
3 person, the county, county seat, political subdivision or
4 Federal agency subscribing to or acquiring the bonds issued
5 by the authority for the construction or improvement of a
6 convention center or part of a convention center that the
7 Commonwealth will not limit or alter the rights vested in the
8 authority in any manner inconsistent with the obligations to
9 the bondholders until all bonds issued, together with the
10 interest, are fully paid and discharged.

11 (2) The Commonwealth further pledges to and agrees with
12 any Federal agency that in the event that the Federal agency
13 constructs or contributes money to construct or improve a
14 convention center or part of a convention center that the
15 Commonwealth will not alter or limit the rights and powers of
16 the authority in any manner which would be inconsistent with
17 the due performance of any agreements between the authority
18 and the Federal agency.

19 (b) Additional Commonwealth pledge.--The Commonwealth
20 pledges to and agrees with any person that as owner leases or
21 subleases a convention center or part of a convention center to
22 or from an authority created under this subchapter that the
23 Commonwealth will not limit or alter the rights and powers
24 vested in the authority or otherwise created under this
25 subchapter in any manner which impairs the obligations of the
26 authority until all obligations of the authority under the lease
27 or sublease are fully met and discharged.

28 § 17320. Exemption from taxation.

29 The effectuation of the authorized purposes of an authority
30 shall be in all respects for the benefit of the residents of

this Commonwealth, for the increase of commerce and prosperity
and for the improvement of health and living conditions. Since
an authority, as a public instrumentality of the Commonwealth,
performs essential governmental functions in effectuating these
purposes, the authority shall not be required to pay any taxes
or assessments upon a convention center, or part of a convention
center, or property acquired or used or permitted to be used by
them for these purposes. The bonds issued by an authority, their
transfer and the income from the bonds, including any profits
made on the sale of the bonds, shall be free from State and
local taxation within this Commonwealth. This exemption may not
extend to gift, estate, succession or inheritance taxes or any
other taxes not levied directly on the bonds, the transfer or
the income from the bond, or the realization of profits on the
sale of the bonds.

§ 17321. Lease by authorities.

A convention center or part of a convention center may be
leased or subleased by the authority to and from the county or
county seat, and the county or county seat may enter into leases
or subleases, or both, for this purpose. A lease or sublease may
be made for a specified or unlimited time and on terms and
conditions as may be approved by the county or county seat and
agreed to by the authority in conformity with the authority's
contracts with the holders of any bonds.

§ 17322. Cooperation.

(a) General rule.--The following shall apply:

(1) For the purpose of aiding and cooperating with the
authority and in the planning, acquisition, clearance,
relocation, development, design, construction,
rehabilitation, leasing, subleasing, alteration, expansion,

1 financing, improvement, management or operation of a
2 convention center or part of a convention center, any State
3 public body or political subdivision or the county or county
4 seat may, upon terms, with or without consideration:

5 (i) Dedicate, sell, convey, lease or otherwise
6 transfer property or any interest therein, real, personal
7 or mixed, tangible or intangible, to the authority.

8 (ii) Cause parking, recreational or community
9 facilities or any other works, which it is otherwise
10 empowered to undertake, to be furnished in or adjacent to
11 any area selected for a convention center or part of a
12 convention center.

13 (iii) Furnish, dedicate, close, pave, install,
14 grade, regrade, plan or replan streets, roads, roadways,
15 alleys, sidewalks or other places which it is otherwise
16 empowered to do.

17 (iv) Enter into agreements, extending over any
18 period, with the authority or with the Federal Government
19 pertaining to an action to be taken by a State public
20 body under this section.

21 (v) Aid and cooperate in the development,
22 acquisition, design, construction, improvement,
23 maintenance, management, operation, furnishing,
24 fixturing, equipping, repairing, financing, owning,
25 leasing and subleasing of a convention center or part of
26 a convention center.

27 (vi) In connection with public improvements made by
28 a State public body, political subdivision, county or the
29 county seat, in exercising the powers granted, incur the
30 entire expense.

1 (2) The Secretary of General Services is authorized,
2 with the approval of the Governor and Attorney General, to
3 execute and deliver, on behalf of the Commonwealth,
4 conveyances, deeds and leases authorized under this
5 subchapter.

6 (b) Contract.--In connection with a convention center or
7 part of a convention center, the county or county seat may
8 contract with the authority or the Federal Government with
9 respect to sums which the authority or the Federal Government
10 may agree to pay during any year or period of years to the
11 county or county seat for the improvements, services and
12 facilities to be provided by it for the benefit of the
13 authority, convention center or part of a convention center, or
14 the persons occupying the area. The absence of a contract for
15 these payments shall not relieve the county or county seat from
16 the duty to furnish for the benefit of the authority, convention
17 center or part of a convention center, or the persons occupying
18 the area, customary improvements and services and facilities as
19 the county or county seat usually furnishes without a service
20 fee.

21 (c) Agent.--The Commonwealth, county or county seat may, by
22 written agreement, designate the authority as its agent within
23 the authority's field of operation to perform any specified
24 activity or to administer any specified program which the
25 Commonwealth, county or county seat is authorized by law to do,
26 except that any activity or program shall be in furtherance of
27 the public purposes specified in this chapter. The activities
28 may include development, acquisition, design, construction,
29 improvement, maintenance, leasing, management or operation of a
30 convention center.

1 (d) Powers.--The powers conferred by this section shall be
2 in addition and supplemental to the powers conferred by any
3 other law.

4 § 17323. Hotel room rental tax.

5 (a) Imposition.--The county in which a convention center is
6 located may impose an excise tax on the consideration received
7 by each operator of a hotel within the market area from each
8 transaction of renting a room or rooms to accommodate
9 transients. The tax shall be collected by the operator from the
10 patron of the room and paid over to the county under subsection
11 (e) and shall be known as the Hotel Room Rental Tax.

12 (b) Rate.--The rate of tax imposed under this section by the
13 county in which the convention center is located may not exceed
14 5%.

15 (c) Deposit.--Eighty percent of revenues received from taxes
16 imposed under this section shall be annually deposited in the
17 special fund required under subsection (d) for the use of the
18 authority for convention center purposes. Twenty percent of the
19 revenues received from taxes imposed under this section shall be
20 deposited within 30 days of collection into the tourist
21 promotion agency fund required under subsection (d) until
22 disbursed as provided below.

23 (d) Collection.--The following shall apply:

24 (1) The treasurer of each county electing to impose the
25 tax authorized under this section is directed to collect the
26 tax and:

27 (i) to deposit 80% of the revenues received from the
28 tax in special funds established for purposes in this
29 section; and

30 (ii) to deposit 20% of the revenues received by the

1 tax in the tourist promotion agency fund until disbursed
2 under subsection (g).

3 (2) Interest on money deposited in the funds shall
4 accrue proportionately to the respective funds as provided in
5 this section. The treasurer may establish rules and
6 regulations concerning the collection of the tax, which
7 collection shall occur not more than monthly nor less than
8 quarterly.

9 (e) Expenditures.--Expenditures from the fund established
10 under subsection (d) for the authority shall be used by the
11 authority for the following purposes:

12 (1) Projected annual debt service or lease payments of
13 the convention center authority.

14 (2) Costs associated with financing, constructing,
15 improving, maintaining, furnishing, fixturing and equipping
16 the convention center.

17 (3) Costs associated with the development of the
18 convention center, including design, engineering and
19 feasibility costs.

20 (4) Costs associated with the operation and management
21 of the convention center.

22 (5) Costs associated with promoting, marketing and
23 encouraging the use of the convention center.

24 (6) General purposes of the convention center.

25 (f) Security.--If and to the extent that the authority
26 pledges its share of the proceeds of the tax authorized by this
27 section as security for the payment of bonds issued by the
28 authority for convention center purposes, the Commonwealth
29 pledges to and agrees with any person, firm or corporation
30 subscribing to or acquiring bonds to be issued by the authority

1 for convention center purposes that the Commonwealth will not,
2 nor will it authorize a county to, reduce the rate of tax
3 imposed for convention center purposes until all bonds secured
4 by the pledge of the authority, together with interest, are
5 fully met and discharged.

6 (g) Tourist promotion agency.--

7 (1) If default has not occurred or is continuing with
8 respect to any bonds, notes or other indebtedness of an
9 authority incurred to finance the construction of a
10 convention center, revenues received from the tax deposited
11 into the tourist promotion agency fund required under
12 subsection (d) shall be disbursed by each county to the
13 tourist promotion agency within 10 days of receipt.

14 (2) The county shall have no obligation to invest any
15 money deposited into the tourist promotion agency fund.

16 (h) Tax year.--Each tax year for any tax imposed under this
17 section shall run concurrently with the county's fiscal year.

18 (i) Report.--An audited report on the income and
19 expenditures incurred by a tourist promotion agency receiving
20 revenue from the tax authorized under this section shall be
21 submitted annually by the tourist promotion agency to the county
22 commissioners.

23 (j) Expiration.--The tax levied under this section shall
24 expire when all bonds issued by a county under this subdivision
25 have been fully met and discharged.

26 (k) Definitions.--As used in this section, the following
27 words and phrases shall have the meanings given to them in this
28 subsection unless the context clearly indicates otherwise:

29 "Consideration." Receipts, fees, charges, rentals, leases,
30 cash, credits, property of any kind or nature or other payment

1 received by operators in exchange for or in consideration of the
2 use or occupancy by a transient of a room or rooms in a hotel
3 for a temporary period.

4 "Convention center."

5 (1) Any land, improvement, structure, building or
6 property interest, whether owned by or leased by or to or
7 otherwise acquired by an existing authority, appropriate for
8 any of the following:

9 (i) Large public assemblies.

10 (ii) Holding of conventions, conferences, trade
11 exhibitions and other business.

12 (iii) Social, cultural, scientific and public
13 interest events.

14 (2) All facilities, furniture, fixtures and equipment
15 necessary or incident to any item listed in paragraph (1),
16 including meeting rooms, dining rooms, kitchens, ballrooms,
17 reception areas, registration and prefunction areas, truck
18 loading areas, including access, accessways, common areas,
19 lobbies, offices and areas appurtenant to any of the
20 preceding, together referred to as the main convention area,
21 and also including other buildings, structures or facilities
22 for use in conjunction with the foregoing, including, but not
23 limited to, provision for off-street parking, retail areas
24 and other improvements related to the center owned by or
25 leased by or to an existing authority for the purpose of
26 producing revenues to assist in defraying the costs or
27 expenses of the convention center.

28 "Hotel." As follows:

29 (1) A hotel, motel, inn, guesthouse or other building
30 located within the market area which holds itself out by any

1 means, including advertising, license, registration with an
2 innkeeper's group, convention listing association, travel
3 publication or similar association or with a government
4 agency, as being available to provide overnight lodging or
5 use of facility space for consideration to persons seeking
6 temporary accommodation. The term includes:

7 (i) A place which advertises to the general public
8 or a segment of the general public that it will provide
9 beds, sanitary facilities or other space for a temporary
10 period to members of the general public.

11 (ii) A place recognized as a hostelry, provided that
12 portions of a facility which are devoted to persons who
13 have established permanent residence shall not be
14 included in this definition.

15 (2) The term does not include a bed and breakfast
16 homestead or inn as defined in 3 Pa.C.S. § 5702 (relating to
17 definitions).

18 "Market area." As follows:

19 (1) With respect to a county in which there is more than
20 one city of the third class, the entire county.

21 (2) With respect to a county in which there is only one
22 city of the third class, one of the following:

23 (i) The city and the area within the county which is
24 not more than 15 miles from the site of the convention
25 center.

26 (ii) The city and the area within the county which,
27 as determined by the board of county commissioners
28 imposing the tax, derives a material benefit from the
29 existence of the convention center within the county. The
30 owner of a hotel affected by a determination by the board

1 under this subparagraph may challenge the determination
2 by filing a petition in the court of common pleas in the
3 judicial district in which the determination was made.

4 "Occupancy." The use or possession, or the right to the use
5 or possession, by an individual other than a permanent resident
6 of a room in a hotel for any purpose or the right to the use or
7 possession of the furnishings or to the services accompanying
8 the use and possession of the room.

9 "Operator." Any individual, partnership, nonprofit or
10 profit-making association or corporation or other person or
11 group of persons that maintain, operate, manage, own, have
12 custody of or otherwise possess the right to rent or lease
13 overnight accommodations in a hotel to the public for
14 consideration.

15 "Patron." An individual who pays the consideration for the
16 occupancy of a room or rooms in a hotel.

17 "Permanent resident." An individual who has occupied or has
18 the right to occupy a room or rooms in a hotel as a patron or
19 otherwise for a period exceeding 30 consecutive days.

20 "Room." A space in a hotel set aside for use and occupancy
21 by patrons, or otherwise, for consideration, having at least one
22 bed or other sleeping accommodations provided therein.

23 "Temporary." A period of time not exceeding 30 consecutive
24 days.

25 "Tourist promotion agency." The agency designated by the
26 governing body of a county or county seat in which the
27 convention center is located to be eligible for grants from the
28 Department of Community and Economic Development under the act
29 of July 4, 2008 (P.L.621, No.50), known as the Tourism Promotion
30 Act.

1 "Transaction." The activity involving the obtaining by a
2 transient or patron of the use or occupancy of a hotel room from
3 which consideration emanates to the operator under an express or
4 an implied contract.

5 "Transient." An individual who obtains an accommodation in
6 any hotel by means of registering at the facility for the
7 temporary occupancy of a room for the personal use of that
8 individual by paying to the operator of the facility a fee.

9 SUBCHAPTER B

10 THIRD CLASS COUNTY CONVENTION CENTER AUTHORITIES,

11 ALTERNATIVE PROVISIONS

12 Sec.

13 17331. Scope of subchapter.

14 17332. Findings, declaration of policy and scope.

15 17333. Definitions.

16 17334. Authority creation.

17 17335. Purpose and powers of authorities.

18 17336. Capital and operating budgets.

19 17337. Authority to issue bonds.

20 17338. Provisions of bonds, trusts, indentures and mortgages.

21 17339. Remedies of obligee of authority.

22 17340. Additional remedies conferrable by authority.

23 17341. Governing board.

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25 17343. Money of authority.

26 17344. Transfer of existing facilities or money and making of
27 annual grants and lease payments to authority.

28 17345. Award of contracts.

29 17346. Interests of public officers, public employees and party
30 officers.

1 17347. Use and operation of convention center facilities.

2 17348. Limitation of powers.

3 17349. Exemption from taxation.

4 17350. Lease by authorities.

5 17351. Cooperation.

6 17352. Hotel room rental tax.

7 17353. Construction.

8 § 17331. Scope of subchapter.

9 This subchapter relates to third class county convention
10 center authorities, alternative provisions.

11 § 17332. Findings, declaration of policy and scope.

12 (a) Findings.--It is determined and declared that:

13 (1) The health, safety and general welfare of the people
14 of this Commonwealth are directly dependent upon the
15 continual encouragement, development, growth and expansion of
16 business, industry, commerce and tourism within this
17 Commonwealth.

18 (2) Unemployment, the spread of indigence and the heavy
19 burden of public assistance and unemployment compensation can
20 be avoided by the promotion, attraction, stimulation,
21 development and expansion of business, industry, commerce and
22 tourism in this Commonwealth.

23 (3) Development of convention centers is appropriate
24 within a third class county and the attraction of business to
25 this Commonwealth as a result of such development is an
26 important factor in the continual encouragement, promotion,
27 attraction, stimulation, development, growth and expansion of
28 business, industry, commerce and tourism within the county
29 seat, the surrounding municipalities and this Commonwealth as
30 a whole.

1 (4) The purpose of a convention center should be the
2 promotion, attraction, stimulation, development and expansion
3 of business, industry, commerce and tourism in the county
4 seat, the surrounding municipalities and this Commonwealth as
5 a whole.

6 (5) The development of a convention center will provide
7 benefits to the hotel industry throughout the entire area of
8 the county in which the center is developed.

9 (6) The development of a convention center will also
10 provide benefits to the restaurant and entertainment
11 industries throughout the entire county in which the center
12 is located, to all other businesses and individuals benefited
13 by the attraction of major conventions and tourists, to other
14 individual businesses whose livelihood is dependent on major
15 conventions and tourists and to the general public.

16 (7) The need for and promotion of the type of facility
17 which will provide significant benefits to the general public
18 will require the expenditure of public money and that it is
19 therefore appropriate to authorize a county to impose and
20 collect a tax applicable within the entire territorial limits
21 of the county to facilitate the development of a convention
22 facility and the promotion of tourism within the county.

23 (8) To promote the development of convention centers
24 within this Commonwealth, it is necessary to provide
25 additional and flexible means of developing, constructing,
26 designing, managing, financing and operating convention
27 centers.

28 (9) An important aspect of the development of convention
29 centers should be the removal and redevelopment of blighted
30 areas.

1 (b) Declaration of policy.--It is declared to be the policy
2 of the Commonwealth to promote the health, safety, employment,
3 business opportunities and general welfare of the people of this
4 Commonwealth by providing for the creation of third class county
5 convention center authorities which exist and operate as public
6 instrumentalities of the Commonwealth for the public purpose of
7 promoting, attracting, stimulating, developing and expanding
8 business, industry, commerce and tourism in this Commonwealth.
9 The purpose is declared to be a public purpose supporting the
10 enactment of this subchapter for which public money may be spent
11 and taxes may be imposed.

12 (c) Scope.--

13 (1) This subchapter shall apply to counties of the third
14 class.

15 (2) This subchapter may not apply to:

16 (i) A county which has created, either individually
17 or jointly with its county seat, a third class county
18 convention center authority under this subchapter or the
19 former act of December 27, 1994 (P.L.1375, No.162), known
20 as the Third Class County Convention Center Authority
21 Act, prior to January 1, 2000.

22 (ii) A county which is served, together with one or
23 more other counties, by a joint planning commission.

24 (d) Option.--The following shall apply:

25 (1) A county which has created, either individually or
26 jointly with its county seat, a third class county convention
27 center authority under Subchapter A after January 1, 2000,
28 may opt to have the authority treated as having been
29 organized under the provisions of this subchapter. The option
30 shall be exercised by the adoption of a resolution by the

1 governing body of the county. The exercise of the option
2 under this paragraph may not be revoked.

3 (2) If an authority is organized under paragraph (1),
4 the following transitional provisions shall apply to the
5 authority, the county, the county seat, State public bodies
6 and political subdivisions:

7 (i) all acts of the authority shall be considered
8 granted under the authority of this subchapter,
9 regardless of whether the acts were taken prior to or
10 after December 18, 2000;

11 (ii) all acts of the county and, if applicable, the
12 county seat in organizing the authority shall be
13 considered granted under the authority of this
14 subchapter, regardless of whether the acts were taken
15 prior to or after December 18, 2000;

16 (iii) all acts of the county taken or purported to
17 be taken under the authority of Subchapter A, including
18 the enactment of a hotel room rental tax, shall be
19 considered granted under the authority of this
20 subchapter, regardless of whether the acts were taken
21 prior to or after December 18, 2000; and

22 (v) all acts with respect to the authority of a
23 State public body or a political subdivision taken or
24 purported to be taken under the authority of Subchapter
25 A, including the transfer of existing convention center
26 facilities to the authority and the funding of a
27 convention center project as a redevelopment assistance
28 project by the Commonwealth, shall be considered granted
29 under the authority of this subchapter, regardless of
30 whether the acts were taken prior to or after December

1 18, 2000.

2 (3) If an authority is organized under paragraph (1),
3 all acts taken or purported to be taken by the county, the
4 county seat, the authority and State public body or any
5 political subdivision under the authority of Subchapter A are
6 ratified and affirmed in their entirety, regardless of
7 whether the acts were taken prior to or after December 18,
8 2000.

9 (4) If an authority is organized under paragraph (1),
10 the members of the board of the authority shall continue in
11 office and shall be treated as if they had been appointed
12 under this subchapter.

13 § 17333. Definitions.

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

17 "Authority." An agency and public instrumentality of the
18 Commonwealth and a body politic and corporate created under this
19 subchapter.

20 "Board." The governing body of an authority.

21 "Bonds." Notes, bonds, refunding notes and bonds, interim
22 certificates, debentures and other evidence of indebtedness or
23 obligations which the authority may issue.

24 "Construct." The acquisition, design, erection, extension,
25 renovation, rehabilitation, conversion, furnishing, fixturing,
26 equipping, enlargement or substantial repair of a convention
27 center or part of a convention center and activities
28 substantially related to the acquisition, design, erection,
29 extension, renovation, rehabilitation, conversion, furnishing,
30 fixturing, equipping, enlargement or substantial repair of a

1 convention center or part of a convention center.

2 "Convention center." The following:

3 (1) Any land, improvement, structure or building or
4 property interest, whether owned or acquired by or leased by
5 or to an authority, appropriate for any of the following:

6 (i) Large public assemblies.

7 (ii) Holding of conventions, conferences, trade
8 exhibitions and other business.

9 (iii) Social, cultural, scientific, sports,
10 recreational, artistic and public interest events.

11 (iv) Performances and exhibitions.

12 (2) Facilities, furniture, fixtures and equipment
13 necessary or incident to an item listed under paragraph (1),
14 including, but not limited to:

15 (i) hotels, including meeting rooms, dining rooms,
16 kitchens, ballrooms, reception areas, registration and
17 prefunction areas, locker rooms, practice areas and
18 equipment, training areas and equipment and truck loading
19 areas, including access to the truck loading areas;

20 (ii) accessways, including tunnels, overhead
21 walkways, escalators, elevators and other connections to
22 nearby or adjoining buildings or facilities, regardless
23 of whether the buildings or facilities constitute
24 convention center facilities or are owned or controlled
25 by the authority;

26 (iii) common areas, lobbies, offices and areas
27 appurtenant to any of the items listed under this
28 paragraph; and

29 (iv) other land, buildings, structures or facilities
30 for use or planned for use in conjunction with the items

1 listed under this paragraph, including, but not limited
2 to, landscaping, buffer areas, off-street parking, retail
3 areas and other improvements related to a convention
4 center facility owned by or leased by of to an authority,
5 regardless of whether the improvements are for the
6 purpose of producing revenues to assist in defraying the
7 costs or expenses of the convention center facility.

8 "Cost of a project." The following:

9 (1) All or any part of the cost of construction,
10 acquisition, alteration, enlargement, furnishing, fixturing
11 and equipping, reconstruction and rehabilitation of a
12 convention center project.

13 (2) An item listed under paragraph (1) shall include the
14 cost of:

15 (i) all lands, structures, real or personal
16 property, rights, rights-of-way, roads, franchises,
17 easements and interests acquired or used for or in
18 connection with a project;

19 (ii) demolishing or removing buildings or structures
20 on land acquired, including the cost of acquiring lands
21 to which the buildings or structures may be moved or
22 located;

23 (iii) all utility lines;

24 (iv) structures or equipment;

25 (v) charges and interest prior to, during and after
26 completion of construction and acquisition;

27 (vi) provisions for reserves for principal and
28 interest and for extensions, enlargements, additions and
29 improvements;

30 (vii) architectural, engineering, financial and

1 legal services;

2 (viii) plans, specifications, studies, surveys,
3 estimates of cost and revenues;

4 (ix) expenses necessary or incident to determining
5 the feasibility or practicability of constructing the
6 project;

7 (x) other capital cost or expense as may be
8 necessary or incident to the construction, development
9 and acquisition of the project; and

10 (xi) the financing of construction, development and
11 acquisition and the placing of the project in operation,
12 including, without limitation, a proper allowance for
13 contingencies and the provision of reasonable initial
14 working capital for operating the project.

15 "County." A county of the third class or a county which was
16 a county of the third class at the time the county took action
17 to create an authority under this subchapter.

18 "Obligee." A bondholder or a trustee for a bondholder party
19 to a contract with the authority.

20 "Political subdivision." A governmental body other than
21 State public body or a Federal agency. The term includes a
22 county, city, borough, township, school district, municipal
23 authority, transit authority, parking authority or other
24 authority of any type.

25 "Project." A site, building, structure, equipment,
26 furnishing and other facilities or undertaking in respect of a
27 convention center facility which the authority may acquire,
28 construct, improve, install, maintain or operate under the
29 provisions of this subchapter.

30 "State public body." The Commonwealth and its executive,

administrative and independent agencies, departments, officers,
boards, authorities, commissions and instrumentalities.

"Substantial completion." Construction that is sufficiently
completed in accordance with contract documents and certified by
the convention center authority's architect or engineer, as
modified by change orders so that any project being constructed
by the convention center authority can be used, occupied or
operated for its intended use. In no event shall a project be
certified as substantially complete until at least 90% of the
work on the project area is completed.

§ 17334. Authority creation.

(a) General rule.--The following shall apply:

(1) The governing bodies of a third class county and the
political subdivision constituting the county seat or the
county acting alone may create a body corporate and politic
to be named the County Convention Center Authority to
be created as a public authority and government
instrumentality to have continuing succession until its
existence shall be terminated by law.

(2) If any part of the convention center facilities
constructed by an authority created under this subchapter
shall be located within the jurisdictional limits of the
county seat of the county, the authority shall be a joint
authority of the county and the county seat. If the
convention center facilities of an authority are located
entirely outside the jurisdictional limits of the county seat
of the county, the authority may be created solely by the
county.

(3) The exercise by the authority of the powers
conferred by this subchapter is declared to be an essential

1 public function.

2 (b) Adoption.--An authority shall be created by an
3 ordinance, or equivalent enactment, adopted by the county or,
4 for a joint authority, ordinances, or equivalent enactments,
5 adopted by the county and the county seat providing that an
6 authority is created under this subchapter and specifying the
7 articles of incorporation of the authority. The articles of
8 incorporation shall be filed by the county with the Secretary of
9 the Commonwealth, who shall issue a certificate of incorporation
10 to the authority. The authority shall be deemed to come into
11 existence on the later of the following dates:

12 (1) the date on which the ordinance is enacted, or, for
13 a joint authority, on the date that the second ordinance is
14 enacted; or

15 (2) a later date as may be specified in the articles of
16 incorporation.

17 (c) Amendment.--Articles of incorporation of an authority
18 may only be amended in the manner specified above for the
19 adoption of articles of incorporation and may not:

20 (1) impair the rights or security of any creditors of
21 the authority or any party contracting with the authority; or

22 (2) be inconsistent with the provisions of this
23 subchapter.

24 § 17335. Purpose and powers of authorities.

25 (a) Purposes.--An authority created under this subchapter
26 shall be a public body, corporate and politic, exercising public
27 powers of the Commonwealth as an agency and instrumentality and
28 shall be for the purpose by itself or by agreement in
29 cooperation with others, of acquiring, holding, developing,
30 designing, constructing, improving, maintaining, managing,

operating, financing, furnishing, fixturing, equipping,
repairing, leasing or subleasing, either in the capacity of
lessor or lessee or sublessor or sublessee, and owning
convention centers or parts of convention centers. The
convention centers shall not be required to comprise a single,
integrated complex but may be located at one or more locations
within the county and may function independently of one another.

(b) Powers.--The authority is granted all powers necessary
or convenient for carrying out the purposes in subsection (a),
including, without limiting the generality of the foregoing, the
right and power to:

(1) Have continuing succession.

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

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

(4) Acquire by gift or otherwise, purchase, hold,
receive, lease, sublease and use a license, franchise or
property, real, personal or mixed, tangible or intangible, or
any interest therein, including convention center facilities,
or parts thereof, and to assume any obligations associated
therewith, including leases, concession agreements,
indebtedness and other contractual obligations which the
authority deems necessary to accomplish the purpose of this
subchapter.

(5) Sell, transfer or dispose of property or an interest
in the property with adequate and fair consideration.

(6) Acquire, hold, develop, design, construct, improve,
maintain, manage, operate, furnish, fixture, equip, repair,
own, lease or sublease convention centers, or parts of
convention centers, and to make, enter into and award

contracts with any person, association, partnership or corporation for the development, design, financing, construction, improvement, maintenance, operation, management, furnishing, fixturing, equipping and repair of convention centers or parts of convention centers.

(7) Make bylaws for the management and regulation of authority affairs and issue rules, regulations and policies in connection with the performance of its functions and duties.

(8) Appoint officers, agents, employees and servants, to prescribe their duties and to fix compensation.

(9) Fix, alter, charge and collect rentals, admissions, license fees and other charges.

(10) Do the following:

(i) Borrow money for the purpose of paying the costs of a project and to evidence the same.

(ii) Make and issue negotiable bonds of the authority.

(iii) Secure payment of the bonds or any part of a bond, by pledge or deed of trust of authority revenues, including any hotel room rental tax, rentals, receipts and contract rights.

(iv) Make agreements with the purchasers or holders of the bonds or with other obligees of the authority in connection with the bonds, whether issued or to be issued, as the authority shall deem advisable, which agreements shall constitute contracts with the holders or purchasers.

(v) Obtain credit enhancement or liquidity facilities in connection with the bonds as the authority

1 determines advantageous.

2 (vi) In general, provide for the security of the
3 bonds and the rights of the bondholders.

4 (11) Make, enter into and award contracts and to execute
5 all instruments necessary or convenient for the carrying out
6 of its business.

7 (12) Borrow money and accept grants and to enter into
8 contracts, leases, subleases, licenses or other transactions
9 with a Federal agency, State public body, political
10 subdivision, person, association, partnership or corporation.

11 (13) Pledge, hypothecate or otherwise encumber authority
12 property, real, personal or mixed, tangible or intangible,
13 and its revenues or receipts, including interest the
14 authority may have in a lease or sublease of convention
15 centers or parts of convention centers.

16 (14) Procure insurance containing coverages, including,
17 insurance covering the timely payment in full of principal of
18 and interest on bonds of the authority, in amounts and from
19 insurers as the authority determines necessary or desirable.

20 (15) Invest authority money.

21 (16) Cooperate with a Federal agency, State public body
22 or political subdivision.

23 (17) Invest money held in reserve or sinking funds or
24 money not required for immediate disbursements as authorized
25 by section 17343(d) (relating to money of authority).

26 (18) Appoint all officers, agents and employees required
27 for the performance of its duties and compensation and retain
28 or employ other agents or consultants, including architects,
29 auditors, engineers, private legal counsel and private
30 consultants, on a contract basis or otherwise for rendering

1 professional or technical services and advice.

2 (19) Enroll authority employees in an existing
3 retirement system of the State, county, city or other
4 governmental entity.

5 (20) Appoint and fix the compensation of chief counsel
6 and assistant counsel to provide the authority with legal
7 assistance, and the authority, through counsel, shall defend
8 actions brought against the authority and authority officers
9 and employees if acting within the scope of official duties.

10 (21) Maintain an office in the county seat.

11 (22) Appoint an executive director, who shall:

12 (i) be the chief executive officer of the authority;

13 (ii) devote his or her full time during business
14 hours to the duties of the office; and

15 (iii) receive compensation as the board shall
16 determine.

17 (23) Make grants to the county in accordance with the
18 provisions of subsection (e).

19 (24) Do all acts and things necessary or convenient for
20 the promotion of its purposes and the general welfare of the
21 authority and to carry out the powers granted to the
22 authority by this subchapter or any other act.

23 (c) Prohibitions.--The following apply:

24 (1) The authority shall have no power to pledge the
25 credit or taxing powers of a State public body, a political
26 subdivision or the county, nor shall authority obligations be
27 deemed obligations of any State public body, a political
28 subdivision or the county and a State public body, a
29 political subdivision or the county shall not be liable for
30 the payment of principal or interest on such obligations.

1 (2) The authority shall have no power of eminent domain.

2 (d) Affirmative action plan.--The authority shall develop
3 and implement an affirmative action plan to assure that all
4 individuals are accorded equality of opportunity in employment
5 and contracting by the authority and authority contractors,
6 subcontractors, assignees, lessees, agents, vendors and
7 suppliers.

8 (e) Grants.--The following apply:

9 (1) The authority shall have the power to make grants to
10 the county for the financial support of regional assets
11 located within the county. Grants made under this subsection
12 shall be included in the capital budget adopted by the
13 authority under section 17336(a) (relating to capital and
14 operating budgets) and may only be made if the authority
15 finds, by resolution adopted by a majority vote of authority
16 members, that the making of such grants shall not adversely
17 affect the short-term or long-term capital, operational or
18 financial needs of the authority or otherwise impair the
19 ability of the authority to meet any contractual or legal
20 obligations of the authority, including obligations owed to
21 bondholders issued by the authority. Grants made under the
22 authority of this paragraph:

23 (i) may not obligate money of the authority beyond a
24 single fiscal year of the authority;

25 (ii) shall be payable to the county in a single lump
26 sum or in installments during the fiscal year in
27 question, as determined by the authority; and

28 (iii) may be rescinded or reduced by the authority
29 if the authority, prior to payment of the grant,
30 determines that the current or projected financial needs

1 of the authority require reduction or rescission of the
2 grant.

3 (2) Grants received by the county from the authority
4 under paragraph (1) shall be deposited into a segregated
5 account identified as the regional asset fund. The regional
6 asset fund shall be used by the county solely for the purpose
7 of making grants of financial support to regional assets
8 located within the county in accordance with and subject to
9 the limitations of this subsection. Money deposited into the
10 regional asset fund shall be invested only in those types of
11 investments in which a county of the third class may invest
12 general money of the county under applicable law. Earnings on
13 the investments shall become a part of the regional asset
14 fund and may not be used for purposes other than those
15 permitted under this subsection. The county shall not be
16 required to disburse all of the money in the regional asset
17 fund during a particular fiscal year but may accumulate money
18 within the regional asset fund if the county determines that
19 the accumulation of the money, in whole or in part, is
20 appropriate for the effective and efficient long-term funding
21 of regional assets.

22 (3) The county shall have the authority to make grants
23 of financial support for regional assets from the regional
24 asset fund established under paragraph (2). Grants made by
25 the county from the regional asset fund shall be subject to
26 all of the following terms, conditions and limitations:

27 (i) grants may only be made to:

28 (A) political subdivisions located within the
29 county; and

30 (B) organizations which have been determined by

1 the Internal Revenue Service to be organizations
2 described in section 501(c)(3) of the Internal
3 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
4 501(c)(3)) or any successor provision of law;

5 (ii) grants may only be made for the purpose of
6 supporting a specific regional asset located within the
7 county and which is owned by the grantee or for which the
8 grantee has operational and financial responsibility;

9 (iii) grants may only be made pursuant to written
10 grant agreements and executed by authorized officers of
11 the county and the grantee, specifying the terms and
12 conditions of the grant;

13 (iv) the grant agreement shall describe, with
14 specificity, the purpose for which the grant is being
15 made;

16 (v) the grant agreement shall set forth other terms
17 and conditions as the county may prescribe, including
18 requirements with respect to matching funds and continued
19 financial support of the grantee for the regional asset
20 with respect to which the grant is being made; and

21 (vi) no grant may obligate money from the regional
22 asset fund beyond a single 12-month period.

23 (4) For purposes of this subsection, the term "regional
24 asset" means a civic, recreational, sports or cultural
25 facility, including zoos, museums and performing arts
26 facilities, function or activity which is owned or provided
27 by a political subdivision or section 501(c)(3) of the
28 Internal Revenue Code of 1986 organization, or with respect
29 to which a political subdivision or section 501(c)(3) of the
30 Internal Revenue Code of 1986 organization has operational

1 and financial responsibility. Notwithstanding the foregoing,
2 the following may not be considered regional assets:

3 (i) a health care facility;

4 (ii) an institution which predominantly provides
5 elementary, secondary or higher education or other
6 training;

7 (iii) a Federal or State park;

8 (iv) an airport or public transportation system or
9 facility;

10 (v) a library;

11 (vi) a paid or volunteer public safety organization
12 and facility;

13 (vii) an authority created under this subchapter,
14 and any facilities owned or operated by such an
15 authority; or

16 (viii) an asset which fails to serve a significant
17 number of individuals who are not residents of the city,
18 borough or township within which the asset is located.

19 (5) The county shall have the authority to prescribe
20 reasonable rules, regulations and procedures for:

21 (i) the administration of the regional asset fund
22 and the segregated account in which the regional asset
23 fund is deposited;

24 (ii) the making of grants from the regional asset
25 fund; and

26 (iii) the administration of grants made from the
27 regional asset money.

28 (f) Naming or designation revenue.--Net revenues received
29 from the sale of rights for the naming or designation of a
30 convention center or part of a convention center shall be

allocated as follows:

(1) Fifty percent of revenues shall be distributed to the county for deposit into a segregated account identified as the regional asset fund, to be utilized as provided in subsection (e)(3).

(2) Fifty percent of revenues shall be retained by the convention center authority established under this subchapter.

(g) Application.--Subsection (f) may not apply to a sale of rights occurring prior to the enactment of this subchapter.

Revenues from the sale of naming rights for items of a de minimis nature, including the sale of plaques, individualized bricks or furniture, may not be subject to allocation under this section.

§ 17336. Capital and operating budgets.

(a) Capital budget.--At least 90 days before the commencing of the ensuing fiscal year of the authority, a recommended capital budget shall be prepared and submitted to the board. The capital budget shall show in detail the capital expenditures to be made or incurred in the next fiscal year which are to be financed from money subject to control or appropriation by the board. For each separate purpose, project, facility or other property, the amount and the source of the money that has been spent, encumbered or is intended to be spent or encumbered during the fiscal year shall be shown. No later than the date of the adoption of the annual operating budget, the board shall by a majority vote of its members adopt a capital budget.

(b) Operating budget.--At least 90 days before the commencing of the ensuing fiscal year of the authority, a recommended operating budget shall be prepared and submitted to

1 the board. The operating budget shall be prepared with the aid
2 of the governing bodies of the county and county seat. In the
3 event that the operating budget is not in form and detail
4 satisfactory to the governing body, the governing body may
5 require that the operating budget be redrafted and resubmitted,
6 and the governing body shall not be considered to be in receipt
7 of the operating budget or any amendments unless the form and
8 detail is to the governing body's satisfaction. The operating
9 budget shall set forth the estimated receipts and revenues of
10 the authority during the next fiscal year. The board shall, at
11 least 30 days before the end of the fiscal year, adopt by a
12 majority vote of its members an operating budget for the next
13 fiscal year.

14 § 17337. Authority to issue bonds.

15 (a) Bonds generally.--The bonds of an authority created
16 under this subchapter and authorized to be issued:

17 (1) Shall be authorized by resolution of the board of
18 the authority and shall be of a series, bear a date, mature
19 at a time not exceeding 40 years from the respective date,
20 bear interest at a rate as shall be determined by the board
21 as necessary to issue and sell the authorized bonds, be in
22 denominations, be in a form, either coupon or fully
23 registered without coupons, carry registration,
24 exchangeability and interchangeability privileges, be payable
25 in a medium of payment and at a place, be subject to terms of
26 redemption and be entitled to priorities in the revenues or
27 receipts of the authority as the resolution may provide.

28 (2) Shall be signed by or shall bear the facsimile
29 signatures of officers as the authority shall determine, and
30 coupon bonds shall have interest coupons bearing the

1 facsimile signature of the treasurer of the authority
2 attached to the bond, and all bonds shall be authenticated by
3 an authenticating agent, fiscal agent or trustee, as may be
4 prescribed in the resolution.

5 (3) May be issued and delivered regardless of whether
6 one or more of the officers who signed the bonds or the
7 treasurer who, by facsimile, signed the coupon are not
8 officers when the bonds are delivered.

9 (b) Sale.--The bonds may be sold at public sale or private
10 negotiated sale for a price or prices and at a rate of interest
11 as the authority determines. Pending the preparation of the
12 definitive bonds, interim receipts may be issued to the
13 purchaser or purchasers of the bonds and may contain terms and
14 conditions as the authority may determine.

15 (c) Negotiable instrument.--The bonds shall have the
16 qualities of negotiable instruments under 13 Pa.C.S. (relating
17 to commercial code).

18 (d) Proceeds.--The net proceeds of the issuance of bonds or
19 notes may be used to pay the costs of a project or to reimburse
20 costs initially paid by a State public body, the county, another
21 political subdivision, an agency, an organization or an
22 individual.

23 (e) Refund.--The following apply:

24 (1) Subject to the provisions of the outstanding bonds,
25 notes or other obligations and subject to the provisions of
26 this subchapter, the authority shall have the right and power
27 to refund outstanding debt, in whole or in part, at any time
28 and shall have the right and power to refund outstanding
29 notes with bonds or bonds with notes.

30 (2) As used in this subsection, the term "refund" means

the issuance and sale of obligations the proceeds of which
are used or are to be used for the payment or redemption of
outstanding obligations upon or prior to maturity.

§ 17338. Provisions of bonds, trusts, indentures and mortgages.

In connection with the issuance of bonds or the incurring of
obligations under leases and in order to secure the payment of
such bonds and obligations, the authority, in addition to other
powers, shall have the power to:

(1) Pledge all or part of the gross or net revenues of
the authority to which its right exists or may thereafter
exist.

(2) Mortgage all or part of authority real or personal
property owned or acquired.

(3) Do the following:

(i) Covenant against pledging all or part of the
authority's revenues or against mortgaging all or part of
authority real or personal property to which the right or
title exists or may thereafter exist or against
permitting or suffering a lien on the revenues or
property.

(ii) Covenant with respect to limitations on the
authority's right to sell, lease or otherwise dispose of
real property.

(iii) Covenant as to what other or additional debts
or obligations may be incurred by it.

(4) Do the following:

(i) Covenant as to the bonds to be issued and as to
the issuance of the bonds, in escrow or otherwise, and as
to the use and disposition of the proceeds.

(ii) Provide for the replacement of lost, destroyed

1 or mutilated bonds.

2 (iii) Covenant against extending the time for the
3 payment of authority bonds or interest.

4 (iv) Redeem the bonds and to covenant for and
5 provide the terms and conditions for bond redemption.

6 (5) Do the following:

7 (i) Covenant as to the amount and the use and
8 disposition of revenues to be raised each year or other
9 period of time by the authority.

10 (ii) Create or authorize the creation of special
11 funds for debt service or other purposes.

12 (iii) Covenant as to the use and disposition of the
13 money held in funds under subparagraph (ii).

14 (6) Prescribe the procedure, if any, by which the terms
15 of a contract with bondholders may be amended or abrogated,
16 the amount of bonds, with the consent of the bondholders, and
17 the manner in which consent may be given.

18 (7) Do the following:

19 (i) Covenant as to the use of the authority's real
20 or personal property.

21 (ii) Warrant title of the property.

22 (iii) Covenant as to the maintenance and replacement
23 of its real and personal property, the insurance to be
24 carried on the property and the use and disposition of
25 insurance money.

26 (8) Do the following:

27 (i) Covenant as to the rights, liabilities, powers
28 and duties arising upon the breach by the authority of
29 any covenant, condition or obligation.

30 (ii) Covenant and prescribe in the event of default

1 as to terms and conditions upon which the authority's
2 bonds or obligations shall become or may be declared due
3 before maturity and as to the terms and conditions upon
4 which the declaration and the authority's consequences
5 may be waived.

6 (9) Do the following:

7 (i) Vest in a trustee or the bondholders the right
8 to enforce the payment of the bonds or any covenants
9 securing or relating to the bonds.

10 (ii) Vest in a trustee the right in the event of a
11 default by the authority to take possession and use,
12 operate and manage any real property and to collect the
13 rents and revenues arising from the property and to
14 dispose of the money in accordance with the agreement of
15 the authority with the trustee.

16 (iii) Provide for the powers and duties of a trustee
17 and to limit the trustee's liabilities.

18 (iv) Provide the terms and conditions upon which the
19 trustee or the bondholders may enforce covenants or
20 rights securing or relating to the bonds.

21 (10) Obtain letters of credit and bond insurance.

22 (11) Do the following:

23 (i) Exercise all or any part or combination of the
24 powers granted in this section.

25 (ii) Make covenants and perform acts necessary,
26 convenient or desirable to secure bonds or, in the
27 absolute discretion of the authority, to accomplish the
28 purposes of this subchapter by making the bonds more
29 marketable regardless of whether the covenants or acts
30 are specifically enumerated under this section.

1 § 17339. Remedies of obligee of authority.

2 An obligee of the authority shall have the right, in addition
3 to all other rights which may be conferred on the obligee,
4 subject only to any contractual restrictions binding upon the
5 obligee:

6 (1) By mandamus, suit, action or proceeding at law or in
7 equity, to compel the authority and authority members,
8 officers, agents or employees to perform each and every term,
9 provision and covenant contained in any bond or contract of
10 the authority with or for the benefit of the obligee and to
11 require the carrying out of covenants and agreements of the
12 authority and the fulfillment of all duties imposed upon the
13 authority by this subchapter.

14 (2) By proceeding in equity, to obtain an injunction
15 against any acts or things which may be unlawful or the
16 violation of any of the rights of the obligee.

17 § 17340. Additional remedies conferrable by authority.

18 (a) General rule.--The authority shall have power by
19 resolution, trust, indenture or mortgage to confer upon any
20 obligees holding or representing a specified percentage of bonds
21 the right, in addition to all rights that may otherwise be
22 conferred, upon the happening of an event of default as defined
23 in the resolution or instrument, by suit, action or proceeding
24 in a court of competent jurisdiction to:

25 (1) obtain the appointment of a receiver of any real
26 property or leasehold interest of the authority and of the
27 rents and profits from the property. If a receiver is
28 appointed, the receiver may enter and take possession of the
29 real property or any leasehold interest, operate the real
30 property or leasehold interest and collect and receive all

1 revenues or other income arising from the operation and shall
2 keep the money in a separate account and apply the same in
3 accordance with the obligations of the authority as the court
4 shall direct; or

5 (2) require the authority and its members to account as
6 if the authority and authority members were the trustees of
7 an express trust.

8 (b) Prohibition.--For the purpose of operating and
9 maintaining facilities of the authority, nothing in this
10 subchapter shall authorize a receiver appointed under this
11 subchapter to sell, assign, mortgage or otherwise dispose of
12 authority assets. It is the intention of this subchapter to
13 limit the powers of the receiver to the operation and
14 maintenance of the facilities of the authority as the court
15 directs, and the following apply:

16 (1) Receivers may not sell, assign, mortgage or
17 otherwise dispose of any assets of the authority.

18 (2) Bondholders, trustees and other obligees do not have
19 the right in any suit, action or proceeding, at law or in
20 equity, to compel a receiver to sell, assign, mortgage or
21 otherwise dispose of any assets of the authority.

22 (3) A court may not direct a receiver to sell, assign,
23 mortgage or otherwise dispose of any assets of the authority.

24 § 17341. Governing board.

25 (a) Composition.--The power of the authority shall be
26 exercised by a governing board composed of eleven members
27 appointed as follows:

28 (1) The mayor or, if there is no mayor, the governing
29 body of the municipality in which a convention center is
30 located shall appoint two members. Subject to subsection (b),

1 the terms of the first two members appointed shall be for a
2 two-year and four-year term, respectively. In all cases, the
3 beginning of the term shall be January 1 of the year of
4 appointment, subject to subsection (b).

5 (2) The county council or, if there is no county
6 council, the governing body of the county in which a
7 convention center is located shall appoint seven members.
8 Subject to subsection (b), the beginning of the term shall be
9 January 1 of the year of appointment. The terms of the first
10 seven members appointed shall be allocated as follows:

11 (i) One one-year term.

12 (ii) Two two-year terms.

13 (iii) Two three-year terms.

14 (iv) Two four-year terms.

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

18 (b) Terms.--Except as otherwise provided and subject to
19 subsection (a), members shall serve a four-year term from the
20 date of appointment and until their successors have been
21 appointed and qualified. If a vacancy occurs by death,
22 disqualification, resignation or removal of a member, the
23 appointing authority shall appoint a successor to fill the
24 unexpired term.

25 (c) Compensation.--The members of the board may not be
26 compensated for service on the board or for any other position
27 in which the members may serve the authority. The authority may
28 reimburse members for reasonable and necessary out-of-pocket
29 expenses incurred by members in carrying out the business of the
30 authority.

1 (d) Powers and duties.--

2 (1) The following shall apply:

3 (i) The members of the board shall select a
4 chairperson and other officers as the board determines
5 from among the members.

6 (ii) Except as otherwise provided, all actions of
7 the board shall be taken by a vote of at least six
8 members of the board, which shall constitute a majority
9 of the board, unless the bylaws of the authority provide
10 for a majority vote by a present quorum of not less than
11 six members in the absence of a full board.

12 (iii) The board shall have full authority to manage
13 the properties and business of the authority and to
14 prescribe, amend and repeal bylaws, rules and regulations
15 governing the manner in which the business of the
16 authority may be conducted and the powers granted to the
17 authority may be exercised and embodied. Notwithstanding
18 any other law, court decision, precedent or practice to
19 the contrary, no actions by or on behalf of the board
20 shall be taken by an officer of the board or the
21 authority except upon the approval or prior authorization
22 of the board.

23 (iv) As used in this subsection, the term "actions
24 by or on behalf of the board" means any action of the
25 board, including the hiring, appointment, removal,
26 transfer, promotion or demotion of any officers and
27 employees, the retention, use or remuneration of
28 advisors, counsel, auditors, architects, engineers or
29 consultants, the initiation of legal action, the making
30 of contracts, leases, agreements, bonds, notes or

1 covenants, the approval of requisitions, purchase orders,
2 investments and reinvestments, and the adoption,
3 amendment, revision or rescission of rules and
4 regulations, orders or other directives.

5 (2) The board shall appoint an executive director, who
6 shall act as the chief executive officer of the authority.
7 The executive director shall not be a member of the board.
8 Notwithstanding the provisions of paragraph (1), the board
9 may, by bylaw or by resolution, delegate to the executive
10 director the authority and power to carry out the day-to-day
11 operations of the authority and to exercise those powers
12 which are normal, customary and necessary to perform the
13 duties of a chief executive officer.

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

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

25 (e) Liability.--Members of the board may not be held
26 personally liable for the bonds or other obligations of the
27 authority, and the rights of creditors shall be solely against
28 the authority. The authority shall defend board members, and the
29 authority shall indemnify and hold harmless board members,
30 whether currently serving as a member of the authority, against

1 and from personal liabilities, actions, causes of action and
2 claims made against them for actions performed within the scope
3 of board member duties.

4 § 17342. Sovereign immunity.

5 The following apply:

6 (1) An authority created under this subchapter and the
7 authority's officers, officials and employees shall have
8 sovereign and official immunity, as provided under 1 Pa.C.S.
9 § 2310 (relating to sovereign immunity reaffirmed; specific
10 waiver).

11 (2) An authority created under this subchapter and the
12 authority's officers, officials and employees shall remain
13 immune from suit except as provided by and subject to 42
14 Pa.C.S. §§ 8501 (relating to definitions), 8502 (relating to
15 enforcement proceedings), 8521 (relating to sovereign
16 immunity generally), 8522 (relating to exceptions to
17 sovereign immunity), 8523 (relating to venue and process),
18 8524 (relating to defenses), 8525 (relating to legal
19 assistance), 8526 (relating to counterclaim by the
20 Commonwealth), 8527 (relating to indemnity relating to inmate
21 health care) and 8528 (relating to limitations on damages).

22 (3) Notwithstanding 42 Pa.C.S. § 8525, the authority,
23 through the authority's counsel, shall defend actions brought
24 against the authority and the authority's officers and
25 employees when acting within the scope of the officers and
26 employees' official duties.

27 § 17343. Money of authority.

28 (a) Payment of money.--All money of the authority shall be
29 paid to the treasurer of the authority or other officer or
30 officers of the authority as the authority may designate.

1 (b) Duty of board.--The board shall invest authority money
2 consistent with sound business practice.

3 (c) Investment program.--The board shall provide for an
4 investment program subject to restrictions contained in this
5 subchapter, in any other applicable statute and in rules and
6 regulations adopted by the board.

7 (d) Authorized investments.--The following shall apply:

8 (1) Authorized types of investments for authority money
9 shall be:

10 (i) Direct obligations of or obligations guaranteed
11 by the United States.

12 (ii) A bond, debenture, note, participation
13 certificate or other similar obligation issued by any one
14 or combination of the following agencies:

15 (A) Government National Mortgage Corporation.

16 (B) Federal Land Banks.

17 (C) Federal Home Loan Banks.

18 (D) Federal Intermediate Credit Banks.

19 (E) Banks for Cooperatives.

20 (F) Tennessee Valley Authority.

21 (G) United States Postal Service.

22 (H) Farmers Home Administration.

23 (I) Student Loan Marketing Association.

24 (J) Export-Import Bank of the United States.

25 (iii) A bond, debenture, note, participation
26 certificate or other similar obligation issued by the
27 Federal National Mortgage Corporation to the extent the
28 obligations are guaranteed by the Government National
29 Mortgage Corporation or issued by another Federal agency
30 and backed by the full faith and credit of the United

1 States.

2 (iv) Deposits in interest-bearing time deposits,
3 demand deposits or certificates of deposit fully insured
4 by the Federal Deposit Insurance Corporation or its
5 successors or the Federal Savings and Loan Insurance
6 Corporation or its successors or fully secured by any of
7 the obligations described in this paragraph to the extent
8 not so insured.

9 (v) Repurchase agreements relating to, or investment
10 agreements secured by or providing for the acquisition of
11 and, if applicable, resale of, obligations described in
12 subparagraphs (i), (ii), (iii) and (iv) or obligations of
13 the Federal Home Loan Mortgage Corporation or the Federal
14 National Mortgage Association with:

15 (I) banks or trust companies, which may include
16 a banking entity or depository;

17 (II) brokers or broker-dealers registered under
18 the Securities Exchange Act of 1934 (48 Stat. 881, 15
19 U.S.C. §§ 78a-78jj) acceptable to the authority; or

20 (III) insurance companies rated A+ or better by
21 Best's and having a net capital and surplus of at
22 least \$25,000,000 or certificates of deposit with
23 banks or trust companies fully secured as to
24 principal and accrued interest by obligations
25 described in subparagraphs (i), (ii), (iii) and (iv)
26 deposited with or subject to the control of the
27 authority.

28 (vi) Money market deposit accounts of banks or trust
29 companies having a net capital and surplus of at least
30 \$25,000,000, which may include a banking entity or

1 depository.

2 (2) The description of authorized investments as set
3 forth in paragraph (1)(v) and (vi) shall be met only if the
4 agreements referenced provide for the repayment of the
5 principal amount invested at an amount not less than the
6 amount invested. If a security is required as set forth in
7 paragraph (1)(iv), (v) and (vi), the security shall be
8 deposited with the treasurer of the authority or be held by a
9 trustee or agent satisfactory to the authority. Money of the
10 authority shall be paid out on the warrant or other order of
11 the chairperson of the authority or of other individuals as
12 the authority may authorize to execute warrants or orders.

13 (e) Reports.--The following shall apply:

14 (1) An authority created under this subchapter shall
15 file an annual report with the Department of Community and
16 Economic Development and with the county and political
17 subdivision constituting the county seat, which shall make
18 provisions for the accounting of revenues and expenses.
19 Authority books, accounts and records shall be audited
20 annually in accordance with generally accepted auditing
21 standards by an independent auditor who shall be a certified
22 public accountant, and a copy of the audit report shall be
23 attached to and be made a part of the annual report. A
24 concise financial statement shall be published annually in a
25 newspaper of general circulation in the county in which the
26 authority is located.

27 (2) An authority created under this subchapter shall,
28 upon request by the county or the political subdivision
29 constituting the county seat, file a report with the
30 requesting entity listing the names of authority employees

1 and the amount of compensation received by each employee, the
2 names of authority independent contractors and the amount of
3 remuneration received by the employees and the names of any
4 providers of professional services and the value of the
5 contracts for professional services.

6 (f) Right of examination.--The Attorney General, Auditor
7 General, Secretary of the Budget, the chairperson and minority
8 chairperson of the Appropriations Committee of the Senate and
9 the chairperson and minority chairperson of the Appropriations
10 Committee of the House of Representatives shall have the right
11 to examine the books, accounts and records of the authority.

12 § 17344. Transfer of existing facilities or money and making of
13 annual grants and lease payments to authority.

14 (a) Transfer.--

15 (1) A State public body or political subdivision may
16 sell, lease or sublease from or to, lend, grant, convey or
17 otherwise transfer or pay over to the authority, with or
18 without consideration, a convention center or part of a
19 convention center, or an interest in property, real, personal
20 or mixed, tangible or intangible, or any money available,
21 needed or obligated for development, acquisition, design,
22 maintenance, management, operation, financing, leasing or
23 subleasing, construction or improvement purposes, including
24 the proceeds of bonds issued for construction or improvement
25 of a convention center or part of a convention center.

26 (2) Property, money, a convention center or part of a
27 convention center received by the authority may be used for
28 any lawful purpose of the authority. Nothing in this
29 subchapter or any other law shall be deemed to make an
30 authority or person a State-supported or State-aided

institution under the laws of this Commonwealth.

(b) Grants.--

(1) Subject to paragraph (2), the governing bodies of the county and county seat may:

(i) Make grants from current revenues to the authority.

(ii) Assist in defraying the costs of management, operation, maintenance, financing and debt service of convention center facilities, or parts of facilities.

(iii) Enter into long-term agreements providing for the payment of the grants and assistance under subparagraphs (i) and (ii).

(iv) Enter into long-term leases or subleases as lessee or sublessee of convention centers or parts of convention centers.

(2) Obligations of the county and county seat to make grants, lease or sublease payments to an authority may not, even if based on debt obligations of an authority, constitute debts of the county and county seat within the meaning of any constitutional or statutory provision and shall be payable only to the extent that current revenues of the county and county seat are available.

(3) The county and county seat may issue general obligation bonds for the purpose of obtaining money for local contributions pertaining to convention centers or parts of convention centers.

(c) Bonds.--The Commonwealth may contribute to the capital costs of constructing a convention center by the issuance of Commonwealth bonds and notes under Chapter 3 of the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities

Debt Enabling Act. A convention center project undertaken by the authority is deemed to be a redevelopment assistance project for which capital money of the Commonwealth may be expended under the act of May 20, 1949 (P.L.1633, No.493), known as the Housing and Redevelopment Assistance Law, and, notwithstanding any provisions of the Housing and Redevelopment Assistance Law, the Department of Community and Economic Development may make capital grants directly to the authority in furtherance of this subchapter.

§ 17345. Award of contracts.

(a) Bids.--

(1) All construction, reconstruction, repairs or work of any nature made by the authority in which the entire cost, value or amount exceeds \$10,000 shall be approved only under contract.

(2) For a contract under paragraph (1), the authority shall:

(i) provide public notice to solicit competitive bids as provided under this section; and

(ii) enter into the contract with the lowest responsible bidder.

(3) The authority shall have the right to reject any bid or select a single item from any bid in accordance with paragraph (2).

(b) Contracts.--

(1) Subsection (a) shall not apply to construction, reconstruction, repairs or work done by employees of the authority or by labor supplied under agreement with a Federal agency, State public body or political subdivision.

(2) No contract shall be entered into under subsection

1 (a) for construction, improvement or repair of a project
2 unless the contractor provides sufficient surety approved by
3 the authority in an amount fixed by the authority for the
4 performance of the contract.

5 (3) All contracts entered into under subsection (a)
6 shall provide that the individual or corporation entering
7 into the contract with the authority pay for all materials
8 furnished and services rendered for the performance of the
9 contract and that an individual or corporation furnishing
10 materials or rendering services may maintain an action to
11 recover against its obligor providing materials or services
12 within one year.

13 (4) Nothing in this section shall be construed to limit
14 the power of the authority to construct, repair or improve a
15 project or portion of a project or any addition, betterment
16 or extension of a project directly by the officers and
17 employees of the authority.

18 (5) The authority shall award the construction of a
19 convention center according to the provisions of the act of
20 May 1, 1913 (P.L.155, No.104), entitled "An act regulating
21 the letting of certain contracts for the erection,
22 construction, and alteration of public buildings," and shall
23 be subject to 62 Pa.C.S. Pt. I (relating to Commonwealth
24 Procurement Code).

25 (6) Nothing in this section or other law of this
26 Commonwealth shall require the authority to competitively bid
27 architectural design, engineering or other professional
28 services required by the authority.

29 (c) Notice.--The authority shall provide due public notice
30 to receive bids for contracts for supplies and materials costing

1 \$10,000 or more.

2 (d) Accepted bid.--The authority shall accept the lowest bid
3 from a responsible bidder when kind, quality and material is
4 equal, and the following apply:

5 (1) The authority shall have the right to reject any bid
6 or select a single item from a bid.

7 (2) This subsection shall not apply to the purchase of
8 unique supplies and materials or supplies and materials which
9 cannot be obtained in the open market.

10 (e) Convention center facilities.--The board, upon the
11 approval of six members, may negotiate contracts for management,
12 operation, concession services, licensing or leasing of
13 convention center facilities, or any part. The authority shall
14 not award a contract to a manager, operator, concessionaire,
15 licensee, lessee or lessor that exceeds three years in duration
16 unless six members of the board approve the awarding of a
17 contract for a greater period of time. The authority and the
18 authority's contractors, subcontractors, assignees, lessees,
19 agents, vendors and suppliers shall not be subject to county or
20 county seat laws, ordinances, rules or regulations relating to
21 limits or preferences with regard to employment, contracting or
22 procurement in the construction and operation of convention
23 center facilities.

24 (f) Governing law.--The authority shall be subject to the
25 act of August 15, 1961 (P.L.987, No.442), known as the
26 Pennsylvania Prevailing Wage Act, the act of March 3, 1978
27 (P.L.6, No.3), known as the Steel Products Procurement Act, and
28 62 Pa.C.S. Ch. 37 Subch. B (relating to motor vehicles).

29 (g) Definitions.--As used in this section, the following
30 words and phrases shall have the meanings given to them in this

1 subsection unless the context clearly indicates otherwise:

2 "Advertisement or public notice." A notice published at
3 least 10 days before the award of a contract in a newspaper of
4 general circulation published in the county. The notice may be
5 waived if the authority determines an emergency exists and
6 supplies and materials must be immediately purchased by the
7 authority.

8 § 17346. Interests of public officers, public employees and
9 party officers.

10 (a) Employment.--Party officers, public officers, public
11 officials, public employees or individuals convicted of an
12 infamous crime may not be employed as a management-level
13 authority employee.

14 (b) Public employees.--The act of July 19, 1957 (P.L.1017,
15 No.451), known as the State Adverse Interest Act, and 65 Pa.C.S.
16 Ch. 11 (relating to ethics standards and financial disclosure)
17 apply to board members, officers and employees of the authority
18 and the following apply:

19 (1) For the purposes of application of these acts and
20 regardless of compensation, the employees of the authority
21 shall be regarded as public employees and officers or board
22 members of the authority shall be regarded as public
23 officials.

24 (2) The authority shall be subject to the act of
25 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know
26 Law, and to 65 Pa.C.S. Ch. 7 (relating to open meetings).

27 (c) Prohibitions.--Notwithstanding subsection (c), the
28 following prohibitions shall apply to the authority created
29 under this subchapter:

30 (1) A management-level employee or other employee of the

1 authority may not use the employee's position or confidential
2 information received through the employee's position to
3 obtain financial gain other than compensation provided by law
4 for the employee, a member of the employee's immediate family
5 or a personal business.

6 (2) A management-level employee or other employee of the
7 board or a member of the employee's immediate family or a
8 personal business may not solicit or accept anything of
9 value, including a gift, loan, political contribution, reward
10 or promise of future employment, based on an understanding
11 that the vote, official action or judgment of the employee
12 would be influenced.

13 (3) A management-level employee or other employee of the
14 board or a member of the employee's immediate family or a
15 business in which the person or a member of the person's
16 immediate family is a director, officer, owner or holder of
17 stock exceeding 5% of the equity at fair market value of the
18 business may not enter into a contract valued at \$500 or more
19 to provide goods or services to the authority unless the
20 contract has been awarded to the lowest responsible bidder
21 through an open and public process, including prior public
22 notice and subsequent public disclosure of all proposals
23 considered and contracts awarded.

24 (4) A former management-level employee or other former
25 employee of the board may not represent a person, with or
26 without compensation, on any matter before the authority with
27 which a former management-level employee or other former
28 employee of the board has been associated for one year after
29 separation from the authority.

30 (5) (i) An individual who is a State, county seat or

1 county public officer or public official or party officer
2 or a member of the individual's immediate family or the
3 individual's personal business may not have a financial
4 interest in a contract valued at \$500 or more to provide
5 goods or services to the authority either during the time
6 the individual holds the office or for two years after
7 termination unless the contract is executed under
8 paragraph (3).

9 (ii) For purposes of this paragraph, the term
10 "financial interest" does not include employment by,
11 association with or ownership of a business association
12 unless the public officer, public official, party officer
13 or immediate family member owns shares of stock in the
14 corporation or has an ownership interest in a
15 noncorporate business association in an amount in excess
16 of 5% of the total ownership of the noncorporate business
17 association.

18 (6) A management-level employee, other employee of the
19 board, an advisor or consultant to the county seat, the
20 county or the State, having recommended to the authority
21 either making a contract relating to a convention center
22 authority or a course of action of which the making of the
23 contract is an express or implied part, may not, at any time
24 after making the recommendation, possess an adverse interest
25 in the contract.

26 (7) A management-level employee or other employee may
27 not have an adverse interest in a contract with an authority.
28 The following shall apply:

29 (i) A management-level employee or other employee of
30 the authority, the county seat, the county or the state

1 may not influence or attempt to influence the making of
2 or supervise or in any manner deal with a contract with
3 the authority in which the employee has an adverse
4 interest.

5 (ii) A person having an adverse interest in a
6 contract with the authority may not become a management-
7 level employee or other employee of the authority until
8 the adverse interest has been wholly divested.

9 (8) A management-level employee or other employee of the
10 authority, the county seat, the county or the State, except
11 in the performance of his duties as an employee, may not for
12 remuneration, directly or indirectly, represent a person in a
13 matter pending before the authority.

14 (d) Penalties.--An individual who violates this section
15 shall have the individual's employment by the authority
16 immediately terminated by the appropriate person having the
17 power to terminate and shall be liable to the authority to
18 reimburse the authority for all compensation received by the
19 employee from the authority while employed in violation of
20 subsection (b). The following shall apply:

21 (1) An individual who violates subsection (c)(1) or (2)
22 commits a felony and, upon conviction, shall be sentenced to
23 pay a fine of not more than \$10,000 or to imprisonment for
24 not more than five years, or both.

25 (2) An individual who violates subsection (c)(3), (4),
26 (5), (6), (7) or (8) commits a misdemeanor and, upon
27 conviction, shall be sentenced to pay a fine of not more than
28 \$1,000 or to imprisonment for not more than one year, or
29 both.

30 (3) An individual who obtains financial gain from

1 violating subsection (c), in addition to any other penalty
2 provided by law, shall pay into the accounts of the authority
3 a sum of money equal to three times the financial gain
4 resulting from the violation.

5 (4) An individual who violates subsection (c) shall be
6 barred for a period of five years from engaging in any
7 business or contract with the authority, the county seat, the
8 county, the State and all political subdivisions.

9 (5) An employee of the county seat, county, State or any
10 political subdivision or a public officer or public official
11 who violates subsection (c) shall automatically forfeit the
12 office or employment.

13 (6) The penalties and sanctions under this section shall
14 supersede any similar penalties and sanctions provided by 65
15 Pa.C.S. Ch. 11 and the State Adverse Interest Act.

16 (e) Definitions.--The following words and phrases shall have
17 the meanings given to them in this section unless the context
18 clearly indicates otherwise:

19 "Business." A corporation, partnership, sole proprietorship,
20 firm, enterprise, franchise, association, organization, self-
21 employed individual, holding company, joint-stock company,
22 receivership, trust or any legal entity organized for profit or
23 as a not-for-profit corporation or organization.

24 "Immediate family." A parent, spouse, child, brother, sister
25 or like relative-in-law.

26 "Infamous crime." A violation and conviction for an offense
27 which would disqualify an individual from holding public office
28 under section 6 of Article II of the Constitution of
29 Pennsylvania or a conviction for a violation of this section, 18
30 Pa.C.S. § 4113 (relating to misapplication of entrusted property

1 and property of government or financial institutions) or 18
2 Pa.C.S. Ch. 47 (relating to bribery and corrupt influence), 49
3 (relating to falsification and intimidation), 51 (relating to
4 obstructing governmental operations) or 53 (relating to abuse of
5 office) or any other violation of the laws of this Commonwealth
6 for which an individual has been convicted within the preceding
7 10 years and which is classified as a felony, and similar
8 violations of the laws of the Federal Government or another
9 state.

10 "Management-level authority employee." The chairperson and
11 members of the board of the authority, counsel employed by the
12 authority, the executive director of the authority and any
13 authority employee with discretionary powers which may affect
14 the outcome of the authority's decision in relation to a private
15 corporation or business or any employee who by virtue of the
16 employee's job function could influence the outcome of the
17 decision.

18 "Party officer." The following members or officers of a
19 political party:

20 (1) a member of a national committee;

21 (2) a chairperson, vice chairperson, secretary,
22 treasurer or counsel of a State committee or member of the
23 executive committee of a State committee;

24 (3) a city chairperson or vice chairperson or counsel,
25 secretary or treasurer of a city committee; or

26 (4) a county chairperson or vice chairperson or counsel,
27 secretary or treasurer of a county committee.

28 "Person." A business, individual, corporation, union,
29 association, firm, partnership, committee, club or other
30 organization or group of persons.

1 "Public employee."

2 (1) An individual employed by the Commonwealth or a
3 political subdivision who is responsible for taking or
4 recommending official action of a nonministerial nature with
5 regard to:

6 (i) contracting or procurement;

7 (ii) administering or monitoring grants or
8 subsidies;

9 (iii) planning or zoning;

10 (iv) inspecting, licensing, regulating or auditing
11 any person; or

12 (v) any official action which has an economic impact
13 of greater than a de minimis nature on the interest of
14 any person.

15 (2) The term does not include individuals who are
16 independent contractors or persons that are employed by the
17 state or a political subdivision in teaching, as
18 distinguished from administrative duties.

19 "Public officer." An individual elected to any public office
20 of the Commonwealth or a political subdivision.

21 "Public official."

22 (1) An elected or appointed official in the executive,
23 legislative or judicial branch of the State or a political
24 subdivision.

25 (2) The term does not include members of advisory boards
26 that have no authority to expend public money other than
27 reimbursement for personal expenses or to otherwise exercise
28 the power of the State or a political subdivision.

29 (3) The term does not include an appointed official who
30 receives no compensation other than reimbursement for actual

1 expenses.

2 § 17347. Use and operation of convention center facilities.

3 (a) General rule.--The use and operation of a convention
4 center and the operation of the business of the authority shall
5 be subject to the rules and regulations adopted by the
6 authority.

7 (b) Limitation.--The authority may not impair the security
8 of the obligees of the authority, violate any agreements with
9 the obligees or for the obligee's benefit or violate any
10 contracts, leases or other agreements awarded, made or entered
11 into by the authority.

12 § 17348. Limitation of powers.

13 (a) Bonds.--The Commonwealth pledges to and agrees with any:

14 (1) person, county, county seat, political subdivision
15 or Federal agency subscribing to or acquiring the bonds to be
16 issued by the authority for the construction or improvement
17 of a convention center that the Commonwealth will not limit
18 or alter the rights vested in the authority under law in any
19 manner inconsistent with the obligations to the bondholders
20 until all bonds issued, together with the interest, are fully
21 paid and discharged; and

22 (2) Federal agency that in the event that a Federal
23 agency shall construct or contribute money for the
24 construction or improvement of a convention center that the
25 Commonwealth shall not alter or limit the rights and powers
26 of the authority in any manner which would be inconsistent
27 with the due performance of any agreements between the
28 authority and the Federal agency.

29 (b) Leases.--The Commonwealth pledges to and agrees with any
30 person that, as owner, leases or subleases a convention center

1 to or from an authority created pursuant to this subdivision
2 that the Commonwealth will not limit or alter the rights and
3 powers vested in the authority or otherwise created by this
4 subdivision in any manner which impairs the obligations of the
5 authority until all obligations of the authority under the lease
6 or sublease are fully met and discharged.

7 § 17349. Exemption from taxation.

8 (a) Purpose of exemption.--The authorized purposes of
9 authorities created under this subdivision shall in all respects
10 be for the benefit of the residents of this Commonwealth, for
11 the increase of commerce and prosperity and for the improvement
12 of health and living conditions.

13 (b) Authority exempt.--An authority, as public
14 instrumentality of the Commonwealth and performing essential
15 governmental functions in effectuating these purposes, is exempt
16 from the payment of any taxes or assessments upon a convention
17 center or a part of a convention center, or property acquired or
18 used or permitted to be used by a convention center for these
19 purposes.

20 (c) Bonds exempt.--Bonds issued by an authority, transfer of
21 the bonds and the income from the bonds, including any profits
22 made on the sale of the bonds, shall be exempt from State and
23 local taxation within this Commonwealth.

24 (d) Limitation--The exemptions under subsections (b) and (c)
25 shall not extend to gift, estate, succession or inheritance
26 taxes or any other taxes not levied directly on the bonds, the
27 transfer or the income of bonds from or the realization of
28 profits on the sale of the bonds.

29 § 17350. Lease by authorities.

30 A convention center may be leased or subleased by the

1 authority to and from the county or county seat, and the county
2 or county seat is empowered to enter into leases, subleases, or
3 both, for this purpose. A lease or sublease may be made for a
4 specified or unlimited time and on any terms and conditions
5 approved by the county or county seat and agreed to by the
6 authority in conformity with its contracts with the bondholders.
7 § 17351. Cooperation.

8 (a) Rights given authority.--For the purpose of aiding and
9 cooperating with the authority and in the planning, acquisition,
10 clearance, relocation, development, design, construction,
11 rehabilitation, leasing, subleasing, alteration, expansion,
12 financing, improvement, management or operation of a convention
13 center, any public body or political subdivision of the
14 Commonwealth or the county or county seat may, with or without
15 consideration:

16 (1) Dedicate, sell, convey, lease or otherwise transfer
17 property or any interest, real, personal or mixed, tangible
18 or intangible, to the authority.

19 (2) Cause parking, recreational or community facilities
20 or any other works, which the political body or political
21 subdivision is otherwise empowered to undertake, to be
22 furnished in or adjacent to any area selected for a
23 convention center or part of a convention center.

24 (3) Furnish, dedicate, close, pave, install, grade,
25 regrade, plan or replan streets, roads, roadways, alleys,
26 sidewalks or other places which the political body or
27 political subdivision is empowered to act.

28 (4) Enter into agreements, extending over any period,
29 with the Federal Government or the authority with respect to
30 action by a State public body pursuant to the powers granted

1 by this section.

2 (5) Incur the entire expense in connection with public
3 improvements made by a State public body, political
4 subdivision, county or the county seat, in exercising the
5 powers granted under this section.

6 (6) Aid and cooperate in the development, acquisition,
7 design, construction, improvement, maintenance, management,
8 operation, furnishing, fixturing, equipping, repairing,
9 financing, owning, leasing and subleasing of a convention
10 center or part of a convention center.

11 (b) Power of Secretary of General Services.--The Secretary
12 of General Services is authorized, with the approval of the
13 Governor and Attorney General, to execute and deliver, on behalf
14 of the Commonwealth, conveyances, deeds and leases authorized
15 under this subchapter.

16 (c) Payments.--

17 (1) In connection with a convention center, the county
18 or county seat may contract with the authority or the Federal
19 Government with respect to sums which the Federal Government
20 or the authority may agree to pay during any year or period
21 of years to the county or county seat for the improvements,
22 services and facilities to be provided by the county or
23 county seat for the benefit of the authority, convention
24 center facility or the persons occupying the area.

25 (2) The absence of a contract for payments under
26 paragraph (1) does not relieve the county or county seat from
27 the duty to furnish for the benefit of the authority,
28 convention center or the persons occupying the area,
29 customary improvements and services and facilities as the
30 county or county seat usually furnish without a service fee.

1 (d) Agency.--The Commonwealth, county or county seat may, by
2 written agreement, designate the authority as an agent within
3 the authority's field of operation to perform any specified
4 activity or to administer any specified program which the
5 Commonwealth, county or county seat is authorized by law to do
6 if these activities or programs are in furtherance of the public
7 purposes specified in this subchapter. Activities include
8 development, acquisition, design, construction, improvement,
9 maintenance, leasing, management or operation of a convention
10 center or part of a convention center.

11 (e) Supplemental powers.--Powers granted under this section
12 shall be in addition and supplemental to the powers conferred by
13 any other law.

14 § 17352. Hotel room rental tax.

15 (a) Imposition.--The county in which the authority's
16 convention centers are located or will be located may impose an
17 excise tax on the consideration received by each operator of a
18 hotel within the market area from each transaction of renting a
19 room or rooms to accommodate transients.

20 (b) Collection.--The tax shall be collected by the operator
21 from the patron of the room and paid over to the county and
22 shall be known as the Hotel Room Rental Tax.

23 (c) Rate.--The rate of tax imposed under this section by the
24 county in which the authority's convention centers are located
25 may not exceed 7%.

26 (d) Distribution of revenue.--Subject to the deduction of
27 the administrative fee authorized by subsection (o), the
28 revenues shall be distributed as follows:

29 (1) The revenues from the special funds required under
30 subsection (e) attributable to the levy of the first 5% of

1 the tax shall be distributed as follows:

2 (i) Eighty percent shall be deposited within two
3 working days into the special fund required under
4 subsection (e) for the use of the authority.

5 (ii) Twenty percent shall be deposited within two
6 working days into the tourist promotion agency fund
7 required under subsection (e) until disbursed under
8 subsection (j).

9 (2) The revenues from the special fund attributable to
10 the levy of the remaining 2% of the tax shall be deposited
11 into the tourist promotion agency fund required under
12 subsection (e) until disbursed under subsection (j).

13 (e) Duty of treasurer.--The treasurer of each county
14 electing to impose the tax authorized under this section shall
15 collect the tax and, subject to the deduction of the
16 administrative fee authorized by subsection (o):

17 (1) deposit 80% of the revenues attributable to the levy
18 of the first 5% of the tax in a special fund established for
19 the purposes set forth in this section;

20 (2) deposit 20% of the revenues attributable to the levy
21 of the first 5% of the tax in the tourist promotion agency
22 fund until disbursed under subsection (j); and

23 (3) deposit the revenues attributable to the levy of the
24 remaining 2% of the tax in the tourist promotion agency fund
25 until disbursed under subsection (j).

26 (f) Deposit of interest.--Interest on money deposited into
27 the funds shall accrue proportionately as provided under
28 subsection (e).

29 (g) Rules and regulations.--The treasurer may establish
30 rules and regulations concerning the collection of the tax,

1 which may not occur more than monthly nor less than quarterly.

2 (h) Special fund.--The authority shall have the right to
3 draw upon the special fund established under subsection (e)(1)
4 for the authority. Expenditures from the special fund shall be
5 used by the authority for the following purposes:

6 (1) Projected annual debt service or lease payments of
7 the convention center authority.

8 (2) Costs associated with financing, constructing,
9 expanding, improving, maintaining, furnishing, fixturing and
10 equipping convention centers.

11 (3) Costs associated with the development of convention
12 centers, including design, engineering and feasibility costs.

13 (4) Costs associated with the operation and management
14 of convention centers.

15 (5) Costs associated with promoting, marketing and
16 otherwise encouraging use of the convention centers.

17 (6) General purposes of the authority.

18 (7) Grants authorized under section 17335(e) (relating
19 to purpose and powers of authorities).

20 (i) Security.--If and to the extent that the authority
21 pledges the authority's share of the proceeds of the tax
22 authorized by this section as security for the payment of bonds
23 issued by the authority for convention centers, the following
24 shall apply:

25 (1) The Commonwealth pledges to and agrees with any
26 person, firm or corporation subscribing to or acquiring bonds
27 to be issued by the authority for convention center purposes
28 that the Commonwealth will not, nor will the Commonwealth
29 authorize a county to, reduce the rate of tax imposed for
30 convention centers until all bonds secured by the pledge of

1 the authority, together with interest, are fully met and
2 discharged.

3 (2) The county may not reduce the rate of tax imposed
4 for convention centers until all bonds secured by the pledge
5 of the authority, together with interest, are fully met and
6 discharged.

7 (j) Disbursement of money.--Revenues received from the tax
8 deposited into the tourist promotion agency fund required under
9 subsection (f) shall be disbursed by each county to the tourist
10 promotion agency within 10 days of receipt of the revenues.

11 (k) Fiscal year.--Each tax year for any tax imposed under
12 this section shall run concurrently with the county's fiscal
13 year.

14 (l) Audit.--An audited report on the income and expenditures
15 incurred by a tourist promotion agency receiving revenues from
16 the tax authorized under this section shall be submitted
17 annually by the tourist promotion agency to the county
18 commissioners.

19 (m) Penalty.--Notwithstanding any provision of law to the
20 contrary, in counties of the third class having a population
21 under the 1990 Federal decennial census in excess of 415,000
22 residents but less than 500,000 residents, a penalty of 1.5% per
23 month shall be imposed for failure to timely remit the tax
24 authorized by this section.

25 (n) Lien.--In addition to other remedies available for
26 collection of debts, the county may also file a lien upon the
27 hotel in the name of and for the use of the county as provided
28 by law for municipal claims.

29 (o) Administrative fee.--For purposes of defraying the costs
30 of collecting the tax imposed under this section and otherwise

1 performing the county's obligations under this subchapter, the
2 county may deduct and retain an administrative fee from the
3 taxes collected under this subsection. The administrative fee
4 shall be established by the county but may not exceed in any tax
5 year the lesser of:

6 (1) 2% of all taxes collected hereunder; or

7 (2) \$40,000, which amount shall be adjusted biannually,
8 beginning two years after the date of enactment, by the
9 percentage growth in the Consumer Price Index for All Urban
10 Consumers as determined by the United States Department of
11 Labor.

12 (p) Regulations.--The county shall have the authority to
13 prescribe rules and regulations as the county determines are
14 appropriate to administer the provisions of this section.

15 (g) Definitions.--As used in this section, the following
16 words and phrases shall have the meanings given to them in this
17 subsection:

18 "Consideration." Receipts, fees, charges, rentals, leases,
19 cash, credits, property of any kind or nature or other payment
20 received by operators in exchange for or in consideration of the
21 use or occupancy by a transient of a room or rooms in a hotel
22 for a temporary period.

23 "Convention center or convention center facility." Any land,
24 improvement, structure, building, or part thereof, or property
25 interest, whether owned by or leased by or to or otherwise
26 acquired by an authority, appropriate for any of the following:
27 large public assemblies, the holding of conventions,
28 conferences, trade exhibitions and other business, social,
29 cultural, scientific, sports, recreational, artistic and public
30 interest events, performances and exhibitions, and all

1 facilities, furniture, fixtures and equipment necessary or
2 incident thereto, including hotels, meeting rooms, dining rooms,
3 kitchens, ballrooms, reception areas, registration and
4 prefunction areas, locker rooms, practice areas and equipment,
5 training areas and equipment, truck loading areas, including
6 access, accessways, including, but not limited to, tunnels,
7 overhead walkways, escalators, elevators and other connections
8 to nearby or adjoining buildings or facilities, regardless of
9 whether the buildings or facilities constitute convention
10 centers or are owned or controlled by the authority, common
11 areas, lobbies, offices and areas appurtenant to any of the
12 preceding, and also including other land, buildings, structures
13 or facilities for use or planned for use in conjunction with the
14 foregoing, including landscaping, buffer areas, off-street
15 parking, retail areas and other improvements related to a
16 convention center owned by or leased by or to an authority,
17 regardless of whether the improvements are for the purpose of
18 producing revenues to assist in defraying the costs or expenses
19 of a convention center.

20 "Hotel." A hotel, motel, inn, guesthouse or other building
21 or complex of buildings located within the market area which
22 holds itself out by any means, including advertising, license,
23 registration with an innkeeper's group, convention listing
24 association, travel publication or similar association or with a
25 government agency, as being available to provide overnight
26 lodging or use of facility space for consideration to persons
27 seeking temporary accommodation and the following shall apply:

28 (1) The term includes:

29 (i) A place which advertises to the general public
30 or a segment of the general public that it will provide

1 beds, sanitary facilities or other space for a temporary
2 period to members of the general public.

3 (ii) A place recognized as a hostelry.

4 (2) The term does not include portions of a facility
5 which are devoted to individuals who have established
6 permanent residence.

7 (3) The term does not include a bed and breakfast
8 homestead or inn as defined in the act of May 23, 1945
9 (P.L.926, No.369), referred to as the Public Eating and
10 Drinking Place Law.

11 "Market area." With respect to a county in which there is
12 more than one city of the third class, the entire county. With
13 respect to a county in which there is only one city of the third
14 class, one of the following, as selected by the governing body
15 of the county:

16 (1) That city and the area within the county which is
17 not more than 15 miles from the city limits of the county
18 seat.

19 (2) That city and the area within the county which, as
20 determined by the governing body of the county imposing the
21 tax, derives a material benefit from the existence of the
22 convention center within the county. The owner of a hotel
23 affected by a determination by the governing body under this
24 subparagraph may challenge the determination by filing a
25 petition in the court of common pleas in the judicial
26 district in which the determination was made.

27 "Occupancy." The use or possession or the right to the use
28 or possession by a person other than a permanent resident of a
29 room in a hotel for any purpose or the right to the use or
30 possession of the furnishings or to the services accompanying

1 the use and possession of the room.

2 "Operator." Any individual, partnership, nonprofit or
3 profit-making association or corporation or other person or
4 group of persons that maintain, operate, manage, own, have
5 custody of or otherwise possess the right to rent or lease
6 overnight accommodations in a hotel to the public for
7 consideration.

8 "Patron." An individual who pays the consideration for the
9 occupancy of a room or rooms in a hotel.

10 "Permanent resident." An individual who has occupied or has
11 the right to occupy a room or rooms in a hotel as a patron or
12 otherwise for a period exceeding 30 consecutive days.

13 "Room." A space in a hotel set aside for use and occupancy
14 by patrons, or otherwise, for consideration, having at least one
15 bed or other sleeping accommodations provided therein.

16 "Temporary." A period of time not exceeding 30 consecutive
17 days.

18 "Tourist promotion agency." The agency designated by the
19 governing body of a county or county seat in which the
20 convention centers are located to be eligible for grants from
21 the Department of Community and Economic Development under the
22 act of July 4, 2008 (P.L.621, No.50), known as the Tourism
23 Promotion Act.

24 "Transaction." The activity involving the obtaining by a
25 transient or patron of the use or occupancy of a hotel room from
26 which consideration emanates to the operator under an express or
27 an implied contract.

28 "Transient." An individual who obtains an accommodation in
29 any hotel for the individual by means of registering at the
30 facility for the temporary occupancy of a room for the personal

use of that individual by paying to the operator of the facility
a fee in consideration for the accommodation.

"Treasurer." The elected treasurer of the county or, if
there is no elected treasurer, another official or agent of the
county as may be designated by the county to collect and account
for the tax authorized by this section.

§ 17353. Construction.

Nothing in this subchapter shall be construed to limit any
action taken under Subchapter A.

CHAPTER 175

HOTEL TAX

Sec.

17501. Authorization of hotel tax.

17502. Authorization of five percent hotel tax for a county of
the third class.

17503. (Reserved).

17504. Authorization of five percent hotel tax for a county of
the fifth class.

17505. Hotel room rental tax in certain third class counties.

17506. (Reserved).

17507. Hotel room rental tax in third through eighth class
counties.

17508. Certification of recognized tourist promotion agencies.

17509. Hotel room rental tax in second class and second class A
counties.

§ 17501. Authorization of hotel tax.

(a) Imposition.--The county commissioners of any county of
the third class having a second class A city located therein may
impose a hotel tax not to exceed 7% of the consideration
received by each operator of a hotel within the county from each

1 transaction of renting a room or rooms to transients. The tax
2 shall be collected by the operator from the patron of the room
3 or rooms and paid over to the county as herein provided.

4 (b) Records.--The county commissioners may by ordinance
5 impose requirements for keeping of records, the filing of tax
6 returns and the time and manner of collection and payment of
7 tax. The county commissioners may also impose by ordinance
8 penalties and interest for failure to comply with recordkeeping,
9 filing, collection and payment requirements.

10 (c) Collection.--The treasurer of each county that imposes
11 the tax authorized under this section shall collect the tax and
12 deposit the revenues received from the tax in a special fund
13 established for that purpose. The disposition of the revenues
14 from the special fund shall be as follows: a minimum of 40% of
15 all revenues received per annum shall be distributed to the TPA,
16 which shall use them for the appropriate and reasonable
17 operational, marketing and promotional expenses of the TPA.
18 Other tax revenues received and amounting to not more than 60%
19 of total annual revenues shall be distributed to the county,
20 which shall use them for reasonable expenses associated with
21 collection and enforcement of the tax; for county-owned tourist
22 and recreational facilities, sports facilities or visitor
23 centers; for other tourism-related activities as determined by
24 the county commissioners; or for other expenditures, debts or
25 liabilities related to tourism or recreational facilities
26 incurred by municipal authorities as determined by the county
27 commissioners.

28 (d) Concurrent tax years.--The tax year for a tax imposed
29 under this section shall run concurrently with the calendar
30 year.

1 (e) Audit.--An audited report on the income and expenditures
2 incurred by a tourist promotion agency receiving any revenues
3 from the tax authorized under this section shall be submitted
4 annually by the tourist promotion agency to the county
5 commissioners.

6 (f) Definitions.--As used in this section, the following
7 words and phrases shall have the meanings given to them in this
8 subsection:

9 "Consideration." Receipts, fees, charges, rentals, leases,
10 cash, credits, property of any kind or nature, or other payment
11 received by operators in exchange for or in consideration of the
12 use or occupancy by a transient of a room or rooms in a hotel
13 for any temporary period.

14 "Hotel." A hotel, motel, inn, guest house or other structure
15 which holds itself out by any means, including advertising,
16 license, registration with an innkeepers' group, convention
17 listing association, travel publication or similar association
18 or with a government agency, as being available to provide
19 overnight lodging or use of facility space for consideration to
20 persons seeking temporary accommodation; any place which
21 advertises to the public at large or any segment thereof that it
22 will provide beds, sanitary facilities or other space for a
23 temporary period to members of the public at large; or any place
24 recognized as a hostelry. The term does not include any portion
25 of a facility that is devoted to persons who have an established
26 permanent residence or a college or university student residence
27 hall.

28 "Occupancy." The use or possession or the right to the use
29 or possession by any person other than a permanent resident of
30 any room in a hotel for any purpose or the right to the use or

possession of the furnishings or to the services accompanying the use and possession of the room.

"Operator." An individual, partnership, nonprofit or profit-making association or corporation or other person or group of persons who maintain, operate, manage, own, have custody of or otherwise possess the right to rent or lease overnight accommodations in a hotel to the public for consideration.

"Patron." A person who pays the consideration for the occupancy of a room or rooms in a hotel.

"Permanent resident." A person who has occupied or has the right to occupancy of a room or rooms in a hotel as a patron or otherwise for a period exceeding 30 consecutive days.

"Room." A space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodation in a room or group of rooms.

"Tourist Promotion Agency (TPA)." An organization, agency or corporation designated to be such by the board of commissioners of the county in which the tax is imposed. The TPA shall be duly established, designated and recognized as the county's TPA in accordance with and pursuant to the act of July 4, 2008 (P.L.621, No.50), known as the Tourism Promotion Act.

"Transaction." The activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration is payable to the operator under an express or an implied contract.

"Transient." An individual who obtains accommodation in a hotel by means of registering at the facility for the temporary occupancy of a room for the personal use of the individual by paying a fee to the operator.

§ 17502. Authorization of five percent hotel tax for a county

1 of the third class.

2 (a) Imposition.--The county commissioners of any county of
3 the third class having a population under the 1990 Federal
4 Decennial Census in excess of 237,000 residents, but less than
5 240,000 residents, may impose a hotel tax not to exceed 5% of
6 the consideration received by each operator of a hotel within
7 the county from each transaction of renting a room or rooms to
8 transients. The tax shall be collected by the operator from the
9 patron of the room or rooms and paid over to the county as
10 herein provided.

11 (b) Records.--The county commissioners may by ordinance
12 impose requirements for keeping of records, the filing of tax
13 returns and the time and manner of collection and payment of
14 tax. The county commissioners may also impose by ordinance
15 penalties and interest for failure to comply with recordkeeping,
16 filing, collection and payment requirements.

17 (c) Disposition of first two percent of tax revenue.--The
18 county commissioners of each county shall designate the entity
19 or agency responsible to collect and to enforce the collection
20 of the tax on their behalf. All revenues received from the tax
21 shall be deposited into a special fund, which is to be
22 established by the county's treasurer. The disposition of the
23 revenues from the special fund attributable to the levy of the
24 first 2% of the tax shall be as follows:

25 (1) 20% of all revenues received per annum shall be
26 distributed by the treasurer to a city of the third class in
27 the county of the third class imposing the tax for the
28 appropriate and reasonable marketing and promotional expenses
29 of promoting tourism in the city of a third class and the
30 costs associated with the renovation, rehabilitation,

1 extension, furnishing, equipping, substantial repair or
2 construction of a tourism-related facility located within the
3 city of the third class, including for payment of the debt
4 service on bonds issued for such projects;

5 (2) 10% of all revenues received per annum shall be
6 distributed by the treasurer to the county commissioners who
7 may accept the funds which may be used for tourism and
8 regional promotion purposes to be determined by the county
9 commissioners, or, if the county commissioners elect not to
10 accept the funds, the funds shall be distributed by the
11 treasurer to the TPA for the appropriate and reasonable
12 marketing and promotional expenses of the TPA in promoting
13 tourism in the county of the third class imposing the tax,
14 excluding promotion of a city of the third class receiving
15 revenues under clause (1); and

16 (3) 70% of all revenue received per annum shall be
17 distributed by the treasurer to qualified authorities located
18 within the county of the third class imposing the tax for
19 payment of the debt service on bonds issued for the
20 construction of a county regional sports facility having a
21 seating capacity of two and one-half thousand to fourteen
22 thousand seats, which is owned, in whole or in part, or
23 leased by the applicable authority, and which is located
24 within the county of the third class imposing the tax. The
25 following are qualified authorities for purposes of this
26 clause:

27 (i) an authority incorporated pursuant to the former
28 act of May 2, 1945 (P.L.382, No.164), known as the
29 Municipality Authorities Act of 1945;

30 (ii) an industrial or commercial development

1 authority incorporated pursuant to the act of August 23,
2 1967 (P.L.251, No.102), known as the Economic Development
3 Financing Law; and

4 (iii) a redevelopment authority incorporated
5 pursuant to the act of May 24, 1945 (P.L.991, No.385),
6 known as the Urban Redevelopment Law.

7 (d) Disposition of the third one percent of the tax
8 revenue.--The disposition of the revenues from the special fund
9 attributable to the levy of the third percent of the tax, if
10 levied, shall be distributed at the discretion of the county
11 commissioners and used solely for tourism and regional promotion
12 purposes.

13 (e) Disposition of remaining two percent of tax revenue.--
14 The disposition of the revenues from the special fund
15 attributable to the levy of the remaining 2% of the tax shall be
16 distributed by the treasurer as follows:

17 (1) 50% shall be distributed to the TPA for the
18 appropriate and reasonable marketing and promotional expenses
19 for promoting tourism in the county imposing the tax; and

20 (2) 50% shall be distributed as follows:

21 (i) 75% to an authority incorporated pursuant to the
22 former "Municipality Authorities Act of 1945" located
23 within the county of the third class currently imposing a
24 tax for payment of the debt service on bonds issued for
25 the construction of a county regional sports facility
26 having a seating capacity of two and one-half thousand to
27 fourteen thousand seats, which is owned, in whole or in
28 part, or leased by the applicable authority, and which is
29 located within the county of the third class imposing the
30 tax. Such authority shall use the tax distribution

1 identified in this section for the improvement, support,
2 rehabilitation, revitalization, construction, fit-out and
3 reconstruction of one or more tourism or tourism
4 infrastructure-related facilities, including, but not
5 limited to, the payment of debt service on bonds related
6 thereto.

7 (ii) 25% shall be distributed to the TPA for the
8 appropriate and reasonable marketing and promotional
9 expenses of promoting tourism in a city of the third
10 class located within the county of the third class
11 imposing the tax, and the same shall be used in
12 accordance with a plan approved by the TPA.

13 (f) Collection and deposit.--The treasurer of each county
14 electing to impose the tax authorized under this section shall
15 collect the tax from the entity or agency designated by the
16 county commissioners to collect and to enforce the collection of
17 the tax and shall deposit the revenues received from the tax in
18 a special fund established for that purpose.

19 (g) Concurrent tax years.--The tax year for a tax imposed
20 under this section shall run concurrently with the calendar
21 year.

22 (h) Audit.--An audited report on the income and expenditures
23 incurred by a tourist promotion agency receiving any revenues
24 from the tax authorized under this section shall be submitted
25 annually by the tourist promotion agency to the county
26 commissioners.

27 (i) Definitions.--As used in this section, the following
28 words and phrases shall have the meanings given to them in this
29 subsection:

30 "Consideration." Receipts, fees, charges, rentals, leases,

1 cash, credits, property of any kind or nature or other payment
2 received by operators in exchange for or in consideration of the
3 use or occupancy by a transient of a room or rooms in a hotel
4 for any temporary period.

5 "Debt service on bonds." Any cost related to the issuance,
6 refinancing, refunding or payment or any other costs associated
7 with the issuance and maintenance of bonds or notes by an
8 authority or a city of the third class.

9 "Hotel." A hotel, motel, inn, guest house or other structure
10 which holds itself out by any means, including advertising,
11 license, registration with an innkeepers' group, convention
12 listing association, travel publication or similar association
13 or with a government agency, as being available to provide
14 overnight lodging or use of facility space for consideration to
15 persons seeking temporary accommodation; any place which
16 advertises to the public at large or any segment thereof that it
17 will provide beds, sanitary facilities or other space for a
18 temporary period to members of the public at large; or any place
19 recognized as a hostelry. The term does not include any portion
20 of a facility that is devoted to persons who have an established
21 permanent residence or a college or university student residence
22 hall.

23 "Occupancy." The use or possession or the right to the use
24 or possession by any person other than a permanent resident of
25 any room in a hotel for any purpose or the right to the use or
26 possession of the furnishings or to the services accompanying
27 the use and possession of the room.

28 "Operator." An individual, partnership, nonprofit or profit-
29 making association or corporation, or other person or group of
30 persons who maintains, operates, manages, owns, has custody of

1 or otherwise possesses the right to rent or lease overnight
2 accommodations in a hotel to the public for consideration.

3 "Patron." A person who pays the consideration for the
4 occupancy of a room or rooms in a hotel.

5 "Permanent resident." A person who has occupied or has the
6 right to occupancy of a room or rooms in a hotel as a patron or
7 otherwise for a period exceeding 30 consecutive days.

8 "Room." A space in a hotel set aside for use and occupancy
9 by patrons, or otherwise, for consideration, having at least one
10 bed or other sleeping accommodation in a room or group of rooms.

11 "Tourist Promotion Agency (TPA)." An organization, agency or
12 corporation designated to be such by the board of commissioners
13 of the county in which the tax is imposed. The TPA shall be duly
14 established, designated and recognized as the county's TPA in
15 accordance with and pursuant to the act of April 28, 1961
16 (P.L.111, No.50), known as the Tourist Promotion Law.

17 "Transaction." The activity involving the obtaining by a
18 transient or patron of the use or occupancy of a hotel room from
19 which consideration is payable to the operator under an express
20 or an implied contract.

21 "Transient." An individual who obtains accommodation in a
22 hotel by means of registering at the facility for the temporary
23 occupancy of a room for the personal use of the individual by
24 paying a fee to the operator.

25 § 17503. (Reserved).

26 § 17504. Authorization of five percent hotel tax for a county
27 of the fifth class.

28 (a) Imposition.--The county commissioners of any county of
29 the fifth class having a population under the 2010 Federal
30 Decennial Census in excess of 101,000 residents, but less than

1 102,000 residents, may impose a hotel tax not to exceed 5% of
2 the consideration received by each operator of a hotel within
3 the county from each transaction of renting a room or rooms to
4 transients. The tax shall be collected by the operator from the
5 patron of the room or rooms and paid over to the county as
6 herein provided.

7 (b) Records and penalty.--The provisions of subsection (c)
8 notwithstanding, county commissioners may by ordinance impose
9 requirements for keeping of records, the filing of tax returns
10 and the time and manner of collection and payment of tax. The
11 county commissioners may also impose by ordinance penalties and
12 interest for failure to comply with recordkeeping, filing,
13 collection and payment requirements.

14 (c) Audit.--Each operator of a hotel within a county that
15 imposes the tax authorized under this section shall submit to an
16 audit of hotel tax revenue. The audit shall be conducted by the
17 county commissioners and shall consist, at a minimum, of
18 determining the total amount of consideration received by the
19 operator from transactions of renting a room or rooms to
20 transients during the period being audited and the total amount
21 of hotel tax revenue collected. The county commissioners or
22 their duly authorized agents shall conduct at least one audit
23 annually and shall bear the costs of the audit.

24 (d) Collection, deposit and disposition of tax revenue.--The
25 treasurer of each county that imposes the tax authorized under
26 this section shall collect the tax and deposit the revenues
27 received from the tax in a special fund established for that
28 purpose. Subject to the deduction of the administrative fee
29 authorized by subsection (h), the disposition of the revenues
30 from the TPA hotel tax fund shall be as follows:

1 (1) Seventy-five percent of all revenues received per
2 annum shall be used by the county's recognized TPA for the
3 promotion, advertising and marketing of tourism and special
4 events and for administrative costs.

5 (2) Twenty-five percent of all revenues received per
6 annum shall be distributed as follows:

7 (i) Fifty percent shall be used by the county
8 commissioners for the purposes of economic development
9 and historic preservation.

10 (ii) Fifty percent shall be used by the county
11 commissioners for grants to municipalities that:

12 (A) have a municipal police department employing
13 at least two full-time police officers assigned to
14 law enforcement duties who work a minimum of 200 days
15 per year; or

16 (B) are a member of a regional police department
17 that provides full-time police services to the
18 municipality pursuant to an agreement or contract.

19 (iii) Municipalities receiving grants under
20 subclause (ii) must meet or have met the eligibility
21 requirements under subclause (ii) (A) or (B) for a minimum
22 of two years prior to receiving the grant.

23 (e) Grants.--Grants under subsection (d) (2) (ii) shall be
24 distributed to municipalities in proportion to the number of
25 hotel rooms within the municipality as a percentage of the total
26 number of hotel rooms in municipalities with police departments
27 under subsection (d) (2) (ii) as compiled by the recognized TPA
28 and certified by the county commissioners. Grants shall be used
29 for police and law enforcement purposes. Any portion of a grant
30 not used for police and law enforcement purposes shall be

1 returned to the county for the purposes of subsection (d) (2) (i).

2 (f) Concurrent tax years.--The tax year for a tax imposed
3 under this section shall run concurrently with the calendar
4 year.

5 (g) Audit.--An audited report on the income and expenditures
6 incurred by a tourist promotion agency receiving any revenues
7 from the tax authorized under this section shall be submitted
8 annually by the tourist promotion agency to the county
9 commissioners.

10 (h) Administrative fee.--The county may deduct and retain an
11 administrative fee from the taxes collected under this section.
12 The administrative fee established by the county may not exceed
13 in any tax year the lesser of:

14 (1) 4.5% of all taxes collected under this section; or

15 (2) \$95,000, which amount shall be adjusted biannually,
16 beginning two years after July 12, 2012, by the percentage
17 growth in the Consumer Price Index for All Urban Consumers.

18 (i) Uses of revenue.--Revenue collected from the fee imposed
19 under subsection (h) shall be used for the following purposes:

20 (1) Defraying the costs associated with the collection
21 and administration of the tax.

22 (2) Defraying the costs of the review required under
23 subsection (c).

24 (j) Definitions.--As used in this section, the following
25 words and phrases shall have the meanings given to them in this
26 subsection:

27 "Consideration." Receipts, fees, charges, rentals, leases,
28 cash, credits, property of any kind or nature, or other payment
29 received by operators in exchange for or in consideration of the
30 use or occupancy by a transient of a room or rooms in a hotel

1 for any temporary period.

2 "Hotel." A hotel, motel, inn, guest house or other structure
3 which holds itself out by any means, including advertising,
4 license, registration with an innkeepers' group, convention
5 listing association, travel publication or similar association
6 or with a government agency, as being available to provide
7 overnight lodging or use of facility space for consideration to
8 persons seeking temporary accommodation; any place which
9 advertises to the public at large or any segment thereof that it
10 will provide beds, sanitary facilities or other space for a
11 temporary period to members of the public at large; or any place
12 recognized as a hostelry. The term does not include any portion
13 of a facility that is devoted to persons who have an established
14 permanent residence or a college or university student residence
15 hall.

16 "Occupancy." The use or possession or the right to the use
17 or possession by any person other than a permanent resident of
18 any room in a hotel for any purpose or the right to the use or
19 possession of the furnishings or to the services accompanying
20 the use and possession of the room.

21 "Operator." An individual, partnership, nonprofit or profit-
22 making association or corporation or other person or group of
23 persons who maintain, operate, manage, own, have custody of or
24 otherwise possess the right to rent or lease overnight
25 accommodations in a hotel to the public for consideration.

26 "Patron." A person who pays the consideration for the
27 occupancy of a room or rooms in a hotel.

28 "Permanent resident." A person who has occupied or has the
29 right to occupancy of a room or rooms in a hotel as a patron or
30 otherwise for a period exceeding 30 consecutive days.

1 "Room." A space in a hotel set aside for use and occupancy
2 by patrons, or otherwise, for consideration, having at least one
3 bed or other sleeping accommodation in a room or group of rooms.

4 "Tourist Promotion Agency (TPA)." An organization, agency or
5 corporation designated to be such by the board of commissioners
6 as of January 1, 2000, of the county in which the tax is
7 imposed. The TPA shall be duly established, designated and
8 recognized as the county's TPA in accordance with and pursuant
9 to the act of July 4, 2008 (P.L.621, No.50), known as the
10 Tourism Promotion Act.

11 "Transaction." The activity involving the obtaining by a
12 transient or patron of the use or occupancy of a hotel room from
13 which consideration is payable to the operator under an express
14 or an implied contract.

15 "Transient." An individual who obtains accommodation in a
16 hotel by means of registering at the facility for the temporary
17 occupancy of a room for the personal use of the individual by
18 paying a fee to the operator.

19 § 17505. Hotel room rental tax in certain third class counties.

20 (a) Imposition.--A county may, by ordinance, impose a tax
21 which shall be known as the hotel room rental tax on the
22 consideration received by each operator of a hotel within the
23 county from each transaction of renting a room or rooms to
24 accommodate temporary residents. The tax shall be collected by
25 the operator from the patron of the room and paid over to the
26 county where the hotel is located as provided under this
27 section.

28 (b) Rate of tax.--The tax imposed under subsection (a) shall
29 be equal to 4% of the consideration received from each
30 transaction of renting a room or rooms to accommodate temporary,

1 not permanent, residents.

2 (c) Collection.--The tax shall be collected by the operator
3 from the patron and paid over to the county where the hotel is
4 located. The county executive of each county is hereby
5 authorized to establish rules and regulations governing the
6 collection of the tax, which collection shall not occur more
7 often than monthly and not less than quarterly.

8 (d) Distribution of tax revenue.--Money received under
9 subsection (c) and interest accrued shall be distributed by the
10 fiscal officer of each county as follows:

11 (1) Each county shall within 10 days of receipt transmit
12 68.75% of the money collected in that county to the regional
13 tourist promotion agency which serves more than one county
14 and which is designated by the governing body of the county
15 to be eligible for grants from the Department of Community
16 and Economic Development pursuant to the act of April 28,
17 1961 (P.L.111, No.50), known as the Tourist Promotion Law.

18 (2) Each county shall retain 18.75% of the money
19 collected in that county for the further development of
20 tourism facilities and for community development initiatives
21 within that county that enhance regional tourism.

22 (3) Each county shall retain 12.5% of the money
23 collected in that county for the further development of
24 facilities and for marketing purposes within that county to
25 enhance regional tourism.

26 (e) Definitions.--The following words and phrases when used
27 in this section shall have the meanings given to them in this
28 subsection unless the context clearly indicates otherwise:

29 "Consideration." Receipts, fees, charges, rentals, leases,
30 cash, credits, property of any kind or nature or other payment

1 received by operators in exchange for or in consideration of the
2 use or occupancy by a transient of a room or rooms in a hotel
3 for a temporary period.

4 "County." Any county which is, on June 22, 2000, a county of
5 the third class having a population under the 1990 Federal
6 Decennial Census in excess of 290,000 residents but less than
7 295,000 residents or a county of the third class having a
8 population under the 1990 Federal Decennial Census in excess of
9 245,000 residents but less than 250,000 residents.

10 "Hotel." A hotel, motel, inn, guesthouse or other structure
11 which holds itself out by any means, including advertising,
12 license, registration with an innkeepers' group, convention
13 listing association, travel publication or similar association
14 or with a government agency, as being available to provide
15 overnight lodging for consideration to persons seeking temporary
16 accommodation; any place which advertises to the public at large
17 or any segment thereof that it will provide beds, sanitary
18 facilities or other space for a temporary period to members of
19 the public at large; or any place recognized as a hostelry. The
20 term does not include any portion of a facility that is devoted
21 to persons who have an established permanent residence or a
22 college or university student residence hall or any private
23 campground or any cabins, public campgrounds or other facilities
24 located on State land.

25 "Joint planning commissions." A commission established by
26 ordinance or membership of two or more municipalities to
27 encourage planning for future development and to coordinate
28 planning with neighboring municipalities, counties and other
29 government agencies in accordance with Article XI of the act of
30 July 31, 1968 (P.L.805, No.247), known as the Pennsylvania

1 Municipalities Planning Code.

2 "Operator." Any individual, partnership, nonprofit or
3 profit-making association or corporation or other person or
4 group of persons who maintain, operate, manage, own, have
5 custody of or otherwise possess the right to rent or lease
6 overnight accommodations in a building to the public for
7 consideration.

8 "Patron." Any person who pays the consideration for the
9 occupancy of a room or rooms in a hotel.

10 "Permanent resident." Any person who has occupied or has the
11 right to occupy a room or rooms in a hotel as a patron or
12 otherwise for a period exceeding 30 consecutive days.

13 "Room." A space in a building set aside for use and
14 occupancy by patrons, or otherwise, for consideration, having at
15 least one bed or other sleeping accommodations provided.

16 "Temporary resident." Any person who has occupied or has the
17 right to occupy a room or rooms in a hotel as a patron or
18 otherwise for a period of time not exceeding 30 consecutive
19 days.

20 "Transaction." The activity involving the obtaining by a
21 transient or patron of the use or occupancy of a hotel room from
22 which consideration emanates to the operator under an expressed
23 or implied contract.

24 "Transient." Any person who obtains an accommodation in any
25 hotel for himself by means of registering at the facility for
26 the temporary occupancy of a room for the personal use of that
27 individual by paying to the operator of the facility a fee in
28 consideration therefor.

29 § 17506. (Reserved).

30 § 17507. Hotel room rental tax in third through eighth class

1 counties.

2 (a) Imposition.--A county may, by ordinance, impose a tax
3 which shall be known as the hotel room rental tax on the
4 consideration received by each operator of a hotel within the
5 county from each transaction of renting a room or rooms to
6 accommodate transients. The tax shall be collected by the
7 operator from the patron of the room and paid over to the county
8 where the hotel is located as provided under this section.

9 (b) Limitation on tax rate.--The rate of tax imposed under
10 this section shall not exceed 5%.

11 (c) Collection, deposit and distribution.--The treasurer of
12 each county electing to impose the tax authorized under this
13 section shall collect the tax and deposit the revenues received
14 from the tax in a special fund established for that purpose.
15 Subsequent to the deduction for administrative costs established
16 in subsection (i), the county shall distribute to the recognized
17 tourist promotion agency all revenues received from the tax not
18 later than 60 days after receipt of the tax revenues.

19 (d) Use of tax revenue.--The revenues from the special fund
20 shall be used by the recognized tourist promotion agency for any
21 of the following purposes:

22 (1) Marketing the area served by the agency as a leisure
23 travel destination.

24 (2) Marketing the area served by the agency as a
25 business, convention or meeting travel destination.

26 (3) Using all appropriate marketing tools to accomplish
27 these purposes, including, but not limited to, advertising,
28 publicity, publications, direct marketing, sales, technology
29 and participation in industry trade shows that attract
30 tourists or travelers to the area served by the agency.

1 (4) Programs, expenditures or grants that are directly
2 and substantially related to tourism or a business,
3 convention or meeting travel destination within the county,
4 augment and do not compete with private sector tourism or
5 travel efforts and improve and expand the county as a
6 destination market as deemed necessary by the recognized
7 tourist promotion agency. The following shall apply to grants
8 awarded under this paragraph:

9 (i) Grants require a cash or in-kind local match of
10 at least 25%.

11 (ii) Grants may not be used for signage that
12 promotes a specific private entity on the situs of that
13 entity, except where the signage also carries the logo of
14 a recognized tourist promotion agency.

15 (5) Any other tourism or travel marketing or promotion
16 program, expenditure or project that does not compete with
17 private sector tourism or travel efforts as deemed necessary
18 by the recognized tourist promotion agency.

19 (e) Concurrent tax years.--Each taxable year for any tax
20 imposed under this section shall run concurrently with the
21 county's fiscal year.

22 (f) Audit.--An audited report or financial statement, as
23 determined by the county in consultation with the recognized
24 tourist promotion agency, on the income and expenditures
25 incurred by a recognized tourist promotion agency receiving any
26 revenues from the tax authorized under this section shall be
27 submitted annually by the recognized tourist promotion agency to
28 the county commissioners.

29 (g) Sanction.--The following shall apply:

30 (1) If a recognized tourist promotion agency fails to

1 submit an annual audit report or financial statement required
2 under subsection (f) within 90 days of the end of the
3 recognized tourist promotion agency's fiscal year, the
4 corresponding county may withhold tax revenues collected and
5 deposited in a special fund under this section until the
6 required annual audit report or financial statement is
7 submitted to the county.

8 (2) In the event the county does not take action under
9 paragraph (1) within 120 days of the end of the recognized
10 tourist promotion agency's fiscal year, the Secretary of
11 Community and Economic Development may require the county to
12 withhold tax revenues collected and deposited in a special
13 fund under this section until the required annual audit
14 report or financial statement is submitted to the county and
15 the Department of Community and Economic Development.

16 (h) Conflict of interest.--Any board member, director,
17 officer or employe of a recognized tourist promotion agency
18 shall disclose to the recognized tourist promotion agency the
19 nature of any conflict of interest or financial interest and
20 recuse himself or herself from any action taken on behalf of the
21 recognized tourist promotion agency which may result in a
22 private pecuniary benefit to the individual, a member of the
23 individual's immediate family or a business with which the
24 individual or a member of the individual's immediate family is
25 associated.

26 (i) Administrative costs.--For the purposes of defraying the
27 costs associated with the collection of the tax imposed under
28 this section and otherwise performing its obligations under this
29 section, the county may deduct and retain an administrative fee
30 from the taxes collected under this section. The administrative

fee shall be established by the county but shall not exceed 4% of the taxes collected in any taxable year.

(j) Penalty.--A penalty of 1.5% per month shall be imposed upon the operator of a hotel for failure to timely collect and remit the tax authorized by this section. In addition to other remedies available for collection of debts, the county may file a lien upon the hotel in the name of the county and for the use of the county as provided by law.

(k) Definitions.--The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Bed and breakfast" or "homestead." A public accommodation consisting of a private residence, which contains 10 or fewer bedrooms, used for providing overnight accommodations to the public and in which breakfast is the only meal served and is included in the charge for the room.

"Cabin." A permanent structure with beds and running water that is located on a campground on State land or private property and is available to provide overnight lodging for consideration to persons seeking temporary accommodations. The term does not include a yurt or walled tent.

"Conflict of interest." Use by a board member, director, officer or employee of a recognized tourist promotion agency of the authority of his or her office or employment or any confidential information received through his or her capacity in relation to a recognized tourist promotion agency for the private pecuniary benefit of himself or herself, a member of his or her immediate family or a business with which he or she or a member of his or her immediate family is associated. The term does not include an action having a de minimis economic impact

1 or which affects to the same degree a class consisting of the
2 general public or a subclass consisting of an industry,
3 occupation or other group which includes a board member,
4 director, officer or employe, a member of his or her immediate
5 family or business with which he or she or a member of his or
6 her immediate family is associated.

7 "Consideration." Receipts, fees, charges, rentals, leases,
8 cash, credits, property of any kind or nature or other payment
9 received by operators in exchange for or in consideration of the
10 use or occupancy by a transient of a room or rooms in a hotel
11 for a temporary period.

12 "County." Any county of the third through eighth class that
13 was authorized to levy a hotel occupancy or room rental tax
14 under the former sections 1770.2 or 1770.6 of the County Code.

15 "Hotel." A hotel, motel, inn, guesthouse, rooming house, bed
16 and breakfast, homestead or other structure which holds itself
17 out by any means, including advertising, license, registration
18 with an innkeepers' group, convention listing association,
19 travel publication or similar association or with a government
20 agency, as being available to provide overnight lodging for
21 consideration to persons seeking temporary accommodation; any
22 place which advertises to the public at large or any segment
23 thereof that it will provide beds, sanitary facilities or other
24 space for a temporary period to members of the public at large;
25 any place recognized as a hostelry or any cabin. The term does
26 not include any of the following:

27 (1) A charitable institution.

28 (2) A portion of a facility that is devoted to persons
29 who have an established permanent residence.

30 (3) A college or university student residence hall

1 currently occupied by students enrolled in a degree program.

2 (4) An educational or religious institution camp for
3 children, including a camp registered under the act of
4 November 10, 1959 (P.L.1400, No.497), entitled "An act
5 providing for the annual registration of organized camps for
6 children, youth and adults; defining the duties of the
7 Department of Health of the Commonwealth of Pennsylvania; and
8 prescribing penalties."

9 (5) A hospital.

10 (6) A nursing home.

11 (7) Part of a campground that is not a cabin.

12 "Immediate family." A spouse, parent, brother, sister or
13 child.

14 "Marketing." An action by a recognized tourism promotion
15 agency that includes, but is not limited to, promoting and
16 encouraging visitors to visit a specific county, counties or
17 geographic region.

18 "Occupancy." The use or possession or the right to the use
19 or possession by any person other than a permanent resident of
20 any room in a hotel for any purpose or the right to the use or
21 possession of the furnishings or to the services accompanying
22 the use and possession of the room.

23 "Operator." Any individual, partnership, nonprofit or
24 profit-making association or corporation or other person or
25 group of persons who maintain, operate, manage, own, have
26 custody of or otherwise possess the right to rent or lease
27 overnight accommodations in a building to the public for
28 consideration.

29 "Patron." Any person who pays the consideration for the
30 occupancy of a room or rooms in a hotel.

1 "Permanent resident." A person who has occupied or has the
2 right to occupancy of a room or rooms in a hotel as a patron or
3 otherwise for a period exceeding 30 consecutive days.

4 "Recognized tourist promotion agency." The nonprofit
5 corporation, organization, association or agency which is
6 engaged in planning and promoting programs designed to stimulate
7 and increase the volume of tourist, visitor and vacation
8 business within a county and certified by the county as of April
9 20, 2016, or under section 17508 (relating to certification of
10 recognized tourist promotion agencies).

11 "Room." A space in a building set aside for use and
12 occupancy by patrons or otherwise, for consideration, having at
13 least one bed or other sleeping accommodations provided.

14 "Transaction." The activity involving the obtaining by a
15 transient or patron of the use or occupancy of a hotel room from
16 which consideration emanates to the operator under an expressed
17 or implied contract.

18 "Transient." An individual who obtains accommodation in a
19 hotel by means of registering at the facility for the temporary
20 occupancy of a room for the personal use of the individual by
21 paying a fee to the operator.

22 § 17508. Certification of recognized tourist promotion
23 agencies.

24 (a) Authorization.--A county may certify a nonprofit
25 corporation, organization, association or agency to serve as the
26 county's recognized tourist promotion agency. The county may not
27 have more than one recognized tourist promotion agency.

28 (b) Procedure for certification.--The following shall apply:

29 (1) A county must certify a recognized tourist promotion
30 agency under subsection (a) by proper resolution of the

1 governing body of the county, concurred in by resolution of
2 the governing bodies of cities, boroughs, towns or townships
3 within the county which have an aggregate of more than 50% of
4 the total population of the county as determined by the most
5 recently completed Federal decennial census.

6 (2) A recognized tourist promotion agency shall operate
7 until that agency has dissolved as an entity, withdrawn its
8 certification or has been decertified by the county under
9 subsection (c).

10 (c) Decertification.--The following shall apply:

11 (1) Notwithstanding any other provision of law, a county
12 may decertify a recognized tourist promotion agency by proper
13 resolution of the governing body of a county, concurred in by
14 resolution of the governing bodies of cities, boroughs, towns
15 or townships within the county which have an aggregate of
16 more than 65% of the total population of the county as
17 determined by the most recently completed Federal decennial
18 census.

19 (2) The county shall hold at least one public hearing on
20 decertification no less than seven days before a meeting to
21 adopt a resolution under this subsection.

22 (3) This subsection shall apply to recognized tourist
23 promotion agencies, regardless of the date on which they were
24 recognized under the act of July 4, 2008 (P.L.621, No.50),
25 known as the Tourism Promotion Act, or certified by the
26 county under this section or former section 177.11 of the
27 County Code.

28 § 17509. Hotel room rental tax in second class and second class
29 A counties.

30 (a) Imposition of excise tax.--The following shall apply:

1 (1) The county commissioners in each county of the
2 second class are authorized to impose an excise tax at 5% on
3 the consideration received by each operator of a hotel within
4 the county from each transaction of renting a room or rooms
5 to accommodate transients.

6 (2) The county commissioners in each county of the
7 second class A are authorized to impose an excise tax not to
8 exceed 5% on the consideration received by each operator of a
9 hotel within the county from each transaction of renting a
10 room or rooms to accommodate transients.

11 (3) The tax shall be collected by the operator from the
12 patron of the room and paid over to the county as provided in
13 this section.

14 (b) Collection, deposit and distribution for county of the
15 second class.--The treasurer of each county of the second class
16 electing to impose the tax authorized under this section is
17 directed to collect the tax and to deposit the revenue received
18 from the tax in a special fund. The revenues shall be
19 distributed by the county commissioners as follows:

20 (1) Except as set forth in clause (5), two-fifths of the
21 revenue received by the county from the excise tax shall be
22 distributed to a tourist promotion agency pursuant to section
23 2199.14 of the act of July 28, 1953 (P.L.723, No.230), known
24 as the Second Class County Code.

25 (2) Except as set forth in clause (5), one-third of the
26 tax collected by hotels within a municipality where a
27 convention center or exhibition hall is located, less the
28 cost of collecting the tax, shall, at the request of that
29 municipality, be returned to that municipality for deposit in
30 that municipality's special fund established solely for

1 purposes of paying for promotional programs implemented by a
2 nonprofit organization which are designed to stimulate and
3 increase the volume of conventions and visitors within the
4 municipality or as provided in clause (7), subject to the
5 following requirements:

6 (i) An audited report on the income and expenditures
7 incurred by the municipality receiving funds from the
8 excise tax on hotel room rentals shall be made annually
9 to county.

10 (ii) The members of the board of directors or other
11 governing body of the nonprofit organization utilized by
12 the municipality to provide the promotional programs
13 shall be appointed by the governing body of the
14 municipality.

15 (3) Except as set forth in clause (5), a 5% fee shall be
16 paid to the county for collecting the tax.

17 (4) Except as set forth in clause (5), all remaining
18 revenue from the tax received by the county, after paying the
19 amounts set forth in clauses (1), (2) and (3), shall be used
20 for operational and maintenance expenditures of the
21 convention center or exhibition hall as provided in
22 subsection (d) and for regional tourist promotion activities.

23 (5) Subject to clause (6), if bonds are issued by the
24 public authority to provide permanent financing or
25 refinancing of the expansion of and capital improvements to
26 the convention center or exhibition hall, the revenue
27 received from the tax and deposited in the special fund shall
28 not be distributed as set forth in clauses (1) through (4)
29 but shall be distributed by the county commissioners in the
30 order of priority as follows:

1 (i) First, to the payment of all amounts set forth
2 in clause (2).

3 (ii) Second:

4 (A) to the trustee for the bonds in accordance
5 with the provisions of the indenture pursuant to
6 which the bonds are issued, to be used for the
7 payment of debt service on the bonds; and

8 (B) to the payment of all amounts set forth in
9 clause (3):

10 (I) in full; or

11 (II) if the revenues are insufficient to
12 make the payment in full, pro rata.

13 (iii) Third, to the payment of all amounts set forth
14 in clause (1).

15 (iv) Fourth, as set forth in clause (4).

16 (6) Clause (5) shall not apply to bonds issued
17 subsequent to the permanent financing for purposes of
18 completion or subsequent expansions or capital improvements.

19 (7) If a convention center or exhibition hall
20 discontinues operation in a municipality in which a
21 convention center or exhibition hall is located, the
22 municipality shall continue to collect and receive the tax,
23 which shall be deposited by the municipality and used for the
24 purposes as provided in clause (2).

25 (c) Collection and deposit for county of second class A.--
26 The treasurer of each county of the second class A electing to
27 impose the tax authorized under this section is directed to
28 collect the tax and to deposit the revenue in a special fund
29 established solely for purposes of travel and tourism promotion
30 and advertising related to travel and tourism promotion. The

treasurer is authorized to establish rules and regulations concerning the collection of the tax.

(d) Limitation on use of fund for counties of the second class.--The following shall apply:

(1) In counties of the second class, expenditures from the fund established under subsection (b) shall be used for all purposes which a public authority may determine to be reasonably necessary to the support, operation and maintenance of a convention center or exhibition hall, including the following:

(i) Advertising and publicizing tourist attractions in the area served by the recognized tourist promotion agency.

(ii) Promoting and otherwise encouraging the use of the facilities in the area served by the recognized tourist promotion agency by the public as a whole.

(iii) Promoting and attracting conventions, exhibitions and other functions to utilize facilities in the area served by the recognized tourist promotion agency.

(iv) Precompletion advertising and publicizing of any convention center or exhibition hall.

(v) Promoting and attracting conventions, exhibitions and other functions to utilize the convention center or exhibition hall.

(vi) Promoting and otherwise encouraging the use of the premises by the public as a whole or any segment of the public.

(vii) Operating, furnishing and otherwise maintaining and equipping the premises and realty

1 appurtenant to the premises.

2 (viii) Furnishing and equipping the building and
3 grounds.

4 (2) It is the intention of this subsection that the
5 receipts from any tax imposed under this section after
6 payment of the distributions under subsection (b)(1), (2),
7 (3), (4) and (5) be used in the county to offset the entire
8 operating deficit, if any, of any convention center or
9 exhibition hall including equally, shares of any cooperating
10 political subdivision or agency of government incurred
11 pursuant to any agreement. The operating deficit shall be
12 determined by the public authority which is the designated
13 operating agency of the convention center or exhibition hall.

14 (e) Limitation on use of fund for counties of second class
15 A.--The following shall apply:

16 (1) In counties of the second class A, expenditures from
17 the fund established under subsection (c) shall be annually
18 appropriated by the county commissioners for tourist
19 promotion activities, to be executed by the recognized
20 tourist promotion agency for the following:

21 (i) Marketing the area served by the recognized
22 tourist promotion agency as a leisure travel destination.

23 (ii) Marketing the area served by the recognized
24 tourist promotion agency as a convention, business or
25 meeting travel destination.

26 (iii) Marketing the area served by the recognized
27 tourist promotion agency to the public as a whole for use
28 of its tourist and convention facilities.

29 (iv) Using all appropriate marketing tools to
30 accomplish these purposes, including advertising,

1 publicity, publications, direct marketing, sales,
2 technology and participation in industry trade shows that
3 attract tourists or travelers to the area served by the
4 recognized tourist promotion agency.

5 (v) Programs, expenditures or grants that directly
6 and substantially relate to tourism or a business,
7 convention or meeting travel destination within a county
8 of the second class A, that augment and do not compete
9 with private sector tourism or travel efforts and that
10 improve and expand a county of the second class A as a
11 destination market as deemed necessary by the recognized
12 tourist promotion agency. The following shall apply to
13 grants awarded under this subclause:

14 (A) Grants shall have a cash or in-kind local
15 match of at least 25%.

16 (B) Grants may not be used for signage that
17 promotes a specific private entity on the situs of
18 the entity, except where the signage carries the logo
19 of a recognized tourist promotion agency.

20 (vi) Any other tourism or travel marketing or
21 promotion program, expenditure or project that does not
22 compete with private sector tourism or travel efforts as
23 deemed necessary by the recognized tourist promotion
24 agency.

25 (2) For the purposes of defraying the costs associated
26 with the collection of the tax imposed under this section and
27 otherwise performing their obligations under this section,
28 the county commissioners of a county of the second class A
29 may deduct and retain an administrative fee from the taxes
30 collected under this section. The administrative fee shall be

1 established by the county of the second class A and shall not
2 exceed 4% of the taxes collected in any taxable year.

3 (3) As determined by a county of the second class A in
4 consultation with the recognized tourist promotion agency, an
5 audited report or financial statement of the income and
6 expenditures incurred by a recognized tourist promotion
7 agency receiving revenue from the tax authorized under this
8 section shall be submitted annually by the recognized tourist
9 promotion agency to the county commissioners.

10 (4) A penalty of 1.5% per month shall be imposed upon
11 the operator of a hotel in a county of the second class A for
12 failure to timely collect and remit the tax authorized by
13 this section. In addition to other remedies available for
14 collection of debts, a county of the second class A may file
15 a lien upon the hotel in the name of the county and for the
16 use of the county as provided by law.

17 (f) Duration of section.--The following shall apply:

18 (1) The provisions of this section relating to counties
19 of the second class shall remain in force from year to year.
20 The following apply:

21 (i) Revenue in excess of amounts needed to pay the
22 distributions under subsection (b.1)(1), (2), (2.1), (3)
23 and (4) and to offset operating deficits under
24 subsections (b.1)(3) and (d) shall be determined by the
25 public authority and may be accumulated.

26 (ii) At the discretion of the cooperating political
27 subdivisions and the public authority, any revenue may be
28 used to:

29 (A) provide part or all of an annual payment to
30 be paid by a county or a political subdivision under

1 an agreement with a public authority created under
2 the act of July 29, 1953 (P.L.1034, No.270), known as
3 the Public Auditorium Authorities Law, which has been
4 designated as the operating agency for a convention
5 center or exhibition hall; or

6 (B) effect necessary expansion or further
7 capital improvements.

8 (2) The provisions of this section relating to counties
9 of the second class A shall remain in force and effect for
10 three years from February 14, 1986, and may be continued
11 thereafter by ordinance or resolution of the county
12 commissioners of the respective counties.

13 (g) Concurrent tax years.--Each taxable year for a tax
14 imposed under this section shall run concurrently with the
15 calendar year.

16 (h) Definitions.--The following words and phrases when used
17 in this section shall have the meanings given to them in this
18 subsection unless the context clearly indicates otherwise:

19 "Cabin." A permanent structure with beds and running water
20 that is located on a campground on State land or private
21 property and is available to provide overnight lodging for
22 consideration to persons seeking temporary accommodations. The
23 term does not include a yurt or walled tent.

24 "Consideration." Receipts, fees, charges, rentals, leases,
25 cash, credits, property or other payment received by operators
26 in exchange for or in consideration of the use or occupancy by a
27 transient of a room in a hotel for a temporary period.

28 "Convention center or exhibition hall." A building or series
29 of buildings:

30 (1) at least one of which contains a minimum of 75,000

gross square feet of exhibition space for shows and conventions;

(2) which are not used for the retail sale of merchandise or part of any shopping center, mall or other retail center; and

(3) a major function of which is to house meetings, exhibitions, shows, conventions, assemblies, convocations and similar gatherings. The term includes land appurtenant to the building or buildings.

"Cooperating political subdivision or agency of government."

A city or public authority located in a county:

(1) within the boundaries of which a convention center or exhibition hall is planned or constructed; and

(2) which shares with the county duties, obligations or privileges with respect to that convention center.

"Hotel." A hotel, motel, inn, guesthouse, rooming house, bed and breakfast, homestead or other structure which holds itself out by any means, including advertising, license, registration with an innkeepers' group, convention listing association, travel publication or similar association or with a government agency, as being available to provide overnight lodging for consideration to persons seeking temporary accommodation; any place which advertises to the public at large or any segment thereof that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large; any place recognized as a hostelry or any cabin. The term does not include any of the following:

(1) A charitable institution.

(2) A portion of a facility that is devoted to persons who have an established permanent residence.

1 (3) A college or university student residence hall
2 currently occupied by students enrolled in a degree program.

3 (4) An educational or religious institution camp for
4 children, including a camp registered under the act of
5 November 10, 1959 (P.L.1400, No.497), entitled "An act
6 providing for the annual registration of organized camps for
7 children, youth and adults; defining the duties of the
8 Department of Health of the Commonwealth of Pennsylvania; and
9 prescribing penalties."

10 (5) A hospital.

11 (6) A nursing home.

12 (7) Part of a campground that is not a cabin.

13 "Municipality." Notwithstanding 53 Pa.C.S. § 8401 (relating
14 to definitions), a township or borough or a home rule
15 municipality which was formerly a township or borough.

16 "Occupancy." The use or possession or the right to the use
17 or possession by any person other than a permanent resident of a
18 room in a hotel for any purpose or the right to the use or
19 possession of the furnishings or to the services accompanying
20 the use and possession of the room.

21 "Operating deficit." The excess of expenses over receipts
22 from the operation and management of a convention center or
23 exhibition hall.

24 "Operator." Any individual, partnership, nonprofit or
25 profit-making association or corporation or other person or
26 group of persons that maintain, operate, manage, own, have
27 custody of or otherwise possess the right to rent or lease
28 overnight accommodations in a hotel to the public for
29 consideration.

30 "Patron." A person that pays the consideration for the

1 occupancy of a room in a hotel.

2 "Permanent resident." An individual who has occupied or has
3 the right to occupancy of a room in a hotel as a patron or
4 otherwise for a period exceeding 30 consecutive days.

5 "Recognized tourist promotion agency." The nonprofit
6 corporation, organization, association or agency which is
7 engaged in planning and promoting programs designed to stimulate
8 and increase the volume of tourist, visitor and vacation
9 business within a county and certified by the county pursuant to
10 the act of July 4, 2008 (P.L.621, No.50), known as the Tourism
11 Promotion Act.

12 "Regional tourist promotion activities." Services,
13 activities, facilities and events, which result in a significant
14 number of nonresidents visiting a county of the second class for
15 recreational, cultural or educational purposes.

16 "Room." A space in a hotel set aside for use and occupancy
17 by patrons, or otherwise, for consideration, having at least one
18 bed or other sleeping accommodation.

19 "Substantial completion." Construction which is sufficiently
20 completed in accordance with contract documents and certified by
21 the convention center authority's architect or engineer, as
22 modified by change orders so that:

23 (1) the main convention area can be used, occupied or
24 operated for its intended use; and

25 (2) at least 90% of the work on the main convention or
26 exhibition area is complete.

27 "Temporary." A period of time not exceeding 30 consecutive
28 days.

29 "Transaction." The activity involving the obtaining by a
30 transient or patron of the use or occupancy of a hotel room from

1 which consideration emanates to the operator under an express or
2 an implied contract.

3 "Transient." An individual who obtains accommodation in any
4 hotel for himself by means of registering at the facility for
5 the temporary occupancy of any room for the personal use of that
6 individual by paying to the operator of the facility a fee in
7 consideration for the accommodation.

8 Section 5. Repeals are as follows:

9 (1) The General Assembly declares that the repeal under
10 paragraph (2) is necessary to effectuate the amendment or
11 addition of 16 Pa.C.S. Pts. I, II, III and IV.

12 (2) The act of August 9, 1955 (P.L.323, No.130), known
13 as The County Code, is repealed.

14 Section 6. The amendment or addition of 16 Pa.C.S. Pts. I,
15 II, III and IV is a continuation of the act of August 9, 1955
16 (P.L.323, No.130), known as The County Code. The following
17 apply:

18 (1) Except as otherwise provided in 16 Pa.C.S. Pts. I,
19 II, III and IV, all activities initiated under The County
20 Code shall continue and remain in full force and effect and
21 may be completed under 16 Pa.C.S. Pts. I, II, III or IV.
22 Orders, regulations, rules and decisions which were made
23 under The County Code and which are in effect on the
24 effective date of section 5(2) of this act shall remain in
25 full force and effect until revoked, vacated or modified
26 under 16 Pa.C.S. Pts. I, II, III and IV. Contracts,
27 obligations and collective bargaining agreements entered into
28 under The County Code are not affected nor impaired by the
29 repeal of The County Code.

30 (2) Any difference in language between 16 Pa.C.S. Pts.

1 I, II, III and IV and The County Code is intended only to
2 conform to the style of the Pennsylvania Consolidated
3 Statutes and is not intended to change or affect the
4 legislative intent, judicial construction or administration
5 and implementation of The County Code.

6 Section 7. This act shall take effect in 60 days.