

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1039 Session of  
2020INTRODUCED BY MARTIN, HUTCHINSON, J. WARD, SCHWANK AND KEARNEY,  
FEBRUARY 19, 2020

SENATOR MARTIN, LOCAL GOVERNMENT, AS AMENDED, JUNE 8, 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 115 GENERAL PROVISIONS16 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

1 convention center authorities).

2 § 102.1. Definitions.

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

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

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

11 "Municipality." A municipal corporation or county.

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

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

19 § 103. Excluded provisions.

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

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

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

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

29 (4) Any law relating to the fees of county officers,  
30 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

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

### CHAPTER 3

#### NAMES AND CORPORATE POWERS AND CLASSIFICATION OF COUNTIES

##### Subchapter

##### A. Division of Commonwealth into Counties and Corporate Powers

##### B. Classification

#### SUBCHAPTER A

#### DIVISION OF COMMONWEALTH INTO COUNTIES AND CORPORATE POWERS

##### Sec.

##### 301. Enumeration of counties.

##### § 301. Enumeration of counties.

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

#### SUBCHAPTER B

#### 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  
169. Roads  
171. Southwestern Pennsylvania Regional Renaissance  
Initiative  
173. Third Class County Convention Center Authorities  
175. Hotel Tax

## 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 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (D), 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

<--



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

13 (2) County records used on a regular or frequent basis  
14 shall ~~remain~~ BE ACCESSIBLE in the county seat. <--

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

28 (d) Office.--The county commissioners shall, after  
29 consultation with an officer, furnish each officer with an  
30 office and additional space in the county building, courthouse

1 or other building at the county seat sufficient to perform the  
2 duties of the office. THE FOLLOWING SHALL APPLY:

<--

3 (1) THE COMMISSIONERS MAY, WITH THE APPROVAL OF THE  
4 RESPECTIVE OFFICERS, FURNISH AN ADDITIONAL OFFICE OR SPACE IN  
5 BUILDINGS AT LOCATIONS OUTSIDE OF THE COUNTY SEAT FOR THE  
6 AUDITORS, COMMISSIONERS, CONTROLLER, TREASURER OR RECORDER OF  
7 DEEDS.

8 (2) THE COMMISSIONERS MAY WITH THE APPROVAL OF THE  
9 RESPECTIVE OFFICERS AND THE PRESIDENT JUDGE, FURNISH AN  
10 ADDITIONAL OFFICE OR SPACE IN BUILDINGS AT LOCATIONS OUTSIDE  
11 OF THE COUNTY SEAT FOR THE SHERIFF, PROTHONOTARY, CLERK OF  
12 COURTS, CLERK OF ORPHAN'S COURT, REGISTER OF WILLS OR  
13 DISTRICT ATTORNEY.

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

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

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

22 § 12306. Open records.

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

27 § 12307. Securing from predecessors.

28 (a) Demand and receipt.--An elected or appointed person,  
29 duly commissioned to a county office, shall demand and receive  
30 each record, book, draft, plan, paper, seal or other official

1 thing, including public money held in the office, and not  
2 provided for under Article XIII.1 of the act of April 9, 1929  
3 (P.L.343, No.176), known as The Fiscal Code, belonging to the  
4 office from each person who held the office immediately before  
5 the officer's election or appointment or from each other person  
6 holding or possessing the items.

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

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

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

19 § 12308. Action by deputies.

20 (a) Appointment.--

21 (1) If a county officer is authorized or required to  
22 appoint a deputy, the deputy or principal deputy, if there is  
23 more than one, shall, during the necessary or temporary  
24 absence of the deputy's principal, perform each duty of the  
25 principal and, in case of a vacancy or under section 12301(b)  
26 (relating to elected officers), until a successor is  
27 qualified.

28 (2) If fulfilling the duties under paragraph (1) for a  
29 vacancy in a county of the third, fourth, fifth, sixth,  
30 seventh or eighth class, a deputy shall receive the salary

1 provided under law for the principal or the salary provided  
2 for the deputy, whichever is greater.

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

8 § 12309. Vacancies.

9 (a) Appointment by Governor.--

10 (1) Except as provided under subsection (b), for a  
11 vacancy in a county office created by the Constitution of  
12 Pennsylvania or laws of this Commonwealth, and, if no other  
13 provision is made under the Constitution of Pennsylvania or  
14 under this part to fill the vacancy, the Governor shall  
15 appoint a suitable individual to fill the office, who shall  
16 continue to hold and discharge the duties of the office until  
17 the first Monday in January following the next municipal  
18 election occurring not less than 90 days after the occurrence  
19 of the vacancy, or for the balance of the unexpired term,  
20 whichever period is shorter.

21 (2) If a municipal election occurs not less than 90 days  
22 after the occurrence of the vacancy under paragraph (1),  
23 other than the municipal election at which the office  
24 ordinarily is filled, the office shall be filled at that  
25 municipal election for the balance of the unexpired term.

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

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

1 (c) Discharge of duties.--The Governor shall discharge the  
2 duties under this section in accordance with section 207.1(d)  
3 (5.1) of the act of April 9, 1929 (P.L.177, No.175), known as  
4 The Administrative Code of 1929.

5 § 12310. Information to heads of governmental departments.

6 (a) Duty.--

7 (1) Upon application by the head of a State agency, each  
8 county officer shall furnish information and copies of  
9 records or documents contained in the respective offices as  
10 the head of the agency determines may be necessary or  
11 pertinent to the work of the department.

12 (2) The county furnishing information under paragraph  
13 (1) shall receive reasonable compensation as may be  
14 determined by the Auditor General. The compensation shall be  
15 paid to the county by the State Treasurer, out of money not  
16 otherwise appropriated, upon warrant from the Auditor  
17 General.

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

22 § 12311. Penalty.

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

28 § 12312. (Reserved).

29 § 12313. Qualifications.

30 (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.

§ 12314. Mileage.

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

§ 12315. Security.

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

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

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

(1) The county treasurer.

(2) The sheriff.

1       (3) The register of wills.

2       (4) The recorder of deeds.

3       (5) The coroner.

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

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

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

9       (d) Appropriation.--The county commissioners may appropriate  
10 money for the payment of a solicitor appointed under this  
11 section.

12       (e) Judiciary.--The appointment, compensation, powers and  
13 duties of solicitors appointed by prothonotaries, clerks of  
14 court and clerks of orphans' court shall be in accordance with  
15 42 Pa.C.S. (relating to judiciary and judicial procedure).

16                       SUBCHAPTER B

17                       (Reserved)

18                       SUBCHAPTER C

19                       STATE ASSOCIATIONS

20       Sec.

21       12340. State associations.

22       12341. Purpose and annual meetings.

23       12342. Deputies and solicitors.

24       12343. Expenses and time limits.

25       12344. Other meeting expenses.

26       12345. Annual assessments.

27       12346. Associations and organizations concerned with  
28 governmental affairs.

29       § 12340. State associations.

30       County officers of each county may organize for themselves a

1 State association as follows:

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

6 (2) County controllers.

7 (3) Sheriffs.

8 (4) District attorneys.

9 (5) Probation officers.

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

11 (7) Prothonotaries and clerks of courts.

12 (8) County treasurers.

13 (9) Recorders of deeds.

14 (10) Directors of veterans' affairs.

15 (11) Coroners.

16 (12) Jury commissioners.

17 (13) County auditors.

18 (14) Public defenders.

19 § 12341. Purpose and annual meetings.

20 (a) Purpose.--The purpose of the respective State  
21 associations under section 12340 (relating to State  
22 associations) shall be to discuss and resolve the various  
23 questions arising in the discharge of the duties and functions  
24 of the respective officers and to provide uniform, efficient and  
25 economical methods of administering the affairs of the counties  
26 pertaining to the officer's offices.

27 (b) Annual meeting.--Each State association may hold an  
28 annual meeting at a time and place within this Commonwealth  
29 designated by the association to facilitate cooperation,  
30 coordination and full exchange of information provided under



1 subsection (a).

2 (c) Joint session.--The association of county controllers,  
3 county auditors and the association of county treasurers may  
4 meet in joint session with the association of county  
5 commissioners, solicitors and chief clerks, if the associations  
6 mutually agree. Each association shall have a separate session  
7 on at least two days during the annual meeting to facilitate  
8 cooperation, coordination and full exchange of information  
9 provided under subsection (c).

10 § 12342. Deputies and solicitors.

11 With the approval of the solicitor's principals, the first  
12 and, if appointed, second deputy and the solicitor of the  
13 following officers may attend the annual meeting of the  
14 principal's respective association with or in place of the  
15 solicitor's principals:

- 16 (1) Controller.
- 17 (2) Sheriff.
- 18 (3) Register of wills.
- 19 (4) Clerk of orphans' court.
- 20 (5) Treasurer.
- 21 (6) Prothonotary.
- 22 (7) Clerk of courts.
- 23 (8) Recorder of deeds.
- 24 (9) District attorney.
- 25 (10) Public defender.
- 26 (11) Coroner.

27 § 12343. Expenses and time limits.

28 (a) Elected officers.--

29 (1) The actual expenses of each authorized elected  
30 county officer attending the annual meetings of the county

1 officer's associations shall be paid by the county out of the  
2 general fund of the county.

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

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

11 (b) Nonelected officers and employees.--

12 (1) The actual expenses of each authorized nonelected  
13 county officer and employee attending the annual meetings of  
14 the associations may be paid by the county out of the general  
15 fund of the county.

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

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

23 (c) Account and payment.--

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

27 (2) The county may authorize an employee to be  
28 compensated at the employee's regular employee rate during  
29 attendance at the annual meeting.

30 (3) The actual expenses for elected officers shall be

1 paid and for nonelected officers may be paid for the number  
2 of days specified under subsection (d). Elected county  
3 officers shall receive and nonelected county officers and  
4 employees may receive actual expenses not to exceed \$220 per  
5 day for each day not in excess of two in going to and  
6 returning from the meeting.

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

9 (d) Time limit.--

10 (1) The annual meeting of:

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

13 (ii) The association of district attorneys may not  
14 exceed three days.

15 (iii) A State association, other than an association  
16 under subparagraphs (i) and (ii), may not exceed three  
17 days.

18 (2) The time limit under paragraph (1) shall not include  
19 time spent traveling to and returning from the annual  
20 meeting.

21 § 12344. Other meeting expenses.

22 (a) Equal payments.--In addition to the expenses authorized  
23 under this subchapter, the necessary expenses of the annual  
24 meetings under this section shall be paid in equal parts by each  
25 county with officers that are members of the respective  
26 associations.

27 (b) Limit.--For county commissioners, county solicitors and  
28 county clerks, county controllers, county auditors, sheriffs,  
29 register of wills, clerks of orphans' courts, county treasurers,  
30 recorders of deeds, prothonotaries, clerks of courts, public

defenders, district attorneys, jury commissioners, coroners and,  
for counties of the second class A, directors of veterans'  
affairs, the portion of annual expenses charged to each county  
may not exceed the following:

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

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

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

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

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

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

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

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

§ 12345. Annual assessments.

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

1     (b) District attorneys.--In addition to the expenses  
2 authorized under this subchapter, the necessary expenses of the  
3 association of district attorneys shall be apportioned among  
4 each county holding membership in the association in amounts  
5 provided for by the rules and regulations of the association.

6     (c) Approval.--The annual apportionment of expenses under  
7 subsections (a) and (b) shall be approved at each annual  
8 conference of the association by a majority vote of the members  
9 present and, when approved, shall be paid by the counties from  
10 the general fund of each county.

11 § 12346. Associations and organizations concerned with  
12 governmental affairs.

13     (a) Associations and organizations.--The county  
14 commissioners may:

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

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

19         (3) Send delegates to meetings or conferences of the  
20 associations and organizations and pay the necessary expenses  
21 incident to attendance at the meetings or conferences.

22     (b) Professional associations and organizations.--The county  
23 commissioners may authorize a county official and employees of  
24 the official to attend meetings of professional associations and  
25 organizations, or study or training sessions for individuals  
26 holding the same or similar office or employment, and may pay  
27 all or a portion of the necessary expenses related to attendance  
28 at the meetings or sessions.

29     (c) Itemized account of expenses.--Each individual attending  
30 a conference, meeting, study or training session under this part

1 shall submit to the county controller, or to the county  
2 commissioners in counties having no controller, an itemized  
3 account of expenses related to the event, including traveling  
4 expenses or mileage approved by the county commissioners.

5 SUBCHAPTER D

6 REMOVAL OF COUNTY OFFICERS

7 Sec.

8 12350. Removal of county officers and appointees.

9 § 12350. Removal of county officers and appointees.

10 (a) Elected.--A county commissioner, sheriff, coroner,  
11 prothonotary, register of wills, recorder of deeds, treasurer,  
12 county auditor or county controller, clerk of courts, district  
13 attorney or any other officer of the counties, whether elected  
14 or duly appointed to fill a vacancy, may be removed from office  
15 only:

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

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

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

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

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

29 SUBCHAPTER E

30 CONDUCT OF OFFICIAL BUSINESS

1 Sec.

2 12360. Meetings open to public.

3 § 12360. Meetings open to public.

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

8 CHAPTER 125

9 COUNTY COMMISSIONERS AND CHIEF CLERKS

10 Subchapter

11 A. County Commissioners

12 B. Chief Clerk of County Commissioners

13 SUBCHAPTER A

14 COUNTY COMMISSIONERS

15 Sec.

16 12501. Election and vacancies.

17 12502. Organization.

18 12503. Meetings.

19 12504. Quorum and execution of official instruments.

20 12505. Certified copies of proceedings.

21 12506. Oaths.

22 12507. Expenses.

23 12508. Office supplies.

24 12509. Ordinances and resolutions.

25 12510. (Reserved).

26 12511. (Reserved).

27 12512. (Reserved).

28 12513. (Reserved).

29 § 12501. Election and vacancies.

30 (a) Election.--Three county commissioners shall be elected

in each county in the year 1955 and every fourth year  
thereafter. In the election of county commissioners, each  
qualified elector shall vote for no more than two individuals.  
The three individuals having the highest number of votes shall  
be elected.

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

§ 12502. Organization.

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

§ 12503. Meetings.

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

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



1 § 12504. Quorum and execution of official instruments.

2 (a) Quorum.--The county commissioners shall constitute a  
3 board, two members of which shall be a quorum for the  
4 transaction of business and, when convened after notice, shall  
5 be competent to perform each of the duties pertaining to the  
6 office of county commissioners.

7 (b) Execution.--If an official document, instrument or  
8 official paper is to be executed by the county commissioners,  
9 the execution shall be done by at least two of the county  
10 commissioners and attested by the chief clerk who shall affix  
11 the county seal to the document.

12 § 12505. Certified copies of proceedings.

13 Copies of the proceedings of the county commissioners and of  
14 each record in the possession of the county commissioners,  
15 certified by the chief clerk under the county seal, shall be  
16 admitted in evidence in any court of the Commonwealth.

17 § 12506. Oaths.

18 Each county commissioner may administer oaths and  
19 affirmations in each case arising in the performance of the  
20 duties of the office of the county commissioners.

21 § 12507. Expenses.

22 A county commissioner may receive expenses necessarily  
23 incurred and actually paid in the discharge of the county  
24 commissioner's official duties or in the performance of a  
25 service, office or duty imposed upon a county commissioner.

26 § 12508. Office supplies.

27 (a) Supplies.--The county commissioners, at the cost of the  
28 county, shall purchase and provide office furniture, equipment  
29 and supplies, blank books, blank dockets, books for records,  
30 stationery, postage, utilities, cleaning and maintenance

1 required for each of the county officers whose offices are  
2 located in a county building or at another place at the county  
3 seat as may be designated by the county commissioners and each  
4 supply used by the public in connection with each office.

5 (b) Preference.--Before purchasing office furniture,  
6 equipment or supplies, blank books, blank dockets, books for  
7 records or stationery, county officers furnished with any of the  
8 items may state in writing preferences as to the type and make  
9 of the items. The county commissioners shall, if feasible,  
10 purchase and supply to each officer the preferred item if a  
11 preference has been given.

12 § 12509. Ordinances and resolutions.

13 (a) Authorization.--The county commissioners may adopt  
14 ordinances and resolutions prescribing the manner in which the  
15 powers of the county shall be carried out and generally  
16 regulating the affairs of the county. The county commissioners  
17 may formulate and adopt ordinances, resolutions, rules and  
18 regulations pertaining to the use of property owned or used by  
19 the county and the conduct of individuals in, on or about the  
20 property in order to preserve the property and to promote and  
21 preserve public health, safety and welfare.

22 (b) Publication.--

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

27 (2) A public notice of a proposed ordinance shall  
28 include the full text of the proposed ordinance or the title  
29 and a brief summary of the proposed ordinance prepared by the  
30 county solicitor setting forth all the provisions in

1 reasonable detail and a reference to a location within the  
2 county in which copies of the proposed ordinance may be  
3 examined.

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

6 (i) A copy of the text shall be supplied to the same  
7 newspaper of general circulation in which the public  
8 notice is published.

9 (ii) An attested copy shall be filed in the county  
10 law library within 30 days after the enactment or  
11 adoption of the ordinance. The date of the filing of a  
12 proposed ordinance may not affect the validity of the  
13 process of the enactment or adoption of the ordinance and  
14 a failure to record within the time period specified  
15 under this subparagraph may not be deemed a defect in the  
16 process of the enactment or adoption of the ordinance.

17 (4) In the event substantial amendments are made in the  
18 proposed ordinance, the county commissioners shall, at least  
19 10 days before the enactment or adoption, republish the  
20 proposed ordinance in a newspaper of general circulation in  
21 the county and a brief summary setting forth all the  
22 provisions in reasonable detail with a summary of the  
23 amendments.

24 (5) An ordinance may not take effect until recorded in  
25 the ordinance book of the county. If maps, plans or drawings  
26 are adopted as part of an ordinance, the county commissioners  
27 may, instead of publishing the the maps, plans or drawings as  
28 part of the ordinance, refer to the location where the maps,  
29 plans or drawings are on file and may be examined by the  
30 public in the publication of the ordinance.

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

2 (1) Prescribe fines and penalties as follows:

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

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

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

12 (d) Penalties.--A person who violates an ordinance enacted  
13 by the county commissioners under this section shall, upon  
14 conviction at a summary proceeding, be sentenced to pay a fine  
15 as may be prescribed in the ordinance by the county  
16 commissioners. The fine shall not exceed an amount of \$1,000  
17 per violation, with the costs of prosecution, or imprisonment of  
18 not more than 10 days, or both. The fine shall be paid to the  
19 county for use by the county.

20 § 12510. (Reserved).

21 § 12511. (Reserved).

22 § 12512. (Reserved).

23 § 12513. (Reserved).

24 SUBCHAPTER B

25 CHIEF CLERK OF COUNTY COMMISSIONERS

26 Sec.

27 12520. Chief clerk.

28 12521. Duties and powers of chief clerk.

29 § 12520. Chief clerk.

30 The county commissioners shall appoint a chief clerk.

1 § 12521. Duties and powers of chief clerk.

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

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

11 CHAPTER 127

12 CONTROLLER

13 Sec.

14 12701. Election, term and seal.

15 12702. Eligibility.

16 12703. Deputy controller and clerks.

17 12704. (Reserved).

18 12705. Establishment of office of controller in counties of the  
19 sixth, seventh and eighth classes.

20 12706. Appointment by Governor, duties of auditors and  
21 abolition of office of auditor.

22 12707. Expenses.

23 § 12701. Election, term and seal.

24 (a) Election of controller.--At the municipal election  
25 immediately preceding the expiration of the term of the  
26 controller in office on January 1, 1956, and every four years  
27 thereafter, the qualified electors of each county of the third,  
28 fourth and fifth class and every other county in which the  
29 office of controller has been or may be established, including  
30 counties in which the office was established by general law or

1 otherwise when the counties were in a higher classification,  
2 shall elect one resident of the county to serve as controller  
3 for the term of four years beginning the first Monday of January  
4 after the controller's election or until a successor is  
5 qualified to serve in office.

6 (b) Counties of second class A.--In counties of the second  
7 class A, a controller shall be elected at the municipal election  
8 immediately preceding the expiration of the term of the  
9 controller in office on December 24, 2018, and every four years  
10 thereafter.

11 (c) Seals.--A county controller shall be provided with an  
12 official seal of the office by the county commissioners. The  
13 seal shall be used for the attestation of all official papers.  
14 § 12702. Eligibility.

15 (a) Office holders.--An individual holding office under the  
16 United States shall not be eligible to the office of county  
17 controller while in office and for one year after leaving  
18 office.

19 (b) Local office holders.--A county commissioner, county  
20 treasurer, prothonotary, register of wills, clerk of courts,  
21 recorder of deeds, sheriff or district attorney, or the chief  
22 clerk or deputy of a county commissioner, county treasurer,  
23 prothonotary, register of wills, clerk of courts, recorder of  
24 deeds, sheriff or district attorney, shall be ineligible to hold  
25 the office of county controller while in office and for two  
26 years after leaving office.

27 § 12703. Deputy controller and clerks.

28 (a) Appointments.--

29 (1) In counties of the second class A, third, fourth and  
30 fifth classes, the controller shall appoint a deputy

1 controller and clerks.

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

5 (3) A controller may authorize one or more of the clerks  
6 employed in the controller's office to administer to all  
7 oaths and affirmations pertaining to the business of the  
8 office with the same force and effect as if administered by  
9 the controller or deputy controller.

10 (b) Second deputy controller.--A controller may appoint a  
11 second deputy controller who shall possess and discharge all the  
12 rights, powers and duties of the principal deputy controller  
13 during the principal deputy controller's and the controller's  
14 temporary absence.

15 § 12704. (Reserved).

16 § 12705. Establishment of office of controller in counties of  
17 sixth, seventh and eighth classes.

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

24 (b) Petition.--The question shall be submitted to the  
25 electors of the county when county electors file a petition  
26 containing signatures equal to at least 5% of the highest vote  
27 cast for an office in the county at the last preceding general  
28 election. The petition shall be filed with the county  
29 commissioners no less than 60 days before the day of the general  
30 election when the question is to be submitted. If the petition

1 is sufficiently signed under this subsection, the county  
2 commissioners shall cause the question to be submitted in the  
3 manner provided by the act of June 3, 1937 (P.L.1333, No.320),  
4 known as the Pennsylvania Election Code.

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

11 § 12706. Appointment by Governor, duties of auditors and  
12 abolition of office of auditor.

13 (a) Appointment.--If the office of controller is established  
14 in a county under section 12705 (relating to establishment of  
15 office of controller in counties of sixth, seventh and eighth  
16 classes), or by a change in class of the county not otherwise  
17 provided for by law, the Governor shall appoint a suitable  
18 individual to act as the controller of the county until a  
19 successor in office is duly elected and installed.

20 (b) Duties of auditors.--Upon the appointment of a  
21 controller under subsection (a), the county auditors in office  
22 at the time of the appointment shall proceed to audit all  
23 accounts as required by law and file a report of the audit with  
24 the controller no later than three months after the controller  
25 assumes office. Whereupon, the office of county auditor shall be  
26 abolished and cease to exist in the county.

27 § 12707. Expenses.

28 The county controller and the county controller's deputy,  
29 clerks and auditors shall be reimbursed for expenses necessarily  
30 incurred and actually paid in the discharge of their official



duties or in the performance of any service or duty imposed.

## CHAPTER 129

### AUDITORS

Sec.

12901. Election and vacancies.

12902. Eligibility.

12903. Meetings and quorum.

12904. (Reserved).

§ 12901. Election and vacancies.

(a) Election.--In each county in which the office of controller has not been established, three county auditors shall be elected in 1955 and every four years thereafter. In the election of county auditors, each qualified elector shall vote for no more than two individuals. The three individuals with the highest number of votes shall be elected to the office of county auditor.

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

§ 12902. Eligibility.

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

(b) Officers.--An individual holding the office of county auditor may not at the same time hold an office or employment for the county or for a municipal authority of which the county is a member. A county auditor may not be employed in an

administrative position by a school district or organization or  
entity that may be audited by the board of auditors. A county  
auditor may not hold an elected or appointed office or serve as  
a manager for a municipal corporation in the county.

§ 12903. Meetings and quorum.

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

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

(c) Compensation.--The auditors shall receive compensation  
as determined by the county commissioners 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," and daily or hourly  
compensation set for the auditors shall be applicable for any  
period of additional time granted under subsection (b).

(d) Quorum.--Any two auditors when duly convened shall be a

1 quorum for the purpose of transacting business.

2 § 12904. (Reserved).

3 CHAPTER 131

4 TREASURER

5 Sec.

6 13101. County treasurer and eligibility.

7 13102. (Reserved).

8 13103. (Reserved).

9 13104. (Reserved).

10 13105. Misapplication of money collected for specific purposes.

11 13106. Deputy treasurer.

12 13106.1. Second deputy treasurer.

13 13107. (Reserved).

14 § 13101. County treasurer and eligibility.

15 No judge, clerk or prothonotary of any court, register of  
16 wills, recorder of deeds, county commissioner or county  
17 controller shall be eligible to serve as county treasurer during  
18 their continuance in office.

19 § 13102. (Reserved).

20 § 13103. (Reserved).

21 § 13104. (Reserved).

22 § 13105. Misapplication of money collected for specific  
23 purposes.

24 If money is collected by law in a county and is in the  
25 possession or control of the treasurer of the county, it shall  
26 be unlawful for the treasurer to apply the money to any other  
27 purpose than that for which the money was collected unless  
28 otherwise authorized by law. A misapplication of money under  
29 this section shall constitute a violation of 18 Pa.C.S. § 3927  
30 (relating to theft by failure to make required disposition of

1 funds received).

2 § 13106. Deputy treasurer.

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

5 § 13106.1. Second deputy treasurer.

6 The county treasurer may appoint a second deputy treasurer.

7 The second deputy treasurer shall possess and discharge all the  
8 rights, powers and duties of the principal deputy treasurer

9 during the principal deputy treasurer's and treasurer's

10 temporary absence.

11 § 13107. (Reserved).

12 CHAPTER 133

13 COUNTY SOLICITOR

14 Sec.

15 13301. Appointment and qualifications.

16 13302. Duties.

17 13303. Employees in certain counties.

18 13304. Assistant county solicitors.

19 § 13301. Appointment and qualifications.

20 The county commissioners shall appoint a county solicitor.

21 The county solicitor shall be an attorney at law admitted to

22 practice in the courts of this Commonwealth and may be an

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

24 professional corporation. Before entering upon the duties of

25 office, the county solicitor shall file with the county

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

27 commissions received from every source as county solicitor into

28 the county treasury.

29 § 13302. Duties.

30 The county solicitor shall have the following duties:

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

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

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

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

11      § 13303. Employees in certain counties.

12      In counties of the second class A and third class, the county  
13      solicitor may, with the consent of the county commissioners,  
14      employ clerks or assistants as may be necessary in the discharge  
15      of the county solicitor's duties.

16      § 13304. Assistant county solicitors.

17      (a) Appointment.--Except as provided under subsection (b),  
18      the county commissioners may appoint one or more assistant  
19      county solicitors or special counsel. The assistant county  
20      solicitors or special counsel shall be attorneys at law admitted  
21      to practice in the courts of this Commonwealth. The assistant  
22      county solicitors and special counsel shall perform duties in  
23      connection with the legal affairs of the county as may be  
24      assigned by the county commissioners or the county solicitor.

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

29                      CHAPTER 135

30                      ENGINEER

1 Sec.

2 13501. County engineer, appointment and term.

3 13502. Duties.

4 § 13501. County engineer, appointment and term.

5 The county commissioners may appoint a professional engineer  
6 in civil engineering or an engineering firm as the county  
7 engineer. The engineer shall serve at the pleasure of the county  
8 commissioners.

9 § 13502. Duties.

10 The county engineer shall have the following duties:

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

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

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

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

20 CHAPTER 137

21 SHERIFF

22 Sec.

23 13701. Unfinished business of outgoing sheriff.

24 13702. Deputy action authorized.

25 13703. Chief deputy and petition.

26 13704. Real estate deputies.

27 13705. Deputies and clerks.

28 13706. Deputy sheriff's qualifications.

29 13707. False statements in deputy's affidavit.

30 13708. Filed items and public records.

13709. Public list of applicants for deputy sheriff.  
13710. Private services, gifts and payments prohibited.  
13711. Penalties.  
13712. Construction.  
13713. Chief deputy sheriff to act as sheriff in case of  
vacancy.  
13714. Sheriff to keep docket.  
13715. Not to exercise office until commission granted and  
recorded and penalty.

§ 13701. Unfinished business of outgoing sheriff.

(a) Unfinished business.--An outgoing sheriff shall deliver  
all unfinished and unexecuted writs and process to the sheriff's  
successor. The sheriff's successor shall receive and execute the  
writs and process as if the writs and process had been  
originally issued and directed to the sheriff's successor and  
carry out and complete all other official duties of the outgoing  
sheriff.

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

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

§ 13702. Deputy action authorized.

1 If the sheriff is required by law to act in person under or  
2 by virtue of any writ or process issued by a court of the  
3 Commonwealth, the sheriff may act either in person or by a  
4 regularly appointed deputy sheriff.

5 § 13703. Chief deputy and petition.

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

18 (b) Petition.--If, during a vacancy in the office of sheriff  
19 the duties of the office cannot be discharged in accordance with  
20 section 13713 (relating to chief deputy sheriff to act as  
21 sheriff in case of vacancy) or any other law, the ranking deputy  
22 of the office shall petition the court of common pleas to  
23 authorize a deputy to perform any duty incumbent upon the  
24 sheriff. Upon a finding that no other individual has the legal  
25 capacity to discharge the duty, the court shall authorize the  
26 deputy to perform the duty during the vacancy as if the official  
27 act had been done by the sheriff.

28 § 13704. Real estate deputies.

29 The sheriff may appoint a real estate deputy to administer  
30 all matters relating to the sheriff's sales of real estate and



distributions of the proceeds of the sheriff's sales of real estate. The real estate deputy's appointment shall be made and be revocable as provided for the chief deputy. The real estate deputy may perform all duties incumbent upon the sheriff in the same manner as the chief deputy and the same effect in law as if the official duties had been performed by the sheriff in person. The duties shall include the execution and acknowledgment of sheriff's deeds for real estate upon receipt of the purchase price for the real estate. Nothing in this section shall operate to relieve the sheriff or the sheriff's sureties from liability upon official bond of the sheriff or the sheriff's sureties.

§ 13705. Deputies and clerks.

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

§ 13706. Deputy sheriff's qualifications.

(a) Requirements.--A sheriff may not appoint an individual as a chief deputy or any other deputy sheriff unless the sheriff files with the prothonotary, before the appointment of the individual, the name and photograph of the individual and an

1 affidavit of the individual setting forth the following:

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

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

7 (3) That the individual, chief deputy or other deputy  
8 sheriff has never been convicted of a crime involving moral  
9 turpitude under Federal or State law or the laws of another  
10 state.

11 (4) That the individual, chief deputy or other deputy  
12 sheriff has not, for a period of two years immediately  
13 preceding the filing of the affidavit under this subsection:

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

16 (ii) provided any service as a private detective,  
17 private police officer or private guard in a labor  
18 dispute;

19 (iii) received any fee or compensation for acting as  
20 a private detective, private police officer or private  
21 guard in a labor dispute;

22 (iv) conducted the business of a private detective  
23 agency or any agency supplying private detectives,  
24 private police officers or private guards in a labor  
25 dispute; or

26 (v) advertised or solicited the business of a  
27 private detective agency or any agency supplying private  
28 detectives, private police officers or private guards in  
29 a labor dispute.

30 (b) Limitation.--An individual may not be appointed or

1 receive compensation as chief deputy or any other deputy except  
2 in accordance with the act of February 9, 1984 (P.L.3, No.2),  
3 known as the Sheriff and Deputy Sheriff Education and Training  
4 Act.

5 § 13707. False statements in deputy's affidavit.

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

9 § 13708. Filed items and public records.

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

13 § 13709. Public list of applicants for deputy sheriff.

14 The sheriff shall, from time to time, prepare a list of the  
15 names of all the individuals who have applied for appointment as  
16 deputy sheriff and meet the qualifications for the position. The  
17 list shall be posted in a public place for a period of not less  
18 than 10 days. After the 10 days have elapsed, the list shall be  
19 filed in the office of the prothonotary. No deputy sheriffs  
20 shall be appointed by the sheriff whose names do not appear on  
21 the list.

22 § 13710. Private services, gifts and payments prohibited.

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

24 (1) A sheriff, deputy sheriff, detective or other county  
25 police officer may not perform, directly or indirectly, any  
26 official services or official duties for an individual,  
27 association or corporation. A sheriff, deputy sheriff,  
28 detective or other county police officer may not receive,  
29 directly or indirectly, compensation, gifts or gratuities  
30 from a person, association or corporation during the period

1 of official services. Nothing in this paragraph shall be  
2 construed to prohibit county officers from serving writs and  
3 other legal process as authorized by law.

4 (2) Compensation payable to an officer for official  
5 duties and services shall be paid only out of the proper  
6 county or with other public money to the amount and in the  
7 manner prescribed by law. Gifts, donations and gratuities  
8 made by an individual, association or corporation to the  
9 county or an official or agent of the county shall not be  
10 considered public money for the purposes of this paragraph.

11 (b) Firearms and military supplies.--

12 (1) A county or an official or agent of the county may  
13 not accept as a gift, donation or gratuity any arms,  
14 ammunition, military supplies, tear gas or equipment or  
15 supplies or articles of a similar character.

16 (2) An individual, association or corporation may not  
17 provide as a gift, donation or gratuity any arms, ammunition,  
18 military supplies, tear gas or equipment or supplies or  
19 articles of a similar character to a county or an official or  
20 agent of the county.

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

25 (d) Outside employment.--Notwithstanding any other provision  
26 of this section, unless otherwise prohibited by resolution or  
27 ordinance of the county, an individual who is employed as a  
28 sheriff, deputy sheriff, detective or other county police  
29 officer may engage in outside employment, including employment  
30 in security, during a period when the individual is not

scheduled to perform and is not performing a duty as a county employee. The county shall not be liable for damage resulting from an act of an individual engaging in outside employment as authorized under this subsection.

§ 13711. Penalties.

A sheriff, deputy sheriff or other county police officer or another official of the county or an individual, association or corporation that violates the provisions of section 13706 (relating to deputy sheriff's qualifications), 13709 (relating to public list of applicants for deputy sheriff) or 13710 (relating to private services, gifts and payments prohibited) commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not less than \$100 nor more than \$500, or to undergo imprisonment for not less than 90 days nor more than two years, or both.

§ 13712. Construction.

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

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

(i) Night watchmen.

(ii) Railroad police.

(iii) Bank police.

(iv) Payroll police.

(v) Special policemen to police and protect cemeteries and grounds and buildings open to the public, or to enforce laws for the prevention of cruelty to

1 persons or animals.

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

4 (vii) Police or guards employed by nonprofit  
5 corporations or organizations.

6 (2) The payment by an individual, association or  
7 corporation of fees or compensation for county police or  
8 other peace officers assigned to exhibitions, athletic  
9 contests or other recreational activities.

10 § 13713. Chief deputy sheriff to act as sheriff in case of  
11 vacancy.

12 If a sheriff is legally removed from office or dies or  
13 resigns before the expiration of the term for which the sheriff  
14 was commissioned, the chief deputy sheriff shall:

15 (1) execute the office of sheriff and perform all duties  
16 required by the office of sheriff; and

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

20 § 13714. Sheriff to keep docket.

21 A sheriff shall provide and keep in the office of sheriff a  
22 book in which the sheriff shall enter all writs that may be  
23 received and the proceedings of all the writs. At the expiration  
24 of the term of office, the book shall be deposited in the office  
25 of the prothonotary for the inspection of all interested members  
26 of the public.

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

29 An individual elected or appointed to the office of sheriff  
30 may not execute any of the duties of office before a commission

1 is duly granted to the sheriff by the Governor and properly  
2 recorded, under a penalty of imprisonment for a term not  
3 exceeding six months, at the discretion of the court of common  
4 pleas. The individual elected or appointed to the office of  
5 sheriff shall be liable to a person injured by acts done by the  
6 sheriff under the purview of the office of sheriff.

7 CHAPTER 139

8 CORONER

9 Subchapter

10 A. Preliminary Provisions

11 B. General Provisions

12 C. Fees and Cost Recovery

13 SUBCHAPTER A

14 PRELIMINARY PROVISIONS

15 Sec.

16 13901. Applicability.

17 13902. Definitions.

18 § 13901. Applicability.

19 Except as otherwise expressly provided under this chapter,  
20 this chapter shall apply to counties of the second class, second  
21 class A and third, fourth, fifth, sixth, seventh and eighth  
22 class.

23 § 13902. 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 "Autopsy." The external and internal examination of the body  
28 of a deceased individual, including all of the following:

29 (1) Gross visual inspection and dissection of the body  
30 and the body's internal organs.

1       (2) Photographic or narrative documentation of findings,  
2       including microscopic, radiological, toxicological, chemical,  
3       magnetic resonance imaging or other laboratory analysis  
4       performed upon tissues, organs, blood, other bodily fluids,  
5       gases or other specimens.

6       (3) The retention for diagnostic and documentary  
7       purposes of all of the following which are necessary to  
8       establish and defend against challenges to the cause and  
9       manner of death of the deceased individual:

10       (i) Tissues, organs, blood, other bodily fluids or  
11       gases.

12       (ii) Any other specimen.

13       "Coroner." An elected or appointed coroner or an elected or  
14       appointed medical examiner.

15       "Staff." The term includes an individual in the coroner's  
16       office who engages in activities relating to death  
17       investigation. The term includes a medical investigator,  
18       forensic technician, laboratory director, forensic supervisor,  
19       forensic investigator, scientist or autopsy or histology  
20       technician.

## 21                               SUBCHAPTER B

### 22                               GENERAL PROVISIONS

23       13911. Deputies.

24       13912. Duties regarding county morgues.

25       13913. Removal of bodies to morgue.

26       13914. Removal of body, burial and vehicle.

27       13915. Unclaimed property and sales.

28       13916. Private morgue.

29       13917. Requests for examinations and reports.

30       13918. Coroner's investigation.



1 13919. Autopsy, inquest and records.  
2 13920. Child deaths.  
3 13921. Sudden death.  
4 13922. Prohibition on moving a body.  
5 13923. Release of coroner's jurisdiction.  
6 13924. Cooperation with district attorney.  
7 13925. Cooperation with other counties.  
8 13926. Certificate of cause of death.  
9 13927. Subpoena and attachment.  
10 13928. Jury.  
11 13929. Oaths.  
12 13930. Commitment to county prison.  
13 13931. Excluded individuals.  
14 13932. Vacancy.  
15 13933. Anatomical gifts.  
16 13934. Execution of office.  
17 13935. Records.  
18 § 13911. Deputies.  
19 The coroner may appoint a deputy to act in the coroner's  
20 place and may appoint staff to positions established in  
21 accordance with section 14723 (relating to number and  
22 compensation of officers, deputies, assistants, clerks and  
23 employees and revisions of salary schedules) as the coroner  
24 determines. A deputy shall have the same powers as the coroner.  
25 § 13912. Duties regarding county morgues.  
26 (a) Coroner.--The coroner of a county in which a county  
27 morgue is established shall have the following duties:  
28 (1) Make general rules and regulations for the morgue's  
29 operation and control.  
30 (2) Appoint a suitable individual in charge of the

1 morgue. An individual appointed under this paragraph may be  
2 removed at the pleasure of the coroner.

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

6 § 13913. Removal of bodies to morgue.

7 (a) Unidentified or unclaimed body.--If the body of a  
8 deceased individual is unidentified or unclaimed by a proper  
9 individual located within the county, the body shall be removed  
10 to the county morgue or, in a county of the third, fourth,  
11 fifth, sixth, seventh and eighth class, to a facility serving in  
12 lieu of the county morgue. If necessary, the coroner shall have  
13 the body properly embalmed or prepared for preservation for the  
14 length of time the coroner determines is required to determine  
15 the deceased's identity, the identity of a party responsible for  
16 the deceased and the cause and manner of death. The body may  
17 only be examined or inspected by an individual authorized by the  
18 coroner or who is admitted in the coroner's presence.

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

21 § 13914. Removal of body, burial and vehicle.

22 (a) Removal and burial.--The county commissioners shall, in  
23 consultation with the coroner, provide for the removal of a body  
24 of a deceased individual to and from the morgue and for the  
25 burial of an unclaimed body.

26 (b) Vehicle.--The county commissioners may provide an  
27 ambulance or other vehicle for the purpose under subsection (a)  
28 and for other official duties of the coroner, including  
29 administrative, investigative or educational activities. The  
30 coroner may provide rules and regulations for the use and

1 maintenance of the ambulance or other vehicle.

2 § 13915. Unclaimed property and sales.

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

5 (1) The personal effects and property that appear to  
6 have been on or about the individual at the time of death or  
7 have been found on a decedent whose body is received at the  
8 county morgue or at any other facility serving in lieu of the  
9 county morgue.

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

12 (b) Required holding period.--The coroner shall hold the  
13 property for one year, unless the property is claimed by a legal  
14 representative of the deceased or is duly and lawfully disposed  
15 of or claimed.

16 (c) Property unclaimed.--After one year, the coroner shall  
17 direct the unclaimed or undisposed property to the county  
18 commissioners to be sold at public sale. Money and property as  
19 security that may not be subject to a public sale shall be  
20 turned over to the county commissioners for proper disposition  
21 or use.

22 (d) Notice.--Notice of a public sale under subsection (c)  
23 shall be published in at least one newspaper of general  
24 circulation in the county once a week for three successive  
25 weeks. The proceeds of each sale shall be paid immediately into  
26 the county treasury. The provisions of this subsection shall be  
27 in lieu of escheating to the Commonwealth.

28 § 13916. Private morgue.

29 In a county of the third, fourth, fifth, sixth, seventh and  
30 eighth class in which a county morgue is not maintained, the

coroner may have a body that the coroner may admit to a county  
mortuary removed to a private facility. The county commissioners  
shall procure by contract, as under Chapter 151 (relating to  
contracts), the use of a private facility in consultation with  
the coroner.

§ 13917. Requests for examinations and reports.

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

(b) Fees and charges.--A fee and charge for an examination  
or professional service shall be established by the coroner,  
subject to approval by the county commissioners, and shall be  
accounted for and paid to the county treasurer as provided under  
section 14960 (relating to receipts and accounts of money due  
county). Payment for an examination or professional service  
shall be the responsibility of the county or person requesting  
the service.

§ 13918. Coroner's investigation.

(a) Duties.--The coroner having a view of the body shall  
investigate the facts and circumstances concerning a death that  
appears to have happened within the county, notwithstanding  
where the cause of the death may have occurred, for the purpose  
of determining if an autopsy or inquest should be conducted in  
the following cases:

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

(2) A death occurring under suspicious circumstances,

1 including if alcohol, a drug or another toxic substance may  
2 have had a direct bearing on the outcome.

3 (3) A death occurring as a result of violence or trauma,  
4 whether apparently homicidal, suicidal or accidental,  
5 including, a death due to mechanical, thermal, chemical,  
6 electrical or radiational injury, drowning, cave-in or  
7 subsidence.

8 (4) A death in which trauma, chemical injury, drug  
9 overdose or reaction to a drug or medication or medical  
10 treatment was a primary or secondary, direct or indirect,  
11 contributory, aggravating or precipitating cause of death.

12 (5) A perioperative death in which the death is not  
13 readily explainable on the basis of prior disease.

14 (6) A death in which the body is unidentified or  
15 unclaimed.

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

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

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

23 (10) A sudden and unexplained infant death.

24 (11) A stillbirth.

25 (b) Purpose.--The purpose of an investigation under  
26 subsection (a) shall be to determine all of the following:

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

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

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

4 § 13919. Autopsy, inquest and records.

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

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

12 (1) Ascertain the cause of death.

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

16 (3) Examine further evidence and witnesses regarding the  
17 cause of death.

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

21 (d) Retention and disposal.--

22 (1) The coroner may retain a deoxyribonucleic acid  
23 specimen for diagnostic, evidentiary or confirmatory  
24 purposes.

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

29 (e) Liability.--A coroner who, in good faith, orders or  
30 performs a medical examination or autopsy under statutory

1 authority shall be immune from civil liability for damages for  
2 ordering or performing the examination or autopsy.

3 § 13920. Child deaths.

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

9 (b) Investigation.--

10 (1) If the coroner determines that an investigation is  
11 appropriate in the case of the death of a child who is not  
12 more than three years of age, the investigation shall include  
13 the following information:

14 (i) Demographic information on the child and the  
15 child's primary caregivers.

16 (ii) Witness interviews.

17 (iii) Infant medical history.

18 (iv) Biological mother's prenatal history.

19 (v) Incident scene investigation.

20 (vi) Scene and body diagrams.

21 (2) In conducting the investigation under paragraph (1),  
22 the coroner shall consider nationally recognized standards  
23 for pediatric death review.

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

28 § 13921. Sudden death.

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

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

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

5           (i) was discharged from medical attendance;  
6           (ii) had a change of medical attendance occur; or  
7           (iii) had medical attendance and the medical  
8       attendant refuses or is unable to certify the cause of  
9       death.

10      (b) Construction.--Nothing in this section may be construed  
11      to affect the coroner's discretion in determining if a death is  
12      suspicious or to authorize a coroner to investigate a sudden  
13      death further than necessary to determine the cause and manner  
14      of death.

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

19      § 13922. Prohibition on moving a body.

20      (a) Moving a body.--Except as provided under subsection (b),  
21      if a coroner has jurisdiction to investigate the facts and  
22      circumstances of death, the body and the surroundings of the  
23      body shall be left untouched until either of the following  
24      occurs:

25           (1) The coroner has conducted an initial investigation  
26           of the scene of death, including viewing and photographing  
27           the scene in the manner that most fully discloses how the  
28           individual died.

29           (2) The coroner directs or authorizes the touching of  
30           the body and the surroundings of the body except as provided



1 by law or as circumstances may require.

2 (b) Exception.--A body on a public thoroughfare or other  
3 place may be moved if necessary for the administration of  
4 emergency care and as a precaution against a traffic accident or  
5 another serious consequence that may reasonably be anticipated  
6 if the body was left in place. The removal of the body shall be  
7 done in a manner as to not substantially destroy or alter  
8 possible evidence.

9 § 13923. Release of coroner's jurisdiction.

10 If a coroner assumes jurisdiction of a body under the  
11 provisions of this chapter or any other law, the body may not be  
12 released or removed from the coroner's jurisdiction except upon  
13 the coroner's directions and consent in accordance with law.

14 § 13924. Cooperation with district attorney.

15 In the exercise of duties under this chapter, the coroner  
16 shall consult with and advise the district attorney as may be  
17 practicable. The district attorney may act as counsel to the  
18 coroner in matters relating to inquests.

19 § 13925. Cooperation with other counties.

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

23 § 13926. Certificate of cause of death.

24 A coroner shall issue a certificate of cause of death in each  
25 case:

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

29 (2) in which the coroner has jurisdiction and no  
30 individual duly authorized by law certifies the cause of

1 death.

2 § 13927. Subpoena and attachment.

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

6 (1) A death investigation.

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

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

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

13 (i) A paper.

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

16 (iii) Another object relative to the investigation  
17 or inquest.

18 § 13928. Jury.

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

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

27 § 13929. Oaths.

28 The coroner may administer an oath and affirmation to an  
29 individual brought or appearing before the coroner. An  
30 individual who falsely swears or affirms during the examination

1 commits perjury.

2 § 13930. Commitment to county prison.

3 (a) Warrant.--An individual may be committed by a coroner to  
4 the county jail by warrant directed to the sheriff or a  
5 constable of the county if while appearing before the coroner  
6 for examination the individual refuses to:

7 (1) take an oath or affirmation; or

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

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

13 (c) Length.--The individual shall remain committed to county  
14 jail until the individual submits to be sworn or affirmed,  
15 answers the questions of the coroner or is otherwise legally  
16 discharged.

17 § 13931. Excluded individuals.

18 The following apply:

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

22 (i) A member of the public from an inquest or a part  
23 of an inquest.

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

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

27 (3) An individual required to attend may have counsel at  
28 the attendance.

29 (4) In counties of the third, fourth, fifth, sixth,  
30 seventh and eighth class, representatives of the media may

1 not be excluded from an inquest or part of an inquest unless  
2 the representatives are personally interested or suspected  
3 from the inquest or part of the inquest.

4 § 13932. Vacancy.

5 (a) Removal, death or resignation.--If a coroner is legally  
6 removed from office, dies or resigns before the expiration of  
7 the term for which the coroner was elected or appointed, the  
8 chief deputy coroner shall execute the office of coroner,  
9 perform related duties and receive and retain the compensation  
10 provided by law for the coroner until another coroner is  
11 appointed.

12 (b) Neglect or refusal.--Except as otherwise provided under  
13 subsections (d) and (e), if an individual who is elected to the  
14 office of coroner neglects or refuses, for the two months after  
15 the election, to assume the duties of the office and to comply  
16 with the requirements of the law, the office shall be deemed  
17 vacant. The Governor shall notify the recorder of deeds and  
18 appoint and commission a suitable individual to fill the vacancy  
19 during the remainder of the term.

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

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

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

1 § 13933. Anatomical gifts.

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

5 § 13934. Execution of office.

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

13 § 13935. Records.

14 In counties of the third, fourth, fifth, sixth, seventh and  
15 eighth classes, every coroner, within 30 days after the end of  
16 each year, shall deposit all official records and papers for the  
17 preceding year in the office of the prothonotary for the  
18 inspection of interested members of the public.

19 SUBCHAPTER C

20 FEES AND COST RECOVERY

21 Sec.

22 13951. Disposition costs.

23 13952. Fees for reports.

24 § 13951. Disposition costs.

25 (a) Cost of disposition.--If a legal representative makes a  
26 claim to property after disposition of the deceased has occurred  
27 at county expense, any property retained from the deceased by  
28 the coroner in accordance with section 13915 (relating to  
29 unclaimed property and sales) shall be subject to sale to cover  
30 the cost of disposition with the balance, if any, going to the

1 legal representatives. No property shall be sold under this  
2 subsection unless the coroner has provided written notice to the  
3 representative of all of the following:

4 (1) The costs of disposition.

5 (2) A list of the property held in accordance with  
6 section 13915.

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

9 (b) Costs of securing.--If the coroner secures the premises  
10 of the deceased, the costs of securing the premises may be  
11 charged against the estate of the deceased.

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

17 \$ 13952. Fees for reports.

18 The coroner shall charge and collect a fee of \$500 for an  
19 autopsy report, \$100 for a toxicology report, \$100 for an  
20 inquisition or coroner's report, \$50 for a cremation or  
21 disposition authorization and other fees as may be established  
22 for other reports or documents requested by nongovernmental  
23 agencies in order to investigate a claim asserted under a policy  
24 of insurance or to determine liability for the death of the  
25 deceased. The fees collected under this section shall be  
26 accounted for and paid to the county treasurer in accordance  
27 with section 14960 (relating to receipts and accounts of money  
28 due county) and shall be used to defray the expenses involved in  
29 the county complying with the training of coroners or coroner  
30 office personnel, as may be required or authorized under this

1 part or any other act.

2 CHAPTER 141

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

4 REGISTER OF WILLS AND RECORDER OF DEEDS

5 Sec.

6 14101. Election of prothonotary, clerk of courts, clerk of  
7 orphans' court, register of wills and recorder of  
8 deeds.

9 14102. Office holders.

10 14103. Separate judicial districts.

11 14104. (Reserved).

12 14105. Appointment of first deputies.

13 14106. (Reserved).

14 14107. (Reserved).

15 14107.1. (Reserved).

16 14108. (Reserved).

17 14109. (Reserved).

18 14110. (Reserved).

19 14111. (Reserved).

20 14112. Second deputy recorder.

21 14113. Clerks of recorder to administer oaths.

22 14114. (Reserved).

23 14115. (Reserved).

24 14116. (Reserved).

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

28 At the municipal election preceding the expiration of the  
29 term of office of a prothonotary, clerk of the courts of common  
30 pleas, register of wills, clerk of orphans' court or recorder of

deeds of any county and every four years thereafter, the  
electors of the county shall elect an individual to fill the  
office from the first Monday of January next succeeding the  
election, for a term of four years and until a successor is  
elected and qualified. If, under this part or other law, it is  
provided that two or more offices be held by the same  
individual, only one individual may be elected to hold the  
office.

§ 14102. Office holders.

(a) Counties of the third and fourth classes.--In counties  
of the third and fourth classes, one individual shall hold the  
office of prothonotary, one individual shall hold the office of  
clerk of courts, one individual shall hold the offices of  
register of wills and clerk of orphans' court and one individual  
shall hold the office of recorder of deeds.

(b) Reconfiguration.--

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

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



1     (c) Continuation.--Notwithstanding subsection (a) or (b) or  
2 any other provision of law, the county commissioners of a county  
3 advancing from the fifth class to fourth class may adopt a  
4 resolution providing that one individual shall continue to hold  
5 the offices of prothonotary and clerk of courts, unless an  
6 applicable local law states otherwise.

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

13     (e) Counties of the fifth class.--In counties of the fifth  
14 class, one individual shall hold the offices of prothonotary and  
15 clerk of courts, one individual shall hold the offices of  
16 register of wills and clerk of orphans' court and one individual  
17 shall hold the office of recorder of deeds, unless an applicable  
18 local law states otherwise.

19     (f) Counties advancing to fifth class.--Notwithstanding  
20 subsection (e) or any other provision of law, the county  
21 commissioners of a county advancing from the sixth class to  
22 fifth class may adopt a resolution providing that one individual  
23 shall continue to hold the offices of register of wills,  
24 recorder of deeds and clerk of orphans' court, unless an  
25 applicable local law states otherwise.

26     (g) Counties of sixth and seventh classes.--In counties of  
27 the sixth and seventh classes, one individual shall hold the  
28 offices of prothonotary and clerk of courts and one individual  
29 shall hold the offices of register of wills, recorder of deeds  
30 and clerk of orphans' court, unless an applicable local law

1 states otherwise.

2 (h) Counties of the eighth class.--In counties of the eighth  
3 class, one individual shall hold the offices of prothonotary,  
4 clerk of courts, clerk of orphans' court, register of wills and  
5 recorder of deeds, unless local laws applying to the county  
6 shall otherwise provide.

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

12 (j) Offices not held.--

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

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

18 (ii) provide for the holding of the county offices  
19 in the manner specified under this section for the class  
20 of counties to which the county belongs.

21 (2) The recombining of the offices under paragraph (1)  
22 shall take effect in the year in which the offices are next  
23 up for election, at which time offices in the county shall be  
24 held in accordance with the provisions of this section  
25 authorizing the combining of the offices or any other general  
26 law applicable to the holding of offices and to the  
27 classification of the county.

28 (k) Proceedings.--The proceedings for a county to accept the  
29 provisions of this section regarding the county's offices shall  
30 be in accordance with section 14103 (relating to separate

judicial districts) as applicable. Upon the expiration of the  
term of a county officer affected by the proceeding, the  
following apply:

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

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

§ 14103. Separate judicial districts.

(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).

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

7     § 14104. (Reserved).

8     § 14105. Appointment of first deputies.

9     The recorder of deeds shall appoint one first deputy to act  
10 for the death or resignation of the first deputy's principal or  
11 when the office becomes vacant from other causes. The register  
12 of wills shall appoint a deputy or deputies with powers and  
13 duties specified under 20 Pa.C.S. Ch. 9 (relating to register of  
14 wills).

15     § 14106. (Reserved).

16     § 14107. (Reserved).

17     § 14107.1. (Reserved).

18     § 14108. (Reserved).

19     § 14109. (Reserved).

20     § 14110. (Reserved).

21     § 14111. (Reserved).

22     § 14112. Second deputy recorder.

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

28     § 14113. Clerks of recorder to administer oaths.

29     The recorder of deeds may appoint one or more clerks employed  
30 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 and Clerks

##### C. County Detectives

#### SUBCHAPTER A

#### DISTRICT ATTORNEY

##### Sec.

14301. District attorney, qualifications, eligibility and compensation.

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

14303. Expenses incurred by district attorney.

14304. Filling of vacancies.

14305. Misconduct of district attorney.

14306. District attorney charged with crime.

14307. Legal resources for district attorney.

14308. Police radio in counties of the third class.

14309. Prosecution by private counsel.

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

(a) Qualifications.--The district attorney must meet all of

1 the following qualifications:

2 (1) Be a resident of the county.

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

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

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

8 (5) Have resided in the county for which the district  
9 attorney is elected or appointed for one year prior to the  
10 election or appointment.

11 (b) Eligibility.--A district attorney may not be eligible  
12 for a seat in the General Assembly or to any other office under  
13 the laws of this Commonwealth and the Constitution of  
14 Pennsylvania, except an office or commission under 51 Pa.C.S.  
15 (relating to military affairs) in the militia of the  
16 Commonwealth, the Pennsylvania Guard or the Pennsylvania  
17 National Guard, during the district attorney's continuance in  
18 office.

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

22 (1) The county commissioners have, by ordinance, fixed  
23 the services of the district attorney at full time. An  
24 ordinance under this paragraph may not be made between the  
25 first day for the circulation of nominating petitions for the  
26 office of district attorney and January 1 of the subsequent  
27 year.

28 (2) The president judge of the county court of common  
29 pleas orders that the office of district attorney shall be  
30 full time. Upon motion of the district attorney, the

1 president judge shall conduct a hearing and shall issue an  
2 order whether the office of district attorney shall be full  
3 time within 180 days of the filing of the motion. The order  
4 may be appealed by the district attorney or the county  
5 commissioners in accordance with the Pennsylvania Rules of  
6 Appellate Procedure. An order under this paragraph shall take  
7 effect 60 days after issuance. An order under this paragraph  
8 directing that the office of district attorney be full time  
9 shall be made if the president judge of the county court of  
10 common pleas finds that two or more of the following factors  
11 are present in the county:

12 (i) The average caseload of felony, misdemeanor and  
13 juvenile cases for the past five years exceed 200 per  
14 year.

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

17 (iii) The county has:

18 (A) a State correctional facility, juvenile  
19 detention facility, youth development center, youth  
20 forestry camp, other licensed residential facility  
21 serving children and youth or mental health or  
22 intellectual and developmental disability facility or  
23 institution with a population exceeding 250  
24 individuals; or

25 (B) more than one facility or institution listed  
26 under clause (A) which have an aggregate population  
27 exceeding 250 individuals.

28 (iv) A major controlled substances transportation  
29 route passes through the county.

30 (v) The average number of convictions under 75

1 Pa.C.S. § 3802 (relating to driving under influence of  
2 alcohol or controlled substance) subject to the alcoholic  
3 ignition interlock statutory provision requirements  
4 exceeds 30 per year.

5 (vi) The county constitutes a single and separate  
6 judicial district.

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

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

13 (f) Limitations.--

14 (1) In a county in which the office of district attorney  
15 is full time, the district attorney shall devote full time to  
16 the office.

17 (2) A district attorney may not derive other income as a  
18 result of honorariums, profit shares or divisions of income  
19 from a firm with which the district attorney was associated  
20 prior to election of the district attorney. The limitation  
21 under this paragraph may not be construed to preclude payment  
22 of fees earned for legal work done prior to, but not  
23 concluded until after the district attorney is made  
24 full time, or until after being sworn in as a full-time  
25 district attorney, whichever is earlier.

26 (3) The district attorney may not engage in private  
27 practice and must be completely disassociated with any firm  
28 with which the district attorney was affiliated prior to the  
29 earlier of being made full time or being sworn in as a full-  
30 time district attorney. The district attorney-elect may not



1 accept any civil or criminal cases after being elected to the  
2 office.

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

7 (h) Full time.--Except as provided in subsection (c), an  
8 office of district attorney that was part time on January 2,  
9 2012, shall become full time as of that date.

10 (i) Professional conduct.--

11 (1) A district attorney shall be subject to the Rules of  
12 Professional Conduct and the canons of ethics as applied to  
13 judges in the courts of common pleas insofar as the canons  
14 apply to salaries, full-time duties and conflicts of  
15 interest.

16 (2) A complaint by a resident of a county that a full-  
17 time district attorney may be in violation of this section  
18 shall be made to the Disciplinary Board of the Supreme Court  
19 of Pennsylvania. If any substantive basis is found that a  
20 violation has been committed, the Disciplinary Board of the  
21 Supreme Court of Pennsylvania shall proceed in the manner  
22 prescribed by the rules of the Supreme Court of Pennsylvania  
23 and make a recommendation for disciplinary action as the  
24 Disciplinary Board of the Supreme Court of Pennsylvania deems  
25 advisable. If the Disciplinary Board of the Supreme Court of  
26 Pennsylvania deems the violation so grave as to warrant  
27 removal from office, the prothonotary of the Supreme Court of  
28 Pennsylvania shall transmit its findings to the Speaker of  
29 the House of Representatives for the action as the House of  
30 Representatives deems appropriate under Article VI of the

1 Constitution of Pennsylvania.

2 (j) Reimbursement.--The Commonwealth shall annually  
3 reimburse each county with a full-time district attorney an  
4 amount equal to 65% of the district attorney's salary.

5 § 14302. Duties of district attorney and entry of nolle  
6 prosequi.

7 The district attorney shall sign each bill of indictment and  
8 conduct in court each criminal and other prosecution, in the  
9 name of the Commonwealth or, if the Commonwealth is a party,  
10 that arises in the county for which the district attorney is  
11 elected, and perform all the duties which, prior to May 3, 1850,  
12 were performed by deputy attorneys general. The duties conferred  
13 shall be in addition to all other duties given to the district  
14 attorney by other acts.

15 § 14303. Expenses incurred by district attorney.

16 All necessary expenses incurred by the district attorney or  
17 the district attorney's assistants or an officer directed by the  
18 district attorney in the investigation of crime and the  
19 apprehension and prosecution of persons charged with or  
20 suspected of the commission of crime, upon approval by the  
21 district attorney and the court, shall be paid by the county  
22 from the general funds of the county. If a defendant is  
23 convicted and sentenced to pay the costs of prosecution and  
24 trial, the expenses of the district attorney in connection with  
25 the prosecution shall be considered a part of the costs of the  
26 case and shall be paid by the defendant.

27 § 14304. Filling of vacancies.

28 (a) Counties of second class A or third class.--If a vacancy  
29 occurs in the office of district attorney in a county of the  
30 second class A or third class, either by death, resignation,

1 removal from office or from the county or otherwise, the judges  
2 of the court of common pleas shall fill the vacancy by the  
3 appointment of a competent individual to fill the office during  
4 the balance of the unexpired term.

5 (b) Counties of fourth, fifth, sixth, seventh and eighth  
6 class.--If a vacancy occurs in the office of district attorney  
7 in a county of the fourth, fifth, sixth, seventh and eighth  
8 class, the first assistant district attorney shall become  
9 district attorney and discharge the duties of the district  
10 attorney until the first Monday in January following the next  
11 municipal election occurring not less than 90 days after the  
12 occurrence of the vacancy. If the first assistant district  
13 attorney is unwilling or unable to serve, the judges of the  
14 court of common pleas shall fill the vacancy by the appointment  
15 of a competent individual to fill the office until the first  
16 Monday in January following the next municipal election  
17 occurring not less than 90 days after the occurrence of the  
18 vacancy.

19 § 14305. Misconduct of district attorney.

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

29 (a.1) Declaration of vacancy.--If a district attorney is  
30 found guilty under subsection (a), the office of the district

1 attorney shall be declared vacant.

2 (b) Notice and probable cause.--

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

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

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

12 (ii) verified by oath or affirmation of the person  
13 in whose name the complaint has been filed.

14 (3) If after the hearing the court finds that there is  
15 probable cause for the complaint, the court shall hand over  
16 or commit the district attorney to answer the complaint in  
17 due course of law. If the court finds that there is no  
18 probable cause for the complaint, the court shall dismiss the  
19 complaint, with reasonable costs to be assessed by the court.

20 § 14306. District attorney charged with crime.

21 If a district attorney is charged with a crime or  
22 misdemeanor, before or bound over or committed by a court to  
23 answer for willful and gross negligence in the execution of the  
24 duties of the office, the court shall appoint a competent  
25 attorney to prepare an indictment against the district attorney  
26 and to prosecute the district attorney on behalf of the  
27 Commonwealth until final judgment. The attorney shall be paid by  
28 the county for services a reasonable compensation to be fixed by  
29 the court. If the district attorney is convicted of a crime for  
30 which that individual may be sentenced to imprisonment by

separate or solitary confinement at labor, the office shall be declared vacant by the court.

§ 14307. Legal resources for district attorney.

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

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

The district attorney of a county of the third class may, with the consent and approval of the county commissioners and at the expense of the county, purchase and maintain a short wave police radio receiving and transmitting set and the necessary accessory equipment, to be installed and used in the office of the district attorney.

§ 14309. Prosecution by private counsel.

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

1 district attorney.

2 SUBCHAPTER B

3 ASSISTANT AND ACTING DISTRICT ATTORNEYS,

4 STENOGRAPHERS AND CLERKS

5 Sec.

6 14320. Assistant district attorneys.

7 14321. Designation, powers and duties of first assistant.

8 14322. (Reserved).

9 14323. (Reserved).

10 14324. Temporary court appointment in counties of the third,  
11 fourth, fifth, sixth, seventh and eighth class.

12 14325. Indictment and cost clerk in counties of the fourth  
13 class.

14 14326. Stenographers and clerks.

15 § 14320. Assistant district attorneys.

16 (a) Appointment of assistants.--The district attorney may  
17 appoint assistants who are licensed to practice law in this  
18 Commonwealth to assist in the discharge of the district  
19 attorney's duties. The number of assistants and salary shall be  
20 fixed by the county salary board.

21 (b) Appointment of temporary assistants in certain  
22 counties.--In counties of the third, fourth, fifth, sixth,  
23 seventh and eighth class, the district attorney may appoint  
24 temporary assistants who are licensed to practice law in this  
25 Commonwealth to assist in the discharge of duties, as provided  
26 by contract or other personnel agreement with the county or the  
27 district attorney. An attorney at law, including a deputy  
28 Attorney General or an attorney employed by the Commonwealth,  
29 may be appointed under this subsection.

30 (c) Violation and remedy.--

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

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

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

11      § 14321. Designation, powers and duties of first assistant.

12      The following shall apply:

13      (1) If more than one assistant district attorney is  
14      appointed, the district attorney shall designate one  
15      assistant as the first assistant.

16      (2) The first assistant or the assistant district  
17      attorney if only one is appointed shall, in the absence of  
18      the district attorney from the jurisdiction or during the  
19      district attorney's inability to perform the duties of the  
20      office through sickness or other cause, be vested with all  
21      the duties, powers and privileges given by law to the  
22      district attorney and generally shall be empowered to do and  
23      perform all things in connection with the office that the  
24      district attorney is authorized to do or perform.

25      (3) In case of an incapacity of the district attorney or  
26      the first assistant, or both, a duty, power or privilege may  
27      be exercised by other assistant district attorneys, if any,  
28      as may be designated by the district attorney.

29      § 14322. (Reserved).

30      § 14323. (Reserved).

1 § 14324. Temporary court appointment in counties of the third,  
2 fourth, fifth, sixth, seventh and eighth class.

3 The court of common pleas of a county of the third, fourth,  
4 fifth, sixth, seventh or eighth class shall temporarily appoint  
5 a district attorney if the district attorney and the assistants  
6 are absent from the court. An individual appointed under this  
7 section shall perform the duties of the office until the regular  
8 district attorney or one of the assistants appears in person to  
9 perform the duties and shall be paid by the county as may be  
10 fixed by the court.

11 § 14325. Indictment and cost clerk in counties of the fourth  
12 class.

13 The district attorney of a county of the fourth class, in  
14 addition to other assistants authorized in this subchapter, may  
15 appoint an assistant who is licensed to practice law in this  
16 Commonwealth as an indictment and cost clerk to assist the  
17 district attorney in the discharge of the district attorney's  
18 duties.

19 § 14326. Stenographers and clerks.

20 The salary board in a county may provide for the appointment  
21 by the district attorney of clerks and stenographers in the  
22 district attorney's office as may be deemed necessary for the  
23 proper dispatch of business.

24 SUBCHAPTER C

25 COUNTY DETECTIVES

26 Sec.

27 14340. Appointment, duties and compensation of county  
28 detectives.

29 14341. Appointment of special detective with approval of court.

30 § 14340. Appointment, duties and compensation of county



1           detectives.

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

3           (1) In counties of the second class A, the district  
4       attorney may appoint one chief county detective, an assistant  
5       chief county detective and as many county detectives,  
6       sergeants, special county detectives and junior county  
7       detectives as the county salary board shall fix.

8           (2) In counties of the third and fourth classes, the  
9       district attorney may appoint one chief county detective, one  
10      assistant county detective and other county detectives as the  
11      county salary board may authorize.

12      (b) Counties of fifth, sixth, seventh and eighth class.--In  
13      counties of the fifth, sixth, seventh and eighth class, the  
14      district attorney may appoint one chief county detective and  
15      other county detectives as the county salary board may  
16      authorize.

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

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

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

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

27      (d) Powers.--

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

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

4       (e) Fees and compensation.--

5       (1) In counties of the second class A, county detectives  
6       of every grade and rank may not be entitled to receive fees  
7       but shall receive a salary as fixed by the county salary  
8       board and necessary traveling expenses. Upon verification by  
9       affidavit of a detective and approval by the district  
10       attorney, the salary and expenses of the detective shall be  
11       paid out of the treasury of the county on a certificate  
12       issued by the district attorney directed to the controller of  
13       the county, who shall order warrants for the amounts  
14       according to law.

15       (2) In counties of the third, fourth, fifth, sixth,  
16       seventh and eighth class, county detectives of every grade  
17       and rank, in addition to an annual salary, shall be allowed  
18       all expenses actually and necessarily incurred in the  
19       performance of the duties. The salaries and expenses shall be  
20       paid by the county as provided by law. County detectives  
21       shall not be entitled to fees.

22       § 14341. Appointment of special detective with approval of  
23       court.

24       If the court of common pleas and district attorney deem it  
25       necessary for a particular and temporary assignment, the  
26       district attorney of a county, with the approval of the county  
27       salary board, may appoint a special detective, whose duty it  
28       shall be to assist in obtaining evidence as directed by the  
29       district attorney for the Commonwealth and to perform other  
30       duties as the court may direct. The special detective shall be:

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

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

6                               CHAPTER 145

7                               SALARIES OF COUNTY OFFICERS

8       Sec.

9       14501. Salaries of county officers.

10      14502. Insurance and other employee benefits.

11      § 14501. Salaries of county officers.

12      (a) Amount.--Except as otherwise provided under this part or  
13      other applicable law, salary and changes in salary of county  
14      officers shall be set in accordance with the act of November 1,  
15      1971 (P.L.495, No.113), entitled "An act providing for the  
16      compensation of county officers in counties of the second  
17      through eighth classes, for compensation of district attorneys  
18      in cities and counties of the first class, for compensation of  
19      district election officers in all counties, for the disposition  
20      of fees, for filing of bonds in certain cases and for duties of  
21      certain officers."

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

25      § 14502. Insurance and other employee benefits.

26      In addition to other authorized compensation, county  
27      commissioners and other county officers and their dependents  
28      shall be eligible for inclusion in group life, health,  
29      hospitalization, medical service and accident insurance plans or  
30      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.

14701. Fees belonging to county.

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

14703. Penalty for receiving gratuities or percentages.

14704. False swearing to county accounts, bills or transcripts.

14705. Officers to be paid salaries.

14706. (Reserved).

14707. Monthly returns.

14708. Payment of certain officers.

14709. Salaries in lieu of fees.

14710. Rights of action and remedies for collection of fees.

§ 14701. Fees belonging to county.

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

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

1     (c) Use.--No county officer shall use fees received for  
2 official services for any purpose except for the use of the  
3 county or the Commonwealth.

4 § 14702. System of accounts and fees paid to county treasurer.

5     (a) System of accounts.--Each county officer receiving fees  
6 shall keep a system of accounts, the form of which shall be  
7 prescribed by the controller, or, if that office does not exist,  
8 by the county auditors, on which entry shall be made of all the  
9 money received for fees and of all money earned and chargeable  
10 upon the county, specifying the day and date, the title of the  
11 case, if applicable, for what service and from whom received.

12     (b) Duties of officer.--At the times designated by  
13 resolution of the county commissioners but not later than the  
14 10th day of each month, each officer shall:

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

20         (2) Deposit with the county controller, or in counties  
21 without a controller, with the county auditors a transcript,  
22 in detail, of the officer's system of accounts for the  
23 preceding month. The officer shall make oath or affirmation  
24 before the county controller or the county auditors if the  
25 office of controller does not exist that the transcript  
26 contains a true and correct list of all the fees received,  
27 earned or chargeable upon the county for services rendered in  
28 the office, either by the officer, deputies or clerks, during  
29 the preceding month that the fees were severally charged and  
30 collected at regular rates and that the officer has not

1 received and is not to receive, for any official services or  
2 duty, any other fees than those entered on the transcript.

3 (c) Duties of county controller or county auditor.--The  
4 county controller, or the county auditors in counties without a  
5 controller, shall receive, audit and verify the returns for the  
6 preceding month and charge the county treasurer with the money  
7 for fees paid in.

8 (d) Fees for another office.--If fees are paid to an office  
9 for services rendered or to be rendered by another office, the  
10 officer receiving the fees shall specify the fees on the account  
11 book and on the transcript reflecting the office to which the  
12 fees are due.

13 § 14703. Penalty for receiving gratuities or percentages.

14 (a) Prohibited conduct.--An officer under this subchapter  
15 may not:

16 (1) Receive or stipulate to receive, from a deputy,  
17 clerk or any person awarded a contract, money as percentage  
18 on the salaries of the deputy or clerk or on the amounts or  
19 profits of the contract or money as compensation for making  
20 the appointment or contract.

21 (2) Neglect to render the accounts or to pay over the  
22 money received for fees as required by this subchapter.

23 (3) Willfully neglect to make proper entry in the book  
24 required to be kept.

25 (4) Willfully neglect to charge the fees allowed by law  
26 for any official services.

27 (5) Take any fees for the officer's own use.

28 (6) Fail to comply with any of the provisions of this  
29 subchapter.

30 (7) Neglect to discharge any of the duties imposed on

1     the office.

2     (b) Penalty.--A violation of subsection (a) shall be deemed  
3 a misdemeanor in office, and, in addition to other applicable  
4 penalties, the officer shall, upon conviction, refund the money  
5 unlawfully received and shall be deemed incapable of holding the  
6 office.

7     § 14704. False swearing to county accounts, bills or  
8             transcripts.

9     (a) Perjury.--A county officer under this subchapter or  
10 another individual who willfully swears or affirms falsely as to  
11 the accuracy of an account, transcript or bill required in this  
12 subchapter or in making an affidavit in reference to the  
13 account, transcript or bill, commits perjury and, upon  
14 conviction, shall be liable to the punishment prescribed by law  
15 for perjury.

16     (b) Subornation of perjury.--An individual who procures  
17 another individual to swear or affirm falsely in verifying any  
18 account, transcript or bill, or in making an affidavit in  
19 reference to the account, transcript or bill, commits  
20 subornation of perjury and, upon conviction, shall be liable to  
21 the punishment prescribed by law for that offense.

22     § 14705. Officers to be paid salaries.

23     Each county officer and their deputies and clerks shall be  
24 paid for services rendered by fixed and specific salaries as  
25 follows:

26             (1) The salaries of each officer, deputy and clerk shall  
27 be paid out of the treasury of the county which the officer,  
28 deputy or clerk serve to the extent that the fees collected  
29 and paid in by each officer respectively or earned if fees  
30 are chargeable upon the county treasury, except as provided

1 in section 14708 (relating to payment of certain officers).

2 (2) The salaries shall be paid weekly, biweekly,  
3 semimonthly or monthly during the month in which the services  
4 were rendered, at the discretion of the county commissioners.

5 (3) A voucher check or warrant may not be drawn for the  
6 payment of an officer, deputy or clerk who has not filed the  
7 receipt and transcript for the month as provided under this  
8 subchapter.

9 § 14706. (Reserved).

10 § 14707. Monthly returns.

11 (a) Separate returns and payment.--Each county officer shall  
12 make a separate return to the Department of Revenue of all taxes  
13 or fees collected or earned for the Commonwealth by the officer,  
14 if any, at the same time that monthly returns are made under  
15 section 14702 (relating to system of accounts and fees paid to  
16 county treasurer). The taxes, fees and other amounts due to the  
17 Commonwealth shall be paid over as required, but not more often  
18 than monthly, unless specifically provided by law or regulation.

19 (b) Commissions.--All commissions on the collection of taxes  
20 and fees for the Commonwealth shall be deemed and taken as part  
21 of the regular fees of the county officer collecting and shall  
22 be accounted for accordingly.

23 (c) Applicability of section.--This section applies only to  
24 the reporting and payment of any taxes or fees and to the  
25 treatment of commissions as are not otherwise provided for by  
26 law.

27 § 14708. Payment of certain officers.

28 The following shall apply:

29 (1) The following individuals shall be paid weekly,  
30 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.

14721. Fees.

14722. Salary boards.

14723. Number and compensation of officers, deputies,

assistants, clerks and employees and revisions of

salary schedules.

14724. (Reserved).

14725. Procedure and action of salary board.

§ 14720. Salaries and compensation.

The salaries and compensation of county officers shall be as  
provided under law. The salaries and compensation of all  
appointed officers and employees who are paid from the county  
treasury shall be fixed by the salary board established under  
section 14722 (relating to salary boards). The board of county  
commissioners shall have the sole power and responsibility to  
represent judges of the court of common pleas in proceedings  
before the Pennsylvania Labor Relations Board or collective  
bargaining negotiations involving employees paid from the county  
treasury, the county and all elected or appointed county

officers having employment powers over the affected employees.  
The powers authorized by the county commissioners under this  
section shall not affect the hiring, discharging and supervising  
rights and obligations with respect to employees as may be  
vested in the judges or other county officers.

§ 14721. Fees.

(a) General rule.--A county officer shall charge and collect  
the fees, mileage and emoluments of the office for the officer's  
own use or for the use of the county, as provided by law.

(b) Payment of fees.--Fees, mileage and emoluments shall be  
paid to the county treasurer.

(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

1           salary schedules.

2       (a) Setting numbers and compensation.--The following apply:

3           (1) At each annual meeting, the salary board, subject to  
4       limitations imposed by law, shall fix the compensation of  
5       each appointed county officer and the number and compensation  
6       of the following who are paid from the county treasury:

7           (i) all deputies, assistants, clerks and other  
8       individuals whose compensation is paid out of the county  
9       treasury, except employees of county officers who are  
10       paid by fees and not by salary;

11          (ii) all court criers, tipstaves and other court  
12       employees; and

13          (iii) all officers, clerks, stenographers and  
14       employees appointed by the judges of a court.

15       (2) Between annual salary board meetings as required by  
16       a judge, county officer or executive head of a separate  
17       board, commission or division whose deputies', assistants',  
18       clerks' and employees' numbers or compensation is sought to  
19       be fixed, the board shall meet and consider and shall fix and  
20       determine the numbers and compensation.

21       (3) All salaries fixed under this part shall be paid out  
22       of the county treasury in the manner provided by law.

23       (b) Effect of section.--

24           (1) Upon action by the salary board under subsection  
25       (a), the number and compensation of all the officers,  
26       deputies, assistants, clerks and individuals are repealed.

27           (2) If a salary board fails to fix the number or  
28       compensation of an officer, deputy, assistant, clerk or other  
29       employee as required under this section, the number and  
30       compensation shall continue, as fixed by or in accordance

with law with the same effect as though the number and compensation had been fixed by the salary board, but the salary board may fix any number or compensation at a later time and with similar effect.

§ 14724. (Reserved).

§ 14725. Procedure and action of salary board.

(a) Attendance by officer or executive head.--Except as otherwise provided in this part, when the salary board considers the number or salaries of the deputies or other employees of a county office or agency, the officer or the executive head of the agency shall sit as a member of the board until the matter affecting the office or agency is resolved.

(b) Attendance by president judge.--When the board considers the number or salaries of court employees, the president judge of the court shall sit as a member of the board until the matter affecting the court criers, tipstaves or employees of the court is resolved.

(c) Attendance by certain judges.--

(1) When the board considers the number or salaries of the officers or employees appointed by a judge of a court, the judge shall sit as a member of the board until the matter affecting the judge's appointees is resolved.

(2) Notwithstanding any law to the contrary, in counties of the second class A, when the board considers the number or salaries of the employees of the prison board, the president judge of the court of common pleas shall sit as a member of the board, and the board shall fix the number and salaries of the employees.

(d) Majority decision and minute book.--The following apply:

(1) The decision of a majority of members of the salary

1 board shall govern.

2 (2) Each salary board shall keep a correct minute book  
3 of the board's proceedings in all cases heard and determined.  
4 The minute book shall be a public record.

5 SUBCHAPTER C

6 (Reserved)

7 CHAPTER 149

8 FISCAL AFFAIRS

9 Subchapter

10 A. Fiscal Policy and Systems

11 B. Accounts, Audits and Reports by Controller or Auditors

12 C. Disbursals of County Money

13 D. County Treasury and County Depositories

14 E. (Reserved)

15 F. Budgets

16 G. Sinking Fund Commission

17 SUBCHAPTER A

18 FISCAL POLICY AND SYSTEMS

19 Sec.

20 14901. Functions of county commissioners.

21 14901.1. Billing and collection of third, fourth, fifth, sixth,  
22 seventh and eighth class county taxes.

23 14901.2. Collection of tax on real property from rent paid to  
24 owner in county of the second class A.

25 14902. Functions of controller.

26 14903. Accounts of officers.

27 14904. Custody of documents.

28 14905. Financial records.

29 14906. Investment of money.

30 § 14901. Functions of county commissioners.

1     The county commissioners shall be the responsible managers  
2     and administrators of the fiscal affairs of their respective  
3     county in accordance with this part and other applicable law.

4     § 14901.1. Billing and collection of third, fourth, fifth,  
5             sixth, seventh and eighth class county taxes.

6     (a) County institution district taxes.--The county  
7     commissioners of each county of the third, fourth, fifth, sixth,  
8     seventh and eighth class may, by resolution, provide for the  
9     billing and collecting of all county and county institution  
10    district taxes levied within a third class city and may, in the  
11    resolution, vest the county treasurer with the duties and  
12    responsibilities of billing and collecting all the taxes. The  
13    resolution shall be adopted by the county, and the city  
14    treasurer shall be notified of adoption of the resolution no  
15    later than the first day for the circulation of nomination  
16    petitions for the office of tax collector within the county and  
17    shall take effect upon the first day of the next succeeding term  
18    of office of tax collector following adoption of the resolution.

19    (b) County taxes.--The county commissioners of each county  
20    of the third, fourth, fifth, sixth, seventh and eighth class  
21    may, by resolution, provide for the billing and collection of  
22    all county taxes in municipalities existing or organized under  
23    53 Pa.C.S. Pt. III Subpt. E (relating to home rule and optional  
24    plan government) or under the former act of April 13, 1972  
25    (P.L.184, No.62), known as the Home Rule Charter and Optional  
26    Plans Law, that have eliminated the elective office of tax  
27    collector, by the authorities empowered to levy those taxes, and  
28    by resolution, vest in the county treasurer the duties and  
29    responsibilities of billing and collecting county taxes in those  
30    municipalities.

1     (c) Vacancy in office.--Notwithstanding any law to the  
2 contrary, if, as a result of a vacancy in the office of elected  
3 tax collector in a municipality within a county of the third,  
4 fourth, fifth, sixth, seventh or eighth class, an employee or  
5 paid official of the municipality is appointed or directed by  
6 the governing body of the municipality to assume the duties of  
7 tax collector, the county commissioners may, by resolution,  
8 provide, until a successor tax collector is elected in  
9 accordance with law, for the following:

10         (1) the county treasurer to have the duties and  
11 responsibilities of billing and collecting all county and  
12 county institution district taxes levied within the  
13 municipality;

14         (2) payment to the municipality, rather than the  
15 employee or paid official appointed or directed by the  
16 governing body of the municipality to assume the duties of  
17 tax collector, the compensation that otherwise would be  
18 attributable to the billing and collecting of county and  
19 county institution district taxes levied within the  
20 municipality; or

21         (3) an agreement with the tax collector in an adjoining  
22 or conveniently located municipality to assume the duties of  
23 the tax collector and receive the compensation that otherwise  
24 would be attributable to the billing and collecting of county  
25 and county institution district taxes levied within the  
26 municipality.

27     (d) Duties passing to county treasurer.--Notwithstanding any  
28 law to the contrary, if, as a result of a vacancy in the office  
29 of elected tax collector in a municipality, the county treasurer  
30 is appointed or directed by the county commissioners to bill and



collect all county and county institution district taxes within the municipality, the governing body of the municipality and the county commissioners may, by agreement, provide that the county treasurer shall have the duties and responsibilities of billing and collecting all taxes levied by the municipality in accordance with section 4.4 of the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law.

(e) Appointment of other employees.--The county commissioners may appoint other employees as may be necessary to carry out the provisions of this section.

(f) Compensation.--

(1) Except as otherwise provided in the Local Tax Collection Law, the compensation of personnel and other expenses of billing and collecting county and county institution district taxes under this section shall be paid out of the general fund in the county treasury.

(2) Except for the county treasurer, the compensation and number of employees shall be governed by Chapter 147 (relating to fees of salaried county officers and salary boards).

(3) If the county treasurer is designated as the collector of the county and county institution district taxes, the county treasurer may not receive added compensation for performing these functions.

(g) Treasurer.--The county treasurer shall be governed by the Local Tax Collection Law.

§ 14901.2. Collection of tax on real property from rent paid to owner in county of the second class A.

(a) Rental income.--If the owner of residential or commercial real property that is located in a county of the

1 second class A and subject to a claim owed to the county under  
2 the act of May 16, 1923 (P.L.207, No.153), referred to as the  
3 Municipal Claim and Tax Lien Law, derives any rental income from  
4 the property, the county treasurer shall notify the property  
5 owner in writing of the property owner's duty to remit the  
6 rental income to the office of the county treasurer. The rent  
7 remitted shall be applied to the amount of tax owed to the  
8 county, with any interest or penalties due, until the claim is  
9 paid in full.

10 (b) Notice.--The notice under subsection (a) shall include  
11 the amount of the claim on the property, including interest and  
12 penalties, and each date the rental income is to be remitted.  
13 If, after 15 days of the date or dates specified in the notice,  
14 the property owner fails to remit the rental income, the county  
15 may immediately begin the judicial sale process under the  
16 Municipal Claim and Tax Lien Law.  
17 § 14902. Functions of controller.

18 (a) Duties.--

19 (1) Subject to the power and duty of the county  
20 commissioners to manage and administer the fiscal affairs of  
21 the county, the controller shall supervise the fiscal affairs  
22 of the county, including the related accounts and official  
23 acts of all officers or other individuals who shall collect,  
24 receive, hold or disburse or be charged with the management  
25 or custody of the public assets of the county. The  
26 discretionary powers of the controller shall be applicable to  
27 matters or official acts involving the accounts and  
28 transactions of officers or other persons of the county,  
29 including those indicated in section 14905 (relating to  
30 financial records). The discretionary policies of the

1 controller may not be applicable to the establishment and  
2 adoption of the fiscal policies of the county commissioners.

3 (2) The following shall apply:

4 (i) The controller may only refuse to authorize a  
5 fiscal transaction which:

6 (A) Is, by law, subject to the controller's  
7 supervision or control and it appears that a  
8 transaction:

9 (I) Is not authorized by law.

10 (II) Has not been undertaken according to  
11 law.

12 (III) Has not received approval according to  
13 law.

14 (B) The controller desires upon reasonable  
15 grounds to investigate for or has already discovered  
16 fraud, flagrant abuse of public office or a criminal  
17 act or neglect of an officer or other person of the  
18 county relating to their public accounts and  
19 transactions.

20 (ii) The controller may require from the officer or  
21 other person, in writing, an account of each asset which  
22 may have come into the officer's or person's control.

23 (iii) Immediately on the discovery of a default or  
24 delinquency, the controller shall report the discovery to  
25 the county commissioners and the district attorney of the  
26 county for prosecution as may be warranted and shall take  
27 immediate measures to secure the public assets.

28 (b) Report of audit.--Under subsection (a), the county  
29 commissioners, for the purpose of meeting Federal or State  
30 requirements, may issue a request for proposals for and contract

1 with an independent certified public accountant or employ a  
2 public accountant for the purpose of preparing or conducting a  
3 report or audit of the fiscal affairs of the county, independent  
4 of or in addition to, the audit conducted by the county  
5 controller or auditors. The controller shall be afforded an  
6 opportunity to comment on the request for proposals prior to  
7 issuance and the contract prior to execution. The contracts  
8 shall supplement, but not replace, the official acts and audits  
9 of the controller.

10 § 14903. Accounts of officers.

11 (a) Furnishing information.--If requested by the county  
12 commissioners, the controller shall furnish a detailed account  
13 of an officer or other individual having in that individual's  
14 possession or under that individual's control money belonging to  
15 the county, and shall, during regular office hours, give  
16 information regarding the accounts to a taxpayer of the county  
17 demanding the account.

18 (b) Information regarding financial institutions.--

19 (1) The controller shall have the power and authority to  
20 require each county officer to make a quarterly statement  
21 with respect to money in the officer's possession or control  
22 as a county officer, showing the amount of cash on hand and  
23 the amount deposited in banks, banking institutions and trust  
24 companies, together with the names of the institutions.

25 (2) The controller shall have power to examine each  
26 account of a county officer in a bank, banking institution or  
27 trust company to verify the accuracy of the statement of the  
28 county officer.

29 (3) Each bank, banking institution or trust company, its  
30 officers and agents shall furnish full information to the

1 controller in relation to the account of the county officer.

2 (4) No bank, banking institution or trust company, its  
3 officers or agents shall be subject to prosecution under  
4 other laws of this Commonwealth for disclosing information  
5 with respect to an account of a county officer.

6 § 14904. Custody of documents.

7 The controller shall have custody of and retain in original  
8 or other acceptable form, as provided in the most recent edition  
9 of the County Records Manual issued for the County Records  
10 Committee by the Pennsylvania Historical and Museum Commission,  
11 all title deeds to real estate owned by the county, all executed  
12 contracts entered into by or on behalf of the county, all  
13 records relating to the county's financial affairs and all bonds  
14 and other obligations issued by the county, when paid. The bonds  
15 and other obligations shall be monitored by the controller, a  
16 ledger of which shall be maintained by the controller in a book  
17 or an electronic file dedicated for that purpose and retained  
18 according to the most recent edition of the County Records  
19 Manual.

20 § 14905. Financial records.

21 The following shall apply:

22 (1) The controller shall maintain a full and regular set  
23 of financial records, including the general ledger, in  
24 electronic form or otherwise, which support financial  
25 statements in accordance with generally accepted accounting  
26 principles of all the fiscal operations of the county,  
27 embracing as many accounts, under appropriate titles, to:

28 (i) meet Federal and State reporting requirements;

29 and

30 (ii) show distinctly and separately the following

1 records classified by reference to the subject matter:

2 (A) property of the county;

3 (B) the county's revenue and expenditures;

4 (C) all debts and accounts due by the county  
5 officers or others;

6 (D) the amount raised from each source of  
7 revenue; and

8 (E) expenditures in detail.

9 (2) The controller shall select and administer the form  
10 and manner of maintaining the records required under  
11 paragraph (1).

12 (3) If the controller prescribes a change in the form  
13 and manner of maintaining the records required under  
14 paragraph (1), any costs necessary for implementation shall  
15 be subject to the approval of the county commissioners.

16 (4) In counties without a controller, the requirements  
17 of this section shall be fulfilled by the office of the  
18 county commissioners.

19 § 14906. Investment of money.

20 (a) Investment standards.--

21 (1) Subject to subsection (b)(1) and any conditions and  
22 limitations in this chapter, in counties of the second class  
23 A, the county treasurer shall have the power to invest and  
24 reinvest the money of the general fund and special funds as  
25 have accumulated beyond the ordinary needs of the various  
26 funds, and which are not authorized by law to be invested by  
27 any board, commission or county officer, consistent with  
28 sound business practice, subject, however, to the exercise of  
29 that degree of judgment, skill and care under the  
30 circumstances then prevailing which persons of prudence,

1 discretion and intelligence, who are familiar with the  
2 matters, exercise in the management of their own affairs not  
3 in regard to speculation, but in regard to the permanent  
4 disposition of the funds, considering the probable income to  
5 be derived therefrom as well as the probable safety of their  
6 capital.

7 (2) In counties of the third, fourth, fifth, sixth,  
8 seventh or eighth class, the county commissioners or any  
9 individual other than a county commissioner who serves in an  
10 elective county office, shall invest money not otherwise  
11 required by law to be invested that the individual's office  
12 is required to collect, administer or disburse, consistent  
13 with sound business practice, subject, however, to the  
14 exercise of that degree of judgment, skill and care under the  
15 circumstances then prevailing which persons of prudence,  
16 discretion and intelligence, who are familiar with such  
17 matters, exercise in the management of their own affairs not  
18 in regard to speculation, but in regard to the permanent  
19 disposition of the funds, considering the probable income to  
20 be derived therefrom as well as the probable safety of their  
21 capital.

22 (b) Investment board and investment program.--

23 (1) In counties of the second class A, a board of  
24 investment is created. The board shall be composed of the  
25 treasurer, who shall chair the board, the chairperson of the  
26 county commissioners and the controller. The board shall  
27 provide for an investment program, including temporary  
28 investments, subject to restrictions contained in this part  
29 and in any other applicable statute and any rules and  
30 regulations adopted by the board. County boards, commissions

1 or other county officers authorized to make investments under  
2 subsection (a) (1) shall make investments in conformity with  
3 the board's investment program.

4 (2) In counties of the third, fourth, fifth, sixth,  
5 seventh or eighth class, the county commissioners shall  
6 provide for an investment program, including temporary  
7 investments, subject to restrictions contained in this act  
8 and in any other applicable statute and any rules and  
9 regulations adopted by the county commissioners. Other  
10 elective officials authorized to make investments under  
11 subsection (a) (2) shall make investments in conformity with  
12 the investment program required under this paragraph.

13 (c) Authorized investments or financial products.--

14 Authorized types of investments or financial products for money,  
15 in addition to those authorized under the act of July 25, 1973  
16 (P.L.217, No.53), entitled "An act authorizing cities of the  
17 first class and second class to invest all funds received and  
18 deposited with the city treasurer in certain commercial paper  
19 under certain terms and conditions; and providing for investment  
20 of public corporation or municipal authority funds," shall be:

21 (1) Obligations of:

22 (i) the United States or any of its agencies or  
23 instrumentalities backed by the full faith and credit of  
24 the United States, including United States Treasury  
25 bills;

26 (ii) the Commonwealth or any of its agencies or  
27 instrumentalities backed by the full faith and credit of  
28 the Commonwealth; or

29 (iii) a political subdivision of the Commonwealth or  
30 any of its agencies or instrumentalities backed by the



1 full faith and credit of the political subdivision.

2 (2) Deposits in savings accounts or time deposits, other  
3 than certificates of deposit, or share accounts of  
4 institutions insured by the Federal Deposit Insurance  
5 Corporation or the National Credit Union Share Insurance Fund  
6 to the extent that the accounts are insured, and, for any  
7 amounts above the insured maximum, if approved collateral as  
8 provided by law is pledged by the depository. Deposits under  
9 this paragraph shall be differentiated from savings or demand  
10 deposits as authorized by the act of July 25, 1973 (P.L.217,  
11 No.53)).

12 (3) Shares of an investment company registered under the  
13 Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. §  
14 80a-1 et seq.), whose shares are registered under the  
15 Securities Act of 1933 (48 Stat. 74, 15 U.S.C. § 77a et  
16 seq.), if the only investments of the company are in the  
17 authorized investments for county money in paragraphs (1) and  
18 (2) and:

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

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

23 (4) Certificates of deposit purchased from institutions  
24 insured by the Federal Deposit Insurance Corporation or the  
25 National Credit Union Share Insurance Fund to the extent that  
26 the accounts are insured, and, for any amounts above the  
27 insured maximum, if approved collateral as provided by law is  
28 pledged by the depository. In addition to the  
29 collateralization requirements, the following limitations  
30 shall apply:

1           (i) Certificates of deposit purchased from  
2           commercial banks shall be limited to an amount equal to  
3           20% of a bank's total capital and surplus.

4           (ii) Certificates of deposit purchased from savings  
5           and loan associations or savings banks shall be limited  
6           to an amount equal to 20% of an institution's assets  
7           minus liabilities.

8           (5) An investment authorized under 20 Pa.C.S. Ch. 73  
9           (relating to municipalities investments), which shall be an  
10          authorized investment for a pension or retirement fund.

11          (d) Limitation on certain officials.--Officials, as  
12          authorized in subsection (a)(1) or (2), may not have invested in  
13          negotiable certificates of deposit, bankers' acceptances or  
14          commercial paper, respectively, as authorized by the act of July  
15          25, 1973 (P.L.217, No.53), more than an aggregate of the total  
16          sum as the investment policy of the board of investment or the  
17          county commissioners has prescribed.

18          (e) Authority of officials making investments of county  
19          money.--Officials making investments of county money, as  
20          authorized in subsection (a)(1) or (2), may:

21           (1) Permit assets pledged as collateral under subsection  
22           (c)(2) to be pooled in accordance with the act of August 6,  
23           1971 (P.L.281, No.72), entitled "An act standardizing the  
24           procedures for pledges of assets to secure deposits of public  
25           funds with banking institutions pursuant to other laws;  
26           establishing a standard rule for the types, amounts and  
27           valuations of assets eligible to be used as collateral for  
28           deposits of public funds; permitting assets to be pledged  
29           against deposits on a pooled basis; and authorizing the  
30           appointment of custodians to act as pledgees of assets,"

1 relating to pledges of assets to secure deposits of public  
2 money.

3 (2) Combine money from more than one fund under county  
4 control for the purchase of a single investment, if each of  
5 the funds combined are accounted for separately in all  
6 respects and that the earnings from the investment are  
7 separately and individually computed and recorded and  
8 credited to the accounts from which the investment was  
9 purchased.

10 (3) Join with one or more other political subdivisions  
11 and municipal authorities in accordance with 53 Pa.C.S. Ch.  
12 23 Subch. A (relating to intergovernmental cooperation) in  
13 the purchase of a single investment, if the requirements of  
14 paragraph (2) on separate accounting of individual funds and  
15 separate computation, recording and crediting of the earnings  
16 from the funds are adhered to.

17 (4) Join with the Commonwealth, political subdivision or  
18 redevelopment authority in the purchase of real estate for  
19 the purposes of community and economic development.

20 (5) Grant money to the Commonwealth, political  
21 subdivision or redevelopment authority for the purposes of  
22 supporting community and economic development projects.

23 (f) Income earned.--All income earned on an investment shall  
24 inure to the benefit of the county and shall be placed in the  
25 county general fund except as otherwise directed by the county  
26 commissioners or restricted by law.

27 SUBCHAPTER B

28 ACCOUNTS, AUDITS AND REPORTS

29 BY CONTROLLER OR AUDITORS

30 Sec.

1 14920. Settlement of accounts, report to common pleas,  
2 publications and financial report.  
3 14920.1. Audit of additional accounts.  
4 14921. (Reserved).  
5 14922. (Reserved).  
6 14922.1. (Reserved).  
7 14923. (Reserved).  
8 14924. (Reserved).  
9 14924.1. Audit of insurance and escrow accounts.  
10 14925. Power of subpoena and attachment.  
11 14926. Power to administer oaths.  
12 14927. Refusal to obey subpoena or submit to examination.  
13 14928. Witness fees.  
14 14929. Settlement of accounts on extraneous proof.  
15 14930. Filing reports.  
16 14931. Appeals from reports.  
17 14932. Form of issue on appeals.  
18 14933. Allowance of attorney fees.  
19 14934. (Reserved).  
20 14935. (Reserved).  
21 14936. (Reserved).  
22 14937. (Reserved).  
23 14938. (Reserved).  
24 14939. (Reserved).  
25 § 14920. Settlement of accounts, report to common pleas,  
26 publications and financial report.  
27 (a) Reports and audit, settlement and adjustment of  
28 accounts.--  
29 (1) At the end of each fiscal year, the controller or  
30 auditors, as the case may be, shall complete the audit,

1 settlement and adjustment of the accounts of all county  
2 officers.

3 (2) The controller or auditors shall make a report,  
4 verified by oath or affirmation, to the county court of  
5 common pleas annually before July 1, except if the court  
6 grants an extension of time upon due cause shown, of all  
7 receipts and expenditures of the county for the preceding  
8 year, in detail and classified by reference to the object  
9 thereof, together with a full statement of the financial  
10 conditions of the county.

11 (b) Notice, public inspection and costs.--

12 (1) Within 10 days after making a report to the court of  
13 common pleas, notice that the report is available for public  
14 inspection shall be published one time in at least one  
15 newspaper of general circulation in the county as the  
16 controller or auditors may direct and shall be posted on the  
17 official publicly accessible Internet website of the county,  
18 but the aggregate cost of newspaper publication may not  
19 exceed \$1,500 in any one year in a county, to be paid for out  
20 of the county treasury.

21 (2) The entire report, which shall include a concise  
22 summary, shall be available for public inspection in the  
23 office of the controller or auditors during regular business  
24 hours and on the official publicly accessible Internet  
25 website of the county.

26 (3) The report may also be published in printed  
27 pamphlets at the cost of the county. The number and cost of  
28 the pamphlets shall be determined by the controller or  
29 auditors and the county commissioners with consideration of  
30 current budget allocations.

1 (c) Report to Department of Community and Economic  
2 Development.--The county controller shall, on or before the date  
3 required by section 123 of the act of July 10, 1987 (P.L.246,  
4 No.47), known as the Municipalities Financial Recovery Act, or  
5 July 1, whichever occurs first, make an annual report to the  
6 Department of Community and Economic Development of the  
7 financial condition of the county, on forms furnished by the  
8 Secretary of Community and Economic Development.

9 (d) Penalty.--A controller or auditor refusing or neglecting  
10 to file a report with the Department of Community and Economic  
11 Development as required by this section commits a summary  
12 offense and, upon conviction in a proceeding brought at the  
13 instance of the department, shall be sentenced to pay a fine of  
14 \$5 for each day's delay beyond July 1 and costs. All fines  
15 recovered shall be for the use of the Commonwealth.

16 § 14920.1. Audit of additional accounts.

17 (a) Specific accounts.--The county controller or county  
18 auditors shall audit, settle and adjust the accounts of:

19 (1) Each parole and probation officer appointed by a  
20 court under law who receives money paid under an order,  
21 sentence or judgment of a court and report the results of the  
22 audits to the court which appointed the officer.

23 (2) Money appropriated by the county to units of the  
24 Pennsylvania National Guard.

25 (3) Each magistrate or district justice within the  
26 county and report the results of the audits to the county  
27 commissioners, the Auditor General and the governing body of  
28 each political subdivision that is entitled or has a right to  
29 receive money collected by the magistrate or district  
30 justice.

1       (4) The treasurer of the county, along with each officer  
2       of the county receiving money for the use of the  
3       Commonwealth, as may be referred to them by the Auditor  
4       General or the Department of Revenue, with the State Treasury  
5       and make a separate report to the court of common pleas,  
6       together with a statement of the balances due from or to the  
7       treasurer or other officer. A certified copy of the report  
8       shall be transmitted to the Auditor General or the Department  
9       of Revenue, as the case may be, within 10 days after the  
10      report is prepared.

11      (5) Other county funds as may be prescribed by law for  
12      the controller or county auditors to audit, settle and  
13      adjust.

14      (b) Taxes, penalties, fines and costs.--All taxes,  
15      penalties, fines and costs collected by the county treasurer and  
16      belonging to a taxing district shall be entered and carried in  
17      the records of the county in the same manner as county money and  
18      shall be audited in a similar manner. When the taxes, penalties,  
19      fines or costs are paid to the taxing district entitled to them,  
20      as provided by law, payments shall be made on voucher checks in  
21      the same manner as payments are made of county money.

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      For the purposes of this part relating to the auditing of  
29      accounts and the purchasing of insurance, money held by a county  
30      official in escrow shall be deemed the same as county money or

1 public money.

2 § 14925. Power of subpoena and attachment.

3 (a) Subpoena and power to compel.--The controller or  
4 auditors may issue a subpoena to obtain the attendance of an  
5 officer whose accounts the controller or auditors are required  
6 to adjust, including an executor or administrator of the  
7 officer, and of an individual whom it may be necessary to  
8 examine as a witness and to compel:

9 (1) attendance by attachment, in accordance with the  
10 Pennsylvania Rules of Civil Procedure, in a similar manner  
11 and to the same extent as a court of common pleas may or can  
12 do in cases pending before the court; and

13 (2) in a similar manner the production of all books,  
14 vouchers and papers relative to the accounts.

15 (b) Service and execution.--The subpoena under subsection  
16 (a) shall be served and executed by the sheriff or a constable  
17 of the county.

18 § 14926. Power to administer oaths.

19 (a) Power.--The controller or auditors may administer oaths  
20 and affirmations to each individual brought or appearing before  
21 the controller or auditors.

22 (b) Penalty.--An individual swearing or affirming falsely on  
23 examination commits perjury.

24 § 14927. Refusal to obey subpoena or submit to examination.

25 An individual commits a misdemeanor for any of the following:

26 (1) Refusing to appear or produce documents after being  
27 served a subpoena in accordance with this chapter.

28 (2) After appearing before the controller or auditors  
29 for examination, refusing to take oath or affirmation.

30 (3) After having been sworn or affirmed, refusing to



answer questions of the controller or auditors relating to  
the public accounts or the official conduct of public  
officers.

§ 14928. Witness fees.

Witnesses appearing before the controller or auditors shall  
receive the same allowance as is received by witnesses appearing  
before the courts of this Commonwealth. The allowance shall be  
paid out of the county treasury and, if final judgment is given  
against an officer whose accounts are settled by the controller  
or auditor, shall be included in the costs assessed against the  
officer.

§ 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  
of officers.

(ii) A penalty inuring to the benefit of or payable  
to the Commonwealth.

(c) Judgment and execution on judgment.--

(1) The amount of a balance and of an express surcharge  
found in a report under subsection (a) shall, if no appeal is  
taken or after an appeal has been finally determined in favor  
of the county or the Commonwealth, be entered by the  
prothonotary as a judgment against the officer.

(2) The Commonwealth or the county may execute a final  
judgment under this section against the property of the  
defaulting officer in accordance with law and rule of court.

§ 14931. Appeals from reports.

(a) Right of appeal.--An appeal may be taken from a report  
to the court of common pleas by:

(1) the Commonwealth;

(2) the county;

(3) the officer; or

1       (4) 10 or more taxpayers on behalf of the county.

2       (b) Conditions.--The following apply:

3       (1) An appeal under subsection (a) shall be entered by:

4           (i) The Commonwealth within four months after the  
5       filing of the report.

6           (ii) The county, the officer or taxpayers within 60  
7       days after the filing of the report.

8       (2) An appeal by officers or taxpayers may not be  
9       allowed unless within the time of taking the appeal the  
10       appellant secures a bond in the sum of \$1,000 with sufficient  
11       surety to prosecute the appeal and to pay the costs of  
12       appeal. The costs of the appeal shall be paid as follows:

13           (i) If the appellant is a taxpayer, by the appellant  
14       if the appellant fails to obtain a final decision more  
15       favorable to the Commonwealth or county than that awarded  
16       by the auditors or in the case.

17           (ii) If the appellant is an officer, by the  
18       appellant if the appellant fails to obtain a final  
19       decision more favorable to the officer than that awarded  
20       by the auditors.

21       (3) Unless the bond is filed as required under this  
22       section, the court of common pleas, upon application, shall  
23       set aside the appeal.

24       (c) Validity and payment.--

25       (1) Upon appeal to the court of common pleas, the  
26       controller or auditors shall be required to establish the  
27       validity of the surcharge and shall establish the loss  
28       sustained to the county.

29       (2) If the surcharge is upheld on appeal to the court of  
30       common pleas, the officer surcharged shall immediately pay

1 the actual loss of costs and money due to the county.

2 § 14932. Form of issue on appeals.

3 The courts of common pleas shall direct the form in which the  
4 issues shall be entered in all appeals from the reports of the  
5 county controller or auditors. The issues shall be tried by a  
6 jury or may be submitted to reference and arbitration in the  
7 manner and subject to the proceedings provided by law.

8 § 14933. Allowance of attorney fees.

9 (a) Award.--Upon final determination of an appeal taken  
10 under section 14931 (relating to appeals from reports), attorney  
11 fees shall be awarded as follows:

12 (1) If the court's final determination is more favorable  
13 to the officer involved than that awarded by the controller  
14 or auditors, the county shall pay reasonable attorney fees,  
15 except under paragraph (3).

16 (2) For an appeal taken by the Commonwealth, the county  
17 or taxpayers, if the court's final determination is more  
18 favorable to the Commonwealth or county than that awarded by  
19 the controller or auditors, the officer who is the subject of  
20 the surcharge proceeding shall pay reasonable attorney fees,  
21 except under paragraph (3).

22 (3) If the court's final determination is in part more  
23 favorable to the Commonwealth or county and in part more  
24 favorable to the officer involved in the surcharge proceeding  
25 than that awarded by the controller or auditors, the court  
26 may order the Commonwealth or the county to pay a portion of  
27 reasonable attorney fees incurred by the officer in  
28 connection with the surcharge proceeding or may order the  
29 officer who is the subject of the surcharge proceeding to pay  
30 a portion of reasonable attorney fees incurred by the

Commonwealth, county or taxpayer in connection with the  
surcharge proceeding.

(b) Allocation.--The attorney fees for appeals involving  
accounts other than those of county officers shall be allocated  
in the court's discretion.

(c) Justice and equity.--In adjudications of the official  
actions of the auditors or controllers other than appeals as  
provided in section 14931, the court may award reasonable  
attorney fees to the prevailing party.

(d) Effect of section.--Nothing in this section shall be  
construed as authorizing personal liability for attorney fees or  
costs.

§ 14934. (Reserved).

§ 14935. (Reserved).

§ 14936. (Reserved).

§ 14937. (Reserved).

§ 14938. (Reserved).

§ 14939. (Reserved).

#### SUBCHAPTER C

#### DISBURSALS OF COUNTY MONEY

Sec.

14950. Claims against county.

14951. Procedure for approval.

14952. Claims not approved by controller.

14953. Reports to county commissioners.

14954. Fees of witnesses and jurors.

§ 14950. Claims against county.

(a) General duties.--The controller or the county  
commissioners in counties without a controller shall scrutinize,  
audit and decide on each bill, claim or demand against the

1 county, except as otherwise provided in this subchapter.

2 (b) Presentation of claim and evidence.--

3 (1) Each person with a claim shall first present the  
4 claim to the controller or the county commissioners and, if  
5 required, make oath or affirmation before the controller or  
6 county commissioners to the accurateness of the claims.

7 (2) The controller or the county commissioners may  
8 require evidence by oath or affirmation of the claimant that  
9 the claim is legally due and that the supplies or services  
10 for which payment is claimed have been furnished or performed  
11 under legal authority.

12 (c) Conflict of interest.--

13 (1) The controller or county commissioners may inquire  
14 or ascertain if:

15 (i) An officer or agent of the county:

16 (A) is interested in the contract under which a  
17 claim may arise; or

18 (B) has received or is to receive a commission,  
19 consideration or gratuity.

20 (ii) There has been an evasion of the provisions of  
21 this part by making two or more contracts for small  
22 amounts which should have been in one.

23 (2) Except as provided under section 15106 (relating to  
24 conflicts of interest prohibited), if the controller or  
25 county commissioners find that an officer or agent has a  
26 conflict of interest under paragraph (1) or that there has  
27 been any evasion by the officer or agent, the controller or  
28 county commissioners shall refuse to approve the claim.

29 § 14951. Procedure for approval.

30 (a) Counties with controller.--In counties having a

1 controller:

2       (1) The controller shall date, upon receipt, all bills,  
3 claims and demands that the controller approves and shall  
4 forward the bills, claims or demands along with checks to the  
5 county commissioners for approval or, if already approved by  
6 the county commissioners, for signatures under this section.

7       (2) If the county commissioners approve payment of a  
8 bill, claim or demand, at least two county commissioners  
9 shall sign the check as properly drawn upon the county  
10 treasury. In these cases facsimiles of the signatures of the  
11 county commissioners may be used.

12       (3) The bill, claim or demand shall be returned to the  
13 controller for filing in the controller's office, and the  
14 check shall be forwarded to the county treasurer.

15       (4) The county treasurer shall sign the check as the  
16 treasurer's draft upon the county treasury, but the treasurer  
17 may not sign a check that is not already signed by the county  
18 commissioners and the controller.

19       (5) Every check issued shall include reference to the  
20 corresponding bill, claim or demand as well as the number or  
21 numbers which may be put upon it by the county treasurer.

22       (6) If the county commissioners refuse to approve a  
23 bill, claim or demand, the county commissioners shall return  
24 the bill, claim or demand, together with the check involved  
25 to the controller for filing in the controller's office.

26       (b) Counties without controller.--In counties without a  
27 controller:

28       (1) The county commissioners shall approve each  
29 transaction.

30       (2) The check shall be drawn by the chief clerk who

1 shall keep files of the bills, claims or demands.

2 (3) At least two county commissioners shall sign the  
3 checks either personally or by facsimile.

4 (4) The checks shall be forwarded, together with a check  
5 register or similar description of the corresponding bill,  
6 claim or demand providing a clear description of the nature  
7 and purpose of the expenditure, to the county treasurer for  
8 the treasurer's signature.

9 (c) Filing.--In all cases, the canceled checks or official  
10 bank record shall be filed in the office of the county  
11 treasurer, but the treasurer shall transmit, at times the  
12 controller shall establish, a list of all checks paid from the  
13 county treasury not previously transmitted, along with  
14 appropriate identification.

15 (d) Facsimile signature.--The county treasurer and the  
16 controller in counties with a controller may use a facsimile  
17 signature on a check which the county treasurer and controller  
18 are required to sign.

19 (e) Effect of section.--Nothing in this section shall  
20 preclude the receipt or transfer of money to or from the county,  
21 or payment of a bill, claim or demand, by electronic fund  
22 transfer if adequate and recognized fiscal and procedural  
23 controls, together with proper system security, are in place.

24 § 14952. Claims not approved by controller.

25 If, upon receipt, the controller does not approve a claim,  
26 bill or demand, the controller shall within 15 days forward the  
27 claim, bill or demand to the county commissioners, together with  
28 notice that the controller has disapproved the claim, bill or  
29 demand or is unable to approve the claim, bill or demand and the  
30 reasons for the disapproval. The county commissioners shall



consider the claim, bill or demand and, if the county  
commissioners consider that the claim, bill or demand should be  
paid by the county, the county commissioners shall notify the  
controller. If the controller continues to refuse approval, no  
payment shall be made by the county except under an order of  
court upon a proper issue directing the controller to approve  
payment.

§ 14953. Reports to county commissioners.

At the request of the county commissioners, the controller  
shall report to the county commissioners monthly the amount of  
outstanding checks registered and the amount of money in the  
treasury or the amount of a particular unencumbered  
appropriation item involved.

§ 14954. Fees of witnesses and jurors.

Fees of witnesses and jurors shall be ascertained by the  
courts of the county entered upon the records and duly certified  
by the respective clerks to the county commissioners being first  
sworn to or affirmed before the controller or the chief clerk of  
the county commissioners, as the case may be.

SUBCHAPTER D

COUNTY TREASURY AND COUNTY DEPOSITORIES

Sec.

14960. Receipts and accounts of money due county.

14961. (Reserved).

14962. Depositories.

14963. (Reserved).

14964. (Reserved).

§ 14960. Receipts and accounts of money due county.

(a) Duties of county treasurer.--The county treasurer shall  
receive and issue receipts for money due or accruing to the

1 county.

2 (b) Accounts.--The county treasurer shall keep proper  
3 accounts of money received and disbursed. The treasurer's  
4 records shall be open to the inspection of the controller and  
5 the county commissioners at all times during office hours.

6 (c) Receipts.--The treasurer shall issue receipts for money  
7 received for the county and shall transmit the duplicate or  
8 triplicate receipts daily to the controller or to the county  
9 commissioners in counties without a controller. The receipts  
10 shall:

11 (1) be serially numbered; and

12 (2) indicate:

13 (i) the amount of money received;

14 (ii) the payor;

15 (iii) on what account the money is received; and

16 (iv) the date.

17 (d) Disbursals.--The treasurer shall keep daily records of  
18 disbursals from the county treasury and shall forward daily  
19 records to the controller or the county commissioners in  
20 counties without a controller.

21 (e) Account information.--The controller, or the chief clerk  
22 of the county commissioners in counties without a controller,  
23 may review depository account information upon request from the  
24 county depository, without prejudice to the depositories, of the  
25 money deposited in the name of the county by the treasurer.

26 (f) Quarterly statements.--In counties having no controller,  
27 the treasurer shall provide, at least quarterly and more  
28 frequently if required, a statement of money received and  
29 disbursed since the treasurer's last statement showing:

30 (1) the balance remaining in the accounts; and

1       (2) the names of the collectors having arrearages in  
2       taxes with the amounts of the arrearages.

3       (g) Annual statements.--The treasurer shall state the  
4       accounts at the end of each fiscal year. The statement shall be  
5       examined by the county commissioners and delivered by the  
6       commissioners to the county auditors for settlement.

7       § 14961. (Reserved).

8       § 14962. Depositories.

9       (a) Designation.--The county commissioners and the county  
10       treasurer shall designate by resolution one or more depositories  
11       for county money. The depositories shall be banks, banking  
12       institutions or trust companies located in the Commonwealth.

13       (b) Collateral.--

14       (1) A depository designated under subsection (a) shall,  
15       upon receipt of notice of its designation, collateralize  
16       deposits of public money in accordance with the act of August  
17       6, 1971 (P.L.281, No.72), entitled "An act standardizing the  
18       procedures for pledges of assets to secure deposits of public  
19       funds with banking institutions pursuant to other laws;  
20       establishing a standard rule for the types, amounts and  
21       valuations of assets eligible to be used as collateral for  
22       deposits of public funds; permitting assets to be pledged  
23       against deposits on a pooled basis; and authorizing the  
24       appointment of custodians to act as pledgees of assets," by  
25       pledging collateral in an account in the name of the county  
26       or utilizing a letter of credit from the Federal Home Loan  
27       Bank to secure public deposits in excess of Federal Deposit  
28       Insurance Corporation insurance limits. The depository shall  
29       provide a monthly report within 15 days after the end of each  
30       month to the county commissioners in accordance with the

1 reporting requirements under the act of August 6, 1971  
2 (P.L.281, No.72), including the composition of the collateral  
3 and related market value.

4 (2) A county may elect to require that a depository  
5 pledge collateral in an account in the name of the county to  
6 collateralize deposits above the Federal Deposit Insurance  
7 Corporation insurance limit. These accounts may be in the  
8 custody of the depository's trust department or at a third-  
9 party financial institution. The arrangement with the  
10 depository may be governed by a written agreement, approved  
11 by the board of directors or loan committee of the  
12 depository, with approval reflected in the minutes of the  
13 board or committee, which are kept continuously as an  
14 official record of the depository. The agreement shall  
15 include all of the following if collateral is pledged instead  
16 of a Federal Home Loan Bank letter of credit:

17 (i) Collateral shall be marked to market daily.

18 (ii) Collateral shall be in investments as  
19 prescribed in the investment program provided by the  
20 board of investment or the county commissioners.

21 (iii) If the financial institution serves as the  
22 custodian, the pledged collateral shall be held in a  
23 separate account, established under the act of August 6,  
24 1971 (P.L.281, No.72), in the depository's trust  
25 department.

26 (iv) The market value of the pledged collateral  
27 shall be at least 102% of the county deposits in excess  
28 of federally insured limits.

29 (v) A monthly report shall be provided as specified  
30 in paragraph (1).

1       (3) The depository may not be required to secure payment  
2       of deposits and interest insured by the Federal Deposit  
3       Insurance Corporation.

4       (c) Deposits.--The county treasurer shall, upon the  
5       designation of the depository, immediately transfer all county  
6       money to be deposited and shall thereafter keep deposits solely  
7       in the depository in the name of the county.

8       (d) Withdrawals.--Withdrawals from the depository shall be  
9       only drawn by the treasurer upon properly authorized checks or  
10      by other commercially accepted methods of electronic funds  
11      transfer that have been specifically approved by the county  
12      commissioners.

13      (e) Loss of county money.--No county commissioner or  
14      treasurer complying with this chapter, or their surety, may be  
15      charged with losses of county money caused by the failure or  
16      negligence of the depository.

17      \$ 14963. (Reserved).

18      \$ 14964. (Reserved).

19                                      SUBCHAPTER E

20                              COUNTY TAXATION, BORROWING AND

21                                      TRANSFER OF FUNDS

22      Sec.

23      14970. Tax levies.

24      14971. Additions and revisions to duplicates.

25      14972. (Reserved).

26      14973. (Reserved).

27      14974. Temporary loans.

28      14975. Transfer of certain money into general fund of county.

29      14976. Supplemental appropriations, transfers of money and  
30      appropriation limits.

1 14977. Banks authorized to receive taxes in counties of the  
2 second class A.

3 § 14970. Tax levies.

4 (a) Rate.--The county commissioners shall fix, by  
5 resolution, the rate of taxation for each year. A tax may not be  
6 levied under this subsection on personal property taxable for  
7 county purposes if the rate of taxation is fixed by law other  
8 than at the rate fixed under this subsection. The following  
9 shall apply:

10 (1) A tax for general county purposes in any county of  
11 the second class A may not, in any one year, exceed the rate  
12 of 40 mills on every dollar of the adjusted valuation.

13 (2) The rate of taxation for payment of interest and  
14 principal on any indebtedness incurred under 53 Pa.C.S. Pt.  
15 VII Subpt. B (relating to indebtedness and borrowing), or any  
16 prior or subsequent act governing the incurrence of  
17 indebtedness of the county shall be unlimited.

18 (3) If the rate is fixed in mills, in fixing the rate of  
19 taxation, the county commissioners shall include in the  
20 resolution a statement expressing the rate of taxation in  
21 dollars and cents on each \$100 of assessed valuation of  
22 taxable property.

23 (b) Payments.--The tax levied in counties of the second  
24 class A shall be for the purpose of creating a general fund to  
25 pay expenses incurred for general county purposes, for the  
26 payment of the matters connected with roads under section 16907  
27 (relating to annual tax), for the payment of the matters  
28 connected with parks and related matters under section 16507  
29 (relating to payment of expenses, taxation, annual fairs and  
30 State contributions).

1     (c) Other taxes.--The county commissioners in counties of  
2 the second class A shall have the power to levy a tax for  
3 institution district purposes and for the payment of the  
4 obligations of the predecessor poor districts on real estate,  
5 trades, occupations and professions, in the same manner and at  
6 the same time as county taxes and annual taxes to pay the  
7 current expense of the institution district, none of which may  
8 exceed 15 mills on the dollar of the last adjusted assessed  
9 valuation for county purposes.

10    (d) Prohibition.--A tax may not be levied and collected on  
11 trades, occupations and professions at the same time a per  
12 capita tax on individuals is levied and collected.

13    (e) Limitations.--A tax for general county purposes in a  
14 county of the third, fourth, fifth, sixth, seventh or eighth  
15 class, exclusive of the requirements for the payment of rentals  
16 to any municipal authority, may not in any one year exceed the  
17 rate of 25 mills on every dollar of the adjusted valuation,  
18 unless the county commissioners by majority action shall, upon  
19 due cause shown by resolution, petition the court of common  
20 pleas, in which case the court may order a rate of not more than  
21 an additional five mills to be levied. The following shall  
22 apply:

23       (1) If the rate of taxation for payment of interest and  
24 principal on any indebtedness incurred under 53 Pa.C.S. Pt.  
25 VII Subpt. B or any prior or subsequent act governing the  
26 incurrence of indebtedness of the county shall be unlimited.

27       (2) Tax for payment of rentals to any municipal  
28 authority shall not exceed the rate of 10 mills on every  
29 dollar of the adjusted valuation and shall be in addition to  
30 the 25 mill limitation for general county purposes.

1 (f) Statement required.--In fixing the rate of taxation, the  
2 county commissioners, if the rate is fixed in mills, shall also  
3 include in the resolution a statement expressing the rate of  
4 taxation in dollars and cents on each \$100 of assessed valuation  
5 of taxable property.

6 (g) Fourth, fifth, sixth, seventh or eighth class  
7 counties.--The rate of taxation fixed for any occupation tax  
8 levied by a county shall not in any one year exceed 20 mills.  
9 The county commissioners may, by resolution, abolish the levy  
10 and collection of occupation taxes for county purposes and the  
11 following shall apply:

12 (1) The county commissioners may levy and collect an  
13 annual per capita tax on individuals for county purposes.

14 (2) A county which becomes a county of the third class  
15 may collect for a period of four years after the status has  
16 been certified a per capita tax from any individual not to  
17 exceed a total of \$5 for county purposes in any one year.

18 (h) Third, fourth, fifth, sixth, seventh or eighth class  
19 counties.--A tax may not be levied and collected for county  
20 purposes on offices and posts of profits or on professions,  
21 trades and occupations at the same time during which a per  
22 capita tax on persons is levied and collected for county  
23 purposes. The following shall apply:

24 (1) Per capita taxes levied upon and collected from an  
25 individual may not exceed a total of \$5 for county and  
26 institution district purposes in any one year.

27 (2) A county may, by ordinance or resolution, exempt an  
28 individual whose total income from all sources is less than  
29 the dollar amount per annum as provided in section 301.1(b)  
30 of the act of December 31, 1965 (P.L.1257, No.511), known as



The Local Tax Enabling Act, from any per capita tax levied under this part.

§ 14971. Additions and revisions to duplicates.

(a) Addition to tax duplicates.--If in any county there is any construction of a building or buildings not otherwise exempt as a dwelling after January first of any year, and the building is not included in the tax duplicate of the county, the authority responsible for assessments in the county shall, upon the request of the county commissioners, cause to be inspected and reassessed, subject to the right of appeal and adjustment provided by any statute under which assessments are made, all taxable property in the county to which major improvements have been made after January 1 of any year.

(b) Notice of the reassessments.--Notice of the reassessments shall be given in accordance with 53 Pa.C.S. § 8841(c) (relating to assessment roll and interim revisions) to the authority responsible for assessments, the county commissioners and the property owner and the following shall apply:

(1) Reassessed property shall be added to the duplicate and shall be taxable for county purposes at the reassessed valuation for that proportionate part of the fiscal year of the county remaining after the property was improved.

(2) Any improvement made during any given month shall be computed as having been made on the first of the month.

(3) A certified copy of the additions or revisions to the duplicate shall be furnished by the county commissioners to the proper tax collector for the county, and, within 10 days of receipt of the copy, the tax collector shall notify the owner of the property of the taxes due the county.

1       (4) If an assessment is made for a portion of a year  
2       under this section, the assessment shall be added to the  
3       duplicate of the following or succeeding year unless the  
4       value of the improvements has already been included in the  
5       duplicate.

6       § 14972. (Reserved).

7       § 14973. (Reserved).

8       § 14974. Temporary loans.

9       If the money of a county has been exhausted, the county  
10      commissioners may borrow money in anticipation of taxes to be  
11      collected for the current fiscal year in accordance with 53  
12      Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and  
13      borrowing), payable on a certain date, not later than the last  
14      day of the fiscal year in which the tax anticipation note is  
15      issued.

16      § 14975. Transfer of certain money into general fund of county.

17      The county commissioners may transfer and cover into the  
18      general fund of the county money placed to the credit of a city,  
19      borough or township, if:

20              (1) the money has been paid into the county treasury  
21              upon a duplicate for taxes and has remained during a period  
22              of 10 years uncalled for by the authorities of the city,  
23              borough or township to whose credit it may have been placed;  
24              and

25              (2) the right to the money is not, at the time of the  
26              transfer, a matter of litigation or dispute.

27      § 14976. Supplemental appropriations, transfers of money and  
28              appropriation limits.

29      (a) Authority.--The county commissioners have the power to:

30              (1) By resolution, make supplemental appropriations for

1 a lawful purpose from money on hand or estimated to be  
2 received within the fiscal year and not otherwise  
3 appropriated. This paragraph includes proceeds of borrowing  
4 authorized by law.

5 (2) Authorize the transfer of:

6 (i) The unencumbered balance of an appropriation  
7 item or any portion of the balance.

8 (ii) The unencumbered balance or any portion of the  
9 balance within a fund from one spending agency to  
10 another.

11 (3) During the last 15 days of a fiscal year:

12 (i) authorize the transfer of the unencumbered  
13 balance or any portion of the balance in a county fund to  
14 a fund of the institution district; and

15 (ii) reappropriate the transferred money to the  
16 institution district.

17 (b) No expenditures.--The county commissioners may not do  
18 any of the following which would cause the sums appropriated to  
19 be exceeded:

20 (1) Hiring work to be done.

21 (2) Purchasing materials.

22 (3) Making a contract.

23 (4) Issuing a payment order.

24 § 14977. Banks authorized to receive taxes in counties of the  
25 second class A.

26 (a) Scope of section.--This section applies to counties of  
27 the second class.

28 (b) Designation.--The county commissioners, the county  
29 treasurer and the county controller may designate any bank,  
30 savings bank, bank and trust company, trust company or national

banking association, located within the county as a deputy  
county tax collector for the sole purpose of receiving and  
receipting for county taxes paid to the deputy county tax  
collector at the collector's place of business.

(c) Immunity.--The county tax collector shall not be held  
responsible for losses occasioned by the failure of an  
institution, for money received by it as a deputy county tax  
collector.

(d) Security.--Before entering upon the duties of receiving  
and receipting for taxes, an institution shall post security in  
an amount as determined by the county commissioners, the county  
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

1 Sec.  
2 14980. Fiscal year and preparation of proposed annual budget.  
3 14981. (Reserved).  
4 14982. Adoption of budget, publication of proposed budget and  
5 notice of final action date.  
6 14982.1. Amended budget and notice.  
7 14982.2. Delivery of tax duplicates.  
8 14982.3. Amending budget, levy and tax rate, revising tax  
9 duplicates and filing.  
10 14983. Annual budget appropriations and tax rate.  
11 14984. (Reserved).  
12 14984.1. Taking of money and property.  
13 14984.2. Capital reserve fund for anticipated capital  
14 expenditures.  
15 14984.3. Operating reserve fund.  
16 14985. Committee to prepare uniform forms.  
17 \$ 14980. Fiscal year and preparation of proposed annual budget.  
18 (a) Fiscal year.--The fiscal year of each county shall begin  
19 on January 1 and end on December 31 of each year.  
20 (b) Preparation of proposed budget.--At least 90 days prior  
21 to adopting the budget, the county commissioners shall begin the  
22 preparation of the proposed budget for the succeeding fiscal  
23 year. The budget may be prepared based upon information  
24 collected and transmitted by the controller as provided under  
25 subsection (c) or by the county commissioners, a finance  
26 department or a designated person employed and qualified by the  
27 county commissioners.  
28 (c) Budget information.--At the request of the county  
29 commissioners, but in no case less than 60 days prior to  
30 adoption of the budget by the commissioners, the controller

1 shall prepare and transmit to the commissioners:

2 (1) A comparative statement of revenues for the current  
3 and immediately preceding fiscal year and a comparative  
4 statement of expenditures, including interest due and to  
5 become due on the lawful interest-bearing debts of the county  
6 for the same years. In counties in which the controller is a  
7 participant in the development of the budget, the controller  
8 shall also include balances projected for the close of the  
9 current fiscal year.

10 (2) The amounts of the appropriation requests, submitted  
11 to the controller or to the county commissioners and supplied  
12 by the county commissioners to the controller, from the  
13 county offices and agencies, including estimates of  
14 expenditures contemplated by the county commissioners as  
15 forwarded by the county commissioners to the controller.

16 (d) Form.--The information requested by the county  
17 commissioners under subsection (b) or (c) shall be in the form  
18 requested by the commissioners or on forms furnished by the  
19 Department of Community and Economic Development under this  
20 subchapter. With this information as a guide, the county  
21 commissioners shall, within a reasonable time, begin the  
22 preparation of a proposed budget for the succeeding fiscal year.

23 § 14981. (Reserved).

24 § 14982. Adoption of budget, publication of proposed budget and  
25 notice of final action date.

26 (a) Publication of proposed budget and adoption of budget.--  
27 The proposed budget shall be prepared and adopted as follows:

28 (1) The public shall be given notice by publication in  
29 one newspaper of general circulation at least 20 days before  
30 the date set for the adoption of the budget that the proposed

1 budget is available for public inspection. The notice shall  
2 contain the date set for the adoption of the budget and the  
3 manner in which the proposed budget has been made available  
4 for public inspection.

5 (2) The budget shall be adopted on or before December  
6 31.

7 (b) Revision of proposed budget.--If any revision of the  
8 proposed budget is made after the budget has been published  
9 under subsection (a) which would increase the estimated  
10 expenditures in the adopted budget by more than 10% in the  
11 aggregate over the proposed budget as made available for public  
12 inspection, the revised budget may not be adopted with any  
13 increases unless the budget is made available for public  
14 inspection and for protest of any increases for a period of at  
15 least 10 days after notice to that effect is published.

16 § 14982.1. Amended budget and notice.

17 (a) Amended budget.--During the month of January next  
18 following a municipal election, the county commissioners may  
19 amend the budget and the levy and tax rate to conform with the  
20 amended budget.

21 (b) Notice.--The county shall provide public notice by  
22 publication in one newspaper of general circulation that an  
23 amended budget has been proposed and is available for public  
24 inspection for a period of 10 days at a location specified in  
25 the notice.

26 (c) Adoption of amended budget.--An amended budget must be  
27 adopted by the county commissioners after the public inspection  
28 period and no later than February 15. A proposed amended budget  
29 may not be revised upward in excess of 10% in the aggregate.

30 § 14982.2. Delivery of tax duplicates.

1     (a) Delivery of tax duplicates.--The county commissioners  
2 shall prepare and deliver the duplicates of taxes assessed to  
3 the respective tax collectors, together with the warrant for the  
4 collection at least 15 days prior to the date of the tax bill.

5     (b) Alternative delivery date.--Notwithstanding the  
6 provisions of subsection (a), the county commissioners shall  
7 have the option to prepare and deliver the duplicates of taxes  
8 assessed to the respective tax collectors, together with the  
9 warrant for collection no later than the final date for a school  
10 district to prepare and deliver the duplicates for school real  
11 estate taxes under section 682 of the act of March 10, 1949  
12 (P.L.30, No.14), known as the Public School Code of 1949, if the  
13 county commissioners:

14         (1) find that exercise of the option will result in cost  
15 savings compared to proceeding under the deadline imposed  
16 under subsection (a); and

17         (2) adopt a resolution that refers to the finding.

18 § 14982.3. Amending budget, levy and tax rate, revising tax  
19 duplicates and filing.

20     At any time prior to the time tax duplicates are sent by the  
21 county in any year, the county commissioners may amend the  
22 budget and the levy and tax rate and revise the tax duplicate to  
23 conform with its amended budget if the county receives  
24 unanticipated revenues that may be expended during the county's  
25 fiscal year that may enable the county commissioners to reduce  
26 the levy and tax rate to conform with its amended budget.

27 § 14983. Annual budget appropriations and tax rate.

28     The budget shall reflect as nearly as possible the estimated  
29 revenues and expenditures for the year for which the budget is  
30 prepared. Upon adopting the budget, the county commissioners



1 shall:

2 (1) adopt the appropriation measures required to put the  
3 budget into effect; and

4 (2) fix the rate of taxation upon the valuation of the  
5 property taxable for county purposes that, together with the  
6 other estimated revenues of the county, excluding operating,  
7 capital and other reserve funds, raise a sufficient sum to  
8 meet the expenditures.

9 § 14984. (Reserved).

10 § 14984.1. Taking of money and property.

11 The county commissioners may take by gift, grant, devise or  
12 bequest any money or property, real, personal or mixed, for the  
13 benefit of the county.

14 § 14984.2. Capital reserve fund for anticipated capital  
15 expenditures.

16 (a) Capital reserve fund.--The county commissioners shall  
17 have the power to create and maintain a separate capital reserve  
18 fund for anticipated legal capital expenditures. Money in the  
19 fund shall be used for the construction, purchase or replacement  
20 of or addition to county buildings, equipment, machinery, motor  
21 vehicles or other capital assets of the county.

22 (b) Deposits.--The county commissioners may annually  
23 appropriate money from the general county fund, not to exceed  
24 10% of a county's operating budget, to be paid into the capital  
25 reserve fund or place in the fund any money received from the  
26 sale, lease or other disposition of county property or from any  
27 other source unless received or acquired for a particular  
28 purpose.

29 (c) Administration of fund.--The fund shall be controlled,  
30 invested, reinvested and administered and the money and income

1 from the fund expended for any purpose for which the fund is  
2 created, as may be determined by the county commissioners. The  
3 money in the fund, when invested, shall be invested in a manner  
4 consistent with the provisions of section 14906 (relating to  
5 investment of money). This subsection may not be construed to  
6 limit the powers of the county to the use of money in the  
7 capital reserve fund in making lawful capital expenditures.  
8 § 14984.3. Operating reserve fund.

9 (a) Operating reserve fund.--The county commissioners shall  
10 have the power to create and maintain a separate operating  
11 reserve fund in order to:

12 (1) minimize future revenue shortfalls and deficits;

13 (2) provide greater continuity and predictability in the  
14 funding of vital government services;

15 (3) minimize the need to increase taxes to balance the  
16 budget in times of fiscal distress;

17 (4) provide the capacity to undertake long-range  
18 financial planning; and

19 (5) develop fiscal resources to meet long-term needs.

20 (b) Appropriations from general county fund.--The county  
21 commissioners may annually make appropriations from the general  
22 county fund to the operating reserve fund, but no appropriation  
23 may be made to the operating reserve fund if the appropriation  
24 would cause the fund to exceed 25% of the estimated revenues of  
25 the county's general fund in the current fiscal year.

26 (c) Purpose of appropriations.--The county commissioners  
27 may, by resolution, make appropriations from the operating  
28 reserve fund only to:

29 (1) meet emergencies involving the health, safety or  
30 welfare of the residents of the county;

1       (2) counterbalance potential budget deficits resulting  
2       from shortfalls in anticipated revenues or program receipts  
3       from any source;

4       (3) counterbalance potential budget deficits resulting  
5       from increases in anticipated costs of goods or services; or

6       (4) provide for anticipated operating expenditures  
7       related either to the planned growth of existing projects or  
8       programs or the establishment of new projects or programs if  
9       for each project or program appropriations have been made and  
10       allocated to a separate restricted account established within  
11       the operating reserve fund.

12       (d) Administration of fund.--The operating reserve fund  
13       shall be invested, reinvested and administered in a manner  
14       consistent with the provisions of section 14906 (relating to  
15       investment of money).

16       § 14985. Committee to prepare uniform forms.

17       (a) Committee to prepare forms.--The report forms specified  
18       in this chapter shall be prepared by a committee. The committee  
19       shall consist of the following members:

20               (1) The Secretary of Community and Economic Development  
21               or the secretary's designee, who shall be trained in the  
22               field of municipal finance.

23               (2) One member of the Senate and one member of the House  
24               of Representatives, who shall be members of the Local  
25               Government Commission, appointed by the majority chairperson  
26               of the commission.

27               (3) Three representatives from the County Commissioners  
28               Association of Pennsylvania.

29               (4) Three representatives from the Pennsylvania State  
30               Association of County Controllers.

1       (5) Three representatives from the Pennsylvania State  
2       Association of County Auditors.

3       (6) One certified public accountant.

4       (b) Appointment of committee members.--Except for the  
5       certified public accountant who shall be appointed by the  
6       Governor, the committee members shall be appointed by the  
7       president of each organization. For representatives of the  
8       county commissioners, one shall be appointed from a county of  
9       either the third or fourth class, one from a county of either  
10       the fifth or sixth class and one from a county of either the  
11       seventh or eighth class. The president of each organization  
12       shall supply to the Department of Community and Economic  
13       Development the names and addresses of the representatives  
14       immediately upon appointment.

15       (c) Reimbursement of expenses.--The representatives shall  
16       serve without compensation but shall be reimbursed by the  
17       Commonwealth for all necessary expenses incurred while attending  
18       meetings of the committee.

19       (d) Meetings.--The committee shall meet at the call of the  
20       Secretary of Community and Economic Development or the  
21       secretary's designee, who shall serve as chairperson of the  
22       committee. The Secretary of Community and Economic Development  
23       shall call meetings of the committee at the request of the  
24       secretary of any of the associations represented under  
25       subsection (a). There shall be at least two weeks' notice to  
26       each member of the committee of any meeting.

27       (e) Preparations of forms.--In preparing the uniform forms  
28       for annual reports, the committee shall give careful  
29       consideration to the differing legal requirements and needs of  
30       the counties, producing, if necessary, separate forms for

1 certain classes of counties or groups of classes.

2 (f) Oversight.--The Secretary of Community and Economic  
3 Development or the secretary's designee shall ensure that the  
4 forms required under this section are prepared in cooperation  
5 with the committee. If the committee fails to cooperate, the  
6 Secretary of Community and Economic Development or the  
7 secretary's designee shall complete the preparation of the  
8 forms. The Secretary of Community and Economic Development shall  
9 issue and distribute the forms annually, as needed, to the  
10 county commissioners, controller or auditors of each county.

11 (g) Changes to forms.--The Secretary of Community and  
12 Economic Development shall include within the report forms  
13 specified in this section the changes necessitated under this  
14 part in regard to property, powers, duties and obligations of  
15 institution districts transferred to counties. The committee may  
16 not be held responsible for the changes to the forms.

17 (h) Accounting and fiscal practices.--The Secretary of  
18 Community and Economic Development shall convene the committee  
19 to assist counties in developing appropriate accounting and  
20 fiscal practices in compliance with generally accepted  
21 accounting principles.

## 22 SUBCHAPTER G

### 23 SINKING FUND COMMISSION

24 Sec.

25 14990. Membership.

26 14991. Management of sinking funds.

27 14992. Bonds of county held by commission.

28 14993. Pay off, cancellation, priority and sale of county  
29 bonds.

30 14994. (Reserved).

1 14995. Investment of sinking fund money.

2 \$ 14990. Membership.

3 Each county may establish a sinking fund commission. The  
4 sinking fund commission shall be composed of:

5 (1) the county commissioners;

6 (2) the controller, or auditors in counties without a  
7 controller; and

8 (3) the treasurer.

9 \$ 14991. Management of sinking funds.

10 (a) Income.--The sinking fund commission shall annually  
11 apply the interest received on sinking fund deposits, the  
12 interest received on bonds held in the sinking fund and all  
13 other income, if any, from the sinking fund for the purpose of  
14 reducing the amount of money required to be paid by the county  
15 for sinking fund purposes for the following year, unless the  
16 income is necessary to pay the bonds of the county as the bonds  
17 mature and become payable. The income and the amount required to  
18 be paid by the county for sinking fund purposes shall annually  
19 equal the full amount required to be paid for sinking fund  
20 purposes to the several sinking funds.

21 (b) Sale of bonds.--The sinking fund commission may,  
22 whenever the commission deems necessary and for the best  
23 interest of the several sinking funds, sell any bonds held by  
24 the commission other than bonds of the county itself.

25 \$ 14992. Bonds of county held by commission.

26 (a) Bonds generally.--The bonds of the county held by the  
27 sinking fund commission shall be stamped in a conspicuous manner  
28 to show that the bonds have been purchased for the sinking fund.  
29 The bonds may not be reissued or sold.

30 (b) Interest.--The sinking fund commission may not require

1 the county to pay interest on any of the bonds held by the  
2 commission, unless the commission deems the payment of interest  
3 necessary for the purpose of having adequate money on hand to  
4 pay the bonds of the county as the bonds mature and become  
5 payable.

6 (c) Cancellation of bonds.--The bonds of the county held by  
7 the sinking fund commission shall be canceled immediately upon  
8 maturity.

9 § 14993. Pay off, cancellation, priority and sale of county  
10 bonds.

11 (a) Pay off and cancellation of bonds.--In order to  
12 facilitate the extinguishment of the county debt, the county  
13 bonds purchased by the sinking fund commission shall be paid off  
14 and canceled according to the priority of maturity. The  
15 commission may, at the commission's discretion, withhold the  
16 purchase of the maturing county bonds until after bonds  
17 purchased from a later issue of county bonds shall be paid off  
18 and canceled.

19 (b) Sale of bonds.--If the sinking fund commission does not  
20 have sufficient money to meet the payment of the earlier  
21 maturing bonds, the bonds shall be sold by the commission at not  
22 less than par.

23 § 14994. (Reserved).

24 § 14995. Investment of sinking fund money.

25 The sinking fund commission shall have the power to invest  
26 county sinking funds as authorized by the act of July 12, 1972  
27 (P.L.781, No.185), known as the Local Government Unit Debt Act,  
28 and liquidate the investment, in whole or in part, by disposing  
29 of securities or withdrawing money on deposit. Any action taken  
30 to make or to liquidate any investment shall be made by the

1 commission.

2 CHAPTER 151

3 CONTRACTS

4 Sec.

5 15100. Contracting.

6 15101. Commissioners sole contractors for county generally.

7 15102. Contract procedures, terms and bonds and advertising for  
8 bids.

9 15103. Evasion of advertising requirements.

10 15104. (Reserved).

11 15105. Sales of personal property and surplus farm products.

12 15106. Conflicts of interest prohibited.

13 15107. Application of contract provisions.

14 15107.1. Printing contracts.

15 15107.2. Prohibited contract provisions.

16 § 15100. Contracting.

17 The county commissioners may make contracts for lawful  
18 purposes and for executing the provisions of this chapter and  
19 the laws of this Commonwealth.

20 § 15101. Commissioners sole contractors for county generally.

21 (a) Contracts for services and personal property.--In  
22 counties of the third, fourth, fifth, sixth, seventh or eighth  
23 class, the county commissioners shall contract for and purchase  
24 the services referred to in section 12508 (relating to office  
25 supplies) and personal property for county officers and  
26 agencies. A contract and purchase not in excess of the base  
27 amount of \$18,500, subject to adjustment under subsection (c),  
28 shall be by note or memorandum, in writing, signed by the  
29 county commissioners or their designees. A copy of the note and  
30 memorandum and the executed written contract, or electronic copy



1 of the executed written contract, shall be filed in the office  
2 of the controller, or in a county without a controller, with the  
3 chief clerk of the county commissioners.

4 (b) Price quotations.--

5 (1) Except as otherwise provided in section 15102(h)(4)  
6 (relating to contract procedures, terms and bonds and  
7 advertising for bids), for counties of the third, fourth,  
8 fifth, sixth, seventh or eighth class, written or telephonic  
9 price quotations from at least three qualified and  
10 responsible contractors shall be requested for the contracts  
11 in excess of the base amount of \$10,000, subject to  
12 adjustment under subsection (c), but less than the amount  
13 requiring advertisement and competitive bidding. In lieu of  
14 price quotations, a memorandum shall be kept on file showing  
15 that fewer than three qualified contractors exist in the  
16 market area within which it is practicable to obtain  
17 quotations.

18 (2) A written record of telephonic price quotations  
19 shall be made and shall contain at least:

20 (i) the date of the quotation;

21 (ii) the name of the contractor and the contractor's  
22 representative;

23 (iii) the construction, reconstruction, repair,  
24 maintenance or work which was the subject of the  
25 quotation; and

26 (iv) the price.

27 (3) Written price quotations, written records of  
28 telephonic price quotations and memoranda shall be retained  
29 for a period of three years.

30 (c) Adjustments to base amounts.--Adjustments to the base

1 amounts specified under subsections (a) and (b) shall be made as  
2 follows:

3 (1) The Department of Labor and Industry shall determine  
4 the percentage change in the Consumer Price Index for All  
5 Urban Consumers: All Items (CPI-U) for the United States City  
6 Average as published by the United States Department of  
7 Labor, Bureau of Labor Statistics, for the 12-month period  
8 ending September 30, 2012, and for each successive 12-month  
9 period thereafter.

10 (2) If the department determines that there is no  
11 positive percentage change, no adjustment to the base amounts  
12 shall occur for the relevant time period provided for in this  
13 subsection.

14 (3) If the department determines that there is a  
15 positive percentage change in the first year that the  
16 determination is made under paragraph (1):

17 (i) the positive percentage change shall be  
18 multiplied by each base amount, and the products shall be  
19 added to the base amounts, respectively, and the sums  
20 shall be preliminary adjusted amounts; and

21 (ii) the preliminary adjusted amounts shall be  
22 rounded to the nearest \$100 to determine the final  
23 adjusted base amounts for purposes of subsections (a) and  
24 (b).

25 (4) In each successive year in which there is a positive  
26 percentage change in the CPI-U for the United States City  
27 Average:

28 (i) the positive percentage change shall be  
29 multiplied by the most recent preliminary adjusted  
30 amounts and the products shall be added to the

1       preliminary adjusted amount of the prior year to  
2       calculate the preliminary adjusted amounts for the  
3       current year; and

4           (ii) the sums shall be rounded to the nearest \$100  
5       to determine the new final adjusted base amounts for  
6       purposes of subsections (a) and (b).

7       (5) The determinations and adjustments required under  
8       this subsection shall be made in the period between October 1  
9       and November 15 of the year following November 3, 2011, and  
10       annually between October 1 and November 15 of each year  
11       thereafter.

12       (6) The final adjusted base amounts and new final  
13       adjusted base amounts obtained under paragraphs (3) and (4)  
14       shall become effective January 1 for the calendar year  
15       following the year in which the determination required under  
16       paragraph (1) is made.

17       (7) The department shall transmit notice to the  
18       Legislative Reference Bureau for publication in the  
19       Pennsylvania Bulletin prior to January 1 of each calendar  
20       year of the annual percentage change determined under  
21       paragraph (1) and the unadjusted or final adjusted base  
22       amounts determined under paragraphs (3) and (4) at which  
23       competitive bidding is required under subsection (a) and  
24       written or telephonic price quotations are required under  
25       subsection (b), respectively, for the calendar year beginning  
26       January 1 after publication of the notice. The notice shall  
27       include a written and illustrative explanation of the  
28       calculations performed by the department in establishing the  
29       unadjusted or final adjusted base amounts under this  
30       subsection for the ensuing calendar year.

1       (8) The annual increase in the preliminary adjusted base  
2       amounts obtained under paragraphs (3) and (4) may not exceed  
3       3%.

4       (d) Wholesale purchases.--The county commissioners shall, if  
5       possible, anticipate the needs of the various officers, agencies  
6       and operations of the county and endeavor to purchase in  
7       wholesale quantities, if practicable and if savings could be  
8       achieved by wholesale purchase.

9       (e) Purposes of contracts and purchases.--The county  
10       commissioners may make contracts and purchases for all purposes  
11       expressly or impliedly authorized by law.

12       § 15102. Contract procedures, terms and bonds and advertising  
13       for bids.

14       (a) Contract requirements.--A contract for services and  
15       personal property in which the base amount of the contract  
16       exceeds the sum of \$18,500, subject to adjustment under section  
17       15101(c) (relating to commissioners sole contractors for county  
18       generally), shall be in writing and shall, except as otherwise  
19       specified, be made by advertising for bids.

20       (b) Bids.--

21       (1) Contracts or purchases in excess of the base amount  
22       of \$18,500, subject to adjustment under section 15101(c),  
23       except those specified in subsection (h) and except as  
24       provided by the act of October 27, 1979 (P.L.241, No.78),  
25       entitled "An act authorizing political subdivisions,  
26       municipality authorities and transportation authorities to  
27       enter into contracts for the purchase of goods and the sale  
28       of real and personal property where no bids are received,"  
29       must be made:

30       (i) with and from the lowest responsible and

1 responsive bidder submitting a bid in conformity with the  
2 specifications approved by the county commissioners for  
3 the contract or purchase;

4 (ii) after due notice in one newspaper of general  
5 circulation, published or circulating in the county:

6 (A) at least two times at intervals of not less  
7 than three days where daily newspapers of general  
8 circulation are employed for such publication; or

9 (B) once a week for two successive weeks where  
10 weekly newspapers are employed.

11 (2) The first notice under paragraph (1)(ii) shall be  
12 published not less than 10 days prior to the date fixed for  
13 the opening of bids.

14 (3) The requirements of this subsection need not be  
15 followed in cases of emergency, but in emergency cases the  
16 actual emergency shall be declared and stated by resolution  
17 of the county commissioners.

18 (c) Receipt and opening of bids.--All bids shall be received  
19 by the controller, or, for a county without a controller, by the  
20 chief clerk of the county commissioners, in sealed envelopes.  
21 The following apply:

22 (1) For a county of the second class A, bids shall be  
23 opened publicly at a time and place to be designated in the  
24 advertisement for bids. The figures shall be announced  
25 publicly by the chief clerk or the chief clerk's designee and  
26 referred to the appropriate departments for tabulation  
27 without the presence of the county commissioners.

28 (2) For a county of the third, fourth, fifth, sixth,  
29 seventh or eighth class, bids shall be opened publicly at a  
30 time and place specified in the advertisement for bids, in

1 the presence of the controller or chief clerk, as the case  
2 may be, by the county commissioners or their designee. The  
3 controller or the chief clerk, shall keep a record of the  
4 bids.

5 (d) Entire amount.--

6 (1) The amount or price of the contract shall be the  
7 entire amount which the county pays to the successful bidder  
8 or the bidder's assigns less the value of personal property  
9 transferred from the county to the bidder or the bidder's  
10 assigns at any time during the duration of the contract, in  
11 order to obtain the services or property, or both. The amount  
12 of the contract may not be construed to mean only the amount  
13 that is paid to acquire title or to receive any other  
14 particular benefit of the whole bargain.

15 (2) The value of personal property transferred to the  
16 bidder or the bidder's assigns upon execution of the contract  
17 shall be specified in the bid. The method of determining the  
18 value of personal property transferred to the bidder or his  
19 assigns at a time during the duration of the contract shall  
20 be specified in the bid and shall be determined using  
21 generally accepted valuation methods.

22 (e) Acceptance of bids.--

23 (1) The acceptance of bids by advertising required under  
24 this section shall be made by the controller, for a county of  
25 the second class A, or by the county commissioners, for a  
26 county of the third, fourth, fifth, sixth, seventh or eighth  
27 class. The acceptance of bids shall only be made by public  
28 announcement at the meeting at which bids are opened, or at a  
29 subsequent meeting, the time and place of which shall be  
30 publicly announced when bids are opened. If for any reason

1 the award is not made at either of the meetings, the same  
2 business may be transacted at any subsequent meeting, the  
3 time and place of which shall have been announced at the  
4 previous meeting held for the award.

5 (2) The contract shall be awarded, or the bids shall be  
6 rejected, within 30 days of the opening of the bids, except  
7 for bids subject to 62 Pa.C.S. (relating to procurement). A  
8 30-day extension of the date for the award may be made by the  
9 mutual written consent of the county commissioners and any  
10 bidder that wishes to remain under consideration for award.  
11 The county commissioners shall excuse from consideration any  
12 bidder not wishing to agree to a request for extension of the  
13 date for the award and shall release the bidder from any bid  
14 bond or similar bid security furnished under subsection (f).

15 (3) A contract shall be filed with the controller, or  
16 with the chief clerk as the case may be, immediately after  
17 the execution.

18 (f) Security permitted.--The county commissioners may  
19 require, as a necessary condition of considering a bid, that any  
20 bids advertised be accompanied by a cashier's check or other  
21 irrevocable letter of credit in a reasonable amount drawn upon a  
22 bank authorized to do business in this Commonwealth or by a bond  
23 with corporate surety in a reasonable amount. In the event a  
24 bidder shall, upon award of the contract to the bidder, fail to  
25 comply with the requirements of subsection (g) as to security  
26 guaranteeing the performance of the contract, the security  
27 furnished under this subsection shall be forfeited to the county  
28 as liquidated damages.

29 (g) Security required.--If a formal bid is required by this  
30 chapter, the successful bidder may be required to furnish a bond

or irrevocable letter of credit or other security in an amount  
sufficient to the county commissioners guaranteeing performance  
of the contract within 30 days after the contract has been  
awarded, unless the county commissioners prescribe a shorter  
period. The successful bidder for a contract which involves the  
construction, erection, installation, completion, alteration,  
repair of or addition to any public work or improvement of any  
kind shall furnish security as provided in section 16118  
(relating to contract performance security and payment bonds).  
Performance security for services and contracts for labor and  
materials delivered on a periodic basis, including food service  
contracts, home health services and janitorial services and  
supplies, may be computed on the expected average value for one  
or more months at the discretion of the county commissioners.  
Upon failure to furnish the security within the time fixed, the  
previous awards shall be void. Deliveries, performances and  
guarantees may be required in all cases of expenditures,  
including the exceptions under subsection (h).

(h) Exceptions.--Contracts or purchases made by the county  
commissioners for the following may not require advertising,  
bidding or price quotations:

(1) Maintenance, repairs or replacements for water,  
electric light or other public works if not new additions,  
extensions or enlargements of existing facilities and  
equipment. Security may be required by the county  
commissioners as in other cases for work done.

(2) Improvements, repairs and maintenance, made or  
provided by the county through its own employees. This  
paragraph does not apply to construction materials used in a  
street improvement.



1       (3) Particular types, models or pieces of new equipment,  
2       articles, apparatus, appliances, vehicles or parts thereof  
3       requested by the county commissioners, which are patented and  
4       manufactured or copyrighted products.

5       (4) Policies of insurance or surety company bonds.

6       (5) Public utility service and electricity, natural gas  
7       or telecommunication services, provided that, for utilities  
8       not under tariff with the Pennsylvania Public Utility  
9       Commission, contracts made without advertising and bidding  
10       shall be made only after receiving written or telephonic  
11       price quotations in accordance with the procedures specified  
12       in section 15101(b).

13       (6) Services of members of the medical or legal  
14       profession, registered architects, engineers, certified  
15       public accountants or other personal services involving  
16       professional expertise.

17       (7) Materials, supplies and equipment contracts entered  
18       into by nonprofit cooperative hospital service associations  
19       for hospitals and nursing homes which are part of the  
20       institutional district or which are owned by the county,  
21       operated by the county or affiliated with the county.

22       (8) Tangible client services provided by nonprofit  
23       agencies. For the purposes of this paragraph, the term  
24       "tangible client services" shall mean congregate meals, home-  
25       delivered meals, transportation or chore services provided  
26       through area agencies on aging.

27       (9) The sale, lease or loan of supplies or materials to  
28       the county by a public body if the price is not in excess of  
29       that fixed by the public body. The requirements of 53 Pa.C.S.  
30       Ch. 23 Subch. A (relating to intergovernmental cooperation)

1 may not apply when a county purchases cooperatively with  
2 another public body that has entered into a contract for  
3 supplies or materials. As used in this paragraph, the term  
4 "public body" shall mean any of the following:

5 (i) the Federal Government;

6 (ii) the Commonwealth;

7 (iii) any other state;

8 (iv) a political subdivision, local or municipal  
9 authority, council of government, entity created in  
10 accordance with 53 Pa.C.S. Ch. 23 Subch. A or other  
11 similar local entity of the Commonwealth or any other  
12 state; or

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

15 (10) The purchase of milk for counties of the second  
16 class A.

17 (11) Construction management services.

18 (12) Computer software.

19 (i) Contracts for technology and information systems.--

20 (1) Notwithstanding the provisions of this chapter to  
21 the contrary, the county commissioners shall have authority  
22 to enter into contracts for equipment and services related to  
23 technology and information systems on the basis of best value  
24 procurement.

25 (2) Contracts under best value procurement shall be made  
26 only after the county has solicited proposals based on  
27 performance and outcome specifications developed by the  
28 county and describing at minimum:

29 (i) the objectives to be met by the system;

30 (ii) the tasks to be performed by the system;

1           (iii) the users of the system;  
2           (iv) system security issues;  
3           (v) the time frame for system implementation;  
4           (vi) potential operating technologies;  
5           (vii) compatibility with existing systems;  
6           (viii) training and maintenance; and  
7           (ix) the process by which the contract shall be  
8           awarded.

9           (3) Best value procurement may not require a sealed bid  
10          process and shall permit the county commissioners to  
11          negotiate the terms of the agreement with any responsive and  
12          responsible vendor.

13          (j) Other acts.--A contract subject to this chapter shall  
14          comply, as applicable, with the provisions of:

15           (1) The act of August 15, 1961 (P.L.987, No.442), known  
16           as the Pennsylvania Prevailing Wage Act.

17           (2) The act of December 20, 1967 (P.L.869, No.385),  
18           known as the Public Works Contractors' Bond Law of 1967.

19           (3) The act of January 23, 1974 (P.L.9, No.4), referred  
20           to as the Public Contract Bid Withdrawal Law.

21           (4) The act of March 3, 1978 (P.L.6, No.3), known as the  
22           Steel Products Procurement Act.

23           (5) The act of February 17, 1994 (P.L.73, No.7), known  
24           as the Contractor and Subcontractor Payment Act.

25           (6) 62 Pa.C.S. Chs. 37 Subch. B. (relating to motor  
26           vehicles), 39 (relating to contracts for public works) and 45  
27           (relating to antibid-rigging).

28          (k) Shared fees and compensation.--Individuals, consultants,  
29          firms or corporations contracting with a county for purposes of  
30          rendering personal or professional services to the county may

1 not share with a county officer or employee, and county officers  
2 or employees may not accept any portion of the compensation or  
3 fees paid by the county for the contracted services provided to  
4 the county except under the following terms or conditions:

5 (1) Full disclosure of all relevant information  
6 regarding the sharing of the compensation or fees shall be  
7 made to the county commissioners.

8 (2) The county commissioners must approve the sharing of  
9 any fee or compensation for personal or professional services  
10 prior to the performance of the services.

11 (3) Fees or compensation for personal or professional  
12 services may not be shared except for work actually  
13 performed.

14 (4) Shared fees or compensation for personal or  
15 professional services may not be paid at a rate in excess of  
16 that commensurate for similar personal or professional  
17 services.

18 (L) ELECTRONIC BIDDING.--NOTHING IN THIS PART SHALL BE <--  
19 CONSTRUED AS PROHIBITING A COUNTY FROM ELECTRONIC BIDDING TO THE  
20 EXTENT AUTHORIZED BY 62 PA.C.S. CH. 46 (RELATING TO ELECTRONIC  
21 BIDDING BY LOCAL GOVERNMENT UNITS).

22 § 15103. Evasion of advertising requirements.

23 (a) Prohibition.--

24 (1) No commissioner may evade the provisions of section  
25 15102 (relating to contract procedures, terms and bonds and  
26 advertising for bids), for advertising for bids or purchasing  
27 or contracting for services and personal properties piece-  
28 meal, for the purpose of obtaining prices under the base  
29 amount of \$18,500, subject to adjustment under section  
30 15101(c) (relating to commissioners sole contractors for

1 county generally), upon transactions which should, in the  
2 exercise of reasonable discretion and prudence, be conducted  
3 as one transaction amounting to more than the base amount of  
4 \$18,500, subject to adjustment under section 15101(c). This  
5 paragraph is intended to make unlawful the practice of  
6 evading advertising requirements by making a series of  
7 purchases or contracts each for less than the advertising  
8 requirement price, or by making several simultaneous  
9 purchases or contracts each below that price, if in either  
10 case the transaction involved should have been made as one  
11 transaction for one price.

12 (2) Commissioners who vote in violation of this  
13 provision and who know that the transaction upon which the  
14 commissioners so vote is or should be a part of a larger  
15 transaction and that it is being divided in order to evade  
16 the requirements as to advertising for bids shall be, jointly  
17 and severally, subject to surcharge for any loss sustained.

18 (3) If it appears that a county commissioner may have  
19 voted in violation of this section, but the purchase or  
20 contract on which a county commissioner voted was not  
21 approved by the board of commissioners, this section shall be  
22 inapplicable.

23 (b) Criminal offense.--Each county commissioner who votes to  
24 unlawfully evade section 15102 and who knows that the  
25 transaction is or should be a part of a larger transaction and  
26 that it is being divided in order to evade the requirements as  
27 to advertising for bids commits a misdemeanor of the third  
28 degree for each contract entered into as a direct result of that  
29 vote. This penalty shall be in addition to any surcharge that  
30 may be assessed under subsection (a).

1 § 15104. (Reserved).

2 § 15105. Sales of personal property and surplus farm products.

3 (a) General rule.--Personal property and surplus farm  
4 products of the county may not be disposed of by sale or  
5 otherwise, except upon resolution of the county commissioners.

6 (b) Small lots.--If the county commissioners approve a sale  
7 of the property or farm products, the commissioners shall  
8 estimate the sale value of the entire lot to be disposed of,  
9 and, if the estimate is less than \$2,000, the commissioners  
10 shall require notice of the proposed sale to be posted, for at  
11 least 10 days, in a prominent place in the courthouse,  
12 describing and itemizing the property to be sold, and directing  
13 that bids may be made at the office of the chief clerk of the  
14 county commissioners. After the notice period, the county  
15 commissioners may sell the property in whole or in part for the  
16 best price or prices obtainable.

17 (c) Large lots.--If the county commissioners estimate the  
18 sale value of the personal property or of the surplus farm  
19 products to be sold at \$2,000 or more, the entire lot shall be  
20 advertised for sale, once, in at least one newspaper of general  
21 circulation in the county, and sale of the property advertised  
22 shall be made to the highest and best bidder. The bids may not  
23 be opened until at least 10 days after the advertisement.

24 (d) Auctions.--The county commissioners may sell any  
25 property at auction, but the notice contained in this section  
26 shall be likewise observed as to the holding of auction sales.

27 (e) Exceptions.--The provisions of this section may not be  
28 mandatory if county property is to be traded-in or exchanged for  
29 new personal property. The provisions of this section may not  
30 apply to sale of personal property with real property as a

1 single unit under section 16106.1 (relating to authority to sell  
2 certain property as a single unit).

3 (f) Electronic auctions.--A public auction of personal  
4 property may be conducted by means of an online or electronic  
5 auction sale. During an electronic auction sale, bids shall be  
6 accepted electronically at the time and in the manner designated  
7 in the advertisement. During the electronic auction, each bidder  
8 shall have the capability to view the bidder's bid rank or the  
9 high bid price. Bidders may increase bid prices during the  
10 electronic auction. The record of the electronic auction shall  
11 be accessible as a public record under the provisions of the act  
12 of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know  
13 Law. The purchase price shall be paid by the high bidder  
14 immediately or at a reasonable time after the conclusion of the  
15 electronic auction as determined by the county commissioners. In  
16 the event that shipping costs are incurred, the shipping costs  
17 shall be paid by the high bidder. A county that has complied  
18 with the advertising requirements of this section may provide  
19 additional notice of the sale by bids or public auction in any  
20 manner deemed appropriate by the county commissioners. The  
21 advertisement for electronic auction sales authorized in this  
22 subsection shall include the publicly accessible Internet  
23 website of, or means of accessing, the electronic auction and  
24 the date, time and duration of the electronic auction.

25 § 15106. Conflicts of interest prohibited.

26 (a) General rule.--Except as provided in subsection (b),  
27 restrictions on the involvement of elected and appointed county  
28 officers in a county contract shall be as prescribed in 65  
29 Pa.C.S. Ch. 11 (relating to ethics standards and financial  
30 disclosure) and the limitations and procedures under section

1 15102(k) (relating to contract procedures, terms and bonds and  
2 advertising for bids).

3 (b) Architects and engineers and criminal offense.--

4 Notwithstanding subsection (a), the following shall apply:

5 (1) It shall be unlawful for an architect or engineer  
6 employed by a county of the second class A and engaged in the  
7 preparation of plans, specifications or estimates, to bid or  
8 negotiate on any public work contracted by the county, except  
9 that an architect or engineer who prepared preliminary plans  
10 only may bid on or negotiate the final contract for the work.

11 (2) It shall be unlawful for the officers of a county of  
12 the second class A charged with the duty of contracting for  
13 public work, to award a contract to an architect or engineer,  
14 employed by the county who is interested in a contract for  
15 public work for the county or for any architect or engineer  
16 to receive any remuneration or gratuity from any person  
17 interested in the contract except as provided under section  
18 15102(k).

19 (3) A person violating any of the provisions of  
20 paragraph (1) or (2) commits a misdemeanor in office and,  
21 upon conviction, shall forfeit the office and be sentenced to  
22 pay a fine not exceeding \$500, or to imprisonment for not  
23 more than six months, or both.

24 § 15107. Application of contract provisions.

25 The provisions of this chapter shall apply to all of the  
26 contractual powers of the county commissioners contained in this  
27 part, or other laws not inconsistent with this chapter, and the  
28 mention of powers of contract outside this chapter shall not be  
29 construed as disregarding the applicable provisions of this  
30 chapter.



1 § 15107.1. Printing contracts.

2 (a) Responsible bidders.--In counties of the second class A,  
3 the county commissioners may, by resolution, require that a  
4 printing firm presenting a bid for county printing establish  
5 itself as a responsible bidder by requiring that:

6 (1) The printing firm file, with the chief clerk of the  
7 county commissioners, a sworn statement to the effect that  
8 employees are receiving the prevailing wage rate and are  
9 working under conditions prevalent in the locality in which  
10 the work is produced.

11 (2) If a collective bargaining agreement is in effect  
12 between an employer and employees who are represented by a  
13 responsible organization that is not influenced or controlled  
14 by the management, the agreement and the provisions of the  
15 agreement shall be considered as conditions prevalent in the  
16 locality and shall be the minimum requirements for being  
17 deemed a responsible bidder under this chapter.

18 (3) In case a dispute arises as to what is the  
19 prevailing rate of wages for work applicable to the contract,  
20 which cannot be adjusted by the county commissioners, the  
21 matter shall be referred to the county salary board and the  
22 board's decision shall be conclusive.

23 (b) Prevailing wage rate.--If the wage rates vary in any  
24 district in a county, then a printing firm that pays wages at  
25 least equal to those in any agreement, shall, for the purposes  
26 of this chapter, be deemed to be paying the prevailing wage  
27 rate.

28 (c) Definition.--As used in this section, the term  
29 "prevailing wage rate" means at least the minimum wages that are  
30 received by employees of a printing firm, in second class A

counties as a result of a collective bargaining agreement  
negotiated by an employer with a responsible organization  
representing the employees.

§ 15107.2. Prohibited contract provisions.

A political subdivision or authority in a county of the  
second class A may not enter into a contract related to a  
redevelopment capital assistance project under section 318 of  
the act of February 9, 1999 (P.L.1, No.1), known as the Capital  
Facilities Debt Enabling Act, which contains a provision  
requiring that a specified percentage of a contracting party's  
work force be residents of a specific municipality.

## CHAPTER 153

### SPECIAL POWERS AND DUTIES OF COUNTIES

#### Subchapter

A. (Reserved)

B. (Reserved)

C. (Reserved)

D. County Histories

E. Animal and Plant Husbandry

F. Communications

G. Prevention and Control of Floods

G.1. Disaster Emergency Aid to Municipalities in Counties of  
the Third through Eighth Class

H. Aid to Firefighting Departments and Companies

H.1. Fire Marshal and Assistant Fire Marshals in Counties of  
the Third through Eighth Class

I. Utilities

J. (Reserved)

K. Rewards and Bounties

L. Garbage and Refuse Disposal

1 M. (Reserved)  
2 N. Appropriations to Industrial Development Agencies  
3 O. Surplus Foods and Food Stamp Program  
4 P. Historical Property and Museums  
5 P.1. Legal Aid Services  
6 Q. Transportation and Traffic Control Devices  
7 R. (Reserved)  
8 S. Appropriations for Recreation and Historic and Museum  
9 Projects of Municipal Corporations, Authorities and  
10 Nonprofit Organizations  
11 T. Appropriations to Institutions of Higher Learning or to  
12 Nonprofit Educational Trusts in Counties of the Third  
13 through Eighth Class  
14 U. Agreements with Federal Government for the Promotion of  
15 Health or Welfare  
16 V. Appropriations for Reservoirs and Water Resources  
17 W. Tourist Promotion Agencies  
18 X. Crime Detection Laboratory and Police Training School in  
19 Counties of the Third Class  
20 Y. Parking Facilities  
21 Z. Revenue Bonds for Industrial Development Projects  
22 Z.1. Grants to Nonprofit Art Corporations  
23 Z.2. Commission on Women  
24 Z.3. Civil Service in Counties of the Second Class A  
25 Z.4. Insuring County Against Loss or Liability  
26 Z.5. Lot and Block System in Counties of the Second Class A

27 SUBCHAPTER A

28 (Reserved)

29 SUBCHAPTER B

30 (Reserved)

SUBCHAPTER C

(Reserved)

SUBCHAPTER D

COUNTY HISTORIES

Sec.

15328. County history.

15329. Payment to historical societies.

15330. Qualification of society.

15331. Restoration and preservation of historic sites.

§ 15328. County history.

The county commissioners, either independently or in connection with any other municipality within the county or a society or organization, may appropriate money for the compilation of a county war history or any general history or historical account related to the historical records and government of the county, and for publication and distribution.

§ 15329. Payment to historical societies.

(a) Payments.--The county commissioners may pay, out of the county money not otherwise appropriated, a sum of money to a county historical society, qualified under section 15330 (relating to qualification of society), to assist in paying expenses. If a county historical society is comprised of residents of more than one county, the county commissioners of the respective counties may jointly pay the sum in such proportion as the county commissioners shall agree.

(b) Vouchers.--Appropriations may not be renewed until vouchers have been filed with the county commissioners showing that the appropriation for any prior year has been expended under this chapter.

§ 15330. Qualification of society.

1 A historical society eligible to receive county money  
2 according to the provisions of section 15329 (relating to  
3 payment to historical societies) shall:

4 (1) be a not-for-profit corporation, in good standing  
5 and registered according to the laws of this Commonwealth  
6 with the Pennsylvania Commission on Charitable Organizations;

7 (2) have operated for two years prior to receiving an  
8 appropriation from a county; and

9 (3) control and operate a museum or other facility  
10 related to the history of the county or this Commonwealth  
11 that is open to the public at least 100 days per year.

12 § 15331. Restoration and preservation of historic sites.

13 The county commissioners may make appropriations out of  
14 county money to any nonprofit corporation organized for the  
15 purpose of restoring and preserving historic sites that are  
16 within the county. For the purposes of this section, an eligible  
17 historic site shall be listed or eligible to be listed in the  
18 National Register of Historic Places or designated as historic  
19 by resolution of the county commissioners.

20 SUBCHAPTER E

21 ANIMAL AND PLANT HUSBANDRY

22 Sec.

23 15335. Appropriations for prevention of cruelty to animals.

24 15336. Cooperative Extension, natural resources, 4-H youth,  
25 families, nutrition and community development.

26 15337. Agricultural or horticultural societies.

27 15338. Suppression of animal and plant disease.

28 15339. County fair associations in counties of the third,  
29 fourth, fifth, sixth, seventh and eighth class.

30 § 15335. Appropriations for prevention of cruelty to animals.

1     The county commissioners may appropriate money toward the  
2 maintenance of an organization or society, incorporated under  
3 the laws of this Commonwealth, for the prevention of cruelty to  
4 animals and which, for a period of at least two years prior to  
5 the making of the appropriation, shall have been engaged in  
6 carrying out the purposes of its incorporation, in whole or in  
7 part, within the county.

8     § 15336. Cooperative Extension, natural resources, 4-H youth,  
9             families, nutrition and community development.

10     (a) Appropriations.--The county commissioners may make  
11 annual appropriations for Cooperative Extension work, in  
12 cooperation with The Pennsylvania State University, to support  
13 improved methods of agricultural production and management,  
14 economic development, family and youth programming and practical  
15 instruction and demonstrations, both in-person and online. The  
16 purpose of these activities is to help communities, businesses  
17 and people solve problems and improve their quality of life.  
18 The money shall be expended according to rules and regulations  
19 prescribed or approved by the county commissioners to support  
20 Cooperative Extension's mission to provide educational  
21 opportunities to constituents, regardless of where the expertise  
22 is located.

23     (b) Cooperative Extension services.--Cooperative Extension  
24 shall provide counties access to The Pennsylvania State  
25 University's science-based information, expertise and education  
26 and shall continually work to expand access to its Statewide  
27 programs through technology channels.

28     (c) Offices.--The county commissioners may provide offices  
29 in the county for headquarters for cooperative work under this  
30 section.

1 § 15337. Agricultural or horticultural societies.

2 (a) Appropriations.--The county commissioners are authorized  
3 to make appropriations annually out of the current revenues of  
4 the county to an incorporated agricultural or horticultural  
5 society or association located within the county.

6 (b) Additional appropriations.--The county commissioners are  
7 authorized to make additional appropriations annually out of the  
8 current revenues of the county to an incorporated agricultural  
9 or horticultural society or association located within the  
10 Commonwealth.

11 § 15338. Suppression of animal and plant disease.

12 (a) Appropriations.--The county commissioners may make  
13 appropriations from county money and cooperate with the  
14 Department of Agriculture, for the purpose of controlling and  
15 suppressing:

16 (1) dangerous transmissible diseases of domestic  
17 animals;

18 (2) dangerous plant diseases;

19 (3) insect pests; and

20 (4) diseases of honeybees.

21 (b) Agreements.--For the purpose of carrying out this  
22 section, the county commissioners may enter into agreements with  
23 the Department of Agriculture concerning terms, rules,  
24 regulations and practices for conducting the work.

25 § 15339. County fair associations in counties of the third,  
26 fourth, fifth, sixth, seventh and eighth class.

27 The county commissioners in counties of the third, fourth,  
28 fifth, sixth, seventh and eighth class may appropriate annually,  
29 out of current revenues, to an incorporated nonprofit  
30 agriculture association or a nonprofit county fair association

1 located within the county, for the repair and maintenance of the  
2 real estate, buildings and structures within the county used  
3 annually by the association for county agriculture fairs and  
4 exhibitions, regardless of if the real estate is owned by the  
5 county and leased to the association.

6 SUBCHAPTER F

7 COMMUNICATIONS

8 Sec.

9 15343. Appropriations for radio broadcasting station.

10 15344. Appropriations for police, fire and other public safety  
11 radio and telecommunications networks.

12 § 15343. Appropriations for radio broadcasting station.

13 The county commissioners may make an appropriation for the  
14 purpose of assisting a naval reserve unit or amateur radio  
15 league in maintaining, equipping and operating a shortwave radio  
16 broadcasting station or cable television community access  
17 stations geared to public access, educational access or  
18 governmental access, which shall be available for public use in  
19 the event of emergency or disaster.

20 § 15344. Appropriations for police, fire and other public  
21 safety radio and telecommunications networks.

22 The county commissioners may make appropriations for the  
23 erection, operation and maintenance of a county police radio,  
24 fire and other public safety radio and telecommunications  
25 networks.

26 SUBCHAPTER G

27 PREVENTION AND CONTROL OF FLOODS

28 Sec.

29 15347. Prevention and control of floods.

30 § 15347. Prevention and control of floods.



1     (a) Prevention and control of floods.--The county  
2 commissioners may borrow, appropriate and expend money and may  
3 acquire by purchase or dedication or by the power of eminent  
4 domain real property, or any interest in real property, for the  
5 purpose of cleansing, maintaining, regulating, improving and  
6 controlling rivers, streams and other bodies of water and  
7 stormwater drainage systems lying within the boundaries of the  
8 county, either in whole or in part, for the prevention and  
9 control of floods. The county commissioners may make contracts  
10 and expenditures for the cleansing, maintenance, regulation,  
11 improvement and control of waters and drainage systems and for  
12 the prevention and control of floods by storage or retaining  
13 reservoirs, or otherwise, in parts of waters beyond the limits  
14 of the county or of the Commonwealth, if, in the county  
15 commissioner's judgment, the expenditures are necessary and for  
16 the benefit of the county.

17     (b) Investigations.--The county commissioners may make  
18 appropriations and expenditures for investigating and examining  
19 or for assisting in the investigation and examination of the  
20 condition of waters for the purpose of subsection (a).

21     (c) Agreements.--The county commissioners may enter into  
22 agreements with the United States Secretary of Defense or other  
23 public authorities empowered to act under any law of the United  
24 States or of this or any other state, as may be necessary and  
25 proper for the prevention and control of floods.

26     (d) Bonds.--In exercising the powers under this chapter, the  
27 county commissioners may, subject to the limitation of the  
28 Constitution of Pennsylvania, issue interest bearing bonds of  
29 the county in accordance with the provisions of 53 Pa.C.S. Pt.  
30 VII Subpt. B (relating to indebtedness and borrowing).

1                                    SUBCHAPTER G.1

2                                    DISASTER EMERGENCY AID TO MUNICIPALITIES

3                                    IN COUNTIES OF THE THIRD THROUGH EIGHTH CLASS

4    Sec.

5    15348. Emergency appropriation to municipal corporations.

6    § 15348. Emergency appropriation to municipal corporations.

7        (a) Appropriations.--The county commissioners of counties of  
8    the third, fourth, fifth, sixth, seventh and eighth class may  
9    appropriate money for the purpose of assisting municipal  
10 corporations within the county with any cleanup, maintenance,  
11 repair and improvements undertaken as a result of damage  
12 incurred or a dangerous condition caused by either a disaster  
13 emergency within the county declared by the Governor or a local  
14 emergency declared by the governing body of a municipal  
15 corporation within the county.

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

19       "Disaster emergency." As defined in 35 Pa.C.S. § 7102  
20 (relating to definitions).

21       "Local emergency." As defined in 35 Pa.C.S. § 7102.

22                                    SUBCHAPTER H

23                                    AID TO FIREFIGHTING DEPARTMENTS AND COMPANIES

24    Sec.

25    15351. Counties of seventh and eighth classes and

26                                    appropriations to borough fire departments and  
27                                    volunteer fire companies.

28    15352. Establishment of fire training schools.

29    § 15351. Counties of seventh and eighth classes and

30                                    appropriations to borough fire departments and

1 volunteer fire companies.

2 ~~(a) Appropriations.~~ The county commissioners of a county of <--  
3 the seventh or eighth class may make an appropriation annually  
4 to the fire department of a ~~borough~~ MUNICIPAL CORPORATION in the <--  
5 county or to a volunteer fire company located ~~within a borough~~ <--  
6 in the county that gives fire protection to ~~approximately all~~ <--  
7 parts of the county. Money appropriated to a fire department or  
8 fire company shall be used for the purchase, maintenance and  
9 repair of firefighting equipment.

10 ~~(b) Restriction.~~ The county commissioners of a county of <--  
11 ~~the seventh or eighth class may not authorize the appropriation~~  
12 ~~of money to a fire department or fire company that receives~~  
13 ~~contributions or appropriations from any township in the county.~~  
14 § 15352. Establishment of fire training schools.

15 (a) Appropriations.--The county commissioners may  
16 appropriate annual money to lawfully organized or incorporated  
17 county or regional firemen's associations to establish, equip,  
18 maintain and operate, and the county commissioners may  
19 establish, equip, maintain and operate, fire training schools or  
20 centers for the purpose of giving instruction and practical  
21 training in the prevention, control and fighting of fire and  
22 related fire department emergencies to the members of paid fire  
23 departments and volunteer fire companies in any city, borough,  
24 town or township within the county.

25 (b) Regional fire training schools.--If a firemen's  
26 association is comprised of residents of two or more counties or  
27 contemplates operation of a regional fire training school in two  
28 or more counties, the county commissioners may appropriate money  
29 to the association.

30 SUBCHAPTER H.1

FIRE MARSHAL AND ASSISTANT FIRE MARSHALS IN  
COUNTIES OF THE THIRD THROUGH EIGHTH CLASS

Sec.

15353. Appointment.

§ 15353. Appointment.

(a) Appointment.--The county commissioners of a county of  
the third, fourth, fifth, sixth, seventh and eighth class may  
appoint a fire marshal and assistant fire marshals as necessary  
to perform duties relating to the prevention and control of fire  
as the county commissioners deem to be in the best interests of  
the county.

(b) Duties.--A fire marshal or assistant fire marshal may  
not be assigned duties that will conflict with fire marshals or  
municipal fire marshals or powers relating to the control of  
fires conferred by law upon the Pennsylvania State Police.

(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.

1       (2) The laying of gas lines equipped with modern  
2       appliances and machinery as may be necessary.

3       (b) Procedure.--Contracts under this section, including  
4       contracts for the building of rigs or derricks and the purchase  
5       of machinery, shall be made by the county commissioners in the  
6       manner provided for in Chapter 151 (relating to contracts).  
7       § 15356. Contracts for relocation, change or elevation of  
8       railroads.

9       The county commissioners may enter into contracts with a  
10      railroad company to relocate, change or elevate the railroads  
11      within the county in such manner as, in the judgment of the  
12      board, may be best adapted to secure the safety of lives and  
13      property and promote the interest of the county.

14      § 15357. County may assist municipalities.

15      (a) Assistance.--Upon the request of a political subdivision  
16      within a county, the county may assist the political subdivision  
17      in negotiations or a contest with a public utility company and  
18      may use or allow the political subdivision to use the legal,  
19      engineering, accounting or clerical service of the county.

20      (b) Intervention.--The county commissioners may enter their  
21      appearance as interveners or otherwise in a proceeding before  
22      the Pennsylvania Public Utility Commission or before a court in  
23      a proceeding involving a controversy between a political  
24      subdivision in the county and a public utility company.

25                               SUBCHAPTER J

26                               (Reserved)

27                               SUBCHAPTER K

28                               REWARDS AND BOUNTIES

29      Sec.

30      15371. Rewards for detection or apprehension of criminals.

1 15372. (Reserved).

2 § 15371. Rewards for detection or apprehension of criminals.

3 (a) Rewards.--The county commissioners may offer a reward,  
4 in addition to that authorized by law, for information leading  
5 to the detection or apprehension of an individual charged with  
6 or perpetrating a felony or misdemeanor, or aiding or abetting.

7 (b) Payment of rewards.--Upon the conviction of an  
8 individual under subsection (a), the county commissioners may  
9 pay the reward out of the county treasury, but in no case may  
10 the owner of stolen property be entitled to the reward for the  
11 detection or apprehension of the individual who commits the  
12 offense of larceny.

13 (c) Misdemeanors.--In cases of misdemeanors, the county  
14 commissioners must have the approval of the president judge of  
15 the court of common pleas of the county before offering or  
16 paying a reward.

17 § 15372. (Reserved).

18 SUBCHAPTER L

19 GARBAGE AND REFUSE DISPOSAL

20 Sec.

21 15375. Municipal waste processing and disposal in county  
22 facilities.

23 § 15375. Municipal waste processing and disposal in county  
24 facilities.

25 (a) Power.--The county commissioners shall have the power  
26 to:

27 (1) operate or provide for the operation of municipal  
28 waste processing and disposal facilities, including municipal  
29 waste landfills, resource recovery facilities and recycling  
30 facilities; and

1       (2) enter into agreements or contracts with any person,  
2       corporation or political subdivision for the disposal of  
3       municipal waste in the facilities constructed and maintained  
4       by the county and charge and receive fees for services  
5       provided under this subsection.

6       (b) Acquisition of real property.--A county may acquire by  
7       gift, lease, purchase by current revenues, borrowing or  
8       incurring indebtedness or eminent domain real property within  
9       the county for the purpose of constructing any facility under  
10       subsection (a) or other buildings necessary to operate the  
11       facility. If private property is taken by eminent domain, the  
12       county shall acquire the entire title, either in fee or  
13       otherwise, held by the owner or owners of the property or of any  
14       interest.

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

18       "Municipal waste landfill." As defined in the act of July  
19       28, 1988 (P.L.556, No.101), known as the Municipal Waste  
20       Planning, Recycling and Waste Reduction Act.

21       "Recycling facility." As defined in the Municipal Waste  
22       Planning, Recycling and Waste Reduction Act.

23       "Resource recovery facility." As defined in the Municipal  
24       Waste Planning, Recycling and Waste Reduction Act.

25                       SUBCHAPTER M

26                       (Reserved)

27                       SUBCHAPTER N

28                       APPROPRIATIONS TO INDUSTRIAL DEVELOPMENT AGENCIES

29       Sec.

30       15385. Appropriations to industrial development agencies by

1           counties.

2   15386. (Reserved).

3   \$ 15385. Appropriations to industrial development agencies by  
4           counties.

5       The county commissioners may annually appropriate amounts as  
6   deemed necessary to an industrial development organization, as  
7   defined in section 2301 of the act of June 29, 1996 (P.L.434,  
8   No.67), known as the Job Enhancement Act, to assist the agencies  
9   in the:

10           (1) financing of operational costs for the purposes of  
11       making studies, surveys and investigations and compiling data  
12       and statistics; and

13           (2) carrying out of planning and promotional programs.

14   \$ 15386. (Reserved).

15                               SUBCHAPTER O

16                               SURPLUS FOODS AND FOOD STAMP PROGRAM

17   Sec.

18   15390. Appropriations for handling, storage and distribution of  
19           surplus foods.

20   15391. (Reserved).

21   \$ 15390. Appropriations for handling, storage and distribution  
22           of surplus foods.

23       The county commissioners may appropriate from county money,  
24   or, in counties of the second class A and third class from  
25   county institution district money, money for the handling,  
26   storage and distribution of surplus foods obtained through a  
27   Federal, State or local agency.

28   \$ 15391. (Reserved).

29                               SUBCHAPTER P

30                               HISTORICAL PROPERTY AND MUSEUMS



1 Sec.

2 15395. Acquisition, repair and maintenance of historical  
3 property.

4 15395.1. Contributions to museums of fine art or natural  
5 history.

6 § 15395. Acquisition, repair and maintenance of historical  
7 property.

8 The county commissioners may acquire by purchase or by gift  
9 and repair, supervise, operate and maintain ancient landmarks  
10 and other property of historical or antiquarian interest that is  
11 listed or eligible to be listed in the National Register of  
12 Historic Places or designated as historic by resolution of the  
13 county commissioners.

14 § 15395.1. Contributions to museums of fine art or natural  
15 history.

16 The county commissioners may appropriate money from county  
17 money for the purpose of contributing toward the cost of  
18 operating, maintaining or carrying out or furthering the  
19 purposes of institutes or museums of fine art or natural history  
20 that is:

21 (1) located within the county on public property;

22 (2) established by private grant or bequest;

23 (3) open to the public; and

24 (4) not used for private or corporate profit.

25 SUBCHAPTER P.1

26 LEGAL AID SERVICES

27 Sec.

28 15396. Appropriations for legal aid services.

29 § 15396. Appropriations for legal aid services.

30 The county commissioners may appropriate money for payment to

nonprofit legal aid associations or societies or county bar associations that provide legal aid services for indigent persons in civil matters in the county.

#### SUBCHAPTER Q

#### TRANSPORTATION AND TRAFFIC CONTROL DEVICES

Sec.

15397. Improvement of operation and facilities.

15398. Money for traffic control devices.

§ 15397. Improvement of operation and facilities.

The county commissioners may enter into contracts and long range cooperative programs with Federal, State and local governmental agencies, public utilities or authorities for the improvement of transportation operations and facilities within and across county lines. The county commissioners may independently or in cooperation with any other county or 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

1 Sec.

2 15399. Appropriations for recreation and historic and museum  
3 projects.

4 § 15399. Appropriations for recreation and historic and museum  
5 projects.

6 (a) Appropriations.--The county commissioners may  
7 appropriate county money for grants to assist municipal  
8 corporations and authorities within the county, as well as  
9 nonprofit organizations, in the purchase, acquisition,  
10 improvement, equipping or landscaping of the following:

11 (1) lands;

12 (2) buildings and facilities, along with the demolition  
13 of buildings and facilities;

14 (3) parks, recreation areas, open space projects and  
15 other outdoor projects; and

16 (4) historic and museum projects.

17 (b) Definitions.--As used in this section, the term  
18 "nonprofit organization" shall mean an entity which is tax  
19 exempt under section 501(a) of the Internal Revenue Code of 1986  
20 (Public Law 99-514, 26 U.S.C. § 501(a)), as amended, or any  
21 successor provisions, not operated for profit and organized to:

22 (1) preserve or conserve open space, natural resources  
23 or natural habitats;

24 (2) promote outdoor recreation and the acquisition and  
25 development of facilities related thereto; or

26 (3) preserve sites of historical significance.

27 SUBCHAPTER T

28 APPROPRIATIONS TO INSTITUTIONS OF HIGHER  
29 LEARNING OR TO NONPROFIT EDUCATIONAL TRUSTS IN  
30 COUNTIES OF THE THIRD THROUGH EIGHTH CLASS

1 Sec.

2 15399a. Appropriations to institutions of higher learning or to  
3 nonprofit educational trusts.

4 § 15399a. Appropriations to institutions of higher learning or  
5 to nonprofit educational trusts.

6 The county commissioners may appropriate county money in  
7 amounts as may be deemed necessary to any of the following  
8 institutions or trusts located within the county to assist the  
9 institution or trust in the financing of the functions specified  
10 by the county commissioners:

11 (1) Nonsectarian institutions of higher learning.

12 (2) A nonprofit educational trust created for the  
13 purpose of constructing or maintaining facilities for  
14 Pennsylvania State System of Higher Education universities  
15 and State-related universities, including The Pennsylvania  
16 State University, Lincoln University, Temple University and  
17 the University of Pittsburgh.

18 SUBCHAPTER U

19 AGREEMENTS WITH FEDERAL GOVERNMENT FOR THE  
20 PROMOTION OF HEALTH OR WELFARE

21 Sec.

22 15399b. Federal health and welfare programs.

23 § 15399b. Federal health and welfare programs.

24 (a) Agreements.--

25 (1) The county commissioners may enter into an agreement  
26 with the Federal Government, or with any city, borough, town,  
27 township or nonprofit corporation or association located or  
28 carrying on the functions of the nonprofit corporation or  
29 association within the county or serving the residents of the  
30 county.

1       (2) The county commissioners may only enter into an  
2       agreement under paragraph (1) with a city, borough, town,  
3       township, nonprofit corporation or association that has or  
4       will contract with the Federal Government or the Commonwealth  
5       whereby the Federal Government will provide a portion of the  
6       money necessary, payable either to the county or State or  
7       directly to the city, borough, town, township, nonprofit  
8       corporation or association to provide a program not in  
9       conflict with a Federal or State program for the promotion of  
10      the health or welfare of the Commonwealth's residents.

11      (b) Donations.--The county may accept gifts or grants of  
12      money, property or services from any source, public or private,  
13      and may appropriate money as may be necessary to carry out a  
14      program under subsection (a).

#### 15                               SUBCHAPTER V

#### 16                   APPROPRIATIONS FOR RESERVOIRS AND WATER RESOURCES

#### 17      Sec.

#### 18      15399c. Appropriations for reservoirs and water resources.

#### 19      § 15399c. Appropriations for reservoirs and water resources.

#### 20      (a) Facilities.--

21           (1) The county commissioners may borrow, appropriate and  
22           expend money for the construction, acquisition by purchase,  
23           lease or otherwise, operation and maintenance of dams,  
24           reservoirs, wells and other facilities for the utilization of  
25           surface, subsurface and groundwater resources and all related  
26           structures, appurtenances and equipment necessary for the use  
27           of dams, reservoirs, wells and other facilities.

28           (2) The county commissioners may acquire by purchase,  
29           lease, gift or the exercise of power of eminent domain, sites  
30           for a facility listed under paragraph (1) in accordance with

1 the following:

2 (i) The county commissioners shall obtain a permit  
3 from the Department of Environmental Protection whenever  
4 a permit is required by law.

5 (ii) The county commissioners may not acquire by the  
6 exercise of power of eminent domain the property of a  
7 public utility subject to the jurisdiction of the Federal  
8 Energy Regulatory Commission or the Pennsylvania Public  
9 Utility Commission.

10 (b) Agreements and contracts.--The county commissioners may  
11 enter into:

12 (1) agreements for the regulation of withdrawals,  
13 diversions and sales of waters from dams, reservoirs, wells  
14 and other facilities, subject to the approval of Federal,  
15 State or interstate agencies which may have primary  
16 jurisdiction over water resources. Dams, wells and reservoirs  
17 acquired by purchase, lease or otherwise or constructed by  
18 the county commissioners may not be used for the generation  
19 of electric energy; and

20 (2) contracts or long-range cooperative programs with  
21 Federal, State, interstate and local government agencies or  
22 public utilities for the development and use of the county's  
23 water resources.

24 (c) Regulation of agreements and contracts.--

25 (1) It shall be lawful for any county to execute  
26 agreements and contracts as deemed necessary or advisable  
27 with an authority organized by the county to:

28 (i) provide, design, acquire, hold, construct,  
29 improve, own, lease, as lessor or lessee, maintain and  
30 operate dams, reservoirs, wells and other facilities for

1 the utilization of surface, subsurface and groundwater  
2 resources and all necessary related structures,  
3 appurtenances and equipment;

4 (ii) grant, convey, lease, transfer, encumber,  
5 mortgage and pledge to the authority the dams,  
6 reservoirs, wells and related facilities and any  
7 improvements and additions; and

8 (iii) assign and pledge to the authority rentals,  
9 rates and charges charged and collected by the authority  
10 and to assign to the authority the power to collect the  
11 the rentals, rates and charges.

12 (2) An agreement, contract, grant, conveyance, lease,  
13 assignment, encumbrance, mortgage or pledge under paragraph  
14 (1) shall not be construed to prevent the affected county  
15 from using tax revenues for the purpose of maintaining,  
16 repairing, altering, inspecting or improving the dams,  
17 reservoirs, wells and related facilities.

18 (d) Sale of water.--A county may enter into an agreement and  
19 contract for the sale of water to a municipality, authority or  
20 public utility at a reasonable and uniform rate to be determined  
21 exclusively by the county.

## 22 SUBCHAPTER W

### 23 TOURIST PROMOTION AGENCIES

24 Sec.

25 15399d. Tourist promotion agencies and appropriations.

26 § 15399d. Tourist promotion agencies and appropriations.

27 (a) Creation.--The county commissioners may create or join  
28 with other counties in the creation of a tourist promotion  
29 agency, as defined under the act of July 4, 2008 (P.L.621,  
30 No.50), known as the Tourism Promotion Act, for the purpose of

1 making studies, surveys and investigations and for planning and  
2 carrying out promotional programs and projects designed to  
3 stimulate and increase the volume of tourist, visitor and  
4 vacation business within the county or counties.

5 (b) Appropriation.--The county commissioners may appropriate  
6 annually an amount of money as may be deemed necessary to any  
7 tourist promotion agency, as defined under the Tourism Promotion  
8 Act, to assist the agencies in carrying out tourism promotional  
9 activities.

#### 10 SUBCHAPTER X

#### 11 CRIME DETECTION LABORATORY AND POLICE TRAINING SCHOOL

#### 12 IN COUNTIES OF THE THIRD CLASS

13 Sec.

14 15399e. Crime detection laboratories and police training  
15 schools.

16 § 15399e. Crime detection laboratories and police training  
17 schools.

18 The county commissioners of a county of the third class may  
19 appropriate money and provide for establishing a crime detection  
20 laboratory and police training school for the:

21 (1) use of any political subdivision situated within the  
22 county; and

23 (2) training of police employed by the political  
24 subdivision.

#### 25 SUBCHAPTER Y

#### 26 PARKING FACILITIES

27 Sec.

28 15399f. Parking facilities.

29 § 15399f. Parking facilities.

30 (a) Appropriation.--The county commissioners may appropriate



1 money from the county treasury for purchasing, constructing,  
2 maintaining and operating a motor vehicle parking facility to be  
3 used as a county facility.

4 (b) Lease.--The county commissioners, or a municipal  
5 authority created by the county commissioners, may lease a  
6 parking facility, or the land to be used for a parking facility,  
7 to a city, borough or township in which the parking facility is  
8 located or shall be constructed or a parking authority created  
9 by the city, borough or township.

10 (c) Authorization.--The county commissioners may create and  
11 appropriate money to a municipal authority under subsection (b).

## 12 SUBCHAPTER Z

### 13 REVENUE BONDS FOR INDUSTRIAL DEVELOPMENT PROJECTS

14 Sec.

15 15399g. Issuance of revenue bonds for industrial development  
16 projects.

17 § 15399g. Issuance of revenue bonds for industrial development  
18 projects.

19 (a) General rule.--

20 (1) The county commissioners may issue revenue bonds of  
21 the county under 53 Pa.C.S. Pt. VII Subpt. B (relating to  
22 indebtedness and borrowing) to provide sufficient money for  
23 and toward the acquisition, construction, reconstruction,  
24 extension, equipping or improvement of an industrial  
25 development project.

26 (2) A project under paragraph (1) may consist of any  
27 building or facility, or combination or part of a building or  
28 facility, occupied or utilized by an industrial,  
29 manufacturing or research and development enterprise existing  
30 or acquired on January 12, 1968, including any buildings,

1 improvements, additions, extensions, replacements,  
2 appurtenances, lands, rights in land, water rights,  
3 franchises, machinery, equipment, furnishings, landscaping,  
4 utilities, railroad spurs and sidings, wharfs, approaches and  
5 roadways necessary or desirable in connection or incidental  
6 to the building or facility for the purposes of the project.

7 (3) A bond issued under paragraph (1) shall be secured  
8 solely by the pledge of the whole or part of the fees, rents,  
9 tolls or charges derived from the ownership or operation of  
10 the facility or for the use or services of the facility.

11 (b) Lease of project.--An industrial development project  
12 financed by the issuance of revenue bonds under this section may  
13 be leased by the county in whole or in part to a lessee or  
14 lessees for a period of years equal in time to the period of  
15 maturity of the bonds so issued.

16 (c) Costs of bond issue.--Included in the cost of the bond  
17 issue may be any costs and expenses incident to constructing and  
18 financing the facilities and selling and distributing the bonds.

19 (d) Transfer.--The county commissioners may:

20 (1) Sell, lease, lend, grant, convey, transfer or pay  
21 over the following, with or without consideration, to any  
22 authority created under the act of August 23, 1967 (P.L.251,  
23 No.102), known as the Economic Development Financing Law:

24 (i) a project or part of a project; or

25 (ii) any interest in real or personal property or  
26 money available for industrial development purposes,  
27 including the proceeds of revenue bonds issued for  
28 industrial development purposes under subsection (a).

29 (2) Assign, transfer and set over to an authority any  
30 project or interest in real or personal property listed under

1 paragraph (1), along with any contract for the project or  
2 interest, which may have been awarded for the construction of  
3 projects not begun or not completed.

4 (e) Power to enter into contract.--The county commissioners  
5 may enter into a contract or agreement with an authority or with  
6 a tenant or proposed tenant of an industrial development project  
7 and to do all things necessary or proper to effectuate the  
8 public purpose of this section.

#### 9 SUBCHAPTER Z.1

#### 10 GRANTS TO NONPROFIT ART CORPORATIONS

11 Sec.

12 15399h. Grants to nonprofit art corporations.

13 § 15399h. Grants to nonprofit art corporations.

14 (a) Authorization.--The county commissioners may make grants  
15 annually, not exceeding an amount equal to one mill of the real  
16 estate tax to nonprofit art corporations for artistic and  
17 cultural activities.

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

21 "Artistic and cultural activities." The term includes the  
22 display or production of theater, music, dance, painting,  
23 architecture, sculpture, arts and crafts, photography, film,  
24 graphic arts and design and creative writing.

25 "Nonprofit art corporation." A local arts council,  
26 commission or coordinating agency or any other nonprofit  
27 corporation engaged in the production or display of works of  
28 art, including the visual, written or performing arts.

#### 29 SUBCHAPTER Z.2

#### 30 COMMISSION ON WOMEN

1 Sec.

2 15399i. Commission on the status of women.

3 § 15399i. Commission on the status of women.

4 The county commissioners may establish a commission on the  
5 status of women.

6 SUBCHAPTER Z.3

7 CIVIL SERVICE IN COUNTIES OF THE SECOND CLASS A

8 Sec.

9 15399j. Civil service for certain employees.

10 § 15399j. Civil service for certain employees.

11 The county commissioners of a county of the second class A  
12 may establish by ordinance a merit system for the selection,  
13 tenure, promotion and discharge of employees involved in any  
14 work for which the county receives or is eligible to receive  
15 Federal or State grants-in-aid.

16 SUBCHAPTER Z.4

17 INSURING COUNTY AGAINST LOSS OR LIABILITY

18 Sec.

19 15399k. Insurance.

20 § 15399k. Insurance.

21 (a) General rule.--The county commissioners may provide for  
22 insurance as they deem appropriate on the real and personal  
23 property of the county, including all grounds, buildings and  
24 contents, vehicles and information technology.

25 (b) Types of insurance.--In addition to any form of  
26 comprehensive, general or umbrella liability insurance, the  
27 board of commissioners may acquire insurance against any form of  
28 loss or liability, including crime, fire, natural disaster,  
29 errors and omissions of officers or employees, vehicle operation  
30 and use of information technology.

1                                SUBCHAPTER Z.5

2                                LOT AND BLOCK SYSTEM IN

3                                COUNTIES OF THE SECOND CLASS A

4    Sec.

5    15399l. Lot and block system.

6    15399m. Duties of county officers and employees under lot and  
7                                block system.

8    § 15399l. Lot and block system.

9            A county of the second class A which, on December 24, 2018,  
10 has adopted and maintains a lot and block system for the  
11 registration of land titles, for the accumulation of county tax  
12 liens and for the enumeration of the parcels of real estate for  
13 the assessment of real estate taxes in one or more political  
14 subdivisions of the county may continue to operate a lot and  
15 block system until the board of commissioners deem appropriate.

16 § 15399m. Duties of county officers and employees under lot and  
17                                block system.

18        (a) Custody of records.--If a lot and block system under  
19 section 15399l (relating to lot and block system) remains in  
20 effect, the portion of the system relating to the plats, plat  
21 books and the upkeep of the plats and plat books shall remain in  
22 the custody of the deed registry office of the county. The  
23 portion of the system containing the files, cards, indexes and  
24 other records relating to the liening of county taxes shall  
25 remain in and be maintained by the office of the controller of  
26 the county.

27        (b) Assessments.--

28            (1) The district assessors appointed by the county board  
29 of assessment appeals, whose assessments are being made  
30 within the municipal subdivisions that have had the lot and

1 block system completed, shall use the lot and block system  
2 descriptive numbers in the original books of assessment.

3 (2) The board of assessment appeals shall, within  
4 municipal subdivisions covered by a lot and block system,  
5 correct any assessment in which the lot and block system  
6 descriptive number is absent.

7 (3) The recorder of deeds shall receive and record any  
8 deed that refers to a specific parcel of real estate. If the  
9 deed does not bear the certification by the custodian of the  
10 lot and block system that the descriptive numbers  
11 incorporated in the description of the real estate are  
12 correct, the recorder of deeds shall obtain the certification  
13 from the custodian of the lot and block system before  
14 transcribing any deed lacking the certification.

15 (4) The treasurer or tax collector of each city,  
16 borough, town, township or school district in which the lot  
17 and block system has been completed under the order of court  
18 shall place upon each tax bill sent out, and upon each tax  
19 receipt issued upon payment, the lot and block system  
20 descriptive numbers.

21 (5) The county controller and the treasurer, tax  
22 collector or solicitor, as the case may be in a city,  
23 borough, township or school district, within which the lot  
24 and block system has been completed, shall, at the time of  
25 filing liens for unpaid taxes with the prothonotary, set  
26 forth on the liens the individual lot and block system  
27 descriptive numbers, and the prothonotary may not receive and  
28 file a lien unless the descriptive numbers are contained on  
29 the lien.

30 (6) For the purposes of the sale of real estate for

delinquent taxes, either by the sheriff of the county, the  
board of commissioners and treasurer of the county or the  
treasurer of a city, borough, town, township or school  
district, the lot and block system descriptive numbers are  
declared to be sufficient description for the:

(i) advertising preceding the sale;

(ii) oral description read at the sale prior to  
receiving bids; and

(iii) purposes of the description to be inserted in  
any tax deed to be given to the purchaser at the sale.

#### CHAPTER 155

#### MILITARY AND VETERANS AFFAIRS

##### Subchapter

A. Appropriations for Military Purposes

B. Interment of Deceased Servicepersons and Surviving  
Spouses

C. Memorial Observances

#### SUBCHAPTER A

#### APPROPRIATIONS FOR MILITARY PURPOSES

##### Sec.

15501. Appropriation of money or land for National Guard  
Armories.

15502. Appropriation for maintenance of National Guard.

15503. Appropriation to rifle clubs in time of war.

§ 15501. Appropriation of money or land for National Guard  
Armories.

(a) Conveyance of land.--The county commissioners may convey  
land to the Commonwealth to assist the State Armory Board in the  
erection of armories for the use of the Pennsylvania National  
Guard. The county commissioners may acquire land for this

1 purpose in a lawful manner.

2 (b) Board.--The county commissioners may furnish water,  
3 light or fuel, free of cost to the Commonwealth, for use in an  
4 armory of the National Guard and may do all things necessary to  
5 accomplish this purpose.

6 § 15502. Appropriation for maintenance of National Guard.

7 (a) Authorization.--The county commissioners may make  
8 appropriations for the support, maintenance, discipline and  
9 training of one or more units of the National Guard. If units  
10 are organized as a battalion, regiment or similar organization,  
11 the total amount due may be paid to the commanding officer of  
12 the battalion, regiment or similar organization.

13 (b) Requirements.--All money appropriated under subsection  
14 (a) shall be paid to the order of the commanding officer of the  
15 company, battalion, regiment or similar organization if the  
16 Adjutant General certifies to the county commissioners that the  
17 unit or units have satisfactorily passed the annual inspection  
18 provided by law. The money appropriated shall be used and  
19 expended solely and exclusively for the support, maintenance,  
20 discipline and training of the company, battalion, regiment or  
21 similar organization, and the commanding officer shall account  
22 by proper vouchers to the county each year for the expenditure  
23 of the money appropriated.

24 (c) Subsequent expenditures.--The county commissioners may  
25 not make an appropriation under subsection (a) for a subsequent  
26 year until the commanding officer has duly and satisfactorily  
27 accounted for the expenditure of the previous year.

28 (d) Inspection.--Accounts of expenditures shall be subject  
29 to the inspection of the Department of Military and Veterans  
30 Affairs and shall be audited by the auditors or the controller



1 in the manner provided by law for the audit of accounts of  
2 county money.

3 § 15503. Appropriation to rifle clubs in time of war.

4 (a) Appropriation.--If a state of war exists, the county  
5 commissioners may appropriate money to civilian rifle clubs,  
6 duly chartered by the National Rifle Association of America, for  
7 the:

8 (1) maintenance and rental of rifle ranges;

9 (2) employment of competent instructors and necessary  
10 employees; and

11 (3) equipment and uniforms for the members of clubs who  
12 volunteer for special military duty in the members'  
13 respective counties or answer a call of the Governor.

14 (b) Restriction.--Money may not be appropriated to a club  
15 under this section unless practice by the members of the club on  
16 a rifle range is with a United States military rifle or arms  
17 approved by the Adjutant General.

18 SUBCHAPTER B

19 INTERMENT OF DECEASED SERVICEPERSONS

20 AND SURVIVING SPOUSES

21 Sec.

22 15508. Definitions.

23 15509. Funeral expenses of deceased servicepersons.

24 15510. Interment of spouses of deceased servicepersons.

25 15511. Payment.

26 15512. Flagholders for graves.

27 15513. Memorial benefit.

28 15514. Burial plots.

29 15515. Care of graves and headstones.

30 15516. Determining eligibility for interment benefits.

1 § 15508. Definitions.

2 As used in this subchapter, the following words and phrases  
3 shall have the meanings given to them in this section unless the  
4 context clearly indicates otherwise:

5 "Deceased serviceperson." The term includes:

6 (1) A deceased individual who, at the time of death, was  
7 serving, whether or not in a combat zone, in the Army, Navy,  
8 Air Force, Marine Corps, Coast Guard or a women's  
9 organization officially connected to those forces, during a  
10 war or armed conflict in which the United States has been, is  
11 now or shall be engaged, or who, at the time of death, was  
12 serving in a zone in which a campaign or state or condition  
13 of war or armed conflict then existed, in which the United  
14 States was, is or shall be a participant. The existence of a  
15 campaign or state or condition of war or armed conflict, and  
16 the participation of the United States in the conflict as  
17 well as the fact that the deceased person served in a zone in  
18 which a campaign or state or condition of war or armed  
19 conflict existed shall, in each case, be established by the  
20 records of the United States Department of Defense.

21 (2) A deceased individual who served at any time during  
22 the individual's life and whose separation from service was  
23 honorable, whether by discharge or otherwise, or who, at the  
24 time of death, was continuing in service after the cessation  
25 of the war, armed conflict, campaign or state or condition of  
26 war during or in which the person served.

27 (3) A deceased individual who was in active service in  
28 the militia of the Commonwealth under a proclamation issued  
29 by the Governor during the Civil War and who was not duly  
30 mustered into the service of the United States but was

honorably discharged or relieved from service.

"Legal residence." An actual residence, coupled with the intention that the residence shall be permanent, or a residence presently fixed with no definite intention of changing it or of returning to a former residence at some future period. Legal residence shall be determined by the abode of a person and the person's intention to abandon a former domicile and establish a new one. The legal residence of a deceased serviceperson shall be prima facie in the county in which the person resided at the time of death.

§ 15509. Funeral expenses of deceased servicepersons.

(a) Contributions.--In accordance with subsection (b), each county shall contribute at least \$75 towards the funeral expenses of each deceased serviceperson if application for the contribution is made within one year after the date of the deceased serviceperson's death. For a deceased serviceperson who died while in service, application may be made at any time.

(b) Uniform contribution.--All contributions made under this section shall be uniform as to eligible deceased servicepersons within the same calendar year.

(c) Payments.--Payments under this section shall be made under the following circumstances:

(1) If the deceased serviceperson, at the time of death, had a legal residence in the county to which an application for a contribution under subsection (a) has been made, regardless of if the person died or was interred in the county. Every deceased serviceperson having a legal residence in this Commonwealth at the time of death shall be entitled to the benefits of this section, regardless of where the individual died or where the individual is interred, and the

1 liability shall be on the county where the deceased  
2 serviceperson shall have had legal residence at the time of  
3 death.

4 (2) If the deceased serviceperson died and was interred  
5 in the county to which an application for a contribution  
6 under subsection (a) has been made, but, at the time of  
7 death, did not have legal residence within this Commonwealth,  
8 if the county commissioners in the county in which the  
9 individual died are notified in writing by an organization of  
10 veterans, and upon investigation finds, that the body is  
11 unclaimed by relatives or friends.

12 § 15510. Interment of spouses of deceased servicepersons.

13 (a) General rule.--Upon application and proof, the county  
14 shall contribute at least \$75 towards the funeral expenses of a  
15 spouse of a deceased serviceperson who, at the time of death,  
16 had a legal residence in the county, regardless of if the  
17 individual died or is interred in the county.

18 (b) Limitation.--The county may not contribute money toward  
19 the funeral expenses of a spouse of a deceased serviceperson who  
20 had remarried after the death of the deceased serviceperson.

21 (c) Uniform contribution.--In each case, application for the  
22 contribution shall be made within one year after the date of the  
23 death of the spouse. All contributions made under this section  
24 shall be uniform as to eligible spouses within the same calendar  
25 year.

26 § 15511. Payment.

27 (a) Funeral expenses.--The county shall make a payment in  
28 the amount authorized or required under section 15509 (relating  
29 to funeral expenses of deceased servicepersons) or 15510  
30 (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

1 county commissioners' discretion, procure appropriate  
2 flagholders for the graves of deceased servicepersons and the  
3 graves of all other deceased individuals who served in the Army,  
4 Navy, Air Force, Marine Corps, Coast Guard or Merchant Marine  
5 during World War II or an organization officially connected to  
6 those forces and whose separation from service was honorable,  
7 whether by discharge or otherwise.

8 (b) Material of flagholder.--A flagholder shall be of  
9 bronze, aluminum or other suitable weather-resistant material.

10 (c) Requirement for flagholders.--The county commissioners  
11 shall place a flagholder under subsection (a) if the deceased  
12 individual:

13 (1) had legal residence in the county, regardless of if  
14 the individual died or is interred in the county; or

15 (2) did not have a legal residence within this  
16 Commonwealth.

17 (d) Design of flagholders.--

18 (1) If a deceased serviceperson was a veteran of a war  
19 or campaign for which the Federal Government issued discharge  
20 buttons, the flagholder designated for the grave shall  
21 include a facsimile of the discharge button.

22 (2) If a deceased serviceperson was a veteran of the  
23 Korean Conflict, the flagholder designated for the grave  
24 shall include a circular emblem with the words "Korea, U.S.,  
25 1950-1953" in the border and shall incorporate the insignia  
26 of the Army, Navy, Marine Corps, Air Force or Coast Guard, as  
27 appropriate, in the form approved by the State Veterans'  
28 Commission.

29 (e) Memorial certificate.--For a county of the second class  
30 A, in lieu of placing a flagholder on the grave, if the next-of-

1 kin of a veteran so requests, a memorial certificate may be  
2 issued to the next-of-kin of a deceased serviceperson who, at  
3 the time of death, had legal residence in the county, regardless  
4 of if the individual died or is interred in the county. The  
5 memorial certificate shall indicate the deceased serviceperson's  
6 name and designate the war or campaign in which the deceased  
7 serviceperson served.

8 § 15513. Memorial benefit.

9 (a) Memorial.--The county commissioners shall provide,  
10 either directly or through reimbursement, a memorial designated  
11 in subsection (b) on the graves of deceased servicepersons who,  
12 at the time of death, had legal residence in the county as well  
13 as on the graves of all other deceased servicepersons who served  
14 in the Army, Navy, Air Force, Marine Corps, Coast Guard or  
15 Merchant Marine during World War II or an organization  
16 officially connected to those forces and whose separation from  
17 service was honorable, whether by discharge or otherwise.

18 (b) Specifications.--The county commissioners shall provide  
19 a concrete or granite base for a headstone provided by the  
20 Federal Government, or if lettering only on an existing memorial  
21 is desired by the family, the county commissioners shall provide  
22 the lettering.

23 (c) Commissioner requirements.--In the event the body of a  
24 deceased serviceperson either cannot or will not be returned to  
25 the United States, the county commissioners shall provide a  
26 memorial benefit in the family plot of the deceased  
27 serviceperson. If lettering of an existing memorial is desired  
28 by the family, the inscription shall include:

29 (1) the name, rank and organization of the deceased  
30 serviceperson;

1       (2) the name of the country, location or manner in which  
2       the person lost his or her life; and

3       (3) the cemetery or other interment site where the  
4       deceased serviceperson is interred, if any.

5       (d) Expense for benefit.--The expense for a benefit provided  
6       under this section shall be paid by the county in which the  
7       deceased serviceperson had legal residence at the time of death,  
8       regardless of if the individual died or is interred in the  
9       county. The expense may not exceed the actual cost of providing  
10      the concrete or granite base or lettering. The county  
11      commissioners shall pay from the treasury to the party  
12      furnishing the benefit.

13      (e) Legal disputes.--In cases of dispute concerning the  
14      legal residence of a deceased serviceperson, the county in which  
15      a deceased serviceperson is interred shall perform the duties  
16      required under this section. Payment may not be made unless the  
17      application is approved by the county commissioners before the  
18      commencement of the project.

19      (f) Offense.--An individual who intentionally or recklessly  
20      destroys, mutilates, removes or defaces a grave marker,  
21      headstone or flagholder commits an offense under 18 Pa.C.S. §  
22      3903 (relating to grading of theft offenses).  
23      § 15514. Burial plots.

24      (a) Authorization.--The county commissioners are authorized  
25      to purchase plots of ground in each cemetery or other interment  
26      site for the interment of deceased servicepersons whose bodies  
27      are entitled to be interred under this subchapter.

28      (b) Costs.--Costs under this section shall be paid by the  
29      county commissioners from the county treasury.

30      (c) Limitation.--The purchase price of plots of ground may



not be charged against or allotted as part of the cost of interment of deceased servicepersons who may be interred in any of the plots under this subchapter.

§ 15515. Care of graves and headstones.

(a) General rule.--The county commissioners may:

(1) ensure that the graves and headstones of all deceased servicepersons and all other veterans who are buried in the county receive proper and fitting care; and

(2) employ all necessary assistants to carry out the provisions of this section.

(b) Expenses.--The expense of the care of the graves and headstones under subsection (a) may be paid for by the county in which the graves are located, except if suitable care is otherwise provided.

(c) Spending of money.--Money appropriated may be expended directly by the board of county commissioners or paid over to the individual, firm, association or corporation owning or controlling a cemetery or other interment site in the county in which a grave is situated.

(d) Limitation.--The amount paid to care for a grave each year under this section may not exceed the charge for the annual care and maintenance of similar graves in the same cemetery or, if no fixed charge is established in that cemetery, may not exceed the sum charged in other cemeteries in the same county for similar services.

§ 15516. Determining eligibility for interment benefits.

(a) Proof required.--If application is made for a contribution toward the funeral expenses of a deceased serviceperson or the surviving spouse of a deceased serviceperson or for a memorial benefit under section 15513

1 (relating to memorial benefit), the county commissioners shall,  
2 before expending money, require proof of the following:

3 (1) The service of the deceased serviceperson that  
4 entitles the individual or the surviving spouse to the  
5 benefits under this subchapter. Proof shall be made by the  
6 production of:

7 (i) an honorable discharge or other official record  
8 showing service during a war in which the United States  
9 is or was engaged; or

10 (ii) records of the United States Department of  
11 Defense, or copies filed in the Department of Military  
12 and Veterans Affairs, showing the existence of a campaign  
13 or state or condition of war in which the United States  
14 participated and the service of the deceased  
15 serviceperson in a zone in which a campaign or state or  
16 condition of war existed.

17 (2) The death of the deceased serviceperson.

18 (3) In addition to paragraphs (1) and (2), for the  
19 interment of the surviving spouse of a deceased  
20 serviceperson, the death of the surviving spouse and the fact  
21 that the spouse was married to the deceased serviceperson at  
22 the time of the serviceperson's death and that the spouse has  
23 not since remarried.

24 (4) Except for individuals who do not have legal  
25 residence within this Commonwealth and who are entitled to  
26 any of the benefits under this subchapter, the legal  
27 residence within the county of the deceased serviceperson or  
28 of the surviving spouse of a deceased serviceperson, as the  
29 case may be.

30 (b) Documentation required.--Death shall, in all cases, be

1 proven by a death certificate, if procurable, or by one of the  
2 following:

3 (1) Affidavit of one or more individuals personally  
4 acquainted with the deceased and the fact of the individual's  
5 death.

6 (2) Proof of the record of death kept by the attending  
7 physician.

8 (3) Proof of the record of interment kept by the funeral  
9 director.

10 (4) Records of the church burial association or cemetery  
11 company maintaining the graveyard, burial ground, cemetery or  
12 other interment site in which the deceased serviceperson was  
13 interred.

14 (c) Satisfaction of proof.--If proof required by this  
15 subchapter has been furnished to the county commissioners, no  
16 further proof of the facts shall be required in order to obtain  
17 any other benefit under this subchapter.

#### 18 SUBCHAPTER C

#### 19 MEMORIAL OBSERVANCES

20 Sec.

21 15521. Appropriations to veterans' organizations for expenses  
22 of Memorial Day, Veterans' Day, Flag Day and  
23 Independence Day.

24 15522. Flags to decorate graves.

25 15523. Compilation of war records.

26 15524. Director of veterans' affairs.

27 § 15521. Appropriations to veterans' organizations for expenses  
28 of Memorial Day, Veterans' Day, Flag Day and  
29 Independence Day.

30 (a) Appropriations.--The board of commissioners of a county

1 may make appropriations to aid in defraying the expenses of  
2 Memorial Day, Veterans' Day, Flag Day and Independence Day to  
3 each camp, post, detachment or organization in the county of the  
4 following:

5 (1) The United Spanish War Veterans.

6 (2) The American Legion.

7 (3) The Veterans of Foreign Wars.

8 (4) The Veterans of World War I of the USA, Inc.

9 (5) AMVETS.

10 (6) The Society of the Twenty-eighth Division, AEF,  
11 Incorporated.

12 (7) Italian American War Veterans of the United States,  
13 Incorporated.

14 (8) The Marine Corps League.

15 (9) Each naval association.

16 (10) The Grand Army of the Republic.

17 (11) The Disabled American Veterans.

18 (12) The American Gold Star Mothers.

19 (13) The Sons of Union Veterans of the Civil War, the  
20 Daughters of Union Veterans of the Civil War or, in the  
21 absence of orders, a duly constituted organization that  
22 decorates graves of Union Veterans of the Civil War.

23 (14) Any other nationally chartered veterans'  
24 organization or other veterans' organization recognized by  
25 the county.

26 (b) Payments.--Payments under this section shall be made to  
27 defray actual expenses only. Before any payment is made, the  
28 organization receiving the payment shall submit verified  
29 accounts of their expenditures.

30 \$ 15522. Flags to decorate graves.

1     (a) Memorial Day flags.--The board of county commissioners  
2 shall provide flags on each Memorial Day with which to decorate  
3 the graves of all deceased servicepersons and the graves of all  
4 other deceased individuals who served in the Army, Navy, Air  
5 Force, Marine Corps, Coast Guard or Merchant Marine during World  
6 War II or an organization officially connected to those forces,  
7 whose separation from service was honorable and who are interred  
8 within the county. Flags provided under this section shall be  
9 standard size, colorfast and American-made and shall be  
10 purchased at the expense of the county from money in the county  
11 treasury.

12     (b) Veterans' organizations.--A county may coordinate with  
13 local veterans' organizations to ensure that cemeteries are  
14 decorated in compliance with the provisions of this section.  
15 Flags required under this section shall be furnished to the  
16 various veterans' organizations in numbers required for their  
17 respective communities.

18     (c) Appropriations.--Money expended by a county under this  
19 section shall be in addition to money appropriated by counties  
20 for Memorial Day purposes.

21     (d) Maintenance.--

22         (1) Annually, the authorities in charge of each cemetery  
23 are authorized to remove flags as follows:

24             (i) A cemetery may remove flags when flags become  
25 unsightly or weatherworn any time on or after the first  
26 working day after Veterans' Day. Prior to Veterans' Day,  
27 a cemetery may request replacement flags from the county  
28 which may be used by the cemetery to replace weatherworn  
29 flags, if replacement flags are available.

30             (ii) Notwithstanding subparagraph (i), a cemetery

1 may remove flags as a part of the cemetery's normal  
2 course of maintenance not before the first working day  
3 after Independence Day, but prior to Veterans' Day  
4 provided that the cemetery makes the flags available to  
5 family members, veterans' organizations or other  
6 community organizations for the purpose of decorating  
7 graves in recognition of Veterans' Day.

8 (2) A cemetery may remove flagholders for annual storage  
9 upon the authorized removal of flags.

10 (e) Removal of flags by family members.--A family member of  
11 an individual whose grave is decorated with a flag by the county  
12 for the purpose of Memorial Day may take and keep the flag after  
13 the first working day after Veterans' Day.

14 (f) Offense.--Except as otherwise provided in this section,  
15 an individual, other than a family member removing the flag from  
16 a deceased relative's grave, who removes or causes the removal  
17 of flags prior to the first working day after Independence Day  
18 commits a summary offense and, upon conviction, shall be  
19 sentenced to pay a fine of \$300 and, upon failure to pay a fine,  
20 to undergo imprisonment not to exceed 90 days.

21 (g) Exception.--A cemetery or an owner, employee, agent or  
22 contractor of a cemetery who removes or causes the removal of a  
23 flag, grave marker, headstone, flagholder or other memorial in  
24 good faith in the course of maintenance, repair or mitigation of  
25 damage may not be subject to subsection (f) or section 15513(f)  
26 (relating to memorial benefit).

27 § 15523. Compilation of war records.

28 (a) Records required.--The county commissioners are  
29 authorized and directed, at the expense of the county, to  
30 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 that record blanks are prepared, according to forms prescribed by the Department of Military and Veterans Affairs, whereby the information required for the record may be transmitted to the county commissioners upon request.

(d) Certificate required.--Every individual, firm, association or corporation, including a municipal corporation, owning or controlling a cemetery or interment site in this Commonwealth which inters bodies of deceased servicepersons shall file with the director of veterans' affairs of the county in which the cemetery is located a certificate, on the record blanks provided by the county commissioners, of the facts required for the record if the facts are within the knowledge of the individual, firm, association or corporation or a designated agent.

1     (e) Offense.--The county commissioners shall ensure that  
2 record blanks are distributed to an individual, firm,  
3 association or corporation, as the county commissioners deem  
4 advisable, with the request that the information required under  
5 this section be transmitted to the county. An individual, firm,  
6 association or corporation, except municipal corporations, that  
7 refuses or neglects to fill out and transmit to the county  
8 commissioners the blanks or forms within six months after  
9 receipt of the blanks or forms commits a summary offense and,  
10 upon conviction, shall be sentenced to pay a fine of \$100.

11     (f) Location of interment sites.--For the purpose of  
12 locating the interment sites of individuals who have served in  
13 the armed forces of the United States during a war or armed  
14 conflict in which the United States was engaged, any veterans'  
15 organization listed in section 15521(a) (relating to  
16 appropriations to veterans' organizations for expenses of  
17 Memorial Day, Veterans' Day, Flag Day and Independence Day) or  
18 recognized by the county may, without expense to the county, to  
19 collect the required data and prepare and file certificates with  
20 the county commissioners, including the information required  
21 under this section.

22     (g) Written notice.--Notwithstanding any provision to the  
23 contrary, any organization that accepts remains under section  
24 506.2 of the act of June 29, 1953 (P.L.304, No.66), known as the  
25 Vital Statistics Law of 1953, which allows certain veterans'  
26 service organizations to claim the remains of certain deceased  
27 veterans, shall give written notice of the location and manner  
28 of the final disposition of the remains to the director of  
29 veterans' affairs of the county in which the final disposition  
30 of the remains is made.



1 § 15524. Director of veterans' affairs.

2 (a) Appointment.--The county commissioners shall appoint an  
3 eligible individual under 51 Pa.C.S. § 1731(a) (relating to  
4 accreditation) to serve as the county's director of veterans'  
5 affairs, who shall receive compensation as fixed by the salary  
6 board.

7 (b) Responsibility of director.--A county's director of  
8 veterans' affairs shall:

9 (1) Assist all veterans and their families in securing  
10 rights relating to their person, property and care of family  
11 under any Federal or State laws.

12 (2) Assist the county commissioners in administering the  
13 provisions of this subchapter which relate to the interment  
14 of deceased servicepersons and their surviving spouses and to  
15 furnishing flagholders and placing headstones on graves.

16 (3) Compile and maintain war records and records of  
17 interment sites of deceased servicepersons in accordance with  
18 the provisions of this subchapter.

19 (4) Perform other duties provided by statute, including  
20 the duties required under 51 Pa.C.S. § 1731(c).

21 (c) Compensation.--For services performed under subsection  
22 (b), the director of veterans' affairs of a county shall be  
23 entitled to expenses incurred and additional compensation. Both  
24 expenses and compensation shall be subject to the approval of  
25 the salary board.

26 CHAPTER 157

27 PUBLIC HEALTH

28 Subchapter

29 A. General Provisions

30 B. (Reserved)

1 C. County Health Aid to Institutions and Political

2 Subdivisions

3 D. Insect Control

4 E. Care of Dependents and Children

5 F. Training for County Health, Welfare and Probation

6 Personnel

7 G. (Reserved)

8 H. General Hospitals

9 SUBCHAPTER A

10 GENERAL PROVISIONS

11 Sec.

12 15701. Health work.

13 § 15701. Health work.

14 The county commissioners may provide and annually appropriate  
15 from money in the county treasury not otherwise appropriated an  
16 amount deemed necessary for the protection of the health,  
17 cleanliness, convenience, comfort and safety of the people of  
18 the county.

19 SUBCHAPTER B

20 (Reserved)

21 SUBCHAPTER C

22 COUNTY HEALTH AID TO INSTITUTIONS

23 AND POLITICAL SUBDIVISIONS

24 Sec.

25 15730. Appropriations to hospitals, health clinics and homes.

26 15731. (Reserved).

27 15732. Aid to municipal corporations for sewage purposes.

28 15733. Aid to municipal corporations for water systems.

29 § 15730. Appropriations to hospitals, health clinics and homes.

30 The county commissioners may make appropriations to support:

1       (1) a hospital, health clinic or comparable facility  
2       that is engaged in charitable work and extends treatment and  
3       medical attention to residents of the county; and

4       (2) a home or place of detention of dependent,  
5       delinquent and neglected children located within the county.

6       \$ 15731. (Reserved).

7       \$ 15732. Aid to municipal corporations for sewage purposes.

8       The county commissioners may make appropriations to aid  
9       municipal corporations in the construction or maintenance of  
10       sewers or wastewater treatment facilities if the project has  
11       received all necessary approvals or permits from the Department  
12       of Environmental Protection.

13       \$ 15733. Aid to municipal corporations for water systems.

14       The county commissioners may make appropriations to aid  
15       municipal corporations in the construction or maintenance of  
16       public water systems if the project has first received all  
17       necessary approvals or permits from the Department of  
18       Environmental Protection.

19                       SUBCHAPTER D

20                       INSECT CONTROL

21       Sec.

22       15750. Elimination and abatement of larvae breeding places and  
23       liens.

24       15751. Not to affect public water supply.

25       15752. Appropriations.

26       \$ 15750. Elimination and abatement of larvae breeding places  
27       and liens.

28       (a) Authorization.--

29       (1) The county commissioners of counties of the third,  
30       fourth, fifth, sixth, seventh and eighth class may eliminate

1 breeding places of mosquitoes on private or public property  
2 within the county.

3 (2) The county commissioners may provide for all acts,  
4 including entry upon private or public property, to carry out  
5 plans which, in the county commissioner's opinion and  
6 judgment through consultation with public health or  
7 veterinary officials, are deemed to be necessary for the  
8 preservation of human or animal health by the elimination of  
9 breeding places of mosquitoes or which will tend to  
10 exterminate disease-carrying mosquitoes within the county.

11 (b) Public nuisance abatement.--

12 (1) Any water in which mosquito larvae breed is declared  
13 a public nuisance and subject to abatement.

14 (2) If a breeding place exists on any lands in the  
15 county, other than meadow or marsh lands subject to the ebb  
16 and flow of the tide, which breeding place should, in the  
17 opinion of the county commissioners, be abated, the county  
18 commissioners shall, in writing, order the owner of the lands  
19 to abate the public nuisance within a reasonable period and  
20 in a manner to be specified in the order.

21 (3) If the owner has failed to comply with an order at  
22 the expiration of the period under paragraph (2), or if the  
23 owner of the land cannot be ascertained or found, the county  
24 commissioners shall abate the public nuisance and may assess  
25 all or part of the cost of the abatement against the lands on  
26 which the breeding place exists. The county commissioners may  
27 file municipal liens for the assessments within the time and  
28 in the manner provided by law, to be subject in all respects  
29 to the general law providing for the filing and recovery of  
30 municipal liens.

1 § 15751. Not to affect public water supply.

2 An order of abatement may not authorize and the county  
3 commissioners may not employ any method of extermination by a  
4 municipality or a water supply company which affects waters used  
5 and useful in the supply of water to the public. Manmade pools  
6 which allow mosquito propagation are subject to be targeted  
7 first, and strategies shall be supported that minimize  
8 environmental impact.

9 § 15752. Appropriations.

10 The county commissioners may appropriate the amount of money  
11 necessary for the purpose of carrying out the provisions of this  
12 subchapter. The amount appropriated under this section may not  
13 exceed one-fourth of one mill on each dollar of the assessed  
14 value of taxable real estate in the county in a given year. The  
15 amounts appropriated under this section shall be paid out by the  
16 county treasurer on the orders of the county commissioners.

17 SUBCHAPTER E

18 CARE OF DEPENDENTS AND CHILDREN

19 Sec.

20 15760. Definitions.

21 15761. County institution districts abolished.

22 15762. Records.

23 15763. Powers and duties.

24 15764. Further powers and duties.

25 15765. Referral by Department of Human Services.

26 15766. Provision for burial.

27 15767. (Reserved).

28 15768. Powers and duties of county commissioners relating to  
29 children.

30 15769. Contributions for medical care.

1 15770. Inspections by Department of Human Services.

2 15771. Reports of individuals applying for treatment of  
3 disease.

4 15772. Rules and regulations.

5 15773. Providing services without charge prohibited.

6 15774. Payments by county commissioners for assistance.

7 15774.1. Limitation of authority respecting public assistance  
8 recipients.

9 15775. (Reserved).

10 15776. (Reserved).

11 15777. (Reserved).

12 § 15760. Definitions.

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

16 "Dependent." An indigent individual requiring public care,  
17 including maintenance, medical care, clothing and incidentals,  
18 due to physical or mental health needs or disability.

19 "Institution." A hospital, health care clinic or comparable  
20 facility.

21 "Institution district." A county institution district  
22 managed by the county commissioners.

23 "Public charge." An individual who is unable to maintain the  
24 individual and who requires and receives aid from the  
25 Commonwealth or from any political subdivision.

26 § 15761. County institution districts abolished.

27 Each county institution district in counties of the fourth,  
28 fifth, sixth, seventh and eighth class is abolished. The  
29 property, real and personal, of each county institution district  
30 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

1 and standards established by the Department of Human Services,  
2 to:

3 (1) care for any dependent in the county, who is not  
4 otherwise cared for;

5 (2) contract with other counties or an individual,  
6 association, corporation or other entity for the care of any  
7 dependent;

8 (3) contract with any association in this Commonwealth  
9 organized to provide a home or employment for individuals  
10 with disabilities;

11 (4) pay the cost or part of the cost imposed by law upon  
12 county institution districts for patients with mental health  
13 needs or intellectual disability;

14 (5) take any other action authorized by law;

15 (6) contract with an individual, association,  
16 corporation, institution or governmental agency for the  
17 purpose of providing foster home care for individuals over 18  
18 years of age. If, in the discretion of the county  
19 commissioners, foster home care is advisable, the county  
20 commissioners may expend money for a foster home care in  
21 addition to any money paid by the Commonwealth or an  
22 individual, association, corporation, institution or  
23 governmental agency to or for individuals over 18 years of  
24 age;

25 (7) require that an individual cared for in an  
26 institution shall pay for the cost of the individual's care  
27 to the extent of the individual's available resources; and

28 (8) provide or contract with an individual, corporation,  
29 institution or governmental agency to provide care and  
30 services designed to help dependents remain in or return to



1 community living, outside county institutions.

2 § 15765. Referral by Department of Human Services.

3 The county commissioners of counties of the fourth, fifth,  
4 sixth, seventh and eighth class may care for a dependent or  
5 other indigent individual in the county who is referred to the  
6 county commissioners by the Department of Human Services or by a  
7 local board under the supervision of the Department of Human  
8 Services.

9 § 15766. Provision for burial.

10 Except as otherwise provided by law, the county commissioners  
11 of a county of the fourth, fifth, sixth, seventh and eighth  
12 class shall provide for the burial of an individual who dies in  
13 the county unless the individual's body is claimed by a relative  
14 by blood or marriage, a friend, a fraternal or veterans'  
15 organization, a charitable organization or the Department of  
16 Health, and is buried at the expense of the relative, friend or  
17 organization. Burial may not cost more than \$300.

18 § 15767. (Reserved).

19 § 15768. Powers and duties of county commissioners relating to  
20 children.

21 The county commissioners of a county of the fourth, fifth,  
22 sixth, seventh or eighth class may, and for the purpose of  
23 protecting and promoting the welfare of children and youth,  
24 shall, provide child welfare services designed to:

- 25 (1) keep children in their own homes;
- 26 (2) prevent neglect, abuse and exploitation;
- 27 (3) help overcome problems that result in dependency,  
28 neglect or delinquency;
- 29 (4) provide in foster family homes and child-caring  
30 institutions adequate substitute care for any child in need

1 of substitute care; and

2 (5) upon the request of the court, provide services and  
3 care for children and youth who have been adjudicated  
4 dependent, neglected or delinquent.

5 § 15769. Contributions for medical care.

6 The county commissioners of each county of the fourth, fifth,  
7 sixth, seventh or eighth class may make annual appropriations  
8 from the money of the county for the support of any public  
9 institution operated or to any nonprofit corporation organized  
10 to give medical care to the dependents and children of the  
11 county.

12 § 15770. Inspections by Department of Human Services.

13 The institutions and books, accounts and records of each  
14 county pertaining to the county's powers and duties authorized  
15 by this subchapter shall, at all times, be open to the  
16 inspection of the Department of Human Services and the  
17 department's agents.

18 § 15771. Reports of individuals applying for treatment of  
19 disease.

20 (a) General rule.--Each county of the fourth, fifth, sixth,  
21 seventh and eighth class shall make a record of all personal and  
22 statistical particulars related to the inmates in the county's  
23 institutions, as directed by the Department of Health, for  
24 statistical purposes.

25 (b) Future admissions.--The county shall make a record for  
26 all future inmates at the time of the inmate's admission.

27 (c) Requirement.--For a dependent admitted or committed for  
28 medical treatment of disease, the physician in charge shall  
29 specify in the record the nature of the disease and where, in  
30 the physician's opinion, the disease was contracted.

1 (d) Acquisition of information.--The information required by  
2 this section shall be obtained from the individual dependent, if  
3 it is practicable to do so. If the information cannot be  
4 obtained from the dependent, the information shall be secured in  
5 as complete a manner as possible from the relatives, friends or  
6 other persons acquainted with the facts of the disease.

7 § 15772. Rules and regulations.

8 The county commissioners of each county of the fourth, fifth,  
9 sixth, seventh and eighth class shall have power to make rules  
10 and regulations, not inconsistent with this part and not  
11 inconsistent with the rules and regulations of the Department of  
12 Human Services, as may be deemed proper, convenient and  
13 necessary for the government of the county's institutions and to  
14 properly care for dependents.

15 § 15773. Providing services without charge prohibited.

16 (a) General rule.--Notwithstanding any other provision of  
17 law, the county commissioners may not provide without charge  
18 items of care or service which an individual is entitled to  
19 receive as assistance under the act of June 13, 1967 (P.L.31,  
20 No.21), known as the Human Services Code.

21 (b) Construction of section.--This section may not be  
22 construed to preclude county commissioners from providing  
23 additional forms of assistance not inconsistent with the Human  
24 Services Code or the regulations of the Department of Human  
25 Services.

26 § 15774. Payments by county commissioners for assistance.

27 (a) General rule.--The county commissioners shall pay  
28 monthly to the Department of Human Services the:

29 (1) Amount expended by the department during the  
30 preceding month as assistance on behalf of:

1           (i) patients receiving public nursing home care in a  
2           county medical institution; and  
3           (ii) children in foster family homes and child-  
4           caring institutions.

5           (2) Cost of administering the assistance, minus the  
6           amount of Federal money properly received by the Department  
7           of Human Services on account of expenditures increased or  
8           reduced by any amount by which the amount paid for any  
9           previous month differed from the amount which should have  
10           been paid for the previous month and by the proportionate  
11           share of refunds of assistance as provided in the act of June  
12           13, 1967 (P.L.31, No.21), known as the Human Services Code.

13           (b) Certification.--The Department of Human Services shall  
14           certify to the county commissioners the amount to be paid by the  
15           county to the department under subsection (a).

16           § 15774.1. Limitation of authority respecting public assistance  
17           recipients.

18           The county commissioners may not exercise supervision or  
19           control over the finances or services other than medical or  
20           remedial care provided as assistance to or on behalf of  
21           dependents who are recipients of assistance under the former act  
22           of June 24, 1937, (P.L.2051, No.399), known as the Public  
23           Assistance Law.

24           § 15775. (Reserved).

25           § 15776. (Reserved).

26           § 15777. (Reserved).

27                               SUBCHAPTER F

28                               TRAINING FOR COUNTY HEALTH,

29                               WELFARE AND PROBATION PERSONNEL

30           Sec.

15780. Attendance at training courses and conferences.

§ 15780. Attendance at training courses and conferences.

(a) General rule.--The county commissioners may approve for county health, human services or probation personnel to attend the following at the county's expense:

(1) Appropriate training courses.

(2) National or State conferences in the health, welfare or correctional fields.

(b) Account of expenses.--Each individual attending a training course or conference shall submit an itemized account of expenses related to the event under section 12346 (relating to associations and organizations concerned with governmental affairs).

#### SUBCHAPTER G

(Reserved)

#### SUBCHAPTER H

#### GENERAL HOSPITALS

Sec.

15799.5. Establishment and creation of municipal authorities.

15799.6. Expenses.

15799.7. Administration of hospitals.

15799.8. Use of hospital.

§ 15799.5. Establishment and creation of municipal authorities.

The county commissioners may acquire, hold, construct, improve, maintain and operate, own and lease, either in the capacity of lessor or lessee, general hospitals within the county for the use, benefit, health, comfort, safety and general welfare of the residents of this Commonwealth and appropriate money from the county treasury for such purposes or may create a municipal authority under the former act of June 28, 1935

1 (P.L.463, No.164), known as the Municipality Authorities Act of  
2 1945, and appropriate money to the municipal authority for any  
3 of the purposes under this section.

4 § 15799.6. Expenses.

5 All expenses incident to the maintenance and operation of a  
6 hospital owned or leased to the county, or otherwise established  
7 under section 15799.5 (relating to establishment and creation of  
8 municipal authorities), including any lease rentals payable by  
9 the county to a municipal authority shall be paid by the county  
10 out of county money.

11 § 15799.7. Administration of hospitals.

12 A hospital owned by or leased to the county may be operated  
13 by and under the authority of the county commissioners in the  
14 same manner that other county buildings and institutions are  
15 operated or may be subleased to the governing body of a general  
16 hospital within the county for operation by the governing body.

17 § 15799.8. Use of hospital.

18 Each hospital owned by or leased to the county shall be used  
19 for the benefit of all residents within the county in which the  
20 hospital is located, and all residents within the county shall  
21 be entitled to occupancy, nursing, care, treatment and  
22 maintenance according to the rules and regulations prescribed by  
23 the county commissioners. The county commissioners may exclude  
24 from the use of the hospital an individual who willfully  
25 violates any rule or regulation adopted for the hospital by the  
26 county commissioners. The county commissioners may charge and  
27 collect from an individual admitted to the hospital or an  
28 individual legally responsible for their maintenance, reasonable  
29 compensation for the care, treatment and maintenance of the  
30 individual.

1 CHAPTER 159

2 AERONAUTICS AND TRANSPORTATION

3 Subchapter

4 A. Aeronautics

5 B. Second Class A County Transit and Traffic Commission

6 SUBCHAPTER A

7 AERONAUTICS

8 Sec.

9 15900. Definitions.

10 15901. Authority to establish airports.

11 15902. Acquisition of land for aeronautical purposes.

12 15903. Condemnation proceedings and title.

13 15904. Agreements for airport facilities.

14 15905. Joint operation and leasing.

15 15906. Engineering and construction and appropriations.

16 15907. Contracts for construction and repairs.

17 15908. Validation of contracts.

18 15909. Airport appropriation assistance.

19 15909.1. Issuance of revenue bonds for airport facilities in  
20 counties.

21 15910. Municipal approval required.

22 § 15900. Definitions.

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

26 "Airport." As defined in 74 Pa.C.S. § 5102 (relating to  
27 definitions).

28 § 15901. Authority to establish airports.

29 Subject to the provisions of 74 Pa.C.S. (relating to  
30 transportation), a county may establish, construct and provide

1 for airports in accordance with the provisions of this article.

2 § 15902. Acquisition of land for aeronautical purposes.

3 (a) Use of land.--A county may use land within the county  
4 and owned by the county, determined by the county commissioners  
5 to be necessary for an airport.

6 (b) Appropriation of land.--A county may appropriate for the  
7 purposes of an airport lands purchased by the county at any tax  
8 sale and not redeemed within the period of redemption, if any,  
9 provided by law.

10 (c) Acquisition of land.--A county may acquire by gift,  
11 lease, purchase or condemnation proceedings, land lying within  
12 its territorial limits or the territorial limits of any  
13 adjoining county which, in the judgment of the county  
14 commissioners, may be necessary and desirable for the purpose of  
15 establishing and maintaining airports or of enlarging airports,  
16 but no land shall be acquired in any adjoining county without  
17 the assent of the county commissioners of that county.

18 § 15903. Condemnation proceedings and title.

19 (a) Conduct of proceedings.--The proceedings for the  
20 condemnation of lands under this chapter and for the assessment  
21 of damages for property taken, injured or destroyed shall be  
22 conducted in the same manner as provided by law for the  
23 condemnation of land or buildings for county purposes in the  
24 county in which the land is situated.

25 (b) Acquisition of title.--The title acquired by virtue or  
26 any condemnation may be a title in fee simple or any lesser  
27 estate, including an easement for aviation or any other purpose.

28 § 15904. Agreements for airport facilities.

29 A county acquiring land for an airport may enter into  
30 agreements for the use of all or a part of the land, for



adequate consideration, after due public notice to a person  
desiring to use the same for the purposes of taking off or  
landing an airplane, for other aviation purposes or for any  
nonaviation purpose, on terms and subject to conditions and  
regulations. In counties of the second class A, agreements for  
nonaviation purposes shall be for terms of less than 50 years  
and shall only involve land designated in the county's airport  
master plan not needed for airport purposes within the term of  
the lease. A county may enter into a contract in the form of a  
lease providing for the use of airport land or any part thereof  
by the Federal Government for air mail delivery or other  
aviation purposes upon nominal rental or without consideration.  
§ 15905. Joint operation and leasing.

A county acquiring land for an airport purpose may operate  
and maintain airport facilities jointly with a municipal  
corporation or other political subdivision, upon terms and  
conditions as may be agreed upon between the authorities of the  
municipal corporation or other political subdivision and the  
county commissioners, and the joint airport facilities may be  
operated and leased, as provided under this subchapter, upon the  
joint action of the authorities involved and the county  
commissioners.

§ 15906. Engineering and construction and appropriations.

A county acquiring land for airport purposes may, by  
resolution of the county commissioners, appropriate money for  
the engineering design, surveys and construction of airport  
facilities, either individually or in cooperation with Federal,  
State or other public agencies supplying a portion of the  
necessary money for the work.

§ 15907. Contracts for construction and repairs.

1 In establishing, maintaining and operating airport  
2 facilities, if construction, repair or purchase of roadways,  
3 runways, buildings and facilities, is deemed necessary within or  
4 for use within the limits of land acquired for the purpose of  
5 establishing, maintaining and operating airport facilities,  
6 submission to a court or grand jury of any county is not  
7 necessary, but a contract under this chapter shall be entered  
8 into as provided for in Chapter 151 (relating to contracts), and  
9 for joint establishment, operation and maintenance with any  
10 other political subdivision, a contract shall be entered into as  
11 provided for the general business of the participating political  
12 subdivisions.

13 § 15908. Validation of contracts.

14 A contract executed prior to July 28, 1953, for counties of  
15 the second class A, and August 9, 1955, for counties of the  
16 third, fourth, fifth, sixth, seventh and eighth class, for  
17 construction and repair of roadways, runways, buildings and  
18 facilities or the purchase thereof within or for use within the  
19 limits of land acquired for the establishment and operation of  
20 airdromes or landing fields, without first having obtained the  
21 approval of the court of quarter sessions or grand jury of a  
22 county and entered into as provided for the general business of  
23 the county or other political subdivisions jointly interested,  
24 are ratified, confirmed, approved and declared lawful contracts.

25 § 15909. Airport appropriation assistance.

26 The county commissioners may appropriate money to assist a  
27 municipal corporation or other political subdivision, or  
28 municipality airport authority, within the county or within any  
29 adjacent county to acquire, establish, operate and maintain  
30 airport facilities.

1 § 15909.1. Issuance of revenue bonds for airport facilities in  
2 counties.

3 (a) General rule.--In addition to present methods of  
4 financing, the county commissioners of counties of the second  
5 class A may issue revenue bonds, under 53 Pa.C.S. Pt. VII Subpt.  
6 B (relating to indebtedness and borrowing), for sufficient money  
7 for and toward the acquisition, construction, reconstruction,  
8 extension or improvement of airport facilities, including  
9 airports, terminals, hangars, parking areas and all other  
10 facilities, with bonds secured solely by the pledge of the whole  
11 or part of the fees, rents, tolls or charges derived from the  
12 ownership or operation of the facilities or for the use or  
13 service of the same.

14 (b) Lease of airport facilities.--Airport facilities  
15 financed by the issuance of revenue bonds under this section may  
16 be leased by the county, in whole or in part, to a lessee or  
17 lessees for a period of years equal in time to the period of  
18 maturity of the issued bonds.

19 (c) Costs.--Included in the cost of the issue may be costs  
20 and expenses incident to constructing and financing the  
21 facilities and selling and distributing the bonds.

22 (d) Construction.--Nothing in this section shall be  
23 construed as modifying or restricting the power of any county of  
24 the third, fourth, fifth, sixth, seventh and eighth class to  
25 incur debt for the acquisition, construction, reconstruction,  
26 extension or improvement of airport facilities, including  
27 airports, terminals, hangers, parking areas and all other  
28 facilities necessary or appropriate, to the extent the power  
29 exists on December 23, 2018.

30 § 15910. Municipal approval required.

Federal or State money from the Aviation Restricted Account in the Motor License Fund or any other State money may not be expended for airport operations or airport development in any county of the second class A having a population in excess of 675,000 individuals without the approval of the municipality or municipalities in which an airport is situated.

## SUBCHAPTER B

### SECOND CLASS A COUNTY TRANSIT AND TRAFFIC COMMISSION

#### Sec.

15950. Creation of county transit and traffic commission.

15951. Duties of county transit and traffic commission.

§ 15950. Creation of county transit and traffic commission.

(a) Establishment.--The county commissioners of a county of the second class A may establish a county transit and traffic commission under this subchapter.

(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.

1           (ii) Commerce.

2           (iii) Finance.

3           (iv) Law.

4           (v) Transportation.

5           (vi) Traffic matters.

6           (3) Each member shall be appointed by the county  
7 commissioners.

8           (4) If there is an existing board on December 24, 2018,  
9 which has duties substantially similar to those of the  
10 commission established under this section, new members shall  
11 be appointed upon the expiration of the terms of the existing  
12 members.

13          (d) Terms, quorums and vacancies.--

14           (1) Each member shall serve for a term of six years.

15           (2) Five members shall constitute a quorum.

16           (3) An appointment to fill a vacancy shall be only for  
17 the unexpired term of the vacancy.

18          (e) Organization.--The commission members may make rules and  
19 regulations for the commission's organization and procedure  
20 consistent with the resolutions of the county commissioners and  
21 the laws of this Commonwealth.

22          (f) Compensation and expenses.--

23           (1) Members shall serve without compensation.

24           (2) The county commissioners may provide for the  
25 following expenses, at the county commissioners' discretion,  
26 by resolution and appropriation:

27           (i) Employment of a technical staff or other  
28 individuals as necessary.

29           (ii) Necessary expenses of the commission.

30          § 15951. Duties of county transit and traffic commission.

1     (a) Duties.--The duties of the county transit and traffic  
2 commission shall be to:

3         (1) Investigate transit, traffic and parking conditions  
4 in the county, including the volume and characteristics of  
5 the movement of public carriers, including street railways,  
6 trains, buses and other motor vehicles, throughout the  
7 county, with a view of determining advisable means for  
8 obtaining adequate, rapid and safe transportation.

9         (2) Fully consider the coordination of existing  
10 transportation services.

11         (3) Investigate and study safety measures for  
12 individuals and vehicles on highways, streets and  
13 thoroughfares in the county.

14         (4) Advise and consult with officials of political  
15 subdivisions in the county about the transit, traffic and  
16 parking problems.

17     (b) Report.--All minutes, reports and recommendations made  
18 by the commission shall be a matter of public record.  
19 Periodically, but not less than once a year, the commission  
20 shall file with the county commissioners a report, which shall  
21 include the results of investigations made by the commission and  
22 any recommendations the commission may have to offer.

23     (c) Referral to commission.--The county commissioners shall  
24 refer any plan, proposal or resolution affecting public  
25 transportation and the safety of the public on public  
26 transportation facilities and on highways, bridges and tunnels  
27 in the county to the county transit and traffic commission for  
28 consideration and recommendation. The county transit and traffic  
29 commission shall report to the county commissioners on the plan,  
30 proposal or resolution within a reasonable period of time.

1 (d) County planning commission.--

2 (1) In lieu of the creation of a county transit and  
3 traffic commission in the county in which a county planning  
4 commission has been established, the county commissioners  
5 may, by resolution, confer and impose on the county planning  
6 commission the additional powers and duties of serving as the  
7 county transit and traffic commission, with all the powers  
8 and duties conferred by this subchapter upon the county  
9 transit and traffic commission. Upon the passage of the  
10 resolution by the county commissioners, the terms of office  
11 of the existing county transit and traffic commissioners  
12 shall terminate, and the commissioners shall deliver all  
13 books, papers, records, furnishings and supplies pertaining  
14 to their office to the county planning commission.

15 (2) The passage of the resolution by the county  
16 commissioners under paragraph (1) may not impair nor affect  
17 any act done, or right accruing, accrued or acquired, or  
18 liability, duty or obligation incurred, prior to the time the  
19 resolution takes effect.

20 CHAPTER 161

21 GROUND AND BUILDINGS

22 Subchapter

23 A. General Provisions

24 B. Acquisition, Use, Leasing and Disposing of Real Property  
25 for County

26 C. Acquisition, Construction or Alteration of County  
27 Buildings

28 D. Policing, Administration and Public Order of Grounds and  
29 Buildings

30 E. Special Provisions for Temporary County Buildings and for

1           Rooms in County Buildings

2       E.1. Special Provisions for Temporary County Buildings and  
3           for Rooms in County Buildings in Counties of the Second  
4           Class A

5       F. Improvement of Streets Along County Buildings and Street  
6           Lighting

7       G. Public Accommodations

8       H. Monuments and Memorials

9       I. Public Auditoriums, Public Libraries, Public Memorial  
10           Buildings and Monuments

11       J. Homes and Hospitals

12       K. Morgues

13       L. (Reserved)

14                   SUBCHAPTER A

15                   GENERAL PROVISIONS

16   Sec.

17   16101. Title to real estate vested in county.

18   16101.1. Days and hours of courthouse and offices.

19   16102. Exemption from taxation and attachment.

20   16102.1. Payments in lieu of taxes.

21   16103. (Reserved).

22   16104 Credit of county available for grounds and buildings.

23   § 16101. Title to real estate vested in county.

24       The title to all real property acquired by or for the use of  
25       the county shall be vested in the county for the use of the  
26       people in the county and for no other use, except as provided in  
27       this chapter.

28   § 16101.1. Days and hours of courthouse and offices.

29       The county commissioners shall determine when the county  
30       courthouse and all county offices located elsewhere shall be



1 open.

2 § 16102. Exemption from taxation and attachment.

3 Except as provided under section 16106(b) (relating to  
4 authority to sell or lease real property) or other law, all  
5 property of the county, real or personal, shall be exempt from  
6 taxation and from levy and sale by virtue of execution or of any  
7 other process.

8 § 16102.1. Payments in lieu of taxes.

9 If real property of the county is not presently being used  
10 for the purposes for which it was acquired, the county may make  
11 payments in lieu of taxes for the property to political  
12 subdivisions in which the property is located.

13 § 16103. (Reserved).

14 § 16104 Credit of county available for grounds and buildings.

15 In the acquisition, construction or alteration of land and  
16 buildings for county purposes, the commissioners may issue bonds  
17 as provided by law.

18 SUBCHAPTER B

19 ACQUISITION, USE, LEASING AND DISPOSING

20 OF REAL PROPERTY FOR COUNTY

21 Sec.

22 16105. Acquiring and using real property and exceptions.

23 16105.1. Acquiring and developing industrial areas.

24 16106. Authority to sell or lease real property.

25 16106.1. Authority to sell certain property as a single unit.

26 16107. (Reserved).

27 16108. (Reserved).

28 16109. (Reserved).

29 16110. (Reserved).

30 16111. Disposing of county property for other uses and

1           demolition.

2   \$ 16105. Acquiring and using real property and exceptions.

3       (a) General rule.--The county commissioners may acquire real  
4 property by purchase for not more than the fair market value,  
5 gift, devise or eminent domain. The county commissioners may  
6 acquire, improve and maintain real property at the county seat  
7 or in other places as the county commissioners deem necessary  
8 for the purposes of a county courthouse, prison and other  
9 facilities necessary for county purposes. The fair market value  
10 of real property for a purchase valued in excess of \$10,000  
11 shall be determined by the county commissioners in consultation  
12 with two of the following:

13           (1) The county assessor.

14           (2) Licensed real estate brokers.

15           (3) Licensed real estate appraisers doing business  
16 within the county.

17       (b) Other uses of property.--The county commissioners may  
18 also use real property, as authorized by law, owned by the  
19 county and deemed suitable by the county commissioners for the  
20 purposes under subsection (a), except property that is bound by  
21 contract to another public use.

22       (c) Land for county buildings.--The county commissioners may  
23 provide for the grading, filling, draining, gardening and  
24 otherwise improving and maintaining of all lands for county  
25 buildings, either by contract or by county employees, as the  
26 county commissioners deem proper.

27       (d) Application.--This section shall not apply to an  
28 acquisition of real property by a county, either by tax sales or  
29 by other purchases, that is specifically provided for under  
30 another provision of law.

1 § 16105.1. Acquiring and developing industrial areas.

2 (a) General rule.--The county commissioners may purchase,  
3 accept by gift or devise real property within the county,  
4 including Federal surplus real property, for the purpose of  
5 developing the same for industrial use under a local, regional  
6 or county plan and to expend money to bring utilities within a  
7 county industrial area and to develop an area for industrial  
8 sites.

9 (b) Sale or lease of land.--A county may sell, or lease for  
10 a term not to exceed 99 years, to an industrial development  
11 organization, with or without consideration, lands, easements or  
12 rights in land, together with any improvements, buildings or  
13 structures on the land owned by the county for the purpose of  
14 establishing or enlarging a commercial, industrial or  
15 manufacturing enterprise or research and development center  
16 within the county. In addition, the following shall apply:

17 (1) The industrial development organization shall be  
18 designated in the manner provided by Chapter 23 of the act of  
19 June 29, 1996 (P.L.434, No.67), known as the Job Enhancement  
20 Act.

21 (2) The county may make an agreement with an industrial  
22 development organization for the industrial development of  
23 the lands, easements or rights in lands.

24 (3) An instrument of sale, lease or other agreement made  
25 under this subsection may contain provisions regulating the  
26 uses of lands, buildings and structures for trade, industry,  
27 manufacture, research, residence, recreation, water supply,  
28 public activities or other purposes.

29 § 16106. Authority to sell or lease real property.

30 (a) General rule.--The county commissioners may sell any

estate in real property for not less than the fair market value.  
If the county commissioners know or have reason to believe that  
the property to be sold contains oil, gas, coal, stone, timber  
or other mineral or forest products of commercial value, the  
knowledge or belief shall be advertised, together with the  
description of the land, in at least one newspaper of general  
circulation in the county. In the case that the fair market  
value of the real property is estimated to be in excess of  
\$10,000, the fair market value shall be determined by the county  
commissioners in consultation with two of the following:

(1) The county assessor.

(2) Certified broker-appraisers.

(3) Certified real estate appraisers doing business  
within the county.

(b) Lease of property.--The county commissioners may lease  
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).

1       (3) A nonprofit corporation or limited partnership in  
2       which a nonprofit corporation is a general partner and  
3       managing agent engaged in community industrial, commercial or  
4       affordable housing development or reuse for its exclusive use  
5       for industrial, commercial or affordable housing development.  
6       This exemption may not apply to property owned and operated  
7       by a county or subcontracted or operated on the behalf of a  
8       county in order to conduct existing government functions.

9       (4) A person for the exclusive use of the property in an  
10       industrial development program.

11       (5) A nonprofit corporation organized as a public  
12       library for the exclusive use as a library.

13       (6) A nonprofit medical service corporation for the  
14       exclusive use as a site for a medical service facility.

15       (7) A nonprofit housing corporation.

16       (8) The Federal Government.

17       (9) The Commonwealth.

18       (10) An authority under the act of August 23, 1967  
19       (P.L.251, No.102), known as the Economic Development  
20       Financing Law.

21       (11) A redevelopment authority under the act of May 24,  
22       1945 (P.L.991, No.385), known as the Urban Redevelopment Law.

23       (12) A public utility.

24       (13) A nonprofit organization providing community  
25       service or development activities.

26       (14) A nonprofit corporation established for the  
27       preservation of historical, architectural or aesthetic sites  
28       or artifacts.

29       (15) A nonprofit association or nonprofit corporation  
30       organized to acquire and maintain real property for the

preservation, conservation and stewardship of open space.

(16) A council of government, consortium, cooperative or other similar entity created under 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation).

(d) Sale to qualified entity.--If the real property is sold or leased to a qualified entity under subsection (c), the commissioners may elect to accept nominal consideration for the sale as the commissioners deem appropriate. Real property sold under this subsection to an entity under subsection (c), other than a city, borough, town, township, institution district, school district, municipal authority under 53 Pa.C.S. Ch. 56 located within the county, the Federal Government or the Commonwealth shall be subject to the condition that when the property is not used for the purposes of the entity the property shall revert to the county.

(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) Devote the real property to another public purpose.

(2) Convey by sale or gift the real property to a public  
or charitable institution.

(3) Convey by sale or gift the real property to a  
political subdivision within the county.

(4) Demolish or relocate the building.

(b) Conveyance of real property.--For the purposes of this  
section, the county commissioners may convey, on behalf of the  
county, any interest in real property to one or more parties  
authorized by this section in single or concurrent ownership.

(c) Conveyance of personal property.--Notwithstanding  
Chapter 151 (relating to contracts), the county may convey  
personal property together with an interest in real property for  
the purposes of this section.

1     (d) Application.--Nothing in this section shall supersede  
2 the procedures or limitations on the disposition of county  
3 property imposed by law.

4                     SUBCHAPTER C

5     ACQUISITION, CONSTRUCTION OR ALTERATION OF COUNTY BUILDINGS  
6 Sec.

7 16115. Authority and procedure for acquiring, constructing or  
8 altering county buildings.

9 16116. Right to build on public squares.

10 16117. Separate bids for plumbing, heating, ventilating, air  
11 conditioning, electrical work, elevators and  
12 escalators.

13 16118. Contract performance security and payment bonds.

14 16119. Compliance with workers' compensation law.

15 16120. (Reserved).

16 § 16115. Authority and procedure for acquiring, constructing or  
17 altering county buildings.

18     (a) General rule.--The county commissioners may purchase or  
19 accept by gift any building authorized by law deemed suitable  
20 and proper by the county commissioners for use as a county  
21 building.

22     (b) Construction or alteration.--The county commissioners  
23 may provide for the construction or alteration, including  
24 enlargement of any county building. If the county commissioners  
25 undertake any construction or alteration, the county  
26 commissioners shall prepare plans and specifications for the  
27 construction or alteration. The county commissioners shall  
28 secure bids and provide for the formation of contracts necessary  
29 for the construction or alteration according to this act.

30 § 16116. Right to build on public squares.



1 If the courthouse or other building of the county is located  
2 upon a public square or common in the city, borough or town then  
3 being the county seat, and a new building is authorized and  
4 required to be erected, in place of the courthouse or other  
5 building, the county commissioners may erect a new building upon  
6 any other of the public squares or commons of the city, borough  
7 or town, or upon any part thereof.

8 § 16117. Separate bids for plumbing, heating, ventilating, air  
9 conditioning, electrical work, elevators and  
10 escalators.

11 (a) General rule.--In the preparation of specifications for  
12 the erection, construction and alteration of a public building,  
13 if the entire cost of the work shall exceed the base amount  
14 established under section 15101 (relating to commissioners sole  
15 contractors for county generally), the architect, engineer or  
16 other person preparing specifications shall prepare the  
17 following separate specifications:

18 (1) Plumbing.

19 (2) Heating, ventilating and air conditioning.

20 (3) Electrical work.

21 (4) Elevators and escalators.

22 (5) One complete set of specifications for all work not  
23 otherwise specified.

24 (b) Separate bids.--The county commissioners shall receive  
25 separate bids upon each of the branches of work under subsection  
26 (a) and award the contract to the lowest responsible bidder for  
27 each of the branches, including the balance of the work not  
28 otherwise specified.

29 (c) Alternative contracting procedure.--Notwithstanding the  
30 separate specification of subsection (a), an authority organized

1 under the act of August 23, 1967 (P.L.251, No.102), known as the  
2 Economic Development Financing Law, which is engaged to erect,  
3 construct or alter a public purpose facility for a county of the  
4 second class A may elect to use an alternative contracting  
5 procedure as follows:

6 (1) The authority may elect to use an alternative  
7 contracting procedure for a project involving selected public  
8 purpose facilities. If the authority elects to utilize an  
9 alternative contracting procedure, the county commissioners  
10 shall adopt a resolution that the use of an alternative  
11 contracting procedure is the most efficient, economical and  
12 timely method to proceed with a project. Upon adoption of a  
13 resolution, the authority shall request written proposals  
14 from proposers for a project involving selected public  
15 purpose facilities under an alternative contracting method.  
16 In a request for proposals, the authority shall include  
17 terms, conditions and requirements which the authority deems  
18 necessary to protect the authority and the interests of the  
19 public.

20 (2) In reviewing and evaluating the proposals for a  
21 project involving selected public purpose facilities, the  
22 authority shall, in addition to compliance with the terms,  
23 conditions and requirements set forth in the request for  
24 proposals, consider the following criteria:

25 (i) The cost of the project.

26 (ii) Experience of the proposer.

27 (iii) Adherence to the act of March 3, 1978 (P.L.6,  
28 No.3), known as the Steel Products Procurement Act.

29 (iv) Adherence to prevailing wage laws and other  
30 work force standards.

1           (v) Commitment to enter into voluntary contracts  
2           with disadvantaged business enterprises. After due  
3           consideration of proposals under the criteria described  
4           in this paragraph, the authority may, upon recommendation  
5           of a designee or project end user, select a proposal and  
6           award a contract to a responsible proposer under an  
7           alternative contracting procedure. The award of a  
8           contract for the project need not be awarded to the  
9           lowest priced proposer.

10          (3) A contract awarded under this subsection shall be  
11          exempt from the act of May 1, 1913 (P.L.155, No.104),  
12          referred to as the Separations Act, or from any subsequent  
13          enactment or reenactment of substantially similar separate  
14          bid specification requirements.

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

18          "Alternative contracting procedure." A procedure under which  
19          a proposer would be responsible for all aspects or phases  
20          necessary to achieve the development of a parcel of property.  
21          The aspects or phases of development may include the planning,  
22          design, finance, construction and management of property.

23          "Design/build contract." A construction contract in which  
24          the contractor is responsible for both the design and  
25          construction of a public structure, building or other public  
26          improvement of any kind to any public real property.

27          "Project." The demolition, modification and construction of  
28          a building or group of buildings with related facilities  
29          formerly owned by a county and previously used as a jail or  
30          office facility.

1 "Project end user." The governmental body or entity to use  
2 the selected public purpose facility under a contract or lease  
3 with the authority.

4 "Proposer." A firm, organization or company or a combination  
5 of firms, organizations or companies acting as a partnership,  
6 joint venture, consortium or similar joint relationship with  
7 sufficient knowledge, expertise and experience in design/build  
8 contracts.

9 § 16118. Contract performance security and payment bonds.

10 (a) General rule.--Unless covered under the bonding  
11 requirements of the act of December 20, 1967 (P.L.869, No.385),  
12 known as the Public Works Contractors' Bond Law of 1967, for  
13 construction contracts awarded for amounts between \$25,000 and  
14 \$100,000, the successful bidder shall furnish a bond  
15 guaranteeing performance of the contract, in an amount as  
16 determined by the county commissioners at the time of  
17 advertising for bids, which shall be no less than 10% or more  
18 than 100% of the amount of the contract, within 30 days after  
19 the contract is awarded. If a construction contract is awarded  
20 in excess of \$100,000, the following bonds shall be delivered to  
21 the county and shall be binding on the parties upon the  
22 execution of the contract:

23 (1) A performance bond, executed by a surety company  
24 authorized to do business in this Commonwealth and made  
25 payable to the county, in an amount determined by the county  
26 commissioners at the time of advertising for bids which shall  
27 be not less than 50% or more than 100% of the price specified  
28 in the contract and conditioned upon the faithful performance  
29 of the contract in accordance with the plans, specifications  
30 and conditions of the contract.

1       (2) A payment bond, executed by a surety company  
2       authorized to do business in this Commonwealth and made  
3       payable to the county, in an amount equal to 100% of the  
4       price specified in the contract and conditioned upon the  
5       prompt payment for all materials furnished or labor supplied  
6       or performed in the prosecution of the work. Labor and  
7       materials include public utility services and reasonable  
8       rentals of equipment for the periods when the equipment is  
9       actually used at the site.

10      (b) Bond protection.--A performance bond shall be solely for  
11      the protection of the county. A payment bond shall be solely for  
12      the protection of claimants supplying labor or materials to the  
13      prime contractor to whom the contract was awarded or to any  
14      subcontractors in the prosecution of the work provided for in  
15      the contract, regardless of if the labor or materials constitute  
16      a component part of the construction.

17      (c) Construction.--Nothing in this section shall be  
18      construed to limit the authority of the county commissioners to  
19      require a performance bond, payment bond or other security in  
20      addition to those bonds or in circumstances other than specified  
21      in subsection (a).

22      (d) Payment bonds.--Actions on payment bonds shall be in  
23      accordance with the following:

24           (1) Subject to paragraph (2), a claimant who has  
25           performed labor or furnished material in the prosecution of  
26           the work under a contract for which a payment bond has been  
27           given under subsection (a) and who has not been paid in full  
28           before the expiration of 90 days after the day on which the  
29           claimant performed the last of the labor or furnished the  
30           last of the materials for which it claims payments may bring

1 an action on the payment bond in its own name, in assumpsit,  
2 to recover any amount due it for the labor or material and  
3 may prosecute the action to final judgment and have execution  
4 on the judgment.

5 (2) A claimant who has a direct contractual relationship  
6 with a subcontractor of the prime contractor who gave the  
7 payment bond but has no contractual relationship, express or  
8 implied, with the prime contractor may bring an action on the  
9 payment bond only if the claimant has given written notice to  
10 the contractor within 90 days from the date on which the  
11 claimant performed the last of the labor or furnished the  
12 last of the materials for which it claims payment, stating  
13 with substantial accuracy the amount and the name of the  
14 person for whom the work was performed or to whom the  
15 material was furnished.

16 (3) Notice shall be served by registered mail in an  
17 envelope addressed to the contractor at any place where the  
18 contractor's office is regularly maintained for the  
19 transaction of business or served in any manner in which  
20 legal process may be served in the manner provided by law for  
21 the service of a summons except that the service need not be  
22 made by a public officer.

23 (e) Dollar thresholds.--The dollar thresholds provided under  
24 subsection (a) shall be adjusted annually to reflect the annual  
25 percentage change in the Composite Construction Cost Index of  
26 the United States Department of Commerce occurring in the one-  
27 year period ending on December 31 of each year.

28 § 16119. Compliance with workers' compensation law.

29 (a) General rule.--Each contract executed by the county  
30 commissioners, which involves the construction or doing of any

work involving the employment of labor, shall contain a  
provision that the contractor shall accept, in so far as the  
work covered by a contract is concerned, the provisions of the  
act of June 2, 1915 (P.L.736, No.338), known as the Workers'  
Compensation Act, and that the contractor will insure  
contractor's liability under the act or file with the county  
commissioners a certificate of exemption from insurance from the  
Department of Labor and Industry.

(b) Proof of compliance.--The county commissioners, before  
signing on behalf of the county a contract requiring in its  
performance the employment of labor, shall require proof that  
the contractor with whom the contract is made shall have  
accepted the Workers' Compensation Act and any reenactments,  
supplements or amendments to the act, and proof that the  
contractor has complied with subsection (a).

(c) Violation.--A contract executed in violation of the  
provisions of this section shall be null and void.

§ 16120. (Reserved).

#### SUBCHAPTER D

#### POLICING, ADMINISTRATION AND PUBLIC ORDER

#### OF GROUNDS AND BUILDINGS

Sec.

16125. Buildings and grounds.

16126. Security and grounds employees.

16127. Display of municipal flags on county buildings  
authorized.

16128. (Reserved).

16129. (Reserved).

§ 16125. Buildings and grounds.

Except as otherwise provided by law, the county commissioners

1 shall keep and maintain the public buildings of the county in  
2 suitable and convenient order and repair and shall keep the  
3 grounds about county buildings in proper condition and  
4 appearance.

5 § 16126. Security and grounds employees.

6 (a) Security officers.--The county commissioners may appoint  
7 one or more security officers to guard and protect the county  
8 buildings and to enforce this part and other related laws. The  
9 security officers shall have power to arrest on view a person  
10 violating this part.

11 (b) Grounds employees.--The county commissioners may employ  
12 persons as may be necessary to provide for maintenance and  
13 repair of all county buildings and grounds.

14 § 16127. Display of municipal flags on county buildings  
15 authorized.

16 It shall be lawful to display the flag of any county, city,  
17 borough or other municipality in the Commonwealth or the  
18 official POW/MIA flag on the public buildings or grounds of any  
19 county.

20 § 16128. (Reserved).

21 § 16129. (Reserved).

## 22 SUBCHAPTER E

### 23 SPECIAL PROVISIONS FOR TEMPORARY COUNTY BUILDINGS

#### 24 AND FOR ROOMS IN COUNTY BUILDINGS

25 Sec.

26 16135. (Reserved).

27 16136. (Reserved).

28 16137. Room or building for juvenile offenders awaiting trial.

29 16138. (Reserved).

30 16139. Furnishing rooms for meetings of veterans and other



1           organizations.

2   \$ 16135. (Reserved).

3   \$ 16136. (Reserved).

4   \$ 16137. Room or building for juvenile offenders awaiting  
5           trial.

6       The county commissioners of the third, fourth, fifth, sixth,  
7   seventh and eighth class shall provide, furnish and heat within  
8   the county a separate room or rooms or a suitable building to be  
9   used exclusively for the confinement of any and all alleged or  
10   adjudicated delinquent children or dependent children as defined  
11   in 42 Pa.C.S. § 6302 (relating to definitions) who may be in  
12   custody awaiting trial or hearing in the courts of the county,  
13   and provide for the maintenance and care of the children while  
14   in custody.

15   \$ 16138. (Reserved).

16   \$ 16139. Furnishing rooms for meetings of veterans and other  
17           organizations.

18       The county commissioners may, upon application, furnish  
19   meeting accommodations to any veterans, veterans auxiliary or  
20   other civic organization.

21                           SUBCHAPTER E.1

22           SPECIAL PROVISIONS FOR TEMPORARY COUNTY BUILDINGS

23                           AND FOR ROOMS IN COUNTY BUILDINGS

24                           IN COUNTIES OF THE SECOND CLASS A

25   Sec.

26   16139.1. Scope of subchapter.

27   16139.2. Room or building for juvenile offenders awaiting trial.

28   16139.3. Management of houses for detention of juveniles and  
29           appointment of board and ex officio members.

30   16139.4. Appointment and compensation of employees.

1 16139.5. Annual report and expenses.

2 16139.6. Appropriation and bond issues.

3 § 16139.1. Scope of subchapter.

4 This subchapter shall apply to counties of the second class

5 A.

6 § 16139.2. Room or building for juvenile offenders awaiting  
7 trial.

8 The county commissioners shall provide, furnish and heat  
9 within the county a separate room or rooms or a suitable  
10 building to be used exclusively for the confinement of alleged  
11 or adjudicated delinquent children or dependent children as  
12 defined in 42 Pa.C.S. § 6302 (relating to definitions) who are  
13 in custody awaiting trial or hearing in the courts of the county  
14 and provide for the maintenance and care of the children while  
15 in custody.

16 § 16139.3. Management of houses for detention of juveniles and  
17 appointment of board and ex officio members.

18 (a) Board of managers.--The management of houses for the  
19 detention and reception of juveniles awaiting trial, hearing or  
20 judicial investigation under the laws of this Commonwealth shall  
21 be in a board of managers consisting of the following members:

22 (1) Three county commissioners.

23 (2) The county controller.

24 (3) Six private citizens to be appointed as follows:

25 (i) Three to be appointed by the president judge of  
26 the court of common pleas.

27 (ii) Three to be appointed by the chairperson of the  
28 county commissioners.

29 (b) Designees.--The county commissioners and the controller  
30 may appoint individuals to act as designees for the purpose of

1 attending meetings of the board, and the designees shall have  
2 the right to vote at the meetings.

3 (c) Private citizen members.--The private citizen members of  
4 the board may not be officers or employees of the county.

5 (d) Existing boards of managers.--The members of the board  
6 of managers existing in the county shall remain as members of  
7 the board or boards of managers created in this subchapter until  
8 the expiration of the terms to which the members were appointed.  
9 Annually thereafter, the members or successors shall be  
10 appointed for a term of three years.

11 (e) Vacancies.--Vacancies occurring in the membership of the  
12 board shall be filled for the unexpired term by the chairperson  
13 of the county commissioners or the president judge of the court  
14 of common pleas, depending upon who originally appointed the  
15 board member.

16 (f) Compensation.--The members of the board shall serve  
17 without compensation.

18 § 16139.4. Appointment and compensation of employees.

19 The board of managers may appoint a superintendent and  
20 additional staff members as may be necessary, whose salaries  
21 shall be paid by the county. The number and compensation of the  
22 employees shall be fixed by the salary board of the county.

23 § 16139.5. Annual report and expenses.

24 On or before November 1, the board of managers shall annually  
25 report to the county commissioners the amount of money required  
26 for the maintenance of the house or houses of detention. The  
27 county commissioners shall make an annual appropriation to the  
28 board of managers for the payment of the expenses of  
29 administering the house of detention. Expenses incurred in the  
30 performance of duties by the board of managers shall be itemized

1 and presented with vouchers to the county commissioners for  
2 payment, and a semiannual expense report shall be made to the  
3 county commissioners. All expenses in connection with the  
4 management and administration of the house of detention shall be  
5 paid by the county in the manner provided by law for the payment  
6 of county obligations.

7 § 16139.6. Appropriation and bond issues.

8 The county commissioners shall have power and authority for  
9 the purpose of housing juveniles to appropriate money from  
10 public money or to issue bonds in the manner provided by law for  
11 the purchase of lands or erecting, constructing and equipping a  
12 building or buildings.

13 SUBCHAPTER F

14 IMPROVEMENT OF STREETS ALONG

15 COUNTY BUILDINGS AND STREET LIGHTING

16 Sec.

17 16145. Joining with municipalities in improving certain streets  
18 and highways.

19 16146. Ornamental illumination.

20 § 16145. Joining with municipalities in improving certain  
21 streets and highways.

22 (a) General rule.--The county commissioners may join with  
23 the governing body of a municipal corporation in the grading,  
24 regrading, paving, repaving and improvement of so much of the  
25 streets and highways as are in, upon or alongside of the grounds  
26 of a county building.

27 (b) Contract with municipalities.--The county commissioners  
28 may enter into contract with a municipality to pay a fair  
29 proportion of the expense of grading, regrading, paving,  
30 repaving and improvement of the streets and highways and may

1 appropriate from the county treasury sufficient money for this  
2 purpose. The county commissioners may act with any committee  
3 appointed by municipalities to establish grades, determine the  
4 kind and quality of paving materials to be used and ratify the  
5 contracts entered into by the municipalities in the course of  
6 the improvements.

7 (c) Contract specifications.--The selection of grades,  
8 paving materials and proportion of expenses to be paid by the  
9 county shall be specified by a contract formulated under this  
10 section.

11 § 16146. Ornamental illumination.

12 (a) General rule.--The county commissioners may appropriate  
13 money to support the installation, maintenance or repair of  
14 ornamental illumination of any section of a street that abuts  
15 the courthouse or other county building in the county seat.

16 (b) Limitation.--The appropriation by the county  
17 commissioners under subsection (a) may not exceed the amount  
18 that shall be assessed for ornamental illumination upon owners  
19 of an equivalent frontage of property abutting upon the street,  
20 measured by the foot front rule.

## 21 SUBCHAPTER G

### 22 PUBLIC ACCOMMODATIONS

23 Sec.

24 16150. Appropriations for public accommodations.

25 § 16150. Appropriations for public accommodations.

26 (a) General rule.--The county commissioners may appropriate  
27 money to assist a municipality to construct and maintain public  
28 restrooms and related facilities.

29 (b) Courthouse rest and waiting rooms.--The county  
30 commissioners may provide or cooperate with a municipality or

municipal authority to equip and maintain in the courthouse rest  
or waiting rooms for the public.

(c) Lease of ground.--Any part of a ground acquired by a  
county for the purposes of a courthouse or other county building  
or facility may be leased by the county to a municipality being  
the county seat of the county for the purpose of the  
construction of a public comfort station by the municipality.

#### SUBCHAPTER H

#### MONUMENTS AND MEMORIALS

Sec.

16155. Monuments, memorials and memorial halls to war veterans.

16156. Assistance to private or municipal agencies.

16157. (Reserved).

16158. (Reserved).

16159. Existing buildings.

16160. Donations.

16161. Maintenance of hall.

16162. (Reserved).

16163. Board of control.

16164. Flagstaff and display of flag.

16165. Acquisition of additional land and equipment,  
furnishings, etc.

16166. Tax levy and increase or indebtedness.

16167. Preservation, maintenance, repair and completion of  
public monuments.

§ 16155. Monuments, memorials and memorial halls to war  
veterans.

The county commissioners may appropriate money for and  
provide for the erection of monuments, memorials or memorial  
halls commemorating or honoring the services of any individual

1 who has served in the armed forces of the United States or in  
2 any auxiliary organization officially connected with a division  
3 of the armed forces of the United States.

4 § 16156. Assistance to private or municipal agencies.

5 The county commissioners may appropriate money to assist any  
6 individual, private corporation or municipal corporation in the  
7 erection of a monument, memorial or memorial hall authorized  
8 under section 16155 (relating to monuments, memorials and  
9 memorial halls to war veterans).

10 § 16157. (Reserved).

11 § 16158. (Reserved).

12 § 16159. Existing buildings.

13 The county commissioners may acquire by any lawful means any  
14 real property which can be altered and improved so as to be made  
15 suitable for a memorial hall.

16 § 16160. Donations.

17 For the purpose of aiding in the acquisition of real property  
18 and erection and construction of a memorial hall, voluntary  
19 donations and contributions may be accepted by the county  
20 commissioners from individuals, associations and organizations.

21 § 16161. Maintenance of hall.

22 A county memorial hall shall be the property of and shall be  
23 maintained at the expense of the county.

24 § 16162. (Reserved).

25 § 16163. Board of control.

26 (a) Establishment.--In a county in which the county  
27 commissioners have established a memorial hall, the county  
28 commissioners shall establish a board of control of the memorial  
29 hall and shall establish the powers and duties of the board of  
30 control to provide for the operation and maintenance of the

1 memorial hall. The county commissioners shall provide for the  
2 members of the board of control to be selected by the veterans  
3 organizations which operate in, and have been recognized by, the  
4 county.

5 (b) Existing boards of control.--A board of control  
6 established prior to December 24, 2018, shall continue according  
7 to the provisions of law that applied at the time that the board  
8 was established until the county commissioners take an action  
9 under subsection (a).

10 § 16164. Flagstaff and display of flag.

11 A flagstaff shall be erected upon any county memorial hall  
12 from which the flag of the United States shall be displayed from  
13 sunrise to sunset on each day of the year.

14 § 16165. Acquisition of additional land and equipment,  
15 furnishings, etc.

16 In a county in which there is a memorial hall in honor of the  
17 soldiers, sailors or marines from the county, the county  
18 commissioners may acquire additional land adjoining the memorial  
19 hall to enhance and preserve the beauty and character of the  
20 memorial hall or equip, furnish, decorate and make additions to  
21 the memorial hall, or both.

22 § 16166. Tax levy and increase or indebtedness.

23 The county commissioners may levy and collect a tax upon the  
24 taxable persons and property within the county or increase the  
25 indebtedness of the county according to 53 Pa.C.S. Pt. VII  
26 Subpt. B (relating to indebtedness and borrowing) to pay for the  
27 following:

28 (1) Erecting a memorial hall, including the purchased or  
29 condemned ground upon which the memorial hall is erected.

30 (2) Acquiring additional land or enlarging, equipping,



1 furnishing or decorating of a memorial hall.

2 § 16167. Preservation, maintenance, repair and completion of  
3 public monuments.

4 The county commissioners may preserve, maintain and repair  
5 any public monument or memorial hall in the county, other than  
6 in cemeteries, including the enclosed public ground surrounding  
7 the monument, and appropriate money for these purposes. If a  
8 public monument referred to in this section has been partially  
9 completed, either in construction or payment, the commissioners  
10 may appropriate money for the purpose of completion.

11 SUBCHAPTER I

12 PUBLIC AUDITORIUMS, PUBLIC LIBRARIES,

13 PUBLIC MEMORIAL BUILDINGS AND MONUMENTS

14 Sec.

15 16168. Acquiring of property.

16 16169. Rental of auditoriums.

17 16170. (Reserved).

18 § 16168. Acquiring of property.

19 Counties may acquire property according to this chapter for  
20 the purpose of erecting public auditoriums, public libraries,  
21 public memorial buildings and monuments.

22 § 16169. Rental of auditoriums.

23 Revenue derived from rental of a public auditorium shall  
24 first be devoted to the maintenance of the auditorium and any  
25 remaining annual balance accruing from rent shall be deposited  
26 in the general fund of the county.

27 § 16170. (Reserved).

28 SUBCHAPTER J

29 HOMES AND HOSPITALS

30 Sec.

1 16174. Donations to orphans' or childrens' homes.

2 16175. Management and control of orphans' home.

3 16176. Admission to home.

4 16177. Maintenance of childrens' homes.

5 16178. (Reserved).

6 16179. (Reserved).

7 16180. (Reserved).

8 16181. (Reserved).

9 16182. (Reserved).

10 16183. (Reserved).

11 16184. (Reserved).

12 16185. (Reserved).

13 § 16174. Donations to orphans' or childrens' homes.

14 The county commissioners may receive real or personal  
15 property which may be given or granted to the county by any  
16 lawful means for the use and purpose of providing a home within  
17 the county for the keeping and care of indigent orphans and  
18 children who depend on the county for support.

19 § 16175. Management and control of orphans' home.

20 An orphans' home shall be under the management and control of  
21 the county commissioners. The county commissioners may appoint a  
22 superintendent and assistants as necessary to properly conduct  
23 the affairs of the home.

24 § 16176. Admission to home.

25 Indigent orphans and children shall be admitted to an  
26 orphans' or childrens' home on order of the county  
27 commissioners.

28 § 16177. Maintenance of childrens' homes.

29 If a property has been given or granted to a county for a  
30 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).

16192. (Reserved).

16193. (Reserved).

\$ 16190. Authority to provide and approval.

The county commissioners may buy or lease land and construct and maintain on the land, at the expense of the county, a morgue for the reception of all deceased individuals under the care and custody of the coroner.

\$ 16191. (Reserved).

\$ 16192. (Reserved).

\$ 16193. (Reserved).

## SUBCHAPTER L

(Reserved)

## CHAPTER 163

### EMINENT DOMAIN AND INJURY TO PROPERTY

1 Sec.

2 16301. Exercise of eminent domain.

3 16302. Restrictions as to certain property.

4 16303. Declaration of intention.

5 16304. Application of 26 Pa.C.S.

6 § 16301. Exercise of eminent domain.

7 A county may enter upon, appropriate, injure or destroy  
8 private lands, property or material, or lands previously granted  
9 or dedicated to public use that are no longer used for the  
10 purpose for which the lands were granted, according to the  
11 proceedings set forth in 26 Pa.C.S. (relating to eminent  
12 domain), for any purpose conferred upon the county by law.

13 § 16302. Restrictions as to certain property.

14 (a) Prohibition.--Except as provided in subsection (b), land  
15 or property used for a cemetery, burying ground or place of  
16 public worship may not be taken or appropriated by virtue of a  
17 power contained in this chapter.

18 (b) Exception for certain counties.--The prohibition in  
19 subsection (a) shall not apply to a county of the second class A  
20 in which the land or property is taken or appropriated according  
21 to the provisions of the act of May 12, 1887 (P.L.96, No.47),  
22 entitled "A supplement to an act, entitled 'An act supplementary  
23 to an act relative to burial grounds and cemeteries situated in  
24 incorporated boroughs,' approved the nineteenth day of May, one  
25 thousand eight hundred and seventy-four, changing the title of  
26 said act, and authorizing the court to make orders and decrees  
27 required by the act, and to enforce the same by process,  
28 approved the thirteenth day of May, eighteen hundred and  
29 seventy-six, further empowering courts to direct removal of  
30 remains in boroughs, cities, and towns from burial grounds where

interments have ceased or have become so neglected as to become  
a public nuisance, or such remains interfere with the  
improvements, extensions, and interests of such cities,  
boroughs, or towns."

(c) Railroad property restrictions.--For counties of the  
third, fourth, fifth, sixth, seventh and eighth class, the  
right-of-way of a railroad company may not be acquired or  
occupied without the consent of the company owning or operating  
or in possession of the property.

§ 16303. Declaration of intention.

A county shall declare its intention to acquire, enter upon,  
take, use and appropriate any private property or land for any  
of the purposes authorized by this chapter through a duly  
enacted ordinance.

§ 16304. Application of 26 Pa.C.S.

Eminent domain proceedings must conform to the provisions of  
26 Pa.C.S. (relating to eminent domain), including payment of  
damages and costs.

## CHAPTER 165

### RECREATION PLACES

Sec.

16501. Acquisition of land and buildings for recreation places.

16502. Construction, equipment and maintenance and general  
powers.

16503. Fair, park and recreation boards.

16504. Officers of board.

16505. (Reserved).

16506. Indebtedness.

16507. Payment of expenses, taxation, annual fairs and State  
contributions.

1 16508. Park buildings.  
2 16509. Use of receipts.  
3 16510. Damages, forfeiture of leases and penalties.  
4 16511. Employees and police.  
5 16512. Duty of police.  
6 16513. Property held in trust.  
7 16514. (Reserved).  
8 16515. (Reserved).  
9 16516. (Reserved).  
10 16517. Appropriations to political subdivisions for recreation  
11 places.

12 § 16501. Acquisition of land and buildings for recreation  
13 places.

14 (a) General rule.--The county commissioners may designate  
15 and set apart for use as recreation places or for the enlarging  
16 or extending of recreation places any lands or buildings owned  
17 by the county and not dedicated or devoted to other public use.

18 (b) Extension or enlargement of recreation places.--The  
19 county commissioners may acquire lands or buildings, by gift or  
20 purchase, or may lease lands for use as recreation places or for  
21 the extension or enlargement of recreation places.

22 (c) Private property.--The county commissioners may, in  
23 accordance with this part and 26 Pa.C.S. (relating to eminent  
24 domain):

25 (1) In counties of the second class A, acquire private  
26 property for the purpose of establishing, making, enlarging,  
27 extending, operating and maintaining public parks and  
28 multiuse recreational trails within the limits of the county.

29 (2) In counties of the third, fourth, fifth, sixth,  
30 seventh or eighth class, acquire private property by the

1 power of eminent domain for use as, or the extension or  
2 enlargement of, recreation places.

3 (d) Limitation.--The power to acquire lands or buildings, by  
4 gift or purchase, may not extend beyond the limits of the  
5 particular county, except upon the consent of the adjoining  
6 county and municipal corporation which would be affected.

7 (e) Joint exercise of powers.--A county may exercise the  
8 powers granted in this part jointly with any political  
9 subdivision.

10 § 16502. Construction, equipment and maintenance and general  
11 powers.

12 The county commissioners may build, alter, extend, enlarge,  
13 manage, supervise, equip, ornament, operate and maintain  
14 recreation places and may vest the authority to do so in an  
15 existing body or board or in a park board, recreation board or  
16 fair board, any of which may be established by the county  
17 commissioners for any purpose, function and place as the county  
18 commissioners may determine. For the purpose of carrying out  
19 this chapter, the county commissioners, or any body or board  
20 vested with the authority of the county commissioners, may  
21 employ play leaders, recreation directors, supervisors,  
22 superintendents or any other officers or employees. The number  
23 and salary of the employees, to the extent that the employee's  
24 salary is paid from the money of the county, shall be determined  
25 by the salary board. All recreation places shall be kept in good  
26 order and repair.

27 § 16503. Fair, park and recreation boards.

28 The county commissioners may establish a fair board, park  
29 board or recreation board, which shall possess all the powers  
30 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 shall have power to adopt rules and regulations for the conduct of all business within their jurisdiction.

§ 16505. (Reserved).

§ 16506. Indebtedness.

The county commissioners may issue bonds, in accordance with 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing), for the purpose of acquiring lands or buildings for recreation places and for the construction, extension, enlargement, alteration or equipment thereof.

§ 16507. Payment of expenses, taxation, annual fairs and State contributions.

(a) General rule.--Expenses incurred in the operation of recreation places established under this chapter shall be payable from the treasury of the county. The county



commissioners may annually appropriate and impose a tax to raise money for any of the purposes authorized in this chapter, including debt service upon bond issues authorized under section 16506 (relating to indebtedness). In counties of the second class A, the amount of the tax may not exceed two mills on the dollar of the assessed valuation of taxable property in the county.

(b) Annual fair or agricultural exhibition.--The county commissioners or the fair board may provide for and hold an annual fair or agricultural exhibition on county fairgrounds, and may accept aid or contributions from the Commonwealth under any act for the payment of premiums at any fair or exhibition.  
§ 16508. Park buildings.

The county commissioners shall have exclusive power to lease all buildings and facilities within the park limits and to collect rent, fees and other consideration.  
§ 16509. Use of receipts.

All rents, license charges and fees, all fines, proceeds of sales and profits that are collected, received or realized from recreation places and buildings in any county, shall be paid into the county treasury. Money or property given or bequeathed to the county commissioners upon specified trusts shall be received and receipted for by the county treasurer and held and applied according to the trusts specified.

§ 16510. Damages, forfeiture of leases and penalties.

(a) Liability for violation.--A person violating any rules and regulations adopted for recreation places shall be liable to the full extent of any damage committed by that person, in trespass or other action, and a tenant or licensed party who violates any rule and regulation, or consent to or permit the

1 same to be violated on the premises, shall forfeit the lease or  
2 license and may be removed by a vote of the county  
3 commissioners. Every lease and license shall contain a clause  
4 stating that it shall be cause for forfeiture for a lessee or  
5 licensed party to violate or permit or suffer any violation of  
6 any rules and regulations.

7 (b) Specific offense.--In counties of the second class A,  
8 the violation of any rules or regulations of the county  
9 commissioners for the government of public parks shall  
10 constitute a summary offense.

11 § 16511. Employees and police.

12 (a) Additional personnel permitted.--For the purpose of  
13 performing all necessary duties relating to the establishing,  
14 making, enlarging, extending and maintaining public parks,  
15 buildings and other county-owned properties and for enforcing  
16 the rules and regulations ordained or resolved by the county  
17 commissioners or by any body or board of control if no penalty  
18 or fine is involved, the county commissioners may employ or  
19 appoint and equip proper persons as may be authorized by the  
20 salary board, to do all necessary and proper work connected with  
21 the requirements of this subsection, including police or guard  
22 duty.

23 (b) County park police.--The county commissioners of a  
24 county of the third class which is contiguous to a county of the  
25 second class may, by ordinance, create or disband a county park  
26 police force within the county. If a county park police force is  
27 created under this chapter, the county commissioners shall have  
28 power to employ the number of officers as may be fixed by the  
29 salary board of the county. The compensation of the county park  
30 police officers shall be paid by the county.

1 § 16512. Duty of police.

2 (a) Arrest and initial appearance.--The police, county park  
3 police or guards appointed to duty in a recreation place,  
4 building and other county-owned property may:

5 (1) Arrest, without warrant, an offender against the  
6 rules and regulations, ordained or resolved by the county  
7 commissioners, that the police, county park police or guards  
8 appointed to duty may detect in the commission of an offense.

9 (2) Take the offender before a magisterial district  
10 judge having competent jurisdiction.

11 (b) Primary jurisdictional area for county park police.--In  
12 the ordinance creating a county park police force, the county  
13 commissioners shall designate a primary jurisdictional area  
14 where the county park police officers shall have jurisdiction.  
15 The primary jurisdictional area shall include only property  
16 owned, leased or controlled by the county, by a county municipal  
17 authority, county redevelopment authority, county industrial  
18 development authority or agency, county airport authority or by  
19 a community college of which the county is a local sponsor,  
20 whether the property is within or outside the territorial limits  
21 of the county. A county road, street or highway may not be  
22 designated or considered as a primary jurisdictional area unless  
23 it is located within the boundaries of a geographical area  
24 otherwise designated by ordinance as a primary jurisdictional  
25 area under this section.

26 (c) County park police powers and duties.--County park  
27 police shall have the following powers and duties:

28 (1) To enforce good order and protect the grounds and  
29 buildings within a primary jurisdictional area.

30 (2) To exclude all disorderly persons from the grounds

1 and buildings within a primary jurisdictional area.

2 (3) To exercise the same powers that may be exercised  
3 under authority of law or ordinance by the police of the  
4 municipalities in which the primary jurisdictional area is  
5 located, including those powers conferred under 42 Pa.C.S.  
6 Ch. 89 Subch. D (relating to municipal police jurisdiction).

7 (4) To prevent crime, investigate criminal acts,  
8 apprehend, arrest and charge criminal offenders and issue  
9 summary citations for acts committed on the grounds and in  
10 the buildings of the primary jurisdictional area and take the  
11 offender before the proper authority and issue charges  
12 against the offender under the laws of this Commonwealth.  
13 Except when acting under 42 Pa.C.S. Ch. 89 Subch. D, county  
14 park police shall exercise these powers and perform these  
15 duties only on the grounds of the primary jurisdictional  
16 area.

17 (5) To order off the grounds and out of the buildings  
18 within the primary jurisdictional area all vagrants, loafers,  
19 trespassers and persons under the influence of liquor and, if  
20 necessary, remove them by force and, in case of resistance,  
21 transport the offenders to the proper authority.

22 (6) To arrest an individual who damages, mutilates or  
23 destroys the trees, plants, shrubbery, turf, grass plots,  
24 benches, buildings and structures or commits any other  
25 offense on the grounds and in the buildings within the  
26 primary jurisdictional area and transport the offender to the  
27 proper authority and prefer charges against the offender  
28 under the laws of this Commonwealth.

29 (d) Chief and other designations.--The county commissioners  
30 shall designate, from the county park police officers, the chief

and other ranks or classifications of officers as desired by the  
county commissioners.

§ 16513. Property held in trust.

(a) Conveyance to county.--If the owner of any real property  
adapted to the use or purpose of public agriculture fairs or  
exhibits are willing to convey or devise the real property to  
the county wherein located, to be held in trust for the citizens  
and inhabitants of the county, the county commissioners may take  
title of the real property and hold the real property in trust  
for the benefit of the residents of the county.

(b) Acceptance of contributions.--The county commissioners  
may receive and accept contributions in buildings or materials  
for additional improvements on the real property conveyed or  
devised and held in trust.

(c) Lease of real property.--The county commissioners may  
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).

1 § 16517. Appropriations to political subdivisions for  
2 recreation places.

3 The county commissioners in counties of the third, fourth,  
4 fifth, sixth, seventh and eighth class may appropriate money  
5 from the county treasury to aid municipal corporations in the  
6 purchase, construction, operation and maintenance of recreation  
7 places.

8 CHAPTER 167

9 BRIDGES, VIADUCTS AND CULVERTS

10 Subchapter

11 A. General Authority and Procedures for Providing Bridges

12 B. Special Authorities and Procedures

13 C. Taking Over or Assisting with Township or Municipal  
14 Bridges

15 D. (Reserved)

16 E. Taxation and Borrowing

17 SUBCHAPTER A

18 GENERAL AUTHORITY AND PROCEDURES

19 FOR PROVIDING BRIDGES

20 Sec.

21 16700. Definitions.

22 16701. Authority, definitions and application of chapter.

23 16702. Maintenance and repairs.

24 16703. Acquisition of real property.

25 16704. Plans and surveys for bridges and viaducts.

26 16705. (Reserved).

27 16706. (Reserved).

28 16707. Approval of Federal or State agencies and change in  
29 location.

30 16708. (Reserved).

1 16709. (Reserved).  
2 16710. (Reserved).  
3 16711. Cost sharing.  
4 16712. Boundary line bridges.  
5 16713. (Reserved).  
6 16714. Authorization to purchase.  
7 16715. Privately owned bridge.  
8 16716. Acceptance of donated bridge.  
9 § 16700. Definitions.

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

13 "Bridge." The term includes bridges, viaducts and culverts  
14 and all items pertaining to bridges, viaducts and culverts.

15 "Road." The term includes roads, streets, highways, lanes,  
16 alleys and all other public thoroughfares.

17 "Streams." The term includes streams, rivers, creeks, ponds,  
18 lakes and all other natural waters.

19 § 16701. Authority, definitions and application of chapter.

20 (a) Bridges and viaducts.--The county commissioners may  
21 locate, lay out, open, construct, reconstruct, widen,  
22 straighten, extend, alter, replace, remove and otherwise provide  
23 for bridges and viaducts over streams and other topographical  
24 impediments to public traffic, as parts or adjuncts of the roads  
25 within the county for vehicles and pedestrians or for  
26 pedestrians only, and culverts within the county or partly  
27 within and partly without the county, in accordance with this  
28 chapter.

29 (b) Application.--This chapter shall apply to necessary  
30 approaches, abutments, slopes, walls, embankments, fills, piers

1 and other items pertaining to bridges, viaducts and culverts as  
2 to the bridges, viaducts and culverts themselves.

3 (c) Limitation.--The provisions of this chapter may not  
4 apply to any matters relating to county bridges, viaducts or  
5 culverts to the extent they are covered by the act of June 1,  
6 1945 (P.L.1242, No.428), known as the State Highway Law, or of  
7 any other law vesting in the Department of Transportation and  
8 the various counties of the Commonwealth, rights, powers and  
9 duties. The terms of the foregoing limitation shall apply as  
10 well for the former act of May 28, 1937 (P.L.1053, No.286),  
11 known as the Public Utility Law, and the Public Utility  
12 Commission.

13 (d) Entrance during exercise of authority.--Counties of the  
14 third, fourth, fifth, sixth, seventh and eighth class may not,  
15 in the exercise of any authority or duty conferred in this  
16 chapter, enter upon any road or property of any city or borough  
17 of or adjacent to the county or act in derogation of the lawful  
18 authority of such political subdivision, except with the proper  
19 consent of such political subdivision.

20 (e) Obstruction prohibited.--Bridges provided under this  
21 chapter may not obstruct any canal or railroad, and nothing in  
22 this chapter shall be deemed to release any railroad or other  
23 public utility from the requirements of existing law.

24 § 16702. Maintenance and repairs.

25 Every county bridge under this chapter shall be maintained  
26 and kept in repair by the county or counties involved except as  
27 may be otherwise provided by agreements between or among the  
28 county or counties and other political subdivisions or other  
29 persons as to the costs of the maintenance and repairs.

30 § 16703. Acquisition of real property.



1     The county commissioners may purchase, in accordance with  
2 this part, accept by gift or acquire by the power of eminent  
3 domain, real property devoted to private or public use in the  
4 manner provided by law.

5     § 16704. Plans and surveys for bridges and viaducts.

6     If the county commissioners provide a bridge or viaduct under  
7 this chapter, the county commissioners shall prepare plans and  
8 surveys showing the location of the proposed structure, the  
9 structures approaches and the property or rights of property  
10 affected by the structure, together with any roads in any  
11 municipal corporation proposed to be used in connection to the  
12 project.

13     § 16705. (Reserved).

14     § 16706. (Reserved).

15     § 16707. Approval of Federal or State agencies and change in  
16             location.

17     If a proposed bridge crosses a navigable stream or other  
18 public water or the property or right-of-way of any railroad or  
19 other public utility requiring the approval of any Federal or  
20 State officer, board or body as to the location and construction  
21 of the bridge or its approaches, the county shall have authority  
22 to construct the bridge in another location and manner as may be  
23 necessary to comply with the conditions prescribed by the  
24 officer, board or body in granting approval, if the county  
25 commissioners deem the proposed bridge necessary for the  
26 convenience of the traveling public and accommodates  
27 substantially the same traveling public as the bridge would have  
28 done if it had been constructed at the location and in the  
29 manner originally provided.

30     § 16708. (Reserved).

1 § 16709. (Reserved).

2 § 16710. (Reserved).

3 § 16711. Cost sharing.

4 If a bridge is proposed to be located in a municipality, the  
5 county may enter into an agreement with the municipality if the  
6 municipality bears a portion of the cost of the location, laying  
7 out, opening, construction and maintenance of the bridge or that  
8 the municipality provides or maintains the approach to the  
9 bridge within the municipality or bears the costs of property  
10 damages of the approach. Each agreement shall be entered into in  
11 writing and at least one executed copy of the agreement shall be  
12 provided to each party. Each bridge shall be a county bridge  
13 and, except as otherwise provided, be maintained by the county.  
14 Maintenance expenses shall be provided out of county funds  
15 authorized for use in the maintenance of county bridges.

16 § 16712. Boundary line bridges.

17 (a) Boundary line bridge.--If a bridge under this chapter is  
18 on the boundary line between two counties or within one-fourth  
19 of a mile from a boundary line and necessary for the  
20 accommodation of the inhabitants of both counties, the county  
21 commissioners of the counties shall act jointly in the exercise  
22 of all powers conferred upon the county commissioners and in the  
23 performance of all duties imposed upon the county commissioners.  
24 Except in a county of the second class A, if a petition of  
25 residents or taxpayers is required, the petition shall be made  
26 by the required number of petitioners in each county in relation  
27 to a boundary bridge under this section to the county  
28 commissioners of their county. If any other petitions are  
29 required, the petitions shall be made to the county  
30 commissioners in each of the counties. Each of the county

commissioners shall act on petitions and shall communicate approval or disapproval to the other board.

(b) Court-appointed viewers or inspectors.--For a county of the second class A that is required to appoint viewers or inspectors, the court of the county shall appoint a full number of viewers or inspectors and order a view in the manner and with like powers, duties and procedure provided for public roads. The total number of viewers or inspectors shall act together in the view or inspection and shall make a joint report and recommendations to each court. Exceptions and appeals to the report of viewers may be filed in the courts of either county, in which case the courts of the two counties sitting together shall hear and determine the matter.

(c) Publication of notice.--If publication of notice is required, the publication shall be made in each county. The approval of both boards of commissioners shall be necessary in order to authorize any action requiring approval.

(d) Commencement of eminent domain.--If the procedure under Chapter 163 (relating to eminent domain and injury to property) is to be followed, the procedure shall be carried out only in and by the county in which the lands, other property or materials entered upon, taken or damaged are located and the damages shall be paid by the county.

(e) Joint county bridge.--Any bridge shall be a joint county bridge. All costs and expenses pertaining to a joint county bridge and the maintenance thereof shall be borne by the two counties, jointly, in proportions agreed on by the county commissioners.

(f) Construction and maintenance.--Any authorized bridge shall be erected, constructed, maintained and kept in repair in

1 the manner provided for bridges erected on the line of adjoining  
2 counties.

3 (g) Definition.--For the purposes of this section, the term  
4 "joint county bridge" shall include a bridge over the boundary  
5 line between two counties constructed or proposed to be  
6 constructed as part of the laying out, alteration or vacation of  
7 roads intended to form a continuous highway from one county to  
8 another.

9 § 16713. (Reserved).

10 § 16714. Authorization to purchase.

11 If, in accordance with this chapter, a county is authorized  
12 to erect a bridge, the county commissioners may purchase a  
13 bridge already erected at a reasonable cost instead of building  
14 a new bridge.

15 § 16715. Privately owned bridge.

16 The county commissioners may take charge of or rebuild a  
17 bridge suitable for public traffic within the county that was  
18 abandoned by the owners.

19 § 16716. Acceptance of donated bridge.

20 (a) County acceptance of bridge as donation.--The county  
21 commissioners may accept, take charge of and enter into county  
22 records as a county bridge any bridge within the county which  
23 has:

24 (1) been built at the expense of a private person or by  
25 a public subscription;

26 (2) been opened to free public travel;

27 (3) been used by the public; and

28 (4) become necessary and convenient for the use of the  
29 public.

30 (b) Notice.--

1       (1) A county may not accept, take charge of or enter  
2       into county records a bridge until the county has received  
3       written notice of the desire to give the bridge to the county  
4       from one of the following:

5               (i) the individuals who built the bridge;

6               (ii) subscribers to the original subscription on  
7       which the money was raised to build the bridge;

8               (iii) the heirs, assigns or duly authorized board of  
9       trustees representing the individuals or subscribers  
10       included under subparagraph (i) or (ii).

11       (2) If a bridge crosses the boundary line between two  
12       counties, the individual or the individual's heirs or the  
13       assignees, subscribers or trustees representing the  
14       individual shall give notice in writing to the county  
15       commissioners of each county of the intention to donate the  
16       bridge to the counties jointly.

17       (c) Costs and bond requirement.--All costs shall be paid out  
18       of the treasury of the county. The county commissioners may  
19       require the owner of said bridge to file, together with their  
20       notice, a bond sufficient to secure payment of the costs.

#### 21                       SUBCHAPTER B

#### 22                       SPECIAL AUTHORITIES AND PROCEDURES

#### 23       Sec.

24       16730. Widening, straightening, altering or changing course of  
25               unnavigable streams for protection of county bridges  
26               and highways.

27       16731. Providing and maintaining dykes, banks, causeways and  
28               sluiceways for protection of bridges and highways.

29       16732. Lighting of county bridges.

30       16733. Temporary substitutes for bridges.

1 16734. Closing, vacating, abandoning and removing county  
2 bridges.

3 16735. Contracts for special use of bridge.

4 16736. Contracts with railroad companies.

5 16737. (Reserved).

6 16738. (Reserved).

7 16739. (Reserved).

8 § 16730. Widening, straightening, altering or changing course  
9 of unnavigable streams for protection of county  
10 bridges and highways.

11 If, in the construction, repair or maintenance of a county  
12 bridge or highway, it becomes necessary for the safety of the  
13 bridge or highway or economically advisable to widen,  
14 straighten, alter, protect or change the course of an  
15 unnavigable stream, it shall be lawful for the county to enter  
16 upon abutting or adjacent land, and to widen, straighten, alter,  
17 protect or change the course of the stream for these purposes,  
18 and, in connection with the entry, to take, injure and destroy  
19 any necessary land or property in the manner and subject to the  
20 restrictions and procedure provided by law.

21 § 16731. Providing and maintaining dykes, banks, causeways and  
22 sluiceways for protection of bridges and highways.

23 (a) Authority.--A county, for the purpose of protecting a  
24 county bridge or the abutments and approaches of a county bridge  
25 and any public highway adjacent to the county bridge from the  
26 incursions of the tide floods or waters of any stream, and to  
27 prolong the life of any structure, may provide and maintain  
28 dykes, banks, causeways and sluiceways over or across any  
29 unnavigable stream and may secure a right-of-way for the proper  
30 ingress to and egress from the county bridge.

1     (b) Taking.--In connection with the exercise of the  
2 authority under subsection (a), the county may take, injure and  
3 destroy any necessary land or property in the manner and subject  
4 to the restrictions and procedure provided by law.

5     (c) Approval.--A change in an existing stream channel under  
6 this subchapter may not be undertaken until it has been approved  
7 by the Department of Environmental Protection.

8     § 16732. Lighting of county bridges.

9     If considered necessary for the safety and convenience of the  
10 traveling public, the county commissioners may provide a county  
11 bridge with lights of any kind and character that the county  
12 commissioners shall deem suitable and may contract with any  
13 individual or with any municipal or private corporation for the  
14 purpose of supplying the necessary light.

15     § 16733. Temporary substitutes for bridges.

16     If a county bridge is destroyed or rendered impassable, the  
17 county commissioners may provide at the expense of the county,  
18 ferries or other temporary ways as a substitute for the  
19 destroyed or impassable bridge, until the bridge has been  
20 rebuilt or rendered fit for public travel. If the bridge was  
21 maintained at the joint expense of two adjoining counties, the  
22 establishment and maintenance of the ferry or temporary way  
23 shall be by joint discretionary action of the boards of  
24 commissioners of both counties, and the expense shall be paid by  
25 the counties in the same proportions as the maintenance of the  
26 bridge was paid before it was destroyed or rendered impassable.

27     § 16734. Closing, vacating, abandoning and removing county  
28 bridges.

29     If it appears to the county commissioners that any county  
30 bridge, including any destroyed or partially destroyed bridge,

1 has become burdensome and is no longer necessary for the  
2 accommodation of public travel, the county commissioners may  
3 close, vacate, abandon and remove the bridge.

4 § 16735. Contracts for special use of bridge.

5 The county commissioners may enter into a contract or lease  
6 with a street railway, telegraph or telephone company or other  
7 public utility, or the successors or assigns of a street  
8 railway, telegraph or telephone company or other public utility,  
9 desiring to use a county bridge and the approaches of the bridge  
10 for other than ordinary public foot or vehicular traffic for the  
11 concurrent use of the portion of the public bridge and  
12 approaches as will not substantially impair or restrict the  
13 public use and enjoyment, upon agreed to terms and conditions,  
14 and may charge tolls or rentals for that special use. Contracts  
15 or leases entered into under this section may not be entered  
16 into for a longer period than 20 years nor shall any contract or  
17 lease be entered into unless approved by the Pennsylvania Public  
18 Utility Commission or become effective except in accordance with  
19 the provisions of the former act of May 28, 1937 (P.L.1053,  
20 No.286), known as the Public Utility Law.

21 § 16736. Contracts with railroad companies.

22 (a) Contract with railroad.--A railroad company whose tracks  
23 or other facilities are located upon a county bridge may  
24 contract and agree with the county commissioners for the use,  
25 purchase, removal, replacing or exchange of the bridge, or for  
26 the compensation to be paid to the county by the company for the  
27 use and occupancy of the bridge or parts of the bridge.

28 (b) Debts.--All money due and all obligations incurred by  
29 the companies under a contract may be collected and enforced in  
30 the same manner as debts of like amount are recovered and



1 similar obligations enforced in the Commonwealth.

2 § 16737. (Reserved).

3 § 16738. (Reserved).

4 § 16739. (Reserved).

5 SUBCHAPTER C

6 TAKING OVER OR ASSISTING WITH

7 TOWNSHIP OR MUNICIPAL BRIDGES

8 Sec.

9 16750. Procedure for taking over bridge by county, aid to  
10 political subdivisions in construction and  
11 maintenance of bridge.

12 16751. Change of location.

13 16752. Construction of embankments and causeways.

14 16753. Contract for parts of municipal bridges.

15 16753.1. Contributions.

16 16754. Municipal cooperation.

17 16755. Construction of bridge over ravine or valley.

18 16756. Municipal bridge as county bridge.

19 16757. (Reserved).

20 16758. (Reserved).

21 16759. (Reserved).

22 16760. (Reserved).

23 16761. (Reserved).

24 § 16750. Procedure for taking over bridge by county, aid to  
25 political subdivisions in construction and  
26 maintenance of bridge.

27 (a) Commissioner discretionary acceptance of costs.--If the  
28 construction of a new bridge, or of a bridge to replace any  
29 existing bridge, over a stream or over or under a railroad, and  
30 forming part of any road in any city, borough, town or township,

1 or between any two or more municipal corporations is necessary,  
2 and requires more expense than it is reasonable that the  
3 municipal corporations, individually or jointly, should bear,  
4 and if it shall appear to the county commissioners that such  
5 bridge is necessary, the bridge may, at the discretion of the  
6 county commissioners, be entered on record as a county bridge.  
7 The bridge shall thereupon be erected, maintained and kept in  
8 repair in the same manner as other county bridges constructed  
9 under Subchapter A (relating to general authority and procedures  
10 for providing bridges).

11 (b) Refusal to record bridge.--If the county commissioners  
12 refuse to have the bridge entered on record as a county bridge,  
13 the county may pay the entire cost or any part of the cost of  
14 constructing the bridge including damages. The bridge shall be a  
15 municipal bridge to be maintained and kept in repair by the  
16 municipal corporation. The county commissioners may furnish the  
17 municipal corporation the whole or any part of the money  
18 necessary to maintain the municipal bridge.

19 (c) Retention of records.--The county commissioners shall  
20 keep a record of all proceedings under this section.

21 (d) Required advertising.--In addition to Chapters 151  
22 (relating to contracts) and 161 (relating to grounds and  
23 buildings) relating to contracting for services and personal  
24 property, if the county commissioners propose to build or repair  
25 a bridge upon the line between the two adjoining counties,  
26 required advertising shall be done in each county, and a copy of  
27 the plans and specifications shall be kept in the county  
28 commissioner's office of each county.

29 § 16751. Change of location.

30 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

1 the municipal corporation for that part or portion of the bridge  
2 which crosses any of the places listed under this subsection,  
3 including the abutments and piers. The part shall be maintained  
4 as a county bridge.

5 (b) Contracts for partial structures permitted.--In lieu of  
6 the contract under subsection (a), the county commissioners may  
7 contract for any part or portion of the whole structure equal to  
8 or greater than the part or portion which the county might have  
9 built.

10 (c) Contract terms.--The contracts under this section may  
11 stipulate that the county shall pay a certain portion of the  
12 whole contract price or cost of the work, including damages, or  
13 may stipulate that the county shall construct or pay for the  
14 construction of a certain part of the work, and may otherwise  
15 provide for the payment of the damages. The amount to be paid by  
16 the county shall be paid directly to the contractor as may be  
17 provided by the contract. The agreements may also provide for  
18 the maintenance of the viaducts and bridges after their  
19 erection.

20 § 16753.1. Contributions.

21 If a bridge or viaduct is built by a municipality and does  
22 not cross any place over which the county may construct a bridge  
23 but crosses merely railroad or railroads and private property,  
24 the county commissioners of counties of the second class A may  
25 contract to pay an amount of money, not exceeding 30% of the  
26 entire cost of the proposed bridge or viaduct. The bridge or  
27 viaduct shall thereafter be maintained as a municipal structure,  
28 and the county may not be liable for any part of the cost of  
29 maintenance or repair thereof.

30 § 16754. Municipal cooperation.

1 If a bridge or proposed bridge is on the dividing line  
2 between two counties which is also the dividing line between one  
3 county and a municipality in the other county and the  
4 municipality has authority to build or rebuild the bridge or to  
5 join with any county therein, the county may join with said  
6 municipality in the other county in building or rebuilding the  
7 bridge. The cost of the bridge shall be paid in the relevant  
8 proportions as shall be agreed upon by the county and  
9 municipality that joined.

10 § 16755. Construction of bridge over ravine or valley.

11 If different parts of any municipality or any two  
12 municipalities are separated by an intervening valley or ravine,  
13 and the county commissioners in which the municipality or  
14 municipalities are located decide it is necessary that a public  
15 bridge be constructed, the county may contract with the  
16 municipality or municipalities for the laying out and  
17 construction of the bridge by the municipality or  
18 municipalities, and may pay to the municipality or  
19 municipalities the portion of the cost as the county  
20 commissioners deem reasonable.

21 § 16756. Municipal bridge as county bridge.

22 If a public bridge has been built or maintained by one or  
23 more municipal corporations and it appears to the county  
24 commissioners that the care, maintenance and responsibility of  
25 the bridge is greater than it is reasonable that the municipal  
26 corporations should be responsible for, the county commissioners  
27 may enter the bridge upon record as a county bridge to be  
28 maintained, supervised and controlled by the county free and  
29 without charge.

30 § 16757. (Reserved).

1 \$ 16758. (Reserved).

2 \$ 16759. (Reserved).

3 \$ 16760. (Reserved).

4 \$ 16761. (Reserved).

5 SUBCHAPTER D

6 (Reserved)

7 SUBCHAPTER E

8 TAXATION AND BORROWING

9 Sec.

10 16775. Appropriations and tax levy.

11 16776. Incurring of indebtedness and taxation for debt service.

12 \$ 16775. Appropriations and tax levy.

13 In the exercise of the powers, authorities and duties  
14 provided in this chapter, a county may appropriate and pay out  
15 of the county general fund all money necessary for the purposes  
16 enumerated in this chapter, and may levy, assess and collect  
17 taxes on all real and personal property within the county, and  
18 taxable for county purposes, in addition to all other taxes.

19 \$ 16776. Incurring of indebtedness and taxation for debt  
20 service.

21 A county constructing a bridge or making any other capital  
22 improvement or major repairs under this chapter may, under a  
23 resolution adopted by the county commissioners, incur  
24 indebtedness and borrow money under this section. A county may  
25 levy and collect on all taxable property in the county, in  
26 addition to all other taxes, for the purposes of servicing  
27 indebtedness under this section.

28 CHAPTER 169

29 ROADS

30 Subchapter

- 1     A. Authorization, Construction and Maintenance
- 2     B. Vacation as County Roads
- 3     C. Continuous Highways from One County to Another
- 4     D. County Aid to Municipalities and Townships
- 5     E. Detours
- 6     F. Protection of Roads

7                                 SUBCHAPTER A

8                     AUTHORIZATION, CONSTRUCTION AND MAINTENANCE

9     Sec.

10    16901. Definitions.

11    16902. Establishing county roads.

12    16903. Acquisition of rights-of-way of abandoned railroads.

13    16904. Joint action by counties.

14    16905. (Reserved).

15    16906. Maintenance and repair of county roads.

16    16907. Annual tax.

17    16908. Borrowing money, bond issue and tax levy.

18    16909. Changing part of road upon agreement.

19    16910. Assessment of benefits.

20    16911. Interest on benefits assessed.

21    16912. Liens for benefits assessed.

22    16913. Sidewalks along county roads.

23    16914. Lights along county roads.

24    16915. (Reserved).

25    16916. (Reserved).

26    16917. (Reserved).

27    16918. (Reserved).

28    16919. (Reserved).

29    16920. Adoption of system of main thoroughfares.

30    16921. Improvement of municipal roads.

1 16922. Plan of system to be followed and variations.  
2 16923. Improvement of roads not part of system on contribution  
3 from parties interested.  
4 16924. (Reserved).  
5 16925. (Reserved).  
6 16926. (Reserved).  
7 16927. (Reserved).  
8 16928. (Reserved).  
9 16929. (Reserved).  
10 16930. Purchase, location, construction, operation and  
11 maintenance authorized.  
12 16931. Contracts or lease for special use of improvements.  
13 16932. Taking street or other property of municipal  
14 corporation.  
15 16933. (Reserved).  
16 16934. (Reserved).  
17 16935. (Reserved).  
18 16936. (Reserved).  
19 16937. (Reserved).  
20 16938. (Reserved).  
21 16939. (Reserved).  
22 16940. (Reserved).  
23 16941. (Reserved).  
24 16942. (Reserved).  
25 16943. (Reserved).  
26 16944. (Reserved).  
27 16945. (Reserved).  
28 § 16901. Definitions.  
29 The following words and phrases when used in this chapter  
30 shall have the meanings given to them in this section unless the



1 context clearly indicates otherwise:

2 "Bridge." As defined in section 16700 (relating to  
3 definitions).

4 "Road." As defined in section 16700.

5 "Streams." As defined in section 16700.

6 § 16902. Establishing county roads.

7 (a) Powers of the county commissioners.--For the purpose of  
8 providing public roads, specially constructed, improved and  
9 maintained, the county commissioners may:

10 (1) Lay and open a road.

11 (2) Take possession of and exercise control over an  
12 existing municipal road or part of a municipal road, or any  
13 road decreed by a court to be a county road.

14 (3) Build and maintain roads as county roads within the  
15 county limits.

16 (4) Straighten, widen, extend and alter any county road  
17 or part of the road laid out, opened or acquired and vacate  
18 as much as may become unnecessary and useless.

19 (b) Control of road by commissioners.--Any road taken over  
20 or improved shall become a county road and be subject to the  
21 control and supervision of the county commissioners. The county  
22 shall keep and maintain county roads established under this part  
23 and all other county roads in repair, the expense thereof to be  
24 paid by the county in the manner provided under this part.

25 § 16903. Acquisition of rights-of-way of abandoned railroads.

26 (a) Commissioners control of rights-of-way.--The county  
27 commissioners may take over an abandoned right-of-way or bridge  
28 of a railroad company or any part of an abandoned right-of-way  
29 or bridge for the purpose of relocating an existing or locating  
30 a new county road, and the county commissioners may purchase the

abandoned right of way or bridge or part thereof as may be  
necessary for the relocating or locating of the county road.

(b) County road to be laid out.--Whenever an abandoned  
right-of-way or bridge of a railroad company or any part thereof  
is purchased under this section, a county road shall be laid  
out, located thereafter constructed, improved and maintained in  
accordance with law. Any bridge taken over shall become a county  
bridge and shall be maintained, rebuilt and repaired  
accordingly.

§ 16904. Joint action by counties.

(a) Additional powers.--The provisions of this chapter may  
also be exercised jointly by adjoining counties as to roads  
extending along and adjacent to county lines and from one  
adjoining county into another.

(b) Procedure and jurisdiction.--The procedure and  
jurisdiction in each county under subsection (a) shall be the  
same as to any portion of the road lying within the limits of  
the county, except that the petition, plans and surveys of the  
road shall describe and exhibit every portion of the road within  
the limits of the county and every portion of the road extending  
along the line of or into an adjoining county. The portions of  
the road lying within limits of each county shall be treated in  
all proceedings as one continuous road.

§ 16905. (Reserved).

§ 16906. Maintenance and repair of county roads.

The county commissioners shall have prepared plans and  
estimates, as often as required, for the repair and maintenance  
of all roads which the county is required by law to maintain and  
repair. Maintenance and repair may be undertaken by contract or  
through the use of county personnel, supplies and equipment. Any

county may also lease any of the equipment of the county to any political subdivision within the county according to any terms and conditions agreed upon.

§ 16907. Annual tax.

The county commissioners may levy, assess and collect annual taxes upon all real and personal property within the county taxable for county purposes to acquire and secure a fund from which to pay all costs, damages and expenses required in the locating, opening, building, improving, widening, straightening, extending, maintaining, repairing or vacating of roads or parts of the road, and to take and use land as may be necessary in constructing and maintaining proper slopes, embankments, fills, culverts, embankment approaches and termini for roads, tunnels, subways and underground roads. The money raised may not be expended for any purpose other than those for which the tax was 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).

1           (vi) 16909 (relating to changing part of road upon  
2 agreement).

3           (vii) 16910 (relating to assessment of benefits).

4           (viii) 16911 (relating to interest on benefits  
5 assessed).

6           (ix) 16912 (relating to liens for benefits  
7 assessed).

8           (x) 16913 (relating to sidewalks along county  
9 roads).

10          (xi) 16914 (relating to lights along county roads).

11          (2) Not more than two mills on the dollar in the  
12 aggregate for any of the following sections:

13           (i) 16920 (relating to adoption of system of main  
14 thoroughfares).

15           (ii) 16921 (relating to improvement of municipal  
16 roads).

17           (iii) 16922 (relating to plan of system to be  
18 followed and variations).

19           (iv) 16923 (relating to improvement of roads not  
20 part of system on contribution from parties interested).

21          (3) Not more than two mills on the dollar in the  
22 aggregate for any of the following sections:

23           (i) 16930 (relating to purchase, location,  
24 construction, operation and maintenance authorized).

25           (ii) 16931 (relating to contracts or lease for  
26 special use of improvements).

27           (iii) 16932 (relating to taking street or other  
28 property of municipal corporation).

29 § 16908. Borrowing money, bond issue and tax levy.

30          The county commissioners may borrow money and secure

indebtedness for the purposes authorized under this chapter, in accordance with 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing).

§ 16909. Changing part of road upon agreement.

If the county commissioners deem it advisable to construct or alter any part of any road under the supervision of the county commissioners and agree with the property owners affected by the change as to damages, the county commissioners may, upon payment of the damages agreed upon, construct or alter the part of the public road as contemplated in the agreement without the formality of a view. The old location of the road shall be vacated in accordance with this act.

§ 16910. Assessment of benefits.

If, in a county, a road or highway originally located, laid out, constructed, relocated, opened, straightened, widened, extended or altered or any part of the road or highway vacated, the viewers appointed to assess damages in accordance with 26 Pa.C.S. (relating to eminent domain), after determining the amount of damages sustained, shall assess the whole or part of the damages as may be represented by benefits upon the properties abutting on and benefited by the improvements. The remaining part of the damages, if any, not assessed against the abutting properties, shall be paid by the county. The total assessments for benefits shall in no case exceed the total damages awarded and agreed upon.

§ 16911. Interest on benefits assessed.

All assessments for benefits shall bear interest at the expiration of 30 days after the assessments have been determined final and fixed and shall be payable to the treasurer of the county.

1 § 16912. Liens for benefits assessed.

2 (a) Filing, revival and collection of liens.--All liens for  
3 the assessment of benefits under sections 16910 (relating to  
4 assessment of benefits) and 16911 (relating to interest on  
5 benefits assessed) shall be filed, revived and collected in  
6 accordance with law.

7 (b) Appeal of liens.--Appeals taken may not prevent the  
8 filing of liens by any county for any assessment made by virtue  
9 of the viewers' report, but upon final determination of the  
10 issue, the court may make an order as to any lien filed that  
11 shall appear right and proper.

12 § 16913. Sidewalks along county roads.

13 If considered necessary for the safety and accommodation of  
14 the public, the county commissioners may locate, construct and  
15 maintain sidewalks along county roads. The cost of the  
16 construction and maintenance of sidewalks shall be paid by the  
17 county.

18 § 16914. Lights along county roads.

19 If considered necessary for the safety and convenience of the  
20 traveling public, the county commissioners may supply and equip  
21 any county road or parts of the road with lights as deemed  
22 necessary. The county commissioners may contract with an  
23 individual or municipal or private corporation. The cost of the  
24 construction may and the cost of maintenance of all lights shall  
25 be paid by the county.

26 § 16915. (Reserved).

27 § 16916. (Reserved).

28 § 16917. (Reserved).

29 § 16918. (Reserved).

30 § 16919. (Reserved).

1 § 16920. Adoption of system of main thoroughfares.

2 (a) System of roads.--The county commissioners may, in the  
3 manner provided by this section, cause to be laid out, surveyed  
4 and adopted a system of main thoroughfares which the board shall  
5 determine the proper roads to be established and specially  
6 constructed and improved. In adopting the system under this  
7 subsection, the county commissioners shall consider the  
8 population and needs of all parts of the county and make an  
9 equitable distribution of the roads to be specially constructed,  
10 located and improved by the the county. The county commissioners  
11 shall develop a plan or plans to be made showing the system of  
12 proposed roads, the relation of the proposed roads to existing  
13 public roads or roads to be supplied, the names of abutting  
14 property owners and also roads which already have been improved  
15 by the county. Upon approval of the plan or plans by the county  
16 commissioners, at least two county commissioners shall certify  
17 and file the plan for public inspection in the office of the  
18 county commissioners and record the plan in the office of the  
19 recorder of deeds.

20 (b) Requirements.--Subsection (a) shall be carried out in  
21 accordance with the following sections:

22 (1) This section.

23 (2) 16921 (relating to improvement of municipal roads).

24 (3) 16922 (relating to plan of system to be followed and  
25 variations).

26 (4) 16923 (relating to improvement of roads not part of  
27 system on contribution from parties interested).

28 (c) Interference with real property.--The proposed roads  
29 under subsection (a) may not be an easement upon private  
30 property or in any manner interfere with the use of private

1 property until established as a public road by the action of the  
2 court of common pleas.

3 § 16921. Improvement of municipal roads.

4 (a) General rule.--If a system of main thoroughfares had  
5 been adopted or if the adoption is being contemplated within two  
6 years after the commencement of the improvement, the county  
7 commissioners may take exclusive control of and improve any road  
8 or section of road located either wholly or in part in any  
9 municipal corporation, whether existing by the municipal  
10 corporation's authority or laid out in whole or in part by  
11 virtue of this act or otherwise.

12 (b) Necessary power.--For the purposes of subsection (a),  
13 the county commissioners may originally locate, lay out,  
14 establish in whole or in part, relocate, straighten, widen,  
15 extend, alter, open, construct and improve roads, or vacate as  
16 much of a road rendered unnecessary and useless.

17 (c) Maintenance.--A road established, altered, constructed  
18 and improved under this section shall, by ordinance enacted by  
19 each municipal corporation through which the road shall pass,  
20 become a municipal road, and each respective municipal  
21 corporation through or into which the road extends shall  
22 maintain and keep the road.

23 § 16922. Plan of system to be followed and variations.

24 (a) General rule.--The county commissioners may:

25 (1) relocate, straighten, widen, extend, alter, open,  
26 construct and improve the proposed roads as laid out,  
27 surveyed, marked and shown upon the plans of the system;

28 (2) originally locate, lay out, establish, construct and  
29 improve roads which substantially supply the system or parts  
30 of the system which, although not parts of the system, are



1 deemed by the court to be main thoroughfares of sufficient  
2 importance to be improved by the county and added to the  
3 plan; and

4 (3) vacate as much of the roads of the system and of  
5 roads already established as may be rendered unnecessary by  
6 the changes or by an entirely new location.

7 (b) Limitation.--After plans have been adopted and recorded  
8 under applicable law, all applications under section 16921  
9 (relating to improvement of municipal roads) shall be restricted  
10 and shall relate only to the establishing, opening, construction  
11 and improvement of the proposed roads of the system or parts of  
12 the system and the vacation of roads supplied by the portion  
13 opened and improved.

14 § 16923. Improvement of roads not part of system on  
15 contribution from parties interested.

16 The county commissioners may originally locate, lay out and  
17 establish in whole or in part, relocate, straighten, widen,  
18 extend, alter and open, construct and improve roads not parts of  
19 the system nor deemed main thoroughfares, upon parties  
20 interested in paying or securing to be paid the proportion of  
21 the cost of the original construction and improvement as the  
22 commissioners may deem just, which may not be less than one-  
23 fourth of the cost.

24 § 16924. (Reserved).

25 § 16925. (Reserved).

26 § 16926. (Reserved).

27 § 16927. (Reserved).

28 § 16928. (Reserved).

29 § 16929. (Reserved).

30 § 16930. Purchase, location, construction, operation and

1 maintenance authorized.

2 (a) County purchase of structures.--The county commissioners  
3 may, if deemed expedient, provide for the purchase, location,  
4 construction, operation and maintenance of roads, tunnels,  
5 subways or underground roads within the county, either wholly or  
6 partly within the boundaries of any municipal corporation. A  
7 road, tunnel, subway or underground road shall be a county road,  
8 tunnel, subway or underground road, and the duty of maintaining  
9 and keeping the road in repair shall devolve upon the county.  
10 All expenses under this section shall be paid by the county as  
11 provided under this subchapter.

12 (b) Requirements.--This section shall be carried out in  
13 accordance with the following sections:

14 (1) 16931 (relating to contracts or lease for special  
15 use of improvements).

16 (2) 16932 (relating to taking street or other property  
17 of municipal corporation).

18 § 16931. Contracts or lease for special use of improvements.

19 The county commissioners may make a contract or lease with  
20 any street railway or transportation company, its successors and  
21 assigns, for the concurrent use of such a portion of the road,  
22 tunnel or subway or underground road, as may not substantially  
23 impair or restrict the public use and enjoyment, upon agreed  
24 upon terms and conditions.

25 § 16932. Taking street or other property of municipal  
26 corporation.

27 If the county commissioners deem it necessary or advisable to  
28 enter upon or appropriate a road or property of any municipal  
29 corporation in the county or to take action affecting the  
30 property rights or authority of the municipal corporation for

1 the purpose of constructing or maintaining a road, tunnel,  
2 subway or underground road or the improvement of a road, tunnel,  
3 subway or underground road which has been or is about to be  
4 purchased by the county or otherwise, the consent of the  
5 municipal corporation by ordinance shall be obtained before the  
6 actual entering in or upon or the appropriation of the road or  
7 property. After the entry and appropriation, the county shall be  
8 liable and charged with the supervision, control and maintenance  
9 of the roads and properties, or as much of the road or property  
10 as is taken and used for the purpose of constructing and  
11 maintaining the road, tunnel, subway or underground road or the  
12 improvement of the road, tunnel, subway or underground road,  
13 purchased or to be purchased.

14 § 16933. (Reserved).

15 § 16934. (Reserved).

16 § 16935. (Reserved).

17 § 16936. (Reserved).

18 § 16937. (Reserved).

19 § 16938. (Reserved).

20 § 16939. (Reserved).

21 § 16940. (Reserved).

22 § 16941. (Reserved).

23 § 16942. (Reserved).

24 § 16943. (Reserved).

25 § 16944. (Reserved).

26 § 16945. (Reserved).

27 SUBCHAPTER B

28 VACATION AS COUNTY ROADS

29 Sec.

30 16950. Vacation as county roads.

1 § 16950. Vacation as county roads.

2 Upon petition of the county commissioners, the court of  
3 common pleas may vacate as a county road any portion of an  
4 abandoned or condemned road or a road purchased by the county or  
5 the permanent location or improvement of a road which has been  
6 ordered or made under this part or former acts relating to  
7 county roads. All portions of the vacated roads shall become  
8 roads of the municipal corporation through which the roads pass.  
9 Written notice of the contents of the petition and the time when  
10 the petition will be presented to the court shall be given by  
11 the county commissioners to the governing body of the municipal  
12 corporation through which the road passes at least 10 days  
13 before the date of presenting the petition. At the time the  
14 petition is presented, the court may fix a time for hearing in  
15 open court or may refer the matter to an examiner to take  
16 testimony and report findings to the court at a time the court  
17 directs. At any hearing in open court or before an examiner  
18 appointed by the court, all interested parties may appear and be  
19 heard. After the hearing, the court may grant the request of the  
20 petitioners and make a decree accordingly or make the order in  
21 the premises as the court deems right and just if the court  
22 finds the conditions of this part have been complied with.  
23 Orders of vacation may not be made until the municipal  
24 corporation affected has consented by an ordinance or resolution  
25 certified to the court.

26 SUBCHAPTER C

27 CONTINUOUS HIGHWAYS FROM ONE COUNTY TO ANOTHER

28 Sec.

29 16953. Laying out, altering and vacating.

30 § 16953. Laying out, altering and vacating.

Roads forming or intended to form a continuous highway from one county to another, which cross a river, creek or rivulet forming a boundary line between the counties, may be laid out or altered or vacated in the manner provided for other roads.

#### SUBCHAPTER D

#### COUNTY AID TO MUNICIPALITIES AND TOWNSHIPS

##### Sec.

16956. Municipal streets connecting two ends of county road.

16957. Municipal streets as terminus of county road.

16958. Improvements.

16959. Maintenance.

16960. Contracts with municipal corporations.

16961. (Reserved).

16962. (Reserved).

16963. Center line highway boundary between city or borough and township.

16964. (Reserved).

16965. Center line road boundary between city or borough and township in adjoining county.

16966. (Reserved).

16967. Improvement on order of common pleas.

16968. (Reserved).

16969. Improvements of roads connecting with State highway.

16970. Purchase and rental of road equipment to municipal corporations.

§ 16956. Municipal streets connecting two ends of county road.

If a city or borough intervenes between two ends of a county road and the municipal corporation has failed to properly improve the municipal streets constituting the shortest and most reasonable route through the municipal corporation that will

connect the two ends of the county road, the board of  
commissioners may contract with the governing body of the  
municipal corporation to improve the shortest and most  
reasonable route connecting the two ends of the highway.

§ 16957. Municipal streets as terminus of county road.

(a) Contract for improvements.--If a county road terminates  
at the corporate limits of a city or borough in the same county  
or in another county and connects with a municipal street which  
the municipal corporation has failed to properly improve, and  
the county commissioners in which the municipal corporation is  
located deem the improvement of the municipal street necessary  
to make the county road easily accessible to residents or to the  
traveling public, the county commissioners may contract with the  
governing body of the municipal corporation to improve municipal  
streets, including streets connecting a county road with the  
business districts of the municipal corporation or with a system  
of improved streets in the municipal corporation or which  
connect the road with another county road terminating at the  
limits of the municipal corporation.

(b) Contract to connect roads.--The county commissioners may  
enter into a similar contract as subsection (a) with one or more  
municipal governing bodies if:

(1) several municipal corporations are contiguous to  
each other;

(2) a county road terminates at the corporate limits of  
any of the municipal corporations;

(3) one or more of the municipal corporations have  
failed to properly improve a municipal street therein; and

(4) the county commissioners deem the improvement of the  
street necessary in order to make the county road easily

1 accessible to residents or to the traveling public.

2 § 16958. Improvements.

3 The board of commissioners may widen, repave or otherwise  
4 improve municipal streets if necessary to accomplish any of the  
5 purposes of sections 16956 (relating to municipal streets  
6 connecting two ends of county road) and 16957 (relating to  
7 municipal streets as terminus of county road). If the  
8 improvement is made to a municipal street, the county may pay  
9 the total cost of the improvement or the cost may be divided  
10 between or among the municipal corporations and the county.

11 § 16959. Maintenance.

12 Before a municipal street is improved, the county  
13 commissioners and the governing body of the municipal  
14 corporation shall agree upon the maintenance of the street. The  
15 agreement may provide that:

16 (1) the street shall be kept and maintained in good  
17 repair by the municipal corporation and, upon the completion  
18 of the improvement, further liability and responsibility of  
19 the county shall terminate; or

20 (2) the street shall be kept and maintained in good  
21 repair by the county and the share of the municipal  
22 corporation shall be paid annually to the county.

23 § 16960. Contracts with municipal corporations.

24 (a) Contract to construct improved road.--The county  
25 commissioners may contract with the governing bodies of  
26 municipal corporations, separately or jointly, providing that  
27 the county commissioners shall construct an improved road in a  
28 similar manner as a county road. The expense or cost of  
29 construction shall be borne jointly by the municipal  
30 corporations and the county in a ratio or proportions as may be

agreed on in each contract, notwithstanding if the municipal corporation intervenes between two ends of the county road or if the intersection is the terminus of a county road, State highway or township road.

(b) Payments made by the county.--Payment for the construction of roads under this section shall be made by the county, which shall be reimbursed by the municipal corporation in the sums as agreed upon in the contract or contracts.

(c) Maintenance and repair of jointly constructed roads.--A road jointly constructed under this section shall be repaired and maintained at the expense of the county. Nothing shall prevent the governing body of a municipal corporation from entering into a contract or contracts with the county for the maintenance of the improved road under terms and conditions as may be mutually satisfactory.

§ 16961. (Reserved).

§ 16962. (Reserved).

§ 16963. Center line highway boundary between city or borough and township.

(a) Grading, curbing and macadamizing of roads.--If the center line of any road constitutes the dividing line between any city or borough and a township located in the same county, the county commissioners and the commissioners or supervisors of the township may enter into a contract with the city or borough providing for the grading, curbing and 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 for alterations or improvements.--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 laws and in further compliance with plans and specifications to be agreed upon in writing between the city or borough and the board of 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.

§ 16964. (Reserved).

§ 16965. Center line road boundary between city or borough and township in adjoining county.

(a) Costs.--If the center line of any road constitutes a dividing line between a township and a city or borough located in an adjacent county, the county commissioners and the 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;

(2) the estimated cost; and

(3) that the terms of the contract cannot be agreed upon by the municipal corporations or the county or that the municipal corporations or the county refuses to enter into a contract.

(b) Petition and service.--The petition under subsection (a) may request that the court, after hearing all the parties concerned, make the court's order or decree defining the nature and character of the improvement reasonably necessary or desirable to be made and requiring the parties to enter into a contract for the making and constructing of the improvement. A copy of the petition, duly certified, shall be served upon the municipal corporations or county concerned, other than the petitioner, with notice of the day fixed by the court for the

1 hearing. Any of the parties served with notice shall be  
2 entitled, on or before the date, to file in the court the  
3 party's answer to the petition setting forth the party's version  
4 of the facts or other matters as may be deemed necessary or  
5 proper.

6 (c) Hearing or referral.--The court, upon the date fixed or  
7 other time as the court may appoint, shall hear the evidence of  
8 the parties or may refer the matter to a master who shall hear  
9 the testimony of the parties and report findings, in the same  
10 manner and under the same procedure as provided by the rules in  
11 equity in similar cases, to the court, which may reject, confirm  
12 or modify the findings, and may issue a decree or order  
13 directing the making of any alterations or improvements to the  
14 roadway as may be deemed reasonably necessary or desirable and  
15 provide for the sharing of the cost of the improvements one-half  
16 by the municipal corporation and one-half by the county and  
17 township, in equal portions.

18 (d) Additional findings.--The following apply:

19 (1) The order or decree under subsection (c) may further  
20 provide that the repairs to alterations and improvements  
21 subsequently required shall be borne as follows:

22 (i) one-half by the municipal corporation, either  
23 borough or city; and

24 (ii) one-half by the county or township in equal  
25 portions or other proportions as the court may find to be  
26 legal and proper.

27 (2) Upon the finding by the court, the grading, curbing,  
28 macadamizing or paving of the roadway shall proceed in  
29 accordance with the decree or order of the court in the same  
30 manner as if the contract or agreement had been entered into

1 and duly executed.

2 § 16968. (Reserved).

3 § 16969. Improvements of roads connecting with State highway.

4 The county may, singly or jointly with any municipal  
5 corporation, appropriate and expend money for the improvement of  
6 any road, not more than one mile in length in distance, outside  
7 of the limits of a municipal corporation, for the purpose of  
8 connecting improved streets in the municipal corporations with a  
9 State highway.

10 § 16970. Purchase and rental of road equipment to municipal  
11 corporations.

12 The county commissioners may purchase equipment for the  
13 preparation of road material and the construction and  
14 maintenance of roads as the county commissioners deem necessary  
15 and pay for the equipment out of the general funds of the  
16 county. Equipment may be rented by the county commissioners to  
17 any of the municipal corporations within the county applying for  
18 equipment rental, under regulations and at rentals as the county  
19 commissioners shall prescribe and fix. All equipment purchased  
20 under the provisions of this section shall be operated only by  
21 persons employed for that purpose by and under the direct  
22 supervision of the county commissioners.

23 SUBCHAPTER E

24 DETOURS

25 Sec.

26 16975. County road detours.

27 16976. Detour over private lands.

28 16977. Fines and damages.

29 § 16975. County road detours.

30 (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

1 (relating to county road detours), the county commissioners  
2 responsible for laying out the detour may enter into an  
3 agreement with the owners of private lands covering the  
4 acquisition of right-of-way privileges over private property for  
5 the period when the main highway shall be closed to traffic. In  
6 the exercise of the rights conferred by this section, the county  
7 commissioners responsible may pay for the necessary maintenance,  
8 subsequent repair and land rental out of funds available for the  
9 construction and maintenance of the roads in the commissioners  
10 charge.

11 § 16977. Fines and damages.

12 (a) Summary offense and exception.--

13 (1) Except as provided under paragraph (2), an  
14 individual who shall willfully remove, deface, destroy or  
15 disregard any barricade, light, danger sign, detour sign,  
16 warning or traffic control device of any character  
17 whatsoever, erected or placed under authority of section  
18 16975 (relating to county road detours), or who drives on,  
19 over or across a road which had been closed by proper  
20 authority, commits a summary offense.

21 (2) Individuals who have no outlet due to the closing of  
22 a road may drive on, over or across the road, with the  
23 consent in writing of and subject to any conditions as may be  
24 prescribed by the county commissioners responsible for the  
25 closing, or the agents or contractors of the individual,  
26 without being subject to the fines imposed by this section.

27 (b) Recovery of damages.--In addition to the fines under  
28 subsection (a), the county commissioners responsible for the  
29 maintenance of a road which has been closed to vehicular  
30 traffic, or the agents or contractors of the county

commissioners, may, in an action at law, recover damages from  
each individual who has damaged a road when the road is closed  
to vehicular traffic.

(c) Fines paid to county treasurer.--All fines collected  
under the provision of this section shall be paid to the county  
treasurer for the general use of the county.

#### SUBCHAPTER F

#### PROTECTIONS OF ROADS

##### Sec.

16981. (Reserved).

16982. (Reserved).

16983. (Reserved).

16984. (Reserved).

16985. Sign destruction penalties.

16986. Snow fences.

16987. Elimination of dangerous curves and widening of narrow  
roads.

§ 16981. (Reserved).

§ 16982. (Reserved).

§ 16983. (Reserved).

§ 16984. (Reserved).

§ 16985. Sign destruction penalties.

(a) General rule.--It shall be unlawful for an individual to  
willfully destroy, remove, injure or deface any sign or index  
board erected upon or near any public street, road or bridge by  
the authorities of any county, or erected, with the consent of  
such authorities, by any club, association or other organized  
body, for the direction, guidance or safety of travelers. Each  
sign affixed to a tree or post in or upon a road, properly  
erected in a manner that the sign does not interfere with

1 travel, or on a fence, telegraph, telephone, trolley or other  
2 pole, with the permission of the owners of the fence or pole, or  
3 on private grounds, if consent has been obtained from the owners  
4 and tenants, and which are close to roads, shall be within the  
5 provisions of this section.

6 (b) Penalties.--An individual who violates the provisions of  
7 this section commits a summary offense and, in addition to other  
8 finances and penalties provided by law, may be required to provide  
9 reimbursement for the value of a sign destroyed.

10 § 16986. Snow fences.

11 (a) Placement.--A county that is responsible for the  
12 maintenance of any road may enter upon private property adjacent  
13 to the road and place snow fences, at any point as may be  
14 necessary to within a limit of 100 feet from the right-of-way  
15 line of the road, in order to eliminate snow drifting on the  
16 traveled portion.

17 (b) Timeframe.--A snow fence, authorized under this section,  
18 may not be placed prior to November 1 nor shall the same remain  
19 in place after April 1 of the succeeding year, unless the  
20 written consent of the owner of the adjacent property is  
21 obtained, agreeing to an extension of time for the removal of  
22 the snow fence.

23 (c) Damages.--If the county responsible for the maintenance  
24 of the road is not able to enter into an agreement with the  
25 owner of adjacent property occupied by the snow fence as to the  
26 amount of damages sustained as a result of the fence being  
27 placed and removed, the owner may petition the court of the  
28 proper county for the appointment of viewers to ascertain the  
29 amount of damages incurred. The appointment of viewers and the  
30 procedure for viewing shall be governed by and be in accordance



1 with this part, as provided for eminent domain proceedings.  
2 Damages, if any, if ascertained, shall be paid by the county  
3 responsible for the maintenance of the road, and any money  
4 available to the county for the construction and maintenance of  
5 roads under the county's supervision shall be available for the  
6 payment of damages.

7 § 16987. Elimination of dangerous curves and widening of narrow  
8 roads.

9 (a) General rule.--A county may acquire, by purchase or by  
10 the right of eminent domain, property and lands situate along or  
11 adjacent to any county road as, in the opinion of the county  
12 commissioners, may be necessary to eliminate dangerous curves  
13 and widen narrow roads, for the better protection and safety to  
14 the traveling public.

15 (b) Condemnation.--Upon a purchase or condemnation, the  
16 county commissioners having had property and lands condemned may  
17 cause to be abated or removed any dangerous curve or curves or  
18 widen the narrow road to the extent of the property and land so  
19 acquired.

20 (c) Proceedings.--Proceedings for the condemnation of  
21 property and lands shall be as under Chapter 163 (relating to  
22 eminent domain and injury to property).

## 23 CHAPTER 171

### 24 SOUTHWESTERN PENNSYLVANIA REGIONAL RENAISSANCE INITIATIVE 25 Subchapter

#### 26 A. Preliminary Provisions

#### 27 B. Regional Growth Fund

#### 28 C. Regional Renaissance Authority

#### 29 D. Bonds and Funds of Authority

#### 30 E. Additional Sales and Use Taxes

1 F. Increase in Hotel Tax

2 G. Regional Destination Facilities Fund

3 H. Conveyance of David L. Lawrence Convention Center

4 SUBCHAPTER A

5 PRELIMINARY PROVISIONS

6 Sec.

7 17111. Scope of chapter.

8 17112. Findings and declaration of policy.

9 17113. Definitions.

10 § 17111. Scope of chapter.

11 This chapter relates to the southwestern Pennsylvania  
12 regional renaissance initiative.

13 § 17112. Findings and declaration of policy.

14 (a) Findings.--The General Assembly finds the following:

15 (1) The health, safety and general welfare of the  
16 residents of southwestern Pennsylvania are directly dependent  
17 upon the continual encouragement, development, growth and  
18 expansion of business, industry, commerce and tourism within  
19 that region.

20 (2) Unemployment, the spread of indigence and the heavy  
21 burden of public assistance and unemployment compensation in  
22 southwestern Pennsylvania can be avoided by the promotion,  
23 attraction, stimulation, development and expansion of  
24 business, industry, commerce and tourism in that region.

25 (3) Supplemental sources of revenue are needed by  
26 municipalities in southwestern Pennsylvania to invest in  
27 facilities that will promote economic development and tourism  
28 and improve the quality of life of their residents.

29 (4) Supplemental sources of public and private revenue  
30 are required to improve and develop the region's existing

economy and to develop new civic, convention, sports,  
cultural, industrial, transportation and other facilities.

(5) Local governments in southwestern Pennsylvania lack  
adequate resources to maintain, improve and modernize the  
region's civic, convention, sports, cultural, industrial,  
transportation and other facilities, the continued  
availability of which is vital to the economic growth and  
development of southwestern Pennsylvania, to the ability of  
the region to compete globally for visitors, residents and  
investment in quality jobs at living wages and to the health,  
welfare, education and quality of life of the residents of  
the region.

(b) Declaration of policy.--It is declared to be the public  
policy of the Commonwealth to promote the health, welfare and  
quality of life of the residents of southwestern Pennsylvania  
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,

1 No.270), known as the Public Auditorium Authorities Law.

2 "Authority." The Regional Renaissance Authority established  
3 under section 17131 (relating to authority established).

4 "Authority employee." The chairperson and members of the  
5 board of the authority, counsel retained by the authority either  
6 as an employee or otherwise, the chief administrative officer of  
7 the authority and any employee with discretionary powers who may  
8 affect the outcome of a decision by the authority in relation to  
9 a private corporation or business or any employee who by virtue  
10 of the employee's job function could influence the outcome of a  
11 decision.

12 "Baseball park." A baseball park to be constructed in the  
13 central city, designed for the purpose of playing major league  
14 baseball games.

15 "Board." The governing body of the Regional Renaissance  
16 Authority.

17 "Bonds." Notes, bonds, refunding notes and bonds, interim  
18 certificates, debentures and other evidences of indebtedness or  
19 obligations that the authority may issue under this chapter.  
20 Bonds may be either tax-exempt bonds, the interest on which is  
21 excludable from gross income for Federal income tax purposes or  
22 taxable bonds, the interest on which is includable in gross  
23 income for Federal income tax purposes.

24 "Central city." A city of the second class located in a  
25 county of the second class.

26 "Central county." A county of the second class.

27 "Construction." The term includes site acquisition,  
28 demolition and other preparation for and the design, renovation,  
29 improvement, expansion, erection, furnishing, fixturing and  
30 equipping of the facility or building involved.

1     "Contiguous county." A county, other than a county of the  
2     second class, that:

3         (1) has a boundary that touches, even at a single point,  
4         a county of the second class;

5         (2) is a county of the fourth, fifth or sixth class and  
6         shares common boundaries at more than a single point with two  
7         counties described in paragraph (1); or

8         (3) is a county of the sixth class and is located to the  
9         south and west of a county described in paragraph (2).

10     "Convention and visitors bureau." The tourist promotion  
11     agency located in the central city that receives funds from the  
12     hotel tax imposed by section 1970.2 of the act of July 28, 1953  
13     (P.L.723, No.230), known as the Second Class County Code.

14     "Convention center." The real property described in section  
15     17181(a) (relating to conveyance of convention center), together  
16     with the structures, facilities, buildings, fixtures and  
17     improvements located thereon, and known as the David L. Lawrence  
18     Convention Center.

19     "County account." A special account established within the  
20     Regional Growth Fund under section 17121(c) (relating to  
21     establishment of Regional Growth Fund).

22     "County growth board." A new or existing entity designated  
23     under section 17122(c)(2)(ii) (relating to use of Regional  
24     Growth Fund) for the purpose of developing a county growth plan.

25     "County growth plan." A plan for the use of money in a  
26     county account that is developed and submitted to the authority  
27     in accordance with section 17122(c).

28     "Cultural district." A geographic area within a city of the  
29     second class adjacent to the convention center that is not more  
30     than one-half square mile in size and that has located within it

1 at least three theaters for the performing arts.

2 "Department." The Department of Revenue of the Commonwealth.

3 "Design commission." The Southwestern Pennsylvania  
4 Convention Center Design Commission established under section  
5 17162 (relating to Southwestern Pennsylvania Convention Center  
6 Design Commission).

7 "Football stadium." A football stadium to be constructed in  
8 the central city, designed for the purpose of playing National  
9 Football League games.

10 "Governing body." The board of county commissioners or the  
11 county executive or other person exercising the functions of the  
12 county executive in a county without a board of county  
13 commissioners.

14 "Immediate family." A parent, spouse, child, brother,  
15 sister, the spouse of a child, brother or sister or the parent  
16 of a spouse.

17 "Participating county." A county in which the referendum  
18 provided for in section 17154 (relating to referenda levying  
19 additional taxes) has been approved by the voters.

20 "Party officer." The following members or officers of any  
21 political party:

22 (1) A member of a national committee.

23 (2) A chairman, vice chairman, secretary, treasurer or  
24 counsel of a State committee or members of the executive  
25 committee of a State committee.

26 (3) A county chairman, vice chairman, counsel, secretary  
27 or treasurer of a county committee.

28 (4) A city chairman, vice chairman, counsel, secretary  
29 or treasurer of a city committee.

30 "Public employee." An individual employed by the

Commonwealth or a political subdivision within the Commonwealth.

"Public officer." An individual elected to any public office of Commonwealth government or any political subdivision within the Commonwealth.

"Public official." Any elected or appointed official in the executive, legislative or judicial branch of Commonwealth government or any political subdivision within the Commonwealth.

The term does not include the following:

(1) Members of advisory boards who do not have authority to expend public money other than reimbursement for personal expenses or to otherwise exercise the power of the Commonwealth or any political subdivision within the Commonwealth.

(2) Any appointed official who does not receive compensation other than reimbursement for actual expenses.

"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.

1 17121. Establishment of Regional Growth Fund.

2 17122. Use of Regional Growth Fund.

3 § 17121. Establishment of Regional Growth Fund.

4 (a) Establishment.--The Regional Growth Fund is established.  
5 The treasurer of the authority shall be custodian of the  
6 Regional Growth Fund which shall be subject to the provisions of  
7 law applicable to funds listed in section 302 of the act of  
8 April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

9 (b) Credits.--Taxes imposed under Subchapter E (relating to  
10 additional sales and use taxes) shall be received by the  
11 department and paid to the treasurer of the authority and, along  
12 with interest and penalties less any collection costs allowed  
13 under Subchapter E and any refunds and credits paid, shall be  
14 credited in the manner provided in section 17152(f) (relating to  
15 imposition of additional sales and use taxes) to the Regional  
16 Growth Fund not less frequently than every two weeks. Any  
17 amounts appropriated to the Regional Growth Fund by the General  
18 Assembly and any contributions received from any other source  
19 shall be credited to the Regional Growth Fund.

20 (c) Special accounts.--A special account shall be  
21 established within the Regional Growth Fund for each  
22 participating county. All of the taxes, interest and penalties  
23 that are collected under section 17152 from a particular county  
24 and deposited into the Regional Growth Fund in accordance with  
25 section 17152(f) shall be credited to the special account for  
26 that county. All of the money in a county account must be spent  
27 on projects located in whole or in part within that county  
28 unless the governing body of that county authorizes by  
29 resolution the use of a portion of the money in its county  
30 account for a regional project located outside of the county.



1     (d) Other special accounts.--The authority may also  
2 establish other special accounts within the Regional Growth Fund  
3 to which shall be credited any amounts appropriated to the  
4 Regional Growth Fund by the General Assembly and any  
5 contributions received from any other source. Money in such  
6 special accounts shall be used for eligible projects in a  
7 participating county as determined by the board, subject to any  
8 limitations imposed by the source of the money.

9     (e) Restrictions.--All money in the Regional Growth Fund,  
10 including money credited under this section, prior year  
11 encumbrances and the interest earned on the money in the fund,  
12 may not lapse or be transferred to any other fund but shall  
13 remain in the Regional Growth Fund and must be used exclusively  
14 as provided in this chapter.

15     (f) Earnings.--Pending disbursement, money received on  
16 behalf of or deposited into the Regional Growth Fund shall be  
17 invested or reinvested in the same manner as money in the  
18 custody of the State Treasurer. All earnings received from the  
19 investment or reinvestment of the money shall be credited to the  
20 Regional Growth Fund and shall be allocated on a proportional  
21 basis to each special account within the Regional Growth Fund.  
22 § 17122. Use of Regional Growth Fund.

23     (a) General rule.--Subject to the limitations in subsections  
24 (b) and (c), money in the Regional Growth Fund shall be used by  
25 the authority to fund the capital costs of new or improved  
26 economic development projects of the following types:

27         (1) Industrial site development, including site  
28 acquisition, preparation and clearance, construction of  
29 necessary infrastructure such as water and sewer facilities  
30 and construction of buildings for use by businesses.

1       (2) Cultural, recreational, historical and entertainment  
2 facilities, including, without limitation, African-American  
3 cultural facilities, regional destination facilities and  
4 projects in heritage areas.

5       (3) Transportation facilities that will assist in the  
6 attraction and retention of jobs in the region, including  
7 construction of highways, bridges, transit facilities,  
8 airports, ports, rail lines and related facilities.

9       (4) Revolving loan money to assist in the establishment,  
10 location and expansion of businesses, including, without  
11 limitation, small or minority-owned businesses, in the  
12 region.

13       (5) New or improved water or sewer facilities serving  
14 residential customers.

15       (b) Limitations.--Expenditures from the Regional Growth Fund  
16 for an eligible project shall be subject to the following  
17 limitations:

18       (1) The funding provided from the Regional Growth Fund  
19 for an eligible project may not exceed 50% of the total cost  
20 of the project.

21       (2) No money may be expended from the Regional Growth  
22 Fund for operating costs of any project or facility.

23       (3) No more than 20% of the money in a county account  
24 may be used for the purpose described in subsection (a)(4).

25       (4) No more than 40% of the money in a county account  
26 may be used for the purpose described in subsection (a)(5).

27       (c) Notification.--

28       (1) No later than March 31, 1998, each participating  
29 county shall initially notify the board if the county intends  
30 to develop and submit a county growth plan, which of the

optional methods described in paragraph (2) will be used and what portion of the money in the county account shall be reserved for implementation of the plan. In establishing the long-term budget and capital budget under sections 17135 (relating to initial financial plan) and 17136 (relating to capital budgets), the board shall reserve money in each county account in accordance with the notification and shall not approve projects using reserved money unless they are contained in the county growth plan.

(2) If a participating county chooses to develop and submit a county growth plan to the authority, the governing body of a participating county shall select one of the following three methods for developing the plan:

(i) The redevelopment authority of the county created under the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law, may adopt a county growth plan by resolution and submit it to the authority. The redevelopment authority must hold at least one public hearing regarding the plan or any revision to the plan prior to adopting the plan or revision and submitting it to the authority.

(ii) The governing body may create a county growth board or designate an existing public or nonprofit agency to serve as the county growth board. The county growth board must hold at least one public hearing regarding the plan or any revision to the plan prior to adopting the plan or revision and submitting it to the authority.

(iii) The governing body may directly adopt a county growth plan by resolution and submit it to the authority. The governing body must hold at least one public hearing

1 regarding the plan or any revision to the plan prior to  
2 adopting the plan or revision and submitting it to the  
3 authority.

4 (3) The governing body of a participating county that  
5 has not previously submitted a county growth plan may elect  
6 to submit one at any time by giving the authority notice to  
7 that effect. The governing body of a participating county  
8 that has submitted a county growth plan may at any time  
9 change the method of developing its county growth plan by  
10 giving the authority notice to that effect.

11 (4) All expenditures from the Regional Growth Fund for  
12 projects contained in a county growth plan must meet the  
13 criteria and limitations contained in subsections (a) and  
14 (b). The total expenditures that the county growth plan  
15 requests from the county account may not exceed the total  
16 amount projected to be deposited into the account.

17 (d) Automatic approval.--The authority shall automatically  
18 approve funding from a county account for any project in the  
19 participating county that meets the eligibility criteria of this  
20 section and is contained in a county growth plan, up to the  
21 amount of money available in the county account.

## 22 SUBCHAPTER C

### 23 REGIONAL RENAISSANCE AUTHORITY

#### 24 Sec.

25 17131. Authority established.

26 17132. Board of authority.

27 17133. Purposes and powers.

28 17134. Fiscal matters.

29 17135. Initial financial plan.

30 17136. Capital budgets.

1 17137. Operating budget.

2 17138. Restrictions upon activities of board members and  
3 employees.

4 17139. Exemption from taxation.

5 § 17131. Authority established.

6 (a) General rule.--A body corporate and politic to be known  
7 as the Regional Renaissance Authority is established as a  
8 special purpose area wide unit of local government under section  
9 7 of Article IX of the Constitution of Pennsylvania, exercising  
10 powers as a unit of local government under this chapter and  
11 having territorial limits that encompass the geographic areas of  
12 the participating counties. The exercise by the authority of the  
13 powers conferred by this chapter is the performance of an  
14 essential public function.

15 (b) Time.--The authority shall be established at the time  
16 set forth in section 17154(e) (relating to referenda levying  
17 additional taxes). Once established, the authority shall  
18 continue in existence perpetually.

19 (c) Sovereign immunity.--The following apply:

20 (1) The authority and its board members, officers and  
21 employees shall have sovereign immunity as provided in 1  
22 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed;  
23 specific waiver).

24 (2) The authority and its board members, officers and  
25 employees shall remain immune from suit except as provided by  
26 and subject to 42 Pa.C.S. Ch. 85 Subchs. A (relating to  
27 general provisions) and B (relating to actions against  
28 Commonwealth parties).

29 (3) Notwithstanding 42 Pa.C.S. § 8525 (relating to legal  
30 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 authority.

(b) Appointments.--The members of the board of the authority shall be appointed as follows:

(1) The Governor shall appoint three members, not all of whom are members of the same political party and at least one of whom has experience and expertise in convention and tourism promotion programs.

(2) The President pro tempore of the Senate shall appoint a member.

(3) The Speaker of the House of Representatives shall appoint a member.

(4) The Minority Leader of the Senate shall appoint a member.

(5) The Minority Leader of the House of Representatives

1 shall appoint a member.

2 (6) The governing body of the central county shall  
3 appoint a member to represent that county.

4 (7) The governing body of each other participating  
5 county shall appoint a member to represent that county.

6 (8) The mayor of the central city shall appoint a member  
7 to represent that city.

8 (c) Members.--

9 (1) The number of members of the board appointed under  
10 each of subsection (b) (4), (5), (6) and (7) shall be  
11 increased to two if the number of participating counties is  
12 greater than five.

13 (2) The persons appointing members of the board under  
14 subsection (b) (4), (5), (6), (7) and (8) shall consult with  
15 each other to ensure:

16 (i) If there is more than one participating county,  
17 that not more than a majority of the members of the board  
18 appointed under subsection (b) (4), (5), (6), (7) and (8)  
19 are residents of any one participating county.

20 (ii) That the board is reflective, to the extent  
21 feasible, of the cultural, racial, ethnic and gender  
22 demographic proportions of the participating counties.

23 (d) Appointment lists.--The governing body of each  
24 participating county shall only appoint individuals from lists  
25 of three or more names submitted by the members of the General  
26 Assembly who represent any portion of that county. In developing  
27 the lists, the members of the General Assembly shall solicit  
28 nominations from public and private economic development  
29 agencies within the county and may solicit nominations from  
30 other sources. The individuals appointed must have the unanimous

approval of all of the members of the governing body in office at the time.

(e) Term.--

(1) The term of office of a member of the board appointed:

(i) under subsection (b)(1), (2) and (3) shall be four years; and

(ii) under subsection (b)(4), (5), (6), (7) and (8) shall be five years.

(2) The term of office of a member shall begin on the date of appointment. Members may hold office until successors have been appointed and qualified or until death or resignation.

(3) An individual may not serve more than two consecutive full terms on the board.

(4) An individual appointed to the board when a vacancy occurs during the term of office of a member of the board shall serve for the remainder of the term. A vacancy in the office of a member appointed under subsection (b)(4), (5), (6) and (7) shall be filled for the balance of the term by appointment made by the individual who at the time is the ranking member in the same chamber of the General Assembly and of the same political party as the individual who appointed the vacating member.

(f) Officers.--The Governor shall select one of the initial members of the board as the interim chair of the authority and shall, within 10 days of the effective date of the establishment of the authority, set a date, time and place for the initial organizational meeting of the board. The members shall elect a chair, vice chair, secretary, treasurer and other officers. A



1 member may not hold more than one office of the board at any  
2 time. Members may serve successive terms as officers of the  
3 board.

4 (g) Meetings.--The board shall meet as frequently as it  
5 deems appropriate, but at least once a month during the first  
6 year that the authority is in existence and thereafter at least  
7 once during each quarter of its fiscal year. In addition, a  
8 meeting of the board shall be called by the chair if a request  
9 for a meeting is submitted to the chair by at least two members  
10 of the board. A majority of the members of the board in office  
11 shall constitute a quorum for the purpose of conducting the  
12 business of the board and for all other purposes. The acts of a  
13 majority of the members of the board taken at a meeting of the  
14 board at which a quorum is present shall be the acts of the  
15 board, except that, for the purposes of making decisions  
16 regarding personnel matters, contracts and capital and operating  
17 budgets, the affirmative vote of at least six members of the  
18 board shall be required.

19 (h) Advisory members.--There shall be nonvoting advisory  
20 members of the board with the right to attend and be heard at  
21 every meeting of the board who shall be appointed as follows:

22 (1) An advisory member shall be appointed by each of the  
23 following:

24 (i) The convention and visitors bureau.

25 (ii) The principal tenant of the baseball park.

26 (iii) The principal tenant of the football stadium.

27 (iv) The private nonprofit corporation with the  
28 largest membership supporting the development of the  
29 entire cultural district.

30 (v) The private nonprofit corporation with the

1 largest membership supporting the development,  
2 preservation and expansion of African-American culture  
3 and history in southwestern Pennsylvania.

4 (vi) The labor organization representing the largest  
5 number of members of the building trades.

6 (2) In addition to the six advisory members appointed  
7 under paragraph (1), the authority may appoint one or more  
8 additional advisory members.

9 § 17133. Purposes and powers.

10 (a) Purposes.--The purpose of the authority includes, but is  
11 not limited to, the following:

12 (1) Supporting and financing the construction of  
13 regional destination facilities.

14 (2) Assuring the efficient and effective operation and  
15 development of regional destination facilities.

16 (3) Supporting and financing the construction of other  
17 economic development projects.

18 (b) Powers.--Subject to the limitations under subsection  
19 (d), the authority is granted all powers necessary or convenient  
20 to carry out the authority's purposes, including to:

21 (1) Have continuing succession.

22 (2) Sue and be sued, implead and be impleaded, complain  
23 and defend in all courts.

24 (3) Adopt, use and alter at will a corporate seal.

25 (4) Acquire by gift or otherwise, purchase, hold,  
26 receive, lease, sublease and use any license, franchise or  
27 property, real, personal or mixed, tangible or intangible, or  
28 any interest therein, including a regional destination  
29 facility or parts of the facility.

30 (5) Sell, transfer or dispose of any property or

1 interest therein for adequate and fair consideration.

2 (6) Acquire, hold, develop, construct, maintain, manage,  
3 operate, repair, own, lease or sublease a regional  
4 destination facility or parts of the facility and projects  
5 funded from the Regional Growth Fund.

6 (7) Make, enter into and award contracts with any person  
7 for the development, financing, construction, maintenance,  
8 operation and repair of regional destination facilities or  
9 parts of the facility and projects funded from the Regional  
10 Growth Fund.

11 (8) Conduct financial and performance reviews and audits  
12 of regional destination facilities and projects funded from  
13 the Regional Growth Fund.

14 (9) Conduct long-term planning necessary for the  
15 efficient and effective operation and development of regional  
16 destination facilities and projects funded from the Regional  
17 Growth Fund.

18 (10) Make bylaws for the regulation of the authority's  
19 affairs and promulgate rules, regulations and policies in  
20 connection with the performance of the authority's functions  
21 and duties.

22 (11) (i) Borrow money for the purpose of paying the  
23 costs of any project and to evidence such borrowing in  
24 any customary and appropriate fashion.

25 (ii) Make and issue taxable or tax-exempt negotiable  
26 bonds of the authority and secure the payment of the  
27 bonds or any part of the bonds by pledge or deed of trust  
28 of all or any of its revenues, rentals, receipts and  
29 contract rights.

30 (iii) Make agreements with the purchasers or holders

1 of the bonds or with other obligees of the authority in  
2 connection with any bonds, whether issued or to be  
3 issued, as the authority shall deem advisable, which  
4 agreements shall constitute contracts with the holders or  
5 purchasers.

6 (iv) Obtain credit enhancement or liquidity  
7 facilities in connection with any bonds as the authority  
8 shall determine to be advantageous.

9 (v) Provide, in general, for the security for the  
10 bonds and for the rights of the holders of the bonds.

11 (12) Make, enter into and award contracts and to execute  
12 all instruments necessary or convenient for the carrying out  
13 of its business.

14 (13) Borrow money and accept grants and to enter into  
15 contracts, leases, subleases, licenses or other transactions  
16 with any Federal agency, State public body, political  
17 subdivision or person.

18 (14) Mortgage, pledge, hypothecate or otherwise encumber  
19 any of its property, real, personal or mixed, tangible or  
20 intangible, and its revenues or receipts, including any tax  
21 revenues or interest the authority may have in any lease or  
22 sublease of regional destination facilities or parts of  
23 regional destination facilities.

24 (15) Procure insurance containing coverage, including,  
25 without limitation, insurance covering the timely payment in  
26 full of principal and interest on bonds of the authority, in  
27 the amounts and from the insurers the authority may determine  
28 to be necessary or desirable for its purposes.

29 (16) Invest authority money.

30 (17) Cooperate with any Federal agency, State public

1 body or political subdivision.

2 (18) Invest money not required for immediate  
3 disbursement in reserve or sinking funds.

4 (19) Appoint all officers, agents and employees required  
5 for the performance of its duties and fix and determine their  
6 qualifications, duties and compensation and to retain or  
7 employ other agents or consultants.

8 (20) Enroll authority employees in a retirement system,  
9 including an existing retirement system of a participating  
10 county or any other governmental entity located within a  
11 participating county.

12 (21) Appoint and fix the compensation of chief counsel  
13 and assistant counsel, who may not be required to be  
14 employees of the authority, to provide it with legal  
15 assistance. Notwithstanding 42 Pa.C.S. § 8525 (relating to  
16 legal assistance), the authority through its counsel shall  
17 defend actions brought against the authority and its officers  
18 and employees when acting within the scope of their official  
19 duties.

20 (22) Do all acts and things necessary or convenient for  
21 the promotion of its purposes and the general welfare of the  
22 authority and to carry out the powers granted to the  
23 authority under this chapter or any other law.

24 (c) Eminent domain.--The authority, upon making a finding  
25 that it is necessary or convenient to acquire any real or  
26 personal property in the central city for immediate or future  
27 use for purposes related to the construction of regional  
28 destination facilities or related developments, may acquire  
29 property by the exercise of the power of eminent domain under 26  
30 Pa.C.S. (relating to eminent domain), and for those purposes

1 shall have the power of eminent domain. The authority may use  
2 its eminent domain power to acquire property already devoted to  
3 a public use, except that the power may not be used to acquire  
4 property owned or used by the Commonwealth. The board may not  
5 exercise the authority's eminent domain power without the  
6 approval of the mayor of the central city and the members of the  
7 board appointed under section 17122(b)(1) and (3) (relating to  
8 board of authority).

9 (d) Operations.--Notwithstanding any purpose of the  
10 authority or a general or specific power granted by this chapter  
11 or any other law, whether express or implied, the following  
12 limitations and conditions shall apply to the operations of the  
13 authority:

14 (1) The authority shall have no power to pledge the  
15 credit or taxing powers of the Commonwealth or any other  
16 government agency, except the credit of the authority, nor  
17 shall any of the bonds of the authority be deemed a debt or  
18 liability of the Commonwealth or of any other government  
19 agency, except as otherwise agreed by the Commonwealth or a  
20 government agency.

21 (2) Neither the Commonwealth nor any government agency,  
22 except the authority, shall be liable for payment of the  
23 principal or maturity value of or interest or premium on any  
24 of the bonds of the authority, except as otherwise agreed by  
25 the Commonwealth or a government agency.

26 (3) Notwithstanding any provision of this chapter or any  
27 other act to the contrary or of any implication that may be  
28 drawn from this chapter or any other law, the Commonwealth  
29 and all other government agencies, except the authority,  
30 shall have no legal or moral obligation for the payment of

1 any expenses or obligations of the authority, including, but  
2 not limited to, bond principal and interest, the funding or  
3 refunding of any reserve and any administrative or operating  
4 expenses whatsoever, except as otherwise agreed to by the  
5 Commonwealth or another government agency.

6 (4) Bonds of the authority shall contain a prominent  
7 statement of the limitations set forth in this subsection and  
8 a further statement to the effect that obligees of the  
9 authority shall have no recourse, either legal or moral, to  
10 the Commonwealth or to any other government agency for  
11 payment of the bonds, except as otherwise agreed to by the  
12 Commonwealth or another government agency.

13 (5) The authority may not assume the responsibility of  
14 employing personnel directly engaged in the operation of  
15 regional destination facilities described in paragraphs (1)  
16 and (4) of the definition of "regional destination facility"  
17 but may enter into contracts for the operation, maintenance  
18 and ongoing improvement of those facilities with public and  
19 private organizations that have expertise in operating the  
20 type of facility involved.

21 (6) The authority may not operate, maintain or, after  
22 the completion of initial construction, design or perform  
23 subsequent improvements to the baseball park or football  
24 stadium but shall contract for the performance of those  
25 functions with the principal tenant of each of those  
26 facilities.

27 § 17134. Fiscal matters.

28 (a) Fiscal year.--The fiscal year of the authority shall  
29 commence on July 1 of each year and end on June 30 of the next  
30 year, except as otherwise provided by the board.

1 (b) Annual report.--The board shall, no later than the start  
2 of each fiscal year, prepare a comprehensive annual report of  
3 its activities and operations for the previous year, make the  
4 report publicly available and conduct public meetings and  
5 hearings to receive public comments and recommendations  
6 regarding the activities and operations of the board. The board  
7 shall forward a copy of the annual report each year to the  
8 Governor and the General Assembly.

9 (c) Audit.--The board shall provide for an annual audit of  
10 the authority by an independent certified public accounting  
11 firm.

12 § 17135. Initial financial plan.

13 (a) Agreements.--Immediately upon the creation of the  
14 authority, the board shall commence the negotiation, with public  
15 or private entities as it considers appropriate, of agreements  
16 relating to the construction of regional destination facilities.  
17 Agreements regarding the construction of the baseball park and  
18 the football stadium shall provide that those facilities may not  
19 be owned by the teams that will be the principal tenants but  
20 that the authority shall either own or enter into long-term  
21 leases with the owner of the land, building and fixtures for  
22 each of those facilities regardless of what public or private  
23 entities are responsible for the construction of those  
24 facilities. Each agreement regarding a regional destination  
25 facility shall provide for:

26 (1) The development of long-term plans for the  
27 financing, development and operation of the facility.

28 (2) Performance and financial goals, objectives and  
29 standards for the operation of the facility.

30 (3) Assurances that adequate measures will be undertaken



1 to maintain and improve the facility.

2 (4) Assurances that the operating and capital budgeting  
3 for the facility will occur in a financially responsible  
4 manner.

5 (b) Budgets.--Prior to the start of the first full fiscal  
6 year of the authority, the board shall adopt, in addition to the  
7 operating and capital budgets required under sections 17136  
8 (relating to capital budgets) and 17137 (relating to operating  
9 budget), long-term budgets for the Regional Destination  
10 Facilities Fund and the Regional Growth Fund. The long-term  
11 budget for the Regional Destination Facilities Fund shall  
12 estimate the total revenues required to complete the  
13 construction of all projects included in a regional destination  
14 facility and the amount of revenues to be received by the  
15 authority during the first seven calendar years of its  
16 existence. At least 90 days before commencement of the second  
17 and third full fiscal years of the authority, the board shall  
18 update and revise the operating and capital budgets as required  
19 under the long-term budget.

20 § 17136. Capital budgets.

21 (a) General rule.--At least 90 days before commencement of  
22 the ensuing fiscal year of the authority, recommended capital  
23 budgets relating to the Regional Destination Facilities Fund and  
24 the Regional Growth Fund shall be prepared and submitted to the  
25 board. The capital budgets shall show, in detail, the capital  
26 expenditures to be made or incurred in the next fiscal year  
27 which are to be financed from each fund. The capital budgets  
28 shall be adopted by the board no later than the date of the  
29 adoption of its annual operating budget as required under  
30 section 17137 (relating to operating budget).

1 (b) Vote.--Except for projects contained in a county growth  
2 plan, a majority of the members of the board who are residents  
3 of a particular participating county must vote in favor of the  
4 inclusion in a capital budget for the Regional Growth Fund of  
5 any expenditure relating to a project within that county.  
6 Projects contained in a county growth plan shall be approved in  
7 accordance with sections 17121 (relating to establishment of  
8 Regional Growth Fund) and 17122 (relating to use of Regional  
9 Growth Fund).

10 (c) Public hearing.--The board shall conduct an annual  
11 public hearing regarding the proposed annual capital budget for  
12 the Regional Growth Fund.

13 § 17137. Operating budget.

14 (a) General rule.--At least 90 days before commencement of  
15 the ensuing fiscal year of the authority, a recommended  
16 operating budget shall be prepared and submitted to the board.  
17 The operating budget shall set forth the estimated receipts and  
18 revenues of the authority during the next fiscal year. The  
19 operating budget for the next fiscal year shall be adopted by  
20 the board at least 30 days before the end of the current fiscal  
21 year.

22 (b) Expenses.--The money necessary to pay the administrative  
23 expenses of the authority during each fiscal year may be drawn  
24 from the Regional Destination Facilities Fund and the Regional  
25 Growth Fund. Money drawn under this subsection shall be drawn  
26 from the funds in proportion to the amount of time and expense  
27 involved in administering each fund. The authority shall not use  
28 more than 1% of the total revenues from the taxes imposed under  
29 Subchapter E (relating to additional sales and use taxes) to pay  
30 the administrative expenses of the authority.

1     (c) Public hearing.--The board shall conduct public hearings  
2 and meetings regarding its operating budget.  
3 § 17138. Restrictions upon activities of board members and  
4 employees.

5     (a) General rule.--A member of the board or an employee of  
6 the authority may not, concurrent with the service of the member  
7 or employee with the authority, be a party officer, public  
8 officer, public official, public employee or a member of the  
9 immediate family of a party officer, public officer or public  
10 official. This section may not apply to members of the board  
11 appointed under section 17132(b) (4), (5), (6), (7) and (8)  
12 (relating to board of authority).

13     (b) Applicability.--The provisions of the act of October 4,  
14 1978 (P.L.883, No.170), referred to as the Public Official and  
15 Employee Ethics Law, and the act of July 19, 1957 (P.L.1017,  
16 No.451), known as the State Adverse Interest Act, are made  
17 specifically applicable to board members, officers and employees  
18 of the authority. For the purposes of application of the  
19 referenced acts, employees of the authority shall be regarded as  
20 public employees of the Commonwealth, and officers or board  
21 members of the authority shall be regarded as public officials  
22 of the Commonwealth, regardless of if the employees receive  
23 compensation. The authority shall also be subject to 65 Pa.C.S.  
24 (relating to public officers) and the act of February 14, 2008  
25 (P.L.6, No.3), known as the Right-to-Know Law, relating to the  
26 inspection and copying of public records.

27 § 17139. Exemption from taxation.

28     The effectuation of the authorized purpose of the authority  
29 shall be exclusively for the benefit of the residents of this  
30 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.

1     (a) General rule.--

2         (1) The central city, the central county or a contiguous  
3     county, regardless of if the county is a participating  
4     county, and any special-purpose areawide unit of local  
5     government located or operating, in whole or in part, in any  
6     county may make grants from current and future revenues to  
7     the authority and to assist in defraying the costs of  
8     managing, operating, maintaining, financing and servicing the  
9     debt of regional destination facilities or parts of regional  
10    destination facilities, to enter into long-term agreements  
11    providing for payment of the costs and to enter into long-  
12    term leases or subleases as lessee or sublessee of all or  
13    part of a regional destination facility.

14        (2) The city or county may issue general obligation  
15    bonds for the purpose of obtaining money for the acquisition  
16    or improvement of regional destination facilities or parts of  
17    regional destination facilities.

18    (b) Contributions.--The Commonwealth may contribute to the  
19    capital costs of constructing regional destination facilities by  
20    the issuance of Commonwealth bonds and notes under Article XIX-B  
21    of the act of March 4, 1971 (P.L.6, No.2), known as the Tax  
22    Reform Code of 1971. A project undertaken by the authority is  
23    deemed to be a redevelopment assistance project under which  
24    capital money of the Commonwealth may be expended under the act  
25    of May 20, 1949 (P.L.1633, No.493), known as the Housing and  
26    Redevelopment Assistance Law, and, notwithstanding provisions of  
27    the Housing and Redevelopment Assistance Law, the Department of  
28    Community and Economic Development may make capital grants  
29    directly to the authority.

30                    SUBCHAPTER E

1                   ADDITIONAL SALES AND USE TAXES

2   Sec.

3   17151. Construction of subchapter.

4   17152. Imposition of additional sales and use taxes.

5   17153. Situs.

6   17154. Referenda levying additional taxes.

7   17155. Licenses.

8   17156. Rules and regulations.

9   17157. Collection costs.

10   § 17151. Construction of subchapter.

11       The tax imposed under this subchapter shall be in addition to  
12   any tax imposed by the Commonwealth under Article II of the act  
13   of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of  
14   1971. Except for the differing situs provisions in section 17153  
15   (relating to situs), the provisions of Article II of the Tax  
16   Reform Code of 1971 shall apply to the tax.

17   § 17152. Imposition of additional sales and use taxes.

18       (a) Tax.--A county shall levy, assess and collect a tax on  
19   the purchase price upon each separate sale at retail of tangible  
20   personal property or services, as defined in Article II of the  
21   act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code  
22   of 1971, within the boundaries of the participating county in  
23   which the electorate has approved the referendum provided under  
24   section 17154 (relating to referenda levying additional taxes).  
25   The tax shall be collected by the vendor from the purchaser and  
26   shall be paid over to the Commonwealth for deposit in the  
27   Regional Destination Facilities Fund and the Regional Growth  
28   Fund as provided in subsection (f).

29       (b) Use tax.--In each participating county in which the  
30   electorate approves the referendum levying the tax authorized

under subsection (a), a tax shall be levied, assessed and collected upon the use within the county of the purchase price of tangible personal property purchased at retail and on services purchased at retail as defined in Article II of the Tax Reform Code of 1971. The tax shall be paid to the Commonwealth by the individual who makes the use for deposit in the Regional Destination Facilities Fund and the Regional Growth Fund as provided in subsection (f). The use tax imposed under this subsection may not be paid to the Commonwealth by an individual who has paid the tax imposed under subsection (a) or who has paid the tax imposed by this subsection to the vendor with respect to the use.

(c) Rate of tax.--The taxes authorized under subsections (a) and (b) shall be imposed at the rate of 0.5% and shall be uniform, upon the same class of subjects and within the territorial limits of the participating counties.

(d) Seven-year period.--The taxes imposed under subsections (a) and (b) shall be collected only on sales or uses occurring during the seven-year period from July 1, 1998, through June 30, 2005.

(e) Computation.--The taxes imposed under subsections (a) and (b) shall be computed in the manner set forth in section 503(e) 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.

(f) Disbursements.--The taxes imposed under subsections (a) and (b) and any interest and penalties on the taxes shall be received by the department and paid by the State Treasurer as follows:

(1) Seventy-five percent of the taxes, interest and

1 penalties collected in the central county shall be paid to  
2 the Regional Destination Facilities Fund and 25% to the  
3 Regional Growth Fund.

4 (2) Twenty-five percent of the taxes, interest and  
5 penalties collected in each contiguous county that is a  
6 participating county shall be paid to the Regional  
7 Destination Facilities Fund and 75% to the Regional Growth  
8 Fund.

9 (g) Levying of the tax.--The governing body of a county in  
10 which the electorate has approved a referendum levying the taxes  
11 provided for in this subchapter may not be required to adopt an  
12 ordinance levying the tax. Upon approval of the referendum  
13 provided under section 17154, taxes approved by referendum under  
14 this subchapter shall be deemed levied by the governing board  
15 under this subchapter.

16 § 17153. Situs.

17 The situs of sales at retail or uses, including leases, of  
18 motor vehicles, aircraft, motorcraft and utility services shall  
19 be determined in the manner specified by section 504 of the act  
20 of June 5, 1991 (P.L.9, No.6), known as the Pennsylvania  
21 Intergovernmental Cooperation Authority Act for Cities of the  
22 First Class.

23 § 17154. Referenda levying additional taxes.

24 (a) Ballot.--The county board of elections of the central  
25 county and each contiguous county shall cause to be printed on  
26 the official ballot and ballot labels at the municipal election  
27 in November 1997 a referendum to determine the will of the  
28 electorate within the county with respect to levying the  
29 additional sales and use taxes under this subchapter.

30 (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

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 for economic development, transportation and tourism projects in (name) County; and with 25% 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 in Pittsburgh?

(d) Advertisement.--The referenda required under this section shall be advertised and conducted in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(e) Approval.--Except as provided in subsections (f), (g)

1 and (h), upon certification that the referendum under subsection  
2 (a) has been approved in any county, the authority shall be  
3 established as under section 17131 (relating to authority  
4 established).

5 (f) Partial approval.--If the referendum provided for in  
6 this section is not approved by the voters in the central county  
7 but is approved by the voters in at least one contiguous county:

8 (1) The Regional Destination Facilities Fund may not be  
9 established and all taxes collected by participating counties  
10 under section 17152 (relating to imposition of additional  
11 sales and use taxes) shall be deposited into the Regional  
12 Growth Fund.

13 (2) Members of the board may not be appointed under  
14 section 17132(b)(1) and (3) (relating to board of authority).

15 (g) Nonparticipation.--If the referendum under this section  
16 is approved by the voters in at least one county but is not  
17 approved by the voters in a particular contiguous county, the  
18 defeat of the referendum in that contiguous county may not  
19 affect the establishment of the authority or the operation of  
20 the provisions of this chapter, except that the additional taxes  
21 provided for in section 17152 may not be collected in the  
22 contiguous county and the contiguous county shall not be a  
23 participating county.

24 (h) Defeated referenda.--If the referenda under this section  
25 are defeated in the central county and all of the contiguous  
26 counties, this subchapter and Subchapters G (relating to  
27 Regional Destination Facilities Fund) and H (relating to  
28 conveyance of David L. Lawrence Convention Center) shall be of  
29 no further force and effect.

30 (i) Hotel tax.--If the referendum under this section is

approved by the voters in the central county, the increase in the hotel tax in the central county provided for in section 17161 (relating to increase in rate of hotel tax in central county) shall be reduced to 1.5% during the period that the taxes imposed by section 17152 are collected in the central county.

§ 17155. Licenses.

A license for the collection of the taxes imposed under this subchapter shall be issued in the same manner as is provided for in section 505 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.

§ 17156. Rules and regulations.

Rules and regulations shall be applicable to the taxes imposed under this subchapter in the same manner as is provided 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

1 the chairperson and minority chairperson of the Appropriations  
2 Committee of the House of Representatives the actual sums  
3 retained for costs of collection in the preceding fiscal year,  
4 together with all supporting details.

5 (b) Definition.--As used in this section, the term "costs of  
6 collection" may not include any charge for overhead or capital  
7 costs.

8 SUBCHAPTER F

9 INCREASE IN HOTEL TAX

10 Sec.

11 17161. Increase in rate of hotel tax in central county.

12 17162. Southwestern Pennsylvania Convention Center Design  
13 Commission.

14 17163. Restrictions of design commission members and employees.

15 17164. Design of convention center.

16 § 17161. Increase in rate of hotel tax in central county.

17 (a) General rule.--The rate of the tax imposed under section  
18 1970.2 of the act of July 28, 1953 (P.L.723, No.230), known as  
19 the Second Class County Code, shall be increased by 2% to a rate  
20 of 7%, subject to adjustment under section 17154(i) (relating to  
21 referenda levying additional taxes), for the period provided in  
22 subsection (c). Following the end of the period provided in  
23 subsection (c), the tax shall be collected at the rate in effect  
24 immediately prior to June 18, 1997.

25 (b) Definitions.--Terms used in this section that are not  
26 otherwise defined in this part but are defined in section 1970.2  
27 of the Second Class County Code shall have the meanings ascribed  
28 to them in that section of that act.

29 (c) Tax rate increase.--The increased tax rate required  
30 under this section shall apply to and be collected only on

rentals of a room or rooms to accommodate transients that occur during the period from September 1, 1997, through the earliest of:

(1) February 28, 1999, if the auditorium authority has not, in the period between June 18, 1997, and February 28, 1999, issued any bonds that are secured by the increased tax revenues to be collected under this subchapter and are for the purpose of financing the costs of any of the activities described in subsection (d);

(2) the date on which all bonds issued by the auditorium authority that are secured by the increased tax revenues to be collected under this subchapter and are for the purpose of financing construction of the convention center have been retired in full; or

(3) August 31, 2027.

(d) Distribution of revenues.--The incremental additional revenues received from the tax increase under this section shall be distributed as follows:

(1) One-third of the additional tax revenues collected by hotels located within a municipality other than the central city that at the time receives revenues under section 1970.2(b.1)(2) of the Second Class County Code shall be returned to that municipality and otherwise handled in the same fashion as if the incremental additional revenues returned to the municipality under this paragraph were part of the base revenues disbursed to it under that section.

(2) All other incremental additional revenues shall be deposited by the treasurer of the central county with the treasurer of the auditorium authority, who shall deposit the revenue in a special fund to be used solely for:

1           (i) Project design and property acquisition in  
2           connection with construction of a convention center until  
3           the cost of the project design and property acquisition  
4           have been completely paid or full funding has been  
5           committed.

6           (ii) Following completion of the project design and  
7           property acquisition under subparagraph (i), the costs of  
8           constructing the convention center.

9           (e) Approval.--Money may not be disbursed under subsection  
10          (d)(2)(i) for project design purposes without the approval of  
11          the design commission established under section 17162 (relating  
12          to Southwestern Pennsylvania Convention Center Design  
13          Commission).

14          § 17162. Southwestern Pennsylvania Convention Center Design  
15          Commission.

16          (a) General rule.--A body corporate and politic to be known  
17          as the Southwestern Pennsylvania Convention Center Design  
18          Commission is established as a special-purpose government  
19          instrumentality exercising the powers conferred by this chapter.  
20          The exercise by the design commission of the powers conferred by  
21          this chapter is declared to be the performance of an essential  
22          public function.

23          (b) Establishment.--The design commission shall be  
24          established on June 18, 1997. Once established, the design  
25          commission shall continue in existence until the renovations,  
26          improvements and expansion of a convention center have been  
27          completed.

28          (c) Sovereign immunity.--The following apply:

29                  (1) The members, employees and staff of the design  
30                  commission shall have sovereign immunity as provided in 1

1 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed;  
2 specific waiver).

3 (2) The members, employees and staff of the design  
4 commission shall remain immune from suit except as provided  
5 by and subject to the provisions of 42 Pa.C.S. Ch. 85 Subchs.  
6 A (relating to general provisions) and B (relating to actions  
7 against Commonwealth parties).

8 (3) Notwithstanding the provisions of 42 Pa.C.S. § 8525  
9 (relating to legal assistance), the design commission through  
10 its legal counsel shall defend actions brought against the  
11 design commission or its members, officers and employees if  
12 acting within the scope of their official duties.

13 (d) Membership.--The design commission shall be composed of  
14 the following 15 members:

15 (1) One member appointed by the mayor of the central  
16 city.

17 (2) One member appointed by the city council of the  
18 central city.

19 (3) Two members appointed by the governing body of the  
20 central county.

21 (4) One member appointed by the Governor.

22 (5) One member appointed by the regional planning  
23 commission established under 53 Pa.C.S. § 2344 (relating to  
24 establishment and organization of regional planning  
25 commission) of which the central county is a member.

26 (6) Two members appointed by the Governor who have been  
27 nominated by the governing board of the largest private trade  
28 or industry association formed to represent the owners of  
29 hotels located in the central county only.

30 (7) Two members appointed by the Governor who have been

1 nominated by the governing board of the largest private trade  
2 or industry association formed to represent the owners of  
3 restaurants located in the central county only.

4 (8) Four members appointed by the governing board of the  
5 convention and visitors bureau.

6 (9) The chair of the auditorium authority.

7 (e) Term.--The term of office of the members of the design  
8 commission shall be coincident with the term of existence of the  
9 design commission.

10 (f) Qualifications.--The members appointed under subsection  
11 (d) (8) shall have the following qualifications:

12 (1) One member shall have experience and expertise in  
13 planning and marketing national meetings and conventions.

14 (2) One member shall have experience and expertise in  
15 planning and marketing consumer shows.

16 (3) One member shall have experience and expertise in  
17 marketing convention centers.

18 (4) One member shall have experience and expertise in  
19 providing support services for conventions and shows.

20 (g) Election of officers.--The members of the design  
21 commission shall elect from members of the commission a chair,  
22 secretary and other officers as the commission determines. Each  
23 officer shall serve for a term of two years and until a  
24 successor is elected and qualified or until death or  
25 resignation. A member may not hold more than one office of the  
26 design commission at any time. Members may serve successive  
27 terms as officers of the design commission.

28 (h) Meetings.--The design commission shall meet as  
29 frequently as it deems appropriate, but at least once a month  
30 during the first year that it is in existence and thereafter at



1 least once during each calendar quarter. In addition, a meeting  
2 of the design commission shall be called by the chair if a  
3 request for a meeting is submitted to the chair by at least two  
4 members of the design commission. A majority of the members of  
5 the design commission in office shall constitute a quorum for  
6 the purpose of conducting the business of the design commission  
7 and for all other purposes. The acts of a majority of the  
8 members of the design commission taken at a meeting at which a  
9 quorum is present shall be the acts of the design commission.

10 (i) Powers.--The design commission is granted all powers  
11 necessary or convenient to carry out the commission's purpose  
12 under this chapter.

13 (j) Reimbursement of expenses.--The members of the design  
14 commission shall serve without compensation but shall be  
15 entitled to reimbursement of reasonable expenses incurred while  
16 participating in the business of the design commission. Expense  
17 reimbursements, as well as all costs associated with conducting  
18 the business of the design commission, shall be paid by the  
19 auditorium authority out of the special fund established under  
20 section 17161(d) (relating to increase in rate of hotel tax in  
21 central county).

22 § 17163. Restrictions of design commission members and  
23 employees.

24 (a) General rule.--A member or employee of the design  
25 commission may not, concurrent with the service of the member or  
26 employee with the design commission, be a party officer, public  
27 officer, public official, public employee or a member of the  
28 immediate family of a party officer, public officer or public  
29 official.

30 (b) Application of acts.--65 Pa.C.S. Ch. 11 (relating to

ethics standards and financial disclosure) and the act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act, are made specifically applicable to members and employees of the design commission. For the purposes of application of the acts, employees of the design commission shall be regarded as public employees of the Commonwealth, and members of the design commission shall be regarded as public officials of the Commonwealth, regardless of if the members or employees receive compensation. The design commission shall also be subject to 65 Pa.C.S. Ch. 7 (relating to open meetings) and the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. § 17164. Design of convention center.

(a) Contracts.--Contracts for the design and planning of the renovations, improvements and expansion of the convention center that are to be funded in whole or in part under this chapter may not be let without the approval of the design commission. The power of the design commission to approve contracts under this subsection shall include all aspects of the contracts, including, without limitation, the identity of the architects, engineers, surveyors and other persons who are parties to the contracts and the terms of the contracts.

(b) Approval.--Capital projects for construction of the convention center may not be undertaken unless and until the schematic design and the preliminary design development documents have been approved by the design commission. The design and construction of the convention center may be divided into stages or phases for which schematic design and preliminary design development documents may be approved separately by the design commission and may be undertaken as if each stage or phase were a separate capital project. Further design approval

1 shall not be required if the construction documents are  
2 consistent with the design set forth in the schematic and  
3 preliminary design development documents.

4 SUBCHAPTER G

5 REGIONAL DESTINATION FACILITIES FUND

6 Sec.

7 17171. Establishment of Regional Destination Facilities Fund.

8 17172. Use of Regional Destination Facilities Fund.

9 § 17171. Establishment of Regional Destination Facilities Fund.

10 (a) Fund established.--Subject to section 17154(f) (1)  
11 (relating to referenda levying additional taxes), the Regional  
12 Destination Facilities Fund is established. The treasurer of the  
13 authority shall be custodian of the Regional Destination  
14 Facilities Fund, which shall be subject to the provisions of law  
15 applicable to funds listed in section 302 of the act of April 9,  
16 1929 (P.L.343, No.176), known as The Fiscal Code.

17 (b) Source of fund money.--Taxes imposed under Subchapter E  
18 (relating to additional sales and use taxes) shall be received  
19 by the department and paid to the treasurer of the authority  
20 and, along with interest and penalties less any collection costs  
21 allowed under Subchapter E and any refunds and credits paid,  
22 shall be credited in the manner provided in section 17152(f)  
23 (relating to imposition of additional sales and use taxes) to  
24 the Regional Destination Facilities Fund not less frequently  
25 than every two weeks. Amounts appropriated to the fund by the  
26 General Assembly and any contributions received from any other  
27 source shall be credited to the Regional Destination Facilities  
28 Fund.

29 (c) Limitation on use of fund money.--All money in the  
30 Regional Destination Facilities Fund, including money credited

under this section, prior year encumbrances and interest earned on money in the fund, shall not lapse or be transferred to any other fund, except as provided in section 17172(c) (relating to use of Regional Destination Facilities Fund), but shall remain in the Regional Destination Facilities Fund and must be used exclusively as provided in this chapter.

(d) Interest earnings.--Pending disbursement, money received on behalf of or deposited into the Regional Destination Facilities Fund shall be invested or reinvested in the same manner as is 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 Destination Facilities Fund.

§ 17172. Use of Regional Destination Facilities Fund.

(a) Allocations.--Each long-term budget required by section 17135(b) (relating to initial financial plan) shall provide that the total expenditure of money in the Regional Destination Facilities Fund which has already been made plus the expenditures provided for in the long-term budget are allocated to ensure that the total amount ultimately expected to be deposited in the fund is allocated as follows:

(1) Except for the portion of the Regional Destination Facilities Fund used to defray the operating expenses of the authority as provided in section 17137(b) (relating to operating budget), all of the money in the fund shall be used to fund the construction of regional destination facilities and related developments. Not less than 85% shall be used for the construction of the regional destination facilities, with the remaining 15% available for the construction of related developments, such as parking facilities for a baseball park

1 and football stadium.

2 (2) Subject to paragraphs (3), (4), (5) and (6), the  
3 total amount of the fund shall be allocated in the manner  
4 most likely, in the judgment of the authority, to permit the  
5 completion of the construction of all of the regional  
6 destination facilities.

7 (3) Not less than 30% nor more than 40% shall be spent  
8 on construction of the convention center, but in no event  
9 shall the money provided from the fund represent more than  
10 50% of the cost of that project.

11 (4) Not less than 28% nor more than 32% shall be spent  
12 on construction of the baseball park, but in no event shall  
13 the money provided from the fund represent more than 50% of  
14 the cost of that project.

15 (5) Not less than 28% nor more than 32% shall be spent  
16 on construction of the football stadium, but in no event  
17 shall the money provided from the fund represent more than  
18 50% of the cost of that project.

19 (6) Not less than 5% nor more than 10% shall be spent on  
20 construction of the projects described in paragraph (4) of  
21 the definition of "regional destination facility," but in no  
22 event shall the money provided from the fund represent more  
23 than 50% of the individual cost of any of those projects.

24 (b) Baseball park and football stadium costs.--The authority  
25 shall ensure that a portion of the cost of constructing the  
26 baseball park and the football stadium shall be paid for from  
27 private funding sources. The cost of retiring the bonds issued  
28 by the authority organized under the act of July 29, 1953  
29 (P.L.1034, No.270), known as the Public Auditorium Authorities  
30 Law, and known as the Stadium Authority of The City of

Pittsburgh that are outstanding at the time that the stadium owned by the Stadium Authority of The City of Pittsburgh is used neither for professional baseball games nor for professional football games and the cost of demolishing the stadium may be treated as eligible for funding from the Regional Destination Facilities Fund, but none of those costs may be funded under subsection (a) (3) or (6).

(c) Transfer to Regional Growth Fund.--Any money in the Regional Destination Facilities Fund that cannot be disbursed as a result of limitations under subsection (a) shall be transferred on July 1, 2005, to the Regional Growth Fund.

#### SUBCHAPTER H

#### CONVEYANCE OF DAVID L. LAWRENCE CONVENTION CENTER

Sec.

17181. Conveyance of convention center.

§ 17181. Conveyance of convention center.

(a) Authorization.--The Department of General Services, with the approval of the Governor, is authorized and directed on behalf of the Commonwealth to grant and convey to the authority, for a consideration of \$1, as soon as practicable after the approval in the central county of the referendum required by section 17154 (relating to referenda levying additional taxes), the tract of land, with the structures, facilities, buildings, fixtures and improvements erected on the tract, situate in the City of Pittsburgh, Allegheny County, Pennsylvania, and known as the David L. Lawrence Convention Center. The conveyance shall include any property adjacent to the convention center that is acquired by the Commonwealth prior to the date of the conveyance and any options to acquire the adjacent property held by the Commonwealth on the date of the conveyance.

1 (b) Easements.--The following apply:

2 (1) The conveyance of the convention center shall be  
3 made under and subject to:

4 (i) all easements, servitudes and rights of others,  
5 including streets, roadways and rights of a telephone,  
6 telegraph, water, electric, sewer, gas or pipeline  
7 company; and

8 (ii) any interest, estates or tenancies vested in  
9 third persons, whether or not appearing of record, for  
10 any portion of the land or improvements erected thereon.

11 (2) The authority shall be bound by the terms of any  
12 labor contracts relating to the convention center that are in  
13 effect at the time of its conveyance to the authority.

14 (c) Deed of conveyance.--The deed of conveyance shall be  
15 approved as provided by law and shall be executed by the  
16 Secretary of General Services in the name of the Commonwealth.

17 (d) Costs and fees.--Costs and fees incidental to the  
18 conveyance of the convention center shall be borne by the  
19 grantee.

20 (e) Construction.--The conveyance of the convention center  
21 under this section shall not affect the availability of the  
22 revenues from the hotel tax authorized in section 1970.2 of the  
23 act of July 28, 1953 (P.L.723, No.230), known as the Second  
24 Class County Code, to fund the operational and maintenance  
25 expenditures of the convention center.

26 CHAPTER 173

27 THIRD CLASS COUNTY CONVENTION CENTER AUTHORITIES

28 Subchapter

29 A. Third Class County Convention Center Authorities

30 B. Third Class County Convention Center Authorities,

Alternative Provisions

SUBCHAPTER A

THIRD CLASS COUNTY CONVENTION CENTER AUTHORITIES

Sec.

17301. Scope of subchapter.

17302. Findings, declaration of policy and scope.

17303. Definitions.

17304. Authority creation.

17305. Purposes and powers in general.

17306. Capital and operating budgets.

17307. Authorization to issue bonds.

17308. Provisions of bonds, trusts, indentures and mortgages.

17309. Remedies of obligee of authority.

17310. Additional remedies conferrable by authority.

17311. Governing board.

17312. Sovereign immunity.

17313. Money of authority.

17314. Transfer of existing facilities or money, making of

annual grants and lease payments to authority.

17315. Award of contracts.

17316. Interests of public officers, public employees and party

officers.

17317. Acquisition of lands.

17318. Use and operation of convention center.

17319. Limitation of powers.

17320. Exemption from taxation.

17321. Lease by authorities.

17322. Cooperation.

17323. Hotel room rental tax.

§ 17301. Scope of subchapter.



1     This subchapter relates to third class county convention  
2     center authorities.

3     § 17302. Findings, declaration of policy and scope.

4     (a) Findings.--The General Assembly finds as follows:

5         (1) The health, safety and general welfare of the people  
6         of this Commonwealth are directly dependent upon the  
7         continual encouragement, development, growth and expansion of  
8         business, industry, commerce and tourism within this  
9         Commonwealth.

10        (2) Unemployment, the spread of indigency and the heavy  
11        burden of public assistance and unemployment compensation can  
12        be avoided by the promotion, attraction, stimulation,  
13        development and expansion of business, industry, commerce and  
14        tourism in this Commonwealth.

15        (3) Development of convention centers is appropriate  
16        within the redevelopment assistance eligible area of a third  
17        class county and that the attraction of business to this  
18        Commonwealth as a result of the development is an important  
19        factor in the continual encouragement, promotion, attraction,  
20        stimulation, development, growth and expansion of business,  
21        industry, commerce and tourism within the county seat, the  
22        surrounding counties and this Commonwealth as a whole.

23        (4) The purpose of a convention center should be the  
24        promotion, attraction, stimulation, development and expansion  
25        of business, industry, commerce and tourism in the county  
26        seat, the surrounding counties and this Commonwealth as a  
27        whole.

28        (5) The development of a convention center will provide  
29        benefits to the hotel industry throughout the entire area of  
30        the county in which the convention center is developed.

1       (6) The development of a convention center will also  
2       provide benefits to the restaurant and entertainment  
3       industries throughout the entire county in which the  
4       convention center is located, to all other businesses and  
5       individuals benefited by the attraction of major conventions  
6       and tourists, to other individual businesses whose livelihood  
7       is dependent on major conventions and tourists and to the  
8       general public.

9       (7) The need for and promotion of the type of facility  
10       which will provide significant benefits to the general public  
11       will require the expenditure of public money and it is  
12       appropriate to authorize a county to impose and collect a tax  
13       applicable within the entire territorial limits of the county  
14       to facilitate the development of a convention facility and  
15       the promotion of tourism within the county.

16       (8) To promote the development of convention centers  
17       within this Commonwealth, it is necessary to provide  
18       additional and flexible means of developing, constructing,  
19       designing, managing, financing and operating convention  
20       centers.

21       (9) An important aspect of the development of convention  
22       centers should be the removal and redevelopment of blighted  
23       areas.

24       (b) Declaration.--It is declared to be the policy of the  
25       Commonwealth to promote the health, safety, employment, business  
26       opportunities and general welfare of the people of this  
27       Commonwealth by providing for the creation of third class county  
28       convention center authorities, which shall exist and operate as  
29       public instrumentalities of the Commonwealth for the public  
30       purpose of promoting, attracting, stimulating, developing and

1 expanding business, industry, commerce and tourism in this  
2 Commonwealth. This purpose is declared to be a public purpose  
3 supporting the enactment of all provisions of this subchapter  
4 for which public money may be spent and taxes may be imposed.

5 (c) Scope of subchapter.--

6 (1) This subchapter shall not apply to a county which  
7 has an existing convention center owned, leased or operated  
8 by an existing authority or the Commonwealth, which covers an  
9 area of more than 40,000 square feet.

10 (2) This subchapter shall not apply to a county which is  
11 served, together with one or more other counties, by a joint  
12 planning commission.

13 (3) No provision of this subchapter other than section  
14 17323 (relating to hotel room rental tax) shall apply to an  
15 existing authority.

16 § 17303. Definitions.

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

20 "Authority." An agency and public instrumentality of the  
21 Commonwealth and a body politic and corporate created under this  
22 subchapter.

23 "Board." The governing body of an authority.

24 "Bonds." Notes, bonds, refunding notes and bonds, interim  
25 certificates, debentures and other evidence of indebtedness or  
26 obligations which an authority may issue under this subchapter.

27 "Construction." The acquisition, design, erection,  
28 extension, renovation, rehabilitation, conversion, furnishing,  
29 fixturing, equipping, enlargement or substantial repair of a  
30 convention center, or part of a convention center, and

1 activities substantially related to the acquisition, design,  
2 erection, extension, renovation, rehabilitation, conversion,  
3 furnishing, fixturing, equipping, enlargement or substantial  
4 repair of a convention center or part of a convention center.

5 "Convention center." Includes:

6 (1) Any land, improvement, structure, building, or part  
7 of a land, improvement, structure or building, or property  
8 interest in any land, improvement, structure, building, or  
9 part of a land, improvement, structure or building, whether  
10 owned by or leased by or to or otherwise acquired by an  
11 authority, appropriate for any of the following:

12 (i) Large public assemblies.

13 (ii) The holding of conventions, conferences, trade  
14 exhibitions and other business, social, cultural,  
15 scientific and public interest events.

16 (2) All facilities, furniture, fixtures and equipment  
17 necessary or incident to any property or property interest  
18 under paragraph (1), including meeting rooms, dining rooms,  
19 kitchens, ballrooms, reception areas, registration and  
20 prefunction areas, truck loading areas, including access  
21 thereto, accessways, common areas, lobbies, offices and areas  
22 appurtenant to any of the preceding, together referred to as  
23 the main convention area.

24 (3) Other buildings, structures or facilities for use in  
25 conjunction with the main convention area, including  
26 provision for off-street parking, retail areas and other  
27 improvements related to the convention center owned by or  
28 leased by or to an authority for the purpose of producing  
29 revenues to assist in defraying the costs or expenses of the  
30 convention center.

1 "Cost of a project." All or any part of the cost of  
2 construction, acquisition, alteration, enlargement, furnishing,  
3 fixturing and equipping, reconstruction and rehabilitation of a  
4 convention center project. The term includes:

5 (1) The cost of all lands, structures, real or personal  
6 property, rights, rights-of-way, roads, franchises, easements  
7 and interests acquired or used for or in connection with a  
8 project.

9 (2) The cost of demolishing or removing buildings or  
10 structures on land acquired, including the cost of acquiring  
11 lands to which the buildings or structures may be moved or  
12 located.

13 (3) The cost of all utility lines, structures or  
14 equipment.

15 (4) The charges, interest prior to, during and for a  
16 period of six months after completion of construction and  
17 acquisition.

18 (5) Provisions for reserves for principal and interest  
19 and for extensions, enlargements, additions and improvements.

20 (6) The cost of architectural, engineering, financial  
21 and legal services, plans, specifications, studies, surveys,  
22 estimates of cost and revenues.

23 (7) Expenses necessary or incident to determining the  
24 feasibility or practicability of constructing the project.

25 (8) Other capital cost or expense as may be necessary or  
26 incident to the construction, development and acquisition of  
27 the project, the financing of construction, development and  
28 acquisition and the placing of the project in operation,  
29 including, without limitation, a proper allowance for  
30 contingencies and the provision of reasonable initial working

1 capital for operating the project.

2 "County." A county of the third class or a county which was  
3 a county of the third class at the time the county took action  
4 to create an authority under this subchapter.

5 "Existing authority." An authority incorporated by a county  
6 of the third class prior to November 1, 1994, under the former  
7 act of May 2, 1945 (P.L.382, No.164), known as the Municipality  
8 Authorities Act of 1945, for the principal purpose of owning or  
9 operating a convention center.

10 "Federal Government." The United States, the President of  
11 the United States and any department or corporation, agency or  
12 instrumentality created, designated or established by the United  
13 States.

14 "Obligee." A bondholder or a trustee for a bondholder party  
15 to a contract with an authority.

16 "Project." A site, building, structure, equipment,  
17 furnishing and other facilities or undertaking in respect of a  
18 convention center which an authority may acquire, construct,  
19 improve, install, maintain or operate under the provisions of  
20 this subchapter.

21 "Redevelopment assistance eligible area." An area determined  
22 by the Department of Community and Economic Development to be  
23 eligible as a site for a facility receiving a grant under the  
24 Redevelopment Assistance Capital Program.

25 "State public body." The Commonwealth and its executive,  
26 administrative and independent agencies, departments, officers,  
27 boards, authorities, commissions and instrumentalities.

28 "Substantial completion." Construction that is sufficiently  
29 completed in accordance with contract documents and certified by  
30 the convention center authority's architect or engineer, as

1 modified by change orders so that the main convention area can  
2 be used, occupied or operated for its intended use. In no event  
3 shall a project be certified as substantially complete until at  
4 least 90% of the work on the main convention area is completed.  
5 § 17304. Authority creation.

6 The governing bodies of a third class county and the  
7 political subdivision constituting the county seat or the county  
8 acting alone may create a body corporate and politic to be named  
9 the ..... County Convention Center Authority to be created  
10 as a public authority and government instrumentality to have  
11 continuing succession until its existence shall be terminated by  
12 law. If the convention center to be constructed by an authority  
13 created under this subchapter shall be located within the  
14 jurisdictional limits of the county seat of the county, the  
15 authority shall be a joint authority of the county and the  
16 county seat. If the convention center shall be located outside  
17 the jurisdictional limits of the county seat of the county, the  
18 authority may be created solely by the county. The exercise by  
19 the authority of the powers conferred by this subchapter is an  
20 essential public function.

21 § 17305. Purposes and powers in general.

22 (a) Purposes.--An authority created under this subchapter  
23 shall be a public body, corporate and politic, exercising public  
24 powers of the Commonwealth as an agency and instrumentality and  
25 shall be for the purpose, without limitation, by itself or by  
26 agreement in cooperation with others, of acquiring, holding,  
27 developing, designing, constructing, improving, maintaining,  
28 managing, operating, financing, furnishing, fixturing,  
29 equipping, repairing, leasing or subleasing, either in the  
30 capacity of lessor or lessee or sublessor or sublessee, and

1 owning a convention center, or parts of a convention center.

2 (b) Powers.--The authority is granted all powers necessary  
3 or convenient for the carrying out of the purposes in subsection  
4 (a), including the right and power 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 a license, franchise or  
11 property, real, personal or mixed, tangible or intangible, or  
12 any interest in a license, franchise or property, including a  
13 convention center or part of a convention center.

14 (5) Sell, transfer or dispose of property or an interest  
15 in property with adequate and fair consideration.

16 (6) Acquire, hold, develop, design, construct, improve,  
17 maintain, manage, operate, furnish, fix, equip, repair, own,  
18 lease or sublease a convention center, or part of a  
19 convention center.

20 (6.1) Make, enter into and award contracts with any  
21 person, association, partnership or corporation for the  
22 development, design, financing, construction, improvement,  
23 maintenance, operation, management, furnishing, fixturing,  
24 equipping and repairing of a convention center or part of a  
25 convention center.

26 (7) Make bylaws for the management and regulation of its  
27 affairs and issue rules, regulations and policies in  
28 connection with the performance of the authority's functions  
29 and duties.

30 (8) Appoint officers, agents, employees and servants, to



1 prescribe duties and to fix compensation.

2 (9) Fix, alter, charge and collect rentals, admissions,  
3 license fees and other charges.

4 (10) Do the following:

5 (i) Borrow money for the purpose of paying the costs  
6 of a project and to evidence the same.

7 (ii) Make and issue negotiable bonds of the  
8 authority.

9 (iii) Secure payment of the bonds, or any part of  
10 the payment, by pledge or deed of trust of all or any of  
11 its revenues, including any hotel room rental tax,  
12 rentals, receipts and contract rights.

13 (iv) Make agreements with the purchasers or holders  
14 of the bonds or with other obligees of the authority in  
15 connection with the bonds, whether issued or to be  
16 issued, as the authority shall deem advisable, which  
17 agreements shall constitute contracts with the holders or  
18 purchasers.

19 (v) Obtain credit enhancement or liquidity  
20 facilities in connection with the bonds as the authority  
21 shall determine to be advantageous.

22 (vi) Provide for the security of the bonds and the  
23 rights of the bondholders.

24 (11) Make, enter into and award contracts and to execute  
25 all instruments necessary or convenient for the carrying out  
26 of its business.

27 (12) Borrow money and accept grants and to enter into  
28 contracts, leases, subleases, licenses or other transactions  
29 with any Federal agency, State public body, political  
30 subdivision, person, association, partnership or corporation.

1       (13) Pledge, hypothecate or otherwise encumber its  
2 property, real, personal or mixed, tangible or intangible,  
3 and its revenues or receipts, including, but not limited to,  
4 any interest the authority may have in a lease or sublease of  
5 a convention center or part of a convention center.

6       (14) Procure insurance containing coverages, including  
7 insurance covering the timely payment in full of principal of  
8 and interest on bonds of the authority, in amounts and from  
9 insurers, as the authority may determine to be necessary or  
10 desirable for its purposes.

11       (15) Invest money of the authority.

12       (16) Cooperate with any Federal agency, State public  
13 body or political subdivision.

14       (17) Invest money held in reserve or sinking funds or  
15 money not required for immediate disbursements as authorized  
16 by section 17313(d) (relating to money of authority).

17       (18) Appoint all officers, agents and employees required  
18 for the performance of its duties and fix and determine their  
19 qualifications, duties and compensation and retain or employ  
20 other agents or consultants, including architects, auditors,  
21 engineers, private legal counsel and private consultants, on  
22 a contract basis or otherwise for rendering professional or  
23 technical services and advice.

24       (19) Enroll authority employees in an existing  
25 retirement system of the State, county, city or other  
26 governmental entity.

27       (20) Appoint and fix the compensation of chief counsel  
28 and assistant counsel to provide the authority with legal  
29 assistance, and the authority through counsel shall defend  
30 actions brought against the authority and officers and

1 employees of the authority when acting within the scope of  
2 their official duties.

3 (21) Maintain an office in the county seat.

4 (22) Appoint an executive director who shall:

5 (i) be the chief executive officer of the authority;

6 (ii) devote full time during business hours to the  
7 duties of the office; and

8 (iii) receive compensation as the board shall  
9 determine.

10 (23) Do all acts and things necessary or convenient for  
11 the promotion of authority purposes and the general welfare  
12 of the authority and to carry out the powers granted to the  
13 authority by this subchapter or by any other act.

14 (c) Limitations.--

15 (1) The authority shall have no power to pledge the  
16 credit or taxing powers of a State public body, a political  
17 subdivision or the county.

18 (2) Authority obligations may not be deemed obligations  
19 of any State public body, a political subdivision or the  
20 county.

21 (3) A State public body, a political subdivision or the  
22 county shall not be liable for the payment of principal or  
23 interest on obligations of the authority.

24 (4) The authority shall have no power of eminent domain.

25 (d) Affirmative action.--The authority shall develop and  
26 implement an affirmative action plan to assure that all persons  
27 are accorded equality of opportunity in employment and  
28 contracting by the authority and authority contractors,  
29 subcontractors, assignees, lessees, agents, vendors and  
30 suppliers.

1 § 17306. Capital and operating budgets.

2 (a) Capital budget.--At least 90 days before the commencing  
3 of the ensuing fiscal year of the authority, a recommended  
4 capital budget shall be prepared and submitted to the board. The  
5 capital budget shall show in detail the capital expenditures to  
6 be made or incurred in the next fiscal year and financed from  
7 money subject to control or appropriation by the board. For each  
8 separate purpose, project, facility or other property, the  
9 amount and the source of the money that has been spent,  
10 encumbered or is intended to be spent or encumbered during the  
11 fiscal year shall be shown. No later than the date of the  
12 adoption of the annual operating budget, the board shall by a  
13 majority vote of its members adopt a capital budget.

14 (b) Operating budget.--At least 90 days before the  
15 commencing of the ensuing fiscal year of the authority, a  
16 recommended operating budget shall be prepared and submitted to  
17 the board. The operating budget shall be prepared with the aid  
18 of the governing bodies of the county and county seat. In the  
19 event that the operating budget is not in a form and detail  
20 satisfactory to a governing body, the governing body may require  
21 that the operating budget be redrafted and resubmitted, and the  
22 governing body shall not be considered to be in receipt of the  
23 operating budget or any amendments unless the form and detail is  
24 to the governing body's satisfaction. The operating budget shall  
25 set forth the estimated receipts and revenues of the authority  
26 during the next fiscal year. The board shall, at least 30 days  
27 before the end of the fiscal year, adopt by a majority vote of  
28 its members an operating budget for the next fiscal year.

29 § 17307. Authorization to issue bonds.

30 (a) Authorization.--

1       (1) The authority may authorize the issuance of bonds by  
2 resolution of the board. A resolution authorizing the  
3 issuance of bonds must specify all of the following:

4           (i) Series.

5           (ii) Date of maturity not exceeding 40 years from  
6 date of issue.

7           (iii) Interest rate, as determined by the board as  
8 necessary to issue and sell the authorized bonds.

9           (iv) Denomination.

10          (v) Form, either coupon or fully registered without  
11 coupons.

12          (vi) Registration, exchangeability and  
13 interchangeability privileges.

14          (vii) Medium of payment and place of payment.

15          (viii) Terms of redemption.

16          (ix) Priorities in the revenue or receipts of the  
17 authority.

18       (2) The bonds shall be signed by or shall bear the  
19 facsimile signatures of officers the authority determines,  
20 and coupon bonds shall have attached to them interest coupons  
21 bearing the facsimile signature of the treasurer of the  
22 authority, and all bonds shall be authenticated by an  
23 authenticating agent, fiscal agent or trustee, as may be  
24 prescribed in a resolution of the board. The bonds may be  
25 issued and delivered regardless of whether one or more of the  
26 officers who signed the bonds or the treasurer who, by  
27 facsimile, signed the coupon are not officers at the time the  
28 bonds are delivered.

29       (b) Sale of bonds.--The bonds may be sold at public sale or  
30 private negotiated sale for the price or prices and at the rate

1 of interest as the authority determines. Pending the preparation  
2 of the definitive bonds, interim receipts may be issued to the  
3 purchaser or purchasers of the bonds and may contain terms and  
4 conditions as the authority determines.

5 (c) Negotiability.--The bonds shall have the qualities of  
6 negotiable instruments under 13 Pa.C.S. (relating to commercial  
7 code).

8 (d) Use of net proceeds.--The net proceeds of the issue of  
9 bonds or notes may be used to pay the costs of the project or to  
10 reimburse costs initially paid by a State public body, the  
11 county, another political subdivision, an agency, an  
12 organization or an individual.

13 (e) Refunding authorized.--

14 (1) Subject to the provisions of the outstanding bonds,  
15 notes or other obligations and subject to the provisions of  
16 this subchapter, the authority shall have the right and power  
17 to refund outstanding debt, in whole or in part, at any time  
18 and shall have the right and power to refund outstanding  
19 notes with bonds or bonds with notes.

20 (2) As used in this subsection, the term "refund" and  
21 its variations means the issuance and sale of obligations the  
22 proceeds of which are used or are to be used for the payment  
23 or redemption of outstanding obligations upon or prior to  
24 maturity.

25 § 17308. Provisions of bonds, trusts, indentures and mortgages.

26 In connection with the issuance of bonds or the incurring of  
27 obligations under leases and in order to secure the payment of  
28 the bonds and obligations, the authority, in addition to its  
29 other powers, shall have the power to:

30 (1) Pledge all or part of the gross or net revenues to

1 which the authority's right then exists or may come into  
2 existence.

3 (2) Mortgage all or part of the authority's real or  
4 personal property.

5 (3) Covenant the following:

6 (i) Against pledging all or part of the authority's  
7 revenues or against mortgaging all or part of the  
8 authority's real or personal property or permitting or  
9 suffering a lien on the revenues or property.

10 (ii) With respect to limitations on the authority's  
11 right to sell, lease or otherwise dispose of real  
12 property.

13 (iii) Other or additional debts or obligations  
14 incurred by the authority.

15 (4) Do the following:

16 (i) Covenant as to the bonds to be issued and as to  
17 the issuance of the bonds, in escrow or otherwise, and as  
18 to the use and disposition of the proceeds.

19 (ii) Provide for the replacement of lost, destroyed  
20 or mutilated bonds.

21 (iii) Covenant against extending the time for the  
22 payment of its bonds or interest.

23 (iv) Redeem the bonds and to covenant for and  
24 provide the terms and conditions for redemption.

25 (5) Do the following:

26 (i) Covenant as to the amount and the use and  
27 disposition of revenues to be raised each year or other  
28 period of time by the authority.

29 (ii) Create or authorize the creation of special  
30 funds for debt service or other purposes.

1           (iii) Covenant as to the use and disposition of the  
2           money held in the funds for debt service or other  
3           purposes.

4           (6) Prescribe the procedure, if any, by which the terms  
5           of a contract with bondholders may be amended or abrogated,  
6           the amount of bonds, to which bondholders must consent, and  
7           the manner in which consent may be given.

8           (7) Do the following:

9           (i) Covenant as to the use of its real or personal  
10           property.

11           (ii) Warrant its title.

12           (iii) Covenant as to the maintenance and replacement  
13           of its real and personal property, the insurance to be  
14           carried on the property and the use and disposition of  
15           insurance money.

16           (8) Do the following:

17           (i) Covenant as to the rights, liabilities, powers  
18           and duties arising upon the breach by it of any covenant,  
19           condition or obligation.

20           (ii) Covenant and prescribe in the event of default  
21           as to terms and conditions upon which authority bonds or  
22           obligations are due before maturity and as to the terms  
23           and conditions upon which a declaration and its  
24           consequences may be waived.

25           (9) Do the following:

26           (i) Vest in a trustee or bondholders or any  
27           proportion of the bondholders the right to enforce the  
28           payment of the bonds or any covenants securing or  
29           relating to the bonds and vest in a trustee the right in  
30           the event of a default by the authority to take



1 possession and use, operate and manage any real property  
2 and collect the rents and revenues that arise from the  
3 real property and to dispose of the money collected in  
4 accordance with the agreement of the authority with the  
5 trustee.

6 (ii) Provide for the powers and duties of a trustee  
7 and limit the trustee's liabilities.

8 (iii) Provide the terms and conditions upon which  
9 the trustee or bondholders or any proportion of  
10 bondholders may enforce covenants or rights securing or  
11 relating to the bonds.

12 (10) Obtain letters of credit and bond insurance.

13 (11) Exercise all, any part or combination of the powers  
14 granted in this section.

15 (12) Make covenants other than and in addition to the  
16 covenants expressly authorized in this section.

17 (13) Make covenants and perform acts necessary,  
18 convenient or desirable in order to secure the authority's  
19 bonds or, in the absolute discretion of the authority, that  
20 will accomplish the purpose of this subchapter by making the  
21 bonds more marketable even if the covenants or acts may not  
22 be specifically enumerated in this section.

23 § 17309. Remedies of obligee of authority.

24 An obligee of the authority shall have the right, in addition  
25 to all other rights which may be conferred on the obligee,  
26 subject only to contractual restrictions binding upon the  
27 obligee:

28 (1) By mandamus, suit, action or proceeding at law or in  
29 equity, to compel the authority and authority members,  
30 officers, agents or employees to perform each term, provision

1 and covenant contained in any bond or contract of the  
2 authority with or for the benefit of the obligee and require  
3 the carrying out of any or all covenants and agreements of  
4 the authority and the fulfillment of all duties imposed upon  
5 the authority by this subchapter.

6 (2) By proceeding in equity, to obtain an injunction  
7 against any acts or things which may be unlawful or the  
8 violation of any of the rights of the obligee.

9 § 17310. Additional remedies conferrable by authority.

10 (a) Default.--The authority shall have power by resolution,  
11 trust, indenture or mortgage to confer upon an obligee holding  
12 or representing a specified percentage of bonds the right, in  
13 addition to all rights that may otherwise be conferred, upon the  
14 happening of an event of default as defined in the resolution or  
15 instrument, by suit, action or proceeding in a court of  
16 competent jurisdiction:

17 (1) to obtain the appointment of a receiver of any real  
18 property or leasehold interest of the authority and of the  
19 rents and profits from the real property or leasehold  
20 interest. If a receiver is appointed, the receiver may enter  
21 and take possession of the real property or any leasehold  
22 interest, operate the property of leasehold interest and  
23 collect and receive all revenues or other income arising from  
24 the operation and shall keep the money in a separate account  
25 and apply the money in accordance with the obligations of the  
26 authority as the court shall direct; or

27 (2) to require the authority and authority members to  
28 account as if it and they were the trustees of an express  
29 trust.

30 (b) Authority of receiver.--Nothing in this subchapter shall

1 authorize a receiver appointed under this subchapter for the  
2 purpose of operating and maintaining facilities of the authority  
3 to sell, assign, mortgage or otherwise dispose of the assets of  
4 the authority. It is the intention of this subchapter to limit  
5 the powers of the receiver to the operation and maintenance of  
6 the facilities of the authority as the court directs, and the  
7 following apply:

8 (1) Receivers may not sell, assign, mortgage or  
9 otherwise dispose of any assets of the authority.

10 (2) Bondholders, trustees and other obligees do not have  
11 the right in any suit, action or proceeding, at law or in  
12 equity, to compel a receiver to sell, assign, mortgage or  
13 otherwise dispose of any assets of the authority.

14 (3) A court may not direct a receiver to sell, assign,  
15 mortgage or otherwise dispose of any assets of the authority.

16 § 17311. Governing board.

17 (a) Appointment.--The power of the authority shall be  
18 exercised by a governing board. The following apply:

19 (1) The governing body of the county seat of the county  
20 in which the convention center is located shall appoint three  
21 members. The terms of the first three members appointed shall  
22 be allocated between them for a two-year, three-year and  
23 four-year term, respectively.

24 (2) The governing body of the county in which the  
25 convention center is located shall appoint three members. The  
26 terms of the first three members appointed shall be allocated  
27 between them for a two-year, three-year and four-year term,  
28 respectively.

29 (3) The two governing bodies shall alternate in the  
30 appointment of the seventh board member. The governing body

1 of the county shall make the first appointment of the seventh  
2 board member, whose term shall be four years.

3 (b) Terms.--Except as otherwise provided, members shall  
4 serve a four-year term from the date of appointment and until  
5 successors have been appointed and qualified. Subject to  
6 subsection (a), if a vacancy occurs by means of the death,  
7 disqualification, resignation or removal of a member, the  
8 appointing authority shall appoint a successor to fill the  
9 unexpired term.

10 (c) Compensation.--Subject to an aggregate per annum  
11 limitation and other rules and regulations as the board  
12 determines, a member shall receive \$100 per board meeting.

13 (d) Organization.--

14 (1) The members of the board shall select from the  
15 members a chairperson and other officers as the board may  
16 determine.

17 (2) Except as otherwise provided, all actions of the  
18 board shall be taken by a vote of at least four members of  
19 the board, which shall constitute a majority, unless the  
20 bylaws of the authority provide for a majority vote by a  
21 present quorum in the absence of a full board.

22 (3) The board shall have full authority to manage the  
23 properties and business of the authority and to prescribe,  
24 amend and repeal bylaws, rules and regulations governing the  
25 manner in which the business of the authority may be  
26 conducted and the powers granted to it may be exercised and  
27 embodied.

28 (4) Notwithstanding any other law, court decision,  
29 precedent or practice to the contrary, actions by or on  
30 behalf of the board shall not be taken by an officer of the

1 board except upon the approval of the board.

2 (5) As used in this subsection, the term "actions by or  
3 on behalf of the board" means any action of the board,  
4 including:

5 (i) the hiring, appointment, removal, transfer,  
6 promotion or demotion of officers and employees;

7 (ii) the retention, use or remuneration of advisors,  
8 counsel, auditors, architects, engineers or consultants;

9 (iii) the initiation of legal action;

10 (iv) the making of contracts, leases, agreements,  
11 bonds, notes or covenants;

12 (v) the approval of requisitions, purchase orders,  
13 investments and reinvestments; and

14 (vi) the adoption, amendment, revision or rescission  
15 of rules and regulations, orders or other directives.

16 (e) Nonliability of members.--Members of the board may not  
17 be held personally liable for the bonds or other obligations of  
18 the authority, and the rights of creditors shall be solely  
19 against the authority. The authority, itself or by contract,  
20 shall defend board members, and the authority shall indemnify  
21 and hold harmless board members, regardless of whether currently  
22 serving as an authority member, against and from personal  
23 liabilities, actions, causes of action and claims made against  
24 the authority for actions performed within the scope of duties  
25 as board members.

26 § 17312. Sovereign immunity.

27 The following apply:

28 (1) The authority created under this subchapter and its  
29 officers, officials and employees shall have sovereign and  
30 official immunity, as provided in 1 Pa.C.S. § 2310 (relating

1 to sovereign immunity reaffirmed; specific waiver).

2 (2) The authority shall remain immune from suit except  
3 as provided by and subject to 42 Pa.C.S. §§ 8501 (relating to  
4 definitions), 8502 (relating to enforcement proceedings),  
5 8521 (relating to sovereign immunity generally), 8522  
6 (relating to exceptions to sovereign immunity), 8523  
7 (relating to venue and process), 8524 (relating to defenses),  
8 8525 (relating to legal assistance), 8526 (relating to  
9 counterclaim by the Commonwealth), 8527 (relating to  
10 indemnity relating to inmate health care) and 8528 (relating  
11 to limitations on damages).

12 (3) Notwithstanding 42 Pa.C.S. § 8525, the authority  
13 shall defend actions brought against the authority and the  
14 authority's officers and employees if acting within the scope  
15 of their official duties.

16 § 17313. Money of authority.

17 (a) Payment to treasurer.--All money of the authority shall  
18 be paid to the treasurer of the authority.

19 (b) Investment of money.--The board shall invest authority  
20 money consistent with sound business practice.

21 (c) Investment program.--The board shall provide for an  
22 investment program subject to restrictions contained in this  
23 subchapter, any other applicable statute and rules or  
24 regulations adopted by the board.

25 (d) Authorized types of investments.--Authorized types of  
26 investments for authority money shall be:

27 (1) Direct obligations of or obligations guaranteed by  
28 the United States.

29 (2) A bond, debenture, note, participation certificate  
30 or other similar obligation issued by any one or combination

1 of the following agencies:

2 (i) Government National Mortgage Corporation.

3 (ii) Federal Land Banks.

4 (iii) Federal Home Loan Banks.

5 (iv) Federal Intermediate Credit Banks.

6 (v) Banks for Cooperatives.

7 (vi) Tennessee Valley Authority.

8 (vii) United States Postal Service.

9 (viii) Farmers Home Administration.

10 (ix) Student Loan Marketing Association.

11 (x) Export-Import Bank of the United States.

12 (3) A bond, debenture, note, participation certificate  
13 or other similar obligation issued by the Federal National  
14 Mortgage Corporation to the extent the obligations are  
15 guaranteed by the Government National Mortgage Corporation or  
16 issued by another Federal agency and backed by the full faith  
17 and credit of the United States.

18 (4) Deposits in interest-bearing time or demand deposits  
19 or certificates of deposit fully insured by the Federal  
20 Deposit Insurance Corporation or its successors or the  
21 Federal Savings and Loan Insurance Corporation or its  
22 successors or fully secured by any of the obligations  
23 described in paragraphs (1), (2) and (3) to the extent not so  
24 insured.

25 (5) Repurchase agreements relating to, or investment  
26 agreements secured by or providing for the acquisition of  
27 and, if applicable, the resale of, obligations described in  
28 paragraphs (1), (2), (3) and (4) or obligations of the  
29 Federal Home Loan Mortgage Corporation or the Federal  
30 National Mortgage Association with:

1           (i) banks or trust companies, which may include a  
2           banking entity or depository;

3           (ii) brokers or broker-dealers registered under the  
4           Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C.  
5           §§ 78a-78jj) acceptable to the authority; or

6           (iii) insurance companies rated A+ or better by  
7           Best's and having a net capital and surplus of at least  
8           \$25,000,000 or certificates of deposit with banks or  
9           trust companies fully secured as to principal and accrued  
10          interest by obligations described in paragraphs (1), (2),  
11          (3) and (4) deposited with or subject to the control of  
12          the authority.

13          (6) Money market deposit accounts of banks or trust  
14          companies having a net capital and surplus of at least  
15          \$25,000,000, which may include a banking entity or  
16          depository.

17          (7) The description of authorized investments under  
18          paragraphs (5) and (6) shall be met only if the agreements  
19          referenced in paragraph (5) or (6) provide for the repayment  
20          of the principal amount invested at an amount not less than  
21          that invested. If security is required under paragraph (4),  
22          (5) or (6), the security shall be deposited with the  
23          treasurer of the authority or be held by a trustee or agent  
24          satisfactory to the authority. Money of the authority shall  
25          be paid out on the warrant or other order of the chairperson  
26          of the authority or other person as the authority may  
27          authorize to execute warrants or orders.

28          (e) Annual report and audit.--An authority created under  
29          this subchapter shall file an annual report with the Department  
30          of Community and Economic Development, with the county and with



1 the political subdivision constituting the county seat, which  
2 shall make provisions for the accounting of revenues and  
3 expenses. Authority books, accounts and records shall be audited  
4 annually in accordance with generally accepted auditing  
5 standards by an independent auditor who shall be a certified  
6 public accountant, and a copy of the audit report shall be  
7 attached to and be made a part of the annual report. A concise  
8 financial statement shall be published annually in a newspaper  
9 of general circulation in the county in which the authority is  
10 located.

11 (f) Power of inspection.--The Attorney General, the Auditor  
12 General, the Secretary of the Budget, the chairperson and  
13 minority chairperson of the Appropriations Committee of the  
14 Senate and the chairperson and minority chairperson of the  
15 Appropriations Committee of the House of Representatives shall  
16 have the right to examine the books, accounts and records of the  
17 authority.

18 § 17314. Transfer of existing facilities or money, making of  
19 annual grants and lease payments to authority.

20 (a) Authority to transfer.--

21 (1) A State public body or political subdivision may  
22 sell, lease or sublease from or to, lend, grant, convey or  
23 otherwise transfer or pay over to the authority, with or  
24 without consideration, any of the following:

25 (i) A convention center or part of a convention  
26 center.

27 (ii) An interest in property, real, personal or  
28 mixed, tangible or intangible.

29 (iii) Any money available, needed or obligated for  
30 development, acquisition, design, maintenance,

1       management, operation, financing, leasing or subleasing,  
2       construction or improvement purposes, including the  
3       proceeds of bonds issued before or after November 3,  
4       1999, for construction or improvement of a convention  
5       center or part of a convention center.

6       (2) Property, money, a convention center or part of a  
7       convention center received by the authority may be used for  
8       any lawful purpose of the authority.

9       (3) Nothing in this subchapter or in any other law shall  
10      be deemed to make an authority or person a State-supported or  
11      State-aided institution under any law of this Commonwealth.

12      (b) Grants authorized.--

13      (1) Subject to paragraph (2), the governing bodies of  
14      the county and county seat are authorized to:

15           (i) Make grants from current revenues to the  
16           authority.

17           (ii) Assist in defraying the costs of management,  
18           operation, maintenance, financing and debt service of a  
19           convention center or part of a convention center.

20           (iii) Enter into long-term agreements providing for  
21           payments under subparagraph (i) or (ii).

22           (iv) Enter into long-term leases or subleases as  
23           lessee or sublessee of all or part of a convention  
24           center.

25      (2) Obligations of the county and county seat to make  
26      grants, lease or sublease payments to an authority shall not,  
27      even if based on debt obligations of an authority, constitute  
28      debts of the county and county seat within the meaning of any  
29      constitutional or statutory provision and shall be payable  
30      only to the extent that current revenues of the county and

1 county seat are available.

2 (3) The county and county seat may issue general  
3 obligation bonds for the purpose of obtaining money for local  
4 contributions pertaining to a convention center or part of a  
5 convention center.

6 (c) Capital costs.--The Commonwealth may contribute to the  
7 capital costs of constructing a convention center by the  
8 issuance of Commonwealth bonds and notes under Article XIX-B of  
9 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform  
10 Code of 1971, or under Chapter 3 of the act of February 9, 1999  
11 (P.L.1, No.1), known as the Capital Facilities Debt Enabling  
12 Act. A convention center project undertaken by the authority is  
13 deemed to be a redevelopment assistance project for which  
14 capital funds of the Commonwealth may be expended under the  
15 provisions of the act of May 20, 1949 (P.L.1633, No.493), known  
16 as the Housing and Redevelopment Assistance Law, and,  
17 notwithstanding any provisions of the Housing and Redevelopment  
18 Assistance Law, the Department of Community and Economic  
19 Development may make capital grants directly to the authority in  
20 furtherance of this subchapter.

21 § 17315. Award of contracts.

22 (a) General rule.--All construction, reconstruction, repairs  
23 or work of any nature made by an authority in which the entire  
24 cost, value or amount of the construction, reconstruction,  
25 repairs or work, including labor and materials, shall exceed  
26 \$10,000, except construction, reconstruction, repairs or work  
27 done by employees of the authority or by labor supplied under  
28 agreement with a Federal agency, State public body or political  
29 subdivision, with supplies and materials purchased as provided  
30 under this section, shall be done only under contract or

1 contracts to be entered into by the authority with the lowest  
2 responsible bidder upon proper terms after due public notice has  
3 been given asking for competitive bids as provided under this  
4 section and in accordance with the following:

5 (1) The authority shall have the right to reject any or  
6 all bids or select a single item from any bid.

7 (2) Contracts may not be entered into for construction  
8 or improvement or repair of a project or portion of a project  
9 unless the contractor provides sufficient surety or sureties  
10 approved by the authority in an amount fixed by the authority  
11 for the performance of the contract.

12 (3) All contracts shall provide that the person or  
13 corporation entering into the contract with the authority pay  
14 for all materials furnished and services rendered for the  
15 performance of the contract and that a person or corporation  
16 furnishing materials or rendering services may maintain an  
17 action to recover for the same against the obligor in the  
18 undertaking as though the person or corporation was named in  
19 the contract if the action is brought within one year after  
20 the time the cause of action accrued.

21 (4) Nothing in this section shall be construed to limit  
22 the power of the authority to construct, repair or improve a  
23 project or portion of a project or an addition, betterment or  
24 extension to a project directly by the officers and employees  
25 of the authority.

26 (5) The authority shall award the construction of a  
27 convention center according to the provisions of the act of  
28 May 1, 1913 (P.L.155, No.104), referred to as the Separations  
29 Act, and shall be subject to 62 Pa.C.S. Pt. I (relating to  
30 Commonwealth procurement code).

1       (6) Nothing in this section or any other law shall  
2       require the authority to competitively bid architectural  
3       design, engineering or other professional services required  
4       by the authority.

5       (b) Purchasing of supplies and materials.--All supplies and  
6       materials which cost \$10,000 or more to be acquired directly by  
7       the authority shall be purchased only after due advertisement.  
8       The authority shall accept the lowest bid or bids from a  
9       responsible bidder, kind, quality and material being equal, but  
10       the authority shall have the right to reject any bid or select a  
11       single item from a bid. The provisions as to bidding shall not  
12       apply to the purchase of unique supplies and materials or  
13       supplies and materials which cannot be obtained in the open  
14       market.

15       (c) Construction.--Nothing in this section or in any other  
16       law shall preclude the board with the approval of five members  
17       from negotiating contracts for management, operation, concession  
18       services, licensing or leasing of a convention center or any  
19       part of a convention center. The authority may not award a  
20       contract to a manager, operator, concessionaire, licensee,  
21       lessee or lessor which exceeds three years in duration unless  
22       five members of the board approve the awarding of a contract for  
23       a greater period of time.

24       (d) Local regulation.--The authority and authority  
25       contractors, subcontractors, assignees, lessees, agents, vendors  
26       and suppliers are not subject to county or county seat laws,  
27       ordinances, rules or regulations relating to limits or  
28       preferences with regard to employment, contracting or  
29       procurement in the construction and operation of the convention  
30       center.

1 (e) Applicability of other acts.--The authority shall be  
2 subject to the act of August 15, 1961 (P.L.987, No.442), known  
3 as the Pennsylvania Prevailing Wage Act, the act of March 3,  
4 1978 (P.L.6, No.3), known as the Steel Products Procurement Act,  
5 and 62 Pa.C.S. Ch. 37 Subch. B (relating to motor vehicles).

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 unless the context clearly indicates otherwise:

9 "Advertisement." A public notice.

10 "Public notice." A notice published at least 10 days before  
11 the award of a contract in a newspaper of general circulation  
12 published in the county, which may be waived if the authority  
13 determines an emergency exists and supplies and materials must  
14 be immediately purchased by the authority.

15 § 17316. Interests of public officers, public employees and  
16 party officers.

17 (a) Management level employees.--

18 (1) A party officer, public officer, public official or  
19 public employee may not be employed as a management-level  
20 authority employee.

21 (2) A person convicted of an infamous crime may not be  
22 employed as a management-level employee by the authority.

23 (b) Other laws applicable.--

24 (1) The provisions of the act of July 19, 1957  
25 (P.L.1017, No.451), known as the State Adverse Interest Act,  
26 and 65 Pa.C.S. Ch. 11 (relating to ethics standards and  
27 financial disclosure) are made specifically applicable to  
28 board members, officers and employees of the authority. For  
29 the purposes of application of these acts, employees of the  
30 authority shall be regarded as public employees of the

1 Commonwealth, and officers and board members of the authority  
2 shall be regarded as public officials of the Commonwealth,  
3 regardless of whether the employee, officer or board member  
4 receive compensation.

5 (2) The authority is subject to the act of February 14,  
6 2008 (P.L.6, No.3), known as the Right-to-Know Law, and 65  
7 Pa.C.S. Ch. 7 (relating to open meetings).

8 (c) Conflicts of interest.--Notwithstanding the provisions  
9 of subsection (b), the following prohibitions shall apply:

10 (1) A management-level employee or other employee of the  
11 authority may not use the employee's position with the  
12 authority or confidential information received through the  
13 employee's position with the authority to obtain financial  
14 gain other than compensation provided by law for the  
15 employee, a member of the employee's immediate family or a  
16 business with which the employee is associated. For purposes  
17 of this paragraph, the term "business with which the employee  
18 is associated" shall mean a business in which the employee or  
19 a member of the employee's immediate family is a director,  
20 officer, owner, employee or stockholder.

21 (2) A person may not offer or give to a management-level  
22 employee or other employee of the authority or a member of  
23 the employee's immediate family or a business with which the  
24 employee is associated, and management-level employees or  
25 other employees of the board may not solicit or accept,  
26 anything of value, including a gift, loan, political  
27 contribution, reward or promise of future employment, based  
28 on an understanding that the vote, official action or  
29 judgment of the employee would be influenced thereby. For  
30 purposes of this paragraph, the term "business with which the

1 employee is associated" shall mean a business in which the  
2 person or a member of the person's immediate family is a  
3 director, officer, owner, employee or stockholder.

4 (3) A management-level employee or other employee of the  
5 authority or a member of the employee's immediate family or a  
6 business in which the employee or a member of the employee's  
7 immediate family is a director, officer, owner or stockholder  
8 exceeding 5% of the equity at fair market value of the  
9 business may not enter into a contract valued at \$500 or more  
10 to provide goods or services to the authority unless the  
11 contract has been awarded to the lowest responsible bidder  
12 through an open and public process, including prior public  
13 notice and subsequent public disclosure of all proposals  
14 considered and contracts awarded.

15 (4) A former management-level employee or other former  
16 employee of the authority may not represent a person, with or  
17 without compensation, on any matter before the authority with  
18 which the employee has been associated for one year after the  
19 employee leaves employment with the authority.

20 (5) An individual who is a State, county seat or county  
21 public officer or public official or a party officer, a  
22 member of the immediate family of the individual or a  
23 business with which the individual or immediate family member  
24 is associated shall not have a financial interest in a  
25 contract valued at \$500 or more to provide goods or services  
26 to the authority either during the time the individual holds  
27 the office or for two years after the individual terminates  
28 the office unless the contract is executed under paragraph  
29 (3). For purposes of this paragraph:

30 (i) The term "financial interest" does not include



1 employment by, association with or ownership of a  
2 business association unless the public officer, public  
3 official, party officer or immediate family member owns  
4 shares of stock in the corporation in an amount in excess  
5 of 5% of the total issue of the stock of the corporation  
6 or has an ownership interest in a noncorporate business  
7 association in an amount in excess of 5% of the total  
8 ownership of the noncorporate business association.

9 (ii) The term "business with which the individual or  
10 immediate family member is associated" shall mean a  
11 business in which the person or a member of the person's  
12 immediate family is a director, officer, owner, employee  
13 or holder of stock.

14 (6) An employee of the authority or an advisor or  
15 consultant to the county seat, the county or the State who  
16 has recommended to the authority which the employee serves  
17 either entering into a contract relating to a convention  
18 center authority or a course of action of which entering into  
19 the contract is an express or implied part may not have an  
20 adverse interest in the contract.

21 (7) A management-level employee or other employee of the  
22 authority, the county seat, the county or the State may not  
23 influence or attempt to influence the making of or supervise  
24 or in any manner deal with a contract with the authority in  
25 which the employee has an adverse interest.

26 (8) A management-level employee or other employee of the  
27 authority may not have an adverse interest in a contract with  
28 the authority.

29 (9) An individual having an adverse interest in a  
30 contract with the authority may not become a management-level

1 employee or other employee of the authority until the adverse  
2 interest is wholly divested.

3 (10) A management-level employee or other employee of  
4 the Commonwealth, authority, county seat, or county, except  
5 in the performance of the employee's duties for the  
6 authority, may not, directly or indirectly, represent a  
7 person upon a matter pending before the authority for  
8 remuneration.

9 (d) Penalties.--

10 (1) An individual who violates this section shall be  
11 immediately terminated from employment with the authority by  
12 the appropriate individual having the power to terminate and  
13 shall be liable to the authority to reimburse the authority  
14 for all compensation received by the employee from the  
15 authority while employed in violation of subsection (a).

16 (2) An individual who violates subsection (c) (1) or (2)  
17 commits a felony and, upon conviction, shall be sentenced to  
18 pay a fine of not more than \$10,000 or to imprisonment for  
19 not more than five years, or both.

20 (3) An individual who violates subsection (c) (3), (4),  
21 (5), (6), (7), (8), (9) or (10) commits a misdemeanor and,  
22 upon conviction, shall be sentenced to pay a fine of not more  
23 than \$1,000 or to imprisonment for not more than one year, or  
24 both.

25 (4) An individual who obtains financial gain from  
26 violating subsection (c), in addition to any other penalty  
27 provided by law, shall pay into the accounts of the authority  
28 a sum of money equal to three times the financial gain  
29 resulting from the violation.

30 (5) An individual who violates subsection (c) shall be

1 barred for a period of five years from engaging in any  
2 business or contract with the authority, the county seat, the  
3 county, the Commonwealth and all political subdivisions of  
4 the Commonwealth.

5 (6) An employee of the county seat, the county or the  
6 Commonwealth or any political subdivision of the Commonwealth  
7 or a public officer or public official who violates  
8 subsection (c) must automatically forfeit the office or  
9 employment the employee, officer or official holds.

10 (7) The penalties and sanctions provided by this section  
11 shall supersede any similar penalties and sanctions provided  
12 by 65 Pa.C.S. Ch. 11 and the State Adverse Interest Act.

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

16 "Business." A corporation, partnership, sole proprietorship,  
17 firm, enterprise, franchise, association, organization, self-  
18 employed individual, holding company, joint-stock company,  
19 receivership, trust or any legal entity organized for profit or  
20 as a not-for-profit corporation or organization.

21 "Immediate family." A parent, spouse, child, brother, sister  
22 or like relative-in-law.

23 "Infamous crime." A violation and conviction for an offense  
24 which would disqualify an individual from holding public office  
25 pursuant to section 6 of Article II of the Constitution of  
26 Pennsylvania or a conviction for a violation of this section, 18  
27 Pa.C.S. § 4113 (relating to misapplication of entrusted property  
28 and property of government or financial institutions) or 18  
29 Pa.C.S. Ch. 47 (relating to bribery and corrupt influence), 49  
30 (relating to falsification and intimidation), 51 (relating to

1 obstructing governmental operations) or 53 (relating to abuse of  
2 office) or any other violation of the laws of this Commonwealth  
3 for which an individual has been convicted within the preceding  
4 10 years and which is classified as a felony, and similar  
5 violations of the laws of another state or the Federal  
6 Government.

7 "Management-level authority employee." The chairperson and  
8 members of the board, counsel employed by the authority, the  
9 executive director of the authority and authority employees with  
10 discretionary powers which may affect the outcome of the  
11 authority's decision in relation to a private corporation or  
12 business or employees who, by virtue of the employee's job  
13 function, have the ability to influence the outcome of the  
14 decision.

15 "Party officer." Any of following members or officers of a  
16 political party:

17 (1) A member of a national committee.

18 (2) A chairperson, vice chairperson, secretary,  
19 treasurer or counsel of a State committee or member of the  
20 executive committee of a State committee.

21 (3) A city chairperson or vice chairperson or counsel,  
22 secretary or treasurer of a city committee.

23 (4) A county chairperson or vice chairperson or counsel,  
24 secretary or treasurer of a county committee.

25 "Person." A business, individual, corporation, union,  
26 association, firm, partnership, committee, club or other  
27 organization or group of persons.

28 "Public employee." As follows:

29 (1) The term includes an individual employed by the  
30 Commonwealth or a political subdivision of the Commonwealth

1 who is responsible for taking or recommending official action  
2 of a nonministerial nature with regard to:

3 (i) contracting or procurement;

4 (ii) administering or monitoring grants or  
5 subsidies;

6 (iii) planning or zoning;

7 (iv) inspecting, licensing, regulating or auditing  
8 any person; or

9 (v) any other official action which has an economic  
10 impact of greater than a de minimis nature on the  
11 interest of any person.

12 (2) The term does not include individuals who are  
13 employed by the Commonwealth or a political subdivision of  
14 the Commonwealth in teaching, as distinguished from  
15 administrative duties.

16 "Public officer." An individual elected to any public office  
17 of the Commonwealth or a political subdivision of the  
18 Commonwealth.

19 "Public official." An elected or appointed official in the  
20 executive, legislative or judicial branch of the Commonwealth or  
21 a political subdivision of the Commonwealth. The term does not  
22 include any of the following:

23 (1) Members of advisory boards who have no authority to  
24 expend public money other than reimbursement for personal  
25 expense or to otherwise exercise the power of the  
26 Commonwealth or a political subdivision of the Commonwealth.

27 (2) An appointed official who receives no compensation  
28 other than reimbursement for actual expenses.

29 § 17317. Acquisition of lands.

30 The authority shall have the power to acquire by purchase

either the fee or a right, title, interest or easement, or any combination, in land within the county or county seat as the authority may deem necessary for the purpose mentioned in this subchapter, except that a convention center constructed pursuant to the terms of this subchapter must be located in a redevelopment assistance eligible area.

§ 17318. Use and operation of convention center.

The use and operation of the convention center, including all parts of a convention center, and the operation of the business of the authority shall be subject to the rules and regulations adopted by the authority. The authority is not authorized to take any action which may impair the security of the obligees of the authority or violate any agreements with the obligees or for the benefit of the obligees or violate any contracts, leases or other agreements awarded, made or entered into by the authority.

§ 17319. Limitation of powers.

(a) Commonwealth pledge.--

(1) The Commonwealth pledges to and agrees with any person, the county, county seat, political subdivision or Federal agency subscribing to or acquiring the bonds issued by the authority for the construction or improvement of a convention center or part of a convention center that the Commonwealth will not limit or alter the rights vested in the authority in any manner inconsistent with the obligations to the bondholders until all bonds issued, together with the interest, are fully paid and discharged.

(2) The Commonwealth further pledges to and agrees with any Federal agency that in the event that the Federal agency constructs or contributes money to construct or improve a convention center or part of a convention center that the

1 Commonwealth will not alter or limit the rights and powers of  
2 the authority in any manner which would be inconsistent with  
3 the due performance of any agreements between the authority  
4 and the Federal agency.

5 (b) Additional Commonwealth pledge.--The Commonwealth  
6 pledges to and agrees with any person that as owner leases or  
7 subleases a convention center or part of a convention center to  
8 or from an authority created under this subchapter that the  
9 Commonwealth will not limit or alter the rights and powers  
10 vested in the authority or otherwise created under this  
11 subchapter in any manner which impairs the obligations of the  
12 authority until all obligations of the authority under the lease  
13 or sublease are fully met and discharged.

14 § 17320. Exemption from taxation.

15 The effectuation of the authorized purposes of an authority  
16 shall be in all respects for the benefit of the residents of  
17 this Commonwealth, for the increase of commerce and prosperity  
18 and for the improvement of health and living conditions. Since  
19 an authority, as a public instrumentality of the Commonwealth,  
20 performs essential governmental functions in effectuating these  
21 purposes, the authority shall not be required to pay any taxes  
22 or assessments upon a convention center, or part of a convention  
23 center, or property acquired or used or permitted to be used by  
24 them for these purposes. The bonds issued by an authority, their  
25 transfer and the income from the bonds, including any profits  
26 made on the sale of the bonds, shall be free from State and  
27 local taxation within this Commonwealth. This exemption may not  
28 extend to gift, estate, succession or inheritance taxes or any  
29 other taxes not levied directly on the bonds, the transfer or  
30 the income from the bond, or the realization of profits on the

1 sale of the bonds.

2 § 17321. Lease by authorities.

3 A convention center or part of a convention center may be  
4 leased or subleased by the authority to and from the county or  
5 county seat, and the county or county seat may enter into leases  
6 or subleases, or both, for this purpose. A lease or sublease may  
7 be made for a specified or unlimited time and on terms and  
8 conditions as may be approved by the county or county seat and  
9 agreed to by the authority in conformity with the authority's  
10 contracts with the holders of any bonds.

11 § 17322. Cooperation.

12 (a) General rule.--The following shall apply:

13 (1) For the purpose of aiding and cooperating with the  
14 authority and in the planning, acquisition, clearance,  
15 relocation, development, design, construction,  
16 rehabilitation, leasing, subleasing, alteration, expansion,  
17 financing, improvement, management or operation of a  
18 convention center or part of a convention center, any State  
19 public body or political subdivision or the county or county  
20 seat may, upon terms, with or without consideration:

21 (i) Dedicate, sell, convey, lease or otherwise  
22 transfer property or any interest therein, real, personal  
23 or mixed, tangible or intangible, to the authority.

24 (ii) Cause parking, recreational or community  
25 facilities or any other works, which it is otherwise  
26 empowered to undertake, to be furnished in or adjacent to  
27 any area selected for a convention center or part of a  
28 convention center.

29 (iii) Furnish, dedicate, close, pave, install,  
30 grade, regrade, plan or replan streets, roads, roadways,



1 alleys, sidewalks or other places which it is otherwise  
2 empowered to do.

3 (iv) Enter into agreements, extending over any  
4 period, with the authority or with the Federal Government  
5 pertaining to an action to be taken by a State public  
6 body under this section.

7 (v) Aid and cooperate in the development,  
8 acquisition, design, construction, improvement,  
9 maintenance, management, operation, furnishing,  
10 fixturing, equipping, repairing, financing, owning,  
11 leasing and subleasing of a convention center or part of  
12 a convention center.

13 (vi) In connection with public improvements made by  
14 a State public body, political subdivision, county or the  
15 county seat, in exercising the powers granted, incur the  
16 entire expense.

17 (2) The Secretary of General Services is authorized,  
18 with the approval of the Governor and Attorney General, to  
19 execute and deliver, on behalf of the Commonwealth,  
20 conveyances, deeds and leases authorized under this  
21 subchapter.

22 (b) Contract.--In connection with a convention center or  
23 part of a convention center, the county or county seat may  
24 contract with the authority or the Federal Government with  
25 respect to sums which the authority or the Federal Government  
26 may agree to pay during any year or period of years to the  
27 county or county seat for the improvements, services and  
28 facilities to be provided by it for the benefit of the  
29 authority, convention center or part of a convention center, or  
30 the persons occupying the area. The absence of a contract for

1 these payments shall not relieve the county or county seat from  
2 the duty to furnish for the benefit of the authority, convention  
3 center or part of a convention center, or the persons occupying  
4 the area, customary improvements and services and facilities as  
5 the county or county seat usually furnishes without a service  
6 fee.

7 (c) Agent.--The Commonwealth, county or county seat may, by  
8 written agreement, designate the authority as its agent within  
9 the authority's field of operation to perform any specified  
10 activity or to administer any specified program which the  
11 Commonwealth, county or county seat is authorized by law to do,  
12 except that any activity or program shall be in furtherance of  
13 the public purposes specified in this chapter. The activities  
14 may include development, acquisition, design, construction,  
15 improvement, maintenance, leasing, management or operation of a  
16 convention center.

17 (d) Powers.--The powers conferred by this section shall be  
18 in addition and supplemental to the powers conferred by any  
19 other law.

20 § 17323. Hotel room rental tax.

21 (a) Imposition.--The county in which a convention center is  
22 located may impose an excise tax on the consideration received  
23 by each operator of a hotel within the market area from each  
24 transaction of renting a room or rooms to accommodate  
25 transients. The tax shall be collected by the operator from the  
26 patron of the room and paid over to the county under subsection  
27 (e) and shall be known as the Hotel Room Rental Tax.

28 (b) Rate.--The rate of tax imposed under this section by the  
29 county in which the convention center is located may not exceed  
30 5%.

1 (c) Deposit.--Eighty percent of revenues received from taxes  
2 imposed under this section shall be annually deposited in the  
3 special fund required under subsection (d) for the use of the  
4 authority for convention center purposes. Twenty percent of the  
5 revenues received from taxes imposed under this section shall be  
6 deposited within 30 days of collection into the tourist  
7 promotion agency fund required under subsection (d) until  
8 disbursed as provided below.

9 (d) Collection.--The following shall apply:

10 (1) The treasurer of each county electing to impose the  
11 tax authorized under this section is directed to collect the  
12 tax and:

13 (i) to deposit 80% of the revenues received from the  
14 tax in special funds established for purposes in this  
15 section; and

16 (ii) to deposit 20% of the revenues received by the  
17 tax in the tourist promotion agency fund until disbursed  
18 under subsection (g).

19 (2) Interest on money deposited in the funds shall  
20 accrue proportionately to the respective funds as provided in  
21 this section. The treasurer may establish rules and  
22 regulations concerning the collection of the tax, which  
23 collection shall occur not more than monthly nor less than  
24 quarterly.

25 (e) Expenditures.--Expenditures from the fund established  
26 under subsection (d) for the authority shall be used by the  
27 authority for the following purposes:

28 (1) Projected annual debt service or lease payments of  
29 the convention center authority.

30 (2) Costs associated with financing, constructing,

1 improving, maintaining, furnishing, fixturing and equipping  
2 the convention center.

3 (3) Costs associated with the development of the  
4 convention center, including design, engineering and  
5 feasibility costs.

6 (4) Costs associated with the operation and management  
7 of the convention center.

8 (5) Costs associated with promoting, marketing and  
9 encouraging the use of the convention center.

10 (6) General purposes of the convention center.

11 (f) Security.--If and to the extent that the authority  
12 pledges its share of the proceeds of the tax authorized by this  
13 section as security for the payment of bonds issued by the  
14 authority for convention center purposes, the Commonwealth  
15 pledges to and agrees with any person, firm or corporation  
16 subscribing to or acquiring bonds to be issued by the authority  
17 for convention center purposes that the Commonwealth will not,  
18 nor will it authorize a county to, reduce the rate of tax  
19 imposed for convention center purposes until all bonds secured  
20 by the pledge of the authority, together with interest, are  
21 fully met and discharged.

22 (g) Tourist promotion agency.--

23 (1) If default has not occurred or is continuing with  
24 respect to any bonds, notes or other indebtedness of an  
25 authority incurred to finance the construction of a  
26 convention center, revenues received from the tax deposited  
27 into the tourist promotion agency fund required under  
28 subsection (d) shall be disbursed by each county to the  
29 tourist promotion agency within 10 days of receipt.

30 (2) The county shall have no obligation to invest any

money deposited into the tourist promotion agency fund.

(h) Tax year.--Each tax year for any tax imposed under this section shall run concurrently with the county's fiscal year.

(i) Report.--An audited report on the income and expenditures incurred by a tourist promotion agency receiving revenue from the tax authorized under this section shall be submitted annually by the tourist promotion agency to the county commissioners.

(j) Expiration.--The tax levied under this section shall expire when all bonds issued by a county under this subdivision have been fully met and discharged.

(k) 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:

"Consideration." Receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature or other payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for a temporary period.

"Convention center."

(1) Any land, improvement, structure, building or property interest, whether owned by or leased by or to or otherwise acquired by an existing authority, appropriate for any of the following:

(i) Large public assemblies.

(ii) Holding of conventions, conferences, trade exhibitions and other business.

(iii) Social, cultural, scientific and public interest events.

(2) All facilities, furniture, fixtures and equipment

1 necessary or incident to any item listed in paragraph (1),  
2 including meeting rooms, dining rooms, kitchens, ballrooms,  
3 reception areas, registration and prefunction areas, truck  
4 loading areas, including access, accessways, common areas,  
5 lobbies, offices and areas appurtenant to any of the  
6 preceding, together referred to as the main convention area,  
7 and also including other buildings, structures or facilities  
8 for use in conjunction with the foregoing, including, but not  
9 limited to, provision for off-street parking, retail areas  
10 and other improvements related to the center owned by or  
11 leased by or to an existing authority for the purpose of  
12 producing revenues to assist in defraying the costs or  
13 expenses of the convention center.

14 "Hotel." As follows:

15 (1) A hotel, motel, inn, guesthouse or other building  
16 located within the market area which holds itself out by any  
17 means, including advertising, license, registration with an  
18 innkeeper's group, convention listing association, travel  
19 publication or similar association or with a government  
20 agency, as being available to provide overnight lodging or  
21 use of facility space for consideration to persons seeking  
22 temporary accommodation. The term includes:

23 (i) A place which advertises to the general public  
24 or a segment of the general public that it will provide  
25 beds, sanitary facilities or other space for a temporary  
26 period to members of the general public.

27 (ii) A place recognized as a hostelry, provided that  
28 portions of a facility which are devoted to persons who  
29 have established permanent residence shall not be  
30 included in this definition.

1       (2) The term does not include a bed and breakfast  
2       homestead or inn as defined in 3 Pa.C.S. § 5702 (relating to  
3       definitions).

4       "Market area." As follows:

5       (1) With respect to a county in which there is more than  
6       one city of the third class, the entire county.

7       (2) With respect to a county in which there is only one  
8       city of the third class, one of the following:

9               (i) The city and the area within the county which is  
10              not more than 15 miles from the site of the convention  
11              center.

12              (ii) The city and the area within the county which,  
13              as determined by the board of county commissioners  
14              imposing the tax, derives a material benefit from the  
15              existence of the convention center within the county. The  
16              owner of a hotel affected by a determination by the board  
17              under this subparagraph may challenge the determination  
18              by filing a petition in the court of common pleas in the  
19              judicial district in which the determination was made.

20       "Occupancy." The use or possession, or the right to the use  
21       or possession, by an individual other than a permanent resident  
22       of a room in a hotel for any purpose or the right to the use or  
23       possession of the furnishings or to the services accompanying  
24       the use and possession of the room.

25       "Operator." Any individual, partnership, nonprofit or  
26       profit-making association or corporation or other person or  
27       group of persons that maintain, operate, manage, own, have  
28       custody of or otherwise possess the right to rent or lease  
29       overnight accommodations in a hotel to the public for  
30       consideration.

1     "Patron." An individual who pays the consideration for the  
2     occupancy of a room or rooms in a hotel.

3     "Permanent resident." An individual who has occupied or has  
4     the right to occupy a room or rooms in a hotel as a patron or  
5     otherwise for a period exceeding 30 consecutive days.

6     "Room." A space in a hotel set aside for use and occupancy  
7     by patrons, or otherwise, for consideration, having at least one  
8     bed or other sleeping accommodations provided therein.

9     "Temporary." A period of time not exceeding 30 consecutive  
10    days.

11    "Tourist promotion agency." The agency designated by the  
12    governing body of a county or county seat in which the  
13    convention center is located to be eligible for grants from the  
14    Department of Community and Economic Development under the act  
15    of July 4, 2008 (P.L.621, No.50), known as the Tourism Promotion  
16    Act.

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 emanates to the operator under an express or  
20    an implied contract.

21    "Transient." An individual who obtains an accommodation in  
22    any hotel by means of registering at the facility for the  
23    temporary occupancy of a room for the personal use of that  
24    individual by paying to the operator of the facility a fee.

25                    SUBCHAPTER B

26            THIRD CLASS COUNTY CONVENTION CENTER AUTHORITIES,

27                    ALTERNATIVE PROVISIONS

28    Sec.

29    17331. Scope of subchapter.

30    17332. Findings, declaration of policy and scope.



1 17333. Definitions.  
2 17334. Authority creation.  
3 17335. Purpose and powers of authorities.  
4 17336. Capital and operating budgets.  
5 17337. Authority to issue bonds.  
6 17338. Provisions of bonds, trusts, indentures and mortgages.  
7 17339. Remedies of obligee of authority.  
8 17340. Additional remedies conferrable by authority.  
9 17341. Governing board.  
10 17342. Sovereign immunity.  
11 17343. Money of authority.  
12 17344. Transfer of existing facilities or money and making of  
13 annual grants and lease payments to authority.  
14 17345. Award of contracts.  
15 17346. Interests of public officers, public employees and party  
16 officers.  
17 17347. Use and operation of convention center facilities.  
18 17348. Limitation of powers.  
19 17349. Exemption from taxation.  
20 17350. Lease by authorities.  
21 17351. Cooperation.  
22 17352. Hotel room rental tax.  
23 17353. Construction.  
24 § 17331. Scope of subchapter.  
25 This subchapter relates to third class county convention  
26 center authorities, alternative provisions.  
27 § 17332. Findings, declaration of policy and scope.  
28 (a) Findings.--It is determined and declared that:  
29 (1) The health, safety and general welfare of the people  
30 of this Commonwealth are directly dependent upon the

1 continual encouragement, development, growth and expansion of  
2 business, industry, commerce and tourism within this  
3 Commonwealth.

4 (2) Unemployment, the spread of indigence and the heavy  
5 burden of public assistance and unemployment compensation can  
6 be avoided by the promotion, attraction, stimulation,  
7 development and expansion of business, industry, commerce and  
8 tourism in this Commonwealth.

9 (3) Development of convention centers is appropriate  
10 within a third class county and the attraction of business to  
11 this Commonwealth as a result of such development is an  
12 important factor in the continual encouragement, promotion,  
13 attraction, stimulation, development, growth and expansion of  
14 business, industry, commerce and tourism within the county  
15 seat, the surrounding municipalities and this Commonwealth as  
16 a whole.

17 (4) The purpose of a convention center should be the  
18 promotion, attraction, stimulation, development and expansion  
19 of business, industry, commerce and tourism in the county  
20 seat, the surrounding municipalities and this Commonwealth as  
21 a whole.

22 (5) The development of a convention center will provide  
23 benefits to the hotel industry throughout the entire area of  
24 the county in which the center is developed.

25 (6) The development of a convention center will also  
26 provide benefits to the restaurant and entertainment  
27 industries throughout the entire county in which the center  
28 is located, to all other businesses and individuals benefited  
29 by the attraction of major conventions and tourists, to other  
30 individual businesses whose livelihood is dependent on major

1 conventions and tourists and to the general public.

2 (7) The need for and promotion of the type of facility  
3 which will provide significant benefits to the general public  
4 will require the expenditure of public money and that it is  
5 therefore appropriate to authorize a county to impose and  
6 collect a tax applicable within the entire territorial limits  
7 of the county to facilitate the development of a convention  
8 facility and the promotion of tourism within the county.

9 (8) To promote the development of convention centers  
10 within this Commonwealth, it is necessary to provide  
11 additional and flexible means of developing, constructing,  
12 designing, managing, financing and operating convention  
13 centers.

14 (9) An important aspect of the development of convention  
15 centers should be the removal and redevelopment of blighted  
16 areas.

17 (b) Declaration of policy.--It is declared to be the policy  
18 of the Commonwealth to promote the health, safety, employment,  
19 business opportunities and general welfare of the people of this  
20 Commonwealth by providing for the creation of third class county  
21 convention center authorities which exist and operate as public  
22 instrumentalities of the Commonwealth for the public purpose of  
23 promoting, attracting, stimulating, developing and expanding  
24 business, industry, commerce and tourism in this Commonwealth.  
25 The purpose is declared to be a public purpose supporting the  
26 enactment of this subchapter for which public money may be spent  
27 and taxes may be imposed.

28 (c) Scope.--

29 (1) This subchapter shall apply to counties of the third  
30 class.

1       (2) This subchapter may not apply to:

2           (i) A county which has created, either individually  
3       or jointly with its county seat, a third class county  
4       convention center authority under this subchapter or the  
5       former act of December 27, 1994 (P.L.1375, No.162), known  
6       as the Third Class County Convention Center Authority  
7       Act, prior to January 1, 2000.

8           (ii) A county which is served, together with one or  
9       more other counties, by a joint planning commission.

10       (d) Option.--The following shall apply:

11           (1) A county which has created, either individually or  
12       jointly with its county seat, a third class county convention  
13       center authority under Subchapter A after January 1, 2000,  
14       may opt to have the authority treated as having been  
15       organized under the provisions of this subchapter. The option  
16       shall be exercised by the adoption of a resolution by the  
17       governing body of the county. The exercise of the option  
18       under this paragraph may not be revoked.

19           (2) If an authority is organized under paragraph (1),  
20       the following transitional provisions shall apply to the  
21       authority, the county, the county seat, State public bodies  
22       and political subdivisions:

23           (i) all acts of the authority shall be considered  
24       granted under the authority of this subchapter,  
25       regardless of whether the acts were taken prior to or  
26       after December 18, 2000;

27           (ii) all acts of the county and, if applicable, the  
28       county seat in organizing the authority shall be  
29       considered granted under the authority of this  
30       subchapter, regardless of whether the acts were taken

1 prior to or after December 18, 2000;

2 (iii) all acts of the county taken or purported to  
3 be taken under the authority of Subchapter A, including  
4 the enactment of a hotel room rental tax, shall be  
5 considered granted under the authority of this  
6 subchapter, regardless of whether the acts were taken  
7 prior to or after December 18, 2000; and

8 (v) all acts with respect to the authority of a  
9 State public body or a political subdivision taken or  
10 purported to be taken under the authority of Subchapter  
11 A, including the transfer of existing convention center  
12 facilities to the authority and the funding of a  
13 convention center project as a redevelopment assistance  
14 project by the Commonwealth, shall be considered granted  
15 under the authority of this subchapter, regardless of  
16 whether the acts were taken prior to or after December  
17 18, 2000.

18 (3) If an authority is organized under paragraph (1),  
19 all acts taken or purported to be taken by the county, the  
20 county seat, the authority and State public body or any  
21 political subdivision under the authority of Subchapter A are  
22 ratified and affirmed in their entirety, regardless of  
23 whether the acts were taken prior to or after December 18,  
24 2000.

25 (4) If an authority is organized under paragraph (1),  
26 the members of the board of the authority shall continue in  
27 office and shall be treated as if they had been appointed  
28 under this subchapter.

29 § 17333. Definitions.

30 The following words and phrases when used in this subchapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Authority." An agency and public instrumentality of the  
4 Commonwealth and a body politic and corporate created under this  
5 subchapter.

6 "Board." The governing body of an authority.

7 "Bonds." Notes, bonds, refunding notes and bonds, interim  
8 certificates, debentures and other evidence of indebtedness or  
9 obligations which the authority may issue.

10 "Construct." The acquisition, design, erection, extension,  
11 renovation, rehabilitation, conversion, furnishing, fixturing,  
12 equipping, enlargement or substantial repair of a convention  
13 center or part of a convention center and activities  
14 substantially related to the acquisition, design, erection,  
15 extension, renovation, rehabilitation, conversion, furnishing,  
16 fixturing, equipping, enlargement or substantial repair of a  
17 convention center or part of a convention center.

18 "Convention center." The following:

19 (1) Any land, improvement, structure or building or  
20 property interest, whether owned or acquired by or leased by  
21 or to an authority, appropriate for any of the following:

22 (i) Large public assemblies.

23 (ii) Holding of conventions, conferences, trade  
24 exhibitions and other business.

25 (iii) Social, cultural, scientific, sports,  
26 recreational, artistic and public interest events.

27 (iv) Performances and exhibitions.

28 (2) Facilities, furniture, fixtures and equipment  
29 necessary or incident to an item listed under paragraph (1),  
30 including, but not limited to:

1           (i) hotels, including meeting rooms, dining rooms,  
2           kitchens, ballrooms, reception areas, registration and  
3           prefunction areas, locker rooms, practice areas and  
4           equipment, training areas and equipment and truck loading  
5           areas, including access to the truck loading areas;

6           (ii) accessways, including tunnels, overhead  
7           walkways, escalators, elevators and other connections to  
8           nearby or adjoining buildings or facilities, regardless  
9           of whether the buildings or facilities constitute  
10           convention center facilities or are owned or controlled  
11           by the authority;

12           (iii) common areas, lobbies, offices and areas  
13           appurtenant to any of the items listed under this  
14           paragraph; and

15           (iv) other land, buildings, structures or facilities  
16           for use or planned for use in conjunction with the items  
17           listed under this paragraph, including, but not limited  
18           to, landscaping, buffer areas, off-street parking, retail  
19           areas and other improvements related to a convention  
20           center facility owned by or leased by of to an authority,  
21           regardless of whether the improvements are for the  
22           purpose of producing revenues to assist in defraying the  
23           costs or expenses of the convention center facility.

24           "Cost of a project." The following:

25           (1) All or any part of the cost of construction,  
26           acquisition, alteration, enlargement, furnishing, fixturing  
27           and equipping, reconstruction and rehabilitation of a  
28           convention center project.

29           (2) An item listed under paragraph (1) shall include the  
30           cost of:

1           (i) all lands, structures, real or personal  
2 property, rights, rights-of-way, roads, franchises,  
3 easements and interests acquired or used for or in  
4 connection with a project;

5           (ii) demolishing or removing buildings or structures  
6 on land acquired, including the cost of acquiring lands  
7 to which the buildings or structures may be moved or  
8 located;

9           (iii) all utility lines;

10          (iv) structures or equipment;

11          (v) charges and interest prior to, during and after  
12 completion of construction and acquisition;

13          (vi) provisions for reserves for principal and  
14 interest and for extensions, enlargements, additions and  
15 improvements;

16          (vii) architectural, engineering, financial and  
17 legal services;

18          (viii) plans, specifications, studies, surveys,  
19 estimates of cost and revenues;

20          (ix) expenses necessary or incident to determining  
21 the feasibility or practicability of constructing the  
22 project;

23          (x) other capital cost or expense as may be  
24 necessary or incident to the construction, development  
25 and acquisition of the project; and

26          (xi) the financing of construction, development and  
27 acquisition and the placing of the project in operation,  
28 including, without limitation, a proper allowance for  
29 contingencies and the provision of reasonable initial  
30 working capital for operating the project.



1     "County." A county of the third class or a county which was  
2     a county of the third class at the time the county took action  
3     to create an authority under this subchapter.

4     "Obligee." A bondholder or a trustee for a bondholder party  
5     to a contract with the authority.

6     "Political subdivision." A governmental body other than  
7     State public body or a Federal agency. The term includes a  
8     county, city, borough, township, school district, municipal  
9     authority, transit authority, parking authority or other  
10    authority of any type.

11    "Project." A site, building, structure, equipment,  
12    furnishing and other facilities or undertaking in respect of a  
13    convention center facility which the authority may acquire,  
14    construct, improve, install, maintain or operate under the  
15    provisions of this subchapter.

16    "State public body." The Commonwealth and its executive,  
17    administrative and independent agencies, departments, officers,  
18    boards, authorities, commissions and instrumentalities.

19    "Substantial completion." Construction that 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 any project being constructed  
23    by the convention center authority can be used, occupied or  
24    operated for its intended use. In no event shall a project be  
25    certified as substantially complete until at least 90% of the  
26    work on the project area is completed.

27    § 17334. Authority creation.

28    (a) General rule.--The following shall apply:

29       (1) The governing bodies of a third class county and the  
30       political subdivision constituting the county seat or the

1 county acting alone may create a body corporate and politic  
2 to be named the ..... County Convention Center Authority to  
3 be created as a public authority and government  
4 instrumentality to have continuing succession until its  
5 existence shall be terminated by law.

6 (2) If any part of the convention center facilities  
7 constructed by an authority created under this subchapter  
8 shall be located within the jurisdictional limits of the  
9 county seat of the county, the authority shall be a joint  
10 authority of the county and the county seat. If the  
11 convention center facilities of an authority are located  
12 entirely outside the jurisdictional limits of the county seat  
13 of the county, the authority may be created solely by the  
14 county.

15 (3) The exercise by the authority of the powers  
16 conferred by this subchapter is declared to be an essential  
17 public function.

18 (b) Adoption.--An authority shall be created by an  
19 ordinance, or equivalent enactment, adopted by the county or,  
20 for a joint authority, ordinances, or equivalent enactments,  
21 adopted by the county and the county seat providing that an  
22 authority is created under this subchapter and specifying the  
23 articles of incorporation of the authority. The articles of  
24 incorporation shall be filed by the county with the Secretary of  
25 the Commonwealth, who shall issue a certificate of incorporation  
26 to the authority. The authority shall be deemed to come into  
27 existence on the later of the following dates:

28 (1) the date on which the ordinance is enacted, or, for  
29 a joint authority, on the date that the second ordinance is  
30 enacted; or

1       (2) a later date as may be specified in the articles of  
2       incorporation.

3       (c) Amendment.--Articles of incorporation of an authority  
4       may only be amended in the manner specified above for the  
5       adoption of articles of incorporation and may not:

6           (1) impair the rights or security of any creditors of  
7           the authority or any party contracting with the authority; or

8           (2) be inconsistent with the provisions of this  
9           subchapter.

10   § 17335. Purpose and powers of authorities.

11       (a) Purposes.--An authority created under this subchapter  
12       shall be a public body, corporate and politic, exercising public  
13       powers of the Commonwealth as an agency and instrumentality and  
14       shall be for the purpose by itself or by agreement in  
15       cooperation with others, of acquiring, holding, developing,  
16       designing, constructing, improving, maintaining, managing,  
17       operating, financing, furnishing, fixturing, equipping,  
18       repairing, leasing or subleasing, either in the capacity of  
19       lessor or lessee or sublessor or sublessee, and owning  
20       convention centers or parts of convention centers. The  
21       convention centers shall not be required to comprise a single,  
22       integrated complex but may be located at one or more locations  
23       within the county and may function independently of one another.

24       (b) Powers.--The authority is granted all powers necessary  
25       or convenient for carrying out the purposes in subsection (a),  
26       including, without limiting the generality of the foregoing, the  
27       right and power to:

28           (1) Have continuing succession.

29           (2) Sue and be sued, implead and be impleaded, complain  
30           and defend in all courts.

1       (3) Adopt, use and alter at will a corporate seal.

2       (4) Acquire by gift or otherwise, purchase, hold,  
3 receive, lease, sublease and use a license, franchise or  
4 property, real, personal or mixed, tangible or intangible, or  
5 any interest therein, including convention center facilities,  
6 or parts thereof, and to assume any obligations associated  
7 therewith, including leases, concession agreements,  
8 indebtedness and other contractual obligations which the  
9 authority deems necessary to accomplish the purpose of this  
10 subchapter.

11       (5) Sell, transfer or dispose of property or an interest  
12 in the property with adequate and fair consideration.

13       (6) Acquire, hold, develop, design, construct, improve,  
14 maintain, manage, operate, furnish, fixture, equip, repair,  
15 own, lease or sublease convention centers, or parts of  
16 convention centers, and to make, enter into and award  
17 contracts with any person, association, partnership or  
18 corporation for the development, design, financing,  
19 construction, improvement, maintenance, operation,  
20 management, furnishing, fixturing, equipping and repair of  
21 convention centers or parts of convention centers.

22       (7) Make bylaws for the management and regulation of  
23 authority affairs and issue rules, regulations and policies  
24 in connection with the performance of its functions and  
25 duties.

26       (8) Appoint officers, agents, employees and servants, to  
27 prescribe their duties and to fix compensation.

28       (9) Fix, alter, charge and collect rentals, admissions,  
29 license fees and other charges.

30       (10) Do the following:

1           (i) Borrow money for the purpose of paying the costs  
2           of a project and to evidence the same.

3           (ii) Make and issue negotiable bonds of the  
4           authority.

5           (iii) Secure payment of the bonds or any part of a  
6           bond, by pledge or deed of trust of authority revenues,  
7           including any hotel room rental tax, rentals, receipts  
8           and contract rights.

9           (iv) Make agreements with the purchasers or holders  
10          of the bonds or with other obligees of the authority in  
11          connection with the bonds, whether issued or to be  
12          issued, as the authority shall deem advisable, which  
13          agreements shall constitute contracts with the holders or  
14          purchasers.

15          (v) Obtain credit enhancement or liquidity  
16          facilities in connection with the bonds as the authority  
17          determines advantageous.

18          (vi) In general, provide for the security of the  
19          bonds and the rights of the bondholders.

20          (11) Make, enter into and award contracts and to execute  
21          all instruments necessary or convenient for the carrying out  
22          of its business.

23          (12) Borrow money and accept grants and to enter into  
24          contracts, leases, subleases, licenses or other transactions  
25          with a Federal agency, State public body, political  
26          subdivision, person, association, partnership or corporation.

27          (13) Pledge, hypothecate or otherwise encumber authority  
28          property, real, personal or mixed, tangible or intangible,  
29          and its revenues or receipts, including interest the  
30          authority may have in a lease or sublease of convention

1 centers or parts of convention centers.

2 (14) Procure insurance containing coverages, including,  
3 insurance covering the timely payment in full of principal of  
4 and interest on bonds of the authority, in amounts and from  
5 insurers as the authority determines necessary or desirable.

6 (15) Invest authority money.

7 (16) Cooperate with a Federal agency, State public body  
8 or political subdivision.

9 (17) Invest money held in reserve or sinking funds or  
10 money not required for immediate disbursements as authorized  
11 by section 17343(d) (relating to money of authority).

12 (18) Appoint all officers, agents and employees required  
13 for the performance of its duties and compensation and retain  
14 or employ other agents or consultants, including architects,  
15 auditors, engineers, private legal counsel and private  
16 consultants, on a contract basis or otherwise for rendering  
17 professional or technical services and advice.

18 (19) Enroll authority employees in an existing  
19 retirement system of the State, county, city or other  
20 governmental entity.

21 (20) Appoint and fix the compensation of chief counsel  
22 and assistant counsel to provide the authority with legal  
23 assistance, and the authority, through counsel, shall defend  
24 actions brought against the authority and authority officers  
25 and employees if acting within the scope of official duties.

26 (21) Maintain an office in the county seat.

27 (22) Appoint an executive director, who shall:

28 (i) be the chief executive officer of the authority;

29 (ii) devote his or her full time during business  
30 hours to the duties of the office; and

1           (iii) receive compensation as the board shall  
2           determine.

3           (23) Make grants to the county in accordance with the  
4           provisions of subsection (e).

5           (24) Do all acts and things necessary or convenient for  
6           the promotion of its purposes and the general welfare of the  
7           authority and to carry out the powers granted to the  
8           authority by this subchapter or any other act.

9           (c) Prohibitions.--The following apply:

10           (1) The authority shall have no power to pledge the  
11           credit or taxing powers of a State public body, a political  
12           subdivision or the county, nor shall authority obligations be  
13           deemed obligations of any State public body, a political  
14           subdivision or the county and a State public body, a  
15           political subdivision or the county shall not be liable for  
16           the payment of principal or interest on such obligations.

17           (2) The authority shall have no power of eminent domain.

18           (d) Affirmative action plan.--The authority shall develop  
19           and implement an affirmative action plan to assure that all  
20           individuals are accorded equality of opportunity in employment  
21           and contracting by the authority and authority contractors,  
22           subcontractors, assignees, lessees, agents, vendors and  
23           suppliers.

24           (e) Grants.--The following apply:

25           (1) The authority shall have the power to make grants to  
26           the county for the financial support of regional assets  
27           located within the county. Grants made under this subsection  
28           shall be included in the capital budget adopted by the  
29           authority under section 17336(a) (relating to capital and  
30           operating budgets) and may only be made if the authority

1 finds, by resolution adopted by a majority vote of authority  
2 members, that the making of such grants shall not adversely  
3 affect the short-term or long-term capital, operational or  
4 financial needs of the authority or otherwise impair the  
5 ability of the authority to meet any contractual or legal  
6 obligations of the authority, including obligations owed to  
7 bondholders issued by the authority. Grants made under the  
8 authority of this paragraph:

9 (i) may not obligate money of the authority beyond a  
10 single fiscal year of the authority;

11 (ii) shall be payable to the county in a single lump  
12 sum or in installments during the fiscal year in  
13 question, as determined by the authority; and

14 (iii) may be rescinded or reduced by the authority  
15 if the authority, prior to payment of the grant,  
16 determines that the current or projected financial needs  
17 of the authority require reduction or rescission of the  
18 grant.

19 (2) Grants received by the county from the authority  
20 under paragraph (1) shall be deposited into a segregated  
21 account identified as the regional asset fund. The regional  
22 asset fund shall be used by the county solely for the purpose  
23 of making grants of financial support to regional assets  
24 located within the county in accordance with and subject to  
25 the limitations of this subsection. Money deposited into the  
26 regional asset fund shall be invested only in those types of  
27 investments in which a county of the third class may invest  
28 general money of the county under applicable law. Earnings on  
29 the investments shall become a part of the regional asset  
30 fund and may not be used for purposes other than those



1 permitted under this subsection. The county shall not be  
2 required to disburse all of the money in the regional asset  
3 fund during a particular fiscal year but may accumulate money  
4 within the regional asset fund if the county determines that  
5 the accumulation of the money, in whole or in part, is  
6 appropriate for the effective and efficient long-term funding  
7 of regional assets.

8 (3) The county shall have the authority to make grants  
9 of financial support for regional assets from the regional  
10 asset fund established under paragraph (2). Grants made by  
11 the county from the regional asset fund shall be subject to  
12 all of the following terms, conditions and limitations:

13 (i) grants may only be made to:

14 (A) political subdivisions located within the  
15 county; and

16 (B) organizations which have been determined by  
17 the Internal Revenue Service to be organizations  
18 described in section 501(c)(3) of the Internal  
19 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §  
20 501(c)(3)) or any successor provision of law;

21 (ii) grants may only be made for the purpose of  
22 supporting a specific regional asset located within the  
23 county and which is owned by the grantee or for which the  
24 grantee has operational and financial responsibility;

25 (iii) grants may only be made pursuant to written  
26 grant agreements and executed by authorized officers of  
27 the county and the grantee, specifying the terms and  
28 conditions of the grant;

29 (iv) the grant agreement shall describe, with  
30 specificity, the purpose for which the grant is being

1       made;

2           (v) the grant agreement shall set forth other terms  
3       and conditions as the county may prescribe, including  
4       requirements with respect to matching funds and continued  
5       financial support of the grantee for the regional asset  
6       with respect to which the grant is being made; and

7           (vi) no grant may obligate money from the regional  
8       asset fund beyond a single 12-month period.

9       (4) For purposes of this subsection, the term "regional  
10      asset" means a civic, recreational, sports or cultural  
11      facility, including zoos, museums and performing arts  
12      facilities, function or activity which is owned or provided  
13      by a political subdivision or section 501(c)(3) of the  
14      Internal Revenue Code of 1986 organization, or with respect  
15      to which a political subdivision or section 501(c)(3) of the  
16      Internal Revenue Code of 1986 organization has operational  
17      and financial responsibility. Notwithstanding the foregoing,  
18      the following may not be considered regional assets:

19           (i) a health care facility;

20           (ii) an institution which predominantly provides  
21      elementary, secondary or higher education or other  
22      training;

23           (iii) a Federal or State park;

24           (iv) an airport or public transportation system or  
25      facility;

26           (v) a library;

27           (vi) a paid or volunteer public safety organization  
28      and facility;

29           (vii) an authority created under this subchapter,  
30      and any facilities owned or operated by such an

authority; or

(viii) an asset which fails to serve a significant number of individuals who are not residents of the city, borough or township within which the asset is located.

(5) The county shall have the authority to prescribe reasonable rules, regulations and procedures for:

(i) the administration of the regional asset fund and the segregated account in which the regional asset fund is deposited;

(ii) the making of grants from the regional asset fund; and

(iii) the administration of grants made from the regional asset money.

(f) Naming or designation revenue.--Net revenues received from the sale of rights for the naming or designation of a 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.

1 § 17336. Capital and operating budgets.

2 (a) Capital budget.--At least 90 days before the commencing  
3 of the ensuing fiscal year of the authority, a recommended  
4 capital budget shall be prepared and submitted to the board. The  
5 capital budget shall show in detail the capital expenditures to  
6 be made or incurred in the next fiscal year which are to be  
7 financed from money subject to control or appropriation by the  
8 board. For each separate purpose, project, facility or other  
9 property, the amount and the source of the money that has been  
10 spent, encumbered or is intended to be spent or encumbered  
11 during the fiscal year shall be shown. No later than the date of  
12 the adoption of the annual operating budget, the board shall by  
13 a majority vote of its members adopt a capital budget.

14 (b) Operating budget.--At least 90 days before the  
15 commencing of the ensuing fiscal year of the authority, a  
16 recommended operating budget shall be prepared and submitted to  
17 the board. The operating budget shall be prepared with the aid  
18 of the governing bodies of the county and county seat. In the  
19 event that the operating budget is not in form and detail  
20 satisfactory to the governing body, the governing body may  
21 require that the operating budget be redrafted and resubmitted,  
22 and the governing body shall not be considered to be in receipt  
23 of the operating budget or any amendments unless the form and  
24 detail is to the governing body's satisfaction. The operating  
25 budget shall set forth the estimated receipts and revenues of  
26 the authority during the next fiscal year. The board shall, at  
27 least 30 days before the end of the fiscal year, adopt by a  
28 majority vote of its members an operating budget for the next  
29 fiscal year.

30 § 17337. Authority to issue bonds.

1     (a) Bonds generally.--The bonds of an authority created  
2 under this subchapter and authorized to be issued:

3         (1) Shall be authorized by resolution of the board of  
4 the authority and shall be of a series, bear a date, mature  
5 at a time not exceeding 40 years from the respective date,  
6 bear interest at a rate as shall be determined by the board  
7 as necessary to issue and sell the authorized bonds, be in  
8 denominations, be in a form, either coupon or fully  
9 registered without coupons, carry registration,  
10 exchangeability and interchangeability privileges, be payable  
11 in a medium of payment and at a place, be subject to terms of  
12 redemption and be entitled to priorities in the revenues or  
13 receipts of the authority as the resolution may provide.

14         (2) Shall be signed by or shall bear the facsimile  
15 signatures of officers as the authority shall determine, and  
16 coupon bonds shall have interest coupons bearing the  
17 facsimile signature of the treasurer of the authority  
18 attached to the bond, and all bonds shall be authenticated by  
19 an authenticating agent, fiscal agent or trustee, as may be  
20 prescribed in the resolution.

21         (3) May be issued and delivered regardless of whether  
22 one or more of the officers who signed the bonds or the  
23 treasurer who, by facsimile, signed the coupon are not  
24 officers when the bonds are delivered.

25     (b) Sale.--The bonds may be sold at public sale or private  
26 negotiated sale for a price or prices and at a rate of interest  
27 as the authority determines. Pending the preparation of the  
28 definitive bonds, interim receipts may be issued to the  
29 purchaser or purchasers of the bonds and may contain terms and  
30 conditions as the authority may determine.

1     (c) Negotiable instrument.--The bonds shall have the  
2 qualities of negotiable instruments under 13 Pa.C.S. (relating  
3 to commercial code).

4     (d) Proceeds.--The net proceeds of the issuance of bonds or  
5 notes may be used to pay the costs of a project or to reimburse  
6 costs initially paid by a State public body, the county, another  
7 political subdivision, an agency, an organization or an  
8 individual.

9     (e) Refund.--The following apply:

10         (1) Subject to the provisions of the outstanding bonds,  
11 notes or other obligations and subject to the provisions of  
12 this subchapter, the authority shall have the right and power  
13 to refund outstanding debt, in whole or in part, at any time  
14 and shall have the right and power to refund outstanding  
15 notes with bonds or bonds with notes.

16         (2) As used in this subsection, the term "refund" means  
17 the issuance and sale of obligations the proceeds of which  
18 are used or are to be used for the payment or redemption of  
19 outstanding obligations upon or prior to maturity.

20 § 17338. Provisions of bonds, trusts, indentures and mortgages.

21     In connection with the issuance of bonds or the incurring of  
22 obligations under leases and in order to secure the payment of  
23 such bonds and obligations, the authority, in addition to other  
24 powers, shall have the power to:

25         (1) Pledge all or part of the gross or net revenues of  
26 the authority to which its right exists or may thereafter  
27 exist.

28         (2) Mortgage all or part of authority real or personal  
29 property owned or acquired.

30         (3) Do the following:

1           (i) Covenant against pledging all or part of the  
2 authority's revenues or against mortgaging all or part of  
3 authority real or personal property to which the right or  
4 title exists or may thereafter exist or against  
5 permitting or suffering a lien on the revenues or  
6 property.

7           (ii) Covenant with respect to limitations on the  
8 authority's right to sell, lease or otherwise dispose of  
9 real property.

10          (iii) Covenant as to what other or additional debts  
11 or obligations may be incurred by it.

12          (4) Do the following:

13           (i) Covenant as to the bonds to be issued and as to  
14 the issuance of the bonds, in escrow or otherwise, and as  
15 to the use and disposition of the proceeds.

16           (ii) Provide for the replacement of lost, destroyed  
17 or mutilated bonds.

18           (iii) Covenant against extending the time for the  
19 payment of authority bonds or interest.

20           (iv) Redeem the bonds and to covenant for and  
21 provide the terms and conditions for bond redemption.

22          (5) Do the following:

23           (i) Covenant as to the amount and the use and  
24 disposition of revenues to be raised each year or other  
25 period of time by the authority.

26           (ii) Create or authorize the creation of special  
27 funds for debt service or other purposes.

28           (iii) Covenant as to the use and disposition of the  
29 money held in funds under subparagraph (ii).

30          (6) Prescribe the procedure, if any, by which the terms

1 of a contract with bondholders may be amended or abrogated,  
2 the amount of bonds, with the consent of the bondholders, and  
3 the manner in which consent may be given.

4 (7) Do the following:

5 (i) Covenant as to the use of the authority's real  
6 or personal property.

7 (ii) Warrant title of the property.

8 (iii) Covenant as to the maintenance and replacement  
9 of its real and personal property, the insurance to be  
10 carried on the property and the use and disposition of  
11 insurance money.

12 (8) Do the following:

13 (i) Covenant as to the rights, liabilities, powers  
14 and duties arising upon the breach by the authority of  
15 any covenant, condition or obligation.

16 (ii) Covenant and prescribe in the event of default  
17 as to terms and conditions upon which the authority's  
18 bonds or obligations shall become or may be declared due  
19 before maturity and as to the terms and conditions upon  
20 which the declaration and the authority's consequences  
21 may be waived.

22 (9) Do the following:

23 (i) Vest in a trustee or the bondholders the right  
24 to enforce the payment of the bonds or any covenants  
25 securing or relating to the bonds.

26 (ii) Vest in a trustee the right in the event of a  
27 default by the authority to take possession and use,  
28 operate and manage any real property and to collect the  
29 rents and revenues arising from the property and to  
30 dispose of the money in accordance with the agreement of



1 the authority with the trustee.

2 (iii) Provide for the powers and duties of a trustee  
3 and to limit the trustee's liabilities.

4 (iv) Provide the terms and conditions upon which the  
5 trustee or the bondholders may enforce covenants or  
6 rights securing or relating to the bonds.

7 (10) Obtain letters of credit and bond insurance.

8 (11) Do the following:

9 (i) Exercise all or any part or combination of the  
10 powers granted in this section.

11 (ii) Make covenants and perform acts necessary,  
12 convenient or desirable to secure bonds or, in the  
13 absolute discretion of the authority, to accomplish the  
14 purposes of this subchapter by making the bonds more  
15 marketable regardless of whether the covenants or acts  
16 are specifically enumerated under this section.

17 § 17339. Remedies of obligee of authority.

18 An obligee of the authority shall have the right, in addition  
19 to all other rights which may be conferred on the obligee,  
20 subject only to any contractual restrictions binding upon the  
21 obligee:

22 (1) By mandamus, suit, action or proceeding at law or in  
23 equity, to compel the authority and authority members,  
24 officers, agents or employees to perform each and every term,  
25 provision and covenant contained in any bond or contract of  
26 the authority with or for the benefit of the obligee and to  
27 require the carrying out of covenants and agreements of the  
28 authority and the fulfillment of all duties imposed upon the  
29 authority by this subchapter.

30 (2) By proceeding in equity, to obtain an injunction

against any acts or things which may be unlawful or the  
violation of any of the rights of the obligee.

§ 17340. Additional remedies conferrable by authority.

(a) General rule.--The authority shall have power by  
resolution, trust, indenture or mortgage to confer upon any  
obligees holding or representing a specified percentage of bonds  
the right, in addition to all rights that may otherwise be  
conferred, upon the happening of an event of default as defined  
in the resolution or instrument, by suit, action or proceeding  
in a court of competent jurisdiction to:

(1) obtain the appointment of a receiver of any real  
property or leasehold interest of the authority and of the  
rents and profits from the property. If a receiver is  
appointed, the receiver may enter and take possession of the  
real property or any leasehold interest, operate the real  
property or leasehold interest and collect and receive all  
revenues or other income arising from the operation and shall  
keep the money in a separate account and apply the same in  
accordance with the obligations of the authority as the court  
shall direct; or

(2) require the authority and its members to account as  
if the authority and authority members were the trustees of  
an express trust.

(b) Prohibition.--For the purpose of operating and  
maintaining facilities of the authority, nothing in this  
subchapter shall authorize a receiver appointed under this  
subchapter to sell, assign, mortgage or otherwise dispose of  
authority assets. It is the intention of this subchapter to  
limit the powers of the receiver to the operation and  
maintenance of the facilities of the authority as the court

directs, and the following apply:

(1) Receivers may not sell, assign, mortgage or otherwise dispose of any assets of the authority.

(2) Bondholders, trustees and other obligees do not have the right in any suit, action or proceeding, at law or in equity, to compel a receiver to sell, assign, mortgage or otherwise dispose of any assets of the authority.

(3) A court may not direct a receiver to sell, assign, mortgage or otherwise dispose of any assets of the authority.

§ 17341. Governing board.

(a) Composition.--The power of the authority shall be exercised by a governing board composed of eleven members appointed as follows:

(1) The mayor or, if there is no mayor, the governing body of the municipality in which a convention center is located shall appoint two members. Subject to subsection (b), the terms of the first two members appointed shall be for a two-year and four-year term, respectively. In all cases, the beginning of the term shall be January 1 of the year of appointment, subject to subsection (b).

(2) The county council or, if there is no county council, the governing body of the county in which a convention center is located shall appoint seven members. Subject to subsection (b), the beginning of the term shall be January 1 of the year of appointment. The terms of the first seven members appointed shall be allocated as follows:

(i) One one-year term.

(ii) Two two-year terms.

(iii) Two three-year terms.

(iv) Two four-year terms.

1       (3) Two members shall be appointed by the Governor with  
2       the advice and consent of a majority of the members of the  
3       Senate.

4       (b) Terms.--Except as otherwise provided and subject to  
5       subsection (a), members shall serve a four-year term from the  
6       date of appointment and until their successors have been  
7       appointed and qualified. If a vacancy occurs by death,  
8       disqualification, resignation or removal of a member, the  
9       appointing authority shall appoint a successor to fill the  
10       unexpired term.

11       (c) Compensation.--The members of the board may not be  
12       compensated for service on the board or for any other position  
13       in which the members may serve the authority. The authority may  
14       reimburse members for reasonable and necessary out-of-pocket  
15       expenses incurred by members in carrying out the business of the  
16       authority.

17       (d) Powers and duties.--

18               (1) The following shall apply:

19                       (i) The members of the board shall select a  
20                       chairperson and other officers as the board determines  
21                       from among the members.

22                       (ii) Except as otherwise provided, all actions of  
23                       the board shall be taken by a vote of at least six  
24                       members of the board, which shall constitute a majority  
25                       of the board, unless the bylaws of the authority provide  
26                       for a majority vote by a present quorum of not less than  
27                       six members in the absence of a full board.

28                       (iii) The board shall have full authority to manage  
29                       the properties and business of the authority and to  
30                       prescribe, amend and repeal bylaws, rules and regulations

1 governing the manner in which the business of the  
2 authority may be conducted and the powers granted to the  
3 authority may be exercised and embodied. Notwithstanding  
4 any other law, court decision, precedent or practice to  
5 the contrary, no actions by or on behalf of the board  
6 shall be taken by an officer of the board or the  
7 authority except upon the approval or prior authorization  
8 of the board.

9 (iv) As used in this subsection, the term "actions  
10 by or on behalf of the board" means any action of the  
11 board, including the hiring, appointment, removal,  
12 transfer, promotion or demotion of any officers and  
13 employees, the retention, use or remuneration of  
14 advisors, counsel, auditors, architects, engineers or  
15 consultants, the initiation of legal action, the making  
16 of contracts, leases, agreements, bonds, notes or  
17 covenants, the approval of requisitions, purchase orders,  
18 investments and reinvestments, and the adoption,  
19 amendment, revision or rescission of rules and  
20 regulations, orders or other directives.

21 (2) The board shall appoint an executive director, who  
22 shall act as the chief executive officer of the authority.  
23 The executive director shall not be a member of the board.  
24 Notwithstanding the provisions of paragraph (1), the board  
25 may, by bylaw or by resolution, delegate to the executive  
26 director the authority and power to carry out the day-to-day  
27 operations of the authority and to exercise those powers  
28 which are normal, customary and necessary to perform the  
29 duties of a chief executive officer.

30 (3) The board may appoint an assistant and other

1 officers, including assistant secretaries and assistant  
2 treasurers, as the board determines to be appropriate to  
3 carry out the business of the authority. Assistant  
4 secretaries and assistant treasurers may be members of the  
5 board.

6 (4) The board may appoint one or more deputy executive  
7 directors who, to the extent authorized by the board, may  
8 exercise the duties and powers of the executive director in  
9 the executive director's absence or incapacity or in the  
10 event of a vacancy in the office of executive director.

11 (e) Liability.--Members of the board may not be held  
12 personally liable for the bonds or other obligations of the  
13 authority, and the rights of creditors shall be solely against  
14 the authority. The authority shall defend board members, and the  
15 authority shall indemnify and hold harmless board members,  
16 whether currently serving as a member of the authority, against  
17 and from personal liabilities, actions, causes of action and  
18 claims made against them for actions performed within the scope  
19 of board member duties.

20 § 17342. Sovereign immunity.

21 The following apply:

22 (1) An authority created under this subchapter and the  
23 authority's officers, officials and employees shall have  
24 sovereign and official immunity, as provided under 1 Pa.C.S.  
25 § 2310 (relating to sovereign immunity reaffirmed; specific  
26 waiver).

27 (2) An authority created under this subchapter and the  
28 authority's officers, officials and employees shall remain  
29 immune from suit except as provided by and subject to 42  
30 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, through the authority's counsel, shall defend actions brought against the authority and the authority's officers and employees when acting within the scope of the officers and employees' official duties.

§ 17343. Money of authority.

(a) Payment of money.--All money of the authority shall be paid to the treasurer of the authority or other officer or officers of the authority as the authority may designate.

(b) Duty of board.--The board shall invest authority money consistent with sound business practice.

(c) Investment program.--The board shall provide for an investment program subject to restrictions contained in this subchapter, in any other applicable statute and in rules and regulations adopted by the board.

(d) Authorized investments.--The following shall apply:

(1) Authorized types of investments for authority money shall be:

(i) Direct obligations of or obligations guaranteed by the United States.

(ii) A bond, debenture, note, participation certificate or other similar obligation issued by any one or combination of the following agencies:

1                   (A) Government National Mortgage Corporation.

2                   (B) Federal Land Banks.

3                   (C) Federal Home Loan Banks.

4                   (D) Federal Intermediate Credit Banks.

5                   (E) Banks for Cooperatives.

6                   (F) Tennessee Valley Authority.

7                   (G) United States Postal Service.

8                   (H) Farmers Home Administration.

9                   (I) Student Loan Marketing Association.

10                  (J) Export-Import Bank of the United States.

11                  (iii) A bond, debenture, note, participation  
12 certificate or other similar obligation issued by the  
13 Federal National Mortgage Corporation to the extent the  
14 obligations are guaranteed by the Government National  
15 Mortgage Corporation or issued by another Federal agency  
16 and backed by the full faith and credit of the United  
17 States.

18                  (iv) Deposits in interest-bearing time deposits,  
19 demand deposits or certificates of deposit fully insured  
20 by the Federal Deposit Insurance Corporation or its  
21 successors or the Federal Savings and Loan Insurance  
22 Corporation or its successors or fully secured by any of  
23 the obligations described in this paragraph to the extent  
24 not so insured.

25                  (v) Repurchase agreements relating to, or investment  
26 agreements secured by or providing for the acquisition of  
27 and, if applicable, resale of, obligations described in  
28 subparagraphs (i), (ii), (iii) and (iv) or obligations of  
29 the Federal Home Loan Mortgage Corporation or the Federal  
30 National Mortgage Association with:



1           (I) banks or trust companies, which may include  
2           a banking entity or depository;

3           (II) brokers or broker-dealers registered under  
4           the Securities Exchange Act of 1934 (48 Stat. 881, 15  
5           U.S.C. §§ 78a-78jj) acceptable to the authority; or

6           (III) insurance companies rated A+ or better by  
7           Best's and having a net capital and surplus of at  
8           least \$25,000,000 or certificates of deposit with  
9           banks or trust companies fully secured as to  
10           principal and accrued interest by obligations  
11           described in subparagraphs (i), (ii), (iii) and (iv)  
12           deposited with or subject to the control of the  
13           authority.

14           (vi) Money market deposit accounts of banks or trust  
15           companies having a net capital and surplus of at least  
16           \$25,000,000, which may include a banking entity or  
17           depository.

18           (2) The description of authorized investments as set  
19           forth in paragraph (1)(v) and (vi) shall be met only if the  
20           agreements referenced provide for the repayment of the  
21           principal amount invested at an amount not less than the  
22           amount invested. If a security is required as set forth in  
23           paragraph (1)(iv), (v) and (vi), the security shall be  
24           deposited with the treasurer of the authority or be held by a  
25           trustee or agent satisfactory to the authority. Money of the  
26           authority shall be paid out on the warrant or other order of  
27           the chairperson of the authority or of other individuals as  
28           the authority may authorize to execute warrants or orders.

29           (e) Reports.--The following shall apply:

30           (1) An authority created under this subchapter shall

1 file an annual report with the Department of Community and  
2 Economic Development and with the county and political  
3 subdivision constituting the county seat, which shall make  
4 provisions for the accounting of revenues and expenses.  
5 Authority books, accounts and records shall be audited  
6 annually in accordance with generally accepted auditing  
7 standards by an independent auditor who shall be a certified  
8 public accountant, and a copy of the audit report shall be  
9 attached to and be made a part of the annual report. A  
10 concise financial statement shall be published annually in a  
11 newspaper of general circulation in the county in which the  
12 authority is located.

13 (2) An authority created under this subchapter shall,  
14 upon request by the county or the political subdivision  
15 constituting the county seat, file a report with the  
16 requesting entity listing the names of authority employees  
17 and the amount of compensation received by each employee, the  
18 names of authority independent contractors and the amount of  
19 remuneration received by the employees and the names of any  
20 providers of professional services and the value of the  
21 contracts for professional services.

22 (f) Right of examination.--The Attorney General, Auditor  
23 General, Secretary of the Budget, the chairperson and minority  
24 chairperson of the Appropriations Committee of the Senate and  
25 the chairperson and minority chairperson of the Appropriations  
26 Committee of the House of Representatives shall have the right  
27 to examine the books, accounts and records of the authority.

28 § 17344. Transfer of existing facilities or money and making of  
29 annual grants and lease payments to authority.

30 (a) Transfer.--

1       (1) A State public body or political subdivision may  
2       sell, lease or sublease from or to, lend, grant, convey or  
3       otherwise transfer or pay over to the authority, with or  
4       without consideration, a convention center or part of a  
5       convention center, or an interest in property, real, personal  
6       or mixed, tangible or intangible, or any money available,  
7       needed or obligated for development, acquisition, design,  
8       maintenance, management, operation, financing, leasing or  
9       subleasing, construction or improvement purposes, including  
10       the proceeds of bonds issued for construction or improvement  
11       of a convention center or part of a convention center.

12       (2) Property, money, a convention center or part of a  
13       convention center received by the authority may be used for  
14       any lawful purpose of the authority. Nothing in this  
15       subchapter or any other law shall be deemed to make an  
16       authority or person a State-supported or State-aided  
17       institution under the laws of this Commonwealth.

18       (b) Grants.--

19       (1) Subject to paragraph (2), the governing bodies of  
20       the county and county seat may:

21               (i) Make grants from current revenues to the  
22               authority.

23               (ii) Assist in defraying the costs of management,  
24               operation, maintenance, financing and debt service of  
25               convention center facilities, or parts of facilities.

26               (iii) Enter into long-term agreements providing for  
27               the payment of the grants and assistance under  
28               subparagraphs (i) and (ii).

29               (iv) Enter into long-term leases or subleases as  
30               lessee or sublessee of convention centers or parts of

1 convention centers.

2 (2) Obligations of the county and county seat to make  
3 grants, lease or sublease payments to an authority may not,  
4 even if based on debt obligations of an authority, constitute  
5 debts of the county and county seat within the meaning of any  
6 constitutional or statutory provision and shall be payable  
7 only to the extent that current revenues of the county and  
8 county seat are available.

9 (3) The county and county seat may issue general  
10 obligation bonds for the purpose of obtaining money for local  
11 contributions pertaining to convention centers or parts of  
12 convention centers.

13 (c) Bonds.--The Commonwealth may contribute to the capital  
14 costs of constructing a convention center by the issuance of  
15 Commonwealth bonds and notes under Chapter 3 of the act of  
16 February 9, 1999 (P.L.1, No.1), known as the Capital Facilities  
17 Debt Enabling Act. A convention center project undertaken by the  
18 authority is deemed to be a redevelopment assistance project for  
19 which capital money of the Commonwealth may be expended under  
20 the act of May 20, 1949 (P.L.1633, No.493), known as the Housing  
21 and Redevelopment Assistance Law, and, notwithstanding any  
22 provisions of the Housing and Redevelopment Assistance Law, the  
23 Department of Community and Economic Development may make  
24 capital grants directly to the authority in furtherance of this  
25 subchapter.

26 § 17345. Award of contracts.

27 (a) Bids.--

28 (1) All construction, reconstruction, repairs or work of  
29 any nature made by the authority in which the entire cost,  
30 value or amount exceeds \$10,000 shall be approved only under

1 contract.

2 (2) For a contract under paragraph (1), the authority  
3 shall:

4 (i) provide public notice to solicit competitive  
5 bids as provided under this section; and

6 (ii) enter into the contract with the lowest  
7 responsible bidder.

8 (3) The authority shall have the right to reject any bid  
9 or select a single item from any bid in accordance with  
10 paragraph (2).

11 (b) Contracts.--

12 (1) Subsection (a) shall not apply to construction,  
13 reconstruction, repairs or work done by employees of the  
14 authority or by labor supplied under agreement with a Federal  
15 agency, State public body or political subdivision.

16 (2) No contract shall be entered into under subsection  
17 (a) for construction, improvement or repair of a project  
18 unless the contractor provides sufficient surety approved by  
19 the authority in an amount fixed by the authority for the  
20 performance of the contract.

21 (3) All contracts entered into under subsection (a)  
22 shall provide that the individual or corporation entering  
23 into the contract with the authority pay for all materials  
24 furnished and services rendered for the performance of the  
25 contract and that an individual or corporation furnishing  
26 materials or rendering services may maintain an action to  
27 recover against its obligor providing materials or services  
28 within one year.

29 (4) Nothing in this section shall be construed to limit  
30 the power of the authority to construct, repair or improve a

1 project or portion of a project or any addition, betterment  
2 or extension of a project directly by the officers and  
3 employees of the authority.

4 (5) The authority shall award the construction of a  
5 convention center according to the provisions of the act of  
6 May 1, 1913 (P.L.155, No.104), entitled "An act regulating  
7 the letting of certain contracts for the erection,  
8 construction, and alteration of public buildings," and shall  
9 be subject to 62 Pa.C.S. Pt. I (relating to Commonwealth  
10 Procurement Code).

11 (6) Nothing in this section or other law of this  
12 Commonwealth shall require the authority to competitively bid  
13 architectural design, engineering or other professional  
14 services required by the authority.

15 (c) Notice.--The authority shall provide due public notice  
16 to receive bids for contracts for supplies and materials costing  
17 \$10,000 or more.

18 (d) Accepted bid.--The authority shall accept the lowest bid  
19 from a responsible bidder when kind, quality and material is  
20 equal, and the following apply:

21 (1) The authority shall have the right to reject any bid  
22 or select a single item from a bid.

23 (2) This subsection shall not apply to the purchase of  
24 unique supplies and materials or supplies and materials which  
25 cannot be obtained in the open market.

26 (e) Convention center facilities.--The board, upon the  
27 approval of six members, may negotiate contracts for management,  
28 operation, concession services, licensing or leasing of  
29 convention center facilities, or any part. The authority shall  
30 not award a contract to a manager, operator, concessionaire,

licensee, lessee or lessor that exceeds three years in duration  
unless six members of the board approve the awarding of a  
contract for a greater period of time. The authority and the  
authority's contractors, subcontractors, assignees, lessees,  
agents, vendors and suppliers shall not be subject to county or  
county seat laws, ordinances, rules or regulations relating to  
limits or preferences with regard to employment, contracting or  
procurement in the construction and operation of convention  
center facilities.

(f) Governing law.--The authority shall be subject to the  
act of August 15, 1961 (P.L.987, No.442), known as the  
Pennsylvania Prevailing Wage Act, the act of March 3, 1978  
(P.L.6, No.3), known as the Steel Products Procurement Act, and  
62 Pa.C.S. Ch. 37 Subch. B (relating to motor vehicles).

(g) 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:

"Advertisement or public notice." A notice published at  
least 10 days before the award of a contract in a newspaper of  
general circulation published in the county. The notice may be  
waived if the authority determines an emergency exists and  
supplies and materials must be immediately purchased by the  
authority.

§ 17346. Interests of public officers, public employees and  
party officers.

(a) Employment.--Party officers, public officers, public  
officials, public employees or individuals convicted of an  
infamous crime may not be employed as a management-level  
authority employee.

(b) Public employees.--The act of July 19, 1957 (P.L.1017,

No.451), known as the State Adverse Interest Act, and 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure) apply to board members, officers and employees of the authority and the following apply:

(1) For the purposes of application of these acts and regardless of compensation, the employees of the authority shall be regarded as public employees and officers or board members of the authority shall be regarded as public officials.

(2) The authority shall be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, and to 65 Pa.C.S. Ch. 7 (relating to open meetings).

(c) Prohibitions.--Notwithstanding subsection (c), the following prohibitions shall apply to the authority created under this subchapter:

(1) A management-level employee or other employee of the authority may not use the employee's position or confidential information received through the employee's position to obtain financial gain other than compensation provided by law for the employee, a member of the employee's immediate family or a personal business.

(2) A management-level employee or other employee of the board or a member of the employee's immediate family or a personal business may not solicit or accept anything of value, including a gift, loan, political contribution, reward or promise of future employment, based on an understanding that the vote, official action or judgment of the employee would be influenced.

(3) A management-level employee or other employee of the board or a member of the employee's immediate family or a



1 business in which the person or a member of the person's  
2 immediate family is a director, officer, owner or holder of  
3 stock exceeding 5% of the equity at fair market value of the  
4 business may not enter into a contract valued at \$500 or more  
5 to provide goods or services to the authority unless the  
6 contract has been awarded to the lowest responsible bidder  
7 through an open and public process, including prior public  
8 notice and subsequent public disclosure of all proposals  
9 considered and contracts awarded.

10 (4) A former management-level employee or other former  
11 employee of the board may not represent a person, with or  
12 without compensation, on any matter before the authority with  
13 which a former management-level employee or other former  
14 employee of the board has been associated for one year after  
15 separation from the authority.

16 (5) (i) An individual who is a State, county seat or  
17 county public officer or public official or party officer  
18 or a member of the individual's immediate family or the  
19 individual's personal business may not have a financial  
20 interest in a contract valued at \$500 or more to provide  
21 goods or services to the authority either during the time  
22 the individual holds the office or for two years after  
23 termination unless the contract is executed under  
24 paragraph (3).

25 (ii) For purposes of this paragraph, the term  
26 "financial interest" does not include employment by,  
27 association with or ownership of a business association  
28 unless the public officer, public official, party officer  
29 or immediate family member owns shares of stock in the  
30 corporation or has an ownership interest in a

1        noncorporate business association in an amount in excess  
2        of 5% of the total ownership of the noncorporate business  
3        association.

4        (6) A management-level employee, other employee of the  
5        board, an advisor or consultant to the county seat, the  
6        county or the State, having recommended to the authority  
7        either making a contract relating to a convention center  
8        authority or a course of action of which the making of the  
9        contract is an express or implied part, may not, at any time  
10       after making the recommendation, possess an adverse interest  
11       in the contract.

12       (7) A management-level employee or other employee may  
13       not have an adverse interest in a contract with an authority.  
14       The following shall apply:

15           (i) A management-level employee or other employee of  
16           the authority, the county seat, the county or the state  
17           may not influence or attempt to influence the making of  
18           or supervise or in any manner deal with a contract with  
19           the authority in which the employee has an adverse  
20           interest.

21           (ii) A person having an adverse interest in a  
22           contract with the authority may not become a management-  
23           level employee or other employee of the authority until  
24           the adverse interest has been wholly divested.

25        (8) A management-level employee or other employee of the  
26        authority, the county seat, the county or the State, except  
27        in the performance of his duties as an employee, may not for  
28        remuneration, directly or indirectly, represent a person in a  
29        matter pending before the authority.

30        (d) Penalties.--An individual who violates this section

1 shall have the individual's employment by the authority  
2 immediately terminated by the appropriate person having the  
3 power to terminate and shall be liable to the authority to  
4 reimburse the authority for all compensation received by the  
5 employee from the authority while employed in violation of  
6 subsection (b). The following shall apply:

7       (1) An individual who violates subsection (c) (1) or (2)  
8 commits a felony and, upon conviction, shall be sentenced to  
9 pay a fine of not more than \$10,000 or to imprisonment for  
10 not more than five years, or both.

11       (2) An individual who violates subsection (c) (3), (4),  
12 (5), (6), (7) or (8) commits a misdemeanor and, upon  
13 conviction, shall be sentenced to pay a fine of not more than  
14 \$1,000 or to imprisonment for not more than one year, or  
15 both.

16       (3) An individual who obtains financial gain from  
17 violating subsection (c), in addition to any other penalty  
18 provided by law, shall pay into the accounts of the authority  
19 a sum of money equal to three times the financial gain  
20 resulting from the violation.

21       (4) An individual who violates subsection (c) shall be  
22 barred for a period of five years from engaging in any  
23 business or contract with the authority, the county seat, the  
24 county, the State and all political subdivisions.

25       (5) An employee of the county seat, county, State or any  
26 political subdivision or a public officer or public official  
27 who violates subsection (c) shall automatically forfeit the  
28 office or employment.

29       (6) The penalties and sanctions under this section shall  
30 supersede any similar penalties and sanctions provided by 65

1 Pa.C.S. Ch. 11 and the State Adverse Interest Act.

2 (e) Definitions.--The following words and phrases shall have  
3 the meanings given to them in this section unless the context  
4 clearly indicates otherwise:

5 "Business." A corporation, partnership, sole proprietorship,  
6 firm, enterprise, franchise, association, organization, self-  
7 employed individual, holding company, joint-stock company,  
8 receivership, trust or any legal entity organized for profit or  
9 as a not-for-profit corporation or organization.

10 "Immediate family." A parent, spouse, child, brother, sister  
11 or like relative-in-law.

12 "Infamous crime." A violation and conviction for an offense  
13 which would disqualify an individual from holding public office  
14 under section 6 of Article II of the Constitution of  
15 Pennsylvania or a conviction for a violation of this section, 18  
16 Pa.C.S. § 4113 (relating to misapplication of entrusted property  
17 and property of government or financial institutions) or 18  
18 Pa.C.S. Ch. 47 (relating to bribery and corrupt influence), 49  
19 (relating to falsification and intimidation), 51 (relating to  
20 obstructing governmental operations) or 53 (relating to abuse of  
21 office) or any other violation of the laws of this Commonwealth  
22 for which an individual has been convicted within the preceding  
23 10 years and which is classified as a felony, and similar  
24 violations of the laws of the Federal Government or another  
25 state.

26 "Management-level authority employee." The chairperson and  
27 members of the board of the authority, counsel employed by the  
28 authority, the executive director of the authority and any  
29 authority employee with discretionary powers which may affect  
30 the outcome of the authority's decision 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 the  
decision.

"Party officer." The following members or officers of a  
political party:

(1) a member of a national committee;

(2) a chairperson, vice chairperson, secretary,  
treasurer or counsel of a State committee or member of the  
executive committee of a State committee;

(3) a city chairperson or vice chairperson or counsel,  
secretary or treasurer of a city committee; or

(4) a county chairperson or vice chairperson or counsel,  
secretary or treasurer of a county committee.

"Person." A business, individual, corporation, union,  
association, firm, partnership, committee, club or other  
organization or group of persons.

"Public employee."

(1) An individual employed by the Commonwealth or a  
political subdivision who is responsible for taking or  
recommending official action of a nonministerial nature with  
regard to:

(i) contracting or procurement;

(ii) administering or monitoring grants or  
subsidies;

(iii) planning or zoning;

(iv) inspecting, licensing, regulating or auditing  
any person; or

(v) any official action which has an economic impact  
of greater than a de minimis nature on the interest of  
any person.

1       (2) The term does not include individuals who are  
2       independent contractors or persons that are employed by the  
3       state or a political subdivision in teaching, as  
4       distinguished from administrative duties.

5       "Public officer." An individual elected to any public office  
6       of the Commonwealth or a political subdivision.

7       "Public official."

8       (1) An elected or appointed official in the executive,  
9       legislative or judicial branch of the State or a political  
10       subdivision.

11       (2) The term does not include members of advisory boards  
12       that have no authority to expend public money other than  
13       reimbursement for personal expenses or to otherwise exercise  
14       the power of the State or a political subdivision.

15       (3) The term does not include an appointed official who  
16       receives no compensation other than reimbursement for actual  
17       expenses.

18       § 17347. Use and operation of convention center facilities.

19       (a) General rule.--The use and operation of a convention  
20       center and the operation of the business of the authority shall  
21       be subject to the rules and regulations adopted by the  
22       authority.

23       (b) Limitation.--The authority may not impair the security  
24       of the obligees of the authority, violate any agreements with  
25       the obligees or for the obligee's benefit or violate any  
26       contracts, leases or other agreements awarded, made or entered  
27       into by the authority.

28       § 17348. Limitation of powers.

29       (a) Bonds.--The Commonwealth pledges to and agrees with any:

30       (1) person, county, county seat, political subdivision

1 or Federal agency subscribing to or acquiring the bonds to be  
2 issued by the authority for the construction or improvement  
3 of a convention center that the Commonwealth will not limit  
4 or alter the rights vested in the authority under law in any  
5 manner inconsistent with the obligations to the bondholders  
6 until all bonds issued, together with the interest, are fully  
7 paid and discharged; and

8 (2) Federal agency that in the event that a Federal  
9 agency shall construct or contribute money for the  
10 construction or improvement of a convention center that the  
11 Commonwealth shall not alter or limit the rights and powers  
12 of the authority in any manner which would be inconsistent  
13 with the due performance of any agreements between the  
14 authority and the Federal agency.

15 (b) Leases.--The Commonwealth pledges to and agrees with any  
16 person that, as owner, leases or subleases a convention center  
17 to or from an authority created pursuant to this subdivision  
18 that the Commonwealth will not limit or alter the rights and  
19 powers vested in the authority or otherwise created by this  
20 subdivision in any manner which impairs the obligations of the  
21 authority until all obligations of the authority under the lease  
22 or sublease are fully met and discharged.

23 § 17349. Exemption from taxation.

24 (a) Purpose of exemption.--The authorized purposes of  
25 authorities created under this subdivision shall in all respects  
26 be for the benefit of the residents of this Commonwealth, for  
27 the increase of commerce and prosperity and for the improvement  
28 of health and living conditions.

29 (b) Authority exempt.--An authority, as public  
30 instrumentality of the Commonwealth and performing essential

governmental functions in effectuating these purposes, is exempt from the payment of any taxes or assessments upon a convention center or a part of a convention center, or property acquired or used or permitted to be used by a convention center for these purposes.

(c) Bonds exempt.--Bonds issued by an authority, transfer of the bonds and the income from the bonds, including any profits made on the sale of the bonds, shall be exempt from State and local taxation within this Commonwealth.

(d) Limitation--The exemptions under subsections (b) and (c) shall not extend to gift, estate, succession or inheritance taxes or any other taxes not levied directly on the bonds, the transfer or the income of bonds from or the realization of profits on the sale of the bonds.

§ 17350. Lease by authorities.

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 is empowered to enter into leases, subleases, or both, for this purpose. A lease or sublease may be made for a specified or unlimited time and on any terms and conditions approved by the county or county seat and agreed to by the authority in conformity with its contracts with the bondholders.

§ 17351. Cooperation.

(a) Rights given authority.--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, financing, improvement, management or operation of a convention center, any public body or political subdivision of the Commonwealth or the county or county seat may, with or without



1 consideration:

2       (1) Dedicate, sell, convey, lease or otherwise transfer  
3 property or any interest, real, personal or mixed, tangible  
4 or intangible, to the authority.

5       (2) Cause parking, recreational or community facilities  
6 or any other works, which the political body or political  
7 subdivision is otherwise empowered to undertake, to be  
8 furnished in or adjacent to any area selected for a  
9 convention center or part of a convention center.

10       (3) Furnish, dedicate, close, pave, install, grade,  
11 regrade, plan or replan streets, roads, roadways, alleys,  
12 sidewalks or other places which the political body or  
13 political subdivision is empowered to act.

14       (4) Enter into agreements, extending over any period,  
15 with the Federal Government or the authority with respect to  
16 action by a State public body pursuant to the powers granted  
17 by this section.

18       (5) Incur the entire expense in connection with public  
19 improvements made by a State public body, political  
20 subdivision, county or the county seat, in exercising the  
21 powers granted under this section.

22       (6) Aid and cooperate in the development, acquisition,  
23 design, construction, improvement, maintenance, management,  
24 operation, furnishing, fixturing, equipping, repairing,  
25 financing, owning, leasing and subleasing of a convention  
26 center or part of a convention center.

27       (b) Power of Secretary of General Services.--The Secretary  
28 of General Services is authorized, with the approval of the  
29 Governor and Attorney General, to execute and deliver, on behalf  
30 of the Commonwealth, conveyances, deeds and leases authorized

1 under this subchapter.

2 (c) Payments.--

3 (1) In connection with a convention center, the county  
4 or county seat may contract with the authority or the Federal  
5 Government with respect to sums which the Federal Government  
6 or the authority may agree to pay during any year or period  
7 of years to the county or county seat for the improvements,  
8 services and facilities to be provided by the county or  
9 county seat for the benefit of the authority, convention  
10 center facility or the persons occupying the area.

11 (2) The absence of a contract for payments under  
12 paragraph (1) does not relieve the county or county seat from  
13 the duty to furnish for the benefit of the authority,  
14 convention center or the persons occupying the area,  
15 customary improvements and services and facilities as the  
16 county or county seat usually furnish without a service fee.

17 (d) Agency.--The Commonwealth, county or county seat may, by  
18 written agreement, designate the authority as an agent within  
19 the authority's field of operation to perform any specified  
20 activity or to administer any specified program which the  
21 Commonwealth, county or county seat is authorized by law to do  
22 if these activities or programs are in furtherance of the public  
23 purposes specified in this subchapter. Activities include  
24 development, acquisition, design, construction, improvement,  
25 maintenance, leasing, management or operation of a convention  
26 center or part of a convention center.

27 (e) Supplemental powers.--Powers granted under this section  
28 shall be in addition and supplemental to the powers conferred by  
29 any other law.

30 § 17352. Hotel room rental tax.

1     (a) Imposition.--The county in which the authority's  
2     convention centers are located or will be located may impose an  
3     excise tax on the consideration received by each operator of a  
4     hotel within the market area from each transaction of renting a  
5     room or rooms to accommodate transients.

6     (b) Collection.--The tax shall be collected by the operator  
7     from the patron of the room and paid over to the county and  
8     shall be known as the Hotel Room Rental Tax.

9     (c) Rate.--The rate of tax imposed under this section by the  
10    county in which the authority's convention centers are located  
11    may not exceed 7%.

12    (d) Distribution of revenue.--Subject to the deduction of  
13    the administrative fee authorized by subsection (o), the  
14    revenues shall be distributed as follows:

15        (1) The revenues from the special funds required under  
16        subsection (e) attributable to the levy of the first 5% of  
17        the tax shall be distributed as follows:

18            (i) Eighty percent shall be deposited within two  
19            working days into the special fund required under  
20            subsection (e) for the use of the authority.

21            (ii) Twenty percent shall be deposited within two  
22            working days into the tourist promotion agency fund  
23            required under subsection (e) until disbursed under  
24            subsection (j).

25        (2) The revenues from the special fund attributable to  
26        the levy of the remaining 2% of the tax shall be deposited  
27        into the tourist promotion agency fund required under  
28        subsection (e) until disbursed under subsection (j).

29    (e) Duty of treasurer.--The treasurer of each county  
30    electing to impose the tax authorized under this section shall

collect the tax and, subject to the deduction of the  
administrative fee authorized by subsection (o):

(1) deposit 80% of the revenues attributable to the levy  
of the first 5% of the tax in a special fund established for  
the purposes set forth in this section;

(2) deposit 20% of the revenues attributable to the levy  
of the first 5% of the tax in the tourist promotion agency  
fund until disbursed under subsection (j); and

(3) deposit the revenues attributable to the levy of the  
remaining 2% of the tax in the tourist promotion agency fund  
until disbursed under subsection (j).

(f) Deposit of interest.--Interest on money deposited into  
the funds shall accrue proportionately as provided under  
subsection (e).

(g) Rules and regulations.--The treasurer may establish  
rules and regulations concerning the collection of the tax,  
which may not occur more than monthly nor less than quarterly.

(h) Special fund.--The authority shall have the right to  
draw upon the special fund established under subsection (e) (1)  
for the authority. Expenditures from the special fund shall be  
used by the authority for the following purposes:

(1) Projected annual debt service or lease payments of  
the convention center authority.

(2) Costs associated with financing, constructing,  
expanding, improving, maintaining, furnishing, fixturing and  
equipping convention centers.

(3) Costs associated with the development of convention  
centers, including design, engineering and feasibility costs.

(4) Costs associated with the operation and management  
of convention centers.

1       (5) Costs associated with promoting, marketing and  
2       otherwise encouraging use of the convention centers.

3       (6) General purposes of the authority.

4       (7) Grants authorized under section 17335(e) (relating  
5       to purpose and powers of authorities).

6       (i) Security.--If and to the extent that the authority  
7       pledges the authority's share of the proceeds of the tax  
8       authorized by this section as security for the payment of bonds  
9       issued by the authority for convention centers, the following  
10       shall apply:

11       (1) The Commonwealth pledges to and agrees with any  
12       person, firm or corporation subscribing to or acquiring bonds  
13       to be issued by the authority for convention center purposes  
14       that the Commonwealth will not, nor will the Commonwealth  
15       authorize a county to, reduce the rate of tax imposed for  
16       convention centers until all bonds secured by the pledge of  
17       the authority, together with interest, are fully met and  
18       discharged.

19       (2) The county may not reduce the rate of tax imposed  
20       for convention centers until all bonds secured by the pledge  
21       of the authority, together with interest, are fully met and  
22       discharged.

23       (j) Disbursement of money.--Revenues received from the tax  
24       deposited into the tourist promotion agency fund required under  
25       subsection (f) shall be disbursed by each county to the tourist  
26       promotion agency within 10 days of receipt of the revenues.

27       (k) Fiscal year.--Each tax year for any tax imposed under  
28       this section shall run concurrently with the county's fiscal  
29       year.

30       (l) Audit.--An audited report on the income and expenditures

incurred by a tourist promotion agency receiving revenues from  
the tax authorized under this section shall be submitted  
annually by the tourist promotion agency to the county  
commissioners.

(m) Penalty.--Notwithstanding any provision of law to the  
contrary, in counties of the third class having a population  
under the 1990 Federal decennial census in excess of 415,000  
residents but less than 500,000 residents, a penalty of 1.5% per  
month shall be imposed for failure to timely remit the tax  
authorized by this section.

(n) Lien.--In addition to other remedies available for  
collection of debts, the county may also file a lien upon the  
hotel in the name of and for the use of the county as provided  
by law for municipal claims.

(o) Administrative fee.--For purposes of defraying the costs  
of collecting the tax imposed under this section and otherwise  
performing the county's obligations under this subchapter, the  
county may deduct and retain an administrative fee from the  
taxes collected under this subsection. The administrative fee  
shall be established by the county but may not exceed in any tax  
year the lesser of:

(1) 2% of all taxes collected hereunder; or

(2) \$40,000, which amount shall be adjusted biannually,  
beginning two years after the date of enactment, by the  
percentage growth in the Consumer Price Index for All Urban  
Consumers as determined by the United States Department of  
Labor.

(p) Regulations.--The county shall have the authority to  
prescribe rules and regulations as the county determines are  
appropriate to administer the provisions of this section.

1     (g) Definitions.--As used in this section, the following  
2 words and phrases shall have the meanings given to them in this  
3 subsection:

4     "Consideration." Receipts, fees, charges, rentals, leases,  
5 cash, credits, property of any kind or nature or other payment  
6 received by operators in exchange for or in consideration of the  
7 use or occupancy by a transient of a room or rooms in a hotel  
8 for a temporary period.

9     "Convention center or convention center facility." Any land,  
10 improvement, structure, building, or part thereof, or property  
11 interest, whether owned by or leased by or to or otherwise  
12 acquired by an authority, appropriate for any of the following:  
13 large public assemblies, the holding of conventions,  
14 conferences, trade exhibitions and other business, social,  
15 cultural, scientific, sports, recreational, artistic and public  
16 interest events, performances and exhibitions, and all  
17 facilities, furniture, fixtures and equipment necessary or  
18 incident thereto, including hotels, meeting rooms, dining rooms,  
19 kitchens, ballrooms, reception areas, registration and  
20 prefunction areas, locker rooms, practice areas and equipment,  
21 training areas and equipment, truck loading areas, including  
22 access, accessways, including, but not limited to, tunnels,  
23 overhead walkways, escalators, elevators and other connections  
24 to nearby or adjoining buildings or facilities, regardless of  
25 whether the buildings or facilities constitute convention  
26 centers or are owned or controlled by the authority, common  
27 areas, lobbies, offices and areas appurtenant to any of the  
28 preceding, and also including other land, buildings, structures  
29 or facilities for use or planned for use in conjunction with the  
30 foregoing, including landscaping, buffer areas, off-street

1 parking, retail areas and other improvements related to a  
2 convention center owned by or leased by or to an authority,  
3 regardless of whether the improvements are for the purpose of  
4 producing revenues to assist in defraying the costs or expenses  
5 of a convention center.

6 "Hotel." A hotel, motel, inn, guesthouse or other building  
7 or complex of buildings located within the market area which  
8 holds itself out by any means, including advertising, license,  
9 registration with an innkeeper's group, convention listing  
10 association, travel publication or similar association or with a  
11 government agency, as being available to provide overnight  
12 lodging or use of facility space for consideration to persons  
13 seeking temporary accommodation and the following shall apply:

14 (1) The term includes:

15 (i) A place which advertises to the general public  
16 or a segment of the general public that it will provide  
17 beds, sanitary facilities or other space for a temporary  
18 period to members of the general public.

19 (ii) A place recognized as a hostelry.

20 (2) The term does not include portions of a facility  
21 which are devoted to individuals who have established  
22 permanent residence.

23 (3) The term does not include a bed and breakfast  
24 homestead or inn as defined in the act of May 23, 1945  
25 (P.L.926, No.369), referred to as the Public Eating and  
26 Drinking Place Law.

27 "Market area." With respect to a county in which there is  
28 more than one city of the third class, the entire county. With  
29 respect to a county in which there is only one city of the third  
30 class, one of the following, as selected by the governing body



1 of the county:

2 (1) That city and the area within the county which is  
3 not more than 15 miles from the city limits of the county  
4 seat.

5 (2) That city and the area within the county which, as  
6 determined by the governing body of the county imposing the  
7 tax, derives a material benefit from the existence of the  
8 convention center within the county. The owner of a hotel  
9 affected by a determination by the governing body under this  
10 subparagraph may challenge the determination by filing a  
11 petition in the court of common pleas in the judicial  
12 district in which the determination was made.

13 "Occupancy." The use or possession or the right to the use  
14 or possession by a person other than a permanent resident of a  
15 room in a hotel for any purpose or the right to the use or  
16 possession of the furnishings or to the services accompanying  
17 the use and possession of the room.

18 "Operator." Any individual, partnership, nonprofit or  
19 profit-making association or corporation or other person or  
20 group of persons that maintain, operate, manage, own, have  
21 custody of or otherwise possess the right to rent or lease  
22 overnight accommodations in a hotel to the public for  
23 consideration.

24 "Patron." An individual who pays the consideration for the  
25 occupancy of a room or rooms in a hotel.

26 "Permanent resident." An individual who has occupied or has  
27 the right to occupy a room or rooms in a hotel as a patron or  
28 otherwise for a period exceeding 30 consecutive days.

29 "Room." A space in a hotel set aside for use and occupancy  
30 by patrons, or otherwise, for consideration, having at least one

bed or other sleeping accommodations provided therein.

"Temporary." A period of time not exceeding 30 consecutive days.

"Tourist promotion agency." The agency designated by the governing body of a county or county seat in which the convention centers are located to be eligible for grants from the Department of Community and Economic Development under 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 emanates to the operator under an express or an implied contract.

"Transient." An individual who obtains an accommodation in any hotel for the individual by means of registering at the 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

1           the third class.

2   17503. (Reserved).

3   17504. Authorization of five percent hotel tax for a county of  
4           the fifth class.

5   17505. Hotel room rental tax in certain third class counties.

6   17506. (Reserved).

7   17507. Hotel room rental tax in third through eighth class  
8           counties.

9   17508. Certification of recognized tourist promotion agencies.

10   17509. Hotel room rental tax in second class and second class A  
11           counties.

12   \$ 17501. Authorization of hotel tax.

13       (a) Imposition.--The county commissioners of any county of  
14   the third class having a second class A city located therein may  
15   impose a hotel tax not to exceed 7% of the consideration  
16   received by each operator of a hotel within the county from each  
17   transaction of renting a room or rooms to transients. The tax  
18   shall be collected by the operator from the patron of the room  
19   or rooms and paid over to the county as herein provided.

20       (b) Records.--The county commissioners may by ordinance  
21   impose requirements for keeping of records, the filing of tax  
22   returns and the time and manner of collection and payment of  
23   tax. The county commissioners may also impose by ordinance  
24   penalties and interest for failure to comply with recordkeeping,  
25   filing, collection and payment requirements.

26       (c) Collection.--The treasurer of each county that imposes  
27   the tax authorized under this section shall collect the tax and  
28   deposit the revenues received from the tax in a special fund  
29   established for that purpose. The disposition of the revenues  
30   from the special fund shall be as follows: a minimum of 40% of

all revenues received per annum shall be distributed to the TPA,  
which shall use them for the appropriate and reasonable  
operational, marketing and promotional expenses of the TPA.  
Other tax revenues received and amounting to not more than 60%  
of total annual revenues shall be distributed to the county,  
which shall use them for reasonable expenses associated with  
collection and enforcement of the tax; for county-owned tourist  
and recreational facilities, sports facilities or visitor  
centers; for other tourism-related activities as determined by  
the county commissioners; or for other expenditures, debts or  
liabilities related to tourism or recreational facilities  
incurred by municipal authorities as determined by the county  
commissioners.

(d) Concurrent tax years.--The tax year for a tax imposed  
under this section shall run concurrently with the calendar  
year.

(e) Audit.--An audited report on the income and expenditures  
incurred by a tourist promotion agency receiving any revenues  
from the tax authorized under this section shall be submitted  
annually by the tourist promotion agency to the county  
commissioners.

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

"Consideration." Receipts, fees, charges, rentals, leases,  
cash, credits, property of any kind or nature, or other payment  
received by operators in exchange for or in consideration of the  
use or occupancy by a transient of a room or rooms in a hotel  
for any temporary period.

"Hotel." A hotel, motel, inn, guest house 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 or use of facility space 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; or any place recognized as a hostelry. The term does not include any portion of a facility that is devoted to persons who have an established permanent residence or a college or university student residence hall.

"Occupancy." The use or possession or the right to the use or possession by any person other than a permanent resident of 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

1 bed or other sleeping accommodation in a room or group of rooms.

2 "Tourist Promotion Agency (TPA)." An organization, agency or  
3 corporation designated to be such by the board of commissioners  
4 of the county in which the tax is imposed. The TPA shall be duly  
5 established, designated and recognized as the county's TPA in  
6 accordance with and pursuant to the act of July 4, 2008  
7 (P.L.621, No.50), known as the Tourism Promotion Act.

8 "Transaction." The activity involving the obtaining by a  
9 transient or patron of the use or occupancy of a hotel room from  
10 which consideration is payable to the operator under an express  
11 or an implied contract.

12 "Transient." An individual who obtains accommodation in a  
13 hotel by means of registering at the facility for the temporary  
14 occupancy of a room for the personal use of the individual by  
15 paying a fee to the operator.

16 § 17502. Authorization of five percent hotel tax for a county  
17 of the third class.

18 (a) Imposition.--The county commissioners of any county of  
19 the third class having a population under the 1990 Federal  
20 Decennial Census in excess of 237,000 residents, but less than  
21 240,000 residents, may impose a hotel tax not to exceed 5% of  
22 the consideration received by each operator of a hotel within  
23 the county from each transaction of renting a room or rooms to  
24 transients. The tax shall be collected by the operator from the  
25 patron of the room or rooms and paid over to the county as  
26 herein provided.

27 (b) Records.--The county commissioners may by ordinance  
28 impose requirements for keeping of records, the filing of tax  
29 returns and the time and manner of collection and payment of  
30 tax. The county commissioners may also impose by ordinance

1 penalties and interest for failure to comply with recordkeeping,  
2 filing, collection and payment requirements.

3 (c) Disposition of first two percent of tax revenue.--The  
4 county commissioners of each county shall designate the entity  
5 or agency responsible to collect and to enforce the collection  
6 of the tax on their behalf. All revenues received from the tax  
7 shall be deposited into a special fund, which is to be  
8 established by the county's treasurer. The disposition of the  
9 revenues from the special fund attributable to the levy of the  
10 first 2% of the tax shall be as follows:

11 (1) 20% of all revenues received per annum shall be  
12 distributed by the treasurer to a city of the third class in  
13 the county of the third class imposing the tax for the  
14 appropriate and reasonable marketing and promotional expenses  
15 of promoting tourism in the city of a third class and the  
16 costs associated with the renovation, rehabilitation,  
17 extension, furnishing, equipping, substantial repair or  
18 construction of a tourism-related facility located within the  
19 city of the third class, including for payment of the debt  
20 service on bonds issued for such projects;

21 (2) 10% of all revenues received per annum shall be  
22 distributed by the treasurer to the county commissioners who  
23 may accept the funds which may be used for tourism and  
24 regional promotion purposes to be determined by the county  
25 commissioners, or, if the county commissioners elect not to  
26 accept the funds, the funds shall be distributed by the  
27 treasurer to the TPA for the appropriate and reasonable  
28 marketing and promotional expenses of the TPA in promoting  
29 tourism in the county of the third class imposing the tax,  
30 excluding promotion of a city of the third class receiving

1 revenues under clause (1); and

2 (3) 70% of all revenue received per annum shall be  
3 distributed by the treasurer to qualified authorities located  
4 within the county of the third class imposing the tax for  
5 payment of the debt service on bonds issued for the  
6 construction of a county regional sports facility having a  
7 seating capacity of two and one-half thousand to fourteen  
8 thousand seats, which is owned, in whole or in part, or  
9 leased by the applicable authority, and which is located  
10 within the county of the third class imposing the tax. The  
11 following are qualified authorities for purposes of this  
12 clause:

13 (i) an authority incorporated pursuant to the former  
14 act of May 2, 1945 (P.L.382, No.164), known as the  
15 Municipality Authorities Act of 1945;

16 (ii) an industrial or commercial development  
17 authority incorporated pursuant to the act of August 23,  
18 1967 (P.L.251, No.102), known as the Economic Development  
19 Financing Law; and

20 (iii) a redevelopment authority incorporated  
21 pursuant to the act of May 24, 1945 (P.L.991, No.385),  
22 known as the Urban Redevelopment Law.

23 (d) Disposition of the third one percent of the tax  
24 revenue.--The disposition of the revenues from the special fund  
25 attributable to the levy of the third percent of the tax, if  
26 levied, shall be distributed at the discretion of the county  
27 commissioners and used solely for tourism and regional promotion  
28 purposes.

29 (e) Disposition of remaining two percent of tax revenue.--  
30 The disposition of the revenues from the special fund



attributable to the levy of the remaining 2% of the tax shall be distributed by the treasurer as follows:

(1) 50% shall be distributed to the TPA for the appropriate and reasonable marketing and promotional expenses for promoting tourism in the county imposing the tax; and

(2) 50% shall be distributed as follows:

(i) 75% to an authority incorporated pursuant to the former "Municipality Authorities Act of 1945" located within the county of the third class currently imposing a tax for payment of the debt service on bonds issued for the construction of a county regional sports facility having a seating capacity of two and one-half thousand to fourteen thousand seats, which is owned, in whole or in part, or leased by the applicable authority, and which is located within the county of the third class imposing the tax. Such authority shall use the tax distribution identified in this section for the improvement, support, rehabilitation, revitalization, construction, fit-out and reconstruction of one or more tourism or tourism infrastructure-related facilities, including, but not limited to, the payment of debt service on bonds related thereto.

(ii) 25% shall be distributed to the TPA for the appropriate and reasonable marketing and promotional expenses of promoting tourism in a city of the third class located within the county of the third class imposing the tax, and the same shall be used in accordance with a plan approved by the TPA.

(f) Collection and deposit.--The treasurer of each county electing to impose the tax authorized under this section shall

1 collect the tax from the entity or agency designated by the  
2 county commissioners to collect and to enforce the collection of  
3 the tax and shall deposit the revenues received from the tax in  
4 a special fund established for that purpose.

5 (g) Concurrent tax years.--The tax year for a tax imposed  
6 under this section shall run concurrently with the calendar  
7 year.

8 (h) Audit.--An audited report on the income and expenditures  
9 incurred by a tourist promotion agency receiving any revenues  
10 from the tax authorized under this section shall be submitted  
11 annually by the tourist promotion agency to the county  
12 commissioners.

13 (i) Definitions.--As used in this section, the following  
14 words and phrases shall have the meanings given to them in this  
15 subsection:

16 "Consideration." Receipts, fees, charges, rentals, leases,  
17 cash, credits, property of any kind or nature or other payment  
18 received by operators in exchange for or in consideration of the  
19 use or occupancy by a transient of a room or rooms in a hotel  
20 for any temporary period.

21 "Debt service on bonds." Any cost related to the issuance,  
22 refinancing, refunding or payment or any other costs associated  
23 with the issuance and maintenance of bonds or notes by an  
24 authority or a city of the third class.

25 "Hotel." A hotel, motel, inn, guest house or other structure  
26 which holds itself out by any means, including advertising,  
27 license, registration with an innkeepers' group, convention  
28 listing association, travel publication or similar association  
29 or with a government agency, as being available to provide  
30 overnight lodging or use of facility space for consideration to

1 persons seeking temporary accommodation; any place which  
2 advertises to the public at large or any segment thereof that it  
3 will provide beds, sanitary facilities or other space for a  
4 temporary period to members of the public at large; or any place  
5 recognized as a hostelry. The term does not include any portion  
6 of a facility that is devoted to persons who have an established  
7 permanent residence or a college or university student residence  
8 hall.

9 "Occupancy." The use or possession or the right to the use  
10 or possession by any person other than a permanent resident of  
11 any room in a hotel for any purpose or the right to the use or  
12 possession of the furnishings or to the services accompanying  
13 the use and possession of the room.

14 "Operator." An individual, partnership, nonprofit or profit-  
15 making association or corporation, or other person or group of  
16 persons who maintains, operates, manages, owns, has custody of  
17 or otherwise possesses the right to rent or lease overnight  
18 accommodations in a hotel to the public for consideration.

19 "Patron." A person who pays the consideration for the  
20 occupancy of a room or rooms in a hotel.

21 "Permanent resident." A person who has occupied or has the  
22 right to occupancy of a room or rooms in a hotel as a patron or  
23 otherwise for a period exceeding 30 consecutive days.

24 "Room." A space in a hotel set aside for use and occupancy  
25 by patrons, or otherwise, for consideration, having at least one  
26 bed or other sleeping accommodation in a room or group of rooms.

27 "Tourist Promotion Agency (TPA)." An organization, agency or  
28 corporation designated to be such by the board of commissioners  
29 of the county in which the tax is imposed. The TPA shall be duly  
30 established, designated and recognized as the county's TPA in

accordance with and pursuant to the act of April 28, 1961  
(P.L.111, No.50), known as the Tourist Promotion Law.

"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.

§ 17503. (Reserved).

§ 17504. Authorization of five percent hotel tax for a county  
of the fifth class.

(a) Imposition.--The county commissioners of any county of  
the fifth class having a population under the 2010 Federal  
Decennial Census in excess of 101,000 residents, but less than  
102,000 residents, may impose a hotel tax not to exceed 5% of  
the consideration received by each operator of a hotel within  
the county from each transaction of renting a room or rooms to  
transients. The tax shall be collected by the operator from the  
patron of the room or rooms and paid over to the county as  
herein provided.

(b) Records and penalty.--The provisions of subsection (c)  
notwithstanding, county commissioners may by ordinance impose  
requirements for keeping of records, the filing of tax returns  
and the time and manner of collection and payment of tax. The  
county commissioners may also impose by ordinance penalties and  
interest for failure to comply with recordkeeping, filing,  
collection and payment requirements.

(c) Audit.--Each operator of a hotel within a county that

imposes the tax authorized under this section shall submit to an  
audit of hotel tax revenue. The audit shall be conducted by the  
county commissioners and shall consist, at a minimum, of  
determining the total amount of consideration received by the  
operator from transactions of renting a room or rooms to  
transients during the period being audited and the total amount  
of hotel tax revenue collected. The county commissioners or  
their duly authorized agents shall conduct at least one audit  
annually and shall bear the costs of the audit.

(d) Collection, deposit and disposition of tax revenue.--The  
treasurer of each county that imposes the tax authorized under  
this section shall collect the tax and deposit the revenues  
received from the tax in a special fund established for that  
purpose. Subject to the deduction of the administrative fee  
authorized by subsection (h), the disposition of the revenues  
from the TPA hotel tax fund shall be as follows:

(1) Seventy-five percent of all revenues received per  
annum shall be used by the county's recognized TPA for the  
promotion, advertising and marketing of tourism and special  
events and for administrative costs.

(2) Twenty-five percent of all revenues received per  
annum shall be distributed as follows:

(i) Fifty percent shall be used by the county  
commissioners for the purposes of economic development  
and historic preservation.

(ii) Fifty percent shall be used by the county  
commissioners for grants to municipalities that:

(A) have a municipal police department employing  
at least two full-time police officers assigned to  
law enforcement duties who work a minimum of 200 days

1           per year; or

2           (B) are a member of a regional police department  
3           that provides full-time police services to the  
4           municipality pursuant to an agreement or contract.

5           (iii) Municipalities receiving grants under  
6           subclause (ii) must meet or have met the eligibility  
7           requirements under subclause (ii) (A) or (B) for a minimum  
8           of two years prior to receiving the grant.

9       (e) Grants.--Grants under subsection (d) (2) (ii) shall be  
10      distributed to municipalities in proportion to the number of  
11      hotel rooms within the municipality as a percentage of the total  
12      number of hotel rooms in municipalities with police departments  
13      under subsection (d) (2) (ii) as compiled by the recognized TPA  
14      and certified by the county commissioners. Grants shall be used  
15      for police and law enforcement purposes. Any portion of a grant  
16      not used for police and law enforcement purposes shall be  
17      returned to the county for the purposes of subsection (d) (2) (i).

18      (f) Concurrent tax years.--The tax year for a tax imposed  
19      under this section shall run concurrently with the calendar  
20      year.

21      (g) Audit.--An audited report on the income and expenditures  
22      incurred by a tourist promotion agency receiving any revenues  
23      from the tax authorized under this section shall be submitted  
24      annually by the tourist promotion agency to the county  
25      commissioners.

26      (h) Administrative fee.--The county may deduct and retain an  
27      administrative fee from the taxes collected under this section.  
28      The administrative fee established by the county may not exceed  
29      in any tax year the lesser of:

30           (1) 4.5% of all taxes collected under this section; or

1       (2) \$95,000, which amount shall be adjusted biannually,  
2       beginning two years after July 12, 2012, by the percentage  
3       growth in the Consumer Price Index for All Urban Consumers.

4       (i) Uses of revenue.--Revenue collected from the fee imposed  
5       under subsection (h) shall be used for the following purposes:

6           (1) Defraying the costs associated with the collection  
7           and administration of the tax.

8           (2) Defraying the costs of the review required under  
9           subsection (c).

10       (j) Definitions.--As used in this section, the following  
11       words and phrases shall have the meanings given to them in this  
12       subsection:

13       "Consideration." Receipts, fees, charges, rentals, leases,  
14       cash, credits, property of any kind or nature, or other payment  
15       received by operators in exchange for or in consideration of the  
16       use or occupancy by a transient of a room or rooms in a hotel  
17       for any temporary period.

18       "Hotel." A hotel, motel, inn, guest house or other structure  
19       which holds itself out by any means, including advertising,  
20       license, registration with an innkeepers' group, convention  
21       listing association, travel publication or similar association  
22       or with a government agency, as being available to provide  
23       overnight lodging or use of facility space for consideration to  
24       persons seeking temporary accommodation; any place which  
25       advertises to the public at large or any segment thereof that it  
26       will provide beds, sanitary facilities or other space for a  
27       temporary period to members of the public at large; or any place  
28       recognized as a hostelry. The term does not include any portion  
29       of a facility that is devoted to persons who have an established  
30       permanent residence or a college or university student residence

1 hall.

2 "Occupancy." The use or possession or the right to the use  
3 or possession by any person other than a permanent resident of  
4 any room in a hotel for any purpose or the right to the use or  
5 possession of the furnishings or to the services accompanying  
6 the use and possession of the room.

7 "Operator." An individual, partnership, nonprofit or profit-  
8 making association or corporation or other person or group of  
9 persons who maintain, operate, manage, own, have custody of or  
10 otherwise possess the right to rent or lease overnight  
11 accommodations in a hotel to the public for consideration.

12 "Patron." A person who pays the consideration for the  
13 occupancy of a room or rooms in a hotel.

14 "Permanent resident." A person who has occupied or has the  
15 right to occupancy of a room or rooms in a hotel as a patron or  
16 otherwise for a period exceeding 30 consecutive days.

17 "Room." A space in a hotel set aside for use and occupancy  
18 by patrons, or otherwise, for consideration, having at least one  
19 bed or other sleeping accommodation in a room or group of rooms.

20 "Tourist Promotion Agency (TPA)." An organization, agency or  
21 corporation designated to be such by the board of commissioners  
22 as of January 1, 2000, of the county in which the tax is  
23 imposed. The TPA shall be duly established, designated and  
24 recognized as the county's TPA in accordance with and pursuant  
25 to the act of July 4, 2008 (P.L.621, No.50), known as the  
26 Tourism Promotion Act.

27 "Transaction." The activity involving the obtaining by a  
28 transient or patron of the use or occupancy of a hotel room from  
29 which consideration is payable to the operator under an express  
30 or an implied contract.



1 "Transient." An individual who obtains accommodation in a  
2 hotel by means of registering at the facility for the temporary  
3 occupancy of a room for the personal use of the individual by  
4 paying a fee to the operator.

5 § 17505. Hotel room rental tax in certain third class counties.

6 (a) Imposition.--A county may, by ordinance, impose a tax  
7 which shall be known as the hotel room rental tax on the  
8 consideration received by each operator of a hotel within the  
9 county from each transaction of renting a room or rooms to  
10 accommodate temporary residents. The tax shall be collected by  
11 the operator from the patron of the room and paid over to the  
12 county where the hotel is located as provided under this  
13 section.

14 (b) Rate of tax.--The tax imposed under subsection (a) shall  
15 be equal to 4% of the consideration received from each  
16 transaction of renting a room or rooms to accommodate temporary,  
17 not permanent, residents.

18 (c) Collection.--The tax shall be collected by the operator  
19 from the patron and paid over to the county where the hotel is  
20 located. The county executive of each county is hereby  
21 authorized to establish rules and regulations governing the  
22 collection of the tax, which collection shall not occur more  
23 often than monthly and not less than quarterly.

24 (d) Distribution of tax revenue.--Money received under  
25 subsection (c) and interest accrued shall be distributed by the  
26 fiscal officer of each county as follows:

27 (1) Each county shall within 10 days of receipt transmit  
28 68.75% of the money collected in that county to the regional  
29 tourist promotion agency which serves more than one county  
30 and which is designated by the governing body of the county

1 to be eligible for grants from the Department of Community  
2 and Economic Development pursuant to the act of April 28,  
3 1961 (P.L.111, No.50), known as the Tourist Promotion Law.

4 (2) Each county shall retain 18.75% of the money  
5 collected in that county for the further development of  
6 tourism facilities and for community development initiatives  
7 within that county that enhance regional tourism.

8 (3) Each county shall retain 12.5% of the money  
9 collected in that county for the further development of  
10 facilities and for marketing purposes within that county to  
11 enhance regional tourism.

12 (e) Definitions.--The following words and phrases when used  
13 in this section shall have the meanings given to them in this  
14 subsection unless the context clearly indicates otherwise:

15 "Consideration." Receipts, fees, charges, rentals, leases,  
16 cash, credits, property of any kind or nature or other payment  
17 received by operators in exchange for or in consideration of the  
18 use or occupancy by a transient of a room or rooms in a hotel  
19 for a temporary period.

20 "County." Any county which is, on June 22, 2000, a county of  
21 the third class having a population under the 1990 Federal  
22 Decennial Census in excess of 290,000 residents but less than  
23 295,000 residents or a county of the third class having a  
24 population under the 1990 Federal Decennial Census in excess of  
25 245,000 residents but less than 250,000 residents.

26 "Hotel." A hotel, motel, inn, guesthouse or other structure  
27 which holds itself out by any means, including advertising,  
28 license, registration with an innkeepers' group, convention  
29 listing association, travel publication or similar association  
30 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; or any place recognized as a hostelry. The term does not include any portion of a facility that is devoted to persons who have an established permanent residence or a college or university student residence hall or any private campground or any cabins, public campgrounds or other facilities located on State land.

"Joint planning commissions." A commission established by ordinance or membership of two or more municipalities to encourage planning for future development and to coordinate planning with neighboring municipalities, counties and other government agencies in accordance with Article XI of the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code.

"Operator." Any 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 building to the public for consideration.

"Patron." Any person who pays the consideration for the occupancy of a room or rooms in a hotel.

"Permanent resident." Any person who has occupied or has the right to occupy a room or rooms in a hotel as a patron or otherwise for a period exceeding 30 consecutive days.

"Room." A space in a building set aside for use and occupancy by patrons, or otherwise, for consideration, having at

1 least one bed or other sleeping accommodations provided.

2 "Temporary resident." Any person who has occupied or has the  
3 right to occupy a room or rooms in a hotel as a patron or  
4 otherwise for a period of time not exceeding 30 consecutive  
5 days.

6 "Transaction." The activity involving the obtaining by a  
7 transient or patron of the use or occupancy of a hotel room from  
8 which consideration emanates to the operator under an expressed  
9 or implied contract.

10 "Transient." Any person who obtains an accommodation in any  
11 hotel for himself by means of registering at the facility for  
12 the temporary occupancy of a room for the personal use of that  
13 individual by paying to the operator of the facility a fee in  
14 consideration therefor.

15 § 17506. (Reserved).

16 § 17507. Hotel room rental tax in third through eighth class  
17 counties.

18 (a) Imposition.--A county may, by ordinance, impose a tax  
19 which shall be known as the hotel room rental tax on the  
20 consideration received by each operator of a hotel within the  
21 county from each transaction of renting a room or rooms to  
22 accommodate transients. The tax shall be collected by the  
23 operator from the patron of the room and paid over to the county  
24 where the hotel is located as provided under this section.

25 (b) Limitation on tax rate.--The rate of tax imposed under  
26 this section shall not exceed 5%.

27 (c) Collection, deposit and distribution.--The treasurer of  
28 each county electing to impose the tax authorized under this  
29 section shall collect the tax and deposit the revenues received  
30 from the tax in a special fund established for that purpose.

1 Subsequent to the deduction for administrative costs established  
2 in subsection (i), the county shall distribute to the recognized  
3 tourist promotion agency all revenues received from the tax not  
4 later than 60 days after receipt of the tax revenues.

5 (d) Use of tax revenue.--The revenues from the special fund  
6 shall be used by the recognized tourist promotion agency for any  
7 of the following purposes:

8 (1) Marketing the area served by the agency as a leisure  
9 travel destination.

10 (2) Marketing the area served by the agency as a  
11 business, convention or meeting travel destination.

12 (3) Using all appropriate marketing tools to accomplish  
13 these purposes, including, but not limited to, advertising,  
14 publicity, publications, direct marketing, sales, technology  
15 and participation in industry trade shows that attract  
16 tourists or travelers to the area served by the agency.

17 (4) Programs, expenditures or grants that are directly  
18 and substantially related to tourism or a business,  
19 convention or meeting travel destination within the county,  
20 augment and do not compete with private sector tourism or  
21 travel efforts and improve and expand the county as a  
22 destination market as deemed necessary by the recognized  
23 tourist promotion agency. The following shall apply to grants  
24 awarded under this paragraph:

25 (i) Grants require a cash or in-kind local match of  
26 at least 25%.

27 (ii) Grants may not be used for signage that  
28 promotes a specific private entity on the situs of that  
29 entity, except where the signage also carries the logo of  
30 a recognized tourist promotion agency.

1       (5) Any other tourism or travel marketing or promotion  
2       program, expenditure or project that does not compete with  
3       private sector tourism or travel efforts as deemed necessary  
4       by the recognized tourist promotion agency.

5       (e) Concurrent tax years.--Each taxable year for any tax  
6       imposed under this section shall run concurrently with the  
7       county's fiscal year.

8       (f) Audit.--An audited report or financial statement, as  
9       determined by the county in consultation with the recognized  
10       tourist promotion agency, on the income and expenditures  
11       incurred by a recognized tourist promotion agency receiving any  
12       revenues from the tax authorized under this section shall be  
13       submitted annually by the recognized tourist promotion agency to  
14       the county commissioners.

15       (g) Sanction.--The following shall apply:

16       (1) If a recognized tourist promotion agency fails to  
17       submit an annual audit report or financial statement required  
18       under subsection (f) within 90 days of the end of the  
19       recognized tourist promotion agency's fiscal year, the  
20       corresponding county may withhold tax revenues collected and  
21       deposited in a special fund under this section until the  
22       required annual audit report or financial statement is  
23       submitted to the county.

24       (2) In the event the county does not take action under  
25       paragraph (1) within 120 days of the end of the recognized  
26       tourist promotion agency's fiscal year, the Secretary of  
27       Community and Economic Development may require the county to  
28       withhold tax revenues collected and deposited in a special  
29       fund under this section until the required annual audit  
30       report or financial statement is submitted to the county and

1 the Department of Community and Economic Development.

2 (h) Conflict of interest.--Any board member, director,  
3 officer or employe of a recognized tourist promotion agency  
4 shall disclose to the recognized tourist promotion agency the  
5 nature of any conflict of interest or financial interest and  
6 recuse himself or herself from any action taken on behalf of the  
7 recognized tourist promotion agency which may result in a  
8 private pecuniary benefit to the individual, a member of the  
9 individual's immediate family or a business with which the  
10 individual or a member of the individual's immediate family is  
11 associated.

12 (i) Administrative costs.--For the purposes of defraying the  
13 costs associated with the collection of the tax imposed under  
14 this section and otherwise performing its obligations under this  
15 section, the county may deduct and retain an administrative fee  
16 from the taxes collected under this section. The administrative  
17 fee shall be established by the county but shall not exceed 4%  
18 of the taxes collected in any taxable year.

19 (j) Penalty.--A penalty of 1.5% per month shall be imposed  
20 upon the operator of a hotel for failure to timely collect and  
21 remit the tax authorized by this section. In addition to other  
22 remedies available for collection of debts, the county may file  
23 a lien upon the hotel in the name of the county and for the use  
24 of the county as provided by law.

25 (k) Definitions.--The following words and phrases when used  
26 in this section shall have the meanings given to them in this  
27 subsection unless the context clearly indicates otherwise:

28 "Bed and breakfast" or "homestead." A public accommodation  
29 consisting of a private residence, which contains 10 or fewer  
30 bedrooms, used for providing overnight accommodations to the

1 public and in which breakfast is the only meal served and is  
2 included in the charge for the room.

3 "Cabin." A permanent structure with beds and running water  
4 that is located on a campground on State land or private  
5 property and is available to provide overnight lodging for  
6 consideration to persons seeking temporary accommodations. The  
7 term does not include a yurt or walled tent.

8 "Conflict of interest." Use by a board member, director,  
9 officer or employe of a recognized tourist promotion agency of  
10 the authority of his or her office or employment or any  
11 confidential information received through his or her capacity in  
12 relation to a recognized tourist promotion agency for the  
13 private pecuniary benefit of himself or herself, a member of his  
14 or her immediate family or a business with which he or she or a  
15 member of his or her immediate family is associated. The term  
16 does not include an action having a de minimis economic impact  
17 or which affects to the same degree a class consisting of the  
18 general public or a subclass consisting of an industry,  
19 occupation or other group which includes a board member,  
20 director, officer or employe, a member of his or her immediate  
21 family or business with which he or she or a member of his or  
22 her immediate family is associated.

23 "Consideration." Receipts, fees, charges, rentals, leases,  
24 cash, credits, property of any kind or nature or other payment  
25 received by operators in exchange for or in consideration of the  
26 use or occupancy by a transient of a room or rooms in a hotel  
27 for a temporary period.

28 "County." Any county of the third through eighth class that  
29 was authorized to levy a hotel occupancy or room rental tax  
30 under the former sections 1770.2 or 1770.6 of the County Code.



1     "Hotel." A hotel, motel, inn, guesthouse, rooming house, bed  
2     and breakfast, homestead or other structure which holds itself  
3     out by any means, including advertising, license, registration  
4     with an innkeepers' group, convention listing association,  
5     travel publication or similar association or with a government  
6     agency, as being available to provide overnight lodging for  
7     consideration to persons seeking temporary accommodation; any  
8     place which advertises to the public at large or any segment  
9     thereof that it will provide beds, sanitary facilities or other  
10    space for a temporary period to members of the public at large;  
11    any place recognized as a hostelry or any cabin. The term does  
12    not include any of the following:

13         (1) A charitable institution.

14         (2) A portion of a facility that is devoted to persons  
15         who have an established permanent residence.

16         (3) A college or university student residence hall  
17         currently occupied by students enrolled in a degree program.

18         (4) An educational or religious institution camp for  
19         children, including a camp registered under the act of  
20         November 10, 1959 (P.L.1400, No.497), entitled "An act  
21         providing for the annual registration of organized camps for  
22         children, youth and adults; defining the duties of the  
23         Department of Health of the Commonwealth of Pennsylvania; and  
24         prescribing penalties."

25         (5) A hospital.

26         (6) A nursing home.

27         (7) Part of a campground that is not a cabin.

28     "Immediate family." A spouse, parent, brother, sister or  
29     child.

30     "Marketing." An action by a recognized tourism promotion

1 agency that includes, but is not limited to, promoting and  
2 encouraging visitors to visit a specific county, counties or  
3 geographic region.

4 "Occupancy." The use or possession or the right to the use  
5 or possession by any person other than a permanent resident of  
6 any 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 who maintain, operate, manage, own, have  
12 custody of or otherwise possess the right to rent or lease  
13 overnight accommodations in a building to the public for  
14 consideration.

15 "Patron." Any person who pays the consideration for the  
16 occupancy of a room or rooms in a hotel.

17 "Permanent resident." A person who has occupied or has the  
18 right to occupancy of a room or rooms in a hotel as a patron or  
19 otherwise for a period exceeding 30 consecutive days.

20 "Recognized tourist promotion agency." The nonprofit  
21 corporation, organization, association or agency which is  
22 engaged in planning and promoting programs designed to stimulate  
23 and increase the volume of tourist, visitor and vacation  
24 business within a county and certified by the county as of April  
25 20, 2016, or under section 17508 (relating to certification of  
26 recognized tourist promotion agencies).

27 "Room." A space in a building set aside for use and  
28 occupancy by patrons or otherwise, for consideration, having at  
29 least one bed or other sleeping accommodations provided.

30 "Transaction." The activity involving the obtaining by a

1 transient or patron of the use or occupancy of a hotel room from  
2 which consideration emanates to the operator under an expressed  
3 or implied contract.

4 "Transient." An individual who obtains accommodation in a  
5 hotel by means of registering at the facility for the temporary  
6 occupancy of a room for the personal use of the individual by  
7 paying a fee to the operator.

8 § 17508. Certification of recognized tourist promotion  
9 agencies.

10 (a) Authorization.--A county may certify a nonprofit  
11 corporation, organization, association or agency to serve as the  
12 county's recognized tourist promotion agency. The county may not  
13 have more than one recognized tourist promotion agency.

14 (b) Procedure for certification.--The following shall apply:

15 (1) A county must certify a recognized tourist promotion  
16 agency under subsection (a) by proper resolution of the  
17 governing body of the county, concurred in by resolution of  
18 the governing bodies of cities, boroughs, towns or townships  
19 within the county which have an aggregate of more than 50% of  
20 the total population of the county as determined by the most  
21 recently completed Federal decennial census.

22 (2) A recognized tourist promotion agency shall operate  
23 until that agency has dissolved as an entity, withdrawn its  
24 certification or has been decertified by the county under  
25 subsection (c).

26 (c) Decertification.--The following shall apply:

27 (1) Notwithstanding any other provision of law, a county  
28 may decertify a recognized tourist promotion agency by proper  
29 resolution of the governing body of a county, concurred in by  
30 resolution of the governing bodies of cities, boroughs, towns

1 or townships within the county which have an aggregate of  
2 more than 65% of the total population of the county as  
3 determined by the most recently completed Federal decennial  
4 census.

5 (2) The county shall hold at least one public hearing on  
6 decertification no less than seven days before a meeting to  
7 adopt a resolution under this subsection.

8 (3) This subsection shall apply to recognized tourist  
9 promotion agencies, regardless of the date on which they were  
10 recognized under the act of July 4, 2008 (P.L.621, No.50),  
11 known as the Tourism Promotion Act, or certified by the  
12 county under this section or former section 177.11 of the  
13 County Code.

14 § 17509. Hotel room rental tax in second class and second class  
15 A counties.

16 (a) Imposition of excise tax.--The following shall apply:

17 (1) The county commissioners in each county of the  
18 second class are authorized to impose an excise tax at 5% on  
19 the consideration received by each operator of a hotel within  
20 the county from each transaction of renting a room or rooms  
21 to accommodate transients.

22 (2) The county commissioners in each county of the  
23 second class A are authorized to impose an excise tax not to  
24 exceed 5% on the consideration received by each operator of a  
25 hotel within the county from each transaction of renting a  
26 room or rooms to accommodate transients.

27 (3) The tax shall be collected by the operator from the  
28 patron of the room and paid over to the county as provided in  
29 this section.

30 (b) Collection, deposit and distribution for county of the

second class.--The treasurer of each county of the second class electing to impose the tax authorized under this section is directed to collect the tax and to deposit the revenue received from the tax in a special fund. The revenues shall be distributed by the county commissioners as follows:

(1) Except as set forth in clause (5), two-fifths of the revenue received by the county from the excise tax shall be distributed to a tourist promotion agency pursuant to section 2199.14 of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code.

(2) Except as set forth in clause (5), one-third of the tax collected by hotels within a municipality where a convention center or exhibition hall is located, less the cost of collecting the tax, shall, at the request of that municipality, be returned to that municipality for deposit in that municipality's special fund established solely for purposes of paying for promotional programs implemented by a nonprofit organization which are designed to stimulate and increase the volume of conventions and visitors within the municipality or as provided in clause (7), subject to the following requirements:

(i) An audited report on the income and expenditures incurred by the municipality receiving funds from the excise tax on hotel room rentals shall be made annually to county.

(ii) The members of the board of directors or other governing body of the nonprofit organization utilized by the municipality to provide the promotional programs shall be appointed by the governing body of the municipality.

1       (3) Except as set forth in clause (5), a 5% fee shall be  
2 paid to the county for collecting the tax.

3       (4) Except as set forth in clause (5), all remaining  
4 revenue from the tax received by the county, after paying the  
5 amounts set forth in clauses (1), (2) and (3), shall be used  
6 for operational and maintenance expenditures of the  
7 convention center or exhibition hall as provided in  
8 subsection (d) and for regional tourist promotion activities.

9       (5) Subject to clause (6), if bonds are issued by the  
10 public authority to provide permanent financing or  
11 refinancing of the expansion of and capital improvements to  
12 the convention center or exhibition hall, the revenue  
13 received from the tax and deposited in the special fund shall  
14 not be distributed as set forth in clauses (1) through (4)  
15 but shall be distributed by the county commissioners in the  
16 order of priority as follows:

17           (i) First, to the payment of all amounts set forth  
18 in clause (2).

19           (ii) Second:

20               (A) to the trustee for the bonds in accordance  
21 with the provisions of the indenture pursuant to  
22 which the bonds are issued, to be used for the  
23 payment of debt service on the bonds; and

24               (B) to the payment of all amounts set forth in  
25 clause (3):

26                   (I) in full; or

27                   (II) if the revenues are insufficient to  
28 make the payment in full, pro rata.

29           (iii) Third, to the payment of all amounts set forth  
30 in clause (1).

1           (iv) Fourth, as set forth in clause (4).

2           (6) Clause (5) shall not apply to bonds issued  
3           subsequent to the permanent financing for purposes of  
4           completion or subsequent expansions or capital improvements.

5           (7) If a convention center or exhibition hall  
6           discontinues operation in a municipality in which a  
7           convention center or exhibition hall is located, the  
8           municipality shall continue to collect and receive the tax,  
9           which shall be deposited by the municipality and used for the  
10          purposes as provided in clause (2).

11          (c) Collection and deposit for county of second class A.--  
12          The treasurer of each county of the second class A electing to  
13          impose the tax authorized under this section is directed to  
14          collect the tax and to deposit the revenue in a special fund  
15          established solely for purposes of travel and tourism promotion  
16          and advertising related to travel and tourism promotion. The  
17          treasurer is authorized to establish rules and regulations  
18          concerning the collection of the tax.

19          (d) Limitation on use of fund for counties of the second  
20          class.--The following shall apply:

21               (1) In counties of the second class, expenditures from  
22               the fund established under subsection (b) shall be used for  
23               all purposes which a public authority may determine to be  
24               reasonably necessary to the support, operation and  
25               maintenance of a convention center or exhibition hall,  
26               including the following:

27                       (i) Advertising and publicizing tourist attractions  
28                       in the area served by the recognized tourist promotion  
29                       agency.

30                       (ii) Promoting and otherwise encouraging the use of

1       the facilities in the area served by the recognized  
2       tourist promotion agency by the public as a whole.

3       (iii) Promoting and attracting conventions,  
4       exhibitions and other functions to utilize facilities in  
5       the area served by the recognized tourist promotion  
6       agency.

7       (iv) Precompletion advertising and publicizing of  
8       any convention center or exhibition hall.

9       (v) Promoting and attracting conventions,  
10       exhibitions and other functions to utilize the convention  
11       center or exhibition hall.

12       (vi) Promoting and otherwise encouraging the use of  
13       the premises by the public as a whole or any segment of  
14       the public.

15       (vii) Operating, furnishing and otherwise  
16       maintaining and equipping the premises and realty  
17       appurtenant to the premises.

18       (viii) Furnishing and equipping the building and  
19       grounds.

20       (2) It is the intention of this subsection that the  
21       receipts from any tax imposed under this section after  
22       payment of the distributions under subsection (b)(1), (2),  
23       (3), (4) and (5) be used in the county to offset the entire  
24       operating deficit, if any, of any convention center or  
25       exhibition hall including equally, shares of any cooperating  
26       political subdivision or agency of government incurred  
27       pursuant to any agreement. The operating deficit shall be  
28       determined by the public authority which is the designated  
29       operating agency of the convention center or exhibition hall.

30       (e) Limitation on use of fund for counties of second class



1 A.--The following shall apply:

2 (1) In counties of the second class A, expenditures from  
3 the fund established under subsection (c) shall be annually  
4 appropriated by the county commissioners for tourist  
5 promotion activities, to be executed by the recognized  
6 tourist promotion agency for the following:

7 (i) Marketing the area served by the recognized  
8 tourist promotion agency as a leisure travel destination.

9 (ii) Marketing the area served by the recognized  
10 tourist promotion agency as a convention, business or  
11 meeting travel destination.

12 (iii) Marketing the area served by the recognized  
13 tourist promotion agency to the public as a whole for use  
14 of its tourist and convention facilities.

15 (iv) Using all appropriate marketing tools to  
16 accomplish these purposes, including advertising,  
17 publicity, publications, direct marketing, sales,  
18 technology and participation in industry trade shows that  
19 attract tourists or travelers to the area served by the  
20 recognized tourist promotion agency.

21 (v) Programs, expenditures or grants that directly  
22 and substantially relate to tourism or a business,  
23 convention or meeting travel destination within a county  
24 of the second class A, that augment and do not compete  
25 with private sector tourism or travel efforts and that  
26 improve and expand a county of the second class A as a  
27 destination market as deemed necessary by the recognized  
28 tourist promotion agency. The following shall apply to  
29 grants awarded under this subclause:

30 (A) Grants shall have a cash or in-kind local

1           match of at least 25%.

2           (B) Grants may not be used for signage that  
3           promotes a specific private entity on the situs of  
4           the entity, except where the signage carries the logo  
5           of a recognized tourist promotion agency.

6           (vi) Any other tourism or travel marketing or  
7           promotion program, expenditure or project that does not  
8           compete with private sector tourism or travel efforts as  
9           deemed necessary by the recognized tourist promotion  
10          agency.

11          (2) For the purposes of defraying the costs associated  
12          with the collection of the tax imposed under this section and  
13          otherwise performing their obligations under this section,  
14          the county commissioners of a county of the second class A  
15          may deduct and retain an administrative fee from the taxes  
16          collected under this section. The administrative fee shall be  
17          established by the county of the second class A and shall not  
18          exceed 4% of the taxes collected in any taxable year.

19          (3) As determined by a county of the second class A in  
20          consultation with the recognized tourist promotion agency, an  
21          audited report or financial statement of the income and  
22          expenditures incurred by a recognized tourist promotion  
23          agency receiving revenue from the tax authorized under this  
24          section shall be submitted annually by the recognized tourist  
25          promotion agency to the county commissioners.

26          (4) A penalty of 1.5% per month shall be imposed upon  
27          the operator of a hotel in a county of the second class A for  
28          failure to timely collect and remit the tax authorized by  
29          this section. In addition to other remedies available for  
30          collection of debts, a county of the second class A may file

1 a lien upon the hotel in the name of the county and for the  
2 use of the county as provided by law.

3 (f) Duration of section.--The following shall apply:

4 (1) The provisions of this section relating to counties  
5 of the second class shall remain in force from year to year.

6 The following apply:

7 (i) Revenue in excess of amounts needed to pay the  
8 distributions under subsection (b.1)(1), (2), (2.1), (3)  
9 and (4) and to offset operating deficits under  
10 subsections (b.1)(3) and (d) shall be determined by the  
11 public authority and may be accumulated.

12 (ii) At the discretion of the cooperating political  
13 subdivisions and the public authority, any revenue may be  
14 used to:

15 (A) provide part or all of an annual payment to  
16 be paid by a county or a political subdivision under  
17 an agreement with a public authority created under  
18 the act of July 29, 1953 (P.L.1034, No.270), known as  
19 the Public Auditorium Authorities Law, which has been  
20 designated as the operating agency for a convention  
21 center or exhibition hall; or

22 (B) effect necessary expansion or further  
23 capital improvements.

24 (2) The provisions of this section relating to counties  
25 of the second class A shall remain in force and effect for  
26 three years from February 14, 1986, and may be continued  
27 thereafter by ordinance or resolution of the county  
28 commissioners of the respective counties.

29 (g) Concurrent tax years.--Each taxable year for a tax  
30 imposed under this section shall run concurrently with the

1 calendar year.

2 (h) Definitions.--The following words and phrases when used  
3 in this section shall have the meanings given to them in this  
4 subsection unless the context clearly indicates otherwise:

5 "Cabin." A permanent structure with beds and running water  
6 that is located on a campground on State land or private  
7 property and is available to provide overnight lodging for  
8 consideration to persons seeking temporary accommodations. The  
9 term does not include a yurt or walled tent.

10 "Consideration." Receipts, fees, charges, rentals, leases,  
11 cash, credits, property or other payment received by operators  
12 in exchange for or in consideration of the use or occupancy by a  
13 transient of a room in a hotel for a temporary period.

14 "Convention center or exhibition hall." A building or series  
15 of buildings:

16 (1) at least one of which contains a minimum of 75,000  
17 gross square feet of exhibition space for shows and  
18 conventions;

19 (2) which are not used for the retail sale of  
20 merchandise or part of any shopping center, mall or other  
21 retail center; and

22 (3) a major function of which is to house meetings,  
23 exhibitions, shows, conventions, assemblies, convocations and  
24 similar gatherings. The term includes land appurtenant to the  
25 building or buildings.

26 "Cooperating political subdivision or agency of government."  
27 A city or public authority located in a county:

28 (1) within the boundaries of which a convention center  
29 or exhibition hall is planned or constructed; and

30 (2) which shares with the county duties, obligations or

1 privileges with respect to that convention center.

2 "Hotel." A hotel, motel, inn, guesthouse, rooming house, bed  
3 and breakfast, homestead or other structure which holds itself  
4 out by any means, including advertising, license, registration  
5 with an innkeepers' group, convention listing association,  
6 travel publication or similar association or with a government  
7 agency, as being available to provide overnight lodging for  
8 consideration to persons seeking temporary accommodation; any  
9 place which advertises to the public at large or any segment  
10 thereof that it will provide beds, sanitary facilities or other  
11 space for a temporary period to members of the public at large;  
12 any place recognized as a hostelry or any cabin. The term does  
13 not include any of the following:

14 (1) A charitable institution.

15 (2) A portion of a facility that is devoted to persons  
16 who have an established permanent residence.

17 (3) A college or university student residence hall  
18 currently occupied by students enrolled in a degree program.

19 (4) An educational or religious institution camp for  
20 children, including a camp registered under the act of  
21 November 10, 1959 (P.L.1400, No.497), entitled "An act  
22 providing for the annual registration of organized camps for  
23 children, youth and adults; defining the duties of the  
24 Department of Health of the Commonwealth of Pennsylvania; and  
25 prescribing penalties."

26 (5) A hospital.

27 (6) A nursing home.

28 (7) Part of a campground that is not a cabin.

29 "Municipality." Notwithstanding 53 Pa.C.S. § 8401 (relating  
30 to definitions), a township or borough or a home rule

1 municipality which was formerly a township or borough.

2 "Occupancy." The use or possession or the right to the use  
3 or possession by any person other than a permanent resident of a  
4 room in a hotel for any purpose or the right to the use or  
5 possession of the furnishings or to the services accompanying  
6 the use and possession of the room.

7 "Operating deficit." The excess of expenses over receipts  
8 from the operation and management of a convention center or  
9 exhibition hall.

10 "Operator." Any individual, partnership, nonprofit or  
11 profit-making association or corporation or other person or  
12 group of persons that maintain, operate, manage, own, have  
13 custody of or otherwise possess the right to rent or lease  
14 overnight accommodations in a hotel to the public for  
15 consideration.

16 "Patron." A person that pays the consideration for the  
17 occupancy of a room in a hotel.

18 "Permanent resident." An individual who has occupied or has  
19 the right to occupancy of a room in a hotel as a patron or  
20 otherwise for a period exceeding 30 consecutive days.

21 "Recognized tourist promotion agency." The nonprofit  
22 corporation, organization, association or agency which is  
23 engaged in planning and promoting programs designed to stimulate  
24 and increase the volume of tourist, visitor and vacation  
25 business within a county and certified by the county pursuant to  
26 the act of July 4, 2008 (P.L.621, No.50), known as the Tourism  
27 Promotion Act.

28 "Regional tourist promotion activities." Services,  
29 activities, facilities and events, which result in a significant  
30 number of nonresidents visiting a county of the second class for

1 recreational, cultural or educational purposes.

2 "Room." A space in a hotel set aside for use and occupancy  
3 by patrons, or otherwise, for consideration, having at least one  
4 bed or other sleeping accommodation.

5 "Substantial completion." Construction which is sufficiently  
6 completed in accordance with contract documents and certified by  
7 the convention center authority's architect or engineer, as  
8 modified by change orders so that:

9 (1) the main convention area can be used, occupied or  
10 operated for its intended use; and

11 (2) at least 90% of the work on the main convention or  
12 exhibition area is complete.

13 "Temporary." A period of time not exceeding 30 consecutive  
14 days.

15 "Transaction." The activity involving the obtaining by a  
16 transient or patron of the use or occupancy of a hotel room from  
17 which consideration emanates to the operator under an express or  
18 an implied contract.

19 "Transient." An individual who obtains accommodation in any  
20 hotel for himself by means of registering at the facility for  
21 the temporary occupancy of any room for the personal use of that  
22 individual by paying to the operator of the facility a fee in  
23 consideration for the accommodation.

24 Section 5. Repeals are as follows:

25 (1) The General Assembly declares that the repeal under  
26 paragraph (2) is necessary to effectuate the amendment or  
27 addition of 16 Pa.C.S. Pts. I, II, III and IV.

28 (2) The act of August 9, 1955 (P.L.323, No.130), known  
29 as The County Code, is repealed.

30 Section 6. The amendment or addition of 16 Pa.C.S. Pts. I,

1 II, III and IV is a continuation of the act of August 9, 1955  
2 (P.L.323, No.130), known as The County Code. The following  
3 apply:

4 (1) Except as otherwise provided in 16 Pa.C.S. Pts. I,  
5 II, III and IV, all activities initiated under The County  
6 Code shall continue and remain in full force and effect and  
7 may be completed under 16 Pa.C.S. Pts. I, II, III or IV.  
8 Orders, regulations, rules and decisions which were made  
9 under The County Code and which are in effect on the  
10 effective date of section 5(2) of this act shall remain in  
11 full force and effect until revoked, vacated or modified  
12 under 16 Pa.C.S. Pts. I, II, III and IV. Contracts,  
13 obligations and collective bargaining agreements entered into  
14 under The County Code are not affected nor impaired by the  
15 repeal of The County Code.

16 (2) ~~Any~~ EXCEPT AS PROVIDED IN PARAGRAPH (3), ANY <--  
17 difference in language between 16 Pa.C.S. Pts. I, II, III and  
18 IV and The County Code is intended only to conform to the  
19 style of the Pennsylvania Consolidated Statutes and is not  
20 intended to change or affect the legislative intent, judicial  
21 construction or administration and implementation of The  
22 County Code.

23 (3) PARAGRAPH (2) SHALL NOT APPLY TO THE FOLLOWING: <--

24 (I) THE ADDITION OF 16 PA.C.S. § 12305(D).

25 (II) THE ADDITION OF 16 PA.C.S. § 15102(L).

26 (III) THE ADDITION OF 16 PA.C.S. § 15351.

27 Section 7. This act shall take effect in 60 days.