
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 945 Session of
2023

INTRODUCED BY BROWN, HUTCHINSON, DUSH, KEARNEY AND COMITTA,
SEPTEMBER 22, 2023

REFERRED TO LOCAL GOVERNMENT, SEPTEMBER 22, 2023

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 repeals.

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

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

8 PART I

9 PRELIMINARY PROVISIONS

10 [(Reserved)]

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

13 CHAPTER 1

14 GENERAL PROVISIONS

15 Sec.

16 101. Scope of title.

17 102. Applicability.

18 102.1. 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,

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

9 § 105. Holding of office.

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

14 § 106. Construction of references.

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

19 § 107. Constitutional construction.

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

27 § 108. Legislation according to class.

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

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

4 CHAPTER 3

5 NAMES AND CORPORATE POWERS
6 AND CLASSIFICATION OF COUNTIES

7 Subchapter

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

10 B. Classification

11 SUBCHAPTER A

12 DIVISION OF COMMONWEALTH INTO
13 COUNTIES AND CORPORATE POWERS

14 Sec.

15 301. Enumeration of counties.

16 § 301. Enumeration of counties.

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

29 SUBCHAPTER B

30 CLASSIFICATION

1 Sec.

2 310. Counties divided into nine classes.

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

5 § 310. Counties divided into nine classes.

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

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

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

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

16 (4) The following shall apply:

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

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

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

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

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

2 (7) Sixth Class Counties, having:

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

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

9 (8) Seventh Class Counties, having:

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

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

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

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

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

24 (b) Certification.--

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

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

1 an advance in classification; or

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

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

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

19 (d) Change in class.--

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

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

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

3 (e) Delayed 2020 Federal decennial census.--Unless the board
4 of commissioners of a county meeting the requisite county
5 population levels in section 310 enacts an ordinance or adopts a
6 resolution approving a change of classification prior to
7 February 22, 2022, as a result of the delays in the 2020 Federal
8 decennial census and the COVID-19 pandemic, the classification
9 of all counties as of October 1, 2021, shall remain unchanged
10 until the 2030 census, at which time the procedures established
11 in subsections (a), (b), (c) and (d) shall apply. For the
12 purposes of determining whether a county has decreased in
13 population so as to recede in classification under subsections
14 (b) and (c) following the 2030 decennial census, both the 2020
15 and 2030 decennial censuses shall be considered.

16 CHAPTER 5

17 FIXING AND RELOCATING LINES AND BOUNDARIES

18 Sec.

19 501. Petition to Commonwealth Court.

20 502. Commonwealth Court designation of neutral court and
21 appointment of commission.

22 503. Compensation, assistants and expenses.

23 504. Oath, organization and duties.

24 505. Authority to fix undetermined county line.

25 506. Report of boundary commission, approval by court and
26 certification of line.

27 § 501. Petition to Commonwealth Court.

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

1 (b) Petition.--The process under subsection (a) shall be
2 instituted on petition of a taxpayer, the county commissioners
3 or the governing body of a political subdivision of any of the
4 counties involved.

5 § 502. Commonwealth Court designation of neutral court and
6 appointment of commission.

7 (a) Designation.--The court, upon the filing of the
8 petition, shall designate a court of a county not affected by
9 the question and not adjoining any of the counties involved to
10 act in the proceeding. The designated court shall sit in the
11 court's home county.

12 (b) Appointment.--If the designated court determines that
13 the county line, or any part of the county line, shall be
14 surveyed or marked, the court shall appoint a boundary
15 commission, composed of three surveyors or professional
16 engineers licensed or registered in accordance with the act of
17 May 23, 1945 (P.L.913, No.367), known as the Engineer, Land
18 Surveyor and Geologist Registration Law, to act for the court.

19 § 503. Compensation, assistants and expenses.

20 (a) Compensation.--The surveyors or professional engineers
21 composing the boundary commission under section 502 (relating to
22 Commonwealth Court designation of neutral court and appointment
23 of commission) shall each receive compensation fixed by the
24 court for the time necessarily spent in the discharge of the
25 duties and shall be reimbursed the necessary expenses incurred
26 while engaged with the work of the commission.

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

1 (c) Expenses.--Each cost, including the necessary expenses
2 of advertising the meeting of the boundary commission under this
3 chapter, and in procuring and setting the permanent monuments
4 necessary to mark the county line, the expenses of the boundary
5 commission and the commission's assistants and each other
6 expense necessarily incurred shall be paid by the interested
7 counties jointly, in equal parts, or by each party to the
8 proceeding as directed by the court, upon presentation of
9 properly itemized bills, duly verified by affidavit of the
10 person claiming payment or someone on the person's behalf.
11 § 504. Oath, organization and duties.

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

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

17 (1) Meet and organize within two weeks of the
18 appointment.

19 (2) Select from the commission's membership a
20 chairperson and a secretary who shall keep a full record of
21 the proceedings and work of the commission.

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

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

28 § 505. Authority to fix undetermined county line.

29 (a) Recommendations.--If the boundary commission cannot
30 determine, ascertain or locate the existing county line, the

1 commission shall report to the court of common pleas, with a
2 recommendation that a new county line be established in whole or
3 in part.

4 (b) Establishing new lines.--If the court deems
5 establishment of a new line necessary, the court shall direct
6 the boundary commission to fix and determine a new county line,
7 to mark the new county line with permanent monuments and to
8 prepare a report in accordance with section 506 (relating to
9 report of boundary commission, approval by court and
10 certification of line).

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

13 (a) Report.--The boundary commission shall prepare a written
14 report containing a map or draft showing the courses and
15 distances of the line ascertained and designated by the
16 commission as the existing county line, or if the commission has
17 been directed to fix and determine a new county line, the map or
18 draft shall instead show the courses and distances of the new
19 county line. A map or draft under this subsection shall show the
20 lands through which the line passes and the buildings in close
21 proximity, together with the roads and streams crossed by or
22 near to the line.

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

28 (c) Notice.--Written notice shall be given by the boundary
29 commission to the affected counties and to the owners of each
30 land that will be affected by the proposed change of the date

1 the report containing the recommendation of the boundary
2 commission will be considered by the court.

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

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

- 13 (1) Secretary of Community and Economic Development;
14 (2) Secretary of Conservation and Natural Resources; and
15 (3) Secretary of Transportation.

16 CHAPTER 11

17 GENERAL PROVISIONS

18 Subchapter

19 A. (Reserved)

20 B. Required Fiscal Security for Officers and Employees

21 SUBCHAPTER A

22 (Reserved)

23 SUBCHAPTER B

24 REQUIRED FISCAL SECURITY FOR OFFICERS AND EMPLOYEES

25 Sec.

26 1121. Short title and scope of subchapter.

27 1122. Definitions.

28 1123. Required security.

29 1124. Official security and officers.

30 1125. Other county officers and employees.

1 1126. County officers and employees acting as agents.
2 1127. Bonds or blanket bond as security coverage.
3 1128. Insurance as security coverage.
4 1129. Form of required security.
5 1130. Amount of coverage.
6 1131. Custody and filing of required security documents.
7 1132. Payment of premiums and commissions on collections.
8 1133. Other requirements, references and approvals.
9 § 1121. Short title and scope of subchapter.

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

13 (b) Scope of subchapter.--This subchapter applies to
14 security coverage and additional coverage in the form of bonds,
15 blanket bond or insurance, protecting against events of loss of
16 money or property as a result of misconduct by officers and
17 employees in counties of the second class, second class A, third
18 class, fourth class, fifth class, sixth class, seventh class or
19 eighth class, including counties of these classes which have
20 adopted a home rule charter or an optional plan.

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

25 § 1122. Definitions.

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

29 "Additional coverage." Insurance that covers each county at
30 a minimum for the loss of money or property through robbery,

1 burglary and larceny committed by parties other than officers or
2 employees required to receive or hold money.

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

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

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

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

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

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

19 "County officers and employees." Elected and appointed
20 county officials, deputies and other appointees of county
21 elected and appointed officials and county employees, whether
22 acting on behalf of the county or as agents of a Commonwealth
23 agency or a governing authority, who are required to receive,
24 account for or hold any money or property by virtue of their
25 office or employment.

26 "Crime-fidelity insurance." Insurance that is endorsed with
27 faithful performance of duty coverage and which insures, at a
28 minimum, against events of loss of money or other property
29 resulting from one or more fraudulent or dishonest acts,
30 including, but not limited to, embezzlement, theft, forgery,

1 similar acts of dishonesty or fraud by a county officer or
2 employee acting alone or in collusion with others, or from a
3 breach of fiduciary duty or a failure of a county officer or
4 employee to perform faithfully the officer's or employee's
5 duties or to account properly for all money and property
6 received or held by virtue of the officer's or employee's office
7 or employment.

8 "Governing authority." Includes:

9 (1) The Supreme Court.

10 (2) Any agency or unit of the unified judicial system
11 exercising a power or performing a duty under 42 Pa.C.S. §
12 1721 (relating to delegation of powers).

13 "Governing body." The county board of commissioners or the
14 body vested with the legislative authority of the county in
15 counties which have adopted a home rule charter or an optional
16 plan.

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

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

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

30 "Optional plan." An optional plan adopted under 53 Pa.C.S.

1 Pt. III Subpt. E (relating to home rule and optional plan
2 government) or its predecessor, the former act of April 13, 1972
3 (P.L.184, No.62), known as the Home Rule Charter and Optional
4 Plans Law.

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

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

12 "Security coverage." A bond, a blanket bond or a crime-
13 fidelity insurance policy, which is endorsed with faithful
14 performance of duty coverage, provided in compliance with this
15 subchapter for the purpose of protecting against the loss of
16 money and other property sustained as a result of one or more
17 fraudulent or dishonest acts, including, but not limited to,
18 embezzlement, theft, forgery, similar acts of dishonesty or
19 fraud by a county officer or employee acting alone or in
20 collusion with others, or from a breach of fiduciary duty or a
21 failure of a county officer or employee to perform faithfully
22 the officer's or employee's duties or to account properly for
23 all money and property received by virtue of the officer's or
24 employee's position or employment.

25 § 1123. Required security.

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

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

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

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

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

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

14 (d) Primary liability.--

15 (1) Except as provided in paragraph (2), the county
16 shall be primarily liable for a claim for the loss of money
17 and property which a county officer or employee is required
18 to receive, account for or hold by virtue of the officer's or
19 employee's office or employment, to the extent that the loss
20 is or could have been the subject of required security under
21 this subchapter.

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

27 (3) With regard to the loss of money or property,
28 nothing in this subchapter shall be deemed to restrict or
29 diminish a county's right to reimbursement or subrogation or
30 to limit any right the county may have to be indemnified or

1 receive restitution for the loss.

2 § 1124. Official security and officers.

3 (a) Official security.--Each county shall obtain official
4 security in the form of bonds, a blanket bond or a crime-
5 fidelity insurance policy, which is endorsed with faithful
6 performance of duty coverage, that protects the county from
7 losses caused by acts of the officers set forth in subsection
8 (b) or the equivalent officers in home rule or optional plan
9 counties, whether elected, appointed or appointed to fill a
10 vacancy, before those officers begin their official duties.

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

15 (1) Each county commissioner.

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

17 (3) The controller.

18 (4) The county treasurer.

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

20 (6) The sheriff.

21 (7) The coroner.

22 (8) The clerk of the courts of the court of common
23 pleas.

24 (9) The clerk of the orphans' court division of the
25 court of common pleas.

26 (10) The recorder of deeds.

27 (11) The register of wills.

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

30 (13) The fire marshal and deputy fire marshals, if

1 required by law to obtain official security.

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

5 § 1125. Other county officers and employees.

6 A county shall obtain security coverage with faithful
7 performance of duty coverage for all county officers and
8 employees who are not subject to section 1124 (relating to
9 official security and officers), including deputies and other
10 appointees in each county office, who are required to receive,
11 account for or hold any money and other property by virtue of
12 their office or employment.

13 § 1126. County officers and employees acting as agents.

14 Each county shall obtain security coverage for county
15 officers and employees acting as agents of a Commonwealth agency
16 or governing authority in accordance with this subchapter or any
17 other law, regulation or rule requiring the posting of security
18 in the form of a bond or otherwise.

19 § 1127. Bonds or blanket bond as security coverage.

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

23 (1) The bond or blanket bond shall be joint and several,
24 with one or more surety companies authorized to do business
25 in this Commonwealth and licensed by the Insurance
26 Commissioner.

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

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

1 (ii) The just and faithful use, accounting or
2 payment over, according to law, of all moneys and
3 balances and other property, which are received or held
4 by the officer or employee by virtue of the officer's or
5 employee's office or employment whether on behalf of the
6 county, the Commonwealth, a political subdivision or any
7 other person.

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

11 (3) A bond or blanket bond shall be taken in the name of
12 the county and, in case of a breach of any of the conditions
13 thereof by the acts or neglect of a principal on the bond,
14 shall be for the use of the county, the Commonwealth, a
15 political subdivision or any other person as that person's
16 interest shall otherwise appear.

17 (4) The county, the Commonwealth, a political
18 subdivision or other listed obligees or insureds, as the case
19 may be, may sue upon the bond in its name or for its own use.
20 Acts of the General Assembly pertaining to actions and
21 limitations of actions upon official bonds given to the
22 Commonwealth shall apply to the bonds provided for in this
23 subchapter just as if they were given to the Commonwealth,
24 except as otherwise specifically provided in this subchapter.

25 (b) Combined offices.--In counties in which one or more of
26 the county offices set forth in section 1124(b) (relating to
27 official security and officers) are combined, if officers are
28 covered by individual bonds, a single bond covering the combined
29 offices shall suffice for the officer holding the combined
30 offices.

1 § 1128. Insurance as security coverage.

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

5 § 1129. Form of required security.

6 The form and contents of a bond, a blanket bond or insurance
7 obtained in compliance with this subchapter shall be approved by
8 the governing body of the county, after review by the county
9 solicitor and consultation with the county risk manager, if any.
10 In cases in which required security is being provided for a
11 county officer or employee who is acting as an agent for a
12 Commonwealth agency or the governing authority, the Commonwealth
13 agency or the governing authority may review and comment on the
14 form of the required security. The governing body may refer to
15 sample forms that may be made available by the Department of
16 State in the approval process.

17 § 1130. Amount of coverage.

18 (a) Governing body.--The governing body shall establish a
19 procedure pursuant to which the governing body shall annually
20 determine the form and amount of required security that will be
21 reasonably sufficient to protect against the risks of loss in
22 compliance with this subchapter.

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

27 (c) Consultation.--To determine the amount of security for a
28 county officer or employee who is acting as an agent for a
29 Commonwealth agency or governing authority, the governing body
30 may, or the risk manager shall, if directed by the governing

1 body, provide written notice to the secretary or head of the
2 Commonwealth agency or the governing authority. The Commonwealth
3 agency or governing authority may provide input concerning the
4 amount of security it believes is reasonably sufficient to
5 protect against the risks of loss required to comply with this
6 subchapter. Nothing in this subchapter shall impair the right of
7 a Commonwealth agency or governing authority from approving the
8 amount of required security, if it is explicitly authorized by
9 law to approve the amount of a bond or other security of a
10 county officer or employee acting as its agent.

11 § 1131. Custody and filing of required security documents.

12 (a) Custody.--The governing body shall direct the chief
13 clerk or equivalent officer in a home rule or optional plan
14 county to present the documents evidencing required security
15 obtained in accordance with this subchapter to the recorder of
16 deeds or equivalent officer in a home rule or optional plan
17 county for recording. No tax, fee or other charge shall be
18 imposed for the recording of documents in compliance with this
19 section. Following the recording, the documents shall be
20 returned to the chief clerk or equivalent officer in a home rule
21 or optional plan county, who shall maintain the custody of these
22 documents on behalf of the governing body.

23 (b) Department of State filing.--

24 (1) In compliance with section 809 of the act of April
25 9, 1929 (P.L.177, No.175), known as The Administrative Code
26 of 1929, it shall be sufficient for a copy of the recorded
27 documents evidencing the required security for county
28 officers to be filed with the Department of State in
29 accordance with deadlines established by the department.

30 (2) No other filing or approvals, except as provided in

1 section 1133(c)(2) (relating to other requirements,
2 references and approvals) of documents evidencing the
3 required security for county officers, except that required
4 in accordance with paragraph (1), shall be required as a
5 condition for the issuance of commissions to elected county
6 officials by the Department of State.

7 (3) Notwithstanding the provision of any other law, no
8 tax, fee or other charge shall be imposed as a result of the
9 issuance of commissions to elected county officials, and no
10 fee may be imposed for the recording of required security
11 documents or commissions.

12 (c) Copies.--If requested by the Commonwealth agency or
13 governing authority on whose behalf a county officer or employee
14 is acting as an agent, a copy of recorded documents evidencing
15 the required security shall be provided by the chief clerk or
16 the equivalent officer in a home rule or optional plan county to
17 the Commonwealth agency or governing authority. No charge or fee
18 shall be imposed for any copy provided in accordance with this
19 subsection.

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

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

25 (1) For at least one year after the officer's term of
26 office or employee's period of employment and, in the case of
27 a county officer or employee who is acting as an agent for a
28 Commonwealth agency or governing authority, for at least one
29 year after the settlement of accounts with the Commonwealth
30 agency or the governing authority.

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

9 (f) Evidence.--A copy of original documents evidencing
10 required security, certified as true and correct by the
11 custodian thereof, or a copy of the recorded documents
12 evidencing required security, certified as true and correct by
13 the recorder of deeds, shall be competent evidence thereof in
14 any judicial proceeding, in the same manner as the original
15 would be if produced and offered in evidence.

16 (g) Sufficiency of filing and recording.--Notwithstanding
17 any other provision of law, it shall be sufficient to file and
18 record documents evidencing required security in accordance with
19 this subchapter without further acknowledgment, filing or
20 recording of these documents with any other county officer or
21 with any other Commonwealth agency, except as required by this
22 subchapter.

23 § 1132. Payment of premiums and commissions on collections.

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

1 bonding protection.

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

12 § 1133. Other requirements, references and approvals.

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

19 (b) Reference to bonds.--Reference to bonds of county
20 officers and employees in any other law shall be construed and
21 read together with this subchapter, and if a conflict exists
22 between this subchapter and the reference to bonds of county
23 officers and employees in any other law, the provisions of this
24 subchapter shall prevail.

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

28 (1) Except as provided in paragraph (2), when required
29 security is obtained in compliance with this subchapter, it
30 shall not require the approval of any Commonwealth agency or

1 the Governor as to form, content or amount.

2 (2) If any other law explicitly authorizes a
3 Commonwealth agency or the Governor to approve the amount of
4 a bond or other security of a county officer or employee, the
5 amount of required security under this subchapter shall be
6 subject to approval by the Commonwealth agency or the
7 Governor, which approval shall not be unreasonably withheld.

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

9 [PART II

10 CREATION, ALTERATION AND FUNCTIONS

11 (Reserved)

12 PART III

13 GOVERNMENT AND ADMINISTRATION

14 Subpart

15 A. General Provisions

16 SUBPART A

17 GENERAL PROVISIONS

18 Chapter

19 11. General Provisions

20 CHAPTER 11

21 GENERAL PROVISIONS

22 Subchapter

23 A. (Reserved)

24 B. Required Fiscal Security for Officers and Employees

25 SUBCHAPTER A

26 (Reserved)

27 SUBCHAPTER B

28 REQUIRED FISCAL SECURITY FOR OFFICERS AND EMPLOYEES

29 Sec.

30 1121. Short title and scope of subchapter.

1 1122. Definitions.

2 1123. Required security.

3 1124. Official security and officers.

4 1125. Other county officers and employees.

5 1126. County officers and employees acting as agents.

6 1127. Bonds or blanket bond as security coverage.

7 1128. Insurance as security coverage.

8 1129. Form of required security.

9 1130. Amount of coverage.

10 1131. Custody and filing of required security documents.

11 1132. Payment of premiums and commissions on collections.

12 1133. Other requirements, references and approvals.

13 § 1121. Short title and scope of subchapter.

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

17 (b) Scope of subchapter.--This subchapter applies to
18 security coverage and additional coverage in the form of bonds,
19 blanket bond or insurance, protecting against events of loss of
20 money or property as a result of misconduct by officers and
21 employees in counties of the second class, second class A, third
22 class, fourth class, fifth class, sixth class, seventh class or
23 eighth class, including counties of these classes which have
24 adopted a home rule charter or an optional plan.

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

29 § 1122. 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 "Additional coverage." Insurance that covers each county at
4 a minimum for the loss of money or property through robbery,
5 burglary and larceny committed by parties other than officers or
6 employees required to receive or hold money.

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

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

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

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

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

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

23 "County officers and employees." Elected and appointed
24 county officials, deputies and other appointees of county
25 elected and appointed officials and county employees, whether
26 acting on behalf of the county or as agents of a Commonwealth
27 agency or a governing authority, who are required to receive,
28 account for or hold any money or property by virtue of their
29 office or employment.

30 "Crime-fidelity insurance." Insurance that is endorsed with

1 faithful performance of duty coverage and which insures, at a
2 minimum, against events of loss of money or other property
3 resulting from one or more fraudulent or dishonest acts,
4 including, but not limited to, embezzlement, theft, forgery,
5 similar acts of dishonesty or fraud by a county officer or
6 employee acting alone or in collusion with others, or from a
7 breach of fiduciary duty or a failure of a county officer or
8 employee to perform faithfully the officer's or employee's
9 duties or to account properly for all money and property
10 received or held by virtue of the officer's or employee's office
11 or employment.

12 "Governing authority." Includes:

13 (1) The Supreme Court.

14 (2) Any agency or unit of the unified judicial system
15 exercising a power or performing a duty under 42 Pa.C.S. §
16 1721 (relating to delegation of powers).

17 "Governing body." The county board of commissioners or the
18 body vested with the legislative authority of the county in
19 counties which have adopted a home rule charter or an optional
20 plan.

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

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

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

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

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

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

16 "Security coverage." A bond, a blanket bond or a crime-
17 fidelity insurance policy, which is endorsed with faithful
18 performance of duty coverage, provided in compliance with this
19 subchapter for the purpose of protecting against the loss of
20 money and other property sustained as a result of one or more
21 fraudulent or dishonest acts, including, but not limited to,
22 embezzlement, theft, forgery, similar acts of dishonesty or
23 fraud by a county officer or employee acting alone or in
24 collusion with others, or from a breach of fiduciary duty or a
25 failure of a county officer or employee to perform faithfully
26 the officer's or employee's duties or to account properly for
27 all money and property received by virtue of the officer's or
28 employee's position or employment.

29 § 1123. Required security.

30 (a) In general.--A county shall obtain security coverage and

1 additional coverage for county officers and employees in
2 accordance with this subchapter.

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

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

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

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

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

18 (d) Primary liability.--

19 (1) Except as provided in paragraph (2), the county
20 shall be primarily liable for a claim for the loss of money
21 and property which a county officer or employee is required
22 to receive, account for or hold by virtue of the officer's or
23 employee's office or employment, to the extent that the loss
24 is or could have been the subject of required security under
25 this subchapter.

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

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

6 § 1124. Official security and officers.

7 (a) Official security.--Each county shall obtain official
8 security in the form of bonds, a blanket bond or a crime-
9 fidelity insurance policy, which is endorsed with faithful
10 performance of duty coverage, that protects the county from
11 losses caused by acts of the officers set forth in subsection
12 (b) or the equivalent officers in home rule or optional plan
13 counties, whether elected, appointed or appointed to fill a
14 vacancy, before those officers begin their official duties.

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

19 (1) Each county commissioner.

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

21 (3) The controller.

22 (4) The county treasurer.

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

24 (6) The sheriff.

25 (7) The coroner.

26 (8) The clerk of the courts of the court of common
27 pleas.

28 (9) The clerk of the orphans' court division of the
29 court of common pleas.

30 (10) The recorder of deeds.

1 (11) The register of wills.

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

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

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

9 § 1125. Other county officers and employees.

10 A county shall obtain security coverage with faithful
11 performance of duty coverage for all county officers and
12 employees who are not subject to section 1124 (relating to
13 official security and officers), including deputies and other
14 appointees in each county office, who are required to receive,
15 account for or hold any money and other property by virtue of
16 their office or employment.

17 § 1126. County officers and employees acting as agents.

18 Each county shall obtain security coverage for county
19 officers and employees acting as agents of a Commonwealth agency
20 or governing authority in accordance with this subchapter or any
21 other law, regulation or rule requiring the posting of security
22 in the form of a bond or otherwise.

23 § 1127. Bonds or blanket bond as security coverage.

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

27 (1) The bond or blanket bond shall be joint and several,
28 with one or more surety companies authorized to do business
29 in this Commonwealth and licensed by the Insurance
30 Commissioner.

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

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

5 (ii) The just and faithful use, accounting or
6 payment over, according to law, of all moneys and
7 balances and other property, which are received or held
8 by the officer or employee by virtue of the officer's or
9 employee's office or employment whether on behalf of the
10 county, the Commonwealth, a political subdivision or any
11 other person.

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

15 (3) A bond or blanket bond shall be taken in the name of
16 the county and, in case of a breach of any of the conditions
17 thereof by the acts or neglect of a principal on the bond,
18 shall be for the use of the county, the Commonwealth, a
19 political subdivision or any other person as that person's
20 interest shall otherwise appear.

21 (4) The county, the Commonwealth, a political
22 subdivision or other listed obligees or insureds, as the case
23 may be, may sue upon the bond in its name or for its own use.
24 Acts of the General Assembly pertaining to actions and
25 limitations of actions upon official bonds given to the
26 Commonwealth shall apply to the bonds provided for in this
27 subchapter just as if they were given to the Commonwealth,
28 except as otherwise specifically provided in this subchapter.

29 (b) Combined offices.--In counties in which one or more of
30 the county offices set forth in section 1124(b) (relating to

1 official security and officers) are combined, if officers are
2 covered by individual bonds, a single bond covering the combined
3 offices shall suffice for the officer holding the combined
4 offices.

5 § 1128. Insurance as security coverage.

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

9 § 1129. Form of required security.

10 The form and contents of a bond, a blanket bond or insurance
11 obtained in compliance with this subchapter shall be approved by
12 the governing body of the county, after review by the county
13 solicitor and consultation with the county risk manager, if any.
14 In cases in which required security is being provided for a
15 county officer or employee who is acting as an agent for a
16 Commonwealth agency or the governing authority, the Commonwealth
17 agency or the governing authority may review and comment on the
18 form of the required security. The governing body may refer to
19 sample forms that may be made available by the Department of
20 State in the approval process.

21 § 1130. Amount of coverage.

22 (a) Governing body.--The governing body shall establish a
23 procedure pursuant to which the governing body shall annually
24 determine the form and amount of required security that will be
25 reasonably sufficient to protect against the risks of loss in
26 compliance with this subchapter.

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

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

15 § 1131. Custody and filing of required security documents.

16 (a) Custody.--The governing body shall direct the chief
17 clerk or equivalent officer in a home rule or optional plan
18 county to present the documents evidencing required security
19 obtained in accordance with this subchapter to the recorder of
20 deeds or equivalent officer in a home rule or optional plan
21 county for recording. No tax, fee or other charge shall be
22 imposed for the recording of documents in compliance with this
23 section. Following the recording, the documents shall be
24 returned to the chief clerk or equivalent officer in a home rule
25 or optional plan county, who shall maintain the custody of these
26 documents on behalf of the governing body.

27 (b) Department of State filing.--

28 (1) In compliance with section 809 of the act of April
29 9, 1929 (P.L.177, No.175), known as The Administrative Code
30 of 1929, it shall be sufficient for a copy of the recorded

1 documents evidencing the required security for county
2 officers to be filed with the Department of State in
3 accordance with deadlines established by the department.

4 (2) No other filing or approvals, except as provided in
5 section 1133(c)(2) (relating to other requirements,
6 references and approvals) of documents evidencing the
7 required security for county officers, except that required
8 in accordance with paragraph (1), shall be required as a
9 condition for the issuance of commissions to elected county
10 officials by the Department of State.

11 (3) Notwithstanding the provision of any other law, no
12 tax, fee or other charge shall be imposed as a result of the
13 issuance of commissions to elected county officials, and no
14 fee may be imposed for the recording of required security
15 documents or commissions.

16 (c) Copies.--If requested by the Commonwealth agency or
17 governing authority on whose behalf a county officer or employee
18 is acting as an agent, a copy of recorded documents evidencing
19 the required security shall be provided by the chief clerk or
20 the equivalent officer in a home rule or optional plan county to
21 the Commonwealth agency or governing authority. No charge or fee
22 shall be imposed for any copy provided in accordance with this
23 subsection.

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

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

29 (1) For at least one year after the officer's term of
30 office or employee's period of employment and, in the case of

1 a county officer or employee who is acting as an agent for a
2 Commonwealth agency or governing authority, for at least one
3 year after the settlement of accounts with the Commonwealth
4 agency or the governing authority.

5 (2) For the period of time required by the act of August
6 14, 1963 (P.L.839, No.407), entitled "An act creating a
7 county records committee; imposing powers and duties upon it;
8 authorizing the Pennsylvania Historical and Museum Commission
9 to assist and cooperate with it; defining county records; and
10 authorizing the disposition of certain county records by
11 county officers in counties of the second to eighth class,"
12 or the rules and regulations adopted pursuant thereto.

13 (f) Evidence.--A copy of original documents evidencing
14 required security, certified as true and correct by the
15 custodian thereof, or a copy of the recorded documents
16 evidencing required security, certified as true and correct by
17 the recorder of deeds, shall be competent evidence thereof in
18 any judicial proceeding, in the same manner as the original
19 would be if produced and offered in evidence.

20 (g) Sufficiency of filing and recording.--Notwithstanding
21 any other provision of law, it shall be sufficient to file and
22 record documents evidencing required security in accordance with
23 this subchapter without further acknowledgment, filing or
24 recording of these documents with any other county officer or
25 with any other Commonwealth agency, except as required by this
26 subchapter.

27 § 1132. Payment of premiums and commissions on collections.

28 (a) Premiums and costs.--The premiums and costs for all
29 forms of required security for county officials and employees
30 shall be paid by the county. The requirement of this subchapter

1 that a county acquire and pay the premiums and costs for
2 required security shall not relieve a Commonwealth agency on
3 whose behalf a county officer or employee is acting as an agent
4 from an obligation, imposed by law, to procure insurance or
5 bonding protection.

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

16 § 1133. Other requirements, references and approvals.

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

23 (b) Reference to bonds.--Reference to bonds of county
24 officers and employees in any other law shall be construed and
25 read together with this subchapter, and if a conflict exists
26 between this subchapter and the reference to bonds of county
27 officers and employees in any other law, the provisions of this
28 subchapter shall prevail.

29 (c) Other approvals.--Notwithstanding any other provision of
30 law, the following shall apply to required security in the form

1 of a bond, a blanket bond or insurance:

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

6 (2) If any other law explicitly authorizes a
7 Commonwealth agency or the Governor to approve the amount of
8 a bond or other security of a county officer or employee, the
9 amount of required security under this subchapter shall be
10 subject to approval by the Commonwealth agency or the
11 Governor, which approval shall not be unreasonably withheld.]

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

13 PART II
14 COUNTIES OF THE FIRST CLASS

15 Chapter

- 16 21. (Reserved)
17 23. Vehicle Rental Tax

18 CHAPTER 21

19 (Reserved)

20 CHAPTER 23

21 VEHICLE RENTAL TAX

22 Sec.

23 2301. Authorization of vehicle rental tax by counties of the
24 first class.

25 § 2301. Authorization of vehicle rental tax by counties of the
26 first class.

27 (a) Authorization.--Notwithstanding any provision of this
28 title or any other law, each county of the first class may
29 impose an excise tax on the rental of a rental vehicle in that
30 county. If the county is coterminous with a city of the first

1 class, imposition of the tax in the county, if any, shall be by
2 the city. The tax may be imposed on a person renting a rental
3 vehicle at a rate of up to 2% of the purchase price of the
4 rental.

5 (b) Proceeds.--

6 (1) The proceeds of the vehicle rental tax shall be
7 dedicated solely to the payment of the costs of capital
8 projects, including lease payments or service agreements with
9 authorities for capital projects and debt service on bonds
10 issued for capital projects.

11 (2) The Commonwealth pledges to and agrees with any
12 person, firm or corporation subscribing to or acquiring bonds
13 issued by the county, city or an authority to finance a
14 capital project for which the tax was dedicated that the
15 Commonwealth will not repeal this authorization or reduce the
16 rate of tax authorized under this section until each of the
17 bonds and the interest on the bonds have been paid or
18 provision for the payment has been made.

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

24 (4) Payments by a county or a city of the first class
25 under a lease or service agreement may not constitute debt of
26 the Commonwealth or of a county or city of the first class.

27 (c) Collection.--The vehicle rental tax shall be collected
28 by each vehicle rental company in the county or city of the
29 first class imposing the tax. The tax shall be collected at the
30 time the rental vehicle is rented by the vehicle rental company

1 and shall be remitted by the vehicle rental company to the
2 county or city of the first class that imposed the tax in
3 accordance with rules and regulations established by the county
4 or city or the tax collection agencies of the county or city for
5 collection and remittance of the tax. A person required to
6 collect or pay over the tax authorized under this section and
7 who fails to collect or pay over the tax shall be liable for the
8 full amount of the tax, including interest or penalties which
9 may be imposed by a county or city of the first class.

10 (d) Regulations.--The county or city of the first class and
11 the county's or city's tax collection agencies may promulgate
12 and enforce rules and regulations not inconsistent with this
13 section relating to the collection, administration and
14 enforcement of this section.

15 (e) Location.--For purposes of this section, the location of
16 the rental of the vehicle is the place where the renter takes
17 possession of the rental vehicle.

18 (f) 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 "Rental vehicle." Any of the following:

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

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

27 (i) rented without a driver;

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

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

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

5 PART III

6 COUNTIES OF THE SECOND CLASS

7 Chapter

8 71. (Reserved)

9 73. Salaries

10 CHAPTER 71

11 (Reserved)

12 CHAPTER 73

13 SALARIES

14 Sec.

15 7301. Salary of solicitor and costs.

16 § 7301. Salary of solicitor and costs.

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

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

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

26 PART IV

27 COUNTIES OF THE SECOND CLASS A THROUGH EIGHTH CLASS

28 Chapter

29 121. General Provisions

30 123. County Officers

- 1 125. County Commissioners and Chief Clerks
- 2 127. Controller
- 3 129. Auditors
- 4 131. Treasurer
- 5 133. County Solicitor
- 6 135. Engineer
- 7 137. Sheriff
- 8 139. Coroner
- 9 141. Prothonotary, Clerk of Courts, Clerk of Orphans' Court,
 10 Register of Wills and Recorder of Deeds
- 11 143. District Attorney, Assistants and Detectives
- 12 145. Salaries of County Officers
- 13 147. Fees of Salaried County Officers and Salary Boards
- 14 149. Fiscal Affairs
- 15 151. Contracts
- 16 153. Special Powers and Duties of Counties
- 17 155. Military and Veterans Affairs
- 18 157. Public Health
- 19 159. Aeronautics and Transportation
- 20 161. Grounds and Buildings
- 21 163. Eminent Domain and Injury to Property
- 22 165. Recreation Places
- 23 167. Bridges, Viaducts and Culverts
- 24 169. Roads
- 25 171. Southwestern Pennsylvania Regional Renaissance
 26 Initiative
- 27 173. Third Class County Convention Center Authorities
- 28 175. Hotel Tax

CHAPTER 121

GENERAL PROVISIONS

1 Sec.

2 12101. Scope of part.

3 12102. (Reserved).

4 12103. Proceedings for recovery of penalties.

5 12104. Collection of tax and municipal claims by suit and
6 limitations.

7 12105. Publication of legal notices.

8 12106. General powers.

9 12107. Vesting of corporate power.

10 § 12101. Scope of part.

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

14 § 12102. (Reserved).

15 § 12103. Proceedings for recovery of penalties.

16 Unless otherwise specifically provided in this part, if a
17 pecuniary penalty or forfeiture is imposed by this part, the
18 proceeding for the recovery of the pecuniary penalty or
19 forfeiture shall be by indictment in the court of common pleas
20 or by civil action as debts of equivalent amount are by law
21 recoverable. Magisterial district judges may not have
22 jurisdiction of a suit or action for the recovery of a penalty
23 imposed by this part for official misconduct. The suit or
24 action, if brought in the court of common pleas, shall have
25 preference for trial over all other actions.

26 § 12104. Collection of tax and municipal claims by suit and
27 limitations.

28 (a) Proceedings.--In addition to the remedies provided by
29 law for the collection of tax and municipal claims, a county may
30 proceed for the recovery and collection of a tax or municipal

1 claim owed to the county against each owner of the property
2 owing the tax or municipal claim to the county by a civil action
3 or other appropriate remedy. A penalty of 10% and interest at
4 the prevailing legal rate and costs of suit shall be added to
5 each judgment obtained for the taxes or municipal claim. Upon
6 judgment, execution may be issued without a stay or benefit of
7 an exemption law.

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

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

16 (1) The date a tax is due.

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

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

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

24 § 12105. Publication of legal notices.

25 (a) Publication.--

26 (1) Except as provided under paragraph (2), if
27 advertisement, notice or publication is required to be
28 published in one newspaper, the publication shall be made in
29 a newspaper of general circulation as defined in 45 Pa.C.S. §
30 101 (relating to definitions) printed in the county.

1 (2) If the matter in connection with which the
2 advertising under paragraph (1) is being done affects only a
3 political subdivision, the advertisement shall be published
4 in a newspaper printed in the political subdivision, if there
5 is a newspaper and, if not, in a newspaper circulating
6 generally in the political subdivision.

7 (3) If notice is required to be published in more than
8 one newspaper, notice shall be published in at least one
9 newspaper of general circulation printed, if there is a
10 newspaper, or circulating generally in the county, as
11 provided under this subsection.

12 (b) Legal newspaper.--If a notice under subsection (a)
13 relates to a proceeding or matter in a court, the holding of an
14 election for the increase of indebtedness or the issue and sale
15 of bonds to be paid by taxation, the notice shall also be
16 published in the legal newspaper, if any, designated by the
17 rules of court of the proper county for the publication of legal
18 notices and advertisement, unless the publication is dispensed
19 with by special order of court. Each ordinance, auditor report,
20 controller report or advertisement, inviting proposal for public
21 contract and bid for materials and supplies, shall be published
22 only in newspapers of general circulation.

23 § 12106. General powers.

24 Each county shall have capacity as a body corporate to:

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

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

29 (3) Purchase, acquire by gift or otherwise, hold, lease,
30 let and convey real and personal property as is deemed to be

1 for the best interests of the county.

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

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

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

10 § 12107. Vesting of corporate power.

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

13 CHAPTER 123

14 COUNTY OFFICERS

15 Subchapter

16 A. General Provisions

17 B. (Reserved)

18 C. State Associations

19 D. Removal of County Officers

20 E. Conduct of Official Business

21 SUBCHAPTER A

22 GENERAL PROVISIONS

23 Sec.

24 12301. Elected officers.

25 12302. Incompatible offices.

26 12303. Oath of office.

27 12303.1. (Reserved).

28 12304. Recorded commissions.

29 12305. Location of offices, records and papers.

30 12306. Open records.

1 12307. Securing from predecessors.
2 12308. Action by deputies.
3 12309. Vacancies.
4 12310. Information to heads of governmental departments.
5 12311. Penalty.
6 12312. (Reserved).
7 12313. Qualifications.
8 12314. Mileage.
9 12315. Security.
10 12316. Solicitors to county officers other than county
11 commissioners.
12 § 12301. Elected officers.
13 (a) Election.--In each county, the following officers shall
14 be elected by the qualified electors of the county:
15 (1) Three county commissioners.
16 (2) Three auditors or, in counties of the second class A
17 and in each county in which the office of auditor has been or
18 shall be abolished, one controller.
19 (3) One treasurer.
20 (4) One coroner.
21 (5) One recorder of deeds.
22 (6) One prothonotary.
23 (7) One clerk of the court of common pleas.
24 (8) Except in counties of the second class A, one clerk
25 of the orphans' court.
26 (9) One register of wills, who, in counties of the
27 second class A, shall serve as clerk of the orphan's court.
28 (10) One sheriff.
29 (11) One district attorney.
30 (12) Two jury commissioners, except in counties in which

1 the office of jury commissioner has been abolished.

2 (b) Term.--

3 (1) Except as provided under paragraph (2) and
4 subsection (c), each officer shall be elected at the
5 municipal election next preceding the expiration of the terms
6 of the officers in office on October 10, 1955, and every four
7 years thereafter, and shall hold the offices for a term of
8 four years from the first Monday of January next after the
9 election in which the officer was elected and until a
10 successor is duly qualified.

11 (2) If an elected officer, except a county commissioner
12 or auditor, fails to qualify or if a successor is not
13 elected, the chief deputy, first assistant, first deputy or
14 principal deputy in office at the time the vacancy occurred
15 shall assume the office until a successor has been appointed
16 under section 12309 (relating to vacancies) or until the
17 first Monday in January following the next municipal
18 election, whichever period is shorter. For a county
19 commissioner or auditor, a vacancy shall exist which shall be
20 filled as provided under this part.

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

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

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

3 (1) The office of jury commissioner may be abolished by
4 referendum at the option of each county which on August 17,
5 1998, is a county of the third class having a population
6 under the 1990 Federal decennial census in excess of:

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

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

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

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

17 (ii) the governing body of the county must adopt, by
18 a majority vote, a resolution to place the question on
19 the ballot and a copy of the resolution must be filed
20 with the county board of elections for a referendum on
21 the question of abolishing the office of jury
22 commissioner.

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

26 (4) Upon approval of a referendum under this subsection,
27 the office of jury commissioner shall expire at the
28 completion of the current jury commissioners' terms of
29 office.

30 (5) A referendum under this subsection may not take

1 place in a year in which the office of jury commissioner is
2 on the ballot.

3 (f) Jury commissioner abolishment by resolution.--The office
4 of jury commissioner may be abolished in a county of the third
5 class having a population under the 2000 Federal decennial
6 census of not less than 371,000 and not more than 380,000 if the
7 governing body of the county adopts, by a majority vote, a
8 resolution abolishing the office of jury commissioner. Upon
9 approval of the resolution, the office of jury commissioner
10 shall expire at the completion of the current jury
11 commissioners' terms of office.

12 (g) Jury commissioner abolition.--After review of the
13 procedures in effect within the county to ensure that lists of
14 potential jurors are a representative cross section of the
15 community, the governing body of a county of the second class A,
16 third, fourth, fifth, sixth, seventh or eighth class may adopt,
17 by a majority vote, a resolution abolishing the office of jury
18 commissioner. Upon approval of the resolution, the office of
19 jury commissioner shall expire at the completion of the current
20 jury commissioners' terms of office.

21 § 12302. Incompatible offices.

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

27 (1) A member of the legislative body of a municipal
28 corporation.

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

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

1 (b) Treasurer or tax collector.--Except as authorized under
2 law, an elected county officer or county solicitor, if the
3 county solicitor is an individual, of a county of the third,
4 fourth, fifth, sixth, seventh or eighth class may not, at the
5 same time, serve as treasurer or tax collector of a municipal
6 corporation.

7 (c) Congress or Federal office.--A member of Congress from
8 this Commonwealth and an individual holding or exercising an
9 office or appointment of trust or profit under the United States
10 may not, at the same time, hold or exercise a county office in
11 this Commonwealth to which a salary, fee or perquisites are
12 attached. This subsection shall not apply to a member of the
13 National Guard or other reserve component of the armed forces
14 not called into active duty.

15 § 12303. Oath of office.

16 (a) Requirement.--In addition to an oath or affirmation
17 required by another statute, each county officer and the county
18 officer's deputies, assistants and clerks shall, before entering
19 on the duties of the individual's respective offices or
20 employments, take and subscribe the oath under 53 Pa.C.S. § 1141
21 (relating to form of oaths of office).

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

29 § 12303.1. (Reserved).

30 § 12304. Recorded commissions.

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

5 § 12305. Location of offices, records and papers.

6 (a) County seat.--Except as otherwise provided in subsection
7 (d), each county commissioner, auditor, controller, treasurer,
8 sheriff, recorder of deeds, prothonotary, clerk of courts, clerk
9 of orphans' court, register of wills and district attorney shall
10 keep the individual's respective offices and each public record
11 and paper of the office at the county seat and in buildings
12 erected or appropriated for keeping offices and public records
13 and papers.

14 (b) Storage.--

15 (1) The county commissioners may keep and maintain
16 records and contract with persons for storage, retrieval and
17 transmission of county records within or outside the county
18 except that no records shall be stored outside the county
19 seat without the approval of the officer in charge of the
20 office to which the records belong. The approval of the
21 president judge shall be required if records are in the
22 custody of agencies of the court of common pleas, the clerk
23 of courts, the prothonotary, the register of wills or the
24 clerk of the orphans' court. Public records stored outside of
25 the county seat shall be made accessible to the general
26 public at the county seat by an electronic means or facility
27 which will permit the retrieval of the records or exact
28 copies of the records within five business days.

29 (2) County records used on a regular or frequent basis
30 shall be accessible in the county seat.

1 (c) Fee.--The county commissioners of counties of the second
2 class A may impose a fee on recorded instruments required to be
3 kept permanently that are filed with the county and, with the
4 approval of the president judge, may impose a fee on civil or
5 criminal cases filed in the court of common pleas. Fees shall be
6 collected by the appropriate row officer and deposited into a
7 special records management fund, administered by the county's
8 records management program in the Office of Management and
9 Productivity or, in the absence of an Office of Management and
10 Productivity, an office that handles the same or similar
11 functions. The fund shall be solely used to help defray the cost
12 of maintaining, administering, preserving and caring for the
13 records of the county.

14 (d) Office.--The county commissioners shall, after
15 consultation with an officer, furnish each officer with an
16 office and additional space in the county building, courthouse
17 or other building at the county seat sufficient to perform the
18 duties of the office. The following shall apply:

19 (1) The commissioners may, with the approval of the
20 respective officers, furnish an additional office or space in
21 buildings at locations outside of the county seat for the
22 auditors, commissioners, controller, treasurer or recorder of
23 deeds.

24 (2) The commissioners may with the approval of the
25 respective officers and the president judge, furnish an
26 additional office or space in buildings at locations outside
27 of the county seat for the sheriff, prothonotary, clerk of
28 courts, clerk of orphan's court, register of wills or
29 district attorney.

30 (e) Maintenance.--An officer failing or refusing to maintain

1 the office and to keep each public record and paper of the
2 office in the buildings appropriated under this section, commits
3 a misdemeanor and, upon conviction, shall be sentenced to:

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

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

8 § 12306. Open records.

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

13 § 12307. Securing from predecessors.

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

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

29 (1) undergo imprisonment until the delivery of each
30 official thing found to be in the person's possession or

1 control to the proper officer or until sooner discharged by
2 order of the court; and

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

5 § 12308. Action by deputies.

6 (a) Appointment.--

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

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

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

24 § 12309. Vacancies.

25 (a) Appointment by Governor.--

26 (1) Except as provided under subsection (b), for a
27 vacancy in a county office created by the Constitution of
28 Pennsylvania or laws of this Commonwealth, and, if no other
29 provision is made under the Constitution of Pennsylvania or
30 under this part to fill the vacancy, the Governor shall

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

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

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

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

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

21 § 12310. Information to heads of governmental departments.

22 (a) Duty.--

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

28 (2) The county furnishing information under paragraph
29 (1) shall receive reasonable compensation as may be
30 determined by the Auditor General. The compensation shall be

1 paid to the county by the State Treasurer, out of money not
2 otherwise appropriated, upon warrant from the Auditor
3 General.

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

8 § 12311. Penalty.

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

14 § 12312. (Reserved).

15 § 12313. Qualifications.

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

19 (1) at least 18 years of age;

20 (2) a citizen of the United States;

21 (3) a resident of the county; and

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

24 (b) Sheriff.--In addition to the qualifications under
25 subsection (a), an individual may not be eligible for the office
26 of sheriff except in accordance with 44 Pa.C.S. Ch. 74 Subch. C
27 (relating to sheriff and deputy sheriff education and training).

28 § 12314. Mileage.

29 Each county official or employee may, if authorized by the
30 county commissioners, be reimbursed in accordance with the act

1 of July 20, 1979 (P.L.156, No.51), referred to as the Uniform
2 Mileage Fee Law.
3 § 12315. Security.

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

8 § 12316. Solicitors to county officers other than county
9 commissioners.

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

14 (1) The county treasurer.

15 (2) The sheriff.

16 (3) The register of wills.

17 (4) The recorder of deeds.

18 (5) The coroner.

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

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

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

24 (d) Appropriation.--The county commissioners may appropriate
25 money for the payment of a solicitor appointed under this
26 section.

27 (e) Judiciary.--The appointment, compensation, powers and
28 duties of solicitors appointed by prothonotaries, clerks of
29 court and clerks of orphans' court shall be in accordance with
30 42 Pa.C.S. (relating to judiciary and judicial procedure).

1 SUBCHAPTER B

2 (Reserved)

3 SUBCHAPTER C

4 STATE ASSOCIATIONS

5 Sec.

6 12340. State associations.

7 12341. Purpose and annual meetings.

8 12342. Deputies and solicitors.

9 12343. Expenses and time limits.

10 12344. Other meeting expenses.

11 12345. Annual assessments.

12 12346. Associations and organizations concerned with
13 governmental affairs.

14 § 12340. State associations.

15 County officers of each county may organize for themselves a
16 State association as follows:

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

21 (2) County controllers.

22 (3) Sheriffs.

23 (4) District attorneys.

24 (5) Probation officers.

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

26 (7) Prothonotaries and clerks of courts.

27 (8) County treasurers.

28 (9) Recorders of deeds.

29 (10) Directors of veterans' affairs.

30 (11) Coroners.

1 (12) Jury commissioners.

2 (13) County auditors.

3 (14) Public defenders.

4 § 12341. Purpose and annual meetings.

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

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

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

25 § 12342. Deputies and solicitors.

26 With the approval of the solicitor's principals, the first
27 and, if appointed, second deputy and the solicitor of the
28 following officers may attend the annual meeting of the
29 principal's respective association with or in place of the
30 solicitor's principals:

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

12 § 12343. Expenses and time limits.

13 (a) Elected officers.--

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

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

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

26 (b) Nonelected officers and employees.--

27 (1) The actual expenses of each authorized nonelected
28 county officer and employee attending the annual meetings of
29 the associations may be paid by the county out of the general
30 fund of the county.

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

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

8 (c) Account and payment.--

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

12 (2) The county may authorize an employee to be
13 compensated at the employee's regular employee rate during
14 attendance at the annual meeting.

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

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

24 (d) Time limit.--

25 (1) The annual meeting of:

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

28 (ii) The association of district attorneys may not
29 exceed three days.

30 (iii) A State association, other than an association

1 under subparagraphs (i) and (ii), may not exceed three
2 days.

3 (2) The time limit under paragraph (1) shall not include
4 time spent traveling to and returning from the annual
5 meeting.

6 § 12344. Other meeting expenses.

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

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

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

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

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

23 (4) For each county of the seventh and eighth class,
24 \$500.

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

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

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

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

8 § 12345. Annual assessments.

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

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

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

26 § 12346. Associations and organizations concerned with
27 governmental affairs.

28 (a) Associations and organizations.--The county
29 commissioners may:

30 (1) Join associations and organizations, in addition to

1 the County Commissioners Association of Pennsylvania,
2 concerned with county or governmental affairs.

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

4 (3) Send delegates to meetings or conferences of the
5 associations and organizations and pay the necessary expenses
6 incident to attendance at the meetings or conferences.

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

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

20 SUBCHAPTER D

21 REMOVAL OF COUNTY OFFICERS

22 Sec.

23 12350. Removal of county officers and appointees.

24 § 12350. Removal of county officers and appointees.

25 (a) Elected.--A county commissioner, sheriff, coroner,
26 prothonotary, register of wills, recorder of deeds, treasurer,
27 county auditor or county controller, clerk of courts, district
28 attorney or any other officer of the counties, whether elected
29 or duly appointed to fill a vacancy, may be removed from office
30 only:

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

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

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

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

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

14 SUBCHAPTER E

15 CONDUCT OF OFFICIAL BUSINESS

16 Sec.

17 12360. Meetings open to public.

18 § 12360. Meetings open to public.

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

23 CHAPTER 125

24 COUNTY COMMISSIONERS AND CHIEF CLERKS

25 Subchapter

26 A. County Commissioners

27 B. Chief Clerk of County Commissioners

28 SUBCHAPTER A

29 COUNTY COMMISSIONERS

30 Sec.

- 1 12501. Election and vacancies.
- 2 12502. Organization.
- 3 12503. Meetings.
- 4 12504. Quorum and execution of official instruments.
- 5 12505. Certified copies of proceedings.
- 6 12506. Oaths.
- 7 12507. Expenses.
- 8 12508. Office supplies.
- 9 12509. Ordinances and resolutions.
- 10 12510. (Reserved).
- 11 12511. (Reserved).
- 12 12512. (Reserved).
- 13 12513. (Reserved).
- 14 § 12501. Election and vacancies.

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

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

28 § 12502. Organization.

29 The county commissioners shall meet on the first Monday of
30 January 1956 and on the first Monday of January every fourth

1 year thereafter in the office provided for the county
2 commissioners at the county seat for the purpose of
3 organization. If the first Monday is a legal holiday, the
4 meeting shall be held the next day.

5 § 12503. Meetings.

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

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

16 § 12504. Quorum and execution of official instruments.

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

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

27 § 12505. Certified copies of proceedings.

28 Copies of the proceedings of the county commissioners and of
29 each record in the possession of the county commissioners,
30 certified by the chief clerk under the county seal, shall be

1 admitted in evidence in any court of the Commonwealth.

2 § 12506. Oaths.

3 Each county commissioner may administer oaths and
4 affirmations in each case arising in the performance of the
5 duties of the office of the county commissioners.

6 § 12507. Expenses.

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

11 § 12508. Office supplies.

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

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

27 § 12509. Ordinances and resolutions.

28 (a) Authorization.--The county commissioners may adopt
29 ordinances and resolutions prescribing the manner in which the
30 powers of the county shall be carried out and generally

1 regulating the affairs of the county. The county commissioners
2 may formulate and adopt ordinances, resolutions, rules and
3 regulations pertaining to the use of property owned or used by
4 the county and the conduct of individuals in, on or about the
5 property in order to preserve the property and to promote and
6 preserve public health, safety and welfare.

7 (b) Publication.--

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

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

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

21 (i) A copy of the text shall be supplied to the same
22 newspaper of general circulation in which the public
23 notice is published.

24 (ii) An attested copy shall be filed in the county
25 law library within 30 days after the enactment or
26 adoption of the ordinance. The date of the filing of a
27 proposed ordinance may not affect the validity of the
28 process of the enactment or adoption of the ordinance and
29 a failure to record within the time period specified
30 under this subparagraph may not be deemed a defect in the

1 process of the enactment or adoption of the ordinance.

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

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

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

17 (1) Prescribe fines and penalties as follows:

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

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

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

27 (d) Penalties.--A person who violates an ordinance enacted
28 by the county commissioners under this section shall, upon
29 conviction at a summary proceeding, be sentenced to pay a fine
30 as may be prescribed in the ordinance by the county

1 commissioners. The fine shall not exceed an amount of \$1,000
2 per violation, with the costs of prosecution, or imprisonment of
3 not more than 10 days, or both. The fine shall be paid to the
4 county for use by the county.

5 § 12510. (Reserved).

6 § 12511. (Reserved).

7 § 12512. (Reserved).

8 § 12513. (Reserved).

9 SUBCHAPTER B

10 CHIEF CLERK OF COUNTY COMMISSIONERS

11 Sec.

12 12520. Chief clerk.

13 12521. Duties and powers of chief clerk.

14 § 12520. Chief clerk.

15 The county commissioners shall appoint a chief clerk.

16 § 12521. Duties and powers of chief clerk.

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

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

26 CHAPTER 127

27 CONTROLLER

28 Sec.

29 12701. Election, term and seal.

30 12702. Eligibility.

1 12703. Deputy controller and clerks.

2 12704. (Reserved).

3 12705. Establishment of office of controller in counties of the
4 sixth, seventh and eighth classes.

5 12706. Appointment by Governor, duties of auditors and
6 abolition of office of auditor.

7 12707. Expenses.

8 § 12701. Election, term and seal.

9 (a) Election of controller.--At the municipal election
10 immediately preceding the expiration of the term of the
11 controller in office on January 1, 1956, and every four years
12 thereafter, the qualified electors of each county of the third,
13 fourth and fifth class and every other county in which the
14 office of controller has been or may be established, including
15 counties in which the office was established by general law or
16 otherwise when the counties were in a higher classification,
17 shall elect one resident of the county to serve as controller
18 for the term of four years beginning the first Monday of January
19 after the controller's election or until a successor is
20 qualified to serve in office.

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

26 (c) Seals.--A county controller shall be provided with an
27 official seal of the office by the county commissioners. The
28 seal shall be used for the attestation of all official papers.

29 § 12702. Eligibility.

30 (a) Office holders.--An individual holding office under the

1 United States shall not be eligible to the office of county
2 controller while in office and for one year after leaving
3 office.

4 (b) Local office holders.-- The county commissioners, county
5 treasurer, prothonotary, register of wills, clerk of the courts,
6 recorder of deeds, sheriff and district attorney, and their
7 chief clerks or deputies, shall be ineligible, during their
8 continuance in such office and for two years thereafter, to the
9 office of county controller.

10 § 12703. Deputy controller and clerks.

11 (a) Appointments.--

12 (1) In counties of the second class A, third, fourth and
13 fifth classes, the controller shall appoint a deputy
14 controller and clerks.

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

18 (3) A controller may authorize one or more of the clerks
19 employed in the controller's office to administer to all
20 oaths and affirmations pertaining to the business of the
21 office with the same force and effect as if administered by
22 the controller or deputy controller.

23 (b) Second deputy controller.--A controller may appoint a
24 second deputy controller who shall possess and discharge all the
25 rights, powers and duties of the principal deputy controller
26 during the principal deputy controller's and the controller's
27 temporary absence.

28 § 12704. (Reserved).

29 § 12705. Establishment of office of controller in counties of
30 sixth, seventh and eighth classes.

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

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

18 (c) Establishment.--If the majority of electors voting on
19 the question vote in favor of establishing the office of county
20 controller, the office shall be established. At the next
21 municipal election and every four years thereafter, the electors
22 of the county shall choose a resident of the county for the
23 office of controller as a replacement for the county auditors.
24 § 12706. Appointment by Governor, duties of auditors and
25 abolition of office of auditor.

26 (a) Appointment.--If the office of controller is established
27 in a county under section 12705 (relating to establishment of
28 office of controller in counties of sixth, seventh and eighth
29 classes), or by a change in class of the county not otherwise
30 provided for by law, the Governor shall appoint a suitable

1 individual to act as the controller of the county until a
2 successor in office is duly elected and installed.

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

10 § 12707. Expenses.

11 The county controller and the county controller's deputy,
12 clerks and auditors shall be allowed their expenses necessarily
13 incurred and actually paid in the discharge of their official
14 duties or in the performance of any service or duty imposed.

15 CHAPTER 129

16 AUDITORS

17 Sec.

18 12901. Election and vacancies.

19 12902. Eligibility.

20 12903. Meetings and quorum.

21 12904. (Reserved).

22 § 12901. Election and vacancies.

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

30 (b) Vacancies.--A vacancy in the office of county auditors

1 shall be filled, for the balance of the unexpired term, by the
2 court of common pleas of the county, sitting en banc, appointing
3 a successor who, at the time the vacating auditor assumed
4 office, was a registered elector of the county and was a member
5 of the same political party as the vacating auditor.

6 § 12902. Eligibility.

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

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

18 § 12903. Meetings and quorum.

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

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

1 completion of the audit and report.

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

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

15 § 12904. (Reserved).

16 CHAPTER 131

17 TREASURER

18 Sec.

19 13101. County treasurer and eligibility.

20 13102. (Reserved).

21 13103. (Reserved).

22 13104. (Reserved).

23 13105. Misapplication of money collected for specific purposes.

24 13106. Deputy treasurer.

25 13106.1. Second deputy treasurer.

26 13107. (Reserved).

27 § 13101. County treasurer and eligibility.

28 No judge, clerk or prothonotary of any court, register of
29 wills, recorder of deeds, county commissioner or county
30 controller shall be eligible to serve as county treasurer during

1 their continuance in office.

2 § 13102. (Reserved).

3 § 13103. (Reserved).

4 § 13104. (Reserved).

5 § 13105. Misapplication of money collected for specific
6 purposes.

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

15 § 13106. Deputy treasurer.

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

18 § 13106.1. Second deputy treasurer.

19 The county treasurer may appoint a second deputy treasurer.
20 The second deputy treasurer shall possess and discharge all the
21 rights, powers and duties of the principal deputy treasurer
22 during the principal deputy treasurer's and treasurer's
23 temporary absence.

24 § 13107. (Reserved).

25 CHAPTER 133

26 COUNTY SOLICITOR

27 Sec.

28 13301. Appointment and qualifications.

29 13302. Duties.

30 13303. Employees in certain counties.

1 13304. Assistant county solicitors.

2 § 13301. Appointment and qualifications.

3 The county commissioners shall appoint a county solicitor.

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

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

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

7 professional corporation. Before entering upon the duties of

8 office, the county solicitor shall file with the county

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

10 commissions received from every source as county solicitor into

11 the county treasury.

12 § 13302. Duties.

13 The county solicitor shall have the following duties:

14 (1) Commence and prosecute each suit brought, or to be

15 brought, by the county when the rights, privileges,

16 properties, claims or demands of the county are involved.

17 (2) Defend all actions or suits brought against the

18 county.

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

20 solicitors.

21 (4) Act professionally and render legal advice incident

22 to the office which may be required of the county solicitor

23 by the county commissioners.

24 § 13303. Employees in certain counties.

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

26 solicitor may, with the consent of the county commissioners,

27 employ clerks or assistants as may be necessary in the discharge

28 of the county solicitor's duties.

29 § 13304. Assistant county solicitors.

30 (a) Appointment.--Except as provided under subsection (b),

1 the county commissioners may appoint one or more assistant
2 county solicitors or special counsel. The assistant county
3 solicitors or special counsel shall be attorneys at law admitted
4 to practice in the courts of this Commonwealth. The assistant
5 county solicitors and special counsel shall perform duties in
6 connection with the legal affairs of the county as may be
7 assigned by the county commissioners or the county solicitor.

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

12 CHAPTER 135

13 ENGINEER

14 Sec.

15 13501. County engineer, appointment and term.

16 13502. Duties.

17 § 13501. County engineer, appointment and term.

18 The county commissioners may appoint a professional engineer
19 in civil engineering or an engineering firm as the county
20 engineer. The engineer shall serve at the pleasure of the county
21 commissioners.

22 § 13502. Duties.

23 The county engineer shall have the following duties:

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

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

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

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

3 CHAPTER 137

4 SHERIFF

5 Sec.

6 13701. Unfinished business of outgoing sheriff.

7 13702. Deputy action authorized.

8 13703. Chief deputy and petition.

9 13704. Real estate deputies.

10 13705. Deputies and clerks.

11 13706. Deputy sheriff's qualifications.

12 13707. False statements in deputy's affidavit.

13 13708. Filed items and public records.

14 13709. Public list of applicants for deputy sheriff.

15 13710. Private services, gifts and payments prohibited.

16 13711. Penalties.

17 13712. Construction.

18 13713. Chief deputy sheriff to act as sheriff in case of

19 vacancy.

20 13714. Sheriff to keep docket.

21 13715. Not to exercise office until commission granted and

22 recorded and penalty.

23 § 13701. Unfinished business of outgoing sheriff.

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

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

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

13 § 13702. Deputy action authorized.

14 If the sheriff is required by law to act in person under or
15 by virtue of any writ or process issued by a court of the
16 Commonwealth, the sheriff may act either in person or by a
17 regularly appointed deputy sheriff.

18 § 13703. Chief deputy and petition.

19 (a) Appointment.--The sheriff of each county shall appoint,
20 by commission duly recorded in the office for recording deeds, a
21 chief deputy. The chief deputy's appointment shall be revocable
22 by the sheriff by a signed revocation recorded in the office for
23 recording deeds. The chief deputy, during continuance in office,
24 may perform any duty incumbent upon the sheriff, which shall
25 have the effect in law as if the duty had been done by the
26 sheriff in person, regardless of the ability or temporary
27 disability of the sheriff to act, while the sheriff continues in
28 office. Nothing in this subsection shall be construed to relieve
29 the sheriff or the sheriff's sureties from liability upon the
30 official bond of the sheriff or the sheriff's sureties.

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

11 § 13704. Real estate deputies.

12 The sheriff may appoint a real estate deputy to administer
13 all matters relating to the sheriff's sales of real estate and
14 distributions of the proceeds of the sheriff's sales of real
15 estate. The real estate deputy's appointment shall be made and
16 be revocable as provided for the chief deputy. The real estate
17 deputy may perform all duties incumbent upon the sheriff in the
18 same manner as the chief deputy and the same effect in law as if
19 the official duties had been performed by the sheriff in person.

20 The duties shall include the execution and acknowledgment of
21 sheriff's deeds for real estate upon receipt of the purchase
22 price for the real estate. Nothing in this section shall operate
23 to relieve the sheriff or the sheriff's sureties from liability
24 upon official bond of the sheriff or the sheriff's sureties.

25 § 13705. Deputies and clerks.

26 The sheriff of each county may appoint deputies and clerks to
27 positions established in accordance with section 14723 (relating
28 to number and compensation of officers, deputies, assistants,
29 clerks and employees and revisions of salary schedules) for the
30 transaction of the business of the sheriff's office. The sheriff

1 may revoke the appointment of deputies in the same manner as the
2 chief deputy. In counties of the third, fourth, fifth, sixth,
3 seventh and eighth class, the sheriff may also appoint as
4 necessary special deputies to assist the sheriff in executing a
5 civil or criminal process or court order or in preserving the
6 peace when an emergency arises. A special deputy shall serve for
7 a period only as necessary to conduct the special deputy's
8 duties under this section.

9 § 13706. Deputy sheriff's qualifications.

10 (a) Requirements.--A sheriff may not appoint an individual
11 as a chief deputy or any other deputy sheriff unless the sheriff
12 files with the prothonotary, before the appointment of the
13 individual, the name and photograph of the individual and an
14 affidavit of the individual setting forth the following:

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

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

20 (3) That the individual, chief deputy or other deputy
21 sheriff has never been convicted of a crime involving moral
22 turpitude under Federal or State law or the laws of another
23 state.

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

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

29 (ii) provided any service as a private detective,
30 private police officer or private guard in a labor

1 dispute;
2 (iii) received any fee or compensation for acting as
3 a private detective, private police officer or private
4 guard in a labor dispute;

5 (iv) conducted the business of a private detective
6 agency or any agency supplying private detectives,
7 private police officers or private guards in a labor
8 dispute; or

9 (v) advertised or solicited the business of a
10 private detective agency or any agency supplying private
11 detectives, private police officers or private guards in
12 a labor dispute.

13 (b) Limitation.--An individual may not be appointed or
14 receive compensation as chief deputy or any other deputy except
15 in accordance with 44 Pa.C.S. Ch. 74 Subch. C (relating to
16 sheriff and deputy sheriff education and training).
17 § 13707. False statements in deputy's affidavit.

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

21 § 13708. Filed items and public records.

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

25 § 13709. Public list of applicants for deputy sheriff.

26 The sheriff shall, from time to time, prepare a list of the
27 names of all the individuals who have applied for appointment as
28 deputy sheriff and meet the qualifications for the position. The
29 list shall be posted in a public place for a period of not less
30 than 10 days. After the 10 days have elapsed, the list shall be

1 filed in the office of the prothonotary. No deputy sheriffs
2 shall be appointed by the sheriff whose names do not appear on
3 the list.

4 § 13710. Private services, gifts and payments prohibited.

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

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

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

23 (b) Firearms and military supplies.--

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

28 (2) An individual, association or corporation may not
29 provide as a gift, donation or gratuity any arms, ammunition,
30 military supplies, tear gas or equipment or supplies or

1 articles of a similar character to a county or an official or
2 agent of the county.

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

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

17 § 13711. Penalties.

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

28 § 13712. Construction.

29 Nothing contained in section 13706 (relating to deputy
30 sheriff's qualifications) or 13710 (relating to private

1 services, gifts and payments prohibited) shall be construed to
2 prohibit any of the following:

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

6 (i) Night watchmen.

7 (ii) Railroad police.

8 (iii) Bank police.

9 (iv) Payroll police.

10 (v) Special policemen to police and protect
11 cemeteries and grounds and buildings open to the public,
12 or to enforce laws for the prevention of cruelty to
13 persons or animals.

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

16 (vii) Police or guards employed by nonprofit
17 corporations or organizations.

18 (2) The payment by an individual, association or
19 corporation of fees or compensation for county police or
20 other peace officers assigned to exhibitions, athletic
21 contests or other recreational activities.

22 § 13713. Chief deputy sheriff to act as sheriff in case of
23 vacancy.

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

27 (1) execute the office of sheriff and perform all duties
28 required by the office of sheriff; and

29 (2) receive and retain the compensation provided by law
30 for sheriffs until another sheriff is commissioned and notice

1 is given to the chief deputy sheriff.

2 § 13714. Sheriff to keep docket.

3 A sheriff shall provide and keep in the office of sheriff a
4 book in which the sheriff shall enter all writs that may be
5 received and the proceedings of all the writs. At the expiration
6 of the term of office, the book shall be deposited in the office
7 of the prothonotary for the inspection of all interested members
8 of the public.

9 § 13715. Not to exercise office until commission granted and
10 recorded and penalty.

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

19 CHAPTER 139

20 CORONER

21 Subchapter

22 A. Preliminary Provisions

23 B. General Provisions

24 C. Fees and Cost Recovery

25 SUBCHAPTER A

26 PRELIMINARY PROVISIONS

27 Sec.

28 13901. Applicability.

29 13902. Definitions.

30 § 13901. Applicability.

1 Except as otherwise expressly provided under this chapter,
2 this chapter shall apply to counties of the second class, second
3 class A and third, fourth, fifth, sixth, seventh and eighth
4 class.

5 § 13902. Definitions.

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

9 "Autopsy." The external and internal examination of the body
10 of a deceased individual, including all of the following:

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

13 (2) Photographic or narrative documentation of findings,
14 including microscopic, radiological, toxicological, chemical,
15 magnetic resonance imaging or other laboratory analysis
16 performed upon tissues, organs, blood, other bodily fluids,
17 gases or other specimens.

18 (3) The retention for diagnostic and documentary
19 purposes of all of the following which are necessary to
20 establish and defend against challenges to the cause and
21 manner of death of the deceased individual:

22 (i) Tissues, organs, blood, other bodily fluids or
23 gases.

24 (ii) Any other specimen.

25 "Coroner." An elected or appointed coroner or an elected or
26 appointed medical examiner.

27 "Staff." The term includes an individual in the coroner's
28 office who engages in activities relating to death
29 investigation. The term includes a medical investigator,
30 forensic technician, laboratory director, forensic supervisor,

1 forensic investigator, scientist or autopsy or histology
2 technician.

3 SUBCHAPTER B

4 GENERAL PROVISIONS

5 13911. Deputies.

6 13912. Duties regarding county morgues.

7 13913. Removal of bodies to morgue.

8 13914. Removal of body, burial and vehicle.

9 13915. Unclaimed property and sales.

10 13916. Private morgue.

11 13917. Requests for examinations and reports.

12 13918. Coroner's investigation.

13 13919. Autopsy, inquest and records.

14 13920. Child deaths.

15 13921. Sudden death.

16 13922. Prohibition on moving a body.

17 13923. Release of coroner's jurisdiction.

18 13924. Cooperation with district attorney.

19 13925. Cooperation with other counties.

20 13926. Certificate of cause of death.

21 13927. Subpoena and attachment.

22 13928. Jury.

23 13929. Oaths.

24 13930. Commitment to county prison.

25 13931. Excluded individuals.

26 13932. Vacancy.

27 13933. Anatomical gifts.

28 13934. Execution of office.

29 13935. Records.

30 § 13911. Deputies.

1 The coroner may appoint a deputy to act in the coroner's
2 place and may appoint staff to positions established in
3 accordance with section 14723 (relating to number and
4 compensation of officers, deputies, assistants, clerks and
5 employees and revisions of salary schedules) as the coroner
6 determines. A deputy shall have the same powers as the coroner.
7 § 13912. Duties regarding county morgues.

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

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

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

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

18 § 13913. Removal of bodies to morgue.

19 (a) Unidentified or unclaimed body.--If the body of a
20 deceased individual is unidentified or unclaimed by a proper
21 individual located within the county, the body shall be removed
22 to the county morgue or, in a county of the third, fourth,
23 fifth, sixth, seventh and eighth class, to a facility serving in
24 lieu of the county morgue. If necessary, the coroner shall have
25 the body properly embalmed or prepared for preservation for the
26 length of time the coroner determines is required to determine
27 the deceased's identity, the identity of a party responsible for
28 the deceased and the cause and manner of death. The body may
29 only be examined or inspected by an individual authorized by the
30 coroner or who is admitted in the coroner's presence.

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

3 § 13914. Removal of body, burial and vehicle.

4 (a) Removal and burial.--The county commissioners shall, in
5 consultation with the coroner, provide for the removal of a body
6 of a deceased individual to and from the morgue and for the
7 burial of an unclaimed body.

8 (b) Vehicle.--The county commissioners may provide an
9 ambulance or other vehicle for the purpose under subsection (a)
10 and for other official duties of the coroner, including
11 administrative, investigative or educational activities. The
12 coroner may provide rules and regulations for the use and
13 maintenance of the ambulance or other vehicle.

14 § 13915. Unclaimed property and sales.

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

17 (1) The personal effects and property that appear to
18 have been on or about the individual at the time of death or
19 have been found on a decedent whose body is received at the
20 county morgue or at any other facility serving in lieu of the
21 county morgue.

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

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

28 (c) Property unclaimed.--After one year, the coroner shall
29 direct the unclaimed or undisposed property to the county
30 commissioners to be sold at public sale. Money and property as

1 security that may not be subject to a public sale shall be
2 turned over to the county commissioners for proper disposition
3 or use.

4 (d) Notice.--Notice of a public sale under subsection (c)
5 shall be published in at least one newspaper of general
6 circulation in the county once a week for three successive
7 weeks. The proceeds of each sale shall be paid immediately into
8 the county treasury. The provisions of this subsection shall be
9 in lieu of escheating to the Commonwealth.

10 § 13916. Private morgue.

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

18 § 13917. Requests for examinations and reports.

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

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

1 § 13918. Coroner's investigation.

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

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

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

15 (3) A death occurring as a result of violence or trauma,
16 whether apparently homicidal, suicidal or accidental,
17 including, a death due to mechanical, thermal, chemical,
18 electrical or radiational injury, drowning, cave-in or
19 subsidence.

20 (4) A death in which trauma, chemical injury, drug
21 overdose or reaction to a drug or medication or medical
22 treatment was a primary or secondary, direct or indirect,
23 contributory, aggravating or precipitating cause of death.

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

26 (6) A death in which the body is unidentified or
27 unclaimed.

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

30 (8) A death occurring in prison or a penal institution

1 or while in the custody of the police.

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

5 (10) A sudden and unexplained infant death.

6 (11) A stillbirth.

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

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

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

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

16 § 13919. Autopsy, inquest and records.

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

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

24 (1) Ascertain the cause of death.

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

28 (3) Examine further evidence and witnesses regarding the
29 cause of death.

30 (c) Recording.--The proceedings at the inquest shall be

1 recorded, at the expense of the county, in a manner to be
2 provided by the county commissioners.

3 (d) Retention and disposal.--

4 (1) The coroner may retain a deoxyribonucleic acid
5 specimen for diagnostic, evidentiary or confirmatory
6 purposes.

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

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

15 § 13920. Child deaths.

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

21 (b) Investigation.--

22 (1) If the coroner determines that an investigation is
23 appropriate in the case of the death of a child who is not
24 more than three years of age, the investigation shall include
25 the following information:

26 (i) Demographic information on the child and the
27 child's primary caregivers.

28 (ii) Witness interviews.

29 (iii) Infant medical history.

30 (iv) Biological mother's prenatal history.

1 (v) Incident scene investigation.

2 (vi) Scene and body diagrams.

3 (2) In conducting the investigation under paragraph (1),
4 the coroner shall consider nationally recognized standards
5 for pediatric death review.

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

10 § 13921. Sudden death.

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

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

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

17 (i) was discharged from medical attendance;

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

19 (iii) had medical attendance and the medical
20 attendant refuses or is unable to certify the cause of
21 death.

22 (b) Construction.--Nothing in this section may be construed
23 to affect the coroner's discretion in determining if a death is
24 suspicious or to authorize a coroner to investigate a sudden
25 death further than necessary to determine the cause and manner
26 of death.

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

1 § 13922. Prohibition on moving a body.

2 (a) Moving a body.--Except as provided under subsection (b),
3 if a coroner has jurisdiction to investigate the facts and
4 circumstances of death, the body and the surroundings of the
5 body shall be left untouched until either of the following
6 occurs:

7 (1) The coroner has conducted an initial investigation
8 of the scene of death, including viewing and photographing
9 the scene in the manner that most fully discloses how the
10 individual died.

11 (2) The coroner directs or authorizes the touching of
12 the body and the surroundings of the body except as provided
13 by law or as circumstances may require.

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

21 § 13923. Release of coroner's jurisdiction.

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

26 § 13924. Cooperation with district attorney.

27 In the exercise of duties under this chapter, the coroner
28 shall consult with and advise the district attorney as may be
29 practicable. The district attorney may act as counsel to the
30 coroner in matters relating to inquests.

1 § 13925. Cooperation with other counties.

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

5 § 13926. Certificate of cause of death.

6 A coroner shall issue a certificate of cause of death in each
7 case:

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

11 (2) in which the coroner has jurisdiction and no
12 individual duly authorized by law certifies the cause of
13 death.

14 § 13927. Subpoena and attachment.

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

18 (1) A death investigation.

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

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

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

25 (i) A paper.

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

28 (iii) Another object relative to the investigation
29 or inquest.

30 § 13928. Jury.

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

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

9 § 13929. Oaths.

10 The coroner may administer an oath and affirmation to an
11 individual brought or appearing before the coroner. An
12 individual who falsely swears or affirms during the examination
13 commits perjury.

14 § 13930. Commitment to county prison.

15 (a) Warrant.--An individual may be committed by a coroner to
16 the county jail by warrant directed to the sheriff or a
17 constable of the county if while appearing before the coroner
18 for examination the individual refuses to:

19 (1) take an oath or affirmation; or

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

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

25 (c) Length.--The individual shall remain committed to county
26 jail until the individual submits to be sworn or affirmed,
27 answers the questions of the coroner or is otherwise legally
28 discharged.

29 § 13931. Excluded individuals.

30 The following apply:

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

4 (i) A member of the public from an inquest or a part
5 of an inquest.

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

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

9 (3) An individual required to attend may have counsel at
10 the attendance.

11 (4) In counties of the third, fourth, fifth, sixth,
12 seventh and eighth class, representatives of the media may
13 not be excluded from an inquest or part of an inquest unless
14 the representatives are personally interested or suspected
15 from the inquest or part of the inquest.

16 § 13932. Vacancy.

17 (a) Removal, death or resignation.--If a coroner is legally
18 removed from office, dies or resigns before the expiration of
19 the term for which the coroner was elected or appointed, the
20 chief deputy coroner shall execute the office of coroner,
21 perform related duties and receive and retain the compensation
22 provided by law for the coroner until another coroner is
23 appointed.

24 (b) Neglect or refusal.--Except as otherwise provided under
25 subsections (d) and (e), if an individual who is elected to the
26 office of coroner neglects or refuses, for the two months after
27 the election, to assume the duties of the office and to comply
28 with the requirements of the law, the office shall be deemed
29 vacant. The Governor shall notify the recorder of deeds and
30 appoint and commission a suitable individual to fill the vacancy

1 during the remainder of the term.

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

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

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

13 § 13933. Anatomical gifts.

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

17 § 13934. Execution of office.

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

25 § 13935. Records.

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

1 SUBCHAPTER C

2 FEES AND COST RECOVERY

3 Sec.

4 13951. Disposition costs.

5 13952. Fees for reports.

6 § 13951. Disposition costs.

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

16 (1) The costs of disposition.

17 (2) A list of the property held in accordance with
18 section 13915.

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

21 (b) Costs of securing.--If the coroner secures the premises
22 of the deceased, the costs of securing the premises may be
23 charged against the estate of the deceased.

24 (c) Civil liability.--A coroner who reasonably attempts to
25 secure or safeguard any real property where the deceased is
26 found and any personal property on or around the deceased is
27 immune from civil liability for damage to or loss of the
28 property or its contents.

29 § 13952. Fees for reports.

30 The coroner shall charge and collect a fee of \$500 for an

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

14 CHAPTER 141

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

16 REGISTER OF WILLS AND RECORDER OF DEEDS

17 Sec.

18 14101. Election of prothonotary, clerk of courts, clerk of
19 orphans' court, register of wills and recorder of
20 deeds.

21 14102. Office holders.

22 14103. Separate judicial districts.

23 14104. (Reserved).

24 14105. Appointment of first deputies.

25 14106. (Reserved).

26 14107. (Reserved).

27 14107.1. (Reserved).

28 14108. (Reserved).

29 14109. (Reserved).

30 14110. (Reserved).

1 14111. (Reserved).

2 14112. Second deputy recorder.

3 14113. Clerks of recorder to administer oaths.

4 14114. (Reserved).

5 14115. (Reserved).

6 14116. (Reserved).

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

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

21 § 14102. Office holders.

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

28 (b) Reconfiguration.--

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

1 fourth class as a result of Federal decennial census data
2 certified after the primary election in the year of a
3 municipal election may maintain the configuration of offices
4 in effect in the county if the county, in consultation with
5 the president judge of the court of common pleas of the
6 county, deems appropriate.

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

13 (c) Continuation.--Notwithstanding subsection (a) or (b) or
14 any other provision of law, the county commissioners of a county
15 advancing from the fifth class to fourth class may adopt a
16 resolution providing that one individual shall continue to hold
17 the offices of prothonotary and clerk of courts, unless an
18 applicable local law states otherwise.

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

25 (e) Counties of the fifth class.--In counties of the fifth
26 class, one individual shall hold the offices of prothonotary and
27 clerk of courts, one individual shall hold the offices of
28 register of wills and clerk of orphans' court and one individual
29 shall hold the office of recorder of deeds, unless an applicable
30 local law states otherwise.

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

8 (g) Counties of sixth and seventh classes.--In counties of
9 the sixth and seventh classes, one individual shall hold the
10 offices of prothonotary and clerk of courts and one individual
11 shall hold the offices of register of wills, recorder of deeds
12 and clerk of orphans' court, unless an applicable local law
13 states otherwise.

14 (h) Counties of the eighth class.--In counties of the eighth
15 class, one individual shall hold the offices of prothonotary,
16 clerk of courts, clerk of orphans' court, register of wills and
17 recorder of deeds, unless local laws applying to the county
18 shall otherwise provide.

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

24 (j) Offices not held.--

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

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

30 (ii) provide for the holding of the county offices

1 in the manner specified under this section for the class
2 of counties to which the county belongs.

3 (2) The recombining of the offices under paragraph (1)
4 shall take effect in the year in which the offices are next
5 up for election, at which time offices in the county shall be
6 held in accordance with the provisions of this section
7 authorizing the combining of the offices or any other general
8 law applicable to the holding of offices and to the
9 classification of the county.

10 (k) Proceedings.--The proceedings for a county to accept the
11 provisions of this section regarding the county's offices shall
12 be in accordance with section 14103 (relating to separate
13 judicial districts) as applicable. Upon the expiration of the
14 term of a county officer affected by the proceeding, the
15 following apply:

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

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

23 § 14103. Separate judicial districts.

24 (a) Elections.--In each county containing 40,000
25 inhabitants, which has been created as a separate and
26 independent judicial district as provided by the Constitution of
27 Pennsylvania, upon acceptance of the provisions of this section
28 under subsection (c) and at the expiration of the terms of the
29 offices in that county, there shall be:

30 (1) one individual elected to fill the office of

1 prothonotary;

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

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

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

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

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

19 § 14104. (Reserved).

20 § 14105. Appointment of first deputies.

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

27 § 14106. (Reserved).

28 § 14107. (Reserved).

29 § 14107.1. (Reserved).

30 § 14108. (Reserved).

1 § 14109. (Reserved).

2 § 14110. (Reserved).

3 § 14111. (Reserved).

4 § 14112. Second deputy recorder.

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

10 § 14113. Clerks of recorder to administer oaths.

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

17 § 14114. (Reserved).

18 § 14115. (Reserved).

19 § 14116. (Reserved).

20 CHAPTER 143

21 DISTRICT ATTORNEY, ASSISTANTS AND DETECTIVES

22 Subchapter

23 A. District Attorney

24 B. Assistant and Acting District Attorneys, Stenographers
25 and Clerks

26 C. County Detectives

27 SUBCHAPTER A

28 DISTRICT ATTORNEY

29 Sec.

30 14301. District attorney, qualifications, eligibility and

1 compensation.

2 14302. Duties of district attorney and entry of nolle prosequi.

3 14303. Expenses incurred by district attorney.

4 14304. Filling of vacancies.

5 14305. Misconduct of district attorney.

6 14306. District attorney charged with crime.

7 14307. Legal resources for district attorney.

8 14308. Police radio in counties of the third class.

9 14309. Prosecution by private counsel.

10 § 14301. District attorney, qualifications, eligibility and
11 compensation.

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

14 (1) Be a resident of the county.

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

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

17 (4) Have been admitted to practice as an attorney before
18 the Supreme Court of Pennsylvania for at least one year
19 before taking the oath of office and continually hold an
20 active law license during the period when the individual is
21 in office.

22 (5) Have resided in the county for which the district
23 attorney is elected or appointed for one year prior to the
24 election or appointment.

25 (b) Suspension and disbarment.--The following shall apply:

26 (1) If a district attorney is disbarred, the office of
27 the district attorney shall be vacant and shall be filled as
28 follows:

29 (i) Except for a county of the first or second
30 class, as provided under section 14304 (relating to

1 filling of vacancies).

2 (ii) For a county of the second class, as provided
3 under section 1404 of the act of July 28, 1953 (P.L.723,
4 No.230), known as the Second Class County Code.

5 (iii) For a county of the first class, as provided
6 under section 3 of the act of May 3, 1850 (P.L.654,
7 No.385), entitled "An act providing for the election of
8 district attorneys."

9 (2) Notwithstanding any other law applicable to a class
10 of county to the contrary, if a district attorney's law
11 license is suspended, the office of district attorney shall
12 not be vacant but the district attorney shall be suspended
13 from the office until the law license of the district
14 attorney is reinstated or the expiration of the term of the
15 district attorney, whichever is sooner. The first assistant
16 district attorney, if willing, qualified and able, shall act
17 as the district attorney during the time period that the
18 district attorney's law license is suspended. If the first
19 assistant district attorney is unwilling, unqualified or
20 unable to serve, the judges of the court of common pleas
21 shall appoint a competent person who satisfies the
22 requirements of this section to act as district attorney.

23 (c) Eligibility.--A district attorney may not be eligible
24 for a seat in the General Assembly or to any other office under
25 the laws of this Commonwealth and the Constitution of
26 Pennsylvania, except an office or commission under 51 Pa.C.S.
27 (relating to military affairs) in the militia of the
28 Commonwealth, the Pennsylvania Guard or the Pennsylvania
29 National Guard, during the district attorney's continuance in
30 office.

1 (d) Counties of the eighth class.--In counties of the eighth
2 class, the district attorney shall be a full-time position if
3 any of the following apply:

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

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

24 (i) The average caseload of felony, misdemeanor and
25 juvenile cases for the past five years exceed 200 per
26 year.

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

29 (iii) The county has:

30 (A) a State correctional facility, juvenile

1 detention facility, youth development center, youth
2 forestry camp, other licensed residential facility
3 serving children and youth or mental health or
4 intellectual and developmental disability facility or
5 institution with a population exceeding 250
6 individuals; or

7 (B) more than one facility or institution listed
8 under clause (A) which have an aggregate population
9 exceeding 250 individuals.

10 (iv) A major controlled substances transportation
11 route passes through the county.

12 (v) The average number of convictions under 75
13 Pa.C.S. § 3802 (relating to driving under influence of
14 alcohol or controlled substance) subject to the alcoholic
15 ignition interlock statutory provision requirements
16 exceeds 30 per year.

17 (vi) The county constitutes a single and separate
18 judicial district.

19 (e) Change prohibited.--Once the office of district attorney
20 becomes full time, the office may not be changed.

21 (f) Compensation.--A full-time district attorney shall be
22 compensated at \$1,000 lower than the compensation paid to a
23 judge of the court of common pleas in the respective judicial
24 district.

25 (g) Limitations.--

26 (1) In a county in which the office of district attorney
27 is full time, the district attorney shall devote full time to
28 the office.

29 (2) A district attorney may not derive other income as a
30 result of honorariums, profit shares or divisions of income

1 from a firm with which the district attorney was associated
2 prior to election of the district attorney. The limitation
3 under this paragraph may not be construed to preclude payment
4 of fees earned for legal work done prior to, but not
5 concluded until after the district attorney is made
6 full time, or until after being sworn in as a full-time
7 district attorney, whichever is earlier.

8 (3) The district attorney may not engage in private
9 practice and must be completely disassociated with any firm
10 with which the district attorney was affiliated prior to the
11 earlier of being made full time or being sworn in as a full-
12 time district attorney. The district attorney-elect may not
13 accept any civil or criminal cases after being elected to the
14 office.

15 (h) Outside practice.--A part-time district attorney may
16 have an outside practice and shall be compensated at 40% of the
17 annual salary payable to a judge of the court of common pleas of
18 the judicial district of the county.

19 (i) Full time.--Except as provided in subsection (d), an
20 office of district attorney that was part time on January 2,
21 2012, shall become full time as of that date.

22 (j) Professional conduct.--

23 (1) A district attorney shall be subject to the Rules of
24 Professional Conduct and the canons of ethics as applied to
25 judges in the courts of common pleas insofar as the canons
26 apply to salaries, full-time duties and conflicts of
27 interest.

28 (2) A complaint by a resident of a county that a full-
29 time district attorney may be in violation of this section
30 shall be made to the Disciplinary Board of the Supreme Court

1 of Pennsylvania. If any substantive basis is found that a
2 violation has been committed, the Disciplinary Board of the
3 Supreme Court of Pennsylvania shall proceed in the manner
4 prescribed by the rules of the Supreme Court of Pennsylvania
5 and make a recommendation for disciplinary action as the
6 Disciplinary Board of the Supreme Court of Pennsylvania deems
7 advisable. If the Disciplinary Board of the Supreme Court of
8 Pennsylvania deems the violation so grave as to warrant
9 removal from office, the prothonotary of the Supreme Court of
10 Pennsylvania shall transmit its findings to the Speaker of
11 the House of Representatives for the action as the House of
12 Representatives deems appropriate under Article VI of the
13 Constitution of Pennsylvania.

14 (k) Reimbursement.--The Commonwealth shall annually
15 reimburse each county with a full-time district attorney an
16 amount equal to 65% of the district attorney's salary.
17 § 14302. Duties of district attorney and entry of nolle
18 prosequi.

19 The district attorney shall sign each bill of indictment and
20 conduct in court each criminal and other prosecution, in the
21 name of the Commonwealth or, if the Commonwealth is a party,
22 that arises in the county for which the district attorney is
23 elected, and perform all the duties which, prior to May 3, 1850,
24 were performed by deputy attorneys general. The duties conferred
25 shall be in addition to all other duties given to the district
26 attorney by other acts.

27 § 14303. Expenses incurred by district attorney.

28 All necessary expenses incurred by the district attorney or
29 the district attorney's assistants or an officer directed by the
30 district attorney in the investigation of crime and the

1 apprehension and prosecution of persons charged with or
2 suspected of the commission of crime, upon approval by the
3 district attorney and the court, shall be paid by the county
4 from the general funds of the county. If a defendant is
5 convicted and sentenced to pay the costs of prosecution and
6 trial, the expenses of the district attorney in connection with
7 the prosecution shall be considered a part of the costs of the
8 case and shall be paid by the defendant.

9 § 14304. Filling of vacancies.

10 If a vacancy occurs in the office of district attorney in a
11 county of the second A, third, fourth, fifth, sixth, seventh or
12 eighth class, the judges of the court of common pleas shall,
13 upon a showing that the first assistant district attorney
14 satisfies the requirements of section 14301 (relating to
15 district attorney, qualifications, eligibility and
16 compensation), appoint the first assistant district attorney to
17 fill the office of district attorney and discharge the duties of
18 the district attorney until the first Monday in January
19 following the next municipal election occurring not less than 90
20 days after the occurrence of the vacancy. If the first assistant
21 district attorney is unwilling or unable to serve or does not
22 satisfy the requirements of section 14301, the judges of the
23 court of common pleas shall fill the vacancy by the appointment
24 of a competent individual who satisfies the requirements of
25 section 14301 to fill the office until the first Monday in
26 January following the next municipal election occurring not less
27 than 90 days after the occurrence of the vacancy.

28 § 14305. Misconduct of district attorney.

29 (a) Offense defined.--If a district attorney willfully and
30 corruptly demands, takes or receives a fee or reward other than

1 as prescribed by law for official duties executed by the
2 district attorney in a criminal proceeding or if the district
3 attorney commits willful and gross negligence in the execution
4 of the duties of the office, the district attorney commits a
5 misdemeanor in office and, upon conviction, shall be sentenced
6 to pay a fine not exceeding \$1,000 and to undergo imprisonment
7 not exceeding one year.

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

11 (b) Notice and probable cause.--

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

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

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

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

23 (3) If after the hearing the court finds that there is
24 probable cause for the complaint, the court shall hand over
25 or commit the district attorney to answer the complaint in
26 due course of law. If the court finds that there is no
27 probable cause for the complaint, the court shall dismiss the
28 complaint, with reasonable costs to be assessed by the court.

29 § 14306. District attorney charged with crime.

30 If a district attorney is charged with a crime or

1 misdemeanor, before or bound over or committed by a court to
2 answer for willful and gross negligence in the execution of the
3 duties of the office, the court shall appoint a competent
4 attorney to prepare an indictment against the district attorney
5 and to prosecute the district attorney on behalf of the
6 Commonwealth until final judgment. The attorney shall be paid by
7 the county for services a reasonable compensation to be fixed by
8 the court. If the district attorney is convicted of a crime for
9 which that individual may be sentenced to imprisonment by
10 separate or solitary confinement at labor, the office shall be
11 declared vacant by the court.

12 § 14307. Legal resources for district attorney.

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

19 § 14308. Police radio in counties of the third class.

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

26 § 14309. Prosecution by private counsel.

27 If a district attorney neglects or refuses to prosecute in
28 due form of law a criminal charge regularly returned to the
29 district attorney or to the court or if at any stage of the
30 proceedings the district attorney and the private counsel

1 employed by the prosecutor differ as to the manner of conducting
2 the trial, the prosecutor may present a petition to the court,
3 specifying the character of the complaint, and verify the
4 petition by affidavit. If the court is of the opinion that it is
5 a proper case for a criminal proceeding or prosecution, the
6 court may direct a private counsel employed by the prosecutor to
7 conduct the entire proceeding and, if an indictment is
8 necessary, to verify the indictment by the private counsel's own
9 signature as fully as the indictment could be done by the
10 district attorney.

11 SUBCHAPTER B

12 ASSISTANT AND ACTING DISTRICT ATTORNEYS,

13 STENOGRAPHERS AND CLERKS

14 Sec.

15 14320. Assistant district attorneys.

16 14321. Designation, powers and duties of first assistant.

17 14322. (Reserved).

18 14323. (Reserved).

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

21 14325. Indictment and cost clerk in counties of the fourth
22 class.

23 14326. Stenographers and clerks.

24 § 14320. Assistant district attorneys.

25 (a) Appointment of assistants.--The district attorney may
26 appoint assistants who are licensed to practice law in this
27 Commonwealth to assist in the discharge of the district
28 attorney's duties. The number of assistants and salary shall be
29 fixed by the county salary board.

30 (b) Appointment of temporary assistants in certain

1 counties.--In counties of the third, fourth, fifth, sixth,
2 seventh and eighth class, the district attorney may appoint
3 temporary assistants who are licensed to practice law in this
4 Commonwealth to assist in the discharge of duties, as provided
5 by contract or other personnel agreement with the county or the
6 district attorney. An attorney at law, including a deputy
7 Attorney General or an attorney employed by the Commonwealth,
8 may be appointed under this subsection.

9 (c) Violation and remedy.--

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

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

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

20 § 14321. Designation, powers and duties of first assistant.

21 The following shall apply:

22 (1) If more than one assistant district attorney is
23 appointed, the district attorney shall designate one
24 assistant as the first assistant.

25 (2) The first assistant or the assistant district
26 attorney if only one is appointed shall, in the absence of
27 the district attorney from the jurisdiction or during the
28 district attorney's inability to perform the duties of the
29 office through sickness or other cause, be vested with all
30 the duties, powers and privileges given by law to the

1 district attorney and generally shall be empowered to do and
2 perform all things in connection with the office that the
3 district attorney is authorized to do or perform.

4 (3) In case of an incapacity of the district attorney or
5 the first assistant, or both, a duty, power or privilege may
6 be exercised by other assistant district attorneys, if any,
7 as may be designated by the district attorney.

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 The court of common pleas of a county of the third, fourth,
13 fifth, sixth, seventh or eighth class shall temporarily appoint
14 a district attorney if the district attorney and the assistants
15 are absent from the court. An individual appointed under this
16 section shall perform the duties of the office until the regular
17 district attorney or one of the assistants appears in person to
18 perform the duties and shall be paid by the county as may be
19 fixed by the court.

20 § 14325. Indictment and cost clerk in counties of the fourth
21 class.

22 The district attorney of a county of the fourth class, in
23 addition to other assistants authorized in this subchapter, may
24 appoint an assistant who is licensed to practice law in this
25 Commonwealth as an indictment and cost clerk to assist the
26 district attorney in the discharge of the district attorney's
27 duties.

28 § 14326. Stenographers and clerks.

29 The salary board in a county may provide for the appointment
30 by the district attorney of clerks and stenographers in the

1 district attorney's office as may be deemed necessary for the
2 proper dispatch of business.

3 SUBCHAPTER C

4 COUNTY DETECTIVES

5 Sec.

6 14340. Appointment, duties and compensation of county
7 detectives.

8 14341. Appointment of special detective with approval of court.

9 § 14340. Appointment, duties and compensation of county
10 detectives.

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

12 (1) In counties of the second class A, the district
13 attorney may appoint one chief county detective, an assistant
14 chief county detective and as many county detectives,
15 sergeants, special county detectives and junior county
16 detectives as the county salary board shall fix.

17 (2) In counties of the third and fourth classes, the
18 district attorney may appoint one chief county detective, one
19 assistant county detective and other county detectives as the
20 county salary board may authorize.

21 (b) Counties of fifth, sixth, seventh and eighth class.--In
22 counties of the fifth, sixth, seventh and eighth class, the
23 district attorney may appoint one chief county detective and
24 other county detectives as the county salary board may
25 authorize.

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

28 (1) Investigate and make reports to the district
29 attorney as to the conduct in office of magistrates,
30 constables, deputy constables and other officers connected

1 with the administration of criminal law.

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

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

6 (d) Powers.--

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

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

13 (e) Fees and compensation.--

14 (1) In counties of the second class A, county detectives
15 of every grade and rank may not be entitled to receive fees
16 but shall receive a salary as fixed by the county salary
17 board and necessary traveling expenses. Upon verification by
18 affidavit of a detective and approval by the district
19 attorney, the salary and expenses of the detective shall be
20 paid out of the treasury of the county on a certificate
21 issued by the district attorney directed to the controller of
22 the county, who shall order warrants for the amounts
23 according to law.

24 (2) In counties of the third, fourth, fifth, sixth,
25 seventh and eighth class, county detectives of every grade
26 and rank, in addition to an annual salary, shall be allowed
27 all expenses actually and necessarily incurred in the
28 performance of the duties. The salaries and expenses shall be
29 paid by the county as provided by law. County detectives
30 shall not be entitled to fees.

1 § 14341. Appointment of special detective with approval of
2 court.

3 If the court of common pleas and district attorney deem it
4 necessary for a particular and temporary assignment, the
5 district attorney of a county, with the approval of the county
6 salary board, may appoint a special detective, whose duty it
7 shall be to assist in obtaining evidence as directed by the
8 district attorney for the Commonwealth and to perform other
9 duties as the court may direct. The special detective shall be:

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

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

15 CHAPTER 145

16 SALARIES OF COUNTY OFFICERS

17 Sec.

18 14501. Salaries of county officers.

19 14502. Insurance and other employee benefits.

20 § 14501. Salaries of county officers.

21 (a) Amount.--Except as otherwise provided under this part or
22 other applicable law, salary and changes in salary of county
23 officers shall be set in accordance with the act of November 1,
24 1971 (P.L.495, No.113), entitled "An act providing for the
25 compensation of county officers in counties of the second
26 through eighth classes, for compensation of district attorneys
27 in cities and counties of the first class, for compensation of
28 district election officers in all counties, for the disposition
29 of fees, for filing of bonds in certain cases and for duties of
30 certain officers."

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

4 § 14502. Insurance and other employee benefits.

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

13 CHAPTER 147

14 FEEES OF SALARIED COUNTY OFFICERS AND SALARY BOARDS

15 Subchapter

16 A. Fees of Salaried County Officers

17 B. Salary Boards

18 C. (Reserved)

19 SUBCHAPTER A

20 FEEES OF SALARIED COUNTY OFFICERS

21 Sec.

22 14701. Fees belonging to county.

23 14702. System of accounts and fees paid to county treasurer.

24 14703. Penalty for receiving gratuities or percentages.

25 14704. False swearing to county accounts, bills or transcripts.

26 14705. Officers to be paid salaries.

27 14706. (Reserved).

28 14707. Monthly returns.

29 14708. Payment of certain officers.

30 14709. Salaries in lieu of fees.

1 14710. Rights of action and remedies for collection of fees.

2 § 14701. Fees belonging to county.

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

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

10 (c) Use.--No county officer shall use fees received for
11 official services for any purpose except for the use of the
12 county or the Commonwealth.

13 § 14702. System of accounts and fees paid to county treasurer.

14 (a) System of accounts.--Each county officer receiving fees
15 shall keep a system of accounts, the form of which shall be
16 prescribed by the controller, or, if that office does not exist,
17 by the county auditors, on which entry shall be made of all the
18 money received for fees and of all money earned and chargeable
19 upon the county, specifying the day and date, the title of the
20 case, if applicable, for what service and from whom received.

21 (b) Duties of officer.--At the times designated by
22 resolution of the county commissioners but not later than the
23 10th day of each month, each officer shall:

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

29 (2) Deposit with the county controller, or in counties
30 without a controller, with the county auditors a transcript,

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

12 (c) Duties of county controller or county auditor.--The
13 county controller, or the county auditors in counties without a
14 controller, shall receive, audit and verify the returns for the
15 preceding month and charge the county treasurer with the money
16 for fees paid in.

17 (d) Fees for another office.--If fees are paid to an office
18 for services rendered or to be rendered by another office, the
19 officer receiving the fees shall specify the fees on the account
20 book and on the transcript reflecting the office to which the
21 fees are due.

22 § 14703. Penalty for receiving gratuities or percentages.

23 (a) Prohibited conduct.--An officer under this subchapter
24 may not:

25 (1) Receive or stipulate to receive, from a deputy,
26 clerk or any person awarded a contract, money as percentage
27 on the salaries of the deputy or clerk or on the amounts or
28 profits of the contract or money as compensation for making
29 the appointment or contract.

30 (2) Neglect to render the accounts or to pay over the

1 money received for fees as required by this subchapter.

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

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

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

7 (6) Fail to comply with any of the provisions of this
8 subchapter.

9 (7) Neglect to discharge any of the duties imposed on
10 the office.

11 (b) Penalty.--A violation of subsection (a) shall be deemed
12 a misdemeanor in office, and, in addition to other applicable
13 penalties, the officer shall, upon conviction, refund the money
14 unlawfully received and shall be deemed incapable of holding the
15 office.

16 § 14704. False swearing to county accounts, bills or
17 transcripts.

18 (a) Perjury.--A county officer under this subchapter or
19 another individual who willfully swears or affirms falsely as to
20 the accuracy of an account, transcript or bill required in this
21 subchapter or in making an affidavit in reference to the
22 account, transcript or bill, commits perjury and, upon
23 conviction, shall be liable to the punishment prescribed by law
24 for perjury.

25 (b) Subornation of perjury.--An individual who procures
26 another individual to swear or affirm falsely in verifying any
27 account, transcript or bill, or in making an affidavit in
28 reference to the account, transcript or bill, commits
29 subornation of perjury and, upon conviction, shall be liable to
30 the punishment prescribed by law for that offense.

1 § 14705. Officers to be paid salaries.

2 Each county officer and their deputies and clerks shall be
3 paid for services rendered by fixed and specific salaries as
4 follows:

5 (1) The salaries of each officer, deputy and clerk shall
6 be paid out of the treasury of the county which the officer,
7 deputy or clerk serve to the extent that the fees collected
8 and paid in by each officer respectively or earned if fees
9 are chargeable upon the county treasury, except as provided
10 in section 14708 (relating to payment of certain officers).

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

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

18 § 14706. (Reserved).

19 § 14707. Monthly returns.

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

28 (b) Commissions.--All commissions on the collection of taxes
29 and fees for the Commonwealth shall be deemed and taken as part
30 of the regular fees of the county officer collecting and shall

1 be accounted for accordingly.

2 (c) Applicability of section.--This section applies only to
3 the reporting and payment of any taxes or fees and to the
4 treatment of commissions as are not otherwise provided for by
5 law.

6 § 14708. Payment of certain officers.

7 The following shall apply:

8 (1) The following individuals shall be paid weekly,
9 biweekly, semimonthly or monthly, at the discretion of the
10 county commissioners:

11 (i) The county solicitor.

12 (ii) County prison warden.

13 (iii) County commissioners.

14 (iv) County controller.

15 (v) County surveyor or engineer.

16 (vi) County detectives.

17 (vii) County treasurer.

18 (viii) Interpreter of courts.

19 (ix) District attorney and assistants of the
20 district attorney.

21 (x) In counties of the sixth, seventh and eighth
22 class, all county officers for whom a salary is fixed by
23 law and the deputies, clerks and employees of their
24 respective offices.

25 (2) The county officers listed under paragraph (1) shall
26 be paid the full amount allowed under law, but all fees and
27 emoluments that may accrue by virtue of an office shall be
28 paid by the officer or employee to the county treasurer as
29 directed by law, and all other officers shall be paid the
30 amounts assigned in accordance with this subchapter.

1 § 14709. Salaries in lieu of fees.

2 Except to the extent this section may be inconsistent with
3 any other express provision of this part, the salaries fixed and
4 provided by law for county officers shall be in lieu of money,
5 fees, perquisites or mileage expenses and other allowances
6 received or allowed to any officer. All money, fees, perquisites
7 or mileage expenses and other allowances, not governed by the
8 exceptions, shall belong to the county and shall be paid into
9 the county treasury, except if required to be paid to the
10 Commonwealth in the manner provided by this subchapter for fees.

11 § 14710. Rights of action and remedies for collection of fees.

12 All rights of action and all other remedies granted or
13 extended to a salaried county officer under this subchapter for
14 the collection of the officer's respective fees are extended and
15 shall inure to the benefit of counties for the collection of all
16 fees and costs that may accrue to counties under the provisions
17 of this subchapter.

18 SUBCHAPTER B

19 SALARY BOARDS

20 Sec.

21 14720. Salaries and compensation.

22 14721. Fees.

23 14722. Salary boards.

24 14723. Number and compensation of officers, deputies,
25 assistants, clerks and employees and revisions of
26 salary schedules.

27 14724. (Reserved).

28 14725. Procedure and action of salary board.

29 § 14720. Salaries and compensation.

30 The salaries and compensation of county officers shall be as

1 provided under law. The salaries and compensation of all
2 appointed officers and employees who are paid from the county
3 treasury shall be fixed by the salary board established under
4 section 14722 (relating to salary boards). The board of county
5 commissioners shall have the sole power and responsibility to
6 represent judges of the court of common pleas in proceedings
7 before the Pennsylvania Labor Relations Board or collective
8 bargaining negotiations involving employees paid from the county
9 treasury, the county and all elected or appointed county
10 officers having employment powers over the affected employees.
11 The powers authorized by the county commissioners under this
12 section shall not affect the hiring, discharging and supervising
13 rights and obligations with respect to employees as may be
14 vested in the judges or other county officers.

15 § 14721. Fees.

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

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

21 (c) Timing of payment.--Fees, mileage and emoluments shall
22 be paid on or before the 10th day of each month unless otherwise
23 required.

24 § 14722. Salary boards.

25 A salary board is created in each county. The following
26 apply:

27 (1) The salary board shall consist of the three
28 individual members of the county commissioners and:

29 (i) the county controller; or

30 (ii) for counties without a controller, the county

1 treasurer.

2 (2) The chairperson of the county commissioners shall be
3 chairperson of the salary board.

4 (3) The county controller or county treasurer, as the
5 case may be, shall be secretary of the board.

6 (4) The salary board shall meet and organize on the
7 first Monday of January of each year.

8 § 14723. Number and compensation of officers, deputies,
9 assistants, clerks and employees and revisions of
10 salary schedules.

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

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

16 (i) all deputies, assistants, clerks and other
17 individuals whose compensation is paid out of the county
18 treasury, except employees of county officers who are
19 paid by fees and not by salary;

20 (ii) all court criers, tipstaves and other court
21 employees; and

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

24 (2) Between annual salary board meetings as required by
25 a judge, county officer or executive head of a separate
26 board, commission or division whose deputies', assistants',
27 clerks' and employees' numbers or compensation is sought to
28 be fixed, the board shall meet and consider and shall fix and
29 determine the numbers and compensation.

30 (3) All salaries fixed under this part shall be paid out

1 of the county treasury in the manner provided by law.

2 (b) Effect of section.--

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

6 (2) If a salary board fails to fix the number or
7 compensation of an officer, deputy, assistant, clerk or other
8 employee as required under this section, the number and
9 compensation shall continue, as fixed by or in accordance
10 with law with the same effect as though the number and
11 compensation had been fixed by the salary board, but the
12 salary board may fix any number or compensation at a later
13 time and with similar effect.

14 § 14724. (Reserved).

15 § 14725. Procedure and action of salary board.

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

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

27 (c) Attendance by certain judges.--

28 (1) When the board considers the number or salaries of
29 the officers or employees appointed by a judge of a court,
30 the judge shall sit as a member of the board until the matter

1 affecting the judge's appointees is resolved.

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

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

9 (1) The decision of a majority of members of the salary
10 board shall govern.

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

14 SUBCHAPTER C

15 (Reserved)

16 CHAPTER 149

17 FISCAL AFFAIRS

18 Subchapter

19 A. Fiscal Policy and Systems

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

21 C. Disbursals of County Money

22 D. County Treasury and County Depositories

23 E. County Taxation, Borrowing and Transfer of Funds

24 F. Budgets

25 G. Sinking Fund Commission

26 SUBCHAPTER A

27 FISCAL POLICY AND SYSTEMS

28 Sec.

29 14901. Functions of county commissioners.

30 14901.1. Billing and collection of third, fourth, fifth, sixth,

1 seventh and eighth class county taxes.
2 14901.2. Collection of tax on real property from rent paid to
3 owner in county of the second class A.
4 14902. Functions of controller.
5 14903. Accounts of officers.
6 14904. Custody of documents.
7 14905. Financial records.
8 14906. Investment of money.
9 § 14901. Functions of county commissioners.

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

13 § 14901.1. Billing and collection of third, fourth, fifth,
14 sixth, seventh and eighth class county taxes.

15 (a) County institution district taxes.--The county
16 commissioners of each county of the third, fourth, fifth, sixth,
17 seventh and eighth class may, by resolution, provide for the
18 billing and collecting of all county and county institution
19 district taxes levied within a third class city and may, in the
20 resolution, vest the county treasurer with the duties and
21 responsibilities of billing and collecting all the taxes. The
22 resolution shall be adopted by the county, and the city
23 treasurer shall be notified of adoption of the resolution no
24 later than the first day for the circulation of nomination
25 petitions for the office of tax collector within the county and
26 shall take effect upon the first day of the next succeeding term
27 of office of tax collector following adoption of the resolution.

28 (b) County taxes.--The county commissioners of each county
29 of the third, fourth, fifth, sixth, seventh and eighth class
30 may, by resolution, provide for the billing and collection of

1 all county taxes in municipalities existing or organized under
2 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and optional
3 plan government) or under the former act of April 13, 1972
4 (P.L.184, No.62), known as the Home Rule Charter and Optional
5 Plans Law, that have eliminated the elective office of tax
6 collector, by the authorities empowered to levy those taxes, and
7 by resolution, vest in the county treasurer the duties and
8 responsibilities of billing and collecting county taxes in those
9 municipalities.

10 (c) Vacancy in office.--Notwithstanding any law to the
11 contrary, if, as a result of a vacancy in the office of elected
12 tax collector in a municipality within a county of the third,
13 fourth, fifth, sixth, seventh or eighth class, an employee or
14 paid official of the municipality is appointed or directed by
15 the governing body of the municipality to assume the duties of
16 tax collector, the county commissioners may, by resolution,
17 provide, until a successor tax collector is elected in
18 accordance with law, for the following:

19 (1) the county treasurer to have the duties and
20 responsibilities of billing and collecting all county and
21 county institution district taxes levied within the
22 municipality;

23 (2) payment to the municipality, rather than the
24 employee or paid official appointed or directed by the
25 governing body of the municipality to assume the duties of
26 tax collector, the compensation that otherwise would be
27 attributable to the billing and collecting of county and
28 county institution district taxes levied within the
29 municipality; or

30 (3) an agreement with the tax collector in an adjoining

1 or conveniently located municipality to assume the duties of
2 the tax collector and receive the compensation that otherwise
3 would be attributable to the billing and collecting of county
4 and county institution district taxes levied within the
5 municipality.

6 (d) Duties passing to county treasurer.--Notwithstanding any
7 law to the contrary, if, as a result of a vacancy in the office
8 of elected tax collector in a municipality, the county treasurer
9 is appointed or directed by the county commissioners to bill and
10 collect all county and county institution district taxes within
11 the municipality, the governing body of the municipality and the
12 county commissioners may, by agreement, provide that the county
13 treasurer shall have the duties and responsibilities of billing
14 and collecting all taxes levied by the municipality in
15 accordance with section 4.4 of the act of May 25, 1945
16 (P.L.1050, No.394), known as the Local Tax Collection Law.

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

20 (f) Compensation.--

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

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

30 (3) If the county treasurer is designated as the

1 collector of the county and county institution district
2 taxes, the county treasurer may not receive added
3 compensation for performing these functions.

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

6 § 14901.2. Collection of tax on real property from rent paid to
7 owner in county of the second class A.

8 (a) Rental income.--If the owner of residential or
9 commercial real property that is located in a county of the
10 second class A and subject to a claim owed to the county under
11 the act of May 16, 1923 (P.L.207, No.153), referred to as the
12 Municipal Claim and Tax Lien Law, derives any rental income from
13 the property, the county treasurer shall notify the property
14 owner in writing of the property owner's duty to remit the
15 rental income to the office of the county treasurer. The rent
16 remitted shall be applied to the amount of tax owed to the
17 county, with any interest or penalties due, until the claim is
18 paid in full.

19 (b) Notice.--The notice under subsection (a) shall include
20 the amount of the claim on the property, including interest and
21 penalties, and each date the rental income is to be remitted.
22 If, after 15 days of the date or dates specified in the notice,
23 the property owner fails to remit the rental income, the county
24 may immediately begin the judicial sale process under the
25 Municipal Claim and Tax Lien Law.

26 § 14902. Functions of controller.

27 (a) Duties.--

28 (1) Subject to the power and duty of the county
29 commissioners to manage and administer the fiscal affairs of
30 the county, the controller shall supervise the fiscal affairs

1 of the county, including the related accounts and official
2 acts of all officers or other persons who shall collect,
3 receive, hold or disburse or be charged with the management
4 or custody of the public assets of the county. The
5 discretionary powers of the controller shall be applicable to
6 matters or official acts involving the accounts and
7 transactions of officers or other persons of the county,
8 including those indicated in section 14905 (relating to
9 financial records). The discretionary policies of the
10 controller shall not be applicable to the establishment and
11 adoption of the fiscal policies of the county commissioners.

12 (2) The following shall apply:

13 (i) The controller may only refuse to authorize any
14 fiscal transaction which is, by law, subject to the
15 controller's supervision or control where it appears that
16 the transaction is not authorized by law, or has not been
17 undertaken according to law, or has not received approval
18 according to law, or as to which the controller desires
19 upon reasonable grounds to investigate for or has already
20 discovered any fraud, flagrant abuse of public office or
21 any criminal act or neglect of any officer or other
22 person of the county relating to their public accounts
23 and transactions.

24 (ii) The controller may at any time require from any
25 officer or other person, in writing, an account of all
26 assets which may have come into the officer's or person's
27 control.

28 (iii) Immediately on the discovery of any default or
29 delinquency, the controller shall report the discovery to
30 the county commissioners and the district attorney of the

1 county for prosecution as may be warranted and shall take
2 immediate measures to secure the public assets.

3 (b) Report of audit.--Under subsection (a), the county
4 commissioners, for the purpose of meeting Federal or State
5 requirements, may issue a request for proposals for and contract
6 with an independent certified public accountant or employ a
7 public accountant for the purpose of preparing or conducting a
8 report or audit of the fiscal affairs of the county, independent
9 of or in addition to, the audit conducted by the county
10 controller or auditors. The controller shall be afforded an
11 opportunity to comment on the request for proposals prior to
12 issuance and the contract prior to execution. The contracts
13 shall supplement, but not replace, the official acts and audits
14 of the controller.

15 § 14903. Accounts of officers.

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

23 (b) Information regarding financial institutions.--

24 (1) The controller shall have the power and authority to
25 require each and every county officer to make a quarterly
26 statement with respect to money in the officer's possession
27 or control as a county officer, showing the amount of cash on
28 hand and the amount deposited in banks, banking institutions
29 and trust companies, together with the names of the
30 institutions.

1 (2) The controller shall have power to examine every
2 account under paragraph (1) of each and every county officer
3 in any bank, banking institution or trust company to verify
4 the accuracy of the statement of the county officer.

5 (3) Each bank, banking institution or trust company, its
6 officers and agents shall furnish full information to the
7 controller in relation to the account of the county officer.

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

13 § 14904. Custody of documents.

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

27 § 14905. Financial records.

28 The following shall apply:

29 (1) The controller shall maintain a full and regular set
30 of financial records, including the general ledger, in

1 electronic form or otherwise, which support financial
2 statements in accordance with generally accepted accounting
3 principles of all the fiscal operations of the county,
4 embracing as many accounts, under appropriate titles, to:

5 (i) meet Federal and State reporting requirements;

6 and

7 (ii) show distinctly and separately the following
8 classified by reference to the subject matter:

9 (A) property of the county;

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

11 (C) all debts and accounts due by the county
12 officers or others;

13 (D) the amount raised from each source of
14 revenue; and

15 (E) expenditures in detail.

16 (2) The controller shall select and administer the form
17 and manner of maintaining the official financial records in
18 connection with the fiscal affairs of the county.

19 (3) If the controller prescribes a change in the form
20 and manner of maintaining the official financial records, any
21 costs necessary for implementation shall be subject to the
22 approval of the county commissioners.

23 (4) In counties without a controller, the requirements
24 of this section shall be fulfilled by the office of the
25 county commissioners.

26 § 14906. Investment of money.

27 (a) Investment standards.--

28 (1) Subject to subsection (b)(1) and any conditions and
29 limitations in this chapter, in counties of the second class
30 A, the county treasurer shall have the power to invest and

1 reinvest the money of the general fund and special funds as
2 have accumulated beyond the ordinary needs of the various
3 funds, and which are not authorized by law to be invested by
4 any board, commission or county officer, consistent with
5 sound business practice, subject, however, to the exercise of
6 that degree of judgment, skill and care under the
7 circumstances then prevailing which persons of prudence,
8 discretion and intelligence, who are familiar with the
9 matters, exercise in the management of their own affairs not
10 in regard to speculation, but in regard to the permanent
11 disposition of the funds, considering the probable income to
12 be derived therefrom as well as the probable safety of their
13 capital.

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

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

30 (1) In counties of the second class A, a board of

1 investment is created. The board shall be composed of the
2 treasurer, who shall chair the board, the chairperson of the
3 county commissioners and the controller. The board shall
4 provide for an investment program, including temporary
5 investments, subject to restrictions contained in this part
6 and in any other applicable statute and any rules and
7 regulations adopted by the board. County boards, commissions
8 or other county officers authorized to make investments under
9 subsection (a) (1) shall make investments in conformity with
10 the board's investment program.

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

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

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

28 (1) Obligations of:

29 (i) the United States or any of its agencies or
30 instrumentalities backed by the full faith and credit of

1 the United States, including United States Treasury
2 bills;

3 (ii) the Commonwealth or any of its agencies or
4 instrumentalities backed by the full faith and credit of
5 the Commonwealth; or

6 (iii) a political subdivision of the Commonwealth or
7 any of its agencies or instrumentalities backed by the
8 full faith and credit of the political subdivision.

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

19 (3) Shares of an investment company registered under the
20 Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. §
21 80a-1 et seq.), whose shares are registered under the
22 Securities Act of 1933 (48 Stat. 74, 15 U.S.C. § 77a et
23 seq.), if the only investments of the company are in the
24 authorized investments for county money in paragraphs (1) and
25 (2) and:

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

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

30 (4) Certificates of deposit purchased from institutions

1 insured by the Federal Deposit Insurance Corporation or the
2 National Credit Union Share Insurance Fund to the extent that
3 the accounts are insured, and, for any amounts above the
4 insured maximum, if approved collateral as provided by law is
5 pledged by the depository. In addition to the
6 collateralization requirements, the following limitations
7 shall apply:

8 (i) Certificates of deposit purchased from
9 commercial banks shall be limited to an amount equal to
10 20% of a bank's total capital and surplus.

11 (ii) Certificates of deposit purchased from savings
12 and loan associations or savings banks shall be limited
13 to an amount equal to 20% of an institution's assets
14 minus liabilities.

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

18 (d) Limitation on certain officials.--Officials, as
19 authorized in subsection (a)(1) or (2), may not have invested in
20 negotiable certificates of deposit, bankers' acceptances or
21 commercial paper, respectively, as authorized by the act of July
22 25, 1973 (P.L.217, No.53), more than an aggregate of the total
23 sum as the investment policy of the board of investment or the
24 county commissioners has prescribed.

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

28 (1) Permit assets pledged as collateral under subsection
29 (c)(2) to be pooled in accordance with the act of August 6,
30 1971 (P.L.281, No.72), entitled "An act standardizing the

1 procedures for pledges of assets to secure deposits of public
2 funds with banking institutions pursuant to other laws;
3 establishing a standard rule for the types, amounts and
4 valuations of assets eligible to be used as collateral for
5 deposits of public funds; permitting assets to be pledged
6 against deposits on a pooled basis; and authorizing the
7 appointment of custodians to act as pledgees of assets,"
8 relating to pledges of assets to secure deposits of public
9 money.

10 (2) Combine money from more than one fund under county
11 control for the purchase of a single investment, if each of
12 the funds combined are accounted for separately in all
13 respects and that the earnings from the investment are
14 separately and individually computed and recorded and
15 credited to the accounts from which the investment was
16 purchased.

17 (3) Join with one or more other political subdivisions
18 and municipal authorities in accordance with 53 Pa.C.S. Ch.
19 23 Subch. A (relating to intergovernmental cooperation) in
20 the purchase of a single investment, if the requirements of
21 paragraph (2) on separate accounting of individual funds and
22 separate computation, recording and crediting of the earnings
23 from the funds are adhered to.

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

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

30 (f) Income earned.--All income earned on an investment shall

1 inure to the benefit of the county and shall be placed in the
2 county general fund except as otherwise directed by the county
3 commissioners or restricted by law.

4 SUBCHAPTER B

5 ACCOUNTS, AUDITS AND REPORTS

6 BY CONTROLLER OR AUDITORS

7 Sec.

8 14920. Settlement of accounts, report to common pleas,
9 publications and financial report.

10 14920.1. Audit of additional accounts.

11 14921. (Reserved).

12 14922. (Reserved).

13 14922.1. (Reserved).

14 14923. (Reserved).

15 14924. (Reserved).

16 14924.1. Audit of insurance and escrow accounts.

17 14925. Power of subpoena and attachment.

18 14926. Power to administer oaths.

19 14927. Refusal to obey subpoena or submit to examination.

20 14928. Witness fees.

21 14929. Settlement of accounts on extraneous proof.

22 14930. Filing reports.

23 14931. Appeals from reports.

24 14932. Form of issue on appeals.

25 14933. Allowance of attorney fees.

26 14934. (Reserved).

27 14935. (Reserved).

28 14936. (Reserved).

29 14937. (Reserved).

30 14938. (Reserved).

1 14939. (Reserved).

2 § 14920. Settlement of accounts, report to common pleas,
3 publications and financial report.

4 (a) Reports and audit, settlement and adjustment of
5 accounts.--

6 (1) At the end of each fiscal year, the controller or
7 auditors, as the case may be, shall complete the audit,
8 settlement and adjustment of the accounts of all county
9 officers.

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

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

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

28 (2) The entire report, which shall include a concise
29 summary, shall be available for public inspection in the
30 office of the controller or auditors during regular business

1 hours and on the official publicly accessible Internet
2 website of the county.

3 (3) The report may also be published in printed
4 pamphlets at the cost of the county. The number and cost of
5 the pamphlets shall be determined by the controller or
6 auditors and the county commissioners with consideration of
7 current budget allocations.

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

16 (d) Penalty.--A controller or auditor refusing or neglecting
17 to file a report with the Department of Community and Economic
18 Development as required by this section commits a summary
19 offense and, upon conviction in a proceeding brought at the
20 instance of the department, shall be sentenced to pay a fine of
21 \$5 for each day's delay beyond July 1 and costs. All fines
22 recovered shall be for the use of the Commonwealth.

23 § 14920.1. Audit of additional accounts.

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

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

30 (2) Money appropriated by the county to units of the

1 Pennsylvania National Guard.

2 (3) Each magistrate or district justice within the
3 county and report the results of the audits to the county
4 commissioners, the Auditor General and the governing body of
5 each political subdivision that is entitled or has a right to
6 receive money collected by the magistrate or district
7 justice.

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

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

21 (b) Taxes, penalties, fines and costs.--All taxes,
22 penalties, fines and costs collected by the county treasurer and
23 belonging to a taxing district shall be entered and carried in
24 the records of the county in the same manner as county money and
25 shall be audited in a similar manner. When the taxes, penalties,
26 fines or costs are paid to the taxing district entitled to them,
27 as provided by law, payments shall be made on voucher checks in
28 the same manner as payments are made of county money.

29 § 14921. (Reserved).

30 § 14922. (Reserved).

1 § 14922.1. (Reserved).

2 § 14923. (Reserved).

3 § 14924. (Reserved).

4 § 14924.1. Audit of insurance and escrow accounts.

5 For the purposes of this part relating to the auditing of
6 accounts and the purchasing of insurance, money held by any
7 county official in escrow shall be deemed the same as county
8 money or public money.

9 § 14925. Power of subpoena and attachment.

10 (a) Subpoena and power to compel.--The controller or
11 auditors may issue a subpoena to obtain the attendance of an
12 officer whose accounts the controller or auditors are required
13 to adjust, including an executor or administrator of the
14 officer, and of any person whom it may be necessary to examine
15 as a witness and to compel:

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

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

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

25 § 14926. Power to administer oaths.

26 (a) Power.--The controller or auditors may administer oaths
27 and affirmations to each person brought or appearing before the
28 controller or auditors, whether accountants, witnesses or
29 otherwise.

30 (b) Penalty.-- A person swearing or affirming falsely on

1 examination commits perjury.

2 § 14927. Refusal to obey subpoena or submit to examination.

3 A person commits a misdemeanor for any of the following:

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

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

8 (3) After having been sworn or affirmed, refusing to
9 answer questions of the controller or auditors relating to
10 the public accounts or the official conduct of public
11 officers.

12 § 14928. Witness fees.

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

20 § 14929. Settlement of accounts on extraneous proof.

21 If any person in possession of books, vouchers or papers
22 relative to public accounts before the controller or auditors
23 refuses to produce the documents, or if any officer whose
24 accounts are to be settled and adjusted by the controller or
25 auditors refuses to attend or submit to examination, the
26 auditors or controller shall proceed, by the examination of
27 witnesses and other evidence, to ascertain and settle the amount
28 of public money received by the officer and its application to
29 public purposes.

30 § 14930. Filing reports.

1 (a) Filing among court records.--The reports of the
2 controller or auditors shall be filed among the records of the
3 court of common pleas of the county.

4 (b) Surcharge.--The amount of any balance or shortage or of
5 any expenditure of a kind, or made in a manner prohibited or not
6 authorized by statute which causes a financial loss to the
7 county shall be a surcharge against any officer against whom the
8 balance or shortage appears or against whom by vote, act or
9 neglect permitted or approved the expenditure. The following
10 apply:

11 (1) An elected or appointed official of a county shall
12 not be surcharged for an act, error or omission in excess of
13 the actual financial loss sustained by the county.

14 (2) The imposition of a surcharge shall take into
15 consideration as its basis the results of the act, error or
16 omission and the results had the procedure been conducted
17 strictly according to law.

18 (3) The provisions limiting the amount of any surcharge
19 shall not apply to:

20 (i) Cases involving fraud or collusion on the part
21 of officers.

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

24 (c) Judgment and execution on judgment.--

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

30 (2) The Commonwealth or the county, as the case may be,

1 may execute a final judgment under this section against the
2 property of the defaulting officer in accordance with law and
3 rule of court.

4 § 14931. Appeals from reports.

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

7 (1) the Commonwealth;

8 (2) the county;

9 (3) the officer; or

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

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

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

13 (i) The Commonwealth within four months after the
14 filing of the report.

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

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

22 (i) If the appellant is a taxpayer, by the appellant
23 if the appellant fails to obtain a final decision more
24 favorable to the Commonwealth or county than that awarded
25 by the controller or auditors in the case.

26 (ii) If the appellant is an officer, by the
27 appellant if the appellant fails to obtain a final
28 decision more favorable to the officer than that awarded
29 by the controller or auditors.

30 (3) Unless the bond is filed as required under this

1 section, the court of common pleas, upon application, shall
2 set aside the appeal.

3 (c) Validity and payment.--

4 (1) Upon appeal to the court of common pleas, the
5 controller or auditors shall be required to establish the
6 validity of the surcharge and shall establish the loss
7 sustained to the county.

8 (2) If the surcharge is upheld on appeal to the court of
9 common pleas, the officer surcharged shall immediately pay
10 the actual loss of costs and money due to the county.

11 § 14932. Form of issue on appeals.

12 The courts of common pleas shall direct the form in which the
13 issues shall be entered in all appeals from the reports of the
14 county controller or auditors. The issues shall be tried by a
15 jury or may be submitted to reference and arbitration in the
16 manner and subject to the proceedings provided by law.

17 § 14933. Allowance of attorney fees.

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

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

25 (2) For an appeal taken by the Commonwealth, the county
26 or taxpayers, if the court's final determination is more
27 favorable to the Commonwealth or county than that awarded by
28 the controller or auditors, the officer who is the subject of
29 the surcharge proceeding shall pay reasonable attorney fees,
30 except under paragraph (3).

1 14950. Claims against county.
2 14951. Procedure for approval.
3 14952. Claims not approved by controller.
4 14953. Reports to county commissioners.
5 14954. Fees of witnesses and jurors.

6 § 14950. Claims against county.

7 (a) General duties.--The controller or the county
8 commissioners in counties without a controller shall scrutinize,
9 audit and decide on all bills, claims or demands whatsoever,
10 against the county, except as otherwise provided in this
11 subchapter.

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

13 (1) All persons with a claim shall first present the
14 claim to the controller or the county commissioners and, if
15 required, make oath or affirmation before the controller or
16 county commissioners to the accurateness of the claims.

17 (2) The controller or the county commissioners may
18 require evidence by oath or affirmation of the claimant that
19 the claim is legally due and that the supplies or services
20 for which payment is claimed have been furnished or performed
21 under legal authority.

22 (c) Conflict of interest.--

23 (1) The controller or county commissioners may inquire
24 or ascertain if:

25 (i) Any officer or agent of the county:

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

28 (B) has received or is to receive any
29 commission, consideration or gratuity relating
30 thereto.

1 (ii) There has been any evasion of the provisions of
2 this part by making two or more contracts for small
3 amounts which should have been in one.

4 (2) Except as provided under section 15106 (relating to
5 conflicts of interest prohibited), if the controller or
6 county commissioners find that an officer or agent has a
7 conflict of interest under paragraph (1) or that there has
8 been any evasion by the officer or agent, the controller or
9 county commissioners shall refuse to approve the claim.

10 § 14951. Procedure for approval.

11 (a) Counties with controller.--In counties having a
12 controller:

13 (1) The controller shall date, upon receipt, all bills,
14 claims and demands that the controller approves and shall
15 forward the bills, claims or demands along with checks to the
16 county commissioners for approval or, if already approved by
17 the county commissioners, for signatures under this section.

18 (2) If the county commissioners approve payment of a
19 bill, claim or demand, at least two county commissioners
20 shall sign the check as properly drawn upon the county
21 treasury. In these cases facsimiles of the signatures of the
22 county commissioners may be used.

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

26 (4) The county treasurer shall sign the check as the
27 treasurer's draft upon the county treasury, but the treasurer
28 shall not sign a check that is not already signed by the
29 county commissioners and the controller.

30 (5) Every check issued shall include reference to the

1 corresponding bill, claim or demand as well as the number or
2 numbers which may be put upon it by the county treasurer.

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

7 (b) Counties without controller.--In counties without a
8 controller:

9 (1) The county commissioners shall approve each
10 transaction.

11 (2) The check shall be drawn by the chief clerk who
12 shall keep files of the bills, claims or demands.

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

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

20 (c) Filing.--In all cases, the canceled checks or official
21 bank record shall be filed in the office of the county
22 treasurer, but the treasurer shall transmit, at times the
23 controller shall establish, a list of all checks paid from the
24 county treasury not previously transmitted, along with
25 appropriate identification.

26 (d) Facsimile signature.--The county treasurer and the
27 controller in counties with a controller may use a facsimile
28 signature on a check which the county treasurer and controller
29 are required to sign.

30 (e) Effect of section.--Nothing in this section shall

1 preclude the receipt or transfer of money to or from the county,
2 or payment of a bill, claim or demand, by electronic fund
3 transfer if adequate and recognized fiscal and procedural
4 controls, together with proper system security, are in place.
5 § 14952. Claims not approved by controller.

6 If, upon receipt, the controller does not approve a claim,
7 bill or demand, the controller shall within 15 days forward the
8 claim, bill or demand to the county commissioners, together with
9 notice that the controller has disapproved the claim, bill or
10 demand or is unable to approve the claim, bill or demand and the
11 reasons for the disapproval. The county commissioners shall
12 consider the claim, bill or demand and, if the county
13 commissioners consider that the claim, bill or demand should be
14 paid by the county, the county commissioners shall notify the
15 controller. If the controller continues to refuse approval, no
16 payment shall be made by the county except under an order of
17 court upon a proper issue directing the controller to approve
18 payment.

19 § 14953. Reports to county commissioners.

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

25 § 14954. Fees of witnesses and jurors.

26 Fees of witnesses and jurors shall be ascertained by the
27 courts of the county entered upon the records and duly certified
28 by the respective clerks to the county commissioners being first
29 sworn to or affirmed before the controller or the chief clerk of
30 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 county.

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

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

(1) be serially numbered; and

(2) indicate:

(i) the amount of money received;

(ii) the payor;

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

(iv) the date.

(d) Disbursals.--The treasurer shall keep daily records of disbursals from the county treasury and shall forward daily records to the controller or the county commissioners in

1 counties without a controller.

2 (e) Account information.--The controller, or the chief clerk
3 of the county commissioners in counties without a controller,
4 may review depository account information upon request from the
5 county depository, without prejudice to the depositories, of the
6 money deposited in the name of the county by the treasurer.

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

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

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

14 (g) Annual statements.--The treasurer shall state the
15 accounts at the end of each fiscal year. The statement shall be
16 examined by the county commissioners and delivered by the
17 commissioners to the county auditors for settlement.

18 § 14961. (Reserved).

19 § 14962. Depositories.

20 (a) Designation.--The county commissioners and the county
21 treasurer shall designate by resolution one or more depositories
22 for county money. The depositories shall be banks, banking
23 institutions or trust companies located in this Commonwealth.

24 (b) Collateral.--

25 (1) A depository designated under subsection (a) shall,
26 upon receipt of notice of its designation, collateralize
27 deposits of public money in accordance with the act of August
28 6, 1971 (P.L.281, No.72), entitled "An act standardizing the
29 procedures for pledges of assets to secure deposits of public
30 funds with banking institutions pursuant to other laws;

1 establishing a standard rule for the types, amounts and
2 valuations of assets eligible to be used as collateral for
3 deposits of public funds; permitting assets to be pledged
4 against deposits on a pooled basis; and authorizing the
5 appointment of custodians to act as pledgees of assets," by
6 pledging collateral in an account in the name of the county
7 or utilizing a letter of credit from the Federal Home Loan
8 Bank to secure public deposits in excess of Federal Deposit
9 Insurance Corporation insurance limits. The depository shall
10 provide a monthly report within 15 days after the end of each
11 month to the county commissioners in accordance with the
12 reporting requirements under the act of August 6, 1971
13 (P.L.281, No.72), including the composition of the collateral
14 and related market value.

15 (2) A county may elect to require that a depository
16 pledge collateral in an account in the name of the county to
17 collateralize deposits above the Federal Deposit Insurance
18 Corporation insurance limit. These accounts may be in the
19 custody of the depository's trust department or at a third-
20 party financial institution. The arrangement with the
21 depository may be governed by a written agreement, approved
22 by the board of directors or loan committee of the
23 depository, with approval reflected in the minutes of the
24 board or committee, which are kept continuously as an
25 official record of the depository. The agreement shall
26 include all of the following if collateral is pledged instead
27 of a Federal Home Loan Bank letter of credit:

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

29 (ii) Collateral shall be in investments as
30 prescribed in the investment program provided by the

1 board of investment or the county commissioners.

2 (iii) If the financial institution serves as the
3 custodian, the pledged collateral shall be held in a
4 separate account, established under the act of August 6,
5 1971 (P.L.281, No.72), in the depository's trust
6 department.

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

10 (v) A monthly report shall be provided as specified
11 in paragraph (1).

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

15 (c) Deposits.--The county treasurer shall, upon the
16 designation of the depository, immediately transfer all county
17 money to be deposited and shall thereafter keep deposits solely
18 in the depository in the name of the county.

19 (d) Withdrawals.--Withdrawals from the depository shall be
20 only drawn by the treasurer upon properly authorized checks or
21 by other commercially accepted methods of electronic funds
22 transfer that have been specifically approved by the county
23 commissioners.

24 (e) Loss of county money.--No county commissioner or
25 treasurer complying with this chapter, or their surety, may be
26 charged with losses of county money caused by the failure or
27 negligence of the depository.

28 § 14963. (Reserved).

29 § 14964. (Reserved).

30 SUBCHAPTER E

1 COUNTY TAXATION, BORROWING AND

2 TRANSFER OF FUNDS

3 Sec.

4 14970. Tax levies.

5 14971. Additions and revisions to duplicates.

6 14972. (Reserved).

7 14973. (Reserved).

8 14974. Temporary loans.

9 14975. Transfer of certain money into general fund of county.

10 14976. Supplemental appropriations, transfers of money and
11 appropriation limits.

12 14977. Banks authorized to receive taxes in counties of the
13 second class A.

14 § 14970. Tax levies.

15 (a) Rate.--The county commissioners shall fix, by
16 resolution, the rate of taxation for each year. A tax may not be
17 levied under this subsection on personal property taxable for
18 county purposes if the rate of taxation is fixed by law other
19 than at the rate fixed under this subsection. The following
20 shall apply:

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

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

29 (3) If the rate is fixed in mills, in fixing the rate of
30 taxation, the county commissioners shall include in the

1 resolution a statement expressing the rate of taxation in
2 dollars and cents on each \$100 of assessed valuation of
3 taxable property.

4 (b) Payments.--The tax levied in counties of the second
5 class A shall be for the purpose of creating a general fund to
6 pay expenses incurred for general county purposes, for the
7 payment of the matters connected with roads under section 16907
8 (relating to annual tax), for the payment of the matters
9 connected with parks and related matters under section 16507
10 (relating to payment of expenses, taxation, annual fairs and
11 State contributions).

12 (c) Other taxes.--The county commissioners in counties of
13 the second class A shall have the power to levy a tax for
14 institution district purposes and for the payment of the
15 obligations of the predecessor poor districts on real estate,
16 trades, occupations and professions, in the same manner and at
17 the same time as county taxes and annual taxes to pay the
18 current expense of the institution district, none of which may
19 exceed 15 mills on the dollar of the last adjusted assessed
20 valuation for county purposes.

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

24 (e) Limitations.--A tax for general county purposes in a
25 county of the third, fourth, fifth, sixth, seventh or eighth
26 class, exclusive of the requirements for the payment of rentals
27 to any municipal authority, may not in any one year exceed the
28 rate of 25 mills on every dollar of the adjusted valuation,
29 unless the county commissioners by majority action shall, upon
30 due cause shown by resolution, petition the court of common

1 pleas, in which case the court may order a rate of not more than
2 an additional five mills to be levied. The following shall
3 apply:

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

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

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

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

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

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

29 (h) Third, fourth, fifth, sixth, seventh or eighth class
30 counties.--A tax may not be levied and collected for county

1 purposes on offices and posts of profits or on professions,
2 trades and occupations at the same time during which a per
3 capita tax on persons is levied and collected for county
4 purposes. The following shall apply:

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

8 (2) A county may, by ordinance or resolution, exempt an
9 individual whose total income from all sources is less than
10 the dollar amount per annum as provided in section 301.1(b)
11 of the act of December 31, 1965 (P.L.1257, No.511), known as
12 The Local Tax Enabling Act, from any per capita tax levied
13 under this part.

14 § 14971. Additions and revisions to duplicates.

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

25 (b) Notice of the reassessments.--Notice of the
26 reassessments shall be given in accordance with 53 Pa.C.S. §
27 8841(c) (relating to assessment roll and interim revisions) to
28 the authority responsible for assessments, the county
29 commissioners and the property owner and the following shall
30 apply:

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

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

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

12 (4) If an assessment is made for a portion of a year
13 under this section, the assessment shall be added to the
14 duplicate of the following or succeeding year unless the
15 value of the improvements has already been included in the
16 duplicate.

17 § 14972. (Reserved).

18 § 14973. (Reserved).

19 § 14974. Temporary loans.

20 If the money of a county has been exhausted, the county
21 commissioners may borrow money in anticipation of taxes to be
22 collected for the current fiscal year in accordance with 53
23 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and
24 borrowing), payable on a certain date, not later than the last
25 day of the fiscal year in which the tax anticipation note is
26 issued.

27 § 14975. Transfer of certain money into general fund of county.

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

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

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

8 § 14976. Supplemental appropriations, transfers of money and
9 appropriation limits.

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

11 (1) By resolution, make supplemental appropriations for
12 a lawful purpose from money on hand or estimated to be
13 received within the fiscal year and not otherwise
14 appropriated. This paragraph includes proceeds of borrowing
15 authorized by law.

16 (2) Authorize the transfer of:

17 (i) The unencumbered balance of an appropriation
18 item or any portion of the balance.

19 (ii) The unencumbered balance or any portion of the
20 balance within a fund from one spending agency to
21 another.

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

23 (i) authorize the transfer of the unencumbered
24 balance or any portion of the balance in a county fund to
25 a fund of the institution district; and

26 (ii) reappropriate the transferred money to the
27 institution district.

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

1 (1) Hiring work to be done.

2 (2) Purchasing materials.

3 (3) Making a contract.

4 (4) Issuing a payment order.

5 § 14977. Banks authorized to receive taxes in counties of the
6 second class A.

7 (a) Scope of section.--This section applies to counties of
8 the second class.

9 (b) Designation.--The county commissioners, the county
10 treasurer and the county controller may designate any bank,
11 savings bank, bank and trust company, trust company or national
12 banking association, located within the county as a deputy
13 county tax collector for the sole purpose of receiving and
14 receipting for county taxes paid to the deputy county tax
15 collector at the collector's place of business.

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

20 (d) Security.--Before entering upon the duties of receiving
21 and receipting for taxes, an institution shall post security in
22 an amount as determined by the county commissioners, the county
23 treasurer and the county controller, to ensure the faithful
24 performance of duties and the remission of taxes and money
25 received.

26 (e) Functions.--A deputy county tax collector shall, within
27 five days after the last day of each calendar month, transmit to
28 the county tax collector all money received by it as the deputy
29 during the preceding month. The payment shall be accompanied by
30 an itemized statement identifying:

1 (b) Preparation of proposed budget.--At least 90 days prior
2 to adopting the budget, the county commissioners shall begin the
3 preparation of the proposed budget for the succeeding fiscal
4 year. The budget may be prepared based upon information
5 collected and transmitted by the controller as provided under
6 subsection (c) or by the county commissioners, a finance
7 department or a designated person employed and qualified by the
8 county commissioners.

9 (c) Budget information.--At the request of the county
10 commissioners, but in no case less than 60 days prior to
11 adoption of the budget by the commissioners, the controller
12 shall prepare and transmit to the commissioners:

13 (1) A comparative statement of revenues for the current
14 and immediately preceding fiscal year and a comparative
15 statement of expenditures, including interest due and to
16 become due on the lawful interest-bearing debts of the county
17 for the same years. In counties in which the controller is a
18 participant in the development of the budget, the controller
19 shall also include balances projected for the close of the
20 current fiscal year.

21 (2) The amounts of the appropriation requests, submitted
22 to the controller or to the county commissioners and supplied
23 by the county commissioners to the controller, from the
24 county offices and agencies, including estimates of
25 expenditures contemplated by the county commissioners as
26 forwarded by the county commissioners to the controller.

27 (d) Form.--The information requested by the county
28 commissioners under subsection (b) or (c) shall be in the form
29 requested by the commissioners or on forms furnished by the
30 Department of Community and Economic Development under this

1 subchapter. With this information as a guide, the county
2 commissioners shall, within a reasonable time, begin the
3 preparation of a proposed budget for the succeeding fiscal year.

4 § 14981. (Reserved).

5 § 14982. Adoption of budget, publication of proposed budget and
6 notice of final action date.

7 (a) Publication of proposed budget and adoption of budget.--

8 The proposed budget shall be prepared and adopted as follows:

9 (1) The public shall be given notice by publication in
10 one newspaper of general circulation at least 20 days before
11 the date set for the adoption of the budget that the proposed
12 budget is available for public inspection. The notice shall
13 contain the date set for the adoption of the budget and the
14 manner in which the proposed budget has been made available
15 for public inspection.

16 (2) The budget shall be adopted on or before December
17 31.

18 (b) Revision of proposed budget.--If any revision of the
19 proposed budget is made after the budget has been published
20 under subsection (a) which would increase the estimated
21 expenditures in the adopted budget by more than 10% in the
22 aggregate over the proposed budget as made available for public
23 inspection, the revised budget may not be adopted with any
24 increases unless the budget is made available for public
25 inspection and for protest of any increases for a period of at
26 least 10 days after notice to that effect is published.

27 § 14982.1. Amended budget and notice.

28 (a) Amended budget.--During the month of January next
29 following a municipal election, the county commissioners may
30 amend the budget and the levy and tax rate to conform with the

1 amended budget.

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

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

11 § 14982.2. Delivery of tax duplicates.

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

16 (b) Alternative delivery date.--Notwithstanding the
17 provisions of subsection (a), the county commissioners shall
18 have the option to prepare and deliver the duplicates of taxes
19 assessed to the respective tax collectors, together with the
20 warrant for collection no later than the final date for a school
21 district to prepare and deliver the duplicates for school real
22 estate taxes under section 682 of the act of March 10, 1949
23 (P.L.30, No.14), known as the Public School Code of 1949, if the
24 county commissioners:

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

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

29 § 14982.3. Amending budget, levy and tax rate, revising tax
30 duplicates and filing.

1 At any time prior to the time tax duplicates are sent by the
2 county in any year, the county commissioners may amend the
3 budget and the levy and tax rate and revise the tax duplicate to
4 conform with its amended budget if the county receives
5 unanticipated revenues that may be expended during the county's
6 fiscal year that may enable the county commissioners to reduce
7 the levy and tax rate to conform with its amended budget.

8 § 14983. Annual budget appropriations and tax rate.

9 The budget shall reflect as nearly as possible the estimated
10 revenues and expenditures for the year for which the budget is
11 prepared. Upon adopting the budget, the county commissioners
12 shall:

13 (1) adopt the appropriation measures required to put the
14 budget into effect; and

15 (2) fix the rate of taxation upon the valuation of the
16 property taxable for county purposes that, together with the
17 other estimated revenues of the county, excluding operating,
18 capital and other reserve funds, raise a sufficient sum to
19 meet the expenditures.

20 § 14984. (Reserved).

21 § 14984.1. Taking of money and property.

22 The county commissioners may take by gift, grant, devise or
23 bequest any money or property, real, personal or mixed, for the
24 benefit of the county.

25 § 14984.2. Capital reserve fund for anticipated capital
26 expenditures.

27 (a) Capital reserve fund.--The county commissioners shall
28 have the power to create and maintain a separate capital reserve
29 fund for anticipated legal capital expenditures. Money in the
30 fund shall be used for the construction, purchase or replacement

1 of or addition to county buildings, equipment, machinery, motor
2 vehicles or other capital assets of the county.

3 (b) Deposits.--The county commissioners may annually
4 appropriate money from the general county fund, not to exceed
5 10% of a county's operating budget, to be paid into the capital
6 reserve fund or place in the fund any money received from the
7 sale, lease or other disposition of county property or from any
8 other source unless received or acquired for a particular
9 purpose.

10 (c) Administration of fund.--The fund shall be controlled,
11 invested, reinvested and administered and the money and income
12 from the fund expended for any purpose for which the fund is
13 created, as may be determined by the county commissioners. The
14 money in the fund, when invested, shall be invested in a manner
15 consistent with the provisions of section 14906 (relating to
16 investment of money). This subsection may not be construed to
17 limit the powers of the county to the use of money in the
18 capital reserve fund in making lawful capital expenditures.
19 § 14984.3. Operating reserve fund.

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

- 23 (1) minimize future revenue shortfalls and deficits;
24 (2) provide greater continuity and predictability in the
25 funding of vital government services;
26 (3) minimize the need to increase taxes to balance the
27 budget in times of fiscal distress;
28 (4) provide the capacity to undertake long-range
29 financial planning; and
30 (5) develop fiscal resources to meet long-term needs.

1 (b) Appropriations from general county fund.--The county
2 commissioners may annually make appropriations from the general
3 county fund to the operating reserve fund, but no appropriation
4 may be made to the operating reserve fund if the appropriation
5 would cause the fund to exceed 25% of the estimated revenues of
6 the county's general fund in the current fiscal year.

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

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

12 (2) counterbalance potential budget deficits resulting
13 from shortfalls in anticipated revenues or program receipts
14 from any source;

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

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

23 (d) Administration of fund.--The operating reserve fund
24 shall be invested, reinvested and administered in a manner
25 consistent with the provisions of section 14906 (relating to
26 investment of money).

27 § 14985. Committee to prepare uniform forms.

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

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

4 (2) One member of the Senate and one member of the House
5 of Representatives, who shall be members of the Local
6 Government Commission, appointed by the majority chairperson
7 of the commission.

8 (3) Three representatives from the County Commissioners
9 Association of Pennsylvania.

10 (4) Three representatives from the Pennsylvania State
11 Association of County Controllers.

12 (5) Three representatives from the Pennsylvania State
13 Association of County Auditors.

14 (6) One certified public accountant.

15 (b) Appointment of committee members.--Except for the
16 certified public accountant who shall be appointed by the
17 Governor, the committee members shall be appointed by the
18 president of each organization. For representatives of the
19 county commissioners, one shall be appointed from a county of
20 either the third or fourth class, one from a county of either
21 the fifth or sixth class and one from a county of either the
22 seventh or eighth class. The president of each organization
23 shall supply to the Department of Community and Economic
24 Development the names and addresses of the representatives
25 immediately upon appointment.

26 (c) Reimbursement of expenses.--The representatives shall
27 serve without compensation but shall be reimbursed by the
28 Commonwealth for all necessary expenses incurred while attending
29 meetings of the committee.

30 (d) Meetings.--The committee shall meet at the call of the

1 Secretary of Community and Economic Development or the
2 secretary's designee, who shall serve as chairperson of the
3 committee. The Secretary of Community and Economic Development
4 shall call meetings of the committee at the request of the
5 secretary of any of the associations represented under
6 subsection (a). There shall be at least two weeks' notice to
7 each member of the committee of any meeting.

8 (e) Preparations of forms.--In preparing the uniform forms
9 for annual reports, the committee shall give careful
10 consideration to the differing legal requirements and needs of
11 the counties, producing, if necessary, separate forms for
12 certain classes of counties or groups of classes.

13 (f) Oversight.--The Secretary of Community and Economic
14 Development or the secretary's designee shall ensure that the
15 forms required under this section are prepared in cooperation
16 with the committee. If the committee fails to cooperate, the
17 Secretary of Community and Economic Development or the
18 secretary's designee shall complete the preparation of the
19 forms. The Secretary of Community and Economic Development shall
20 issue and distribute the forms annually, as needed, to the
21 county commissioners, controller or auditors of each county.

22 (g) Changes to forms.--The Secretary of Community and
23 Economic Development shall include within the report forms
24 specified in this section the changes necessitated under this
25 part in regard to property, powers, duties and obligations of
26 institution districts transferred to counties. The committee may
27 not be held responsible for the changes to the forms.

28 (h) Accounting and fiscal practices.--The Secretary of
29 Community and Economic Development shall convene the committee
30 to assist counties in developing appropriate accounting and

1 fiscal practices in compliance with generally accepted
2 accounting principles.

3 SUBCHAPTER G

4 SINKING FUND COMMISSION

5 Sec.

6 14990. Membership.

7 14991. Management of sinking funds.

8 14992. Bonds of county held by commission.

9 14993. Pay off, cancellation, priority and sale of county
10 bonds.

11 14994. (Reserved).

12 14995. Investment of sinking fund money.

13 § 14990. Membership.

14 Each county may establish a sinking fund commission. The
15 sinking fund commission shall be composed of:

16 (1) the county commissioners;

17 (2) the controller, or auditors in counties without a
18 controller; and

19 (3) the treasurer.

20 § 14991. Management of sinking funds.

21 (a) Income.--The sinking fund commission shall annually
22 apply the interest received on sinking fund deposits, the
23 interest received on bonds held in the sinking fund and all
24 other income, if any, from the sinking fund for the purpose of
25 reducing the amount of money required to be paid by the county
26 for sinking fund purposes for the following year, unless the
27 income is necessary to pay the bonds of the county as the bonds
28 mature and become payable. The income and the amount required to
29 be paid by the county for sinking fund purposes shall annually
30 equal the full amount required to be paid for sinking fund

1 purposes to the several sinking funds.

2 (b) Sale of bonds.--The sinking fund commission may,
3 whenever the commission deems necessary and for the best
4 interest of the several sinking funds, sell any bonds held by
5 the commission other than bonds of the county itself.

6 § 14992. Bonds of county held by commission.

7 (a) Bonds generally.--The bonds of the county held by the
8 sinking fund commission shall be stamped in a conspicuous manner
9 to show that the bonds have been purchased for the sinking fund.
10 The bonds may not be reissued or sold.

11 (b) Interest.--The sinking fund commission may not require
12 the county to pay interest on any of the bonds held by the
13 commission, unless the commission deems the payment of interest
14 necessary for the purpose of having adequate money on hand to
15 pay the bonds of the county as the bonds mature and become
16 payable.

17 (c) Cancellation of bonds.--The bonds of the county held by
18 the sinking fund commission shall be canceled immediately upon
19 maturity.

20 § 14993. Pay off, cancellation, priority and sale of county
21 bonds.

22 (a) Pay off and cancellation of bonds.--In order to
23 facilitate the extinguishment of the county debt, the county
24 bonds purchased by the sinking fund commission shall be paid off
25 and canceled according to the priority of maturity. The
26 commission may, at the commission's discretion, withhold the
27 purchase of the maturing county bonds until after bonds
28 purchased from a later issue of county bonds shall be paid off
29 and canceled.

30 (b) Sale of bonds.--If the sinking fund commission does not

1 have sufficient money to meet the payment of the earlier
2 maturing bonds, the bonds shall be sold by the commission at not
3 less than par.

4 § 14994. (Reserved).

5 § 14995. Investment of sinking fund money.

6 The sinking fund commission shall have the power to invest
7 county sinking funds as authorized by the act of July 12, 1972
8 (P.L.781, No.185), known as the Local Government Unit Debt Act,
9 and liquidate the investment, in whole or in part, by disposing
10 of securities or withdrawing money on deposit. Any action taken
11 to make or to liquidate any investment shall be made by the
12 commission.

13 CHAPTER 151

14 CONTRACTS

15 Sec.

16 15100. Contracting.

17 15101. Commissioners sole contractors for county generally.

18 15102. Contract procedures, terms and bonds and advertising for
19 bids.

20 15103. Evasion of advertising requirements.

21 15104. (Reserved).

22 15105. Sales of personal property and surplus farm products.

23 15106. Conflicts of interest prohibited.

24 15107. Application of contract provisions.

25 15107.1. Printing contracts.

26 15107.2. Prohibited contract provisions.

27 § 15100. Contracting.

28 The county commissioners may make contracts for lawful
29 purposes and for executing the provisions of this chapter and
30 the laws of this Commonwealth.

1 § 15101. Commissioners sole contractors for county generally.

2 (a) Contracts for services and personal property.--In
3 counties of the third, fourth, fifth, sixth, seventh or eighth
4 class, the county commissioners shall contract for and purchase
5 the services referred to in section 12508 (relating to office
6 supplies) and personal property for county officers and
7 agencies. A contract and purchase not in excess of the base
8 amount of \$18,500, subject to adjustment under subsection (c),
9 shall be by note or memorandum, in writing, signed by the
10 county commissioners or their designees. A copy of the note and
11 memorandum and the executed written contract, or electronic copy
12 of the executed written contract, shall be filed in the office
13 of the controller, or in a county without a controller, with the
14 chief clerk of the county commissioners.

15 (b) Price quotations.--

16 (1) Except as otherwise provided in section 15102(h)(4)
17 (relating to contract procedures, terms and bonds and
18 advertising for bids), for counties of the third, fourth,
19 fifth, sixth, seventh or eighth class, written or telephonic
20 price quotations from at least three qualified and
21 responsible contractors shall be requested for the contracts
22 in excess of the base amount of \$10,000, subject to
23 adjustment under subsection (c), but less than the amount
24 requiring advertisement and competitive bidding. In lieu of
25 price quotations, a memorandum shall be kept on file showing
26 that fewer than three qualified contractors exist in the
27 market area within which it is practicable to obtain
28 quotations.

29 (2) A written record of telephonic price quotations
30 shall be made and shall contain at least:

- 1 (i) the date of the quotation;
2 (ii) the name of the contractor and the contractor's
3 representative;
4 (iii) the construction, reconstruction, repair,
5 maintenance or work which was the subject of the
6 quotation; and
7 (iv) the price.

8 (3) Written price quotations, written records of
9 telephonic price quotations and memoranda shall be retained
10 for a period of three years.

11 (c) Adjustments to base amounts.--Adjustments to the base
12 amounts specified under subsections (a) and (b) shall be made as
13 follows:

14 (1) The Department of Labor and Industry shall determine
15 the percentage change in the Consumer Price Index for All
16 Urban Consumers: All Items (CPI-U) for the United States City
17 Average as published by the United States Department of
18 Labor, Bureau of Labor Statistics, for the 12-month period
19 ending September 30, 2012, and for each successive 12-month
20 period thereafter.

21 (2) If the department determines that there is no
22 positive percentage change, no adjustment to the base amounts
23 shall occur for the relevant time period provided for in this
24 subsection.

25 (3) If the department determines that there is a
26 positive percentage change in the first year that the
27 determination is made under paragraph (1):

28 (i) the positive percentage change shall be
29 multiplied by each base amount, and the products shall be
30 added to the base amounts, respectively, and the sums

1 shall be preliminary adjusted amounts; and

2 (ii) the preliminary adjusted amounts shall be
3 rounded to the nearest \$100 to determine the final
4 adjusted base amounts for purposes of subsections (a) and
5 (b).

6 (4) In each successive year in which there is a positive
7 percentage change in the CPI-U for the United States City
8 Average:

9 (i) the positive percentage change shall be
10 multiplied by the most recent preliminary adjusted
11 amounts and the products shall be added to the
12 preliminary adjusted amount of the prior year to
13 calculate the preliminary adjusted amounts for the
14 current year; and

15 (ii) the sums shall be rounded to the nearest \$100
16 to determine the new final adjusted base amounts for
17 purposes of subsections (a) and (b).

18 (5) The determinations and adjustments required under
19 this subsection shall be made in the period between October 1
20 and November 15 of the year following November 3, 2011, and
21 annually between October 1 and November 15 of each year
22 thereafter.

23 (6) The final adjusted base amounts and new final
24 adjusted base amounts obtained under paragraphs (3) and (4)
25 shall become effective January 1 for the calendar year
26 following the year in which the determination required under
27 paragraph (1) is made.

28 (7) The department shall transmit notice to the
29 Legislative Reference Bureau for publication in the
30 Pennsylvania Bulletin prior to January 1 of each calendar

1 year of the annual percentage change determined under
2 paragraph (1) and the unadjusted or final adjusted base
3 amounts determined under paragraphs (3) and (4) at which
4 competitive bidding is required under subsection (a) and
5 written or telephonic price quotations are required under
6 subsection (b), respectively, for the calendar year beginning
7 January 1 after publication of the notice. The notice shall
8 include a written and illustrative explanation of the
9 calculations performed by the department in establishing the
10 unadjusted or final adjusted base amounts under this
11 subsection for the ensuing calendar year.

12 (8) The annual increase in the preliminary adjusted base
13 amounts obtained under paragraphs (3) and (4) may not exceed
14 3%.

15 (d) Wholesale purchases.--The county commissioners shall, if
16 possible, anticipate the needs of the various officers, agencies
17 and operations of the county and endeavor to purchase in
18 wholesale quantities, if practicable and if savings could be
19 achieved by wholesale purchase.

20 (e) Purposes of contracts and purchases.--The county
21 commissioners may make contracts and purchases for all purposes
22 expressly or impliedly authorized by law.

23 § 15102. Contract procedures, terms and bonds and advertising
24 for bids.

25 (a) Contract requirements.--A contract for services and
26 personal property in which the base amount of the contract
27 exceeds the sum of \$18,500, subject to adjustment under section
28 15101(c) (relating to commissioners sole contractors for county
29 generally), shall be in writing and shall, except as otherwise
30 specified, be made by advertising for bids.

1 (b) Bids.--

2 (1) Contracts or purchases in excess of the base amount
3 of \$18,500, subject to adjustment under section 15101(c),
4 except those specified in subsection (h) and except as
5 provided by the act of October 27, 1979 (P.L.241, No.78),
6 entitled "An act authorizing political subdivisions,
7 municipality authorities and transportation authorities to
8 enter into contracts for the purchase of goods and the sale
9 of real and personal property where no bids are received,"
10 must be made:

11 (i) with and from the lowest responsible and
12 responsive bidder submitting a bid in conformity with the
13 specifications approved by the county commissioners for
14 the contract or purchase;

15 (ii) after due notice in one newspaper of general
16 circulation, published or circulating in the county:

17 (A) at least two times at intervals of not less
18 than three days where daily newspapers of general
19 circulation are employed for such publication; or

20 (B) once a week for two successive weeks where
21 weekly newspapers are employed.

22 (2) The first notice under paragraph (1)(ii) shall be
23 published not less than 10 days prior to the date fixed for
24 the opening of bids.

25 (3) The requirements of this subsection need not be
26 followed in cases of emergency, but in emergency cases the
27 actual emergency shall be declared and stated by resolution
28 of the county commissioners.

29 (c) Receipt and opening of bids.--All bids shall be received
30 by the controller, or, for a county without a controller, by the

1 chief clerk of the county commissioners, in sealed envelopes.

2 The following apply:

3 (1) For a county of the second class A, bids shall be
4 opened publicly at a time and place to be designated in the
5 advertisement for bids. The figures shall be announced
6 publicly by the chief clerk or the chief clerk's designee and
7 referred to the appropriate departments for tabulation
8 without the presence of the county commissioners.

9 (2) For a county of the third, fourth, fifth, sixth,
10 seventh or eighth class, bids shall be opened publicly at a
11 time and place specified in the advertisement for bids, in
12 the presence of the controller or chief clerk, as the case
13 may be, by the county commissioners or their designee. The
14 controller or the chief clerk, shall keep a record of the
15 bids.

16 (d) Entire amount.--

17 (1) The amount or price of the contract shall be the
18 entire amount which the county pays to the successful bidder
19 or the bidder's assigns less the value of personal property
20 transferred from the county to the bidder or the bidder's
21 assigns at any time during the duration of the contract, in
22 order to obtain the services or property, or both. The amount
23 of the contract may not be construed to mean only the amount
24 that is paid to acquire title or to receive any other
25 particular benefit of the whole bargain.

26 (2) The value of personal property transferred to the
27 bidder or the bidder's assigns upon execution of the contract
28 shall be specified in the bid. The method of determining the
29 value of personal property transferred to the bidder or his
30 assigns at a time during the duration of the contract shall

1 be specified in the bid and shall be determined using
2 generally accepted valuation methods.

3 (e) Acceptance of bids.--

4 (1) The acceptance of bids by advertising required under
5 this section shall be made by the controller, for a county of
6 the second class A, or by the county commissioners, for a
7 county of the third, fourth, fifth, sixth, seventh or eighth
8 class. The acceptance of bids shall only be made by public
9 announcement at the meeting at which bids are opened, or at a
10 subsequent meeting, the time and place of which shall be
11 publicly announced when bids are opened. If for any reason
12 the award is not made at either of the meetings, the same
13 business may be transacted at any subsequent meeting, the
14 time and place of which shall have been announced at the
15 previous meeting held for the award.

16 (2) The contract shall be awarded, or the bids shall be
17 rejected, within 30 days of the opening of the bids, except
18 for bids subject to 62 Pa.C.S. (relating to procurement). A
19 30-day extension of the date for the award may be made by the
20 mutual written consent of the county commissioners and any
21 bidder that wishes to remain under consideration for award.
22 The county commissioners shall excuse from consideration any
23 bidder not wishing to agree to a request for extension of the
24 date for the award and shall release the bidder from any bid
25 bond or similar bid security furnished under subsection (f).

26 (3) A contract shall be filed with the controller, or
27 with the chief clerk as the case may be, immediately after
28 the execution.

29 (f) Security permitted.--The county commissioners may
30 require, as a necessary condition of considering a bid, that any

1 bids advertised be accompanied by a cashier's check or other
2 irrevocable letter of credit in a reasonable amount drawn upon a
3 bank authorized to do business in this Commonwealth or by a bond
4 with corporate surety in a reasonable amount. In the event a
5 bidder shall, upon award of the contract to the bidder, fail to
6 comply with the requirements of subsection (g) as to security
7 guaranteeing the performance of the contract, the security
8 furnished under this subsection shall be forfeited to the county
9 as liquidated damages.

10 (g) Security required.--If a formal bid is required by this
11 chapter, the successful bidder may be required to furnish a bond
12 or irrevocable letter of credit or other security in an amount
13 sufficient to the county commissioners guaranteeing performance
14 of the contract within 30 days after the contract has been
15 awarded, unless the county commissioners prescribe a shorter
16 period. The successful bidder for a contract which involves the
17 construction, erection, installation, completion, alteration,
18 repair of or addition to any public work or improvement of any
19 kind shall furnish security as provided in section 16118
20 (relating to contract performance security and payment bonds).
21 Performance security for services and contracts for labor and
22 materials delivered on a periodic basis, including food service
23 contracts, home health services and janitorial services and
24 supplies, may be computed on the expected average value for one
25 or more months at the discretion of the county commissioners.
26 Upon failure to furnish the security within the time fixed, the
27 previous awards shall be void. Deliveries, performances and
28 guarantees may be required in all cases of expenditures,
29 including the exceptions under subsection (h).

30 (h) Exceptions.--Contracts or purchases made by the county

1 commissioners for the following may not require advertising,
2 bidding or price quotations:

3 (1) Maintenance, repairs or replacements for water,
4 electric light or other public works if not new additions,
5 extensions or enlargements of existing facilities and
6 equipment. Security may be required by the county
7 commissioners as in other cases for work done.

8 (2) Improvements, repairs and maintenance, made or
9 provided by the county through its own employees. This
10 paragraph does not apply to construction materials used in a
11 street improvement.

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

16 (4) Policies of insurance or surety company bonds.

17 (5) Public utility service and electricity, natural gas
18 or telecommunication services, provided that, for utilities
19 not under tariff with the Pennsylvania Public Utility
20 Commission, contracts made without advertising and bidding
21 shall be made only after receiving written or telephonic
22 price quotations in accordance with the procedures specified
23 in section 15101(b).

24 (6) Services of members of the medical or legal
25 profession, registered architects, engineers, certified
26 public accountants or other personal services involving
27 professional expertise.

28 (7) Materials, supplies and equipment contracts entered
29 into by nonprofit cooperative hospital service associations
30 for hospitals and nursing homes which are part of the

1 institutional district or which are owned by the county,
2 operated by the county or affiliated with the county.

3 (8) Tangible client services provided by nonprofit
4 agencies. For the purposes of this paragraph, the term
5 "tangible client services" shall mean congregate meals, home-
6 delivered meals, transportation or chore services provided
7 through area agencies on aging.

8 (9) The sale, lease or loan of supplies or materials to
9 the county by a public body if the price is not in excess of
10 that fixed by the public body. The requirements of 53 Pa.C.S.
11 Ch. 23 Subch. A (relating to intergovernmental cooperation)
12 may not apply when a county purchases cooperatively with
13 another public body that has entered into a contract for
14 supplies or materials. As used in this paragraph, the term
15 "public body" shall mean any of the following:

16 (i) the Federal Government;

17 (ii) the Commonwealth;

18 (iii) any other state;

19 (iv) a political subdivision, local or municipal
20 authority, council of government, entity created in
21 accordance with 53 Pa.C.S. Ch. 23 Subch. A or other
22 similar local entity of the Commonwealth or any other
23 state; or

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

26 (10) The purchase of milk for counties of the second
27 class A.

28 (11) Construction management services.

29 (12) Computer software.

30 (i) Contracts for technology and information systems.--

1 (1) Notwithstanding the provisions of this chapter to
2 the contrary, the county commissioners shall have authority
3 to enter into contracts for equipment and services related to
4 technology and information systems on the basis of best value
5 procurement.

6 (2) Contracts under best value procurement shall be made
7 only after the county has solicited proposals based on
8 performance and outcome specifications developed by the
9 county and describing at minimum:

10 (i) the objectives to be met by the system;

11 (ii) the tasks to be performed by the system;

12 (iii) the users of the system;

13 (iv) system security issues;

14 (v) the time frame for system implementation;

15 (vi) potential operating technologies;

16 (vii) compatibility with existing systems;

17 (viii) training and maintenance; and

18 (ix) the process by which the contract shall be
19 awarded.

20 (3) Best value procurement may not require a sealed bid
21 process and shall permit the county commissioners to
22 negotiate the terms of the agreement with any responsive and
23 responsible vendor.

24 (j) Other acts.--A contract subject to this chapter shall
25 comply, as applicable, with the provisions of:

26 (1) The act of August 15, 1961 (P.L.987, No.442), known
27 as the Pennsylvania Prevailing Wage Act.

28 (2) The act of December 20, 1967 (P.L.869, No.385),
29 known as the Public Works Contractors' Bond Law of 1967.

30 (3) The act of January 23, 1974 (P.L.9, No.4), referred

1 to as the Public Contract Bid Withdrawal Law.

2 (4) The act of March 3, 1978 (P.L.6, No.3), known as the
3 Steel Products Procurement Act.

4 (5) The act of February 17, 1994 (P.L.73, No.7), known
5 as the Contractor and Subcontractor Payment Act.

6 (6) 62 Pa.C.S. Chs. 37 Subch. B. (relating to motor
7 vehicles), 39 (relating to contracts for public works) and 45
8 (relating to antibid-rigging).

9 (k) Shared fees and compensation.--Individuals, consultants,
10 firms or corporations contracting with a county for purposes of
11 rendering personal or professional services to the county may
12 not share with a county officer or employee, and county officers
13 or employees may not accept any portion of the compensation or
14 fees paid by the county for the contracted services provided to
15 the county except under the following terms or conditions:

16 (1) Full disclosure of all relevant information
17 regarding the sharing of the compensation or fees shall be
18 made to the county commissioners.

19 (2) The county commissioners must approve the sharing of
20 any fee or compensation for personal or professional services
21 prior to the performance of the services.

22 (3) Fees or compensation for personal or professional
23 services may not be shared except for work actually
24 performed.

25 (4) Shared fees or compensation for personal or
26 professional services may not be paid at a rate in excess of
27 that commensurate for similar personal or professional
28 services.

29 (l) Electronic bidding.--Nothing in this part shall be
30 construed as prohibiting a county from electronic bidding to the

1 extent authorized by 62 Pa.C.S. Ch. 46 (relating to electronic
2 bidding by local government units).

3 § 15103. Evasion of advertising requirements.

4 (a) Prohibition.--

5 (1) No commissioner may evade the provisions of section
6 15102 (relating to contract procedures, terms and bonds and
7 advertising for bids), for advertising for bids or purchasing
8 or contracting for services and personal properties piece-
9 meal, for the purpose of obtaining prices under the base
10 amount of \$18,500, subject to adjustment under section
11 15101(c) (relating to commissioners sole contractors for
12 county generally), upon transactions which should, in the
13 exercise of reasonable discretion and prudence, be conducted
14 as one transaction amounting to more than the base amount of
15 \$18,500, subject to adjustment under section 15101(c). This
16 paragraph is intended to make unlawful the practice of
17 evading advertising requirements by making a series of
18 purchases or contracts each for less than the advertising
19 requirement price, or by making several simultaneous
20 purchases or contracts each below that price, if in either
21 case the transaction involved should have been made as one
22 transaction for one price.

23 (2) Commissioners who vote in violation of this
24 provision and who know that the transaction upon which the
25 commissioners so vote is or should be a part of a larger
26 transaction and that it is being divided in order to evade
27 the requirements as to advertising for bids shall be, jointly
28 and severally, subject to surcharge for any loss sustained.

29 (3) If it appears that a county commissioner may have
30 voted in violation of this section, but the purchase or

1 contract on which a county commissioner voted was not
2 approved by the board of commissioners, this section shall be
3 inapplicable.

4 (b) Criminal offense.--Each county commissioner who votes to
5 unlawfully evade section 15102 and who knows that the
6 transaction is or should be a part of a larger transaction and
7 that it is being divided in order to evade the requirements as
8 to advertising for bids commits a misdemeanor of the third
9 degree for each contract entered into as a direct result of that
10 vote. This penalty shall be in addition to any surcharge that
11 may be assessed under subsection (a).

12 § 15104. (Reserved).

13 § 15105. Sales of personal property and surplus farm products.

14 (a) General rule.--Personal property and surplus farm
15 products of the county may not be disposed of by sale or
16 otherwise, except upon resolution of the county commissioners.

17 (b) Small lots.--If the county commissioners approve a sale
18 of the property or farm products, the commissioners shall
19 estimate the sale value of the entire lot to be disposed of,
20 and, if the estimate is less than \$2,000, the commissioners
21 shall require notice of the proposed sale to be posted, for at
22 least 10 days, in a prominent place in the courthouse,
23 describing and itemizing the property to be sold, and directing
24 that bids may be made at the office of the chief clerk of the
25 county commissioners. After the notice period, the county
26 commissioners may sell the property in whole or in part for the
27 best price or prices obtainable.

28 (c) Large lots.--If the county commissioners estimate the
29 sale value of the personal property or of the surplus farm
30 products to be sold at \$2,000 or more, the entire lot shall be

1 advertised for sale, once, in at least one newspaper of general
2 circulation in the county, and sale of the property advertised
3 shall be made to the highest and best bidder. The bids may not
4 be opened until at least 10 days after the advertisement.

5 (d) Auctions.--The county commissioners may sell any
6 property at auction, but the notice contained in this section
7 shall be likewise observed as to the holding of auction sales.

8 (e) Exceptions.--The provisions of this section may not be
9 mandatory if county property is to be traded-in or exchanged for
10 new personal property. The provisions of this section may not
11 apply to sale of personal property with real property as a
12 single unit under section 16106.1 (relating to authority to sell
13 certain property as a single unit).

14 (f) Electronic auctions.--A public auction of personal
15 property may be conducted by means of an online or electronic
16 auction sale. During an electronic auction sale, bids shall be
17 accepted electronically at the time and in the manner designated
18 in the advertisement. During the electronic auction, each bidder
19 shall have the capability to view the bidder's bid rank or the
20 high bid price. Bidders may increase bid prices during the
21 electronic auction. The record of the electronic auction shall
22 be accessible as a public record under the provisions of the act
23 of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know
24 Law. The purchase price shall be paid by the high bidder
25 immediately or at a reasonable time after the conclusion of the
26 electronic auction as determined by the county commissioners. In
27 the event that shipping costs are incurred, the shipping costs
28 shall be paid by the high bidder. A county that has complied
29 with the advertising requirements of this section may provide
30 additional notice of the sale by bids or public auction in any

1 manner deemed appropriate by the county commissioners. The
2 advertisement for electronic auction sales authorized in this
3 subsection shall include the publicly accessible Internet
4 website of, or means of accessing, the electronic auction and
5 the date, time and duration of the electronic auction.

6 § 15106. Conflicts of interest prohibited.

7 (a) General rule.--Except as provided in subsection (b),
8 restrictions on the involvement of elected and appointed county
9 officers in a county contract shall be as prescribed in 65
10 Pa.C.S. Ch. 11 (relating to ethics standards and financial
11 disclosure) and the limitations and procedures under section
12 15102(k) (relating to contract procedures, terms and bonds and
13 advertising for bids).

14 (b) Architects and engineers and criminal offense.--
15 Notwithstanding subsection (a), the following shall apply:

16 (1) It shall be unlawful for an architect or engineer
17 employed by a county of the second class A and engaged in the
18 preparation of plans, specifications or estimates, to bid or
19 negotiate on any public work contracted by the county, except
20 that an architect or engineer who prepared preliminary plans
21 only may bid on or negotiate the final contract for the work.

22 (2) It shall be unlawful for the officers of a county of
23 the second class A charged with the duty of contracting for
24 public work, to award a contract to an architect or engineer,
25 employed by the county who is interested in a contract for
26 public work for the county or for any architect or engineer
27 to receive any remuneration or gratuity from any person
28 interested in the contract except as provided under section
29 15102(k).

30 (3) A person violating any of the provisions of

1 paragraph (1) or (2) commits a misdemeanor in office and,
2 upon conviction, shall forfeit the office and be sentenced to
3 pay a fine not exceeding \$500, or to imprisonment for not
4 more than six months, or both.

5 § 15107. Application of contract provisions.

6 The provisions of this chapter shall apply to all of the
7 contractual powers of the county commissioners contained in this
8 part, or other laws not inconsistent with this chapter, and the
9 mention of powers of contract outside this chapter shall not be
10 construed as disregarding the applicable provisions of this
11 chapter.

12 § 15107.1. Printing contracts.

13 (a) Responsible bidders.--In counties of the second class A,
14 the county commissioners may, by resolution, require that a
15 printing firm presenting a bid for county printing establish
16 itself as a responsible bidder by requiring that:

17 (1) The printing firm file, with the chief clerk of the
18 county commissioners, a sworn statement to the effect that
19 employees are receiving the prevailing wage rate and are
20 working under conditions prevalent in the locality in which
21 the work is produced.

22 (2) If a collective bargaining agreement is in effect
23 between an employer and employees who are represented by a
24 responsible organization that is not influenced or controlled
25 by the management, the agreement and the provisions of the
26 agreement shall be considered as conditions prevalent in the
27 locality and shall be the minimum requirements for being
28 deemed a responsible bidder under this chapter.

29 (3) In case a dispute arises as to what is the
30 prevailing rate of wages for work applicable to the contract,

1 which cannot be adjusted by the county commissioners, the
2 matter shall be referred to the county salary board and the
3 board's decision shall be conclusive.

4 (b) Prevailing wage rate.--If the wage rates vary in any
5 district in a county, then a printing firm that pays wages at
6 least equal to those in any agreement, shall, for the purposes
7 of this chapter, be deemed to be paying the prevailing wage
8 rate.

9 (c) Definition.--As used in this section, the term
10 "prevailing wage rate" means at least the minimum wages that are
11 received by employees of a printing firm, in second class A
12 counties as a result of a collective bargaining agreement
13 negotiated by an employer with a responsible organization
14 representing the employees.

15 § 15107.2. Prohibited contract provisions.

16 A political subdivision or authority in a county of the
17 second class A may not enter into a contract related to a
18 redevelopment capital assistance project under section 318 of
19 the act of February 9, 1999 (P.L.1, No.1), known as the Capital
20 Facilities Debt Enabling Act, which contains a provision
21 requiring that a specified percentage of a contracting party's
22 work force be residents of a specific municipality.

23 CHAPTER 153

24 SPECIAL POWERS AND DUTIES OF COUNTIES

25 Subchapter

26 A. (Reserved)

27 B. (Reserved)

28 C. (Reserved)

29 D. County Histories

30 E. Animal and Plant Husbandry

1 F. Communications

2 G. Prevention and Control of Floods

3 G.1. Disaster Emergency Aid to Municipalities in Counties of
4 the Third through Eighth Class

5 H. Aid to Firefighting Departments and Companies

6 H.1. Fire Marshal and Assistant Fire Marshals in Counties of
7 the Third through Eighth Class

8 I. Utilities

9 J. (Reserved)

10 K. Rewards and Bounties

11 L. Garbage and Refuse Disposal

12 M. (Reserved)

13 N. Appropriations to Industrial Development Agencies

14 O. Surplus Foods and Food Stamp Program

15 P. Historical Property and Museums

16 P.1. Legal Aid Services

17 Q. Transportation and Traffic Control Devices

18 R. (Reserved)

19 S. Appropriations for Recreation and Historic and Museum
20 Projects of Municipal Corporations, Authorities and
21 Nonprofit Organizations

22 T. Appropriations to Institutions of Higher Learning or to
23 Nonprofit Educational Trusts in Counties of the Third
24 through Eighth Class

25 U. Agreements with Federal Government for the Promotion of
26 Health or Welfare

27 V. Appropriations for Reservoirs and Water Resources

28 W. Tourist Promotion Agencies

29 X. Crime Detection Laboratory and Police Training School in
30 Counties of the Third Class

- 1 Y. Parking Facilities
- 2 Z. Revenue Bonds for Industrial Development Projects
- 3 Z.1. Grants to Nonprofit Art Corporations
- 4 Z.2. Commission on Women
- 5 Z.3. Civil Service in Counties of the Second Class A
- 6 Z.4. Insuring County Against Loss or Liability
- 7 Z.5. Lot and Block System in Counties of the Second Class A

8 SUBCHAPTER A

9 (Reserved)

10 SUBCHAPTER B

11 (Reserved)

12 SUBCHAPTER C

13 (Reserved)

14 SUBCHAPTER D

15 COUNTY HISTORIES

16 Sec.

17 15328. County history.

18 15329. Payment to historical societies.

19 15330. Qualification of society.

20 15331. Restoration and preservation of historic sites.

21 § 15328. County history.

22 The county commissioners, either independently or in
23 connection with any other municipality within the county or a
24 society or organization, may appropriate money for the
25 compilation of a county war history or any general history or
26 historical account related to the historical records and
27 government of the county, and for publication and distribution.

28 § 15329. Payment to historical societies.

29 (a) Payments.--The county commissioners may pay, out of the
30 county money not otherwise appropriated, a sum of money to a

1 county historical society, qualified under section 15330
2 (relating to qualification of society), to assist in paying
3 expenses. If a county historical society is comprised of
4 residents of more than one county, the county commissioners of
5 the respective counties may jointly pay the sum in such
6 proportion as the county commissioners shall agree.

7 (b) Vouchers.--Appropriations may not be renewed until
8 vouchers have been filed with the county commissioners showing
9 that the appropriation for any prior year has been expended
10 under this chapter.

11 § 15330. Qualification of society.

12 A historical society eligible to receive county money
13 according to the provisions of section 15329 (relating to
14 payment to historical societies) shall:

15 (1) be a not-for-profit corporation, in good standing
16 and registered according to the laws of this Commonwealth
17 with the Pennsylvania Commission on Charitable Organizations;

18 (2) have operated for two years prior to receiving an
19 appropriation from a county; and

20 (3) control and operate a museum or other facility
21 related to the history of the county or this Commonwealth
22 that is open to the public at least 100 days per year.

23 § 15331. Restoration and preservation of historic sites.

24 The county commissioners may make appropriations out of
25 county money to any nonprofit corporation organized for the
26 purpose of restoring and preserving historic sites that are
27 within the county. For the purposes of this section, an eligible
28 historic site shall be listed or eligible to be listed in the
29 National Register of Historic Places or designated as historic
30 by resolution of the county commissioners.

1 Cooperative Extension's mission to provide educational
2 opportunities to constituents, regardless of where the expertise
3 is located.

4 (b) Cooperative Extension services.--Cooperative Extension
5 shall provide counties access to The Pennsylvania State
6 University's science-based information, expertise and education
7 and shall continually work to expand access to its Statewide
8 programs through technology channels.

9 (c) Offices.--The county commissioners may provide offices
10 in the county for headquarters for cooperative work under this
11 section.

12 § 15337. Agricultural or horticultural societies.

13 (a) Appropriations.--The county commissioners are authorized
14 to make appropriations annually out of the current revenues of
15 the county to an incorporated agricultural or horticultural
16 society or association located within the county.

17 (b) Additional appropriations.--The county commissioners are
18 authorized to make additional appropriations annually out of the
19 current revenues of the county to an incorporated agricultural
20 or horticultural society or association located within the
21 Commonwealth.

22 § 15338. Suppression of animal and plant disease.

23 (a) Appropriations.--The county commissioners may make
24 appropriations from county money and cooperate with the
25 Department of Agriculture, for the purpose of controlling and
26 suppressing:

27 (1) dangerous transmissible diseases of domestic
28 animals;

29 (2) dangerous plant diseases;

30 (3) insect pests; and

1 (4) diseases of honeybees.

2 (b) Agreements.--For the purpose of carrying out this
3 section, the county commissioners may enter into agreements with
4 the Department of Agriculture concerning terms, rules,
5 regulations and practices for conducting the work.

6 § 15339. County fair associations in counties of the third,
7 fourth, fifth, sixth, seventh and eighth class.

8 The county commissioners in counties of the third, fourth,
9 fifth, sixth, seventh and eighth class may appropriate annually,
10 out of current revenues, to an incorporated nonprofit
11 agriculture association or a nonprofit county fair association
12 located within the county, for the repair and maintenance of the
13 real estate, buildings and structures within the county used
14 annually by the association for county agriculture fairs and
15 exhibitions, regardless of if the real estate is owned by the
16 county and leased to the association.

17 SUBCHAPTER F

18 COMMUNICATIONS

19 Sec.

20 15343. Appropriations for radio broadcasting station.

21 15344. Appropriations for police, fire and other public safety
22 radio and telecommunications networks.

23 § 15343. Appropriations for radio broadcasting station.

24 The county commissioners may make an appropriation for the
25 purpose of assisting a naval reserve unit or amateur radio
26 league in maintaining, equipping and operating a shortwave radio
27 broadcasting station or cable television community access
28 stations geared to public access, educational access or
29 governmental access, which shall be available for public use in
30 the event of emergency or disaster.

1 § 15344. Appropriations for police, fire and other public
2 safety radio and telecommunications networks.

3 The county commissioners may make appropriations for the
4 erection, operation and maintenance of a county police radio,
5 fire and other public safety radio and telecommunications
6 networks.

7 SUBCHAPTER G

8 PREVENTION AND CONTROL OF FLOODS

9 Sec.

10 15347. Prevention and control of floods.

11 § 15347. Prevention and control of floods.

12 (a) Prevention and control of floods.--The county
13 commissioners may borrow, appropriate and expend money and may
14 acquire by purchase or dedication or by the power of eminent
15 domain real property, or any interest in real property, for the
16 purpose of cleansing, maintaining, regulating, improving and
17 controlling rivers, streams and other bodies of water and
18 stormwater drainage systems lying within the boundaries of the
19 county, either in whole or in part, for the prevention and
20 control of floods. The county commissioners may make contracts
21 and expenditures for the cleansing, maintenance, regulation,
22 improvement and control of waters and drainage systems and for
23 the prevention and control of floods by storage or retaining
24 reservoirs, or otherwise, in parts of waters beyond the limits
25 of the county or of the Commonwealth, if, in the county
26 commissioner's judgment, the expenditures are necessary and for
27 the benefit of the county.

28 (b) Investigations.--The county commissioners may make
29 appropriations and expenditures for investigating and examining
30 or for assisting in the investigation and examination of the

1 condition of waters for the purpose of subsection (a).

2 (c) Agreements.--The county commissioners may enter into
3 agreements with the United States Secretary of Defense or other
4 public authorities empowered to act under any law of the United
5 States or of this or any other state, as may be necessary and
6 proper for the prevention and control of floods.

7 (d) Bonds.--In exercising the powers under this chapter, the
8 county commissioners may, subject to the limitation of the
9 Constitution of Pennsylvania, issue interest bearing bonds of
10 the county in accordance with the provisions of 53 Pa.C.S. Pt.
11 VII Subpt. B (relating to indebtedness and borrowing).

12 SUBCHAPTER G.1

13 DISASTER EMERGENCY AID TO MUNICIPALITIES

14 IN COUNTIES OF THE THIRD THROUGH EIGHTH CLASS

15 Sec.

16 15348. Emergency appropriation to municipal corporations.

17 § 15348. Emergency appropriation to municipal corporations.

18 (a) Appropriations.--The county commissioners of counties of
19 the third, fourth, fifth, sixth, seventh and eighth class may
20 appropriate money for the purpose of assisting municipal
21 corporations within the county with any cleanup, maintenance,
22 repair and improvements undertaken as a result of damage
23 incurred or a dangerous condition caused by either a disaster
24 emergency within the county declared by the Governor or a local
25 emergency declared by the governing body of a municipal
26 corporation within the county.

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

30 "Disaster emergency." As defined in 35 Pa.C.S. § 7102

1 (relating to definitions).

2 "Local emergency." As defined in 35 Pa.C.S. § 7102.

3 SUBCHAPTER H

4 AID TO FIREFIGHTING DEPARTMENTS AND COMPANIES

5 Sec.

6 15351. (Reserved).

7 15352. Establishment of fire training schools.

8 § 15351. (Reserved).

9 § 15352. Establishment of fire training schools.

10 (a) Appropriations.--The county commissioners may
11 appropriate annual money to lawfully organized or incorporated
12 county or regional firemen's associations to establish, equip,
13 maintain and operate, and the county commissioners may
14 establish, equip, maintain and operate, fire training schools or
15 centers for the purpose of giving instruction and practical
16 training in the prevention, control and fighting of fire and
17 related fire department emergencies to the members of paid fire
18 departments and volunteer fire companies in any city, borough,
19 town or township within the county.

20 (b) Regional fire training schools.--If a firemen's
21 association is comprised of residents of two or more counties or
22 contemplates operation of a regional fire training school in two
23 or more counties, the county commissioners may appropriate money
24 to the association.

25 SUBCHAPTER H.1

26 FIRE MARSHAL AND ASSISTANT FIRE MARSHALS IN

27 COUNTIES OF THE THIRD THROUGH EIGHTH CLASS

28 Sec.

29 15353. Appointment.

30 § 15353. Appointment.

1 (a) Appointment.--The county commissioners of a county of
2 the third, fourth, fifth, sixth, seventh and eighth class may
3 appoint a fire marshal and assistant fire marshals as necessary
4 to perform duties relating to the prevention and control of fire
5 as the county commissioners deem to be in the best interests of
6 the county.

7 (b) Duties.--A fire marshal or assistant fire marshal may
8 not be assigned duties that will conflict with fire marshals or
9 municipal fire marshals or powers relating to the control of
10 fires conferred by law upon the Pennsylvania State Police.

11 (c) Compensation.--Compensation for the fire marshal and
12 assistant fire marshals shall be set by the county salary board.

13 SUBCHAPTER I

14 UTILITIES

15 Sec.

16 15355. Drilling gas wells and laying gas lines.

17 15356. Contracts for relocation, change or elevation of
18 railroads.

19 15357. County may assist municipalities.

20 § 15355. Drilling gas wells and laying gas lines.

21 (a) Contracts.--For the purpose of furnishing gas for light
22 and fuel to the county buildings and for other purposes, the
23 county commissioners may contract for:

24 (1) The drilling of gas wells upon lands owned by the
25 county.

26 (2) The laying of gas lines equipped with modern
27 appliances and machinery as may be necessary.

28 (b) Procedure.--Contracts under this section, including
29 contracts for the building of rigs or derricks and the purchase
30 of machinery, shall be made by the county commissioners in the

1 manner provided for in Chapter 151 (relating to contracts).
2 § 15356. Contracts for relocation, change or elevation of
3 railroads.

4 The county commissioners may enter into contracts with a
5 railroad company to relocate, change or elevate the railroads
6 within the county in such manner as, in the judgment of the
7 board, may be best adapted to secure the safety of lives and
8 property and promote the interest of the county.

9 § 15357. County may assist municipalities.

10 (a) Assistance.--Upon the request of a political subdivision
11 within a county, the county may assist the political subdivision
12 in negotiations or a contest with a public utility company and
13 may use or allow the political subdivision to use the legal,
14 engineering, accounting or clerical service of the county.

15 (b) Intervention.--The county commissioners may enter their
16 appearance as interveners or otherwise in a proceeding before
17 the Pennsylvania Public Utility Commission or before a court in
18 a proceeding involving a controversy between a political
19 subdivision in the county and a public utility company.

20 SUBCHAPTER J

21 (Reserved)

22 SUBCHAPTER K

23 REWARDS AND BOUNTIES

24 Sec.

25 15371. Rewards for detection or apprehension of criminals.

26 15372. (Reserved).

27 § 15371. Rewards for detection or apprehension of criminals.

28 (a) Rewards.--The county commissioners may offer a reward,
29 in addition to that authorized by law, for information leading
30 to the detection or apprehension of an individual charged with

1 or perpetrating a felony or misdemeanor, or aiding or abetting.

2 (b) Payment of rewards.--Upon the conviction of an
3 individual under subsection (a), the county commissioners may
4 pay the reward out of the county treasury, but in no case may
5 the owner of stolen property be entitled to the reward for the
6 detection or apprehension of the individual who commits the
7 offense of larceny.

8 (c) Misdemeanors.--In cases of misdemeanors, the county
9 commissioners must have the approval of the president judge of
10 the court of common pleas of the county before offering or
11 paying a reward.

12 § 15372. (Reserved).

13 SUBCHAPTER L

14 GARBAGE AND REFUSE DISPOSAL

15 Sec.

16 15375. Municipal waste processing and disposal in county
17 facilities.

18 § 15375. Municipal waste processing and disposal in county
19 facilities.

20 (a) Power.--The county commissioners shall have the power
21 to:

22 (1) operate or provide for the operation of municipal
23 waste processing and disposal facilities, including municipal
24 waste landfills, resource recovery facilities and recycling
25 facilities; and

26 (2) enter into agreements or contracts with any person,
27 corporation or political subdivision for the disposal of
28 municipal waste in the facilities constructed and maintained
29 by the county and charge and receive fees for services
30 provided under this subsection.

1 (b) Acquisition of real property.--A county may acquire by
2 gift, lease, purchase by current revenues, borrowing or
3 incurring indebtedness or eminent domain real property within
4 the county for the purpose of constructing any facility under
5 subsection (a) or other buildings necessary to operate the
6 facility. If private property is taken by eminent domain, the
7 county shall acquire the entire title, either in fee or
8 otherwise, held by the owner or owners of the property or of any
9 interest.

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

13 "Municipal waste landfill." As defined in the act of July
14 28, 1988 (P.L.556, No.101), known as the Municipal Waste
15 Planning, Recycling and Waste Reduction Act.

16 "Recycling facility." As defined in the Municipal Waste
17 Planning, Recycling and Waste Reduction Act.

18 "Resource recovery facility." As defined in the Municipal
19 Waste Planning, Recycling and Waste Reduction Act.

20 SUBCHAPTER M

21 (Reserved)

22 SUBCHAPTER N

23 APPROPRIATIONS TO INDUSTRIAL DEVELOPMENT AGENCIES

24 Sec.

25 15385. Appropriations to industrial development agencies by
26 counties.

27 15386. (Reserved).

28 § 15385. Appropriations to industrial development agencies by
29 counties.

30 The county commissioners may annually appropriate amounts as

1 deemed necessary to an industrial development organization, as
2 defined in section 2301 of the act of June 29, 1996 (P.L.434,
3 No.67), known as the Job Enhancement Act, to assist the agencies
4 in the:

5 (1) financing of operational costs for the purposes of
6 making studies, surveys and investigations and compiling data
7 and statistics; and

8 (2) carrying out of planning and promotional programs.
9 § 15386. (Reserved).

10 SUBCHAPTER O

11 SURPLUS FOODS AND FOOD STAMP PROGRAM

12 Sec.

13 15390. Appropriations for handling, storage and distribution of
14 surplus foods.

15 15391. (Reserved).

16 § 15390. Appropriations for handling, storage and distribution
17 of surplus foods.

18 The county commissioners may appropriate from county money,
19 or, in counties of the second class A and third class from
20 county institution district money, money for the handling,
21 storage and distribution of surplus foods obtained through a
22 Federal, State or local agency.

23 § 15391. (Reserved).

24 SUBCHAPTER P

25 HISTORICAL PROPERTY AND MUSEUMS

26 Sec.

27 15395. Acquisition, repair and maintenance of historical
28 property.

29 15395.1. Contributions to museums of fine art or natural
30 history.

1 § 15395. Acquisition, repair and maintenance of historical
2 property.

3 The county commissioners may acquire by purchase or by gift
4 and repair, supervise, operate and maintain ancient landmarks
5 and other property of historical or antiquarian interest that is
6 listed or eligible to be listed in the National Register of
7 Historic Places or designated as historic by resolution of the
8 county commissioners.

9 § 15395.1. Contributions to museums of fine art or natural
10 history.

11 The county commissioners may appropriate money from county
12 money for the purpose of contributing toward the cost of
13 operating, maintaining or carrying out or furthering the
14 purposes of institutes or museums of fine art or natural history
15 that is:

16 (1) located within the county on public property;

17 (2) established by private grant or bequest;

18 (3) open to the public; and

19 (4) not used for private or corporate profit.

20 SUBCHAPTER P.1

21 LEGAL AID SERVICES

22 Sec.

23 15396. Appropriations for legal aid services.

24 § 15396. Appropriations for legal aid services.

25 The county commissioners may appropriate money for payment to
26 nonprofit legal aid associations or societies or county bar
27 associations that provide legal aid services for indigent
28 persons in civil matters in the county.

29 SUBCHAPTER Q

30 TRANSPORTATION AND TRAFFIC CONTROL DEVICES

1 Sec.

2 15397. Improvement of operation and facilities.

3 15398. Money for traffic control devices.

4 § 15397. Improvement of operation and facilities.

5 The county commissioners may enter into contracts and long
6 range cooperative programs with Federal, State and local
7 governmental agencies, public utilities or authorities for the
8 improvement of transportation operations and facilities within
9 and across county lines. The county commissioners may
10 independently or in cooperation with any other county or
11 municipality appropriate money annually in furtherance of
12 transportation improvements and may also accept on behalf of the
13 county gifts, grants and Federal and State loans in connection
14 to a transportation improvement.

15 § 15398. Money for traffic control devices.

16 The county commissioners may contribute money to any
17 municipal corporation within the county for the erection and
18 maintenance of any traffic signal, as defined under 67 Pa. Code
19 § 212.1. (relating to definitions).

20 SUBCHAPTER R

21 (Reserved)

22 SUBCHAPTER S

23 APPROPRIATIONS FOR RECREATION AND HISTORIC AND

24 MUSEUM PROJECTS OF MUNICIPAL CORPORATIONS,

25 AUTHORITIES AND NONPROFIT ORGANIZATIONS

26 Sec.

27 15399. Appropriations for recreation and historic and museum
28 projects.

29 § 15399. Appropriations for recreation and historic and museum
30 projects.

1 (a) Appropriations.--The county commissioners may
2 appropriate county money for grants to assist municipal
3 corporations and authorities within the county, as well as
4 nonprofit organizations, in the purchase, acquisition,
5 improvement, equipping or landscaping of the following:

6 (1) lands;

7 (2) buildings and facilities, along with the demolition
8 of buildings and facilities;

9 (3) parks, recreation areas, open space projects and
10 other outdoor projects; and

11 (4) historic and museum projects.

12 (b) Definitions.--As used in this section, the term
13 "nonprofit organization" shall mean an entity which is tax
14 exempt under section 501(a) of the Internal Revenue Code of 1986
15 (Public Law 99-514, 26 U.S.C. § 501(a)), as amended, or any
16 successor provisions, not operated for profit and organized to:

17 (1) preserve or conserve open space, natural resources
18 or natural habitats;

19 (2) promote outdoor recreation and the acquisition and
20 development of facilities related thereto; or

21 (3) preserve sites of historical significance.

22 SUBCHAPTER T

23 APPROPRIATIONS TO INSTITUTIONS OF HIGHER
24 LEARNING OR TO NONPROFIT EDUCATIONAL TRUSTS IN
25 COUNTIES OF THE THIRD THROUGH EIGHTH CLASS

26 Sec.

27 15399a. Appropriations to institutions of higher learning or to
28 nonprofit educational trusts.

29 § 15399a. Appropriations to institutions of higher learning or
30 to nonprofit educational trusts.

1 The county commissioners may appropriate county money in
2 amounts as may be deemed necessary to any of the following
3 institutions or trusts located within the county to assist the
4 institution or trust in the financing of the functions specified
5 by the county commissioners:

6 (1) Nonsectarian institutions of higher learning.

7 (2) A nonprofit educational trust created for the
8 purpose of constructing or maintaining facilities for
9 Pennsylvania State System of Higher Education universities
10 and State-related universities, including The Pennsylvania
11 State University, Lincoln University, Temple University and
12 the University of Pittsburgh.

13 SUBCHAPTER U

14 AGREEMENTS WITH FEDERAL GOVERNMENT FOR THE

15 PROMOTION OF HEALTH OR WELFARE

16 Sec.

17 15399b. Federal health and welfare programs.

18 § 15399b. Federal health and welfare programs.

19 (a) Agreements.--

20 (1) The county commissioners may enter into an agreement
21 with the Federal Government, or with any city, borough, town,
22 township or nonprofit corporation or association located or
23 carrying on the functions of the nonprofit corporation or
24 association within the county or serving the residents of the
25 county.

26 (2) The county commissioners may only enter into an
27 agreement under paragraph (1) with a city, borough, town,
28 township, nonprofit corporation or association that has or
29 will contract with the Federal Government or the Commonwealth
30 whereby the Federal Government will provide a portion of the

1 money necessary, payable either to the county or State or
2 directly to the city, borough, town, township, nonprofit
3 corporation or association to provide a program not in
4 conflict with a Federal or State program for the promotion of
5 the health or welfare of the Commonwealth's residents.

6 (b) Donations.--The county may accept gifts or grants of
7 money, property or services from any source, public or private,
8 and may appropriate money as may be necessary to carry out a
9 program under subsection (a).

10 SUBCHAPTER V

11 APPROPRIATIONS FOR RESERVOIRS AND WATER RESOURCES

12 Sec.

13 15399c. Appropriations for reservoirs and water resources.

14 § 15399c. Appropriations for reservoirs and water resources.

15 (a) Facilities.--

16 (1) The county commissioners may borrow, appropriate and
17 expend money for the construction, acquisition by purchase,
18 lease or otherwise, operation and maintenance of dams,
19 reservoirs, wells and other facilities for the utilization of
20 surface, subsurface and groundwater resources and all related
21 structures, appurtenances and equipment necessary for the use
22 of dams, reservoirs, wells and other facilities.

23 (2) The county commissioners may acquire by purchase,
24 lease, gift or the exercise of power of eminent domain, sites
25 for a facility listed under paragraph (1) in accordance with
26 the following:

27 (i) The county commissioners shall obtain a permit
28 from the Department of Environmental Protection whenever
29 a permit is required by law.

30 (ii) The county commissioners may not acquire by the

1 exercise of power of eminent domain the property of a
2 public utility subject to the jurisdiction of the Federal
3 Energy Regulatory Commission or the Pennsylvania Public
4 Utility Commission.

5 (b) Agreements and contracts.--The county commissioners may
6 enter into:

7 (1) agreements for the regulation of withdrawals,
8 diversions and sales of waters from dams, reservoirs, wells
9 and other facilities, subject to the approval of Federal,
10 State or interstate agencies which may have primary
11 jurisdiction over water resources. Dams, wells and reservoirs
12 acquired by purchase, lease or otherwise or constructed by
13 the county commissioners may not be used for the generation
14 of electric energy; and

15 (2) contracts or long-range cooperative programs with
16 Federal, State, interstate and local government agencies or
17 public utilities for the development and use of the county's
18 water resources.

19 (c) Regulation of agreements and contracts.--

20 (1) It shall be lawful for any county to execute
21 agreements and contracts as deemed necessary or advisable
22 with an authority organized by the county to:

23 (i) provide, design, acquire, hold, construct,
24 improve, own, lease, as lessor or lessee, maintain and
25 operate dams, reservoirs, wells and other facilities for
26 the utilization of surface, subsurface and groundwater
27 resources and all necessary related structures,
28 appurtenances and equipment;

29 (ii) grant, convey, lease, transfer, encumber,
30 mortgage and pledge to the authority the dams,

1 reservoirs, wells and related facilities and any
2 improvements and additions; and

3 (iii) assign and pledge to the authority rentals,
4 rates and charges charged and collected by the authority
5 and to assign to the authority the power to collect the
6 the rentals, rates and charges.

7 (2) An agreement, contract, grant, conveyance, lease,
8 assignment, encumbrance, mortgage or pledge under paragraph
9 (1) shall not be construed to prevent the affected county
10 from using tax revenues for the purpose of maintaining,
11 repairing, altering, inspecting or improving the dams,
12 reservoirs, wells and related facilities.

13 (d) Sale of water.--A county may enter into an agreement and
14 contract for the sale of water to a municipality, authority or
15 public utility at a reasonable and uniform rate to be determined
16 exclusively by the county.

17 SUBCHAPTER W

18 TOURIST PROMOTION AGENCIES

19 Sec.

20 15399d. Tourist promotion agencies and appropriations.

21 § 15399d. Tourist promotion agencies and appropriations.

22 (a) Creation.--The county commissioners may create or join
23 with other counties in the creation of a tourist promotion
24 agency, as defined under the act of July 4, 2008 (P.L.621,
25 No.50), known as the Tourism Promotion Act, for the purpose of
26 making studies, surveys and investigations and for planning and
27 carrying out promotional programs and projects designed to
28 stimulate and increase the volume of tourist, visitor and
29 vacation business within the county or counties.

30 (b) Appropriation.--The county commissioners may appropriate

1 annually an amount of money as may be deemed necessary to any
2 tourist promotion agency, as defined under the Tourism Promotion
3 Act, to assist the agencies in carrying out tourism promotional
4 activities.

5 SUBCHAPTER X

6 CRIME DETECTION LABORATORY AND POLICE TRAINING SCHOOL

7 IN COUNTIES OF THE THIRD CLASS

8 Sec.

9 15399e. Crime detection laboratories and police training
10 schools.

11 § 15399e. Crime detection laboratories and police training
12 schools.

13 The county commissioners of a county of the third class may
14 appropriate money and provide for establishing a crime detection
15 laboratory and police training school for the:

16 (1) use of any political subdivision situated within the
17 county; and

18 (2) training of police employed by the political
19 subdivision.

20 SUBCHAPTER Y

21 PARKING FACILITIES

22 Sec.

23 15399f. Parking facilities.

24 § 15399f. Parking facilities.

25 (a) Appropriation.--The county commissioners may appropriate
26 money from the county treasury for purchasing, constructing,
27 maintaining and operating a motor vehicle parking facility to be
28 used as a county facility.

29 (b) Lease.--The county commissioners, or a municipal
30 authority created by the county commissioners, may lease a

1 parking facility, or the land to be used for a parking facility,
2 to a city, borough or township in which the parking facility is
3 located or shall be constructed or a parking authority created
4 by the city, borough or township.

5 (c) Authorization.--The county commissioners may create and
6 appropriate money to a municipal authority under subsection (b).

7 SUBCHAPTER Z

8 REVENUE BONDS FOR INDUSTRIAL DEVELOPMENT PROJECTS

9 Sec.

10 15399g. Issuance of revenue bonds for industrial development
11 projects.

12 § 15399g. Issuance of revenue bonds for industrial development
13 projects.

14 (a) General rule.--

15 (1) The county commissioners may issue revenue bonds of
16 the county under 53 Pa.C.S. Pt. VII Subpt. B (relating to
17 indebtedness and borrowing) to provide sufficient money for
18 and toward the acquisition, construction, reconstruction,
19 extension, equipping or improvement of an industrial
20 development project.

21 (2) A project under paragraph (1) may consist of any
22 building or facility, or combination or part of a building or
23 facility, occupied or utilized by an industrial,
24 manufacturing or research and development enterprise existing
25 or acquired on January 12, 1968, including any buildings,
26 improvements, additions, extensions, replacements,
27 appurtenances, lands, rights in land, water rights,
28 franchises, machinery, equipment, furnishings, landscaping,
29 utilities, railroad spurs and sidings, wharfs, approaches and
30 roadways necessary or desirable in connection or incidental

1 to the building or facility for the purposes of the project.

2 (3) A bond issued under paragraph (1) shall be secured
3 solely by the pledge of the whole or part of the fees, rents,
4 tolls or charges derived from the ownership or operation of
5 the facility or for the use or services of the facility.

6 (b) Lease of project.--An industrial development project
7 financed by the issuance of revenue bonds under this section may
8 be leased by the county in whole or in part to a lessee or
9 lessees for a period of years equal in time to the period of
10 maturity of the bonds so issued.

11 (c) Costs of bond issue.--Included in the cost of the bond
12 issue may be any costs and expenses incident to constructing and
13 financing the facilities and selling and distributing the bonds.

14 (d) Transfer.--The county commissioners may:

15 (1) Sell, lease, lend, grant, convey, transfer or pay
16 over the following, with or without consideration, to any
17 authority created under the act of August 23, 1967 (P.L.251,
18 No.102), known as the Economic Development Financing Law:

19 (i) a project or part of a project; or

20 (ii) any interest in real or personal property or
21 money available for industrial development purposes,
22 including the proceeds of revenue bonds issued for
23 industrial development purposes under subsection (a).

24 (2) Assign, transfer and set over to an authority any
25 project or interest in real or personal property listed under
26 paragraph (1), along with any contract for the project or
27 interest, which may have been awarded for the construction of
28 projects not begun or not completed.

29 (e) Power to enter into contract.--The county commissioners
30 may enter into a contract or agreement with an authority or with

1 a tenant or proposed tenant of an industrial development project
2 and to do all things necessary or proper to effectuate the
3 public purpose of this section.

4 SUBCHAPTER Z.1

5 GRANTS TO NONPROFIT ART CORPORATIONS

6 Sec.

7 15399h. Grants to nonprofit art corporations.

8 § 15399h. Grants to nonprofit art corporations.

9 (a) Authorization.--The county commissioners may make grants
10 annually, not exceeding an amount equal to one mill of the real
11 estate tax to nonprofit art corporations for artistic and
12 cultural activities.

13 (b) 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 "Artistic and cultural activities." The term includes the
17 display or production of theater, music, dance, painting,
18 architecture, sculpture, arts and crafts, photography, film,
19 graphic arts and design and creative writing.

20 "Nonprofit art corporation." A local arts council,
21 commission or coordinating agency or any other nonprofit
22 corporation engaged in the production or display of works of
23 art, including the visual, written or performing arts.

24 SUBCHAPTER Z.2

25 COMMISSION ON WOMEN

26 Sec.

27 15399i. Commission on the status of women.

28 § 15399i. Commission on the status of women.

29 The county commissioners may establish a commission on the
30 status of women.

1 15399m. Duties of county officers and employees under lot and
2 block system.

3 § 15399l. Lot and block system.

4 A county of the second class A which, on December 24, 2018,
5 has adopted and maintains a lot and block system for the
6 registration of land titles, for the accumulation of county tax
7 liens and for the enumeration of the parcels of real estate for
8 the assessment of real estate taxes in one or more political
9 subdivisions of the county may continue to operate a lot and
10 block system until the board of commissioners deem appropriate.

11 § 15399m. Duties of county officers and employees under lot and
12 block system.

13 (a) Custody of records.--If a lot and block system under
14 section 15399l (relating to lot and block system) remains in
15 effect, the portion of the system relating to the plats, plat
16 books and the upkeep of the plats and plat books shall remain in
17 the custody of the deed registry office of the county. The
18 portion of the system containing the files, cards, indexes and
19 other records relating to the liening of county taxes shall
20 remain in and be maintained by the office of the controller of
21 the county.

22 (b) Assessments.--

23 (1) The district assessors appointed by the county board
24 of assessment appeals, whose assessments are being made
25 within the municipal subdivisions that have had the lot and
26 block system completed, shall use the lot and block system
27 descriptive numbers in the original books of assessment.

28 (2) The board of assessment appeals shall, within
29 municipal subdivisions covered by a lot and block system,
30 correct any assessment in which the lot and block system

1 descriptive number is absent.

2 (3) The recorder of deeds shall receive and record any
3 deed that refers to a specific parcel of real estate. If the
4 deed does not bear the certification by the custodian of the
5 lot and block system that the descriptive numbers
6 incorporated in the description of the real estate are
7 correct, the recorder of deeds shall obtain the certification
8 from the custodian of the lot and block system before
9 transcribing any deed lacking the certification.

10 (4) The treasurer or tax collector of each city,
11 borough, town, township or school district in which the lot
12 and block system has been completed under the order of court
13 shall place upon each tax bill sent out, and upon each tax
14 receipt issued upon payment, the lot and block system
15 descriptive numbers.

16 (5) The county controller and the treasurer, tax
17 collector or solicitor, as the case may be in a city,
18 borough, township or school district, within which the lot
19 and block system has been completed, shall, at the time of
20 filing liens for unpaid taxes with the prothonotary, set
21 forth on the liens the individual lot and block system
22 descriptive numbers, and the prothonotary may not receive and
23 file a lien unless the descriptive numbers are contained on
24 the lien.

25 (6) For the purposes of the sale of real estate for
26 delinquent taxes, either by the sheriff of the county, the
27 board of commissioners and treasurer of the county or the
28 treasurer of a city, borough, town, township or school
29 district, the lot and block system descriptive numbers are
30 declared to be sufficient description for the:

1 § 15502. Appropriation for maintenance of National Guard.

2 (a) Authorization.--The county commissioners may make
3 appropriations for the support, maintenance, discipline and
4 training of one or more units of the National Guard. If units
5 are organized as a battalion, regiment or similar organization,
6 the total amount due may be paid to the commanding officer of
7 the battalion, regiment or similar organization.

8 (b) Requirements.--All money appropriated under subsection
9 (a) shall be paid to the order of the commanding officer of the
10 company, battalion, regiment or similar organization if the
11 Adjutant General certifies to the county commissioners that the
12 unit or units have satisfactorily passed the annual inspection
13 provided by law. The money appropriated shall be used and
14 expended solely and exclusively for the support, maintenance,
15 discipline and training of the company, battalion, regiment or
16 similar organization, and the commanding officer shall account
17 by proper vouchers to the county each year for the expenditure
18 of the money appropriated.

19 (c) Subsequent expenditures.--The county commissioners may
20 not make an appropriation under subsection (a) for a subsequent
21 year until the commanding officer has duly and satisfactorily
22 accounted for the expenditure of the previous year.

23 (d) Inspection.--Accounts of expenditures shall be subject
24 to the inspection of the Department of Military and Veterans
25 Affairs and shall be audited by the auditors or the controller
26 in the manner provided by law for the audit of accounts of
27 county money.

28 § 15503. Appropriation to rifle clubs in time of war.

29 (a) Appropriation.--If a state of war exists, the county
30 commissioners may appropriate money to civilian rifle clubs,

1 duly chartered by the National Rifle Association of America, for
2 the:

3 (1) maintenance and rental of rifle ranges;

4 (2) employment of competent instructors and necessary
5 employees; and

6 (3) equipment and uniforms for the members of clubs who
7 volunteer for special military duty in the members'
8 respective counties or answer a call of the Governor.

9 (b) Restriction.--Money may not be appropriated to a club
10 under this section unless practice by the members of the club on
11 a rifle range is with a United States military rifle or arms
12 approved by the Adjutant General.

13 SUBCHAPTER B

14 INTERMENT OF DECEASED SERVICEPERSONS

15 AND SURVIVING SPOUSES

16 Sec.

17 15508. Definitions.

18 15509. Funeral expenses of deceased servicepersons.

19 15510. Interment of spouses of deceased servicepersons.

20 15511. Payment.

21 15512. Flagholders for graves.

22 15513. Memorial benefit.

23 15514. Burial plots.

24 15515. Care of graves and headstones.

25 15516. Determining eligibility for interment benefits.

26 § 15508. Definitions.

27 As used in this subchapter, the following words and phrases
28 shall have the meanings given to them in this section unless the
29 context clearly indicates otherwise:

30 "Deceased serviceperson." The term includes:

1 (1) A deceased individual who, at the time of death, was
2 serving, whether or not in a combat zone, in the Army, Navy,
3 Air Force, Marine Corps, Coast Guard or a women's
4 organization officially connected to those forces, during a
5 war or armed conflict in which the United States has been, is
6 now or shall be engaged, or who, at the time of death, was
7 serving in a zone in which a campaign or state or condition
8 of war or armed conflict then existed, in which the United
9 States was, is or shall be a participant. The existence of a
10 campaign or state or condition of war or armed conflict, and
11 the participation of the United States in the conflict as
12 well as the fact that the deceased person served in a zone in
13 which a campaign or state or condition of war or armed
14 conflict existed shall, in each case, be established by the
15 records of the United States Department of Defense.

16 (2) A deceased individual who served at any time during
17 the individual's life and whose separation from service was
18 honorable, whether by discharge or otherwise, or who, at the
19 time of death, was continuing in service after the cessation
20 of the war, armed conflict, campaign or state or condition of
21 war during or in which the person served.

22 (3) A deceased individual who was in active service in
23 the militia of the Commonwealth under a proclamation issued
24 by the Governor during the Civil War and who was not duly
25 mustered into the service of the United States but was
26 honorably discharged or relieved from service.

27 "Legal residence." An actual residence, coupled with the
28 intention that the residence shall be permanent, or a residence
29 presently fixed with no definite intention of changing it or of
30 returning to a former residence at some future period. Legal

1 residence shall be determined by the abode of a person and the
2 person's intention to abandon a former domicile and establish a
3 new one. The legal residence of a deceased serviceperson shall
4 be prima facie in the county in which the person resided at the
5 time of death.

6 § 15509. Funeral expenses of deceased servicepersons.

7 (a) Contributions.--In accordance with subsection (b), each
8 county shall contribute at least \$75 towards the funeral
9 expenses of each deceased serviceperson if application for the
10 contribution is made within one year after the date of the
11 deceased serviceperson's death. For a deceased serviceperson who
12 died while in service, application may be made at any time.

13 (b) Uniform contribution.--All contributions made under this
14 section shall be uniform as to eligible deceased servicepersons
15 within the same calendar year.

16 (c) Payments.--Payments under this section shall be made
17 under the following circumstances:

18 (1) If the deceased serviceperson, at the time of death,
19 had a legal residence in the county to which an application
20 for a contribution under subsection (a) has been made,
21 regardless of if the person died or was interred in the
22 county. Every deceased serviceperson having a legal residence
23 in this Commonwealth at the time of death shall be entitled
24 to the benefits of this section, regardless of where the
25 individual died or where the individual is interred, and the
26 liability shall be on the county where the deceased
27 serviceperson shall have had legal residence at the time of
28 death.

29 (2) If the deceased serviceperson died and was interred
30 in the county to which an application for a contribution

1 under subsection (a) has been made, but, at the time of
2 death, did not have legal residence within this Commonwealth,
3 if the county commissioners in the county in which the
4 individual died are notified in writing by an organization of
5 veterans, and upon investigation finds, that the body is
6 unclaimed by relatives or friends.

7 § 15510. Interment of spouses of deceased servicepersons.

8 (a) General rule.--Upon application and proof, the county
9 shall contribute at least \$75 towards the funeral expenses of a
10 spouse of a deceased serviceperson who, at the time of death,
11 had a legal residence in the county, regardless of if the
12 individual died or is interred in the county.

13 (b) Limitation.--The county may not contribute money toward
14 the funeral expenses of a spouse of a deceased serviceperson who
15 had remarried after the death of the deceased serviceperson.

16 (c) Uniform contribution.--In each case, application for the
17 contribution shall be made within one year after the date of the
18 death of the spouse. All contributions made under this section
19 shall be uniform as to eligible spouses within the same calendar
20 year.

21 § 15511. Payment.

22 (a) Funeral expenses.--The county shall make a payment in
23 the amount authorized or required under section 15509 (relating
24 to funeral expenses of deceased servicepersons) or 15510
25 (relating to interment of spouses of deceased servicepersons)
26 for each deceased serviceperson or spouse of a deceased
27 serviceperson in accordance with this subchapter.

28 (b) Money.--A payment under this subchapter shall be paid
29 out of the money of the county.

30 (c) Payments.--Payments under this subchapter shall be made

1 payable to the applicant if the application shows that the
2 funeral expenses have been paid. Otherwise, payments shall be
3 made to the funeral director performing the services, with
4 notice to the applicant.

5 (d) Applications.--Application for contributions under this
6 subchapter shall be made by a personal representative or spouse
7 of the deceased serviceperson. If no qualified personal
8 representative is available, the application may be made by the
9 next-of-kin of the deceased serviceperson, an individual or a
10 veterans' organization, that shall assume responsibility for the
11 cost of burial. The facts contained in the application shall be
12 sustained by affidavit. An individual who knowingly files an
13 application under this section that is false in any material
14 manner commits a misdemeanor in accordance with 18 Pa.C.S. §
15 4903 (relating to false swearing).

16 (e) Application.--The application shall be:

17 (1) on a form prescribed by the Department of Military
18 and Veterans Affairs and shall verify whether the funeral
19 expenses have been paid; and

20 (2) attached to a certified copy of the death
21 certificate and an affidavit prepared by the funeral director
22 who had charge of the interment, which certifies that the
23 funeral director did render the service.

24 § 15512. Flagholders for graves.

25 (a) Flagholders.--The county commissioners shall, at the
26 county commissioners' discretion, procure appropriate
27 flagholders for the graves of deceased servicepersons and the
28 graves of all other deceased individuals who served in the Army,
29 Navy, Air Force, Marine Corps, Coast Guard or Merchant Marine
30 during World War II or an organization officially connected to

1 those forces and whose separation from service was honorable,
2 whether by discharge or otherwise.

3 (b) Material of flagholder.--A flagholder shall be of
4 bronze, aluminum or other suitable weather-resistant material.

5 (c) Requirement for flagholders.--The county commissioners
6 shall place a flagholder under subsection (a) if the deceased
7 individual:

8 (1) had legal residence in the county, regardless of if
9 the individual died or is interred in the county; or

10 (2) did not have a legal residence within this
11 Commonwealth.

12 (d) Design of flagholders.--

13 (1) If a deceased serviceperson was a veteran of a war
14 or campaign for which the Federal Government issued discharge
15 buttons, the flagholder designated for the grave shall
16 include a facsimile of the discharge button.

17 (2) If a deceased serviceperson was a veteran of the
18 Korean Conflict, the flagholder designated for the grave
19 shall include a circular emblem with the words "Korea, U.S.,
20 1950-1953" in the border and shall incorporate the insignia
21 of the Army, Navy, Marine Corps, Air Force or Coast Guard, as
22 appropriate, in the form approved by the State Veterans'
23 Commission.

24 (e) Memorial certificate.--For a county of the second class
25 A, in lieu of placing a flagholder on the grave, if the next-of-
26 kin of a veteran so requests, a memorial certificate may be
27 issued to the next-of-kin of a deceased serviceperson who, at
28 the time of death, had legal residence in the county, regardless
29 of if the individual died or is interred in the county. The
30 memorial certificate shall indicate the deceased serviceperson's

1 name and designate the war or campaign in which the deceased
2 serviceperson served.

3 § 15513. Memorial benefit.

4 (a) Memorial.--The county commissioners shall provide,
5 either directly or through reimbursement, a memorial designated
6 in subsection (b) on the graves of deceased servicepersons who,
7 at the time of death, had legal residence in the county as well
8 as on the graves of all other deceased servicepersons who served
9 in the Army, Navy, Air Force, Marine Corps, Coast Guard or
10 Merchant Marine during World War II or an organization
11 officially connected to those forces and whose separation from
12 service was honorable, whether by discharge or otherwise.

13 (b) Specifications.--The county commissioners shall provide
14 a concrete or granite base for a headstone provided by the
15 Federal Government, or if lettering only on an existing memorial
16 is desired by the family, the county commissioners shall provide
17 the lettering.

18 (c) Commissioner requirements.--In the event the body of a
19 deceased serviceperson either cannot or will not be returned to
20 the United States, the county commissioners shall provide a
21 memorial benefit in the family plot of the deceased
22 serviceperson. If lettering of an existing memorial is desired
23 by the family, the inscription shall include:

24 (1) the name, rank and organization of the deceased
25 serviceperson;

26 (2) the name of the country, location or manner in which
27 the person lost his or her life; and

28 (3) the cemetery or other interment site where the
29 deceased serviceperson is interred, if any.

30 (d) Expense for benefit.--The expense for a benefit provided

1 under this section shall be paid by the county in which the
2 deceased serviceperson had legal residence at the time of death,
3 regardless of if the individual died or is interred in the
4 county. The expense may not exceed the actual cost of providing
5 the concrete or granite base or lettering. The county
6 commissioners shall pay from the treasury to the party
7 furnishing the benefit.

8 (e) Legal disputes.--In cases of dispute concerning the
9 legal residence of a deceased serviceperson, the county in which
10 a deceased serviceperson is interred shall perform the duties
11 required under this section. Payment may not be made unless the
12 application is approved by the county commissioners before the
13 commencement of the project.

14 (f) Offense.--An individual who intentionally or recklessly
15 destroys, mutilates, removes or defaces a grave marker,
16 headstone or flagholder commits an offense under 18 Pa.C.S. §
17 3903 (relating to grading of theft offenses).
18 § 15514. Burial plots.

19 (a) Authorization.--The county commissioners are authorized
20 to purchase plots of ground in each cemetery or other interment
21 site for the interment of deceased servicepersons whose bodies
22 are entitled to be interred under this subchapter.

23 (b) Costs.--Costs under this section shall be paid by the
24 county commissioners from the county treasury.

25 (c) Limitation.--The purchase price of plots of ground may
26 not be charged against or allotted as part of the cost of
27 interment of deceased servicepersons who may be interred in any
28 of the plots under this subchapter.

29 § 15515. Care of graves and headstones.

30 (a) General rule.--The county commissioners may:

1 (1) ensure that the graves and headstones of all
2 deceased servicepersons and all other veterans who are buried
3 in the county receive proper and fitting care; and

4 (2) employ all necessary assistants to carry out the
5 provisions of this section.

6 (b) Expenses.--The expense of the care of the graves and
7 headstones under subsection (a) may be paid for by the county in
8 which the graves are located, except if suitable care is
9 otherwise provided.

10 (c) Spending of money.--Money appropriated may be expended
11 directly by the board of county commissioners or paid over to
12 the individual, firm, association or corporation owning or
13 controlling a cemetery or other interment site in the county in
14 which a grave is situated.

15 (d) Limitation.--The amount paid to care for a grave each
16 year under this section may not exceed the charge for the annual
17 care and maintenance of similar graves in the same cemetery or,
18 if no fixed charge is established in that cemetery, may not
19 exceed the sum charged in other cemeteries in the same county
20 for similar services.

21 § 15516. Determining eligibility for interment benefits.

22 (a) Proof required.--If application is made for a
23 contribution toward the funeral expenses of a deceased
24 serviceperson or the surviving spouse of a deceased
25 serviceperson or for a memorial benefit under section 15513
26 (relating to memorial benefit), the county commissioners shall,
27 before expending money, require proof of the following:

28 (1) The service of the deceased serviceperson that
29 entitles the individual or the surviving spouse to the
30 benefits under this subchapter. Proof shall be made by the

1 production of:

2 (i) an honorable discharge or other official record
3 showing service during a war in which the United States
4 is or was engaged; or

5 (ii) records of the United States Department of
6 Defense, or copies filed in the Department of Military
7 and Veterans Affairs, showing the existence of a campaign
8 or state or condition of war in which the United States
9 participated and the service of the deceased
10 serviceperson in a zone in which a campaign or state or
11 condition of war existed.

12 (2) The death of the deceased serviceperson.

13 (3) In addition to paragraphs (1) and (2), for the
14 interment of the surviving spouse of a deceased
15 serviceperson, the death of the surviving spouse and the fact
16 that the spouse was married to the deceased serviceperson at
17 the time of the serviceperson's death and that the spouse has
18 not since remarried.

19 (4) Except for individuals who do not have legal
20 residence within this Commonwealth and who are entitled to
21 any of the benefits under this subchapter, the legal
22 residence within the county of the deceased serviceperson or
23 of the surviving spouse of a deceased serviceperson, as the
24 case may be.

25 (b) Documentation required.--Death shall, in all cases, be
26 proven by a death certificate, if procurable, or by one of the
27 following:

28 (1) Affidavit of one or more individuals personally
29 acquainted with the deceased and the fact of the individual's
30 death.

1 (2) Proof of the record of death kept by the attending
2 physician.

3 (3) Proof of the record of interment kept by the funeral
4 director.

5 (4) Records of the church burial association or cemetery
6 company maintaining the graveyard, burial ground, cemetery or
7 other interment site in which the deceased serviceperson was
8 interred.

9 (c) Satisfaction of proof.--If proof required by this
10 subchapter has been furnished to the county commissioners, no
11 further proof of the facts shall be required in order to obtain
12 any other benefit under this subchapter.

13 SUBCHAPTER C

14 MEMORIAL OBSERVANCES

15 Sec.

16 15521. Appropriations to veterans' organizations for expenses
17 of Memorial Day, Veterans' Day, Flag Day and
18 Independence Day.

19 15522. Flags to decorate graves.

20 15523. Compilation of war records.

21 15524. Director of veterans' affairs.

22 § 15521. Appropriations to veterans' organizations for expenses
23 of Memorial Day, Veterans' Day, Flag Day and
24 Independence Day.

25 (a) Appropriations.--The board of commissioners of a county
26 may make appropriations to aid in defraying the expenses of
27 Memorial Day, Veterans' Day, Flag Day and Independence Day to
28 each camp, post, detachment or organization in the county of the
29 following:

30 (1) The United Spanish War Veterans.

- 1 (2) The American Legion.
- 2 (3) The Veterans of Foreign Wars.
- 3 (4) The Veterans of World War I of the USA, Inc.
- 4 (5) AMVETS.
- 5 (6) The Society of the Twenty-eighth Division, AEF,
6 Incorporated.
- 7 (7) Italian American War Veterans of the United States,
8 Incorporated.
- 9 (8) The Marine Corps League.
- 10 (9) Each naval association.
- 11 (10) The Grand Army of the Republic.
- 12 (11) The Disabled American Veterans.
- 13 (12) The American Gold Star Mothers.
- 14 (13) The Sons of Union Veterans of the Civil War, the
15 Daughters of Union Veterans of the Civil War or, in the
16 absence of orders, a duly constituted organization that
17 decorates graves of Union Veterans of the Civil War.
- 18 (14) Any other nationally chartered veterans'
19 organization or other veterans' organization recognized by
20 the county.

21 (b) Payments.--Payments under this section shall be made to
22 defray actual expenses only. Before any payment is made, the
23 organization receiving the payment shall submit verified
24 accounts of their expenditures.

25 § 15522. Flags to decorate graves.

26 (a) Memorial Day flags.--The board of county commissioners
27 shall provide flags on each Memorial Day with which to decorate
28 the graves of all deceased servicepersons and the graves of all
29 other deceased individuals who served in the Army, Navy, Air
30 Force, Marine Corps, Coast Guard or Merchant Marine during World

1 War II or an organization officially connected to those forces,
2 whose separation from service was honorable and who are interred
3 within the county. Flags provided under this section shall be
4 standard size, colorfast and American-made and shall be
5 purchased at the expense of the county from money in the county
6 treasury.

7 (b) Veterans' organizations.--A county may coordinate with
8 local veterans' organizations to ensure that cemeteries are
9 decorated in compliance with the provisions of this section.
10 Flags required under this section shall be furnished to the
11 various veterans' organizations in numbers required for their
12 respective communities.

13 (c) Appropriations.--Money expended by a county under this
14 section shall be in addition to money appropriated by counties
15 for Memorial Day purposes.

16 (d) Maintenance.--

17 (1) Annually, the authorities in charge of each cemetery
18 are authorized to remove flags as follows:

19 (i) A cemetery may remove flags when flags become
20 unsightly or weatherworn any time on or after the first
21 working day after Veterans' Day. Prior to Veterans' Day,
22 a cemetery may request replacement flags from the county
23 which may be used by the cemetery to replace weatherworn
24 flags, if replacement flags are available.

25 (ii) Notwithstanding subparagraph (i), a cemetery
26 may remove flags as a part of the cemetery's normal
27 course of maintenance not before the first working day
28 after Independence Day, but prior to Veterans' Day
29 provided that the cemetery makes the flags available to
30 family members, veterans' organizations or other

1 community organizations for the purpose of decorating
2 graves in recognition of Veterans' Day.

3 (2) A cemetery may remove flagholders for annual storage
4 upon the authorized removal of flags.

5 (e) Removal of flags by family members.--A family member of
6 an individual whose grave is decorated with a flag by the county
7 for the purpose of Memorial Day may take and keep the flag after
8 the first working day after Veterans' Day.

9 (f) Offense.--Except as otherwise provided in this section,
10 an individual, other than a family member removing the flag from
11 a deceased relative's grave, who removes or causes the removal
12 of flags prior to the first working day after Independence Day
13 commits a summary offense and, upon conviction, shall be
14 sentenced to pay a fine of \$300 and, upon failure to pay a fine,
15 to undergo imprisonment not to exceed 90 days.

16 (g) Exception.--A cemetery or an owner, employee, agent or
17 contractor of a cemetery who removes or causes the removal of a
18 flag, grave marker, headstone, flagholder or other memorial in
19 good faith in the course of maintenance, repair or mitigation of
20 damage may not be subject to subsection (f) or section 15513(f)
21 (relating to memorial benefit).

22 § 15523. Compilation of war records.

23 (a) Records required.--The county commissioners are
24 authorized and directed, at the expense of the county, to
25 compile a record of the interment sites within the county of
26 deceased servicepersons and all other veterans. Records, so far
27 as practicable, shall indicate the:

28 (1) name of each deceased serviceperson;

29 (2) service in which the individual was engaged;

30 (3) number of the regiment, company or command in which

1 the individual served;

2 (4) individual's rank and period of service;

3 (5) name and location of the cemetery or other place in
4 which the individual's body is interred; and

5 (6) location of the deceased individual's grave and the
6 character of headstone or other marker, if any, at the grave.

7 (b) Title of record.--The record shall be known as the
8 Veterans' Grave Registration Record of
9 County, and shall be a public record, open to inspection during
10 business hours.

11 (c) Record blanks.--The county commissioners shall ensure
12 that record blanks are prepared, according to forms prescribed
13 by the Department of Military and Veterans Affairs, whereby the
14 information required for the record may be transmitted to the
15 county commissioners upon request.

16 (d) Certificate required.--Every individual, firm,
17 association or corporation, including a municipal corporation,
18 owning or controlling a cemetery or interment site in this
19 Commonwealth which inters bodies of deceased servicepersons
20 shall file with the director of veterans' affairs of the county
21 in which the cemetery is located a certificate, on the record
22 blanks provided by the county commissioners, of the facts
23 required for the record if the facts are within the knowledge of
24 the individual, firm, association or corporation or a designated
25 agent.

26 (e) Offense.--The county commissioners shall ensure that
27 record blanks are distributed to an individual, firm,
28 association or corporation, as the county commissioners deem
29 advisable, with the request that the information required under
30 this section be transmitted to the county. An individual, firm,

1 association or corporation, except municipal corporations, that
2 refuses or neglects to fill out and transmit to the county
3 commissioners the blanks or forms within six months after
4 receipt of the blanks or forms commits a summary offense and,
5 upon conviction, shall be sentenced to pay a fine of \$100.

6 (f) Location of interment sites.--For the purpose of
7 locating the interment sites of individuals who have served in
8 the armed forces of the United States during a war or armed
9 conflict in which the United States was engaged, any veterans'
10 organization listed in section 15521(a) (relating to
11 appropriations to veterans' organizations for expenses of
12 Memorial Day, Veterans' Day, Flag Day and Independence Day) or
13 recognized by the county may, without expense to the county, to
14 collect the required data and prepare and file certificates with
15 the county commissioners, including the information required
16 under this section.

17 (g) Written notice.--Notwithstanding any provision to the
18 contrary, any organization that accepts remains under section
19 506.2 of the act of June 29, 1953 (P.L.304, No.66), known as the
20 Vital Statistics Law of 1953, which allows certain veterans'
21 service organizations to claim the remains of certain deceased
22 veterans, shall give written notice of the location and manner
23 of the final disposition of the remains to the director of
24 veterans' affairs of the county in which the final disposition
25 of the remains is made.

26 § 15524. Director of veterans' affairs.

27 (a) Appointment.--The county commissioners shall appoint an
28 eligible individual under 51 Pa.C.S. § 1731(a) (relating to
29 accreditation) to serve as the county's director of veterans'
30 affairs, who shall receive compensation as fixed by the salary

1 board.

2 (b) Responsibility of director.--A county's director of
3 veterans' affairs shall:

4 (1) Assist all veterans and their families in securing
5 rights relating to their person, property and care of family
6 under any Federal or State laws.

7 (2) Assist the county commissioners in administering the
8 provisions of this subchapter which relate to the interment
9 of deceased servicepersons and their surviving spouses and to
10 furnishing flagholders and placing headstones on graves.

11 (3) Compile and maintain war records and records of
12 interment sites of deceased servicepersons in accordance with
13 the provisions of this subchapter.

14 (4) Perform other duties provided by statute, including
15 the duties required under 51 Pa.C.S. § 1731(c).

16 (c) Compensation.--For services performed under subsection
17 (b), the director of veterans' affairs of a county shall be
18 entitled to expenses incurred and additional compensation. Both
19 expenses and compensation shall be subject to the approval of
20 the salary board.

21 CHAPTER 157

22 PUBLIC HEALTH

23 Subchapter

24 A. General Provisions

25 B. (Reserved)

26 C. County Health Aid to Institutions and Political
27 Subdivisions

28 D. Insect Control

29 E. Care of Dependents and Children

30 F. Training for County Health, Welfare and Probation

1 Personnel

2 G. (Reserved)

3 H. General Hospitals

4 SUBCHAPTER A

5 GENERAL PROVISIONS

6 Sec.

7 15701. Health work.

8 § 15701. Health work.

9 The county commissioners may provide and annually appropriate
10 from money in the county treasury not otherwise appropriated an
11 amount deemed necessary for the protection of the health,
12 cleanliness, convenience, comfort and safety of the people of
13 the county.

14 SUBCHAPTER B

15 (Reserved)

16 SUBCHAPTER C

17 COUNTY HEALTH AID TO INSTITUTIONS

18 AND POLITICAL SUBDIVISIONS

19 Sec.

20 15730. Appropriations to hospitals, health clinics and homes.

21 15731. (Reserved).

22 15732. Aid to municipal corporations for sewage purposes.

23 15733. Aid to municipal corporations for water systems.

24 § 15730. Appropriations to hospitals, health clinics and homes.

25 The county commissioners may make appropriations to support:

26 (1) a hospital, health clinic or comparable facility
27 that is engaged in charitable work and extends treatment and
28 medical attention to residents of the county; and

29 (2) a home or place of detention of dependent,
30 delinquent and neglected children located within the county.

1 § 15731. (Reserved).

2 § 15732. Aid to municipal corporations for sewage purposes.

3 The county commissioners may make appropriations to aid
4 municipal corporations in the construction or maintenance of
5 sewers or wastewater treatment facilities if the project has
6 received all necessary approvals or permits from the Department
7 of Environmental Protection.

8 § 15733. Aid to municipal corporations for water systems.

9 The county commissioners may make appropriations to aid
10 municipal corporations in the construction or maintenance of
11 public water systems if the project has first received all
12 necessary approvals or permits from the Department of
13 Environmental Protection.

14 SUBCHAPTER D

15 INSECT CONTROL

16 Sec.

17 15750. Elimination and abatement of larvae breeding places and
18 liens.

19 15751. Not to affect public water supply.

20 15752. Appropriations.

21 § 15750. Elimination and abatement of larvae breeding places
22 and liens.

23 (a) Authorization.--

24 (1) The county commissioners of counties of the third,
25 fourth, fifth, sixth, seventh and eighth class may eliminate
26 breeding places of mosquitoes on private or public property
27 within the county.

28 (2) The county commissioners may provide for all acts,
29 including entry upon private or public property, to carry out
30 plans which, in the county commissioner's opinion and

1 judgment through consultation with public health or
2 veterinary officials, are deemed to be necessary for the
3 preservation of human or animal health by the elimination of
4 breeding places of mosquitoes or which will tend to
5 exterminate disease-carrying mosquitoes within the county.

6 (b) Public nuisance abatement.--

7 (1) Any water in which mosquito larvae breed is declared
8 a public nuisance and subject to abatement.

9 (2) If a breeding place exists on any lands in the
10 county, other than meadow or marsh lands subject to the ebb
11 and flow of the tide, which breeding place should, in the
12 opinion of the county commissioners, be abated, the county
13 commissioners shall, in writing, order the owner of the lands
14 to abate the public nuisance within a reasonable period and
15 in a manner to be specified in the order.

16 (3) If the owner has failed to comply with an order at
17 the expiration of the period under paragraph (2), or if the
18 owner of the land cannot be ascertained or found, the county
19 commissioners shall abate the public nuisance and may assess
20 all or part of the cost of the abatement against the lands on
21 which the breeding place exists. The county commissioners may
22 file municipal liens for the assessments within the time and
23 in the manner provided by law, to be subject in all respects
24 to the general law providing for the filing and recovery of
25 municipal liens.

26 § 15751. Not to affect public water supply.

27 An order of abatement may not authorize and the county
28 commissioners may not employ any method of extermination by a
29 municipality or a water supply company which affects waters used
30 and useful in the supply of water to the public. Manmade pools

1 which allow mosquito propagation are subject to be targeted
2 first, and strategies shall be supported that minimize
3 environmental impact.

4 § 15752. Appropriations.

5 The county commissioners may appropriate the amount of money
6 necessary for the purpose of carrying out the provisions of this
7 subchapter. The amount appropriated under this section may not
8 exceed one-fourth of one mill on each dollar of the assessed
9 value of taxable real estate in the county in a given year. The
10 amounts appropriated under this section shall be paid out by the
11 county treasurer on the orders of the county commissioners.

12 SUBCHAPTER E

13 CARE OF DEPENDENTS AND CHILDREN

14 Sec.

15 15760. Definitions.

16 15761. County institution districts abolished.

17 15762. Records.

18 15763. Powers and duties.

19 15764. Further powers and duties.

20 15765. Referral by Department of Human Services.

21 15766. Provision for burial.

22 15767. (Reserved).

23 15768. Powers and duties of county commissioners relating to
24 children.

25 15769. Contributions for medical care.

26 15770. Inspections by Department of Human Services.

27 15771. Reports of individuals applying for treatment of
28 disease.

29 15772. Rules and regulations.

30 15773. Providing services without charge prohibited.

1 15774. Payments by county commissioners for assistance.

2 15774.1. Limitation of authority respecting public assistance
3 recipients.

4 15775. (Reserved).

5 15776. (Reserved).

6 15777. (Reserved).

7 § 15760. Definitions.

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

11 "Dependent." An indigent individual requiring public care,
12 including maintenance, medical care, clothing and incidentals,
13 due to physical or mental health needs or disability.

14 "Institution." A hospital, health care clinic or comparable
15 facility.

16 "Institution district." A county institution district
17 managed by the county commissioners.

18 "Public charge." An individual who is unable to maintain the
19 individual and who requires and receives aid from the
20 Commonwealth or from any political subdivision.

21 § 15761. County institution districts abolished.

22 Each county institution district in counties of the fourth,
23 fifth, sixth, seventh and eighth class is abolished. The
24 property, real and personal, of each county institution district
25 existing on July 31, 1963, is transferred to and vested in the
26 county in which the institution district is located. The
27 indebtedness of an institution district, regardless of if
28 current or bonded, incurred in the acquisition of property or
29 erecting improvements, shall become the debt and obligation of
30 the county and shall be paid by the county. All the powers and

1 duties of an institution district, in connection with
2 administering the affairs of the institution district, are
3 transferred to the county in which the institution district is
4 located.

5 § 15762. Records.

6 The county commissioners of each county of the fourth, fifth,
7 sixth, seventh and eighth class shall keep records of the work
8 necessitated by this subchapter as prescribed by the Department
9 of Human Services and shall make reports to the Department of
10 Human Services as the department requires.

11 § 15763. Powers and duties.

12 The county commissioners of counties of the fourth, fifth,
13 sixth, seventh and eighth class shall have the power and their
14 duty shall be to:

15 (1) Erect, equip, maintain, repair, alter and add to
16 institutions for the care of dependents. A plan for the
17 erection or substantial alteration of an institution must be
18 approved as to suitability by the Department of Human
19 Services.

20 (2) Pay the necessary expenses of land and buildings for
21 the care of dependents and farms.

22 § 15764. Further powers and duties.

23 The county commissioners of counties of the fourth, fifth,
24 sixth, seventh and eighth class shall have the power and duty,
25 with funds of the county and according to the rules, regulations
26 and standards established by the Department of Human Services,
27 to:

28 (1) care for any dependent in the county, who is not
29 otherwise cared for;

30 (2) contract with other counties or an individual,

1 association, corporation or other entity for the care of any
2 dependent;

3 (3) contract with any association in this Commonwealth
4 organized to provide a home or employment for individuals
5 with disabilities;

6 (4) pay the cost or part of the cost imposed by law upon
7 county institution districts for patients with mental health
8 needs or intellectual disability;

9 (5) take any other action authorized by law;

10 (6) contract with an individual, association,
11 corporation, institution or governmental agency for the
12 purpose of providing foster home care for individuals over 18
13 years of age. If, in the discretion of the county
14 commissioners, foster home care is advisable, the county
15 commissioners may expend money for a foster home care in
16 addition to any money paid by the Commonwealth or an
17 individual, association, corporation, institution or
18 governmental agency to or for individuals over 18 years of
19 age;

20 (7) require that an individual cared for in an
21 institution shall pay for the cost of the individual's care
22 to the extent of the individual's available resources; and

23 (8) provide or contract with an individual, corporation,
24 institution or governmental agency to provide care and
25 services designed to help dependents remain in or return to
26 community living, outside county institutions.

27 § 15765. Referral by Department of Human Services.

28 The county commissioners of counties of the fourth, fifth,
29 sixth, seventh and eighth class may care for a dependent or
30 other indigent individual in the county who is referred to the

1 county commissioners by the Department of Human Services or by a
2 local board under the supervision of the Department of Human
3 Services.

4 § 15766. Provision for burial.

5 Except as otherwise provided by law, the county commissioners
6 of a county of the fourth, fifth, sixth, seventh and eighth
7 class shall provide for the burial of an individual who dies in
8 the county unless the individual's body is claimed by a relative
9 by blood or marriage, a friend, a fraternal or veterans'
10 organization, a charitable organization or the Department of
11 Health, and is buried at the expense of the relative, friend or
12 organization. Burial may not cost more than \$300.

13 § 15767. (Reserved).

14 § 15768. Powers and duties of county commissioners relating to
15 children.

16 The county commissioners of a county of the fourth, fifth,
17 sixth, seventh or eighth class may, and for the purpose of
18 protecting and promoting the welfare of children and youth,
19 shall, provide child welfare services designed to:

20 (1) keep children in their own homes;

21 (2) prevent neglect, abuse and exploitation;

22 (3) help overcome problems that result in dependency,
23 neglect or delinquency;

24 (4) provide in foster family homes and child-caring
25 institutions adequate substitute care for any child in need
26 of substitute care; and

27 (5) upon the request of the court, provide services and
28 care for children and youth who have been adjudicated
29 dependent, neglected or delinquent.

30 § 15769. Contributions for medical care.

1 The county commissioners of each county of the fourth, fifth,
2 sixth, seventh or eighth class may make annual appropriations
3 from the money of the county for the support of any public
4 institution operated or to any nonprofit corporation organized
5 to give medical care to the dependents and children of the
6 county.

7 § 15770. Inspections by Department of Human Services.

8 The institutions and books, accounts and records of each
9 county pertaining to the county's powers and duties authorized
10 by this subchapter shall, at all times, be open to the
11 inspection of the Department of Human Services and the
12 department's agents.

13 § 15771. Reports of individuals applying for treatment of
14 disease.

15 (a) General rule.--Each county of the fourth, fifth, sixth,
16 seventh and eighth class shall make a record of all personal and
17 statistical particulars related to the inmates in the county's
18 institutions, as directed by the Department of Health, for
19 statistical purposes.

20 (b) Future admissions.--The county shall make a record for
21 all future inmates at the time of the inmate's admission.

22 (c) Requirement.--For a dependent admitted or committed for
23 medical treatment of disease, the physician in charge shall
24 specify in the record the nature of the disease and where, in
25 the physician's opinion, the disease was contracted.

26 (d) Acquisition of information.--The information required by
27 this section shall be obtained from the individual dependent, if
28 it is practicable to do so. If the information cannot be
29 obtained from the dependent, the information shall be secured in
30 as complete a manner as possible from the relatives, friends or

1 other persons acquainted with the facts of the disease.

2 § 15772. Rules and regulations.

3 The county commissioners of each county of the fourth, fifth,
4 sixth, seventh and eighth class shall have power to make rules
5 and regulations, not inconsistent with this part and not
6 inconsistent with the rules and regulations of the Department of
7 Human Services, as may be deemed proper, convenient and
8 necessary for the government of the county's institutions and to
9 properly care for dependents.

10 § 15773. Providing services without charge prohibited.

11 (a) General rule.--Notwithstanding any other provision of
12 law, the county commissioners may not provide without charge
13 items of care or service which an individual is entitled to
14 receive as assistance under the act of June 13, 1967 (P.L.31,
15 No.21), known as the Human Services Code.

16 (b) Construction of section.--This section may not be
17 construed to preclude county commissioners from providing
18 additional forms of assistance not inconsistent with the Human
19 Services Code or the regulations of the Department of Human
20 Services.

21 § 15774. Payments by county commissioners for assistance.

22 (a) General rule.--The county commissioners shall pay
23 monthly to the Department of Human Services the:

24 (1) Amount expended by the department during the
25 preceding month as assistance on behalf of:

26 (i) patients receiving public nursing home care in a
27 county medical institution; and

28 (ii) children in foster family homes and child-
29 caring institutions.

30 (2) Cost of administering the assistance, minus the

1 amount of Federal money properly received by the Department
2 of Human Services on account of expenditures increased or
3 reduced by any amount by which the amount paid for any
4 previous month differed from the amount which should have
5 been paid for the previous month and by the proportionate
6 share of refunds of assistance as provided in the act of June
7 13, 1967 (P.L.31, No.21), known as the Human Services Code.

8 (b) Certification.--The Department of Human Services shall
9 certify to the county commissioners the amount to be paid by the
10 county to the department under subsection (a).

11 § 15774.1. Limitation of authority respecting public assistance
12 recipients.

13 The county commissioners may not exercise supervision or
14 control over the finances or services other than medical or
15 remedial care provided as assistance to or on behalf of
16 dependents who are recipients of assistance under the former act
17 of June 24, 1937, (P.L.2051, No.399), known as the Public
18 Assistance Law.

19 § 15775. (Reserved).

20 § 15776. (Reserved).

21 § 15777. (Reserved).

22 SUBCHAPTER F

23 TRAINING FOR COUNTY HEALTH,

24 WELFARE AND PROBATION PERSONNEL

25 Sec.

26 15780. Attendance at training courses and conferences.

27 § 15780. Attendance at training courses and conferences.

28 (a) General rule.--The county commissioners may approve for
29 county health, human services or probation personnel to attend
30 the following at the county's expense:

1 hospital owned or leased to the county, or otherwise established
2 under section 15799.5 (relating to establishment and creation of
3 municipal authorities), including any lease rentals payable by
4 the county to a municipal authority shall be paid by the county
5 out of county money.

6 § 15799.7. Administration of hospitals.

7 A hospital owned by or leased to the county may be operated
8 by and under the authority of the county commissioners in the
9 same manner that other county buildings and institutions are
10 operated or may be subleased to the governing body of a general
11 hospital within the county for operation by the governing body.

12 § 15799.8. Use of hospital.

13 Each hospital owned by or leased to the county shall be used
14 for the benefit of all residents within the county in which the
15 hospital is located, and all residents within the county shall
16 be entitled to occupancy, nursing, care, treatment and
17 maintenance according to the rules and regulations prescribed by
18 the county commissioners. The county commissioners may exclude
19 from the use of the hospital an individual who willfully
20 violates any rule or regulation adopted for the hospital by the
21 county commissioners. The county commissioners may charge and
22 collect from an individual admitted to the hospital or an
23 individual legally responsible for their maintenance, reasonable
24 compensation for the care, treatment and maintenance of the
25 individual.

26 CHAPTER 159

27 AERONAUTICS AND TRANSPORTATION

28 Subchapter

29 A. Aeronautics

30 B. Second Class A County Transit and Traffic Commission

1 SUBCHAPTER A

2 AERONAUTICS

3 Sec.

4 15900. Definitions.

5 15901. Authority to establish airports.

6 15902. Acquisition of land for aeronautical purposes.

7 15903. Condemnation proceedings and title.

8 15904. Agreements for airport facilities.

9 15905. Joint operation and leasing.

10 15906. Engineering and construction and appropriations.

11 15907. Contracts for construction and repairs.

12 15908. Validation of contracts.

13 15909. Airport appropriation assistance.

14 15909.1. Issuance of revenue bonds for airport facilities in
15 counties.

16 15910. Municipal approval required.

17 § 15900. Definitions.

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

21 "Airport." As defined in 74 Pa.C.S. § 5102 (relating to
22 definitions).

23 § 15901. Authority to establish airports.

24 Subject to the provisions of 74 Pa.C.S. (relating to
25 transportation), a county may establish, construct and provide
26 for airports in accordance with the provisions of this article.

27 § 15902. Acquisition of land for aeronautical purposes.

28 (a) Use of land.--A county may use land within the county
29 and owned by the county, determined by the county commissioners
30 to be necessary for an airport.

1 (b) Appropriation of land.--A county may appropriate for the
2 purposes of an airport lands purchased by the county at any tax
3 sale and not redeemed within the period of redemption, if any,
4 provided by law.

5 (c) Acquisition of land.--A county may acquire by gift,
6 lease, purchase or condemnation proceedings, land lying within
7 its territorial limits or the territorial limits of any
8 adjoining county which, in the judgment of the county
9 commissioners, may be necessary and desirable for the purpose of
10 establishing and maintaining airports or of enlarging airports,
11 but no land shall be acquired in any adjoining county without
12 the assent of the county commissioners of that county.

13 § 15903. Condemnation proceedings and title.

14 (a) Conduct of proceedings.--The proceedings for the
15 condemnation of lands under this chapter and for the assessment
16 of damages for property taken, injured or destroyed shall be
17 conducted in the same manner as provided by law for the
18 condemnation of land or buildings for county purposes in the
19 county in which the land is situated.

20 (b) Acquisition of title.--The title acquired by virtue or
21 any condemnation may be a title in fee simple or any lesser
22 estate, including an easement for aviation or any other purpose.

23 § 15904. Agreements for airport facilities.

24 A county acquiring land for an airport may enter into
25 agreements for the use of all or a part of the land, for
26 adequate consideration, after due public notice to a person
27 desiring to use the same for the purposes of taking off or
28 landing an airplane, for other aviation purposes or for any
29 nonaviation purpose, on terms and subject to conditions and
30 regulations. In counties of the second class A, agreements for

1 nonaviation purposes shall be for terms of less than 50 years
2 and shall only involve land designated in the county's airport
3 master plan not needed for airport purposes within the term of
4 the lease. A county may enter into a contract in the form of a
5 lease providing for the use of airport land or any part thereof
6 by the Federal Government for air mail delivery or other
7 aviation purposes upon nominal rental or without consideration.
8 § 15905. Joint operation and leasing.

9 A county acquiring land for an airport purpose may operate
10 and maintain airport facilities jointly with a municipal
11 corporation or other political subdivision, upon terms and
12 conditions as may be agreed upon between the authorities of the
13 municipal corporation or other political subdivision and the
14 county commissioners, and the joint airport facilities may be
15 operated and leased, as provided under this subchapter, upon the
16 joint action of the authorities involved and the county
17 commissioners.

18 § 15906. Engineering and construction and appropriations.

19 A county acquiring land for airport purposes may, by
20 resolution of the county commissioners, appropriate money for
21 the engineering design, surveys and construction of airport
22 facilities, either individually or in cooperation with Federal,
23 State or other public agencies supplying a portion of the
24 necessary money for the work.

25 § 15907. Contracts for construction and repairs.

26 In establishing, maintaining and operating airport
27 facilities, if construction, repair or purchase of roadways,
28 runways, buildings and facilities, is deemed necessary within or
29 for use within the limits of land acquired for the purpose of
30 establishing, maintaining and operating airport facilities,

1 submission to a court or grand jury of any county is not
2 necessary, but a contract under this chapter shall be entered
3 into as provided for in Chapter 151 (relating to contracts), and
4 for joint establishment, operation and maintenance with any
5 other political subdivision, a contract shall be entered into as
6 provided for the general business of the participating political
7 subdivisions.

8 § 15908. Validation of contracts.

9 A contract executed prior to July 28, 1953, for counties of
10 the second class A, and August 9, 1955, for counties of the
11 third, fourth, fifth, sixth, seventh and eighth class, for
12 construction and repair of roadways, runways, buildings and
13 facilities or the purchase thereof within or for use within the
14 limits of land acquired for the establishment and operation of
15 airdromes or landing fields, without first having obtained the
16 approval of the court of quarter sessions or grand jury of a
17 county and entered into as provided for the general business of
18 the county or other political subdivisions jointly interested,
19 are ratified, confirmed, approved and declared lawful contracts.

20 § 15909. Airport appropriation assistance.

21 The county commissioners may appropriate money to assist a
22 municipal corporation or other political subdivision, or
23 municipality airport authority, within the county or within any
24 adjacent county to acquire, establish, operate and maintain
25 airport facilities.

26 § 15909.1. Issuance of revenue bonds for airport facilities in
27 counties.

28 (a) General rule.--In addition to present methods of
29 financing, the county commissioners of counties of the second
30 class A may issue revenue bonds, under 53 Pa.C.S. Pt. VII Subpt.

1 B (relating to indebtedness and borrowing), for sufficient money
2 for and toward the acquisition, construction, reconstruction,
3 extension or improvement of airport facilities, including
4 airports, terminals, hangars, parking areas and all other
5 facilities, with bonds secured solely by the pledge of the whole
6 or part of the fees, rents, tolls or charges derived from the
7 ownership or operation of the facilities or for the use or
8 service of the same.

9 (b) Lease of airport facilities.--Airport facilities
10 financed by the issuance of revenue bonds under this section may
11 be leased by the county, in whole or in part, to a lessee or
12 lessees for a period of years equal in time to the period of
13 maturity of the issued bonds.

14 (c) Costs.--Included in the cost of the issue may be costs
15 and expenses incident to constructing and financing the
16 facilities and selling and distributing the bonds.

17 (d) Construction.--Nothing in this section shall be
18 construed as modifying or restricting the power of any county of
19 the third, fourth, fifth, sixth, seventh and eighth class to
20 incur debt for the acquisition, construction, reconstruction,
21 extension or improvement of airport facilities, including
22 airports, terminals, hangers, parking areas and all other
23 facilities necessary or appropriate, to the extent the power
24 exists on December 23, 2018.

25 § 15910. Municipal approval required.

26 Federal or State money from the Aviation Restricted Account
27 in the Motor License Fund or any other State money may not be
28 expended for airport operations or airport development in any
29 county of the second class A having a population in excess of
30 675,000 individuals without the approval of the municipality or

1 municipalities in which an airport is situated.

2 SUBCHAPTER B

3 SECOND CLASS A COUNTY TRANSIT AND TRAFFIC COMMISSION

4 Sec.

5 15950. Creation of county transit and traffic commission.

6 15951. Duties of county transit and traffic commission.

7 § 15950. Creation of county transit and traffic commission.

8 (a) Establishment.--The county commissioners of a county of
9 the second class A may establish a county transit and traffic
10 commission under this subchapter.

11 (b) Existing commission.--A county transit and traffic
12 commission existing on December 24, 2018, may continue to exist
13 under this subchapter.

14 (c) Composition.--The county transit and traffic commission
15 shall be composed of nine members in accordance with the
16 following:

17 (1) Each of the nine members shall be residents of the
18 county in accordance with the following:

19 (i) Not more than four of the members shall be
20 residents of cities in the county.

21 (ii) Not more than two of the members shall be
22 regular employees of a publicly financed body.

23 (2) Members shall be individuals experienced in at least
24 one of the following:

25 (i) Engineering.

26 (ii) Commerce.

27 (iii) Finance.

28 (iv) Law.

29 (v) Transportation.

30 (vi) Traffic matters.

1 (3) Each member shall be appointed by the county
2 commissioners.

3 (4) If there is an existing board on December 24, 2018,
4 which has duties substantially similar to those of the
5 commission established under this section, new members shall
6 be appointed upon the expiration of the terms of the existing
7 members.

8 (d) Terms, quorums and vacancies.--

9 (1) Each member shall serve for a term of six years.

10 (2) Five members shall constitute a quorum.

11 (3) An appointment to fill a vacancy shall be only for
12 the unexpired term of the vacancy.

13 (e) Organization.--The commission members may make rules and
14 regulations for the commission's organization and procedure
15 consistent with the resolutions of the county commissioners and
16 the laws of this Commonwealth.

17 (f) Compensation and expenses.--

18 (1) Members shall serve without compensation.

19 (2) The county commissioners may provide for the
20 following expenses, at the county commissioners' discretion,
21 by resolution and appropriation:

22 (i) Employment of a technical staff or other
23 individuals as necessary.

24 (ii) Necessary expenses of the commission.

25 § 15951. Duties of county transit and traffic commission.

26 (a) Duties.--The duties of the county transit and traffic
27 commission shall be to:

28 (1) Investigate transit, traffic and parking conditions
29 in the county, including the volume and characteristics of
30 the movement of public carriers, including street railways,

1 trains, buses and other motor vehicles, throughout the
2 county, with a view of determining advisable means for
3 obtaining adequate, rapid and safe transportation.

4 (2) Fully consider the coordination of existing
5 transportation services.

6 (3) Investigate and study safety measures for
7 individuals and vehicles on highways, streets and
8 thoroughfares in the county.

9 (4) Advise and consult with officials of political
10 subdivisions in the county about the transit, traffic and
11 parking problems.

12 (b) Report.--All minutes, reports and recommendations made
13 by the commission shall be a matter of public record.

14 Periodically, but not less than once a year, the commission
15 shall file with the county commissioners a report, which shall
16 include the results of investigations made by the commission and
17 any recommendations the commission may have to offer.

18 (c) Referral to commission.--The county commissioners shall
19 refer any plan, proposal or resolution affecting public
20 transportation and the safety of the public on public
21 transportation facilities and on highways, bridges and tunnels
22 in the county to the county transit and traffic commission for
23 consideration and recommendation. The county transit and traffic
24 commission shall report to the county commissioners on the plan,
25 proposal or resolution within a reasonable period of time.

26 (d) County planning commission.--

27 (1) In lieu of the creation of a county transit and
28 traffic commission in the county in which a county planning
29 commission has been established, the county commissioners
30 may, by resolution, confer and impose on the county planning

1 commission the additional powers and duties of serving as the
2 county transit and traffic commission, with all the powers
3 and duties conferred by this subchapter upon the county
4 transit and traffic commission. Upon the passage of the
5 resolution by the county commissioners, the terms of office
6 of the existing county transit and traffic commissioners
7 shall terminate, and the commissioners shall deliver all
8 books, papers, records, furnishings and supplies pertaining
9 to their office to the county planning commission.

10 (2) The passage of the resolution by the county
11 commissioners under paragraph (1) may not impair nor affect
12 any act done, or right accruing, accrued or acquired, or
13 liability, duty or obligation incurred, prior to the time the
14 resolution takes effect.

15 CHAPTER 161

16 GROUPS AND BUILDINGS

17 Subchapter

18 A. General Provisions

19 B. Acquisition, Use, Leasing and Disposing of Real Property
20 for County

21 C. Acquisition, Construction or Alteration of County
22 Buildings

23 D. Policing, Administration and Public Order of Grounds and
24 Buildings

25 E. Special Provisions for Temporary County Buildings and for
26 Rooms in County Buildings

27 E.1. Special Provisions for Temporary County Buildings and
28 for Rooms in County Buildings in Counties of the Second
29 Class A

30 F. Improvement of Streets Along County Buildings and Street

- 1 Lighting
- 2 G. Public Accommodations
- 3 H. Monuments and Memorials
- 4 I. Public Auditoriums, Public Libraries, Public Memorial
5 Buildings and Monuments
- 6 J. Homes and Hospitals
- 7 K. Morgues
- 8 L. (Reserved)

9 SUBCHAPTER A

10 GENERAL PROVISIONS

11 Sec.

12 16101. Title to real estate vested in county.

13 16101.1. Days and hours of courthouse and offices.

14 16102. Exemption from taxation and attachment.

15 16102.1. Payments in lieu of taxes.

16 16103. (Reserved).

17 16104 Credit of county available for grounds and buildings.

18 § 16101. Title to real estate vested in county.

19 The title to all real property acquired by or for the use of
20 the county shall be vested in the county for the use of the
21 people in the county and for no other use, except as provided in
22 this chapter.

23 § 16101.1. Days and hours of courthouse and offices.

24 The county commissioners shall determine when the county
25 courthouse and all county offices located elsewhere shall be
26 open.

27 § 16102. Exemption from taxation and attachment.

28 Except as provided under section 16106(b) (relating to
29 authority to sell or lease real property) or other law, all
30 property of the county, real or personal, shall be exempt from

1 taxation and from levy and sale by virtue of execution or of any
2 other process.

3 § 16102.1. Payments in lieu of taxes.

4 If real property of the county is not presently being used
5 for the purposes for which it was acquired, the county may make
6 payments in lieu of taxes for the property to political
7 subdivisions in which the property is located.

8 § 16103. (Reserved).

9 § 16104 Credit of county available for grounds and buildings.

10 In the acquisition, construction or alteration of land and
11 buildings for county purposes, the commissioners may issue bonds
12 as provided by law.

13 SUBCHAPTER B

14 ACQUISITION, USE, LEASING AND DISPOSING

15 OF REAL PROPERTY FOR COUNTY

16 Sec.

17 16105. Acquiring and using real property and exceptions.

18 16105.1. Acquiring and developing industrial areas.

19 16106. Authority to sell or lease real property.

20 16106.1. Authority to sell certain property as a single unit.

21 16107. (Reserved).

22 16108. (Reserved).

23 16109. (Reserved).

24 16110. (Reserved).

25 16111. Disposing of county property for other uses and
26 demolition.

27 § 16105. Acquiring and using real property and exceptions.

28 (a) General rule.--The county commissioners may acquire real
29 property by purchase for not more than the fair market value,
30 gift, devise or eminent domain. The county commissioners may

1 acquire, improve and maintain real property at the county seat
2 or in other places as the county commissioners deem necessary
3 for the purposes of a county courthouse, prison and other
4 facilities necessary for county purposes. The fair market value
5 of real property for a purchase valued in excess of \$10,000
6 shall be determined by the county commissioners in consultation
7 with two of the following:

8 (1) The county assessor.

9 (2) Licensed real estate brokers.

10 (3) Licensed real estate appraisers doing business
11 within the county.

12 (b) Other uses of property.--The county commissioners may
13 also use real property, as authorized by law, owned by the
14 county and deemed suitable by the county commissioners for the
15 purposes under subsection (a), except property that is bound by
16 contract to another public use.

17 (c) Land for county buildings.--The county commissioners may
18 provide for the grading, filling, draining, gardening and
19 otherwise improving and maintaining of all lands for county
20 buildings, either by contract or by county employees, as the
21 county commissioners deem proper.

22 (d) Application.--This section shall not apply to an
23 acquisition of real property by a county, either by tax sales or
24 by other purchases, that is specifically provided for under
25 another provision of law.

26 § 16105.1. Acquiring and developing industrial areas.

27 (a) General rule.--The county commissioners may purchase,
28 accept by gift or devise real property within the county,
29 including Federal surplus real property, for the purpose of
30 developing the same for industrial use under a local, regional

1 or county plan and to expend money to bring utilities within a
2 county industrial area and to develop an area for industrial
3 sites.

4 (b) Sale or lease of land.--A county may sell, or lease for
5 a term not to exceed 99 years, to an industrial development
6 organization, with or without consideration, lands, easements or
7 rights in land, together with any improvements, buildings or
8 structures on the land owned by the county for the purpose of
9 establishing or enlarging a commercial, industrial or
10 manufacturing enterprise or research and development center
11 within the county. In addition, the following shall apply:

12 (1) The industrial development organization shall be
13 designated in the manner provided by Chapter 23 of the act of
14 June 29, 1996 (P.L.434, No.67), known as the Job Enhancement
15 Act.

16 (2) The county may make an agreement with an industrial
17 development organization for the industrial development of
18 the lands, easements or rights in lands.

19 (3) An instrument of sale, lease or other agreement made
20 under this subsection may contain provisions regulating the
21 uses of lands, buildings and structures for trade, industry,
22 manufacture, research, residence, recreation, water supply,
23 public activities or other purposes.

24 § 16106. Authority to sell or lease real property.

25 (a) General rule.--The county commissioners may sell any
26 estate in real property for not less than the fair market value.
27 If the county commissioners know or have reason to believe that
28 the property to be sold contains oil, gas, coal, stone, timber
29 or other mineral or forest products of commercial value, the
30 knowledge or belief shall be advertised, together with the

1 description of the land, in at least one newspaper of general
2 circulation in the county. In the case that the fair market
3 value of the real property is estimated to be in excess of
4 \$10,000, the fair market value shall be determined by the county
5 commissioners in consultation with two of the following:

6 (1) The county assessor.

7 (2) Certified broker-appraisers.

8 (3) Certified real estate appraisers doing business
9 within the county.

10 (b) Lease of property.--The county commissioners may lease
11 an estate in real property owned by the county or other real
12 property for which the county is the lessee. For a lease of
13 county property, the property, with improvements or additions on
14 or to the property, shall, in the hands of the lessee, be
15 subject to taxation by the county and any other political
16 subdivision in the county in the same manner as other real
17 estate located in the county. The taxes shall be levied and
18 assessed against and paid by the lessee.

19 (c) Exception.--Subsection (a) may not be mandatory if
20 county real property is to be sold to any of the following:

21 (1) A political subdivision, volunteer fire company,
22 volunteer ambulance service or volunteer rescue squad located
23 within the county.

24 (2) A municipal authority under 53 Pa.C.S. Ch. 56
25 (relating to municipal authorities).

26 (3) A nonprofit corporation or limited partnership in
27 which a nonprofit corporation is a general partner and
28 managing agent engaged in community industrial, commercial or
29 affordable housing development or reuse for its exclusive use
30 for industrial, commercial or affordable housing development.

1 This exemption may not apply to property owned and operated
2 by a county or subcontracted or operated on the behalf of a
3 county in order to conduct existing government functions.

4 (4) A person for the exclusive use of the property in an
5 industrial development program.

6 (5) A nonprofit corporation organized as a public
7 library for the exclusive use as a library.

8 (6) A nonprofit medical service corporation for the
9 exclusive use as a site for a medical service facility.

10 (7) A nonprofit housing corporation.

11 (8) The Federal Government.

12 (9) The Commonwealth.

13 (10) An authority under the act of August 23, 1967
14 (P.L.251, No.102), known as the Economic Development
15 Financing Law.

16 (11) A redevelopment authority under the act of May 24,
17 1945 (P.L.991, No.385), known as the Urban Redevelopment Law.

18 (12) A public utility.

19 (13) A nonprofit organization providing community
20 service or development activities.

21 (14) A nonprofit corporation established for the
22 preservation of historical, architectural or aesthetic sites
23 or artifacts.

24 (15) A nonprofit association or nonprofit corporation
25 organized to acquire and maintain real property for the
26 preservation, conservation and stewardship of open space.

27 (16) A council of government, consortium, cooperative or
28 other similar entity created under 53 Pa.C.S. Ch. 23 Subch. A
29 (relating to intergovernmental cooperation).

30 (d) Sale to qualified entity.--If the real property is sold

1 or leased to a qualified entity under subsection (c), the
2 commissioners may elect to accept nominal consideration for the
3 sale as the commissioners deem appropriate. Real property sold
4 under this subsection to an entity under subsection (c), other
5 than a city, borough, town, township, institution district,
6 school district, municipal authority under 53 Pa.C.S. Ch. 56
7 located within the county, the Federal Government or the
8 Commonwealth shall be subject to the condition that when the
9 property is not used for the purposes of the entity the property
10 shall revert to the county.

11 (e) Application.--This section does not apply to leases or
12 sales of county property or other property which are otherwise
13 specifically provided for by law.

14 (f) Transfer of interest in real property.--The
15 commissioners shall provide for the transfer of an interest in
16 real property under this section by deed or by written lease
17 under the seal of the county, as applicable.

18 § 16106.1. Authority to sell certain property as a single unit.

19 Notwithstanding any other provisions of law, if the county
20 commissioners determine that the continued ownership and
21 operation of an institution for the care of dependents is
22 economically unfeasible, the county commissioners may sell the
23 real property belonging to the county and being used for the
24 care of dependents and the contents of personal property used in
25 connection with and incidental to the operation of the
26 institution, as a single unit. The sale of real property and
27 personal property as a single unit shall be deemed a sale of
28 real property only and need only comply with this part relating
29 to the sale of real property.

30 § 16107. (Reserved).

1 § 16108. (Reserved).

2 § 16109. (Reserved).

3 § 16110. (Reserved).

4 § 16111. Disposing of county property for other uses and
5 demolition.

6 (a) General rule.--If the county commissioners find that an
7 existing county building is no longer suitable for its original
8 purpose or if the county has acquired or received an interest in
9 real property which the county commissioners find is not
10 suitable for the use of the county, the county commissioners may
11 do any of the following:

12 (1) Devote the real property to another public purpose.

13 (2) Convey by sale or gift the real property to a public
14 or charitable institution.

15 (3) Convey by sale or gift the real property to a
16 political subdivision within the county.

17 (4) Demolish or relocate the building.

18 (b) Conveyance of real property.--For the purposes of this
19 section, the county commissioners may convey, on behalf of the
20 county, any interest in real property to one or more parties
21 authorized by this section in single or concurrent ownership.

22 (c) Conveyance of personal property.--Notwithstanding
23 Chapter 151 (relating to contracts), the county may convey
24 personal property together with an interest in real property for
25 the purposes of this section.

26 (d) Application.--Nothing in this section shall supersede
27 the procedures or limitations on the disposition of county
28 property imposed by law.

29 SUBCHAPTER C

30 ACQUISITION, CONSTRUCTION OR ALTERATION OF COUNTY BUILDINGS

1 Sec.

2 16115. Authority and procedure for acquiring, constructing or
3 altering county buildings.

4 16116. Right to build on public squares.

5 16117. Separate bids for plumbing, heating, ventilating, air
6 conditioning, electrical work, elevators and
7 escalators.

8 16118. Contract performance security and payment bonds.

9 16119. Compliance with workers' compensation law.

10 16120. (Reserved).

11 § 16115. Authority and procedure for acquiring, constructing or
12 altering county buildings.

13 (a) General rule.--The county commissioners may purchase or
14 accept by gift any building authorized by law deemed suitable
15 and proper by the county commissioners for use as a county
16 building.

17 (b) Construction or alteration.--The county commissioners
18 may provide for the construction or alteration, including
19 enlargement of any county building. If the county commissioners
20 undertake any construction or alteration, the county
21 commissioners shall prepare plans and specifications for the
22 construction or alteration. The county commissioners shall
23 secure bids and provide for the formation of contracts necessary
24 for the construction or alteration according to this act.

25 § 16116. Right to build on public squares.

26 If the courthouse or other building of the county is located
27 upon a public square or common in the city, borough or town then
28 being the county seat, and a new building is authorized and
29 required to be erected, in place of the courthouse or other
30 building, the county commissioners may erect a new building upon

1 any other of the public squares or commons of the city, borough
2 or town, or upon any part thereof.

3 § 16117. Separate bids for plumbing, heating, ventilating, air
4 conditioning, electrical work, elevators and
5 escalators.

6 (a) General rule.--In the preparation of specifications for
7 the erection, construction and alteration of a public building,
8 if the entire cost of the work shall exceed the base amount
9 established under section 15101 (relating to commissioners sole
10 contractors for county generally), the architect, engineer or
11 other person preparing specifications shall prepare the
12 following separate specifications:

13 (1) Plumbing.

14 (2) Heating, ventilating and air conditioning.

15 (3) Electrical work.

16 (4) Elevators and escalators.

17 (5) One complete set of specifications for all work not
18 otherwise specified.

19 (b) Separate bids.--The county commissioners shall receive
20 separate bids upon each of the branches of work under subsection
21 (a) and award the contract to the lowest responsible bidder for
22 each of the branches, including the balance of the work not
23 otherwise specified.

24 (c) Alternative contracting procedure.--Notwithstanding the
25 separate specification of subsection (a), an authority organized
26 under the act of August 23, 1967 (P.L.251, No.102), known as the
27 Economic Development Financing Law, which is engaged to erect,
28 construct or alter a public purpose facility for a county of the
29 second class A may elect to use an alternative contracting
30 procedure as follows:

1 (1) The authority may elect to use an alternative
2 contracting procedure for a project involving selected public
3 purpose facilities. If the authority elects to utilize an
4 alternative contracting procedure, the county commissioners
5 shall adopt a resolution that the use of an alternative
6 contracting procedure is the most efficient, economical and
7 timely method to proceed with a project. Upon adoption of a
8 resolution, the authority shall request written proposals
9 from proposers for a project involving selected public
10 purpose facilities under an alternative contracting method.
11 In a request for proposals, the authority shall include
12 terms, conditions and requirements which the authority deems
13 necessary to protect the authority and the interests of the
14 public.

15 (2) In reviewing and evaluating the proposals for a
16 project involving selected public purpose facilities, the
17 authority shall, in addition to compliance with the terms,
18 conditions and requirements set forth in the request for
19 proposals, consider the following criteria:

20 (i) The cost of the project.

21 (ii) Experience of the proposer.

22 (iii) Adherence to the act of March 3, 1978 (P.L.6,
23 No.3), known as the Steel Products Procurement Act.

24 (iv) Adherence to prevailing wage laws and other
25 work force standards.

26 (v) Commitment to enter into voluntary contracts
27 with disadvantaged business enterprises. After due
28 consideration of proposals under the criteria described
29 in this paragraph, the authority may, upon recommendation
30 of a designee or project end user, select a proposal and

1 award a contract to a responsible proposer under an
2 alternative contracting procedure. The award of a
3 contract for the project need not be awarded to the
4 lowest priced proposer.

5 (3) A contract awarded under this subsection shall be
6 exempt from the act of May 1, 1913 (P.L.155, No.104),
7 referred to as the Separations Act, or from any subsequent
8 enactment or reenactment of substantially similar separate
9 bid specification requirements.

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

13 "Alternative contracting procedure." A procedure under which
14 a proposer would be responsible for all aspects or phases
15 necessary to achieve the development of a parcel of property.
16 The aspects or phases of development may include the planning,
17 design, finance, construction and management of property.

18 "Design/build contract." A construction contract in which
19 the contractor is responsible for both the design and
20 construction of a public structure, building or other public
21 improvement of any kind to any public real property.

22 "Project." The demolition, modification and construction of
23 a building or group of buildings with related facilities
24 formerly owned by a county and previously used as a jail or
25 office facility.

26 "Project end user." The governmental body or entity to use
27 the selected public purpose facility under a contract or lease
28 with the authority.

29 "Proposer." A firm, organization or company or a combination
30 of firms, organizations or companies acting as a partnership,

1 joint venture, consortium or similar joint relationship with
2 sufficient knowledge, expertise and experience in design/build
3 contracts.

4 § 16118. Contract performance security and payment bonds.

5 (a) General rule.--Unless covered under the bonding
6 requirements of the act of December 20, 1967 (P.L.869, No.385),
7 known as the Public Works Contractors' Bond Law of 1967, for
8 construction contracts awarded for amounts between \$25,000 and
9 \$100,000, the successful bidder shall furnish a bond
10 guaranteeing performance of the contract, in an amount as
11 determined by the county commissioners at the time of
12 advertising for bids, which shall be no less than 10% or more
13 than 100% of the amount of the contract, within 30 days after
14 the contract is awarded. If a construction contract is awarded
15 in excess of \$100,000, the following bonds shall be delivered to
16 the county and shall be binding on the parties upon the
17 execution of the contract:

18 (1) A performance bond, executed by a surety company
19 authorized to do business in this Commonwealth and made
20 payable to the county, in an amount determined by the county
21 commissioners at the time of advertising for bids which shall
22 be not less than 50% or more than 100% of the price specified
23 in the contract and conditioned upon the faithful performance
24 of the contract in accordance with the plans, specifications
25 and conditions of the contract.

26 (2) A payment bond, executed by a surety company
27 authorized to do business in this Commonwealth and made
28 payable to the county, in an amount equal to 100% of the
29 price specified in the contract and conditioned upon the
30 prompt payment for all materials furnished or labor supplied

1 or performed in the prosecution of the work. Labor and
2 materials include public utility services and reasonable
3 rentals of equipment for the periods when the equipment is
4 actually used at the site.

5 (b) Bond protection.--A performance bond shall be solely for
6 the protection of the county. A payment bond shall be solely for
7 the protection of claimants supplying labor or materials to the
8 prime contractor to whom the contract was awarded or to any
9 subcontractors in the prosecution of the work provided for in
10 the contract, regardless of if the labor or materials constitute
11 a component part of the construction.

12 (c) Construction.--Nothing in this section shall be
13 construed to limit the authority of the county commissioners to
14 require a performance bond, payment bond or other security in
15 addition to those bonds or in circumstances other than specified
16 in subsection (a).

17 (d) Payment bonds.--Actions on payment bonds shall be in
18 accordance with the following:

19 (1) Subject to paragraph (2), a claimant who has
20 performed labor or furnished material in the prosecution of
21 the work under a contract for which a payment bond has been
22 given under subsection (a) and who has not been paid in full
23 before the expiration of 90 days after the day on which the
24 claimant performed the last of the labor or furnished the
25 last of the materials for which it claims payments may bring
26 an action on the payment bond in its own name, in assumpsit,
27 to recover any amount due it for the labor or material and
28 may prosecute the action to final judgment and have execution
29 on the judgment.

30 (2) A claimant who has a direct contractual relationship

1 with a subcontractor of the prime contractor who gave the
2 payment bond but has no contractual relationship, express or
3 implied, with the prime contractor may bring an action on the
4 payment bond only if the claimant has given written notice to
5 the contractor within 90 days from the date on which the
6 claimant performed the last of the labor or furnished the
7 last of the materials for which it claims payment, stating
8 with substantial accuracy the amount and the name of the
9 person for whom the work was performed or to whom the
10 material was furnished.

11 (3) Notice shall be served by registered mail in an
12 envelope addressed to the contractor at any place where the
13 contractor's office is regularly maintained for the
14 transaction of business or served in any manner in which
15 legal process may be served in the manner provided by law for
16 the service of a summons except that the service need not be
17 made by a public officer.

18 (e) Dollar thresholds.--The dollar thresholds provided under
19 subsection (a) shall be adjusted annually to reflect the annual
20 percentage change in the Composite Construction Cost Index of
21 the United States Department of Commerce occurring in the one-
22 year period ending on December 31 of each year.

23 § 16119. Compliance with workers' compensation law.

24 (a) General rule.--Each contract executed by the county
25 commissioners, which involves the construction or doing of any
26 work involving the employment of labor, shall contain a
27 provision that the contractor shall accept, in so far as the
28 work covered by a contract is concerned, the provisions of the
29 act of June 2, 1915 (P.L.736, No.338), known as the Workers'
30 Compensation Act, and that the contractor will insure

1 contractor's liability under the act or file with the county
2 commissioners a certificate of exemption from insurance from the
3 Department of Labor and Industry.

4 (b) Proof of compliance.--The county commissioners, before
5 signing on behalf of the county a contract requiring in its
6 performance the employment of labor, shall require proof that
7 the contractor with whom the contract is made shall have
8 accepted the Workers' Compensation Act and any reenactments,
9 supplements or amendments to the act, and proof that the
10 contractor has complied with subsection (a).

11 (c) Violation.--A contract executed in violation of the
12 provisions of this section shall be null and void.

13 § 16120. (Reserved).

14 SUBCHAPTER D

15 POLICING, ADMINISTRATION AND PUBLIC ORDER

16 OF GROUNDS AND BUILDINGS

17 Sec.

18 16125. Buildings and grounds.

19 16126. Security and grounds employees.

20 16127. Display of municipal flags on county buildings
21 authorized.

22 16128. (Reserved).

23 16129. (Reserved).

24 § 16125. Buildings and grounds.

25 Except as otherwise provided by law, the county commissioners
26 shall keep and maintain the public buildings of the county in
27 suitable and convenient order and repair and shall keep the
28 grounds about county buildings in proper condition and
29 appearance.

30 § 16126. Security and grounds employees.

1 (a) Security officers.--The county commissioners may appoint
2 one or more security officers to guard and protect the county
3 buildings and to enforce this part and other related laws. The
4 security officers shall have power to arrest on view a person
5 violating this part.

6 (b) Grounds employees.--The county commissioners may employ
7 persons as may be necessary to provide for maintenance and
8 repair of all county buildings and grounds.

9 § 16127. Display of municipal flags on county buildings
10 authorized.

11 It shall be lawful to display the flag of any county, city,
12 borough or other municipality in the Commonwealth or the
13 official POW/MIA flag on the public buildings or grounds of any
14 county.

15 § 16128. (Reserved).

16 § 16129. (Reserved).

17 SUBCHAPTER E

18 SPECIAL PROVISIONS FOR TEMPORARY COUNTY BUILDINGS

19 AND FOR ROOMS IN COUNTY BUILDINGS

20 Sec.

21 16135. (Reserved).

22 16136. (Reserved).

23 16137. Room or building for juvenile offenders awaiting trial.

24 16138. (Reserved).

25 16139. Furnishing rooms for meetings of veterans and other
26 organizations.

27 § 16135. (Reserved).

28 § 16136. (Reserved).

29 § 16137. Room or building for juvenile offenders awaiting
30 trial.

1 The county commissioners of the third, fourth, fifth, sixth,
2 seventh and eighth class shall provide, furnish and heat within
3 the county a separate room or rooms or a suitable building to be
4 used exclusively for the confinement of any and all alleged or
5 adjudicated delinquent children or dependent children as defined
6 in 42 Pa.C.S. § 6302 (relating to definitions) who may be in
7 custody awaiting trial or hearing in the courts of the county,
8 and provide for the maintenance and care of the children while
9 in custody.

10 § 16138. (Reserved).

11 § 16139. Furnishing rooms for meetings of veterans and other
12 organizations.

13 The county commissioners may, upon application, furnish
14 meeting accommodations to any veterans, veterans auxiliary or
15 other civic organization.

16 SUBCHAPTER E.1

17 SPECIAL PROVISIONS FOR TEMPORARY COUNTY BUILDINGS

18 AND FOR ROOMS IN COUNTY BUILDINGS

19 IN COUNTIES OF THE SECOND CLASS A

20 Sec.

21 16139.1. Scope of subchapter.

22 16139.2. Room or building for juvenile offenders awaiting trial.

23 16139.3. Management of houses for detention of juveniles and
24 appointment of board and ex officio members.

25 16139.4. Appointment and compensation of employees.

26 16139.5. Annual report and expenses.

27 16139.6. Appropriation and bond issues.

28 § 16139.1. Scope of subchapter.

29 This subchapter shall apply to counties of the second class
30 A.

1 § 16139.2. Room or building for juvenile offenders awaiting
2 trial.

3 The county commissioners shall provide, furnish and heat
4 within the county a separate room or rooms or a suitable
5 building to be used exclusively for the confinement of alleged
6 or adjudicated delinquent children or dependent children as
7 defined in 42 Pa.C.S. § 6302 (relating to definitions) who are
8 in custody awaiting trial or hearing in the courts of the county
9 and provide for the maintenance and care of the children while
10 in custody.

11 § 16139.3. Management of houses for detention of juveniles and
12 appointment of board and ex officio members.

13 (a) Board of managers.--The management of houses for the
14 detention and reception of juveniles awaiting trial, hearing or
15 judicial investigation under the laws of this Commonwealth shall
16 be in a board of managers consisting of the following members:

17 (1) Three county commissioners.

18 (2) The county controller.

19 (3) Six private citizens to be appointed as follows:

20 (i) Three to be appointed by the president judge of
21 the court of common pleas.

22 (ii) Three to be appointed by the chairperson of the
23 county commissioners.

24 (b) Designees.--The county commissioners and the controller
25 may appoint individuals to act as designees for the purpose of
26 attending meetings of the board, and the designees shall have
27 the right to vote at the meetings.

28 (c) Private citizen members.--The private citizen members of
29 the board may not be officers or employees of the county.

30 (d) Existing boards of managers.--The members of the board

1 of managers existing in the county shall remain as members of
2 the board or boards of managers created in this subchapter until
3 the expiration of the terms to which the members were appointed.
4 Annually thereafter, the members or successors shall be
5 appointed for a term of three years.

6 (e) Vacancies.--Vacancies occurring in the membership of the
7 board shall be filled for the unexpired term by the chairperson
8 of the county commissioners or the president judge of the court
9 of common pleas, depending upon who originally appointed the
10 board member.

11 (f) Compensation.--The members of the board shall serve
12 without compensation.

13 § 16139.4. Appointment and compensation of employees.

14 The board of managers may appoint a superintendent and
15 additional staff members as may be necessary, whose salaries
16 shall be paid by the county. The number and compensation of the
17 employees shall be fixed by the salary board of the county.

18 § 16139.5. Annual report and expenses.

19 On or before November 1, the board of managers shall annually
20 report to the county commissioners the amount of money required
21 for the maintenance of the house or houses of detention. The
22 county commissioners shall make an annual appropriation to the
23 board of managers for the payment of the expenses of
24 administering the house of detention. Expenses incurred in the
25 performance of duties by the board of managers shall be itemized
26 and presented with vouchers to the county commissioners for
27 payment, and a semiannual expense report shall be made to the
28 county commissioners. All expenses in connection with the
29 management and administration of the house of detention shall be
30 paid by the county in the manner provided by law for the payment

1 of county obligations.

2 § 16139.6. Appropriation and bond issues.

3 The county commissioners shall have power and authority for
4 the purpose of housing juveniles to appropriate money from
5 public money or to issue bonds in the manner provided by law for
6 the purchase of lands or erecting, constructing and equipping a
7 building or buildings.

8 SUBCHAPTER F

9 IMPROVEMENT OF STREETS ALONG

10 COUNTY BUILDINGS AND STREET LIGHTING

11 Sec.

12 16145. Joining with municipalities in improving certain streets
13 and highways.

14 16146. Ornamental illumination.

15 § 16145. Joining with municipalities in improving certain
16 streets and highways.

17 (a) General rule.--The county commissioners may join with
18 the governing body of a municipal corporation in the grading,
19 regrading, paving, repaving and improvement of so much of the
20 streets and highways as are in, upon or alongside of the grounds
21 of a county building.

22 (b) Contract with municipalities.--The county commissioners
23 may enter into contract with a municipality to pay a fair
24 proportion of the expense of grading, regrading, paving,
25 repaving and improvement of the streets and highways and may
26 appropriate from the county treasury sufficient money for this
27 purpose. The county commissioners may act with any committee
28 appointed by municipalities to establish grades, determine the
29 kind and quality of paving materials to be used and ratify the
30 contracts entered into by the municipalities in the course of

1 the improvements.

2 (c) Contract specifications.--The selection of grades,
3 paving materials and proportion of expenses to be paid by the
4 county shall be specified by a contract formulated under this
5 section.

6 § 16146. Ornamental illumination.

7 (a) General rule.--The county commissioners may appropriate
8 money to support the installation, maintenance or repair of
9 ornamental illumination of any section of a street that abuts
10 the courthouse or other county building in the county seat.

11 (b) Limitation.--The appropriation by the county
12 commissioners under subsection (a) may not exceed the amount
13 that shall be assessed for ornamental illumination upon owners
14 of an equivalent frontage of property abutting upon the street,
15 measured by the foot front rule.

16 SUBCHAPTER G

17 PUBLIC ACCOMMODATIONS

18 Sec.

19 16150. Appropriations for public accommodations.

20 § 16150. Appropriations for public accommodations.

21 (a) General rule.--The county commissioners may appropriate
22 money to assist a municipality to construct and maintain public
23 restrooms and related facilities.

24 (b) Courthouse rest and waiting rooms.--The county
25 commissioners may provide or cooperate with a municipality or
26 municipal authority to equip and maintain in the courthouse rest
27 or waiting rooms for the public.

28 (c) Lease of ground.--Any part of a ground acquired by a
29 county for the purposes of a courthouse or other county building
30 or facility may be leased by the county to a municipality being

1 the county seat of the county for the purpose of the
2 construction of a public comfort station by the municipality.

3 SUBCHAPTER H

4 MONUMENTS AND MEMORIALS

5 Sec.

6 16155. Monuments, memorials and memorial halls to war veterans.

7 16156. Assistance to private or municipal agencies.

8 16157. (Reserved).

9 16158. (Reserved).

10 16159. Existing buildings.

11 16160. Donations.

12 16161. Maintenance of hall.

13 16162. (Reserved).

14 16163. Board of control.

15 16164. Flagstaff and display of flag.

16 16165. Acquisition of additional land and equipment,
17 furnishings, etc.

18 16166. Tax levy and increase or indebtedness.

19 16167. Preservation, maintenance, repair and completion of
20 public monuments.

21 § 16155. Monuments, memorials and memorial halls to war
22 veterans.

23 The county commissioners may appropriate money for and
24 provide for the erection of monuments, memorials or memorial
25 halls commemorating or honoring the services of any individual
26 who has served in the armed forces of the United States or in
27 any auxiliary organization officially connected with a division
28 of the armed forces of the United States.

29 § 16156. Assistance to private or municipal agencies.

30 The county commissioners may appropriate money to assist any

1 individual, private corporation or municipal corporation in the
2 erection of a monument, memorial or memorial hall authorized
3 under section 16155 (relating to monuments, memorials and
4 memorial halls to war veterans).

5 § 16157. (Reserved).

6 § 16158. (Reserved).

7 § 16159. Existing buildings.

8 The county commissioners may acquire by any lawful means any
9 real property which can be altered and improved so as to be made
10 suitable for a memorial hall.

11 § 16160. Donations.

12 For the purpose of aiding in the acquisition of real property
13 and erection and construction of a memorial hall, voluntary
14 donations and contributions may be accepted by the county
15 commissioners from individuals, associations and organizations.

16 § 16161. Maintenance of hall.

17 A county memorial hall shall be the property of and shall be
18 maintained at the expense of the county.

19 § 16162. (Reserved).

20 § 16163. Board of control.

21 (a) Establishment.--In a county in which the county
22 commissioners have established a memorial hall, the county
23 commissioners shall establish a board of control of the memorial
24 hall and shall establish the powers and duties of the board of
25 control to provide for the operation and maintenance of the
26 memorial hall. The county commissioners shall provide for the
27 members of the board of control to be selected by the veterans
28 organizations which operate in, and have been recognized by, the
29 county.

30 (b) Existing boards of control.--A board of control

1 established prior to December 24, 2018, shall continue according
2 to the provisions of law that applied at the time that the board
3 was established until the county commissioners take an action
4 under subsection (a).

5 § 16164. Flagstaff and display of flag.

6 A flagstaff shall be erected upon any county memorial hall
7 from which the flag of the United States shall be displayed from
8 sunrise to sunset on each day of the year.

9 § 16165. Acquisition of additional land and equipment,
10 furnishings, etc.

11 In a county in which there is a memorial hall in honor of the
12 soldiers, sailors or marines from the county, the county
13 commissioners may acquire additional land adjoining the memorial
14 hall to enhance and preserve the beauty and character of the
15 memorial hall or equip, furnish, decorate and make additions to
16 the memorial hall, or both.

17 § 16166. Tax levy and increase or indebtedness.

18 The county commissioners may levy and collect a tax upon the
19 taxable persons and property within the county or increase the
20 indebtedness of the county according to 53 Pa.C.S. Pt. VII
21 Subpt. B (relating to indebtedness and borrowing) to pay for the
22 following:

23 (1) Erecting a memorial hall, including the purchased or
24 condemned ground upon which the memorial hall is erected.

25 (2) Acquiring additional land or enlarging, equipping,
26 furnishing or decorating of a memorial hall.

27 § 16167. Preservation, maintenance, repair and completion of
28 public monuments.

29 The county commissioners may preserve, maintain and repair
30 any public monument or memorial hall in the county, other than

1 in cemeteries, including the enclosed public ground surrounding
2 the monument, and appropriate money for these purposes. If a
3 public monument referred to in this section has been partially
4 completed, either in construction or payment, the commissioners
5 may appropriate money for the purpose of completion.

6 SUBCHAPTER I

7 PUBLIC AUDITORIUMS, PUBLIC LIBRARIES,
8 PUBLIC MEMORIAL BUILDINGS AND MONUMENTS

9 Sec.

10 16168. Acquiring of property.

11 16169. Rental of auditoriums.

12 16170. (Reserved).

13 § 16168. Acquiring of property.

14 Counties may acquire property according to this chapter for
15 the purpose of erecting public auditoriums, public libraries,
16 public memorial buildings and monuments.

17 § 16169. Rental of auditoriums.

18 Revenue derived from rental of a public auditorium shall
19 first be devoted to the maintenance of the auditorium and any
20 remaining annual balance accruing from rent shall be deposited
21 in the general fund of the county.

22 § 16170. (Reserved).

23 SUBCHAPTER J

24 HOMES AND HOSPITALS

25 Sec.

26 16174. Donations to orphans' or childrens' homes.

27 16175. Management and control of orphans' home.

28 16176. Admission to home.

29 16177. Maintenance of childrens' homes.

30 16178. (Reserved).

1 16179. (Reserved).

2 16180. (Reserved).

3 16181. (Reserved).

4 16182. (Reserved).

5 16183. (Reserved).

6 16184. (Reserved).

7 16185. (Reserved).

8 § 16174. Donations to orphans' or childrens' homes.

9 The county commissioners may receive real or personal
10 property which may be given or granted to the county by any
11 lawful means for the use and purpose of providing a home within
12 the county for the keeping and care of indigent orphans and
13 children who depend on the county for support.

14 § 16175. Management and control of orphans' home.

15 An orphans' home shall be under the management and control of
16 the county commissioners. The county commissioners may appoint a
17 superintendent and assistants as necessary to properly conduct
18 the affairs of the home.

19 § 16176. Admission to home.

20 Indigent orphans and children shall be admitted to an
21 orphans' or childrens' home on order of the county
22 commissioners.

23 § 16177. Maintenance of childrens' homes.

24 If a property has been given or granted to a county for a
25 childrens' home and a home is established, the county may
26 appropriate money for the support and maintenance of orphans and
27 children and for the payment of the salary of the superintendent
28 and assistants.

29 § 16178. (Reserved).

30 § 16179. (Reserved).

1 § 16180. (Reserved).

2 § 16181. (Reserved).

3 § 16182. (Reserved).

4 § 16183. (Reserved).

5 § 16184. (Reserved).

6 § 16185. (Reserved).

7 SUBCHAPTER K

8 MORGUES

9 Sec.

10 16190. Authority to provide and approval.

11 16191. (Reserved).

12 16192. (Reserved).

13 16193. (Reserved).

14 § 16190. Authority to provide and approval.

15 The county commissioners may buy or lease land and construct
16 and maintain on the land, at the expense of the county, a morgue
17 for the reception of all deceased individuals under the care and
18 custody of the coroner.

19 § 16191. (Reserved).

20 § 16192. (Reserved).

21 § 16193. (Reserved).

22 SUBCHAPTER L

23 (Reserved)

24 CHAPTER 163

25 EMINENT DOMAIN AND INJURY TO PROPERTY

26 Sec.

27 16301. Exercise of eminent domain.

28 16302. Restrictions as to certain property.

29 16303. Declaration of intention.

30 16304. Application of 26 Pa.C.S.

1 § 16301. Exercise of eminent domain.

2 A county may enter upon, appropriate, injure or destroy
3 private lands, property or material, or lands previously granted
4 or dedicated to public use that are no longer used for the
5 purpose for which the lands were granted, according to the
6 proceedings set forth in 26 Pa.C.S. (relating to eminent
7 domain), for any purpose conferred upon the county by law.

8 § 16302. Restrictions as to certain property.

9 (a) Prohibition.--Except as provided in subsection (b), land
10 or property used for a cemetery, burying ground or place of
11 public worship may not be taken or appropriated by virtue of a
12 power contained in this chapter.

13 (b) Exception for certain counties.--The prohibition in
14 subsection (a) shall not apply to a county of the second class A
15 in which the land or property is taken or appropriated according
16 to the provisions of the act of May 12, 1887 (P.L.96, No.47),
17 entitled "A supplement to an act, entitled 'An act supplementary
18 to an act relative to burial grounds and cemeteries situated in
19 incorporated boroughs,' approved the nineteenth day of May, one
20 thousand eight hundred and seventy-four, changing the title of
21 said act, and authorizing the court to make orders and decrees
22 required by the act, and to enforce the same by process,
23 approved the thirteenth day of May, eighteen hundred and
24 seventy-six, further empowering courts to direct removal of
25 remains in boroughs, cities, and towns from burial grounds where
26 interments have ceased or have become so neglected as to become
27 a public nuisance, or such remains interfere with the
28 improvements, extensions, and interests of such cities,
29 boroughs, or towns."

30 (c) Railroad property restrictions.--For counties of the

1 third, fourth, fifth, sixth, seventh and eighth class, the
2 right-of-way of a railroad company may not be acquired or
3 occupied without the consent of the company owning or operating
4 or in possession of the property.

5 § 16303. Declaration of intention.

6 A county shall declare its intention to acquire, enter upon,
7 take, use and appropriate any private property or land for any
8 of the purposes authorized by this chapter through a duly
9 enacted ordinance.

10 § 16304. Application of 26 Pa.C.S.

11 Eminent domain proceedings must conform to the provisions of
12 26 Pa.C.S. (relating to eminent domain), including payment of
13 damages and costs.

14 CHAPTER 165

15 RECREATION PLACES

16 Sec.

17 16501. Acquisition of land and buildings for recreation places.

18 16502. Construction, equipment and maintenance and general
19 powers.

20 16503. Fair, park and recreation boards.

21 16504. Officers of board.

22 16505. (Reserved).

23 16506. Indebtedness.

24 16507. Payment of expenses, taxation, annual fairs and State
25 contributions.

26 16508. Park buildings.

27 16509. Use of receipts.

28 16510. Damages, forfeiture of leases and penalties.

29 16511. Employees and police.

30 16512. Duty of police.

1 16513. Property held in trust.

2 16514. (Reserved).

3 16515. (Reserved).

4 16516. (Reserved).

5 16517. Appropriations to political subdivisions for recreation
6 places.

7 § 16501. Acquisition of land and buildings for recreation
8 places.

9 (a) General rule.--The county commissioners may designate
10 and set apart for use as recreation places or for the enlarging
11 or extending of recreation places any lands or buildings owned
12 by the county and not dedicated or devoted to other public use.

13 (b) Extension or enlargement of recreation places.--The
14 county commissioners may acquire lands or buildings, by gift or
15 purchase, or may lease lands for use as recreation places or for
16 the extension or enlargement of recreation places.

17 (c) Private property.--The county commissioners may, in
18 accordance with this part and 26 Pa.C.S. (relating to eminent
19 domain):

20 (1) In counties of the second class A, acquire private
21 property for the purpose of establishing, making, enlarging,
22 extending, operating and maintaining public parks and
23 multiuse recreational trails within the limits of the county.

24 (2) In counties of the third, fourth, fifth, sixth,
25 seventh or eighth class, acquire private property by the
26 power of eminent domain for use as, or the extension or
27 enlargement of, recreation places.

28 (d) Limitation.--The power to acquire lands or buildings, by
29 gift or purchase, may not extend beyond the limits of the
30 particular county, except upon the consent of the adjoining

1 county and municipal corporation which would be affected.

2 (e) Joint exercise of powers.--A county may exercise the
3 powers granted in this part jointly with any political
4 subdivision.

5 § 16502. Construction, equipment and maintenance and general
6 powers.

7 The county commissioners may build, alter, extend, enlarge,
8 manage, supervise, equip, ornament, operate and maintain
9 recreation places and may vest the authority to do so in an
10 existing body or board or in a park board, recreation board or
11 fair board, any of which may be established by the county
12 commissioners for any purpose, function and place as the county
13 commissioners may determine. For the purpose of carrying out
14 this chapter, the county commissioners, or any body or board
15 vested with the authority of the county commissioners, may
16 employ play leaders, recreation directors, supervisors,
17 superintendents or any other officers or employees. The number
18 and salary of the employees, to the extent that the employee's
19 salary is paid from the money of the county, shall be determined
20 by the salary board. All recreation places shall be kept in good
21 order and repair.

22 § 16503. Fair, park and recreation boards.

23 The county commissioners may establish a fair board, park
24 board or recreation board, which shall possess all the powers
25 and be subject to all the responsibilities of the county
26 commissioners in the management, supervision, operation and
27 maintenance of recreation places. A board shall consist of a
28 minimum of five individuals and a maximum of nine individuals.
29 The members of the boards shall be appointed by the county
30 commissioners for a term to extend no longer than five years and

1 the terms of the members shall be staggered so at least one
2 expires annually. Members of the board shall serve without pay.
3 Vacancies in the board occurring otherwise than by expiration of
4 term shall be for the unexpired term and shall be filled in the
5 same manner as original appointments.

6 § 16504. Officers of board.

7 The members of a fair board, park board or recreation board
8 shall elect a chairperson and secretary and select all other
9 necessary officers to serve for a period of one year and may,
10 with the consent and approval of the county commissioners,
11 employ individuals as needed under this chapter. The boards
12 shall have power to adopt rules and regulations for the conduct
13 of all business within their jurisdiction.

14 § 16505. (Reserved).

15 § 16506. Indebtedness.

16 The county commissioners may issue bonds, in accordance with
17 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and
18 borrowing), for the purpose of acquiring lands or buildings for
19 recreation places and for the construction, extension,
20 enlargement, alteration or equipment thereof.

21 § 16507. Payment of expenses, taxation, annual fairs and State
22 contributions.

23 (a) General rule.--Expenses incurred in the operation of
24 recreation places established under this chapter shall be
25 payable from the treasury of the county. The county
26 commissioners may annually appropriate and impose a tax to raise
27 money for any of the purposes authorized in this chapter,
28 including debt service upon bond issues authorized under section
29 16506 (relating to indebtedness). In counties of the second
30 class A, the amount of the tax may not exceed two mills on the

1 dollar of the assessed valuation of taxable property in the
2 county.

3 (b) Annual fair or agricultural exhibition.--The county
4 commissioners or the fair board may provide for and hold an
5 annual fair or agricultural exhibition on county fairgrounds,
6 and may accept aid or contributions from the Commonwealth under
7 any act for the payment of premiums at any fair or exhibition.
8 § 16508. Park buildings.

9 The county commissioners shall have exclusive power to lease
10 all buildings and facilities within the park limits and to
11 collect rent, fees and other consideration.
12 § 16509. Use of receipts.

13 All rents, license charges and fees, all fines, proceeds of
14 sales and profits that are collected, received or realized from
15 recreation places and buildings in any county, shall be paid
16 into the county treasury. Money or property given or bequeathed
17 to the county commissioners upon specified trusts shall be
18 received and receipted for by the county treasurer and held and
19 applied according to the trusts specified.

20 § 16510. Damages, forfeiture of leases and penalties.

21 (a) Liability for violation.--A person violating any rules
22 and regulations adopted for recreation places shall be liable to
23 the full extent of any damage committed by that person, in
24 trespass or other action, and a tenant or licensed party who
25 violates any rule and regulation, or consent to or permit the
26 same to be violated on the premises, shall forfeit the lease or
27 license and may be removed by a vote of the county
28 commissioners. Every lease and license shall contain a clause
29 stating that it shall be cause for forfeiture for a lessee or
30 licensed party to violate or permit or suffer any violation of

1 any rules and regulations.

2 (b) Specific offense.--In counties of the second class A,
3 the violation of any rules or regulations of the county
4 commissioners for the government of public parks shall
5 constitute a summary offense.

6 § 16511. Employees and police.

7 (a) Additional personnel permitted.--For the purpose of
8 performing all necessary duties relating to the establishing,
9 making, enlarging, extending and maintaining public parks,
10 buildings and other county-owned properties and for enforcing
11 the rules and regulations ordained or resolved by the county
12 commissioners or by any body or board of control if no penalty
13 or fine is involved, the county commissioners may employ or
14 appoint and equip proper persons as may be authorized by the
15 salary board, to do all necessary and proper work connected with
16 the requirements of this subsection, including police or guard
17 duty.

18 (b) County park police.--The county commissioners of a
19 county of the third class which is contiguous to a county of the
20 second class may, by ordinance, create or disband a county park
21 police force within the county. If a county park police force is
22 created under this chapter, the county commissioners shall have
23 power to employ the number of officers as may be fixed by the
24 salary board of the county. The compensation of the county park
25 police officers shall be paid by the county.

26 § 16512. Duty of police.

27 (a) Arrest and initial appearance.--The police, county park
28 police or guards appointed to duty in a recreation place,
29 building and other county-owned property may:

30 (1) Arrest, without warrant, an offender against the

1 rules and regulations, ordained or resolved by the county
2 commissioners, that the police, county park police or guards
3 appointed to duty may detect in the commission of an offense.

4 (2) Take the offender before a magisterial district
5 judge having competent jurisdiction.

6 (b) Primary jurisdictional area for county park police.--In
7 the ordinance creating a county park police force, the county
8 commissioners shall designate a primary jurisdictional area
9 where the county park police officers shall have jurisdiction.
10 The primary jurisdictional area shall include only property
11 owned, leased or controlled by the county, by a county municipal
12 authority, county redevelopment authority, county industrial
13 development authority or agency, county airport authority or by
14 a community college of which the county is a local sponsor,
15 whether the property is within or outside the territorial limits
16 of the county. A county road, street or highway may not be
17 designated or considered as a primary jurisdictional area unless
18 it is located within the boundaries of a geographical area
19 otherwise designated by ordinance as a primary jurisdictional
20 area under this section.

21 (c) County park police powers and duties.--County park
22 police shall have the following powers and duties:

23 (1) To enforce good order and protect the grounds and
24 buildings within a primary jurisdictional area.

25 (2) To exclude all disorderly persons from the grounds
26 and buildings within a primary jurisdictional area.

27 (3) To exercise the same powers that may be exercised
28 under authority of law or ordinance by the police of the
29 municipalities in which the primary jurisdictional area is
30 located, including those powers conferred under 42 Pa.C.S.

1 Ch. 89 Subch. D (relating to municipal police jurisdiction).

2 (4) To prevent crime, investigate criminal acts,
3 apprehend, arrest and charge criminal offenders and issue
4 summary citations for acts committed on the grounds and in
5 the buildings of the primary jurisdictional area and take the
6 offender before the proper authority and issue charges
7 against the offender under the laws of this Commonwealth.
8 Except when acting under 42 Pa.C.S. Ch. 89 Subch. D, county
9 park police shall exercise these powers and perform these
10 duties only on the grounds of the primary jurisdictional
11 area.

12 (5) To order off the grounds and out of the buildings
13 within the primary jurisdictional area all vagrants, loafers,
14 trespassers and persons under the influence of liquor and, if
15 necessary, remove them by force and, in case of resistance,
16 transport the offenders to the proper authority.

17 (6) To arrest an individual who damages, mutilates or
18 destroys the trees, plants, shrubbery, turf, grass plots,
19 benches, buildings and structures or commits any other
20 offense on the grounds and in the buildings within the
21 primary jurisdictional area and transport the offender to the
22 proper authority and prefer charges against the offender
23 under the laws of this Commonwealth.

24 (d) Chief and other designations.--The county commissioners
25 shall designate, from the county park police officers, the chief
26 and other ranks or classifications of officers as desired by the
27 county commissioners.

28 § 16513. Property held in trust.

29 (a) Conveyance to county.--If the owner of any real property
30 adapted to the use or purpose of public agriculture fairs or

1 exhibits are willing to convey or devise the real property to
2 the county wherein located, to be held in trust for the citizens
3 and inhabitants of the county, the county commissioners may take
4 title of the real property and hold the real property in trust
5 for the benefit of the residents of the county.

6 (b) Acceptance of contributions.--The county commissioners
7 may receive and accept contributions in buildings or materials
8 for additional improvements on the real property conveyed or
9 devised and held in trust.

10 (c) Lease of real property.--The county commissioners may
11 lease real property acquired under this section to any
12 incorporated agriculture association willing and financially
13 able to manage the premises, on condition that the premises
14 shall be used annually for agriculture fairs and exhibitions
15 without any liability or expense on the part of the county. Upon
16 failure of a lessee to comply with terms of any lease, the
17 county shall retake possession of the leased property.

18 (d) Sale of real property.--If, for a period of five years,
19 public use of the real property as contemplated by the grant or
20 gift to the county is not made, the real property may be sold on
21 petition to the court of common pleas under this part for the
22 sale of county real property.

23 § 16514. (Reserved).

24 § 16515. (Reserved).

25 § 16516. (Reserved).

26 § 16517. Appropriations to political subdivisions for
27 recreation places.

28 The county commissioners in counties of the third, fourth,
29 fifth, sixth, seventh and eighth class may appropriate money
30 from the county treasury to aid municipal corporations in the

1 purchase, construction, operation and maintenance of recreation
2 places.

3 CHAPTER 167

4 BRIDGES, VIADUCTS AND CULVERTS

5 Subchapter

6 A. General Authority and Procedures for Providing Bridges

7 B. Special Authorities and Procedures

8 C. Taking Over or Assisting with Township or Municipal
9 Bridges

10 D. (Reserved)

11 E. Taxation and Borrowing

12 SUBCHAPTER A

13 GENERAL AUTHORITY AND PROCEDURES

14 FOR PROVIDING BRIDGES

15 Sec.

16 16700. Definitions.

17 16701. Authority, definitions and application of chapter.

18 16702. Maintenance and repairs.

19 16703. Acquisition of real property.

20 16704. Plans and surveys for bridges and viaducts.

21 16705. (Reserved).

22 16706. (Reserved).

23 16707. Approval of Federal or State agencies and change in
24 location.

25 16708. (Reserved).

26 16709. (Reserved).

27 16710. (Reserved).

28 16711. Cost sharing.

29 16712. Boundary line bridges.

30 16713. (Reserved).

1 16714. Authorization to purchase.

2 16715. Privately owned bridge.

3 16716. Acceptance of donated bridge.

4 § 16700. Definitions.

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

8 "Bridge." The term includes bridges, viaducts and culverts
9 and all items pertaining to bridges, viaducts and culverts.

10 "Road." The term includes roads, streets, highways, lanes,
11 alleys and all other public thoroughfares.

12 "Streams." The term includes streams, rivers, creeks, ponds,
13 lakes and all other natural waters.

14 § 16701. Authority, definitions and application of chapter.

15 (a) Bridges and viaducts.--The county commissioners may
16 locate, lay out, open, construct, reconstruct, widen,
17 straighten, extend, alter, replace, remove and otherwise provide
18 for bridges and viaducts over streams and other topographical
19 impediments to public traffic, as parts or adjuncts of the roads
20 within the county for vehicles and pedestrians or for
21 pedestrians only, and culverts within the county or partly
22 within and partly without the county, in accordance with this
23 chapter.

24 (b) Application.--This chapter shall apply to necessary
25 approaches, abutments, slopes, walls, embankments, fills, piers
26 and other items pertaining to bridges, viaducts and culverts as
27 to the bridges, viaducts and culverts themselves.

28 (c) Limitation.--The provisions of this chapter may not
29 apply to any matters relating to county bridges, viaducts or
30 culverts to the extent they are covered by the act of June 1,

1 1945 (P.L.1242, No.428), known as the State Highway Law, or of
2 any other law vesting in the Department of Transportation and
3 the various counties of the Commonwealth, rights, powers and
4 duties. The terms of the foregoing limitation shall apply as
5 well for the former act of May 28, 1937 (P.L.1053, No.286),
6 known as the Public Utility Law, and the Public Utility
7 Commission.

8 (d) Entrance during exercise of authority.--Counties of the
9 third, fourth, fifth, sixth, seventh and eighth class may not,
10 in the exercise of any authority or duty conferred in this
11 chapter, enter upon any road or property of any city or borough
12 of or adjacent to the county or act in derogation of the lawful
13 authority of such political subdivision, except with the proper
14 consent of such political subdivision.

15 (e) Obstruction prohibited.--Bridges provided under this
16 chapter may not obstruct any canal or railroad, and nothing in
17 this chapter shall be deemed to release any railroad or other
18 public utility from the requirements of existing law.

19 § 16702. Maintenance and repairs.

20 Every county bridge under this chapter shall be maintained
21 and kept in repair by the county or counties involved except as
22 may be otherwise provided by agreements between or among the
23 county or counties and other political subdivisions or other
24 persons as to the costs of the maintenance and repairs.

25 § 16703. Acquisition of real property.

26 The county commissioners may purchase, in accordance with
27 this part, accept by gift or acquire by the power of eminent
28 domain, real property devoted to private or public use in the
29 manner provided by law.

30 § 16704. Plans and surveys for bridges and viaducts.

1 If the county commissioners provide a bridge or viaduct under
2 this chapter, the county commissioners shall prepare plans and
3 surveys showing the location of the proposed structure, the
4 structures approaches and the property or rights of property
5 affected by the structure, together with any roads in any
6 municipal corporation proposed to be used in connection to the
7 project.

8 § 16705. (Reserved).

9 § 16706. (Reserved).

10 § 16707. Approval of Federal or State agencies and change in
11 location.

12 If a proposed bridge crosses a navigable stream or other
13 public water or the property or right-of-way of any railroad or
14 other public utility requiring the approval of any Federal or
15 State officer, board or body as to the location and construction
16 of the bridge or its approaches, the county shall have authority
17 to construct the bridge in another location and manner as may be
18 necessary to comply with the conditions prescribed by the
19 officer, board or body in granting approval, if the county
20 commissioners deem the proposed bridge necessary for the
21 convenience of the traveling public and accommodates
22 substantially the same traveling public as the bridge would have
23 done if it had been constructed at the location and in the
24 manner originally provided.

25 § 16708. (Reserved).

26 § 16709. (Reserved).

27 § 16710. (Reserved).

28 § 16711. Cost sharing.

29 If a bridge is proposed to be located in a municipality, the
30 county may enter into an agreement with the municipality if the

1 municipality bears a portion of the cost of the location, laying
2 out, opening, construction and maintenance of the bridge or that
3 the municipality provides or maintains the approach to the
4 bridge within the municipality or bears the costs of property
5 damages of the approach. Each agreement shall be entered into in
6 writing and at least one executed copy of the agreement shall be
7 provided to each party. Each bridge shall be a county bridge
8 and, except as otherwise provided, be maintained by the county.
9 Maintenance expenses shall be provided out of county funds
10 authorized for use in the maintenance of county bridges.
11 § 16712. Boundary line bridges.

12 (a) Boundary line bridge.--If a bridge under this chapter is
13 on the boundary line between two counties or within one-fourth
14 of a mile from a boundary line and necessary for the
15 accommodation of the inhabitants of both counties, the county
16 commissioners of the counties shall act jointly in the exercise
17 of all powers conferred upon the county commissioners and in the
18 performance of all duties imposed upon the county commissioners.
19 Except in a county of the second class A, if a petition of
20 residents or taxpayers is required, the petition shall be made
21 by the required number of petitioners in each county in relation
22 to a boundary bridge under this section to the county
23 commissioners of their county. If any other petitions are
24 required, the petitions shall be made to the county
25 commissioners in each of the counties. Each of the county
26 commissioners shall act on petitions and shall communicate
27 approval or disapproval to the other board.

28 (b) Court-appointed viewers or inspectors.--For a county of
29 the second class A that is required to appoint viewers or
30 inspectors, the court of the county shall appoint a full number

1 of viewers or inspectors and order a view in the manner and with
2 like powers, duties and procedure provided for public roads. The
3 total number of viewers or inspectors shall act together in the
4 view or inspection and shall make a joint report and
5 recommendations to each court. Exceptions and appeals to the
6 report of viewers may be filed in the courts of either county,
7 in which case the courts of the two counties sitting together
8 shall hear and determine the matter.

9 (c) Publication of notice.--If publication of notice is
10 required, the publication shall be made in each county. The
11 approval of both boards of commissioners shall be necessary in
12 order to authorize any action requiring approval.

13 (d) Commencement of eminent domain.--If the procedure under
14 Chapter 163 (relating to eminent domain and injury to property)
15 is to be followed, the procedure shall be carried out only in
16 and by the county in which the lands, other property or
17 materials entered upon, taken or damaged are located and the
18 damages shall be paid by the county.

19 (e) Joint county bridge.--Any bridge shall be a joint county
20 bridge. All costs and expenses pertaining to a joint county
21 bridge and the maintenance thereof shall be borne by the two
22 counties, jointly, in proportions agreed on by the county
23 commissioners.

24 (f) Construction and maintenance.--Any authorized bridge
25 shall be erected, constructed, maintained and kept in repair in
26 the manner provided for bridges erected on the line of adjoining
27 counties.

28 (g) Definition.--For the purposes of this section, the term
29 "joint county bridge" shall include a bridge over the boundary
30 line between two counties constructed or proposed to be

1 constructed as part of the laying out, alteration or vacation of
2 roads intended to form a continuous highway from one county to
3 another.

4 § 16713. (Reserved).

5 § 16714. Authorization to purchase.

6 If, in accordance with this chapter, a county is authorized
7 to erect a bridge, the county commissioners may purchase a
8 bridge already erected at a reasonable cost instead of building
9 a new bridge.

10 § 16715. Privately owned bridge.

11 The county commissioners may take charge of or rebuild a
12 bridge suitable for public traffic within the county that was
13 abandoned by the owners.

14 § 16716. Acceptance of donated bridge.

15 (a) County acceptance of bridge as donation.--The county
16 commissioners may accept, take charge of and enter into county
17 records as a county bridge any bridge within the county which
18 has:

19 (1) been built at the expense of a private person or by
20 a public subscription;

21 (2) been opened to free public travel;

22 (3) been used by the public; and

23 (4) become necessary and convenient for the use of the
24 public.

25 (b) Notice.--

26 (1) A county may not accept, take charge of or enter
27 into county records a bridge until the county has received
28 written notice of the desire to give the bridge to the county
29 from one of the following:

30 (i) the individuals who built the bridge;

1 (ii) subscribers to the original subscription on
2 which the money was raised to build the bridge;

3 (iii) the heirs, assigns or duly authorized board of
4 trustees representing the individuals or subscribers
5 included under subparagraph (i) or (ii).

6 (2) If a bridge crosses the boundary line between two
7 counties, the individual or the individual's heirs or the
8 assignees, subscribers or trustees representing the
9 individual shall give notice in writing to the county
10 commissioners of each county of the intention to donate the
11 bridge to the counties jointly.

12 (c) Costs and bond requirement.--All costs shall be paid out
13 of the treasury of the county. The county commissioners may
14 require the owner of said bridge to file, together with their
15 notice, a bond sufficient to secure payment of the costs.

16 SUBCHAPTER B

17 SPECIAL AUTHORITIES AND PROCEDURES

18 Sec.

19 16730. Widening, straightening, altering or changing course of
20 unnavigable streams for protection of county bridges
21 and highways.

22 16731. Providing and maintaining dykes, banks, causeways and
23 sluiceways for protection of bridges and highways.

24 16732. Lighting of county bridges.

25 16733. Temporary substitutes for bridges.

26 16734. Closing, vacating, abandoning and removing county
27 bridges.

28 16735. Contracts for special use of bridge.

29 16736. Contracts with railroad companies.

30 16737. (Reserved).

1 16738. (Reserved).

2 16739. (Reserved).

3 § 16730. Widening, straightening, altering or changing course
4 of unnavigable streams for protection of county
5 bridges and highways.

6 If, in the construction, repair or maintenance of a county
7 bridge or highway, it becomes necessary for the safety of the
8 bridge or highway or economically advisable to widen,
9 straighten, alter, protect or change the course of an
10 unnavigable stream, it shall be lawful for the county to enter
11 upon abutting or adjacent land, and to widen, straighten, alter,
12 protect or change the course of the stream for these purposes,
13 and, in connection with the entry, to take, injure and destroy
14 any necessary land or property in the manner and subject to the
15 restrictions and procedure provided by law.

16 § 16731. Providing and maintaining dykes, banks, causeways and
17 sluiceways for protection of bridges and highways.

18 (a) Authority.--A county, for the purpose of protecting a
19 county bridge or the abutments and approaches of a county bridge
20 and any public highway adjacent to the county bridge from the
21 incursions of the tide floods or waters of any stream, and to
22 prolong the life of any structure, may provide and maintain
23 dykes, banks, causeways and sluiceways over or across any
24 unnavigable stream and may secure a right-of-way for the proper
25 ingress to and egress from the county bridge.

26 (b) Taking.--In connection with the exercise of the
27 authority under subsection (a), the county may take, injure and
28 destroy any necessary land or property in the manner and subject
29 to the restrictions and procedure provided by law.

30 (c) Approval.--A change in an existing stream channel under

1 this subchapter may not be undertaken until it has been approved
2 by the Department of Environmental Protection.

3 § 16732. Lighting of county bridges.

4 If considered necessary for the safety and convenience of the
5 traveling public, the county commissioners may provide a county
6 bridge with lights of any kind and character that the county
7 commissioners shall deem suitable and may contract with any
8 individual or with any municipal or private corporation for the
9 purpose of supplying the necessary light.

10 § 16733. Temporary substitutes for bridges.

11 If a county bridge is destroyed or rendered impassable, the
12 county commissioners may provide at the expense of the county,
13 ferries or other temporary ways as a substitute for the
14 destroyed or impassable bridge, until the bridge has been
15 rebuilt or rendered fit for public travel. If the bridge was
16 maintained at the joint expense of two adjoining counties, the
17 establishment and maintenance of the ferry or temporary way
18 shall be by joint discretionary action of the boards of
19 commissioners of both counties, and the expense shall be paid by
20 the counties in the same proportions as the maintenance of the
21 bridge was paid before it was destroyed or rendered impassable.

22 § 16734. Closing, vacating, abandoning and removing county
23 bridges.

24 If it appears to the county commissioners that any county
25 bridge, including any destroyed or partially destroyed bridge,
26 has become burdensome and is no longer necessary for the
27 accommodation of public travel, the county commissioners may
28 close, vacate, abandon and remove the bridge.

29 § 16735. Contracts for special use of bridge.

30 The county commissioners may enter into a contract or lease

1 with a street railway, telegraph or telephone company or other
2 public utility, or the successors or assigns of a street
3 railway, telegraph or telephone company or other public utility,
4 desiring to use a county bridge and the approaches of the bridge
5 for other than ordinary public foot or vehicular traffic for the
6 concurrent use of the portion of the public bridge and
7 approaches as will not substantially impair or restrict the
8 public use and enjoyment, upon agreed to terms and conditions,
9 and may charge tolls or rentals for that special use. Contracts
10 or leases entered into under this section may not be entered
11 into for a longer period than 20 years nor shall any contract or
12 lease be entered into unless approved by the Pennsylvania Public
13 Utility Commission or become effective except in accordance with
14 the provisions of the former act of May 28, 1937 (P.L.1053,
15 No.286), known as the Public Utility Law.

16 § 16736. Contracts with railroad companies.

17 (a) Contract with railroad.--A railroad company whose tracks
18 or other facilities are located upon a county bridge may
19 contract and agree with the county commissioners for the use,
20 purchase, removal, replacing or exchange of the bridge, or for
21 the compensation to be paid to the county by the company for the
22 use and occupancy of the bridge or parts of the bridge.

23 (b) Debts.--All money due and all obligations incurred by
24 the companies under a contract may be collected and enforced in
25 the same manner as debts of like amount are recovered and
26 similar obligations enforced in the Commonwealth.

27 § 16737. (Reserved).

28 § 16738. (Reserved).

29 § 16739. (Reserved).

30 SUBCHAPTER C

1 TAKING OVER OR ASSISTING WITH

2 TOWNSHIP OR MUNICIPAL BRIDGES

3 Sec.

4 16750. Procedure for taking over bridge by county, aid to
5 political subdivisions in construction and
6 maintenance of bridge.

7 16751. Change of location.

8 16752. Construction of embankments and causeways.

9 16753. Contract for parts of municipal bridges.

10 16753.1. Contributions.

11 16754. Municipal cooperation.

12 16755. Construction of bridge over ravine or valley.

13 16756. Municipal bridge as county bridge.

14 16757. (Reserved).

15 16758. (Reserved).

16 16759. (Reserved).

17 16760. (Reserved).

18 16761. (Reserved).

19 § 16750. Procedure for taking over bridge by county, aid to
20 political subdivisions in construction and
21 maintenance of bridge.

22 (a) Commissioner discretionary acceptance of costs.--If the
23 construction of a new bridge, or of a bridge to replace any
24 existing bridge, over a stream or over or under a railroad, and
25 forming part of any road in any city, borough, town or township,
26 or between any two or more municipal corporations is necessary,
27 and requires more expense than it is reasonable that the
28 municipal corporations, individually or jointly, should bear,
29 and if it shall appear to the county commissioners that such
30 bridge is necessary, the bridge may, at the discretion of the

1 county commissioners, be entered on record as a county bridge.
2 The bridge shall thereupon be erected, maintained and kept in
3 repair in the same manner as other county bridges constructed
4 under Subchapter A (relating to general authority and procedures
5 for providing bridges).

6 (b) Refusal to record bridge.--If the county commissioners
7 refuse to have the bridge entered on record as a county bridge,
8 the county may pay the entire cost or any part of the cost of
9 constructing the bridge including damages. The bridge shall be a
10 municipal bridge to be maintained and kept in repair by the
11 municipal corporation. The county commissioners may furnish the
12 municipal corporation the whole or any part of the money
13 necessary to maintain the municipal bridge.

14 (c) Retention of records.--The county commissioners shall
15 keep a record of all proceedings under this section.

16 (d) Required advertising.--In addition to Chapters 151
17 (relating to contracts) and 161 (relating to grounds and
18 buildings) relating to contracting for services and personal
19 property, if the county commissioners propose to build or repair
20 a bridge upon the line between the two adjoining counties,
21 required advertising shall be done in each county, and a copy of
22 the plans and specifications shall be kept in the county
23 commissioner's office of each county.

24 § 16751. Change of location.

25 In counties of the third, fourth, fifth, sixth, seventh and
26 eighth class, if a bridge is to take the place of an existing
27 bridge, the viewers may change the location of the bridge so
28 that it may be located and built in the most suitable place, or
29 at the least expense, or in the best manner, and, for the change
30 of location of the bridge, the county commissioners shall report

1 what change in the course or bed of the road connected with the
2 bridge will be necessary, and shall also report the vacation of
3 the old or existing bridge, and the vacation of the portion of
4 the road connecting with the bridge as the county commissioners
5 deem proper.

6 § 16752. Construction of embankments and causeways.

7 In counties of the third, fourth, fifth, sixth, seventh and
8 eighth class, in which a stream over which it may be necessary
9 to build a bridge crosses a public road, and the building of the
10 bridge requires the construction of an embankment or causeway
11 leading to either end of such bridge, the erection of which
12 embankment or causeway requires more expense than it is
13 reasonable that one or more adjoining townships should bear, the
14 bridge may, in the discretion of the county commissioners, be
15 entered on record as a county improvement and constructed as
16 county bridges are constructed.

17 § 16753. Contract for parts of municipal bridges.

18 (a) Contract with municipal corporation.--If a municipal
19 corporation may construct a bridge or viaduct over a stream or
20 other place over which the county may build bridges and the
21 municipal corporation may contract with the county and with
22 railroads, street railways and other companies or parties
23 interested for the building and maintenance of the bridge or
24 viaduct and for the payment of any damages caused by the
25 location or building, the county commissioners may contract with
26 the municipal corporation for that part or portion of the bridge
27 which crosses any of the places listed under this subsection,
28 including the abutments and piers. The part shall be maintained
29 as a county bridge.

30 (b) Contracts for partial structures permitted.--In lieu of

1 the contract under subsection (a), the county commissioners may
2 contract for any part or portion of the whole structure equal to
3 or greater than the part or portion which the county might have
4 built.

5 (c) Contract terms.--The contracts under this section may
6 stipulate that the county shall pay a certain portion of the
7 whole contract price or cost of the work, including damages, or
8 may stipulate that the county shall construct or pay for the
9 construction of a certain part of the work, and may otherwise
10 provide for the payment of the damages. The amount to be paid by
11 the county shall be paid directly to the contractor as may be
12 provided by the contract. The agreements may also provide for
13 the maintenance of the viaducts and bridges after their
14 erection.

15 § 16753.1. Contributions.

16 If a bridge or viaduct is built by a municipality and does
17 not cross any place over which the county may construct a bridge
18 but crosses merely railroad or railroads and private property,
19 the county commissioners of counties of the second class A may
20 contract to pay an amount of money, not exceeding 30% of the
21 entire cost of the proposed bridge or viaduct. The bridge or
22 viaduct shall thereafter be maintained as a municipal structure,
23 and the county may not be liable for any part of the cost of
24 maintenance or repair thereof.

25 § 16754. Municipal cooperation.

26 If a bridge or proposed bridge is on the dividing line
27 between two counties which is also the dividing line between one
28 county and a municipality in the other county and the
29 municipality has authority to build or rebuild the bridge or to
30 join with any county therein, the county may join with said

1 municipality in the other county in building or rebuilding the
2 bridge. The cost of the bridge shall be paid in the relevant
3 proportions as shall be agreed upon by the county and
4 municipality that joined.

5 § 16755. Construction of bridge over ravine or valley.

6 If different parts of any municipality or any two
7 municipalities are separated by an intervening valley or ravine,
8 and the county commissioners in which the municipality or
9 municipalities are located decide it is necessary that a public
10 bridge be constructed, the county may contract with the
11 municipality or municipalities for the laying out and
12 construction of the bridge by the municipality or
13 municipalities, and may pay to the municipality or
14 municipalities the portion of the cost as the county
15 commissioners deem reasonable.

16 § 16756. Municipal bridge as county bridge.

17 If a public bridge has been built or maintained by one or
18 more municipal corporations and it appears to the county
19 commissioners that the care, maintenance and responsibility of
20 the bridge is greater than it is reasonable that the municipal
21 corporations should be responsible for, the county commissioners
22 may enter the bridge upon record as a county bridge to be
23 maintained, supervised and controlled by the county free and
24 without charge.

25 § 16757. (Reserved).

26 § 16758. (Reserved).

27 § 16759. (Reserved).

28 § 16760. (Reserved).

29 § 16761. (Reserved).

30

SUBCHAPTER D

1 (Reserved)

2 SUBCHAPTER E

3 TAXATION AND BORROWING

4 Sec.

5 16775. Appropriations and tax levy.

6 16776. Incurring of indebtedness and taxation for debt service.

7 § 16775. Appropriations and tax levy.

8 In the exercise of the powers, authorities and duties
9 provided in this chapter, a county may appropriate and pay out
10 of the county general fund all money necessary for the purposes
11 enumerated in this chapter, and may levy, assess and collect
12 taxes on all real and personal property within the county, and
13 taxable for county purposes, in addition to all other taxes.

14 § 16776. Incurring of indebtedness and taxation for debt
15 service.

16 A county constructing a bridge or making any other capital
17 improvement or major repairs under this chapter may, under a
18 resolution adopted by the county commissioners, incur
19 indebtedness and borrow money under this section. A county may
20 levy and collect on all taxable property in the county, in
21 addition to all other taxes, for the purposes of servicing
22 indebtedness under this section.

23 CHAPTER 169

24 ROADS

25 Subchapter

26 A. Authorization, Construction and Maintenance

27 B. Vacation as County Roads

28 C. Continuous Highways from One County to Another

29 D. County Aid to Municipalities and Townships

30 E. Detours

1 16926. (Reserved).

2 16927. (Reserved).

3 16928. (Reserved).

4 16929. (Reserved).

5 16930. Purchase, location, construction, operation and

6 maintenance authorized.

7 16931. Contracts or lease for special use of improvements.

8 16932. Taking street or other property of municipal

9 corporation.

10 16933. (Reserved).

11 16934. (Reserved).

12 16935. (Reserved).

13 16936. (Reserved).

14 16937. (Reserved).

15 16938. (Reserved).

16 16939. (Reserved).

17 16940. (Reserved).

18 16941. (Reserved).

19 16942. (Reserved).

20 16943. (Reserved).

21 16944. (Reserved).

22 16945. (Reserved).

23 § 16901. Definitions.

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

27 "Bridge." As defined in section 16700 (relating to
28 definitions).

29 "Road." As defined in section 16700.

30 "Streams." As defined in section 16700.

1 § 16902. Establishing county roads.

2 (a) Powers of the county commissioners.--For the purpose of
3 providing public roads, specially constructed, improved and
4 maintained, the county commissioners may:

5 (1) Lay and open a road.

6 (2) Take possession of and exercise control over an
7 existing municipal road or part of a municipal road, or any
8 road decreed by a court to be a county road.

9 (3) Build and maintain roads as county roads within the
10 county limits.

11 (4) Straighten, widen, extend and alter any county road
12 or part of the road laid out, opened or acquired and vacate
13 as much as may become unnecessary and useless.

14 (b) Control of road by commissioners.--Any road taken over
15 or improved shall become a county road and be subject to the
16 control and supervision of the county commissioners. The county
17 shall keep and maintain county roads established under this part
18 and all other county roads in repair, the expense thereof to be
19 paid by the county in the manner provided under this part.

20 § 16903. Acquisition of rights-of-way of abandoned railroads.

21 (a) Commissioners control of rights-of-way.--The county
22 commissioners may take over an abandoned right-of-way or bridge
23 of a railroad company or any part of an abandoned right-of-way
24 or bridge for the purpose of relocating an existing or locating
25 a new county road, and the county commissioners may purchase the
26 abandoned right of way or bridge or part thereof as may be
27 necessary for the relocating or locating of the county road.

28 (b) County road to be laid out.--Whenever an abandoned
29 right-of-way or bridge of a railroad company or any part thereof
30 is purchased under this section, a county road shall be laid

1 out, located thereafter constructed, improved and maintained in
2 accordance with law. Any bridge taken over shall become a county
3 bridge and shall be maintained, rebuilt and repaired
4 accordingly.

5 § 16904. Joint action by counties.

6 (a) Additional powers.--The provisions of this chapter may
7 also be exercised jointly by adjoining counties as to roads
8 extending along and adjacent to county lines and from one
9 adjoining county into another.

10 (b) Procedure and jurisdiction.--The procedure and
11 jurisdiction in each county under subsection (a) shall be the
12 same as to any portion of the road lying within the limits of
13 the county, except that the petition, plans and surveys of the
14 road shall describe and exhibit every portion of the road within
15 the limits of the county and every portion of the road extending
16 along the line of or into an adjoining county. The portions of
17 the road lying within limits of each county shall be treated in
18 all proceedings as one continuous road.

19 § 16905. (Reserved).

20 § 16906. Maintenance and repair of county roads.

21 The county commissioners shall have prepared plans and
22 estimates, as often as required, for the repair and maintenance
23 of all roads which the county is required by law to maintain and
24 repair. Maintenance and repair may be undertaken by contract or
25 through the use of county personnel, supplies and equipment. Any
26 county may also lease any of the equipment of the county to any
27 political subdivision within the county according to any terms
28 and conditions agreed upon.

29 § 16907. Annual tax.

30 The county commissioners may levy, assess and collect annual

1 taxes upon all real and personal property within the county
2 taxable for county purposes to acquire and secure a fund from
3 which to pay all costs, damages and expenses required in the
4 locating, opening, building, improving, widening, straightening,
5 extending, maintaining, repairing or vacating of roads or parts
6 of the road, and to take and use land as may be necessary in
7 constructing and maintaining proper slopes, embankments, fills,
8 culverts, embankment approaches and termini for roads, tunnels,
9 subways and underground roads. The money raised may not be
10 expended for any purpose other than those for which the tax was
11 levied, except for the maintenance, repair, construction and
12 reconstruction of any county bridge or bridges whether or not
13 located on a county road or roads. The taxes shall be at the
14 following rates and retained, respectively, for the following
15 purposes:

16 (1) Not more than two mills on the dollar in the
17 aggregate for any of the following sections:

18 (i) 16902 (relating to establishing county roads).

19 (ii) 16903 (relating to acquisition of rights-of-way
20 of abandoned railroads).

21 (iii) 16904 (relating to joint action by counties).

22 (iv) 16906 (relating to maintenance and repair of
23 county roads).

24 (v) 16908 (relating to borrowing money, bond issue
25 and tax levy).

26 (vi) 16909 (relating to changing part of road upon
27 agreement).

28 (vii) 16910 (relating to assessment of benefits).

29 (viii) 16911 (relating to interest on benefits
30 assessed).

1 (ix) 16912 (relating to liens for benefits
2 assessed).

3 (x) 16913 (relating to sidewalks along county
4 roads).

5 (xi) 16914 (relating to lights along county roads).

6 (2) Not more than two mills on the dollar in the
7 aggregate for any of the following sections:

8 (i) 16920 (relating to adoption of system of main
9 thoroughfares).

10 (ii) 16921 (relating to improvement of municipal
11 roads).

12 (iii) 16922 (relating to plan of system to be
13 followed and variations).

14 (iv) 16923 (relating to improvement of roads not
15 part of system on contribution from parties interested).

16 (3) Not more than two mills on the dollar in the
17 aggregate for any of the following sections:

18 (i) 16930 (relating to purchase, location,
19 construction, operation and maintenance authorized).

20 (ii) 16931 (relating to contracts or lease for
21 special use of improvements).

22 (iii) 16932 (relating to taking street or other
23 property of municipal corporation).

24 § 16908. Borrowing money, bond issue and tax levy.

25 The county commissioners may borrow money and secure
26 indebtedness for the purposes authorized under this chapter, in
27 accordance with 53 Pa.C.S. Pt. VII Subpt. B (relating to
28 indebtedness and borrowing).

29 § 16909. Changing part of road upon agreement.

30 If the county commissioners deem it advisable to construct or

1 alter any part of any road under the supervision of the county
2 commissioners and agree with the property owners affected by the
3 change as to damages, the county commissioners may, upon payment
4 of the damages agreed upon, construct or alter the part of the
5 public road as contemplated in the agreement without the
6 formality of a view. The old location of the road shall be
7 vacated in accordance with this act.

8 § 16910. Assessment of benefits.

9 If, in a county, a road or highway originally located, laid
10 out, constructed, relocated, opened, straightened, widened,
11 extended or altered or any part of the road or highway vacated,
12 the viewers appointed to assess damages in accordance with 26
13 Pa.C.S. (relating to eminent domain), after determining the
14 amount of damages sustained, shall assess the whole or part of
15 the damages as may be represented by benefits upon the
16 properties abutting on and benefited by the improvements. The
17 remaining part of the damages, if any, not assessed against the
18 abutting properties, shall be paid by the county. The total
19 assessments for benefits shall in no case exceed the total
20 damages awarded and agreed upon.

21 § 16911. Interest on benefits assessed.

22 All assessments for benefits shall bear interest at the
23 expiration of 30 days after the assessments have been determined
24 final and fixed and shall be payable to the treasurer of the
25 county.

26 § 16912. Liens for benefits assessed.

27 (a) Filing, revival and collection of liens.--All liens for
28 the assessment of benefits under sections 16910 (relating to
29 assessment of benefits) and 16911 (relating to interest on
30 benefits assessed) shall be filed, revived and collected in

1 accordance with law.

2 (b) Appeal of liens.--Appeals taken may not prevent the
3 filing of liens by any county for any assessment made by virtue
4 of the viewers' report, but upon final determination of the
5 issue, the court may make an order as to any lien filed that
6 shall appear right and proper.

7 § 16913. Sidewalks along county roads.

8 If considered necessary for the safety and accommodation of
9 the public, the county commissioners may locate, construct and
10 maintain sidewalks along county roads. The cost of the
11 construction and maintenance of sidewalks shall be paid by the
12 county.

13 § 16914. Lights along county roads.

14 If considered necessary for the safety and convenience of the
15 traveling public, the county commissioners may supply and equip
16 any county road or parts of the road with lights as deemed
17 necessary. The county commissioners may contract with an
18 individual or municipal or private corporation. The cost of the
19 construction may and the cost of maintenance of all lights shall
20 be paid by the county.

21 § 16915. (Reserved).

22 § 16916. (Reserved).

23 § 16917. (Reserved).

24 § 16918. (Reserved).

25 § 16919. (Reserved).

26 § 16920. Adoption of system of main thoroughfares.

27 (a) System of roads.--The county commissioners may, in the
28 manner provided by this section, cause to be laid out, surveyed
29 and adopted a system of main thoroughfares which the board shall
30 determine the proper roads to be established and specially

1 constructed and improved. In adopting the system under this
2 subsection, the county commissioners shall consider the
3 population and needs of all parts of the county and make an
4 equitable distribution of the roads to be specially constructed,
5 located and improved by the the county. The county commissioners
6 shall develop a plan or plans to be made showing the system of
7 proposed roads, the relation of the proposed roads to existing
8 public roads or roads to be supplied, the names of abutting
9 property owners and also roads which already have been improved
10 by the county. Upon approval of the plan or plans by the county
11 commissioners, at least two county commissioners shall certify
12 and file the plan for public inspection in the office of the
13 county commissioners and record the plan in the office of the
14 recorder of deeds.

15 (b) Requirements.--Subsection (a) shall be carried out in
16 accordance with the following sections:

17 (1) This section.

18 (2) 16921 (relating to improvement of municipal roads).

19 (3) 16922 (relating to plan of system to be followed and
20 variations).

21 (4) 16923 (relating to improvement of roads not part of
22 system on contribution from parties interested).

23 (c) Interference with real property.--The proposed roads
24 under subsection (a) may not be an easement upon private
25 property or in any manner interfere with the use of private
26 property until established as a public road by the action of the
27 court of common pleas.

28 § 16921. Improvement of municipal roads.

29 (a) General rule.--If a system of main thoroughfares had
30 been adopted or if the adoption is being contemplated within two

1 years after the commencement of the improvement, the county
2 commissioners may take exclusive control of and improve any road
3 or section of road located either wholly or in part in any
4 municipal corporation, whether existing by the municipal
5 corporation's authority or laid out in whole or in part by
6 virtue of this act or otherwise.

7 (b) Necessary power.--For the purposes of subsection (a),
8 the county commissioners may originally locate, lay out,
9 establish in whole or in part, relocate, straighten, widen,
10 extend, alter, open, construct and improve roads, or vacate as
11 much of a road rendered unnecessary and useless.

12 (c) Maintenance.--A road established, altered, constructed
13 and improved under this section shall, by ordinance enacted by
14 each municipal corporation through which the road shall pass,
15 become a municipal road, and each respective municipal
16 corporation through or into which the road extends shall
17 maintain and keep the road.

18 § 16922. Plan of system to be followed and variations.

19 (a) General rule.--The county commissioners may:

20 (1) relocate, straighten, widen, extend, alter, open,
21 construct and improve the proposed roads as laid out,
22 surveyed, marked and shown upon the plans of the system;

23 (2) originally locate, lay out, establish, construct and
24 improve roads which substantially supply the system or parts
25 of the system which, although not parts of the system, are
26 deemed by the court to be main thoroughfares of sufficient
27 importance to be improved by the county and added to the
28 plan; and

29 (3) vacate as much of the roads of the system and of
30 roads already established as may be rendered unnecessary by

1 the changes or by an entirely new location.

2 (b) Limitation.--After plans have been adopted and recorded
3 under applicable law, all applications under section 16921
4 (relating to improvement of municipal roads) shall be restricted
5 and shall relate only to the establishing, opening, construction
6 and improvement of the proposed roads of the system or parts of
7 the system and the vacation of roads supplied by the portion
8 opened and improved.

9 § 16923. Improvement of roads not part of system on
10 contribution from parties interested.

11 The county commissioners may originally locate, lay out and
12 establish in whole or in part, relocate, straighten, widen,
13 extend, alter and open, construct and improve roads not parts of
14 the system nor deemed main thoroughfares, upon parties
15 interested in paying or securing to be paid the proportion of
16 the cost of the original construction and improvement as the
17 commissioners may deem just, which may not be less than one-
18 fourth of the cost.

19 § 16924. (Reserved).

20 § 16925. (Reserved).

21 § 16926. (Reserved).

22 § 16927. (Reserved).

23 § 16928. (Reserved).

24 § 16929. (Reserved).

25 § 16930. Purchase, location, construction, operation and
26 maintenance authorized.

27 (a) County purchase of structures.--The county commissioners
28 may, if deemed expedient, provide for the purchase, location,
29 construction, operation and maintenance of roads, tunnels,
30 subways or underground roads within the county, either wholly or

1 partly within the boundaries of any municipal corporation. A
2 road, tunnel, subway or underground road shall be a county road,
3 tunnel, subway or underground road, and the duty of maintaining
4 and keeping the road in repair shall devolve upon the county.
5 All expenses under this section shall be paid by the county as
6 provided under this subchapter.

7 (b) Requirements.--This section shall be carried out in
8 accordance with the following sections:

9 (1) 16931 (relating to contracts or lease for special
10 use of improvements).

11 (2) 16932 (relating to taking street or other property
12 of municipal corporation).

13 § 16931. Contracts or lease for special use of improvements.

14 The county commissioners may make a contract or lease with
15 any street railway or transportation company, its successors and
16 assigns, for the concurrent use of such a portion of the road,
17 tunnel or subway or underground road, as may not substantially
18 impair or restrict the public use and enjoyment, upon agreed
19 upon terms and conditions.

20 § 16932. Taking street or other property of municipal
21 corporation.

22 If the county commissioners deem it necessary or advisable to
23 enter upon or appropriate a road or property of any municipal
24 corporation in the county or to take action affecting the
25 property rights or authority of the municipal corporation for
26 the purpose of constructing or maintaining a road, tunnel,
27 subway or underground road or the improvement of a road, tunnel,
28 subway or underground road which has been or is about to be
29 purchased by the county or otherwise, the consent of the
30 municipal corporation by ordinance shall be obtained before the

1 actual entering in or upon or the appropriation of the road or
2 property. After the entry and appropriation, the county shall be
3 liable and charged with the supervision, control and maintenance
4 of the roads and properties, or as much of the road or property
5 as is taken and used for the purpose of constructing and
6 maintaining the road, tunnel, subway or underground road or the
7 improvement of the road, tunnel, subway or underground road,
8 purchased or to be purchased.

9 § 16933. (Reserved).

10 § 16934. (Reserved).

11 § 16935. (Reserved).

12 § 16936. (Reserved).

13 § 16937. (Reserved).

14 § 16938. (Reserved).

15 § 16939. (Reserved).

16 § 16940. (Reserved).

17 § 16941. (Reserved).

18 § 16942. (Reserved).

19 § 16943. (Reserved).

20 § 16944. (Reserved).

21 § 16945. (Reserved).

22 SUBCHAPTER B

23 VACATION AS COUNTY ROADS

24 Sec.

25 16950. Vacation as county roads.

26 § 16950. Vacation as county roads.

27 Upon petition of the county commissioners, the court of
28 common pleas may vacate as a county road any portion of an
29 abandoned or condemned road or a road purchased by the county or
30 the permanent location or improvement of a road which has been

1 ordered or made under this part or former acts relating to
2 county roads. All portions of the vacated roads shall become
3 roads of the municipal corporation through which the roads pass.
4 Written notice of the contents of the petition and the time when
5 the petition will be presented to the court shall be given by
6 the county commissioners to the governing body of the municipal
7 corporation through which the road passes at least 10 days
8 before the date of presenting the petition. At the time the
9 petition is presented, the court may fix a time for hearing in
10 open court or may refer the matter to an examiner to take
11 testimony and report findings to the court at a time the court
12 directs. At any hearing in open court or before an examiner
13 appointed by the court, all interested parties may appear and be
14 heard. After the hearing, the court may grant the request of the
15 petitioners and make a decree accordingly or make the order in
16 the premises as the court deems right and just if the court
17 finds the conditions of this part have been complied with.
18 Orders of vacation may not be made until the municipal
19 corporation affected has consented by an ordinance or resolution
20 certified to the court.

21 SUBCHAPTER C

22 CONTINUOUS HIGHWAYS FROM ONE COUNTY TO ANOTHER

23 Sec.

24 16953. Laying out, altering and vacating.

25 § 16953. Laying out, altering and vacating.

26 Roads forming or intended to form a continuous highway from
27 one county to another, which cross a river, creek or rivulet
28 forming a boundary line between the counties, may be laid out or
29 altered or vacated in the manner provided for other roads.

30 SUBCHAPTER D

1 COUNTY AID TO MUNICIPALITIES AND TOWNSHIPS

2 Sec.

3 16956. Municipal streets connecting two ends of county road.

4 16957. Municipal streets as terminus of county road.

5 16958. Improvements.

6 16959. Maintenance.

7 16960. Contracts with municipal corporations.

8 16961. (Reserved).

9 16962. (Reserved).

10 16963. Center line highway boundary between city or borough and
11 township.

12 16964. (Reserved).

13 16965. Center line road boundary between city or borough and
14 township in adjoining county.

15 16966. (Reserved).

16 16967. Improvement on order of common pleas.

17 16968. (Reserved).

18 16969. Improvements of roads connecting with State highway.

19 16970. Purchase and rental of road equipment to municipal
20 corporations.

21 § 16956. Municipal streets connecting two ends of county road.

22 If a city or borough intervenes between two ends of a county
23 road and the municipal corporation has failed to properly
24 improve the municipal streets constituting the shortest and most
25 reasonable route through the municipal corporation that will
26 connect the two ends of the county road, the board of
27 commissioners may contract with the governing body of the
28 municipal corporation to improve the shortest and most
29 reasonable route connecting the two ends of the highway.

30 § 16957. Municipal streets as terminus of county road.

1 (a) Contract for improvements.--If a county road terminates
2 at the corporate limits of a city or borough in the same county
3 or in another county and connects with a municipal street which
4 the municipal corporation has failed to properly improve, and
5 the county commissioners in which the municipal corporation is
6 located deem the improvement of the municipal street necessary
7 to make the county road easily accessible to residents or to the
8 traveling public, the county commissioners may contract with the
9 governing body of the municipal corporation to improve municipal
10 streets, including streets connecting a county road with the
11 business districts of the municipal corporation or with a system
12 of improved streets in the municipal corporation or which
13 connect the road with another county road terminating at the
14 limits of the municipal corporation.

15 (b) Contract to connect roads.--The county commissioners may
16 enter into a similar contract as subsection (a) with one or more
17 municipal governing bodies if:

18 (1) several municipal corporations are contiguous to
19 each other;

20 (2) a county road terminates at the corporate limits of
21 any of the municipal corporations;

22 (3) one or more of the municipal corporations have
23 failed to properly improve a municipal street therein; and

24 (4) the county commissioners deem the improvement of the
25 street necessary in order to make the county road easily
26 accessible to residents or to the traveling public.

27 § 16958. Improvements.

28 The board of commissioners may widen, repave or otherwise
29 improve municipal streets if necessary to accomplish any of the
30 purposes of sections 16956 (relating to municipal streets

1 connecting two ends of county road) and 16957 (relating to
2 municipal streets as terminus of county road). If the
3 improvement is made to a municipal street, the county may pay
4 the total cost of the improvement or the cost may be divided
5 between or among the municipal corporations and the county.
6 § 16959. Maintenance.

7 Before a municipal street is improved, the county
8 commissioners and the governing body of the municipal
9 corporation shall agree upon the maintenance of the street. The
10 agreement may provide that:

11 (1) the street shall be kept and maintained in good
12 repair by the municipal corporation and, upon the completion
13 of the improvement, further liability and responsibility of
14 the county shall terminate; or

15 (2) the street shall be kept and maintained in good
16 repair by the county and the share of the municipal
17 corporation shall be paid annually to the county.

18 § 16960. Contracts with municipal corporations.

19 (a) Contract to construct improved road.--The county
20 commissioners may contract with the governing bodies of
21 municipal corporations, separately or jointly, providing that
22 the county commissioners shall construct an improved road in a
23 similar manner as a county road. The expense or cost of
24 construction shall be borne jointly by the municipal
25 corporations and the county in a ratio or proportions as may be
26 agreed on in each contract, notwithstanding if the municipal
27 corporation intervenes between two ends of the county road or if
28 the intersection is the terminus of a county road, State highway
29 or township road.

30 (b) Payments made by the county.--Payment for the

1 construction of roads under this section shall be made by the
2 county, which shall be reimbursed by the municipal corporation
3 in the sums as agreed upon in the contract or contracts.

4 (c) Maintenance and repair of jointly constructed roads.--A
5 road jointly constructed under this section shall be repaired
6 and maintained at the expense of the county. Nothing shall
7 prevent the governing body of a municipal corporation from
8 entering into a contract or contracts with the county for the
9 maintenance of the improved road under terms and conditions as
10 may be mutually satisfactory.

11 § 16961. (Reserved).

12 § 16962. (Reserved).

13 § 16963. Center line highway boundary between city or borough
14 and township.

15 (a) Grading, curbing and macadamizing of roads.--If the
16 center line of any road constitutes the dividing line between
17 any city or borough and a township located in the same county,
18 the county commissioners and the commissioners or supervisors of
19 the township may enter into a contract with the city or borough
20 providing for the grading, curbing and macadamizing or paving of
21 the roadway of the road. The cost shall be borne one-half by the
22 city or borough and one-half by the township and the county in
23 which the township is situated, in equal portions.

24 (b) Supervision for alterations or improvements.--
25 Alterations or improvements under this section shall be
26 constructed and subsequent repairs shall be made, under the
27 supervision of the city or borough, in compliance with
28 applicable laws and in further compliance with plans and
29 specifications to be agreed upon in writing between the city or
30 borough and the board of county commissioners and the governing

1 body of the township. The cost of repairs shall be borne one-
2 half by the city or borough and one-half by the township or by
3 the county and township, in equal portions or other proportion
4 as may be agreed upon by the county and township.

5 § 16964. (Reserved).

6 § 16965. Center line road boundary between city or borough and
7 township in adjoining county.

8 (a) Costs.--If the center line of any road constitutes a
9 dividing line between a township and a city or borough located
10 in an adjacent county, the county commissioners and the
11 commissioners or supervisors of the township may enter into a
12 contract with the city or borough providing for the grading,
13 curbing, macadamizing or paving of the roadway of the road. The
14 cost shall be borne one-half by the city or borough and one-half
15 by the township and the county in which the township is
16 situated, in equal portions.

17 (b) Supervision of city or borough.--Alterations or
18 improvements under this section shall be constructed and
19 subsequent repairs shall be made under the supervision of the
20 city or borough in compliance with applicable law and in further
21 compliance with plans and specifications to be agreed upon in
22 writing between the municipal corporation and the county
23 commissioners and the governing body of the township. The cost
24 of repairs shall be borne one-half by the city or borough and
25 one-half by the township or by the county and township, in equal
26 portions or other proportion as may be agreed upon by the county
27 and township.

28 § 16966. (Reserved).

29 § 16967. Improvement on order of common pleas.

30 (a) Court ordered improvements.--If contracts or agreements

1 under section 16963 (relating to center line highway boundary
2 between city or borough and township) are impossible to enter
3 into or if either the city or borough and the township or the
4 county in which the township is situated, refuses to enter into
5 the contract or agreement, either a municipal corporation or the
6 county may present a petition to the court of common pleas of
7 either county setting forth the facts and circumstances,
8 including:

9 (1) the condition of the road from which the necessity
10 and desirability for the grading, curbing, macadamizing or
11 paving of the roadway appears;

12 (2) the estimated cost; and

13 (3) that the terms of the contract cannot be agreed upon
14 by the municipal corporations or the county or that the
15 municipal corporations or the county refuses to enter into a
16 contract.

17 (b) Petition and service.--The petition under subsection (a)
18 may request that the court, after hearing all the parties
19 concerned, make the court's order or decree defining the nature
20 and character of the improvement reasonably necessary or
21 desirable to be made and requiring the parties to enter into a
22 contract for the making and constructing of the improvement. A
23 copy of the petition, duly certified, shall be served upon the
24 municipal corporations or county concerned, other than the
25 petitioner, with notice of the day fixed by the court for the
26 hearing. Any of the parties served with notice shall be
27 entitled, on or before the date, to file in the court the
28 party's answer to the petition setting forth the party's version
29 of the facts or other matters as may be deemed necessary or
30 proper.

1 (c) Hearing or referral.--The court, upon the date fixed or
2 other time as the court may appoint, shall hear the evidence of
3 the parties or may refer the matter to a master who shall hear
4 the testimony of the parties and report findings, in the same
5 manner and under the same procedure as provided by the rules in
6 equity in similar cases, to the court, which may reject, confirm
7 or modify the findings, and may issue a decree or order
8 directing the making of any alterations or improvements to the
9 roadway as may be deemed reasonably necessary or desirable and
10 provide for the sharing of the cost of the improvements one-half
11 by the municipal corporation and one-half by the county and
12 township, in equal portions.

13 (d) Additional findings.--The following apply:

14 (1) The order or decree under subsection (c) may further
15 provide that the repairs to alterations and improvements
16 subsequently required shall be borne as follows:

17 (i) one-half by the municipal corporation, either
18 borough or city; and

19 (ii) one-half by the county or township in equal
20 portions or other proportions as the court may find to be
21 legal and proper.

22 (2) Upon the finding by the court, the grading, curbing,
23 macadamizing or paving of the roadway shall proceed in
24 accordance with the decree or order of the court in the same
25 manner as if the contract or agreement had been entered into
26 and duly executed.

27 § 16968. (Reserved).

28 § 16969. Improvements of roads connecting with State highway.

29 The county may, singly or jointly with any municipal
30 corporation, appropriate and expend money for the improvement of

1 any road, not more than one mile in length in distance, outside
2 of the limits of a municipal corporation, for the purpose of
3 connecting improved streets in the municipal corporations with a
4 State highway.

5 § 16970. Purchase and rental of road equipment to municipal
6 corporations.

7 The county commissioners may purchase equipment for the
8 preparation of road material and the construction and
9 maintenance of roads as the county commissioners deem necessary
10 and pay for the equipment out of the general funds of the
11 county. Equipment may be rented by the county commissioners to
12 any of the municipal corporations within the county applying for
13 equipment rental, under regulations and at rentals as the county
14 commissioners shall prescribe and fix. All equipment purchased
15 under the provisions of this section shall be operated only by
16 persons employed for that purpose by and under the direct
17 supervision of the county commissioners.

18 SUBCHAPTER E

19 DETOURS

20 Sec.

21 16975. County road detours.

22 16976. Detour over private lands.

23 16977. Fines and damages.

24 § 16975. County road detours.

25 (a) Closure of roads.--Except for an emergency in which the
26 safety of the public would be endangered, a county road may not
27 be closed to vehicular traffic except upon order of the county
28 commissioners and may not be closed for a longer period than is
29 necessary for the purpose for which the order is issued. Except
30 for temporary emergency police measures by which the safety of

1 the public would be endangered if it were not temporarily
2 closed, a county road may not be closed to vehicular traffic if
3 the road has been designated as a detour by the Department of
4 Transportation, unless the written consent of the Department of
5 Transportation has first been obtained or unless the county
6 commissioners having jurisdiction over the road, by resolution,
7 declare the closing necessary for the protection of the public
8 safety.

9 (b) Designation of detour on road closure.--If a county road
10 is closed to vehicular travel, the county commissioners shall
11 immediately designate or lay out a detour on which the county
12 commissioners shall cause to be erected and maintained while the
13 detour is in use legible signs at each public road intersection
14 throughout the entire length of the detour indicating the
15 direction to the main highway. During the period when the detour
16 is in use, the county commissioners shall maintain the detour in
17 safe and passable condition. The county commissioners shall also
18 immediately remove all detour signs when the highway originally
19 closed is opened again for traffic.

20 (c) Repair of road designated as detour.--The county
21 commissioners shall, as soon as possible, repair the road
22 designated as a detour and place the road in a condition at
23 least equal to the road's condition when designated as a detour.
24 § 16976. Detour over private lands.

25 If necessary in the creation of a detour under section 16975
26 (relating to county road detours), the county commissioners
27 responsible for laying out the detour may enter into an
28 agreement with the owners of private lands covering the
29 acquisition of right-of-way privileges over private property for
30 the period when the main highway shall be closed to traffic. In

1 the exercise of the rights conferred by this section, the county
2 commissioners responsible may pay for the necessary maintenance,
3 subsequent repair and land rental out of funds available for the
4 construction and maintenance of the roads in the commissioners
5 charge.

6 § 16977. Fines and damages.

7 (a) Summary offense and exception.--

8 (1) Except as provided under paragraph (2), an
9 individual who shall willfully remove, deface, destroy or
10 disregard any barricade, light, danger sign, detour sign,
11 warning or traffic control device of any character
12 whatsoever, erected or placed under authority of section
13 16975 (relating to county road detours), or who drives on,
14 over or across a road which had been closed by proper
15 authority, commits a summary offense.

16 (2) Individuals who have no outlet due to the closing of
17 a road may drive on, over or across the road, with the
18 consent in writing of and subject to any conditions as may be
19 prescribed by the county commissioners responsible for the
20 closing, or the agents or contractors of the individual,
21 without being subject to the fines imposed by this section.

22 (b) Recovery of damages.--In addition to the fines under
23 subsection (a), the county commissioners responsible for the
24 maintenance of a road which has been closed to vehicular
25 traffic, or the agents or contractors of the county
26 commissioners, may, in an action at law, recover damages from
27 each individual who has damaged a road when the road is closed
28 to vehicular traffic.

29 (c) Fines paid to county treasurer.--All fines collected
30 under the provision of this section shall be paid to the county

1 treasurer for the general use of the county.

2 SUBCHAPTER F

3 PROTECTIONS OF ROADS

4 Sec.

5 16981. (Reserved).

6 16982. (Reserved).

7 16983. (Reserved).

8 16984. (Reserved).

9 16985. Sign destruction penalties.

10 16986. Snow fences.

11 16987. Elimination of dangerous curves and widening of narrow
12 roads.

13 § 16981. (Reserved).

14 § 16982. (Reserved).

15 § 16983. (Reserved).

16 § 16984. (Reserved).

17 § 16985. Sign destruction penalties.

18 (a) General rule.--It shall be unlawful for an individual to
19 willfully destroy, remove, injure or deface any sign or index
20 board erected upon or near any public street, road or bridge by
21 the authorities of any county, or erected, with the consent of
22 such authorities, by any club, association or other organized
23 body, for the direction, guidance or safety of travelers. Each
24 sign affixed to a tree or post in or upon a road, properly
25 erected in a manner that the sign does not interfere with
26 travel, or on a fence, telegraph, telephone, trolley or other
27 pole, with the permission of the owners of the fence or pole, or
28 on private grounds, if consent has been obtained from the owners
29 and tenants, and which are close to roads, shall be within the
30 provisions of this section.

1 (b) Penalties.--An individual who violates the provisions of
2 this section commits a summary offense and, in addition to other
3 finances and penalties provided by law, may be required to provide
4 reimbursement for the value of a sign destroyed.

5 § 16986. Snow fences.

6 (a) Placement.--A county that is responsible for the
7 maintenance of any road may enter upon private property adjacent
8 to the road and place snow fences, at any point as may be
9 necessary to within a limit of 100 feet from the right-of-way
10 line of the road, in order to eliminate snow drifting on the
11 traveled portion.

12 (b) Timeframe.--A snow fence, authorized under this section,
13 may not be placed prior to November 1 nor shall the same remain
14 in place after April 1 of the succeeding year, unless the
15 written consent of the owner of the adjacent property is
16 obtained, agreeing to an extension of time for the removal of
17 the snow fence.

18 (c) Damages.--If the county responsible for the maintenance
19 of the road is not able to enter into an agreement with the
20 owner of adjacent property occupied by the snow fence as to the
21 amount of damages sustained as a result of the fence being
22 placed and removed, the owner may petition the court of the
23 proper county for the appointment of viewers to ascertain the
24 amount of damages incurred. The appointment of viewers and the
25 procedure for viewing shall be governed by and be in accordance
26 with this part, as provided for eminent domain proceedings.
27 Damages, if any, if ascertained, shall be paid by the county
28 responsible for the maintenance of the road, and any money
29 available to the county for the construction and maintenance of
30 roads under the county's supervision shall be available for the

1 payment of damages.

2 § 16987. Elimination of dangerous curves and widening of narrow
3 roads.

4 (a) General rule.--A county may acquire, by purchase or by
5 the right of eminent domain, property and lands situate along or
6 adjacent to any county road as, in the opinion of the county
7 commissioners, may be necessary to eliminate dangerous curves
8 and widen narrow roads, for the better protection and safety to
9 the traveling public.

10 (b) Condemnation.--Upon a purchase or condemnation, the
11 county commissioners having had property and lands condemned may
12 cause to be abated or removed any dangerous curve or curves or
13 widen the narrow road to the extent of the property and land so
14 acquired.

15 (c) Proceedings.--Proceedings for the condemnation of
16 property and lands shall be as under Chapter 163 (relating to
17 eminent domain and injury to property).

18 CHAPTER 171

19 SOUTHWESTERN PENNSYLVANIA REGIONAL RENAISSANCE INITIATIVE

20 Subchapter

21 A. Preliminary Provisions

22 B. Regional Growth Fund

23 C. Regional Renaissance Authority

24 D. Bonds and Funds of Authority

25 E. Additional Sales and Use Taxes

26 F. Increase in Hotel Tax

27 G. Regional Destination Facilities Fund

28 H. Conveyance of David L. Lawrence Convention Center

29 SUBCHAPTER A

30 PRELIMINARY PROVISIONS

1 Sec.

2 17111. Scope of chapter.

3 17112. Findings and declaration of policy.

4 17113. Definitions.

5 § 17111. Scope of chapter.

6 This chapter relates to the southwestern Pennsylvania
7 regional renaissance initiative.

8 § 17112. Findings and declaration of policy.

9 (a) Findings.--The General Assembly finds the following:

10 (1) The health, safety and general welfare of the
11 residents of southwestern Pennsylvania are directly dependent
12 upon the continual encouragement, development, growth and
13 expansion of business, industry, commerce and tourism within
14 that region.

15 (2) Unemployment, the spread of indigence and the heavy
16 burden of public assistance and unemployment compensation in
17 southwestern Pennsylvania can be avoided by the promotion,
18 attraction, stimulation, development and expansion of
19 business, industry, commerce and tourism in that region.

20 (3) Supplemental sources of revenue are needed by
21 municipalities in southwestern Pennsylvania to invest in
22 facilities that will promote economic development and tourism
23 and improve the quality of life of their residents.

24 (4) Supplemental sources of public and private revenue
25 are required to improve and develop the region's existing
26 economy and to develop new civic, convention, sports,
27 cultural, industrial, transportation and other facilities.

28 (5) Local governments in southwestern Pennsylvania lack
29 adequate resources to maintain, improve and modernize the
30 region's civic, convention, sports, cultural, industrial,

1 transportation and other facilities, the continued
2 availability of which is vital to the economic growth and
3 development of southwestern Pennsylvania, to the ability of
4 the region to compete globally for visitors, residents and
5 investment in quality jobs at living wages and to the health,
6 welfare, education and quality of life of the residents of
7 the region.

8 (b) Declaration of policy.--It is declared to be the public
9 policy of the Commonwealth to promote the health, welfare and
10 quality of life of the residents of southwestern Pennsylvania
11 and to enhance economic development and employment in that
12 region by supporting the construction of regional destination
13 facilities and other regional growth projects for the public
14 purpose of promoting, attracting, stimulating, developing and
15 expanding business, industry, commerce and tourism. That purpose
16 is declared to be a public purpose supporting the enactment of
17 all of the provisions of this chapter and for which public money
18 may be spent, taxes may be imposed and private property may be
19 acquired by the exercise of the power of eminent domain.

20 § 17113. Definitions.

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

24 "Auditorium authority." The authority created to operate the
25 convention center under the act of July 29, 1953 (P.L.1034,
26 No.270), known as the Public Auditorium Authorities Law.

27 "Authority." The Regional Renaissance Authority established
28 under section 17131 (relating to authority established).

29 "Authority employee." The chairperson and members of the
30 board of the authority, counsel retained by the authority either

1 as an employee or otherwise, the chief administrative officer of
2 the authority and any employee with discretionary powers who may
3 affect the outcome of a decision by the authority in relation to
4 a private corporation or business or any employee who by virtue
5 of the employee's job function could influence the outcome of a
6 decision.

7 "Baseball park." A baseball park to be constructed in the
8 central city, designed for the purpose of playing major league
9 baseball games.

10 "Board." The governing body of the Regional Renaissance
11 Authority.

12 "Bonds." Notes, bonds, refunding notes and bonds, interim
13 certificates, debentures and other evidences of indebtedness or
14 obligations that the authority may issue under this chapter.
15 Bonds may be either tax-exempt bonds, the interest on which is
16 excludable from gross income for Federal income tax purposes or
17 taxable bonds, the interest on which is includable in gross
18 income for Federal income tax purposes.

19 "Central city." A city of the second class located in a
20 county of the second class.

21 "Central county." A county of the second class.

22 "Construction." The term includes site acquisition,
23 demolition and other preparation for and the design, renovation,
24 improvement, expansion, erection, furnishing, fixturing and
25 equipping of the facility or building involved.

26 "Contiguous county." A county, other than a county of the
27 second class, that:

28 (1) has a boundary that touches, even at a single point,
29 a county of the second class;

30 (2) is a county of the fourth, fifth or sixth class and

1 shares common boundaries at more than a single point with two
2 counties described in paragraph (1); or

3 (3) is a county of the sixth class and is located to the
4 south and west of a county described in paragraph (2).

5 "Convention and visitors bureau." The tourist promotion
6 agency located in the central city that receives funds from the
7 hotel tax imposed by section 1970.2 of the act of July 28, 1953
8 (P.L.723, No.230), known as the Second Class County Code.

9 "Convention center." The real property described in section
10 17181(a) (relating to conveyance of convention center), together
11 with the structures, facilities, buildings, fixtures and
12 improvements located thereon, and known as the David L. Lawrence
13 Convention Center.

14 "County account." A special account established within the
15 Regional Growth Fund under section 17121(c) (relating to
16 establishment of Regional Growth Fund).

17 "County growth board." A new or existing entity designated
18 under section 17122(c) (2) (ii) (relating to use of Regional
19 Growth Fund) for the purpose of developing a county growth plan.

20 "County growth plan." A plan for the use of money in a
21 county account that is developed and submitted to the authority
22 in accordance with section 17122(c).

23 "Cultural district." A geographic area within a city of the
24 second class adjacent to the convention center that is not more
25 than one-half square mile in size and that has located within it
26 at least three theaters for the performing arts.

27 "Department." The Department of Revenue of the Commonwealth.

28 "Design commission." The Southwestern Pennsylvania
29 Convention Center Design Commission established under section
30 17162 (relating to Southwestern Pennsylvania Convention Center

1 Design Commission).

2 "Football stadium." A football stadium to be constructed in
3 the central city, designed for the purpose of playing National
4 Football League games.

5 "Governing body." The board of county commissioners or the
6 county executive or other person exercising the functions of the
7 county executive in a county without a board of county
8 commissioners.

9 "Immediate family." A parent, spouse, child, brother,
10 sister, the spouse of a child, brother or sister or the parent
11 of a spouse.

12 "Participating county." A county in which the referendum
13 provided for in section 17154 (relating to referenda levying
14 additional taxes) has been approved by the voters.

15 "Party officer." The following members or officers of any
16 political party:

17 (1) A member of a national committee.

18 (2) A chairman, vice chairman, secretary, treasurer or
19 counsel of a State committee or members of the executive
20 committee of a State committee.

21 (3) A county chairman, vice chairman, counsel, secretary
22 or treasurer of a county committee.

23 (4) A city chairman, vice chairman, counsel, secretary
24 or treasurer of a city committee.

25 "Public employee." An individual employed by the
26 Commonwealth or a political subdivision within the Commonwealth.

27 "Public officer." An individual elected to any public office
28 of Commonwealth government or any political subdivision within
29 the Commonwealth.

30 "Public official." Any elected or appointed official in the

1 executive, legislative or judicial branch of Commonwealth
2 government or any political subdivision within the Commonwealth.

3 The term does not include the following:

4 (1) Members of advisory boards who do not have authority
5 to expend public money other than reimbursement for personal
6 expenses or to otherwise exercise the power of the
7 Commonwealth or any political subdivision within the
8 Commonwealth.

9 (2) Any appointed official who does not receive
10 compensation other than reimbursement for actual expenses.

11 "Regional Destination Facilities Fund." The Regional
12 Destination Facilities Fund established under section 17171
13 (relating to establishment of Regional Destination Facilities
14 Fund).

15 "Regional destination facility." Any of the following:

16 (1) The convention center.

17 (2) The baseball park.

18 (3) The football stadium.

19 (4) Parks, parking facilities and at least two theaters
20 to be constructed in the cultural district.

21 "Regional Growth Fund." The Regional Growth Fund established
22 under section 17121.

23 SUBCHAPTER B

24 REGIONAL GROWTH FUND

25 Sec.

26 17121. Establishment of Regional Growth Fund.

27 17122. Use of Regional Growth Fund.

28 § 17121. Establishment of Regional Growth Fund.

29 (a) Establishment.--The Regional Growth Fund is established.
30 The treasurer of the authority shall be custodian of the

1 Regional Growth Fund which shall be subject to the provisions of
2 law applicable to funds listed in section 302 of the act of
3 April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

4 (b) Credits.--Taxes imposed under Subchapter E (relating to
5 additional sales and use taxes) shall be received by the
6 department and paid to the treasurer of the authority and, along
7 with interest and penalties less any collection costs allowed
8 under Subchapter E and any refunds and credits paid, shall be
9 credited in the manner provided in section 17152(f) (relating to
10 imposition of additional sales and use taxes) to the Regional
11 Growth Fund not less frequently than every two weeks. Any
12 amounts appropriated to the Regional Growth Fund by the General
13 Assembly and any contributions received from any other source
14 shall be credited to the Regional Growth Fund.

15 (c) Special accounts.--A special account shall be
16 established within the Regional Growth Fund for each
17 participating county. All of the taxes, interest and penalties
18 that are collected under section 17152 from a particular county
19 and deposited into the Regional Growth Fund in accordance with
20 section 17152(f) shall be credited to the special account for
21 that county. All of the money in a county account must be spent
22 on projects located in whole or in part within that county
23 unless the governing body of that county authorizes by
24 resolution the use of a portion of the money in its county
25 account for a regional project located outside of the county.

26 (d) Other special accounts.--The authority may also
27 establish other special accounts within the Regional Growth Fund
28 to which shall be credited any amounts appropriated to the
29 Regional Growth Fund by the General Assembly and any
30 contributions received from any other source. Money in such

1 special accounts shall be used for eligible projects in a
2 participating county as determined by the board, subject to any
3 limitations imposed by the source of the money.

4 (e) Restrictions.--All money in the Regional Growth Fund,
5 including money credited under this section, prior year
6 encumbrances and the interest earned on the money in the fund,
7 may not lapse or be transferred to any other fund but shall
8 remain in the Regional Growth Fund and must be used exclusively
9 as provided in this chapter.

10 (f) Earnings.--Pending disbursement, money received on
11 behalf of or deposited into the Regional Growth Fund shall be
12 invested or reinvested in the same manner as money in the
13 custody of the State Treasurer. All earnings received from the
14 investment or reinvestment of the money shall be credited to the
15 Regional Growth Fund and shall be allocated on a proportional
16 basis to each special account within the Regional Growth Fund.
17 § 17122. Use of Regional Growth Fund.

18 (a) General rule.--Subject to the limitations in subsections
19 (b) and (c), money in the Regional Growth Fund shall be used by
20 the authority to fund the capital costs of new or improved
21 economic development projects of the following types:

22 (1) Industrial site development, including site
23 acquisition, preparation and clearance, construction of
24 necessary infrastructure such as water and sewer facilities
25 and construction of buildings for use by businesses.

26 (2) Cultural, recreational, historical and entertainment
27 facilities, including, without limitation, African-American
28 cultural facilities, regional destination facilities and
29 projects in heritage areas.

30 (3) Transportation facilities that will assist in the

1 attraction and retention of jobs in the region, including
2 construction of highways, bridges, transit facilities,
3 airports, ports, rail lines and related facilities.

4 (4) Revolving loan money to assist in the establishment,
5 location and expansion of businesses, including, without
6 limitation, small or minority-owned businesses, in the
7 region.

8 (5) New or improved water or sewer facilities serving
9 residential customers.

10 (b) Limitations.--Expenditures from the Regional Growth Fund
11 for an eligible project shall be subject to the following
12 limitations:

13 (1) The funding provided from the Regional Growth Fund
14 for an eligible project may not exceed 50% of the total cost
15 of the project.

16 (2) No money may be expended from the Regional Growth
17 Fund for operating costs of any project or facility.

18 (3) No more than 20% of the money in a county account
19 may be used for the purpose described in subsection (a)(4).

20 (4) No more than 40% of the money in a county account
21 may be used for the purpose described in subsection (a)(5).

22 (c) Notification.--

23 (1) No later than March 31, 1998, each participating
24 county shall initially notify the board if the county intends
25 to develop and submit a county growth plan, which of the
26 optional methods described in paragraph (2) will be used and
27 what portion of the money in the county account shall be
28 reserved for implementation of the plan. In establishing the
29 long-term budget and capital budget under sections 17135
30 (relating to initial financial plan) and 17136 (relating to

1 capital budgets), the board shall reserve money in each
2 county account in accordance with the notification and shall
3 not approve projects using reserved money unless they are
4 contained in the county growth plan.

5 (2) If a participating county chooses to develop and
6 submit a county growth plan to the authority, the governing
7 body of a participating county shall select one of the
8 following three methods for developing the plan:

9 (i) The redevelopment authority of the county
10 created under the act of May 24, 1945 (P.L.991, No.385),
11 known as the Urban Redevelopment Law, may adopt a county
12 growth plan by resolution and submit it to the authority.
13 The redevelopment authority must hold at least one public
14 hearing regarding the plan or any revision to the plan
15 prior to adopting the plan or revision and submitting it
16 to the authority.

17 (ii) The governing body may create a county growth
18 board or designate an existing public or nonprofit agency
19 to serve as the county growth board. The county growth
20 board must hold at least one public hearing regarding the
21 plan or any revision to the plan prior to adopting the
22 plan or revision and submitting it to the authority.

23 (iii) The governing body may directly adopt a county
24 growth plan by resolution and submit it to the authority.
25 The governing body must hold at least one public hearing
26 regarding the plan or any revision to the plan prior to
27 adopting the plan or revision and submitting it to the
28 authority.

29 (3) The governing body of a participating county that
30 has not previously submitted a county growth plan may elect

1 to submit one at any time by giving the authority notice to
2 that effect. The governing body of a participating county
3 that has submitted a county growth plan may at any time
4 change the method of developing its county growth plan by
5 giving the authority notice to that effect.

6 (4) All expenditures from the Regional Growth Fund for
7 projects contained in a county growth plan must meet the
8 criteria and limitations contained in subsections (a) and
9 (b). The total expenditures that the county growth plan
10 requests from the county account may not exceed the total
11 amount projected to be deposited into the account.

12 (d) Automatic approval.--The authority shall automatically
13 approve funding from a county account for any project in the
14 participating county that meets the eligibility criteria of this
15 section and is contained in a county growth plan, up to the
16 amount of money available in the county account.

17 SUBCHAPTER C

18 REGIONAL RENAISSANCE AUTHORITY

19 Sec.

20 17131. Authority established.

21 17132. Board of authority.

22 17133. Purposes and powers.

23 17134. Fiscal matters.

24 17135. Initial financial plan.

25 17136. Capital budgets.

26 17137. Operating budget.

27 17138. Restrictions upon activities of board members and
28 employees.

29 17139. Exemption from taxation.

30 § 17131. Authority established.

1 (a) General rule.--A body corporate and politic to be known
2 as the Regional Renaissance Authority is established as a
3 special purpose area wide unit of local government under section
4 7 of Article IX of the Constitution of Pennsylvania, exercising
5 powers as a unit of local government under this chapter and
6 having territorial limits that encompass the geographic areas of
7 the participating counties. The exercise by the authority of the
8 powers conferred by this chapter is the performance of an
9 essential public function.

10 (b) Time.--The authority shall be established at the time
11 set forth in section 17154(e) (relating to referenda levying
12 additional taxes). Once established, the authority shall
13 continue in existence perpetually.

14 (c) Sovereign immunity.--The following apply:

15 (1) The authority and its board members, officers and
16 employees shall have sovereign immunity as provided in 1
17 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed;
18 specific waiver).

19 (2) The authority and its board members, officers and
20 employees shall remain immune from suit except as provided by
21 and subject to 42 Pa.C.S. Ch. 85 Subchs. A (relating to
22 general provisions) and B (relating to actions against
23 Commonwealth parties).

24 (3) Notwithstanding 42 Pa.C.S. § 8525 (relating to legal
25 assistance), the authority, through its legal counsel, shall
26 defend actions brought against the authority or its board
27 members, officers and employees when acting within the scope
28 of their official duties.

29 (d) Liability.--Members of the board may not be held
30 personally liable for the bonds or other obligations of the

1 authority, and the rights of creditors shall be solely against
2 the authority.

3 § 17132. Board of authority.

4 (a) General rule.--The powers of the authority shall be
5 exercised by a governing body having full authority to manage
6 the properties and business of the authority and to prescribe,
7 amend and repeal bylaws, rules and regulations governing the
8 manner in which the business of the authority may be conducted
9 and the powers given to the authority may be exercised. All
10 bylaws, rules and regulations and amendments of the bylaws,
11 rules and regulations shall be filed with the secretary of the
12 authority.

13 (b) Appointments.--The members of the board of the authority
14 shall be appointed as follows:

15 (1) The Governor shall appoint three members, not all of
16 whom are members of the same political party and at least one
17 of whom has experience and expertise in convention and
18 tourism promotion programs.

19 (2) The President pro tempore of the Senate shall
20 appoint a member.

21 (3) The Speaker of the House of Representatives shall
22 appoint a member.

23 (4) The Minority Leader of the Senate shall appoint a
24 member.

25 (5) The Minority Leader of the House of Representatives
26 shall appoint a member.

27 (6) The governing body of the central county shall
28 appoint a member to represent that county.

29 (7) The governing body of each other participating
30 county shall appoint a member to represent that county.

1 (8) The mayor of the central city shall appoint a member
2 to represent that city.

3 (c) Members.--

4 (1) The number of members of the board appointed under
5 each of subsection (b) (4), (5), (6) and (7) shall be
6 increased to two if the number of participating counties is
7 greater than five.

8 (2) The persons appointing members of the board under
9 subsection (b) (4), (5), (6), (7) and (8) shall consult with
10 each other to ensure:

11 (i) If there is more than one participating county,
12 that not more than a majority of the members of the board
13 appointed under subsection (b) (4), (5), (6), (7) and (8)
14 are residents of any one participating county.

15 (ii) That the board is reflective, to the extent
16 feasible, of the cultural, racial, ethnic and gender
17 demographic proportions of the participating counties.

18 (d) Appointment lists.--The governing body of each
19 participating county shall only appoint individuals from lists
20 of three or more names submitted by the members of the General
21 Assembly who represent any portion of that county. In developing
22 the lists, the members of the General Assembly shall solicit
23 nominations from public and private economic development
24 agencies within the county and may solicit nominations from
25 other sources. The individuals appointed must have the unanimous
26 approval of all of the members of the governing body in office
27 at the time.

28 (e) Term.--

29 (1) The term of office of a member of the board
30 appointed:

1 (i) under subsection (b) (1), (2) and (3) shall be
2 four years; and

3 (ii) under subsection (b) (4), (5), (6), (7) and (8)
4 shall be five years.

5 (2) The term of office of a member shall begin on the
6 date of appointment. Members may hold office until successors
7 have been appointed and qualified or until death or
8 resignation.

9 (3) An individual may not serve more than two
10 consecutive full terms on the board.

11 (4) An individual appointed to the board when a vacancy
12 occurs during the term of office of a member of the board
13 shall serve for the remainder of the term. A vacancy in the
14 office of a member appointed under subsection (b) (4), (5),
15 (6) and (7) shall be filled for the balance of the term by
16 appointment made by the individual who at the time is the
17 ranking member in the same chamber of the General Assembly
18 and of the same political party as the individual who
19 appointed the vacating member.

20 (f) Officers.--The Governor shall select one of the initial
21 members of the board as the interim chair of the authority and
22 shall, within 10 days of the effective date of the establishment
23 of the authority, set a date, time and place for the initial
24 organizational meeting of the board. The members shall elect a
25 chair, vice chair, secretary, treasurer and other officers. A
26 member may not hold more than one office of the board at any
27 time. Members may serve successive terms as officers of the
28 board.

29 (g) Meetings.--The board shall meet as frequently as it
30 deems appropriate, but at least once a month during the first

1 year that the authority is in existence and thereafter at least
2 once during each quarter of its fiscal year. In addition, a
3 meeting of the board shall be called by the chair if a request
4 for a meeting is submitted to the chair by at least two members
5 of the board. A majority of the members of the board in office
6 shall constitute a quorum for the purpose of conducting the
7 business of the board and for all other purposes. The acts of a
8 majority of the members of the board taken at a meeting of the
9 board at which a quorum is present shall be the acts of the
10 board, except that, for the purposes of making decisions
11 regarding personnel matters, contracts and capital and operating
12 budgets, the affirmative vote of at least six members of the
13 board shall be required.

14 (h) Advisory members.--There shall be nonvoting advisory
15 members of the board with the right to attend and be heard at
16 every meeting of the board who shall be appointed as follows:

17 (1) An advisory member shall be appointed by each of the
18 following:

19 (i) The convention and visitors bureau.

20 (ii) The principal tenant of the baseball park.

21 (iii) The principal tenant of the football stadium.

22 (iv) The private nonprofit corporation with the
23 largest membership supporting the development of the
24 entire cultural district.

25 (v) The private nonprofit corporation with the
26 largest membership supporting the development,
27 preservation and expansion of African-American culture
28 and history in southwestern Pennsylvania.

29 (vi) The labor organization representing the largest
30 number of members of the building trades.

1 (2) In addition to the six advisory members appointed
2 under paragraph (1), the authority may appoint one or more
3 additional advisory members.

4 § 17133. Purposes and powers.

5 (a) Purposes.--The purpose of the authority includes, but is
6 not limited to, the following:

7 (1) Supporting and financing the construction of
8 regional destination facilities.

9 (2) Assuring the efficient and effective operation and
10 development of regional destination facilities.

11 (3) Supporting and financing the construction of other
12 economic development projects.

13 (b) Powers.--Subject to the limitations under subsection
14 (d), the authority is granted all powers necessary or convenient
15 to carry out the authority's purposes, including to:

16 (1) Have continuing succession.

17 (2) Sue and be sued, implead and be impleaded, complain
18 and defend in all courts.

19 (3) Adopt, use and alter at will a corporate seal.

20 (4) Acquire by gift or otherwise, purchase, hold,
21 receive, lease, sublease and use any license, franchise or
22 property, real, personal or mixed, tangible or intangible, or
23 any interest therein, including a regional destination
24 facility or parts of the facility.

25 (5) Sell, transfer or dispose of any property or
26 interest therein for adequate and fair consideration.

27 (6) Acquire, hold, develop, construct, maintain, manage,
28 operate, repair, own, lease or sublease a regional
29 destination facility or parts of the facility and projects
30 funded from the Regional Growth Fund.

1 (7) Make, enter into and award contracts with any person
2 for the development, financing, construction, maintenance,
3 operation and repair of regional destination facilities or
4 parts of the facility and projects funded from the Regional
5 Growth Fund.

6 (8) Conduct financial and performance reviews and audits
7 of regional destination facilities and projects funded from
8 the Regional Growth Fund.

9 (9) Conduct long-term planning necessary for the
10 efficient and effective operation and development of regional
11 destination facilities and projects funded from the Regional
12 Growth Fund.

13 (10) Make bylaws for the regulation of the authority's
14 affairs and promulgate rules, regulations and policies in
15 connection with the performance of the authority's functions
16 and duties.

17 (11) (i) Borrow money for the purpose of paying the
18 costs of any project and to evidence such borrowing in
19 any customary and appropriate fashion.

20 (ii) Make and issue taxable or tax-exempt negotiable
21 bonds of the authority and secure the payment of the
22 bonds or any part of the bonds by pledge or deed of trust
23 of all or any of its revenues, rentals, receipts and
24 contract rights.

25 (iii) Make agreements with the purchasers or holders
26 of the bonds or with other obligees of the authority in
27 connection with any bonds, whether issued or to be
28 issued, as the authority shall deem advisable, which
29 agreements shall constitute contracts with the holders or
30 purchasers.

1 (iv) Obtain credit enhancement or liquidity
2 facilities in connection with any bonds as the authority
3 shall determine to be advantageous.

4 (v) Provide, in general, for the security for the
5 bonds and for the rights of the holders of the bonds.

6 (12) Make, enter into and award contracts and to execute
7 all instruments necessary or convenient for the carrying out
8 of its business.

9 (13) Borrow money and accept grants and to enter into
10 contracts, leases, subleases, licenses or other transactions
11 with any Federal agency, State public body, political
12 subdivision or person.

13 (14) Mortgage, pledge, hypothecate or otherwise encumber
14 any of its property, real, personal or mixed, tangible or
15 intangible, and its revenues or receipts, including any tax
16 revenues or interest the authority may have in any lease or
17 sublease of regional destination facilities or parts of
18 regional destination facilities.

19 (15) Procure insurance containing coverage, including,
20 without limitation, insurance covering the timely payment in
21 full of principal and interest on bonds of the authority, in
22 the amounts and from the insurers the authority may determine
23 to be necessary or desirable for its purposes.

24 (16) Invest authority money.

25 (17) Cooperate with any Federal agency, State public
26 body or political subdivision.

27 (18) Invest money not required for immediate
28 disbursement in reserve or sinking funds.

29 (19) Appoint all officers, agents and employees required
30 for the performance of its duties and fix and determine their

1 qualifications, duties and compensation and to retain or
2 employ other agents or consultants.

3 (20) Enroll authority employees in a retirement system,
4 including an existing retirement system of a participating
5 county or any other governmental entity located within a
6 participating county.

7 (21) Appoint and fix the compensation of chief counsel
8 and assistant counsel, who may not be required to be
9 employees of the authority, to provide it with legal
10 assistance. Notwithstanding 42 Pa.C.S. § 8525 (relating to
11 legal assistance), the authority through its counsel shall
12 defend actions brought against the authority and its officers
13 and employees when acting within the scope of their official
14 duties.

15 (22) Do all acts and things necessary or convenient for
16 the promotion of its purposes and the general welfare of the
17 authority and to carry out the powers granted to the
18 authority under this chapter or any other law.

19 (c) Eminent domain.--The authority, upon making a finding
20 that it is necessary or convenient to acquire any real or
21 personal property in the central city for immediate or future
22 use for purposes related to the construction of regional
23 destination facilities or related developments, may acquire
24 property by the exercise of the power of eminent domain under 26
25 Pa.C.S. (relating to eminent domain), and for those purposes
26 shall have the power of eminent domain. The authority may use
27 its eminent domain power to acquire property already devoted to
28 a public use, except that the power may not be used to acquire
29 property owned or used by the Commonwealth. The board may not
30 exercise the authority's eminent domain power without the

1 approval of the mayor of the central city and the members of the
2 board appointed under section 17122(b)(1) and (3) (relating to
3 board of authority).

4 (d) Operations.--Notwithstanding any purpose of the
5 authority or a general or specific power granted by this chapter
6 or any other law, whether express or implied, the following
7 limitations and conditions shall apply to the operations of the
8 authority:

9 (1) The authority shall have no power to pledge the
10 credit or taxing powers of the Commonwealth or any other
11 government agency, except the credit of the authority, nor
12 shall any of the bonds of the authority be deemed a debt or
13 liability of the Commonwealth or of any other government
14 agency, except as otherwise agreed by the Commonwealth or a
15 government agency.

16 (2) Neither the Commonwealth nor any government agency,
17 except the authority, shall be liable for payment of the
18 principal or maturity value of or interest or premium on any
19 of the bonds of the authority, except as otherwise agreed by
20 the Commonwealth or a government agency.

21 (3) Notwithstanding any provision of this chapter or any
22 other act to the contrary or of any implication that may be
23 drawn from this chapter or any other law, the Commonwealth
24 and all other government agencies, except the authority,
25 shall have no legal or moral obligation for the payment of
26 any expenses or obligations of the authority, including, but
27 not limited to, bond principal and interest, the funding or
28 refunding of any reserve and any administrative or operating
29 expenses whatsoever, except as otherwise agreed to by the
30 Commonwealth or another government agency.

1 (4) Bonds of the authority shall contain a prominent
2 statement of the limitations set forth in this subsection and
3 a further statement to the effect that obligees of the
4 authority shall have no recourse, either legal or moral, to
5 the Commonwealth or to any other government agency for
6 payment of the bonds, except as otherwise agreed to by the
7 Commonwealth or another government agency.

8 (5) The authority may not assume the responsibility of
9 employing personnel directly engaged in the operation of
10 regional destination facilities described in paragraphs (1)
11 and (4) of the definition of "regional destination facility"
12 but may enter into contracts for the operation, maintenance
13 and ongoing improvement of those facilities with public and
14 private organizations that have expertise in operating the
15 type of facility involved.

16 (6) The authority may not operate, maintain or, after
17 the completion of initial construction, design or perform
18 subsequent improvements to the baseball park or football
19 stadium but shall contract for the performance of those
20 functions with the principal tenant of each of those
21 facilities.

22 § 17134. Fiscal matters.

23 (a) Fiscal year.--The fiscal year of the authority shall
24 commence on July 1 of each year and end on June 30 of the next
25 year, except as otherwise provided by the board.

26 (b) Annual report.--The board shall, no later than the start
27 of each fiscal year, prepare a comprehensive annual report of
28 its activities and operations for the previous year, make the
29 report publicly available and conduct public meetings and
30 hearings to receive public comments and recommendations

1 regarding the activities and operations of the board. The board
2 shall forward a copy of the annual report each year to the
3 Governor and the General Assembly.

4 (c) Audit.--The board shall provide for an annual audit of
5 the authority by an independent certified public accounting
6 firm.

7 § 17135. Initial financial plan.

8 (a) Agreements.--Immediately upon the creation of the
9 authority, the board shall commence the negotiation, with public
10 or private entities as it considers appropriate, of agreements
11 relating to the construction of regional destination facilities.
12 Agreements regarding the construction of the baseball park and
13 the football stadium shall provide that those facilities may not
14 be owned by the teams that will be the principal tenants but
15 that the authority shall either own or enter into long-term
16 leases with the owner of the land, building and fixtures for
17 each of those facilities regardless of what public or private
18 entities are responsible for the construction of those
19 facilities. Each agreement regarding a regional destination
20 facility shall provide for:

21 (1) The development of long-term plans for the
22 financing, development and operation of the facility.

23 (2) Performance and financial goals, objectives and
24 standards for the operation of the facility.

25 (3) Assurances that adequate measures will be undertaken
26 to maintain and improve the facility.

27 (4) Assurances that the operating and capital budgeting
28 for the facility will occur in a financially responsible
29 manner.

30 (b) Budgets.--Prior to the start of the first full fiscal

1 year of the authority, the board shall adopt, in addition to the
2 operating and capital budgets required under sections 17136
3 (relating to capital budgets) and 17137 (relating to operating
4 budget), long-term budgets for the Regional Destination
5 Facilities Fund and the Regional Growth Fund. The long-term
6 budget for the Regional Destination Facilities Fund shall
7 estimate the total revenues required to complete the
8 construction of all projects included in a regional destination
9 facility and the amount of revenues to be received by the
10 authority during the first seven calendar years of its
11 existence. At least 90 days before commencement of the second
12 and third full fiscal years of the authority, the board shall
13 update and revise the operating and capital budgets as required
14 under the long-term budget.

15 § 17136. Capital budgets.

16 (a) General rule.--At least 90 days before commencement of
17 the ensuing fiscal year of the authority, recommended capital
18 budgets relating to the Regional Destination Facilities Fund and
19 the Regional Growth Fund shall be prepared and submitted to the
20 board. The capital budgets shall show, in detail, the capital
21 expenditures to be made or incurred in the next fiscal year
22 which are to be financed from each fund. The capital budgets
23 shall be adopted by the board no later than the date of the
24 adoption of its annual operating budget as required under
25 section 17137 (relating to operating budget).

26 (b) Vote.--Except for projects contained in a county growth
27 plan, a majority of the members of the board who are residents
28 of a particular participating county must vote in favor of the
29 inclusion in a capital budget for the Regional Growth Fund of
30 any expenditure relating to a project within that county.

1 Projects contained in a county growth plan shall be approved in
2 accordance with sections 17121 (relating to establishment of
3 Regional Growth Fund) and 17122 (relating to use of Regional
4 Growth Fund).

5 (c) Public hearing.--The board shall conduct an annual
6 public hearing regarding the proposed annual capital budget for
7 the Regional Growth Fund.

8 § 17137. Operating budget.

9 (a) General rule.--At least 90 days before commencement of
10 the ensuing fiscal year of the authority, a recommended
11 operating budget shall be prepared and submitted to the board.
12 The operating budget shall set forth the estimated receipts and
13 revenues of the authority during the next fiscal year. The
14 operating budget for the next fiscal year shall be adopted by
15 the board at least 30 days before the end of the current fiscal
16 year.

17 (b) Expenses.--The money necessary to pay the administrative
18 expenses of the authority during each fiscal year may be drawn
19 from the Regional Destination Facilities Fund and the Regional
20 Growth Fund. Money drawn under this subsection shall be drawn
21 from the funds in proportion to the amount of time and expense
22 involved in administering each fund. The authority shall not use
23 more than 1% of the total revenues from the taxes imposed under
24 Subchapter E (relating to additional sales and use taxes) to pay
25 the administrative expenses of the authority.

26 (c) Public hearing.--The board shall conduct public hearings
27 and meetings regarding its operating budget.

28 § 17138. Restrictions upon activities of board members and
29 employees.

30 (a) General rule.--A member of the board or an employee of

1 the authority may not, concurrent with the service of the member
2 or employee with the authority, be a party officer, public
3 officer, public official, public employee or a member of the
4 immediate family of a party officer, public officer or public
5 official. This section may not apply to members of the board
6 appointed under section 17132(b)(4), (5), (6), (7) and (8)
7 (relating to board of authority).

8 (b) Applicability.--The provisions of the act of October 4,
9 1978 (P.L.883, No.170), referred to as the Public Official and
10 Employee Ethics Law, and the act of July 19, 1957 (P.L.1017,
11 No.451), known as the State Adverse Interest Act, are made
12 specifically applicable to board members, officers and employees
13 of the authority. For the purposes of application of the
14 referenced acts, employees of the authority shall be regarded as
15 public employees of the Commonwealth, and officers or board
16 members of the authority shall be regarded as public officials
17 of the Commonwealth, regardless of if the employees receive
18 compensation. The authority shall also be subject to 65 Pa.C.S.
19 (relating to public officers) and the act of February 14, 2008
20 (P.L.6, No.3), known as the Right-to-Know Law, relating to the
21 inspection and copying of public records.

22 § 17139. Exemption from taxation.

23 The effectuation of the authorized purpose of the authority
24 shall be exclusively for the benefit of the residents of this
25 Commonwealth, the increase of commerce and prosperity and the
26 improvement of health and living conditions. The authority may
27 not be required to pay taxes or assessments upon any property
28 acquired or used by the authority for the purposes under this
29 section, and the bonds issued by the authority and the interest
30 and income related to the bonds shall be free from State and

1 local taxation.

2 SUBCHAPTER D

3 BONDS AND FUNDS OF AUTHORITY

4 Sec.

5 17141. Bonds.

6 17142. Governmental immunity.

7 17143. Money of authority.

8 17144. Transfer of money.

9 § 17141. Bonds.

10 The authority may issue bonds, sell bonds, use net proceeds
11 of bond sales, refund bonds, adopt pledges, mortgages,
12 covenants, indentures and trusts, exercise remedies and confer
13 additional remedies upon persons holding bonds in the same
14 manner as provided in 64 Pa.C.S. Ch. 60 (relating to
15 Pennsylvania Convention Center Authority).

16 § 17142. Governmental immunity.

17 Except as provided by and subject to 42 Pa.C.S. Ch. 85
18 Subchs. A (relating to general provisions) and C (relating to
19 actions against local parties), the authority and its officers,
20 officials and employees shall have governmental immunity.

21 § 17143. Money of authority.

22 All money of the authority shall be paid to the treasurer of
23 the authority and invested in the same manner as provided in 64
24 Pa.C.S. § 6012 (relating to moneys of authority).

25 § 17144. Transfer of money.

26 (a) General rule.--

27 (1) The central city, the central county or a contiguous
28 county, regardless of if the county is a participating
29 county, and any special-purpose areawide unit of local
30 government located or operating, in whole or in part, in any

1 county may make grants from current and future revenues to
2 the authority and to assist in defraying the costs of
3 managing, operating, maintaining, financing and servicing the
4 debt of regional destination facilities or parts of regional
5 destination facilities, to enter into long-term agreements
6 providing for payment of the costs and to enter into long-
7 term leases or subleases as lessee or sublessee of all or
8 part of a regional destination facility.

9 (2) The city or county may issue general obligation
10 bonds for the purpose of obtaining money for the acquisition
11 or improvement of regional destination facilities or parts of
12 regional destination facilities.

13 (b) Contributions.--The Commonwealth may contribute to the
14 capital costs of constructing regional destination facilities by
15 the issuance of Commonwealth bonds and notes under Article XIX-B
16 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax
17 Reform Code of 1971. A project undertaken by the authority is
18 deemed to be a redevelopment assistance project under which
19 capital money of the Commonwealth may be expended under the act
20 of May 20, 1949 (P.L.1633, No.493), known as the Housing and
21 Redevelopment Assistance Law, and, notwithstanding provisions of
22 the Housing and Redevelopment Assistance Law, the Department of
23 Community and Economic Development may make capital grants
24 directly to the authority.

25 SUBCHAPTER E

26 ADDITIONAL SALES AND USE TAXES

27 Sec.

28 17151. Construction of subchapter.

29 17152. Imposition of additional sales and use taxes.

30 17153. Situs.

1 17154. Referenda levying additional taxes.

2 17155. Licenses.

3 17156. Rules and regulations.

4 17157. Collection costs.

5 § 17151. Construction of subchapter.

6 The tax imposed under this subchapter shall be in addition to
7 any tax imposed by the Commonwealth under Article II of the act
8 of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of
9 1971. Except for the differing situs provisions in section 17153
10 (relating to situs), the provisions of Article II of the Tax
11 Reform Code of 1971 shall apply to the tax.

12 § 17152. Imposition of additional sales and use taxes.

13 (a) Tax.--A county shall levy, assess and collect a tax on
14 the purchase price upon each separate sale at retail of tangible
15 personal property or services, as defined in Article II of the
16 act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code
17 of 1971, within the boundaries of the participating county in
18 which the electorate has approved the referendum provided under
19 section 17154 (relating to referenda levying additional taxes).
20 The tax shall be collected by the vendor from the purchaser and
21 shall be paid over to the Commonwealth for deposit in the
22 Regional Destination Facilities Fund and the Regional Growth
23 Fund as provided in subsection (f).

24 (b) Use tax.--In each participating county in which the
25 electorate approves the referendum levying the tax authorized
26 under subsection (a), a tax shall be levied, assessed and
27 collected upon the use within the county of the purchase price
28 of tangible personal property purchased at retail and on
29 services purchased at retail as defined in Article II of the Tax
30 Reform Code of 1971. The tax shall be paid to the Commonwealth

1 by the individual who makes the use for deposit in the Regional
2 Destination Facilities Fund and the Regional Growth Fund as
3 provided in subsection (f). The use tax imposed under this
4 subsection may not be paid to the Commonwealth by an individual
5 who has paid the tax imposed under subsection (a) or who has
6 paid the tax imposed by this subsection to the vendor with
7 respect to the use.

8 (c) Rate of tax.--The taxes authorized under subsections (a)
9 and (b) shall be imposed at the rate of 0.5% and shall be
10 uniform, upon the same class of subjects and within the
11 territorial limits of the participating counties.

12 (d) Seven-year period.--The taxes imposed under subsections
13 (a) and (b) shall be collected only on sales or uses occurring
14 during the seven-year period from July 1, 1998, through June 30,
15 2005.

16 (e) Computation.--The taxes imposed under subsections (a)
17 and (b) shall be computed in the manner set forth in section
18 503(e) of the act of June 5, 1991 (P.L.9, No.6), known as the
19 Pennsylvania Intergovernmental Cooperation Authority Act for
20 Cities of the First Class.

21 (f) Disbursements.--The taxes imposed under subsections (a)
22 and (b) and any interest and penalties on the taxes shall be
23 received by the department and paid by the State Treasurer as
24 follows:

25 (1) Seventy-five percent of the taxes, interest and
26 penalties collected in the central county shall be paid to
27 the Regional Destination Facilities Fund and 25% to the
28 Regional Growth Fund.

29 (2) Twenty-five percent of the taxes, interest and
30 penalties collected in each contiguous county that is a

1 participating county shall be paid to the Regional
2 Destination Facilities Fund and 75% to the Regional Growth
3 Fund.

4 (g) Levying of the tax.--The governing body of a county in
5 which the electorate has approved a referendum levying the taxes
6 provided for in this subchapter may not be required to adopt an
7 ordinance levying the tax. Upon approval of the referendum
8 provided under section 17154, taxes approved by referendum under
9 this subchapter shall be deemed levied by the governing board
10 under this subchapter.

11 § 17153. Situs.

12 The situs of sales at retail or uses, including leases, of
13 motor vehicles, aircraft, motorcraft and utility services shall
14 be determined in the manner specified by section 504 of the act
15 of June 5, 1991 (P.L.9, No.6), known as the Pennsylvania
16 Intergovernmental Cooperation Authority Act for Cities of the
17 First Class.

18 § 17154. Referenda levying additional taxes.

19 (a) Ballot.--The county board of elections of the central
20 county and each contiguous county shall cause to be printed on
21 the official ballot and ballot labels at the municipal election
22 in November 1997 a referendum to determine the will of the
23 electorate within the county with respect to levying the
24 additional sales and use taxes under this subchapter.

25 (b) Question in central county.--The question as printed on
26 the official ballot and ballot labels in the central county
27 shall be in the following form:

28 REGIONAL RENAISSANCE INITIATIVE

29 Do you favor supporting job creation projects in this
30 county by temporarily increasing the sales tax by 0.5%

1 for seven years, with 75% of the revenues used to fund
2 not more than 1/2 the cost of expanding the Lawrence
3 Convention Center, and constructing facilities in the
4 cultural district, a baseball park and a football
5 stadium; and with the remaining 25% of the revenues used
6 for other economic development projects in Allegheny
7 County?

8 (c) Question in contiguous counties.--The question as
9 printed on the official ballot and ballot labels in the
10 contiguous counties shall be in the following form:

11 REGIONAL RENAISSANCE INITIATIVE

12 Do you favor supporting job creation projects in this
13 county by temporarily increasing the sales tax by 0.5%
14 for seven years, with 75% of the revenues used for
15 economic development, transportation and tourism projects
16 in (name) County; and with 25% of the revenues used to
17 fund not more than 1/2 the cost of expanding the Lawrence
18 Convention Center and constructing facilities in the
19 cultural district, a baseball park and a football stadium
20 in Pittsburgh?

21 (d) Advertisement.--The referenda required under this
22 section shall be advertised and conducted in accordance with the
23 act of June 3, 1937 (P.L.1333, No.320), known as the
24 Pennsylvania Election Code.

25 (e) Approval.--Except as provided in subsections (f), (g)
26 and (h), upon certification that the referendum under subsection
27 (a) has been approved in any county, the authority shall be
28 established as under section 17131 (relating to authority
29 established).

30 (f) Partial approval.--If the referendum provided for in

1 this section is not approved by the voters in the central county
2 but is approved by the voters in at least one contiguous county:

3 (1) The Regional Destination Facilities Fund may not be
4 established and all taxes collected by participating counties
5 under section 17152 (relating to imposition of additional
6 sales and use taxes) shall be deposited into the Regional
7 Growth Fund.

8 (2) Members of the board may not be appointed under
9 section 17132(b) (1) and (3) (relating to board of authority).

10 (g) Nonparticipation.--If the referendum under this section
11 is approved by the voters in at least one county but is not
12 approved by the voters in a particular contiguous county, the
13 defeat of the referendum in that contiguous county may not
14 affect the establishment of the authority or the operation of
15 the provisions of this chapter, except that the additional taxes
16 provided for in section 17152 may not be collected in the
17 contiguous county and the contiguous county shall not be a
18 participating county.

19 (h) Defeated referenda.--If the referenda under this section
20 are defeated in the central county and all of the contiguous
21 counties, this subchapter and Subchapters G (relating to
22 Regional Destination Facilities Fund) and H (relating to
23 conveyance of David L. Lawrence Convention Center) shall be of
24 no further force and effect.

25 (i) Hotel tax.--If the referendum under this section is
26 approved by the voters in the central county, the increase in
27 the hotel tax in the central county provided for in section
28 17161 (relating to increase in rate of hotel tax in central
29 county) shall be reduced to 1.5% during the period that the
30 taxes imposed by section 17152 are collected in the central

1 county.

2 § 17155. Licenses.

3 A license for the collection of the taxes imposed under this
4 subchapter shall be issued in the same manner as is provided for
5 in section 505 of the act of June 5, 1991 (P.L.9, No.6), known
6 as the Pennsylvania Intergovernmental Cooperation Authority Act
7 for Cities of the First Class.

8 § 17156. Rules and regulations.

9 Rules and regulations shall be applicable to the taxes
10 imposed under this subchapter in the same manner as is provided
11 for in section 506(1) and (2) of the act of June 5, 1991 (P.L.9,
12 No.6), known as the Pennsylvania Intergovernmental Cooperation
13 Authority Act for Cities of the First Class.

14 § 17157. Collection costs.

15 (a) General rule.--The department may retain a sum equal to
16 the reasonable and necessary costs of collection and shall
17 inform the authority in writing monthly of the sum retained and
18 the costs of collection reimbursed. To provide a timely forecast
19 and assure consideration of the sum retained, the department
20 shall estimate the costs of collection for the next succeeding
21 fiscal year and provide the estimate, with all supporting
22 detail, to the authority. When the annual operating budget for
23 the department is submitted to the General Assembly, the
24 department shall submit to the chairperson and minority
25 chairperson of the Appropriations Committee of the Senate and
26 the chairperson and minority chairperson of the Appropriations
27 Committee of the House of Representatives the actual sums
28 retained for costs of collection in the preceding fiscal year,
29 together with all supporting details.

30 (b) Definition.--As used in this section, the term "costs of

1 collection" may not include any charge for overhead or capital
2 costs.

3 SUBCHAPTER F

4 INCREASE IN HOTEL TAX

5 Sec.

6 17161. Increase in rate of hotel tax in central county.

7 17162. Southwestern Pennsylvania Convention Center Design
8 Commission.

9 17163. Restrictions of design commission members and employees.

10 17164. Design of convention center.

11 § 17161. Increase in rate of hotel tax in central county.

12 (a) General rule.--The rate of the tax imposed under section
13 1970.2 of the act of July 28, 1953 (P.L.723, No.230), known as
14 the Second Class County Code, shall be increased by 2% to a rate
15 of 7%, subject to adjustment under section 17154(i) (relating to
16 referenda levying additional taxes), for the period provided in
17 subsection (c). Following the end of the period provided in
18 subsection (c), the tax shall be collected at the rate in effect
19 immediately prior to June 18, 1997.

20 (b) Definitions.--Terms used in this section that are not
21 otherwise defined in this part but are defined in section 1970.2
22 of the Second Class County Code shall have the meanings ascribed
23 to them in that section of that act.

24 (c) Tax rate increase.--The increased tax rate required
25 under this section shall apply to and be collected only on
26 rentals of a room or rooms to accommodate transients that occur
27 during the period from September 1, 1997, through the earliest
28 of:

29 (1) February 28, 1999, if the auditorium authority has
30 not, in the period between June 18, 1997, and February 28,

1 1999, issued any bonds that are secured by the increased tax
2 revenues to be collected under this subchapter and are for
3 the purpose of financing the costs of any of the activities
4 described in subsection (d);

5 (2) the date on which all bonds issued by the auditorium
6 authority that are secured by the increased tax revenues to
7 be collected under this subchapter and are for the purpose of
8 financing construction of the convention center have been
9 retired in full; or

10 (3) August 31, 2027.

11 (d) Distribution of revenues.--The incremental additional
12 revenues received from the tax increase under this section shall
13 be distributed as follows:

14 (1) One-third of the additional tax revenues collected
15 by hotels located within a municipality other than the
16 central city that at the time receives revenues under section
17 1970.2(b.1)(2) of the Second Class County Code shall be
18 returned to that municipality and otherwise handled in the
19 same fashion as if the incremental additional revenues
20 returned to the municipality under this paragraph were part
21 of the base revenues disbursed to it under that section.

22 (2) All other incremental additional revenues shall be
23 deposited by the treasurer of the central county with the
24 treasurer of the auditorium authority, who shall deposit the
25 revenue in a special fund to be used solely for:

26 (i) Project design and property acquisition in
27 connection with construction of a convention center until
28 the cost of the project design and property acquisition
29 have been completely paid or full funding has been
30 committed.

1 (ii) Following completion of the project design and
2 property acquisition under subparagraph (i), the costs of
3 constructing the convention center.

4 (e) Approval.--Money may not be disbursed under subsection
5 (d)(2)(i) for project design purposes without the approval of
6 the design commission established under section 17162 (relating
7 to Southwestern Pennsylvania Convention Center Design
8 Commission).

9 § 17162. Southwestern Pennsylvania Convention Center Design
10 Commission.

11 (a) General rule.--A body corporate and politic to be known
12 as the Southwestern Pennsylvania Convention Center Design
13 Commission is established as a special-purpose government
14 instrumentality exercising the powers conferred by this chapter.
15 The exercise by the design commission of the powers conferred by
16 this chapter is declared to be the performance of an essential
17 public function.

18 (b) Establishment.--The design commission shall be
19 established on June 18, 1997. Once established, the design
20 commission shall continue in existence until the renovations,
21 improvements and expansion of a convention center have been
22 completed.

23 (c) Sovereign immunity.--The following apply:

24 (1) The members, employees and staff of the design
25 commission shall have sovereign immunity as provided in 1
26 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed;
27 specific waiver).

28 (2) The members, employees and staff of the design
29 commission shall remain immune from suit except as provided
30 by and subject to the provisions of 42 Pa.C.S. Ch. 85 Subchs.

1 A (relating to general provisions) and B (relating to actions
2 against Commonwealth parties).

3 (3) Notwithstanding the provisions of 42 Pa.C.S. § 8525
4 (relating to legal assistance), the design commission through
5 its legal counsel shall defend actions brought against the
6 design commission or its members, officers and employees if
7 acting within the scope of their official duties.

8 (d) Membership.--The design commission shall be composed of
9 the following 15 members:

10 (1) One member appointed by the mayor of the central
11 city.

12 (2) One member appointed by the city council of the
13 central city.

14 (3) Two members appointed by the governing body of the
15 central county.

16 (4) One member appointed by the Governor.

17 (5) One member appointed by the regional planning
18 commission established under 53 Pa.C.S. § 2344 (relating to
19 establishment and organization of regional planning
20 commission) of which the central county is a member.

21 (6) Two members appointed by the Governor who have been
22 nominated by the governing board of the largest private trade
23 or industry association formed to represent the owners of
24 hotels located in the central county only.

25 (7) Two members appointed by the Governor who have been
26 nominated by the governing board of the largest private trade
27 or industry association formed to represent the owners of
28 restaurants located in the central county only.

29 (8) Four members appointed by the governing board of the
30 convention and visitors bureau.

1 (9) The chair of the auditorium authority.

2 (e) Term.--The term of office of the members of the design
3 commission shall be coincident with the term of existence of the
4 design commission.

5 (f) Qualifications.--The members appointed under subsection
6 (d) (8) shall have the following qualifications:

7 (1) One member shall have experience and expertise in
8 planning and marketing national meetings and conventions.

9 (2) One member shall have experience and expertise in
10 planning and marketing consumer shows.

11 (3) One member shall have experience and expertise in
12 marketing convention centers.

13 (4) One member shall have experience and expertise in
14 providing support services for conventions and shows.

15 (g) Election of officers.--The members of the design
16 commission shall elect from members of the commission a chair,
17 secretary and other officers as the commission determines. Each
18 officer shall serve for a term of two years and until a
19 successor is elected and qualified or until death or
20 resignation. A member may not hold more than one office of the
21 design commission at any time. Members may serve successive
22 terms as officers of the design commission.

23 (h) Meetings.--The design commission shall meet as
24 frequently as it deems appropriate, but at least once a month
25 during the first year that it is in existence and thereafter at
26 least once during each calendar quarter. In addition, a meeting
27 of the design commission shall be called by the chair if a
28 request for a meeting is submitted to the chair by at least two
29 members of the design commission. A majority of the members of
30 the design commission in office shall constitute a quorum for

1 the purpose of conducting the business of the design commission
2 and for all other purposes. The acts of a majority of the
3 members of the design commission taken at a meeting at which a
4 quorum is present shall be the acts of the design commission.

5 (i) Powers.--The design commission is granted all powers
6 necessary or convenient to carry out the commission's purpose
7 under this chapter.

8 (j) Reimbursement of expenses.--The members of the design
9 commission shall serve without compensation but shall be
10 entitled to reimbursement of reasonable expenses incurred while
11 participating in the business of the design commission. Expense
12 reimbursements, as well as all costs associated with conducting
13 the business of the design commission, shall be paid by the
14 auditorium authority out of the special fund established under
15 section 17161(d) (relating to increase in rate of hotel tax in
16 central county).

17 § 17163. Restrictions of design commission members and
18 employees.

19 (a) General rule.--A member or employee of the design
20 commission may not, concurrent with the service of the member or
21 employee with the design commission, be a party officer, public
22 officer, public official, public employee or a member of the
23 immediate family of a party officer, public officer or public
24 official.

25 (b) Application of acts.--65 Pa.C.S. Ch. 11 (relating to
26 ethics standards and financial disclosure) and the act of July
27 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest
28 Act, are made specifically applicable to members and employees
29 of the design commission. For the purposes of application of the
30 acts, employees of the design commission shall be regarded as

1 public employees of the Commonwealth, and members of the design
2 commission shall be regarded as public officials of the
3 Commonwealth, regardless of if the members or employees receive
4 compensation. The design commission shall also be subject to 65
5 Pa.C.S. Ch. 7 (relating to open meetings) and the act of
6 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.
7 § 17164. Design of convention center.

8 (a) Contracts.--Contracts for the design and planning of the
9 renovations, improvements and expansion of the convention center
10 that are to be funded in whole or in part under this chapter may
11 not be let without the approval of the design commission. The
12 power of the design commission to approve contracts under this
13 subsection shall include all aspects of the contracts,
14 including, without limitation, the identity of the architects,
15 engineers, surveyors and other persons who are parties to the
16 contracts and the terms of the contracts.

17 (b) Approval.--Capital projects for construction of the
18 convention center may not be undertaken unless and until the
19 schematic design and the preliminary design development
20 documents have been approved by the design commission. The
21 design and construction of the convention center may be divided
22 into stages or phases for which schematic design and preliminary
23 design development documents may be approved separately by the
24 design commission and may be undertaken as if each stage or
25 phase were a separate capital project. Further design approval
26 shall not be required if the construction documents are
27 consistent with the design set forth in the schematic and
28 preliminary design development documents.

29 SUBCHAPTER G

30 REGIONAL DESTINATION FACILITIES FUND

1 Sec.

2 17171. Establishment of Regional Destination Facilities Fund.

3 17172. Use of Regional Destination Facilities Fund.

4 § 17171. Establishment of Regional Destination Facilities Fund.

5 (a) Fund established.--Subject to section 17154(f)(1)

6 (relating to referenda levying additional taxes), the Regional

7 Destination Facilities Fund is established. The treasurer of the

8 authority shall be custodian of the Regional Destination

9 Facilities Fund, which shall be subject to the provisions of law

10 applicable to funds listed in section 302 of the act of April 9,

11 1929 (P.L.343, No.176), known as The Fiscal Code.

12 (b) Source of fund money.--Taxes imposed under Subchapter E

13 (relating to additional sales and use taxes) shall be received

14 by the department and paid to the treasurer of the authority

15 and, along with interest and penalties less any collection costs

16 allowed under Subchapter E and any refunds and credits paid,

17 shall be credited in the manner provided in section 17152(f)

18 (relating to imposition of additional sales and use taxes) to

19 the Regional Destination Facilities Fund not less frequently

20 than every two weeks. Amounts appropriated to the fund by the

21 General Assembly and any contributions received from any other

22 source shall be credited to the Regional Destination Facilities

23 Fund.

24 (c) Limitation on use of fund money.--All money in the

25 Regional Destination Facilities Fund, including money credited

26 under this section, prior year encumbrances and interest earned

27 on money in the fund, shall not lapse or be transferred to any

28 other fund, except as provided in section 17172(c) (relating to

29 use of Regional Destination Facilities Fund), but shall remain

30 in the Regional Destination Facilities Fund and must be used

1 exclusively as provided in this chapter.

2 (d) Interest earnings.--Pending disbursement, money received
3 on behalf of or deposited into the Regional Destination
4 Facilities Fund shall be invested or reinvested in the same
5 manner as is money in the custody of the State Treasurer. All
6 earnings received from the investment or reinvestment of the
7 money shall be credited to the Regional Destination Facilities
8 Fund.

9 § 17172. Use of Regional Destination Facilities Fund.

10 (a) Allocations.--Each long-term budget required by section
11 17135(b) (relating to initial financial plan) shall provide that
12 the total expenditure of money in the Regional Destination
13 Facilities Fund which has already been made plus the
14 expenditures provided for in the long-term budget are allocated
15 to ensure that the total amount ultimately expected to be
16 deposited in the fund is allocated as follows:

17 (1) Except for the portion of the Regional Destination
18 Facilities Fund used to defray the operating expenses of the
19 authority as provided in section 17137(b) (relating to
20 operating budget), all of the money in the fund shall be used
21 to fund the construction of regional destination facilities
22 and related developments. Not less than 85% shall be used for
23 the construction of the regional destination facilities, with
24 the remaining 15% available for the construction of related
25 developments, such as parking facilities for a baseball park
26 and football stadium.

27 (2) Subject to paragraphs (3), (4), (5) and (6), the
28 total amount of the fund shall be allocated in the manner
29 most likely, in the judgment of the authority, to permit the
30 completion of the construction of all of the regional

1 destination facilities.

2 (3) Not less than 30% nor more than 40% shall be spent
3 on construction of the convention center, but in no event
4 shall the money provided from the fund represent more than
5 50% of the cost of that project.

6 (4) Not less than 28% nor more than 32% shall be spent
7 on construction of the baseball park, but in no event shall
8 the money provided from the fund represent more than 50% of
9 the cost of that project.

10 (5) Not less than 28% nor more than 32% shall be spent
11 on construction of the football stadium, but in no event
12 shall the money provided from the fund represent more than
13 50% of the cost of that project.

14 (6) Not less than 5% nor more than 10% shall be spent on
15 construction of the projects described in paragraph (4) of
16 the definition of "regional destination facility," but in no
17 event shall the money provided from the fund represent more
18 than 50% of the individual cost of any of those projects.

19 (b) Baseball park and football stadium costs.--The authority
20 shall ensure that a portion of the cost of constructing the
21 baseball park and the football stadium shall be paid for from
22 private funding sources. The cost of retiring the bonds issued
23 by the authority organized under the act of July 29, 1953
24 (P.L.1034, No.270), known as the Public Auditorium Authorities
25 Law, and known as the Stadium Authority of The City of
26 Pittsburgh that are outstanding at the time that the stadium
27 owned by the Stadium Authority of The City of Pittsburgh is used
28 neither for professional baseball games nor for professional
29 football games and the cost of demolishing the stadium may be
30 treated as eligible for funding from the Regional Destination

1 Facilities Fund, but none of those costs may be funded under
2 subsection (a)(3) or (6).

3 (c) Transfer to Regional Growth Fund.--Any money in the
4 Regional Destination Facilities Fund that cannot be disbursed as
5 a result of limitations under subsection (a) shall be
6 transferred on July 1, 2005, to the Regional Growth Fund.

7 SUBCHAPTER H

8 CONVEYANCE OF DAVID L. LAWRENCE CONVENTION CENTER

9 Sec.

10 17181. Conveyance of convention center.

11 § 17181. Conveyance of convention center.

12 (a) Authorization.--The Department of General Services, with
13 the approval of the Governor, is authorized and directed on
14 behalf of the Commonwealth to grant and convey to the authority,
15 for a consideration of \$1, as soon as practicable after the
16 approval in the central county of the referendum required by
17 section 17154 (relating to referenda levying additional taxes),
18 the tract of land, with the structures, facilities, buildings,
19 fixtures and improvements erected on the tract, situate in the
20 City of Pittsburgh, Allegheny County, Pennsylvania, and known as
21 the David L. Lawrence Convention Center. The conveyance shall
22 include any property adjacent to the convention center that is
23 acquired by the Commonwealth prior to the date of the conveyance
24 and any options to acquire the adjacent property held by the
25 Commonwealth on the date of the conveyance.

26 (b) Easements.--The following apply:

27 (1) The conveyance of the convention center shall be
28 made under and subject to:

29 (i) all easements, servitudes and rights of others,
30 including streets, roadways and rights of a telephone,

1 telegraph, water, electric, sewer, gas or pipeline
2 company; and

3 (ii) any interest, estates or tenancies vested in
4 third persons, whether or not appearing of record, for
5 any portion of the land or improvements erected thereon.

6 (2) The authority shall be bound by the terms of any
7 labor contracts relating to the convention center that are in
8 effect at the time of its conveyance to the authority.

9 (c) Deed of conveyance.--The deed of conveyance shall be
10 approved as provided by law and shall be executed by the
11 Secretary of General Services in the name of the Commonwealth.

12 (d) Costs and fees.--Costs and fees incidental to the
13 conveyance of the convention center shall be borne by the
14 grantee.

15 (e) Construction.--The conveyance of the convention center
16 under this section shall not affect the availability of the
17 revenues from the hotel tax authorized in section 1970.2 of the
18 act of July 28, 1953 (P.L.723, No.230), known as the Second
19 Class County Code, to fund the operational and maintenance
20 expenditures of the convention center.

21 CHAPTER 173

22 THIRD CLASS COUNTY CONVENTION CENTER AUTHORITIES

23 Subchapter

24 A. Third Class County Convention Center Authorities

25 B. Third Class County Convention Center Authorities,

26 Alternative Provisions

27 SUBCHAPTER A

28 THIRD CLASS COUNTY CONVENTION CENTER AUTHORITIES

29 Sec.

30 17301. Scope of subchapter.

1 17302. Findings, declaration of policy and scope.
2 17303. Definitions.
3 17304. Authority creation.
4 17305. Purposes and powers in general.
5 17306. Capital and operating budgets.
6 17307. Authorization to issue bonds.
7 17308. Provisions of bonds, trusts, indentures and mortgages.
8 17309. Remedies of obligee of authority.
9 17310. Additional remedies conferrable by authority.
10 17311. Governing board.
11 17312. Sovereign immunity.
12 17313. Money of authority.
13 17314. Transfer of existing facilities or money, making of
14 annual grants and lease payments to authority.
15 17315. Award of contracts.
16 17316. Interests of public officers, public employees and party
17 officers.
18 17317. Acquisition of lands.
19 17318. Use and operation of convention center.
20 17319. Limitation of powers.
21 17320. Exemption from taxation.
22 17321. Lease by authorities.
23 17322. Cooperation.
24 17323. Hotel room rental tax.
25 § 17301. Scope of subchapter.
26 This subchapter relates to third class county convention
27 center authorities.
28 § 17302. Findings, declaration of policy and scope.
29 (a) Findings.--The General Assembly finds as follows:
30 (1) The health, safety and general welfare of the people

1 of this Commonwealth are directly dependent upon the
2 continual encouragement, development, growth and expansion of
3 business, industry, commerce and tourism within this
4 Commonwealth.

5 (2) Unemployment, the spread of indigency and the heavy
6 burden of public assistance and unemployment compensation can
7 be avoided by the promotion, attraction, stimulation,
8 development and expansion of business, industry, commerce and
9 tourism in this Commonwealth.

10 (3) Development of convention centers is appropriate
11 within the redevelopment assistance eligible area of a third
12 class county and that the attraction of business to this
13 Commonwealth as a result of the development is an important
14 factor in the continual encouragement, promotion, attraction,
15 stimulation, development, growth and expansion of business,
16 industry, commerce and tourism within the county seat, the
17 surrounding counties and this Commonwealth as a whole.

18 (4) The purpose of a convention center should be the
19 promotion, attraction, stimulation, development and expansion
20 of business, industry, commerce and tourism in the county
21 seat, the surrounding counties and this Commonwealth as a
22 whole.

23 (5) The development of a convention center will provide
24 benefits to the hotel industry throughout the entire area of
25 the county in which the convention center is developed.

26 (6) The development of a convention center will also
27 provide benefits to the restaurant and entertainment
28 industries throughout the entire county in which the
29 convention center is located, to all other businesses and
30 individuals benefited by the attraction of major conventions

1 and tourists, to other individual businesses whose livelihood
2 is dependent on major conventions and tourists and to the
3 general public.

4 (7) The need for and promotion of the type of facility
5 which will provide significant benefits to the general public
6 will require the expenditure of public money and it is
7 appropriate to authorize a county to impose and collect a tax
8 applicable within the entire territorial limits of the county
9 to facilitate the development of a convention facility and
10 the promotion of tourism within the county.

11 (8) To promote the development of convention centers
12 within this Commonwealth, it is necessary to provide
13 additional and flexible means of developing, constructing,
14 designing, managing, financing and operating convention
15 centers.

16 (9) An important aspect of the development of convention
17 centers should be the removal and redevelopment of blighted
18 areas.

19 (b) Declaration.--It is declared to be the policy of the
20 Commonwealth to promote the health, safety, employment, business
21 opportunities and general welfare of the people of this
22 Commonwealth by providing for the creation of third class county
23 convention center authorities, which shall exist and operate as
24 public instrumentalities of the Commonwealth for the public
25 purpose of promoting, attracting, stimulating, developing and
26 expanding business, industry, commerce and tourism in this
27 Commonwealth. This purpose is declared to be a public purpose
28 supporting the enactment of all provisions of this subchapter
29 for which public money may be spent and taxes may be imposed.

30 (c) Scope of subchapter.--

1 (1) This subchapter shall not apply to a county which
2 has an existing convention center owned, leased or operated
3 by an existing authority or the Commonwealth, which covers an
4 area of more than 40,000 square feet.

5 (2) This subchapter shall not apply to a county which is
6 served, together with one or more other counties, by a joint
7 planning commission.

8 (3) No provision of this subchapter other than section
9 17323 (relating to hotel room rental tax) shall apply to an
10 existing authority.

11 § 17303. Definitions.

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

15 "Authority." An agency and public instrumentality of the
16 Commonwealth and a body politic and corporate created under this
17 subchapter.

18 "Board." The governing body of an authority.

19 "Bonds." Notes, bonds, refunding notes and bonds, interim
20 certificates, debentures and other evidence of indebtedness or
21 obligations which an authority may issue under this subchapter.

22 "Construction." The acquisition, design, erection,
23 extension, renovation, rehabilitation, conversion, furnishing,
24 fixturing, equipping, enlargement or substantial repair of a
25 convention center, or part of a convention center, and
26 activities substantially related to the acquisition, design,
27 erection, extension, renovation, rehabilitation, conversion,
28 furnishing, fixturing, equipping, enlargement or substantial
29 repair of a convention center or part of a convention center.

30 "Convention center." Includes:

1 (1) Any land, improvement, structure, building, or part
2 of a land, improvement, structure or building, or property
3 interest in any land, improvement, structure, building, or
4 part of a land, improvement, structure or building, whether
5 owned by or leased by or to or otherwise acquired by an
6 authority, appropriate for any of the following:

7 (i) Large public assemblies.

8 (ii) The holding of conventions, conferences, trade
9 exhibitions and other business, social, cultural,
10 scientific and public interest events.

11 (2) All facilities, furniture, fixtures and equipment
12 necessary or incident to any property or property interest
13 under paragraph (1), including meeting rooms, dining rooms,
14 kitchens, ballrooms, reception areas, registration and
15 prefunction areas, truck loading areas, including access
16 thereto, accessways, common areas, lobbies, offices and areas
17 appurtenant to any of the preceding, together referred to as
18 the main convention area.

19 (3) Other buildings, structures or facilities for use in
20 conjunction with the main convention area, including
21 provision for off-street parking, retail areas and other
22 improvements related to the convention center owned by or
23 leased by or to an authority for the purpose of producing
24 revenues to assist in defraying the costs or expenses of the
25 convention center.

26 "Cost of a project." All or any part of the cost of
27 construction, acquisition, alteration, enlargement, furnishing,
28 fixturing and equipping, reconstruction and rehabilitation of a
29 convention center project. The term includes:

30 (1) The cost of all lands, structures, real or personal

1 property, rights, rights-of-way, roads, franchises, easements
2 and interests acquired or used for or in connection with a
3 project.

4 (2) The cost of demolishing or removing buildings or
5 structures on land acquired, including the cost of acquiring
6 lands to which the buildings or structures may be moved or
7 located.

8 (3) The cost of all utility lines, structures or
9 equipment.

10 (4) The charges, interest prior to, during and for a
11 period of six months after completion of construction and
12 acquisition.

13 (5) Provisions for reserves for principal and interest
14 and for extensions, enlargements, additions and improvements.

15 (6) The cost of architectural, engineering, financial
16 and legal services, plans, specifications, studies, surveys,
17 estimates of cost and revenues.

18 (7) Expenses necessary or incident to determining the
19 feasibility or practicability of constructing the project.

20 (8) Other capital cost or expense as may be necessary or
21 incident to the construction, development and acquisition of
22 the project, the financing of construction, development and
23 acquisition and the placing of the project in operation,
24 including, without limitation, a proper allowance for
25 contingencies and the provision of reasonable initial working
26 capital for operating the project.

27 "County." A county of the third class or a county which was
28 a county of the third class at the time the county took action
29 to create an authority under this subchapter.

30 "Existing authority." An authority incorporated by a county

1 of the third class prior to November 1, 1994, under the former
2 act of May 2, 1945 (P.L.382, No.164), known as the Municipality
3 Authorities Act of 1945, for the principal purpose of owning or
4 operating a convention center.

5 "Federal Government." The United States, the President of
6 the United States and any department or corporation, agency or
7 instrumentality created, designated or established by the United
8 States.

9 "Obligee." A bondholder or a trustee for a bondholder party
10 to a contract with an authority.

11 "Project." A site, building, structure, equipment,
12 furnishing and other facilities or undertaking in respect of a
13 convention center which an authority may acquire, construct,
14 improve, install, maintain or operate under the provisions of
15 this subchapter.

16 "Redevelopment assistance eligible area." An area determined
17 by the Department of Community and Economic Development to be
18 eligible as a site for a facility receiving a grant under the
19 Redevelopment Assistance Capital Program.

20 "State public body." The Commonwealth and its executive,
21 administrative and independent agencies, departments, officers,
22 boards, authorities, commissions and instrumentalities.

23 "Substantial completion." Construction that is sufficiently
24 completed in accordance with contract documents and certified by
25 the convention center authority's architect or engineer, as
26 modified by change orders so that the main convention area can
27 be used, occupied or operated for its intended use. In no event
28 shall a project be certified as substantially complete until at
29 least 90% of the work on the main convention area is completed.

30 § 17304. Authority creation.

1 The governing bodies of a third class county and the
2 political subdivision constituting the county seat or the county
3 acting alone may create a body corporate and politic to be named
4 the County Convention Center Authority to be created
5 as a public authority and government instrumentality to have
6 continuing succession until its existence shall be terminated by
7 law. If the convention center to be constructed by an authority
8 created under this subchapter shall be located within the
9 jurisdictional limits of the county seat of the county, the
10 authority shall be a joint authority of the county and the
11 county seat. If the convention center shall be located outside
12 the jurisdictional limits of the county seat of the county, the
13 authority may be created solely by the county. The exercise by
14 the authority of the powers conferred by this subchapter is an
15 essential public function.

16 § 17305. Purposes and powers in general.

17 (a) Purposes.--An authority created under this subchapter
18 shall be a public body, corporate and politic, exercising public
19 powers of the Commonwealth as an agency and instrumentality and
20 shall be for the purpose, without limitation, by itself or by
21 agreement in cooperation with others, of acquiring, holding,
22 developing, designing, constructing, improving, maintaining,
23 managing, operating, financing, furnishing, fixturing,
24 equipping, repairing, leasing or subleasing, either in the
25 capacity of lessor or lessee or sublessor or sublessee, and
26 owning a convention center, or parts of a convention center.

27 (b) Powers.--The authority is granted all powers necessary
28 or convenient for the carrying out of the purposes in subsection
29 (a), including the right and power to:

30 (1) Have continuing succession.

1 (2) Sue and be sued, implead and be impleaded, complain
2 and defend in all courts.

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

4 (4) Acquire by gift or otherwise, purchase, hold,
5 receive, lease, sublease and use a license, franchise or
6 property, real, personal or mixed, tangible or intangible, or
7 any interest in a license, franchise or property, including a
8 convention center or part of a convention center.

9 (5) Sell, transfer or dispose of property or an interest
10 in property with adequate and fair consideration.

11 (6) Acquire, hold, develop, design, construct, improve,
12 maintain, manage, operate, furnish, fix, equip, repair, own,
13 lease or sublease a convention center, or part of a
14 convention center.

15 (6.1) Make, enter into and award contracts with any
16 person, association, partnership or corporation for the
17 development, design, financing, construction, improvement,
18 maintenance, operation, management, furnishing, fixturing,
19 equipping and repairing of a convention center or part of a
20 convention center.

21 (7) Make bylaws for the management and regulation of its
22 affairs and issue rules, regulations and policies in
23 connection with the performance of the authority's functions
24 and duties.

25 (8) Appoint officers, agents, employees and servants, to
26 prescribe duties and to fix compensation.

27 (9) Fix, alter, charge and collect rentals, admissions,
28 license fees and other charges.

29 (10) Do the following:

30 (i) Borrow money for the purpose of paying the costs

1 of a project and to evidence the same.

2 (ii) Make and issue negotiable bonds of the
3 authority.

4 (iii) Secure payment of the bonds, or any part of
5 the payment, by pledge or deed of trust of all or any of
6 its revenues, including any hotel room rental tax,
7 rentals, receipts and contract rights.

8 (iv) Make agreements with the purchasers or holders
9 of the bonds or with other obligees of the authority in
10 connection with the bonds, whether issued or to be
11 issued, as the authority shall deem advisable, which
12 agreements shall constitute contracts with the holders or
13 purchasers.

14 (v) Obtain credit enhancement or liquidity
15 facilities in connection with the bonds as the authority
16 shall determine to be advantageous.

17 (vi) Provide for the security of the bonds and the
18 rights of the bondholders.

19 (11) Make, enter into and award contracts and to execute
20 all instruments necessary or convenient for the carrying out
21 of its business.

22 (12) Borrow money and accept grants and to enter into
23 contracts, leases, subleases, licenses or other transactions
24 with any Federal agency, State public body, political
25 subdivision, person, association, partnership or corporation.

26 (13) Pledge, hypothecate or otherwise encumber its
27 property, real, personal or mixed, tangible or intangible,
28 and its revenues or receipts, including, but not limited to,
29 any interest the authority may have in a lease or sublease of
30 a convention center or part of a convention center.

1 (14) Procure insurance containing coverages, including
2 insurance covering the timely payment in full of principal of
3 and interest on bonds of the authority, in amounts and from
4 insurers, as the authority may determine to be necessary or
5 desirable for its purposes.

6 (15) Invest money of the authority.

7 (16) Cooperate with any Federal agency, State public
8 body 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 17313(d) (relating to money of authority).

12 (18) Appoint all officers, agents and employees required
13 for the performance of its duties and fix and determine their
14 qualifications, duties and compensation and retain or employ
15 other agents or consultants, including architects, auditors,
16 engineers, private legal counsel and private consultants, on
17 a contract basis or otherwise for rendering professional or
18 technical services and advice.

19 (19) Enroll authority employees in an existing
20 retirement system of the State, county, city or other
21 governmental entity.

22 (20) Appoint and fix the compensation of chief counsel
23 and assistant counsel to provide the authority with legal
24 assistance, and the authority through counsel shall defend
25 actions brought against the authority and officers and
26 employees of the authority when acting within the scope of
27 their official duties.

28 (21) Maintain an office in the county seat.

29 (22) Appoint an executive director who shall:

30 (i) be the chief executive officer of the authority;

1 (ii) devote full time during business hours to the
2 duties of the office; and

3 (iii) receive compensation as the board shall
4 determine.

5 (23) Do all acts and things necessary or convenient for
6 the promotion of authority purposes and the general welfare
7 of the authority and to carry out the powers granted to the
8 authority by this subchapter or by any other act.

9 (c) Limitations.--

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.

13 (2) Authority obligations may not be deemed obligations
14 of any State public body, a political subdivision or the
15 county.

16 (3) A State public body, a political subdivision or the
17 county shall not be liable for the payment of principal or
18 interest on obligations of the authority.

19 (4) The authority shall have no power of eminent domain.

20 (d) Affirmative action.--The authority shall develop and
21 implement an affirmative action plan to assure that all persons
22 are accorded equality of opportunity in employment and
23 contracting by the authority and authority contractors,
24 subcontractors, assignees, lessees, agents, vendors and
25 suppliers.

26 § 17306. Capital and operating budgets.

27 (a) Capital budget.--At least 90 days before the commencing
28 of the ensuing fiscal year of the authority, a recommended
29 capital budget shall be prepared and submitted to the board. The
30 capital budget shall show in detail the capital expenditures to

1 be made or incurred in the next fiscal year and financed from
2 money subject to control or appropriation by the board. For each
3 separate purpose, project, facility or other property, the
4 amount and the source of the money that has been spent,
5 encumbered or is intended to be spent or encumbered during the
6 fiscal year shall be shown. No later than the date of the
7 adoption of the annual operating budget, the board shall by a
8 majority vote of its members adopt a capital budget.

9 (b) Operating budget.--At least 90 days before the
10 commencing of the ensuing fiscal year of the authority, a
11 recommended operating budget shall be prepared and submitted to
12 the board. The operating budget shall be prepared with the aid
13 of the governing bodies of the county and county seat. In the
14 event that the operating budget is not in a form and detail
15 satisfactory to a governing body, the governing body may require
16 that the operating budget be redrafted and resubmitted, and the
17 governing body shall not be considered to be in receipt of the
18 operating budget or any amendments unless the form and detail is
19 to the governing body's satisfaction. The operating budget shall
20 set forth the estimated receipts and revenues of the authority
21 during the next fiscal year. The board shall, at least 30 days
22 before the end of the fiscal year, adopt by a majority vote of
23 its members an operating budget for the next fiscal year.

24 § 17307. Authorization to issue bonds.

25 (a) Authorization.--

26 (1) The authority may authorize the issuance of bonds by
27 resolution of the board. A resolution authorizing the
28 issuance of bonds must specify all of the following:

29 (i) Series.

30 (ii) Date of maturity not exceeding 40 years from

1 date of issue.

2 (iii) Interest rate, as determined by the board as
3 necessary to issue and sell the authorized bonds.

4 (iv) Denomination.

5 (v) Form, either coupon or fully registered without
6 coupons.

7 (vi) Registration, exchangeability and
8 interchangeability privileges.

9 (vii) Medium of payment and place of payment.

10 (viii) Terms of redemption.

11 (ix) Priorities in the revenue or receipts of the
12 authority.

13 (2) The bonds shall be signed by or shall bear the
14 facsimile signatures of officers the authority determines,
15 and coupon bonds shall have attached to them interest coupons
16 bearing the facsimile signature of the treasurer of the
17 authority, and all bonds shall be authenticated by an
18 authenticating agent, fiscal agent or trustee, as may be
19 prescribed in a resolution of the board. The bonds may be
20 issued and delivered regardless of whether one or more of the
21 officers who signed the bonds or the treasurer who, by
22 facsimile, signed the coupon are not officers at the time the
23 bonds are delivered.

24 (b) Sale of bonds.--The bonds may be sold at public sale or
25 private negotiated sale for the price or prices and at the rate
26 of interest as the authority determines. Pending the preparation
27 of the definitive bonds, interim receipts may be issued to the
28 purchaser or purchasers of the bonds and may contain terms and
29 conditions as the authority determines.

30 (c) Negotiability.--The bonds shall have the qualities of

1 negotiable instruments under 13 Pa.C.S. (relating to commercial
2 code).

3 (d) Use of net proceeds.--The net proceeds of the issue of
4 bonds or notes may be used to pay the costs of the project or to
5 reimburse costs initially paid by a State public body, the
6 county, another political subdivision, an agency, an
7 organization or an individual.

8 (e) Refunding authorized.--

9 (1) Subject to the provisions of the outstanding bonds,
10 notes or other obligations and subject to the provisions of
11 this subchapter, the authority shall have the right and power
12 to refund outstanding debt, in whole or in part, at any time
13 and shall have the right and power to refund outstanding
14 notes with bonds or bonds with notes.

15 (2) As used in this subsection, the term "refund" and
16 its variations means the issuance and sale of obligations the
17 proceeds of which are used or are to be used for the payment
18 or redemption of outstanding obligations upon or prior to
19 maturity.

20 § 17308. 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 the bonds and obligations, the authority, in addition to its
24 other powers, shall have the power to:

25 (1) Pledge all or part of the gross or net revenues to
26 which the authority's right then exists or may come into
27 existence.

28 (2) Mortgage all or part of the authority's real or
29 personal property.

30 (3) Covenant the following:

1 (i) Against pledging all or part of the authority's
2 revenues or against mortgaging all or part of the
3 authority's real or personal property or permitting or
4 suffering a lien on the revenues or property.

5 (ii) With respect to limitations on the authority's
6 right to sell, lease or otherwise dispose of real
7 property.

8 (iii) Other or additional debts or obligations
9 incurred by the authority.

10 (4) Do the following:

11 (i) Covenant as to the bonds to be issued and as to
12 the issuance of the bonds, in escrow or otherwise, and as
13 to the use and disposition of the proceeds.

14 (ii) Provide for the replacement of lost, destroyed
15 or mutilated bonds.

16 (iii) Covenant against extending the time for the
17 payment of its bonds or interest.

18 (iv) Redeem the bonds and to covenant for and
19 provide the terms and conditions for redemption.

20 (5) Do the following:

21 (i) Covenant as to the amount and the use and
22 disposition of revenues to be raised each year or other
23 period of time by the authority.

24 (ii) Create or authorize the creation of special
25 funds for debt service or other purposes.

26 (iii) Covenant as to the use and disposition of the
27 money held in the funds for debt service or other
28 purposes.

29 (6) Prescribe the procedure, if any, by which the terms
30 of a contract with bondholders may be amended or abrogated,

1 the amount of bonds, to which bondholders must consent, and
2 the manner in which consent may be given.

3 (7) Do the following:

4 (i) Covenant as to the use of its real or personal
5 property.

6 (ii) Warrant its title.

7 (iii) Covenant as to the maintenance and replacement
8 of its real and personal property, the insurance to be
9 carried on the property and the use and disposition of
10 insurance money.

11 (8) Do the following:

12 (i) Covenant as to the rights, liabilities, powers
13 and duties arising upon the breach by it of any covenant,
14 condition or obligation.

15 (ii) Covenant and prescribe in the event of default
16 as to terms and conditions upon which authority bonds or
17 obligations are due before maturity and as to the terms
18 and conditions upon which a declaration and its
19 consequences may be waived.

20 (9) Do the following:

21 (i) Vest in a trustee or bondholders or any
22 proportion of the bondholders the right to enforce the
23 payment of the bonds or any covenants securing or
24 relating to the bonds and vest in a trustee the right in
25 the event of a default by the authority to take
26 possession and use, operate and manage any real property
27 and collect the rents and revenues that arise from the
28 real property and to dispose of the money collected in
29 accordance with the agreement of the authority with the
30 trustee.

1 (ii) Provide for the powers and duties of a trustee
2 and limit the trustee's liabilities.

3 (iii) Provide the terms and conditions upon which
4 the trustee or bondholders or any proportion of
5 bondholders may enforce covenants or rights securing or
6 relating to the bonds.

7 (10) Obtain letters of credit and bond insurance.

8 (11) Exercise all, any part or combination of the powers
9 granted in this section.

10 (12) Make covenants other than and in addition to the
11 covenants expressly authorized in this section.

12 (13) Make covenants and perform acts necessary,
13 convenient or desirable in order to secure the authority's
14 bonds or, in the absolute discretion of the authority, that
15 will accomplish the purpose of this subchapter by making the
16 bonds more marketable even if the covenants or acts may not
17 be specifically enumerated in this section.

18 § 17309. Remedies of obligee of authority.

19 An obligee of the authority shall have the right, in addition
20 to all other rights which may be conferred on the obligee,
21 subject only to contractual restrictions binding upon the
22 obligee:

23 (1) By mandamus, suit, action or proceeding at law or in
24 equity, to compel the authority and authority members,
25 officers, agents or employees to perform each term, provision
26 and covenant contained in any bond or contract of the
27 authority with or for the benefit of the obligee and require
28 the carrying out of any or all covenants and agreements of
29 the authority and the fulfillment of all duties imposed upon
30 the authority by this subchapter.

1 (2) By proceeding in equity, to obtain an injunction
2 against any acts or things which may be unlawful or the
3 violation of any of the rights of the obligee.

4 § 17310. Additional remedies conferrable by authority.

5 (a) Default.--The authority shall have power by resolution,
6 trust, indenture or mortgage to confer upon an obligee holding
7 or representing a specified percentage of bonds the right, in
8 addition to all rights that may otherwise be conferred, upon the
9 happening of an event of default as defined in the resolution or
10 instrument, by suit, action or proceeding in a court of
11 competent jurisdiction:

12 (1) to obtain the appointment of a receiver of any real
13 property or leasehold interest of the authority and of the
14 rents and profits from the real property or leasehold
15 interest. If a receiver is appointed, the receiver may enter
16 and take possession of the real property or any leasehold
17 interest, operate the property of leasehold interest and
18 collect and receive all revenues or other income arising from
19 the operation and shall keep the money in a separate account
20 and apply the money in accordance with the obligations of the
21 authority as the court shall direct; or

22 (2) to require the authority and authority members to
23 account as if it and they were the trustees of an express
24 trust.

25 (b) Authority of receiver.--Nothing in this subchapter shall
26 authorize a receiver appointed under this subchapter for the
27 purpose of operating and maintaining facilities of the authority
28 to sell, assign, mortgage or otherwise dispose of the assets of
29 the authority. It is the intention of this subchapter to limit
30 the powers of the receiver to the operation and maintenance of

1 the facilities of the authority as the court directs, and the
2 following apply:

3 (1) Receivers may not sell, assign, mortgage or
4 otherwise dispose of any assets of the authority.

5 (2) Bondholders, trustees and other obligees do not have
6 the right in any suit, action or proceeding, at law or in
7 equity, to compel a receiver to sell, assign, mortgage or
8 otherwise dispose of any assets of the authority.

9 (3) A court may not direct a receiver to sell, assign,
10 mortgage or otherwise dispose of any assets of the authority.

11 § 17311. Governing board.

12 (a) Appointment.--The power of the authority shall be
13 exercised by a governing board. The following apply:

14 (1) The governing body of the county seat of the county
15 in which the convention center is located shall appoint three
16 members. The terms of the first three members appointed shall
17 be allocated between them for a two-year, three-year and
18 four-year term, respectively.

19 (2) The governing body of the county in which the
20 convention center is located shall appoint three members. The
21 terms of the first three members appointed shall be allocated
22 between them for a two-year, three-year and four-year term,
23 respectively.

24 (3) The two governing bodies shall alternate in the
25 appointment of the seventh board member. The governing body
26 of the county shall make the first appointment of the seventh
27 board member, whose term shall be four years.

28 (b) Terms.--Except as otherwise provided, members shall
29 serve a four-year term from the date of appointment and until
30 successors have been appointed and qualified. Subject to

1 subsection (a), if a vacancy occurs by means of the death,
2 disqualification, resignation or removal of a member, the
3 appointing authority shall appoint a successor to fill the
4 unexpired term.

5 (c) Compensation.--Subject to an aggregate per annum
6 limitation and other rules and regulations as the board
7 determines, a member shall receive \$100 per board meeting.

8 (d) Organization.--

9 (1) The members of the board shall select from the
10 members a chairperson and other officers as the board may
11 determine.

12 (2) Except as otherwise provided, all actions of the
13 board shall be taken by a vote of at least four members of
14 the board, which shall constitute a majority, unless the
15 bylaws of the authority provide for a majority vote by a
16 present quorum in the absence of a full board.

17 (3) The board shall have full authority to manage the
18 properties and business of the authority and to prescribe,
19 amend and repeal bylaws, rules and regulations governing the
20 manner in which the business of the authority may be
21 conducted and the powers granted to it may be exercised and
22 embodied.

23 (4) Notwithstanding any other law, court decision,
24 precedent or practice to the contrary, actions by or on
25 behalf of the board shall not be taken by an officer of the
26 board except upon the approval of the board.

27 (5) As used in this subsection, the term "actions by or
28 on behalf of the board" means any action of the board,
29 including:

30 (i) the hiring, appointment, removal, transfer,

1 promotion or demotion of officers and employees;

2 (ii) the retention, use or remuneration of advisors,
3 counsel, auditors, architects, engineers or consultants;

4 (iii) the initiation of legal action;

5 (iv) the making of contracts, leases, agreements,
6 bonds, notes or covenants;

7 (v) the approval of requisitions, purchase orders,
8 investments and reinvestments; and

9 (vi) the adoption, amendment, revision or rescission
10 of rules and regulations, orders or other directives.

11 (e) Nonliability of members.--Members of the board may not
12 be held personally liable for the bonds or other obligations of
13 the authority, and the rights of creditors shall be solely
14 against the authority. The authority, itself or by contract,
15 shall defend board members, and the authority shall indemnify
16 and hold harmless board members, regardless of whether currently
17 serving as an authority member, against and from personal
18 liabilities, actions, causes of action and claims made against
19 the authority for actions performed within the scope of duties
20 as board members.

21 § 17312. Sovereign immunity.

22 The following apply:

23 (1) The authority created under this subchapter and its
24 officers, officials and employees shall have sovereign and
25 official immunity, as provided in 1 Pa.C.S. § 2310 (relating
26 to sovereign immunity reaffirmed; specific waiver).

27 (2) The authority shall remain immune from suit except
28 as provided by and subject to 42 Pa.C.S. §§ 8501 (relating to
29 definitions), 8502 (relating to enforcement proceedings),
30 8521 (relating to sovereign immunity generally), 8522

1 (relating to exceptions to sovereign immunity), 8523
2 (relating to venue and process), 8524 (relating to defenses),
3 8525 (relating to legal assistance), 8526 (relating to
4 counterclaim by the Commonwealth), 8527 (relating to
5 indemnity relating to inmate health care) and 8528 (relating
6 to limitations on damages).

7 (3) Notwithstanding 42 Pa.C.S. § 8525, the authority
8 shall defend actions brought against the authority and the
9 authority's officers and employees if acting within the scope
10 of their official duties.

11 § 17313. Money of authority.

12 (a) Payment to treasurer.--All money of the authority shall
13 be paid to the treasurer of the authority.

14 (b) Investment of money.--The board shall invest authority
15 money consistent with sound business practice.

16 (c) Investment program.--The board shall provide for an
17 investment program subject to restrictions contained in this
18 subchapter, any other applicable statute and rules or
19 regulations adopted by the board.

20 (d) Authorized types of investments.--Authorized types of
21 investments for authority money shall be:

22 (1) Direct obligations of or obligations guaranteed by
23 the United States.

24 (2) A bond, debenture, note, participation certificate
25 or other similar obligation issued by any one or combination
26 of the following agencies:

27 (i) Government National Mortgage Corporation.

28 (ii) Federal Land Banks.

29 (iii) Federal Home Loan Banks.

30 (iv) Federal Intermediate Credit Banks.

1 (v) Banks for Cooperatives.

2 (vi) Tennessee Valley Authority.

3 (vii) United States Postal Service.

4 (viii) Farmers Home Administration.

5 (ix) Student Loan Marketing Association.

6 (x) Export-Import Bank of the United States.

7 (3) A bond, debenture, note, participation certificate
8 or other similar obligation issued by the Federal National
9 Mortgage Corporation to the extent the obligations are
10 guaranteed by the Government National Mortgage Corporation or
11 issued by another Federal agency and backed by the full faith
12 and credit of the United States.

13 (4) Deposits in interest-bearing time or demand deposits
14 or certificates of deposit fully insured by the Federal
15 Deposit Insurance Corporation or its successors or the
16 Federal Savings and Loan Insurance Corporation or its
17 successors or fully secured by any of the obligations
18 described in paragraphs (1), (2) and (3) to the extent not so
19 insured.

20 (5) Repurchase agreements relating to, or investment
21 agreements secured by or providing for the acquisition of
22 and, if applicable, the resale of, obligations described in
23 paragraphs (1), (2), (3) and (4) or obligations of the
24 Federal Home Loan Mortgage Corporation or the Federal
25 National Mortgage Association with:

26 (i) banks or trust companies, which may include a
27 banking entity or depository;

28 (ii) brokers or broker-dealers registered under the
29 Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C.
30 §§ 78a-78jj) acceptable to the authority; or

1 (iii) insurance companies rated A+ or better by
2 Best's and having a net capital and surplus of at least
3 \$25,000,000 or certificates of deposit with banks or
4 trust companies fully secured as to principal and accrued
5 interest by obligations described in paragraphs (1), (2),
6 (3) and (4) deposited with or subject to the control of
7 the authority.

8 (6) Money market deposit accounts of banks or trust
9 companies having a net capital and surplus of at least
10 \$25,000,000, which may include a banking entity or
11 depository.

12 (7) The description of authorized investments under
13 paragraphs (5) and (6) shall be met only if the agreements
14 referenced in paragraph (5) or (6) provide for the repayment
15 of the principal amount invested at an amount not less than
16 that invested. If security is required under paragraph (4),
17 (5) or (6), the security shall be deposited with the
18 treasurer of the authority or be held by a trustee or agent
19 satisfactory to the authority. Money of the authority shall
20 be paid out on the warrant or other order of the chairperson
21 of the authority or other person as the authority may
22 authorize to execute warrants or orders.

23 (e) Annual report and audit.--An authority created under
24 this subchapter shall file an annual report with the Department
25 of Community and Economic Development, with the county and with
26 the political subdivision constituting the county seat, which
27 shall make provisions for the accounting of revenues and
28 expenses. Authority books, accounts and records shall be audited
29 annually in accordance with generally accepted auditing
30 standards by an independent auditor who shall be a certified

1 public accountant, and a copy of the audit report shall be
2 attached to and be made a part of the annual report. A concise
3 financial statement shall be published annually in a newspaper
4 of general circulation in the county in which the authority is
5 located.

6 (f) Power of inspection.--The Attorney General, the Auditor
7 General, the Secretary of the Budget, the chairperson and
8 minority chairperson of the Appropriations Committee of the
9 Senate and the chairperson and minority chairperson of the
10 Appropriations Committee of the House of Representatives shall
11 have the right to examine the books, accounts and records of the
12 authority.

13 § 17314. Transfer of existing facilities or money, making of
14 annual grants and lease payments to authority.

15 (a) Authority to transfer.--

16 (1) A State public body or political subdivision may
17 sell, lease or sublease from or to, lend, grant, convey or
18 otherwise transfer or pay over to the authority, with or
19 without consideration, any of the following:

20 (i) A convention center or part of a convention
21 center.

22 (ii) An interest in property, real, personal or
23 mixed, tangible or intangible.

24 (iii) Any money available, needed or obligated for
25 development, acquisition, design, maintenance,
26 management, operation, financing, leasing or subleasing,
27 construction or improvement purposes, including the
28 proceeds of bonds issued before or after November 3,
29 1999, for construction or improvement of a convention
30 center or part of a convention center.

1 (2) Property, money, a convention center or part of a
2 convention center received by the authority may be used for
3 any lawful purpose of the authority.

4 (3) Nothing in this subchapter or in any other law shall
5 be deemed to make an authority or person a State-supported or
6 State-aided institution under any law of this Commonwealth.

7 (b) Grants authorized.--

8 (1) Subject to paragraph (2), the governing bodies of
9 the county and county seat are authorized to:

10 (i) Make grants from current revenues to the
11 authority.

12 (ii) Assist in defraying the costs of management,
13 operation, maintenance, financing and debt service of a
14 convention center or part of a convention center.

15 (iii) Enter into long-term agreements providing for
16 payments under subparagraph (i) or (ii).

17 (iv) Enter into long-term leases or subleases as
18 lessee or sublessee of all or part of a convention
19 center.

20 (2) Obligations of the county and county seat to make
21 grants, lease or sublease payments to an authority shall not,
22 even if based on debt obligations of an authority, constitute
23 debts of the county and county seat within the meaning of any
24 constitutional or statutory provision and shall be payable
25 only to the extent that current revenues of the county and
26 county seat are available.

27 (3) The county and county seat may issue general
28 obligation bonds for the purpose of obtaining money for local
29 contributions pertaining to a convention center or part of a
30 convention center.

1 (c) Capital costs.--The Commonwealth may contribute to the
2 capital costs of constructing a convention center by the
3 issuance of Commonwealth bonds and notes under Article XIX-B of
4 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform
5 Code of 1971, or under Chapter 3 of the act of February 9, 1999
6 (P.L.1, No.1), known as the Capital Facilities Debt Enabling
7 Act. A convention center project undertaken by the authority is
8 deemed to be a redevelopment assistance project for which
9 capital funds of the Commonwealth may be expended under the
10 provisions of the act of May 20, 1949 (P.L.1633, No.493), known
11 as the Housing and Redevelopment Assistance Law, and,
12 notwithstanding any provisions of the Housing and Redevelopment
13 Assistance Law, the Department of Community and Economic
14 Development may make capital grants directly to the authority in
15 furtherance of this subchapter.

16 § 17315. Award of contracts.

17 (a) General rule.--All construction, reconstruction, repairs
18 or work of any nature made by an authority in which the entire
19 cost, value or amount of the construction, reconstruction,
20 repairs or work, including labor and materials, shall exceed the
21 adjusted base amount under subsection 15101(a) (relating to
22 commissioners sole contractors for county generally) for which
23 bids are required for counties, except construction,
24 reconstruction, repairs or work done by employees of the
25 authority or by labor supplied under agreement with a Federal
26 agency, State public body or political subdivision, with
27 supplies and materials purchased as provided under this section,
28 shall be done only under contract or contracts to be entered
29 into by the authority with the lowest responsible bidder upon
30 proper terms after due public notice has been given asking for

1 competitive bids as provided under this section and in
2 accordance with the following:

3 (1) The authority shall have the right to reject any or
4 all bids or select a single item from any bid.

5 (2) Contracts may not be entered into for construction
6 or improvement or repair of a project or portion of a project
7 unless the contractor provides sufficient surety or sureties
8 approved by the authority in an amount fixed by the authority
9 for the performance of the contract.

10 (3) All contracts shall provide that the person or
11 corporation entering into the contract with the authority pay
12 for all materials furnished and services rendered for the
13 performance of the contract and that a person or corporation
14 furnishing materials or rendering services may maintain an
15 action to recover for the same against the obligor in the
16 undertaking as though the person or corporation was named in
17 the contract if the action is brought within one year after
18 the time the cause of action accrued.

19 (4) Nothing in this section shall be construed to limit
20 the power of the authority to construct, repair or improve a
21 project or portion of a project or an addition, betterment or
22 extension to a project directly by the officers and employees
23 of the authority.

24 (5) The authority shall award the construction of a
25 convention center according to the provisions of the act of
26 May 1, 1913 (P.L.155, No.104), referred to as the Separations
27 Act, and shall be subject to 62 Pa.C.S. Pt. I (relating to
28 Commonwealth procurement code).

29 (6) Nothing in this section or any other law shall
30 require the authority to competitively bid architectural

1 design, engineering or other professional services required
2 by the authority.

3 (b) Purchasing of supplies and materials.--All supplies and
4 materials the cost of which exceed the adjusted base amount
5 under subsection 15101(a) for which bids are required for
6 counties to be acquired directly by the authority shall be
7 purchased only after due advertisement. The authority shall
8 accept the lowest bid or bids from a responsible bidder, kind,
9 quality and material being equal, but the authority shall have
10 the right to reject any bid or select a single item from a bid.
11 The provisions as to bidding shall not apply to the purchase of
12 unique supplies and materials or supplies and materials which
13 cannot be obtained in the open market.

14 (c) Construction.--Nothing in this section or in any other
15 law shall preclude the board with the approval of five members
16 from negotiating contracts for management, operation, concession
17 services, licensing or leasing of a convention center or any
18 part of a convention center. The authority may not award a
19 contract to a manager, operator, concessionaire, licensee,
20 lessee or lessor which exceeds three years in duration unless
21 five members of the board approve the awarding of a contract for
22 a greater period of time.

23 (d) Local regulation.--The authority and authority
24 contractors, subcontractors, assignees, lessees, agents, vendors
25 and suppliers are not subject to county or county seat laws,
26 ordinances, rules or regulations relating to limits or
27 preferences with regard to employment, contracting or
28 procurement in the construction and operation of the convention
29 center.

30 (e) Applicability of other acts.--The authority shall be

1 subject to the act of August 15, 1961 (P.L.987, No.442), known
2 as the Pennsylvania Prevailing Wage Act, the act of March 3,
3 1978 (P.L.6, No.3), known as the Steel Products Procurement Act,
4 and 62 Pa.C.S. Ch. 37 Subch. B (relating to motor vehicles).

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

8 "Advertisement." A public notice.

9 "Public notice." A notice published at least 10 days before
10 the award of a contract in a newspaper of general circulation
11 published in the county, which may be waived if the authority
12 determines an emergency exists and supplies and materials must
13 be immediately purchased by the authority.

14 § 17316. Interests of public officers, public employees and
15 party officers.

16 (a) Management level employees.--

17 (1) A party officer, public officer, public official or
18 public employee may not be employed as a management-level
19 authority employee.

20 (2) A person convicted of an infamous crime may not be
21 employed as a management-level employee by the authority.

22 (b) Other laws applicable.--

23 (1) The provisions of the act of July 19, 1957
24 (P.L.1017, No.451), known as the State Adverse Interest Act,
25 and 65 Pa.C.S. Ch. 11 (relating to ethics standards and
26 financial disclosure) are made specifically applicable to
27 board members, officers and employees of the authority. For
28 the purposes of application of these acts, employees of the
29 authority shall be regarded as public employees of the
30 Commonwealth, and officers and board members of the authority

1 shall be regarded as public officials of the Commonwealth,
2 regardless of whether the employee, officer or board member
3 receive compensation.

4 (2) The authority is subject to the act of February 14,
5 2008 (P.L.6, No.3), known as the Right-to-Know Law, and 65
6 Pa.C.S. Ch. 7 (relating to open meetings).

7 (c) Conflicts of interest.--Notwithstanding the provisions
8 of subsection (b), the following prohibitions shall apply:

9 (1) A management-level employee or other employee of the
10 authority may not use the employee's position with the
11 authority or confidential information received through the
12 employee's position with the authority to obtain financial
13 gain other than compensation provided by law for the
14 employee, a member of the employee's immediate family or a
15 business with which the employee is associated. For purposes
16 of this paragraph, the term "business with which the employee
17 is associated" shall mean a business in which the employee or
18 a member of the employee's immediate family is a director,
19 officer, owner, employee or stockholder.

20 (2) A person may not offer or give to a management-level
21 employee or other employee of the authority or a member of
22 the employee's immediate family or a business with which the
23 employee is associated, and management-level employees or
24 other employees of the board may not solicit or accept,
25 anything of value, including a gift, loan, political
26 contribution, reward or promise of future employment, based
27 on an understanding that the vote, official action or
28 judgment of the employee would be influenced thereby. For
29 purposes of this paragraph, the term "business with which the
30 employee is associated" shall mean a business in which the

1 person or a member of the person's immediate family is a
2 director, officer, owner, employee or stockholder.

3 (3) A management-level employee or other employee of the
4 authority or a member of the employee's immediate family or a
5 business in which the employee or a member of the employee's
6 immediate family is a director, officer, owner or stockholder
7 exceeding 5% of the equity at fair market value of the
8 business may not enter into a contract valued at \$500 or more
9 to provide goods or services to the authority unless the
10 contract has been awarded to the lowest responsible bidder
11 through an open and public process, including prior public
12 notice and subsequent public disclosure of all proposals
13 considered and contracts awarded.

14 (4) A former management-level employee or other former
15 employee of the authority may not represent a person, with or
16 without compensation, on any matter before the authority with
17 which the employee has been associated for one year after the
18 employee leaves employment with the authority.

19 (5) An individual who is a State, county seat or county
20 public officer or public official or a party officer, a
21 member of the immediate family of the individual or a
22 business with which the individual or immediate family member
23 is associated shall not have a financial interest in a
24 contract valued at \$500 or more to provide goods or services
25 to the authority either during the time the individual holds
26 the office or for two years after the individual terminates
27 the office unless the contract is executed under paragraph
28 (3). For purposes of this paragraph:

29 (i) The term "financial interest" does not include
30 employment by, association with or ownership of a

1 business association unless the public officer, public
2 official, party officer or immediate family member owns
3 shares of stock in the corporation in an amount in excess
4 of 5% of the total issue of the stock of the corporation
5 or has an ownership interest in a noncorporate business
6 association in an amount in excess of 5% of the total
7 ownership of the noncorporate business association.

8 (ii) The term "business with which the individual or
9 immediate family member is associated" shall mean a
10 business in which the person or a member of the person's
11 immediate family is a director, officer, owner, employee
12 or holder of stock.

13 (6) An employee of the authority or an advisor or
14 consultant to the county seat, the county or the State who
15 has recommended to the authority which the employee serves
16 either entering into a contract relating to a convention
17 center authority or a course of action of which entering into
18 the contract is an express or implied part may not have an
19 adverse interest in the contract.

20 (7) A management-level employee or other employee of the
21 authority, the county seat, the county or the State may not
22 influence or attempt to influence the making of or supervise
23 or in any manner deal with a contract with the authority in
24 which the employee has an adverse interest.

25 (8) A management-level employee or other employee of the
26 authority may not have an adverse interest in a contract with
27 the authority.

28 (9) An individual having an adverse interest in a
29 contract with the authority may not become a management-level
30 employee or other employee of the authority until the adverse

1 interest is wholly divested.

2 (10) A management-level employee or other employee of
3 the Commonwealth, authority, county seat, or county, except
4 in the performance of the employee's duties for the
5 authority, may not, directly or indirectly, represent a
6 person upon a matter pending before the authority for
7 remuneration.

8 (d) Penalties.--

9 (1) An individual who violates this section shall be
10 immediately terminated from employment with the authority by
11 the appropriate individual having the power to terminate and
12 shall be liable to the authority to reimburse the authority
13 for all compensation received by the employee from the
14 authority while employed in violation of subsection (a).

15 (2) An individual who violates subsection (c)(1) or (2)
16 commits a felony and, upon conviction, shall be sentenced to
17 pay a fine of not more than \$10,000 or to imprisonment for
18 not more than five years, or both.

19 (3) An individual who violates subsection (c)(3), (4),
20 (5), (6), (7), (8), (9) or (10) commits a misdemeanor and,
21 upon conviction, shall be sentenced to pay a fine of not more
22 than \$1,000 or to imprisonment for not more than one year, or
23 both.

24 (4) An individual who obtains financial gain from
25 violating subsection (c), in addition to any other penalty
26 provided by law, shall pay into the accounts of the authority
27 a sum of money equal to three times the financial gain
28 resulting from the violation.

29 (5) An individual who violates subsection (c) shall be
30 barred for a period of five years from engaging in any

1 business or contract with the authority, the county seat, the
2 county, the Commonwealth and all political subdivisions of
3 the Commonwealth.

4 (6) An employee of the county seat, the county or the
5 Commonwealth or any political subdivision of the Commonwealth
6 or a public officer or public official who violates
7 subsection (c) must automatically forfeit the office or
8 employment the employee, officer or official holds.

9 (7) The penalties and sanctions provided by this section
10 shall supersede any similar penalties and sanctions provided
11 by 65 Pa.C.S. Ch. 11 and the State Adverse Interest Act.

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

15 "Business." A corporation, partnership, sole proprietorship,
16 firm, enterprise, franchise, association, organization, self-
17 employed individual, holding company, joint-stock company,
18 receivership, trust or any legal entity organized for profit or
19 as a not-for-profit corporation or organization.

20 "Immediate family." A parent, spouse, child, brother, sister
21 or like relative-in-law.

22 "Infamous crime." A violation and conviction for an offense
23 which would disqualify an individual from holding public office
24 pursuant to section 6 of Article II of the Constitution of
25 Pennsylvania or a conviction for a violation of this section, 18
26 Pa.C.S. § 4113 (relating to misapplication of entrusted property
27 and property of government or financial institutions) or 18
28 Pa.C.S. Ch. 47 (relating to bribery and corrupt influence), 49
29 (relating to falsification and intimidation), 51 (relating to
30 obstructing governmental operations) or 53 (relating to abuse of

1 office) or any other violation of the laws of this Commonwealth
2 for which an individual has been convicted within the preceding
3 10 years and which is classified as a felony, and similar
4 violations of the laws of another state or the Federal
5 Government.

6 "Management-level authority employee." The chairperson and
7 members of the board, counsel employed by the authority, the
8 executive director of the authority and authority employees with
9 discretionary powers which may affect the outcome of the
10 authority's decision in relation to a private corporation or
11 business or employees who, by virtue of the employee's job
12 function, have the ability to influence the outcome of the
13 decision.

14 "Party officer." Any of following members or officers of a
15 political party:

16 (1) A member of a national committee.

17 (2) A chairperson, vice chairperson, secretary,
18 treasurer or counsel of a State committee or member of the
19 executive committee of a State committee.

20 (3) A city chairperson or vice chairperson or counsel,
21 secretary or treasurer of a city committee.

22 (4) A county chairperson or vice chairperson or counsel,
23 secretary or treasurer of a county committee.

24 "Person." A business, individual, corporation, union,
25 association, firm, partnership, committee, club or other
26 organization or group of persons.

27 "Public employee." As follows:

28 (1) The term includes an individual employed by the
29 Commonwealth or a political subdivision of the Commonwealth
30 who is responsible for taking or recommending official action

1 of a nonministerial nature with regard to:

2 (i) contracting or procurement;

3 (ii) administering or monitoring grants or
4 subsidies;

5 (iii) planning or zoning;

6 (iv) inspecting, licensing, regulating or auditing
7 any person; or

8 (v) any other official action which has an economic
9 impact of greater than a de minimis nature on the
10 interest of any person.

11 (2) The term does not include individuals who are
12 employed by the Commonwealth or a political subdivision of
13 the Commonwealth in teaching, as distinguished from
14 administrative duties.

15 "Public officer." An individual elected to any public office
16 of the Commonwealth or a political subdivision of the
17 Commonwealth.

18 "Public official." An elected or appointed official in the
19 executive, legislative or judicial branch of the Commonwealth or
20 a political subdivision of the Commonwealth. The term does not
21 include any of the following:

22 (1) Members of advisory boards who have no authority to
23 expend public money other than reimbursement for personal
24 expense or to otherwise exercise the power of the
25 Commonwealth or a political subdivision of the Commonwealth.

26 (2) An appointed official who receives no compensation
27 other than reimbursement for actual expenses.

28 § 17317. Acquisition of lands.

29 The authority shall have the power to acquire by purchase
30 either the fee or a right, title, interest or easement, or any

1 combination, in land within the county or county seat as the
2 authority may deem necessary for the purpose mentioned in this
3 subchapter, except that a convention center constructed pursuant
4 to the terms of this subchapter must be located in a
5 redevelopment assistance eligible area.

6 § 17318. Use and operation of convention center.

7 The use and operation of the convention center, including all
8 parts of a convention center, and the operation of the business
9 of the authority shall be subject to the rules and regulations
10 adopted by the authority. The authority is not authorized to
11 take any action which may impair the security of the obligees of
12 the authority or violate any agreements with the obligees or for
13 the benefit of the obligees or violate any contracts, leases or
14 other agreements awarded, made or entered into by the authority.

15 § 17319. Limitation of powers.

16 (a) Commonwealth pledge.--

17 (1) The Commonwealth pledges to and agrees with any
18 person, the county, county seat, political subdivision or
19 Federal agency subscribing to or acquiring the bonds issued
20 by the authority for the construction or improvement of a
21 convention center or part of a convention center that the
22 Commonwealth will not limit or alter the rights vested in the
23 authority in any manner inconsistent with the obligations to
24 the bondholders until all bonds issued, together with the
25 interest, are fully paid and discharged.

26 (2) The Commonwealth further pledges to and agrees with
27 any Federal agency that in the event that the Federal agency
28 constructs or contributes money to construct or improve a
29 convention center or part of a convention center that the
30 Commonwealth will not alter or limit the rights and powers of

1 the authority in any manner which would be inconsistent with
2 the due performance of any agreements between the authority
3 and the Federal agency.

4 (b) Additional Commonwealth pledge.--The Commonwealth
5 pledges to and agrees with any person that as owner leases or
6 subleases a convention center or part of a convention center to
7 or from an authority created under this subchapter that the
8 Commonwealth will not limit or alter the rights and powers
9 vested in the authority or otherwise created under this
10 subchapter in any manner which impairs the obligations of the
11 authority until all obligations of the authority under the lease
12 or sublease are fully met and discharged.

13 § 17320. Exemption from taxation.

14 The effectuation of the authorized purposes of an authority
15 shall be in all respects for the benefit of the residents of
16 this Commonwealth, for the increase of commerce and prosperity
17 and for the improvement of health and living conditions. Since
18 an authority, as a public instrumentality of the Commonwealth,
19 performs essential governmental functions in effectuating these
20 purposes, the authority shall not be required to pay any taxes
21 or assessments upon a convention center, or part of a convention
22 center, or property acquired or used or permitted to be used by
23 them for these purposes. The bonds issued by an authority, their
24 transfer and the income from the bonds, including any profits
25 made on the sale of the bonds, shall be free from State and
26 local taxation within this Commonwealth. This exemption may not
27 extend to gift, estate, succession or inheritance taxes or any
28 other taxes not levied directly on the bonds, the transfer or
29 the income from the bond, or the realization of profits on the
30 sale of the bonds.

1 § 17321. Lease by authorities.

2 A convention center or part of a convention center may be
3 leased or subleased by the authority to and from the county or
4 county seat, and the county or county seat may enter into leases
5 or subleases, or both, for this purpose. A lease or sublease may
6 be made for a specified or unlimited time and on terms and
7 conditions as may be approved by the county or county seat and
8 agreed to by the authority in conformity with the authority's
9 contracts with the holders of any bonds.

10 § 17322. Cooperation.

11 (a) General rule.--The following shall apply:

12 (1) For the purpose of aiding and cooperating with the
13 authority and in the planning, acquisition, clearance,
14 relocation, development, design, construction,
15 rehabilitation, leasing, subleasing, alteration, expansion,
16 financing, improvement, management or operation of a
17 convention center or part of a convention center, any State
18 public body or political subdivision or the county or county
19 seat may, upon terms, with or without consideration:

20 (i) Dedicate, sell, convey, lease or otherwise
21 transfer property or any interest therein, real, personal
22 or mixed, tangible or intangible, to the authority.

23 (ii) Cause parking, recreational or community
24 facilities or any other works, which it is otherwise
25 empowered to undertake, to be furnished in or adjacent to
26 any area selected for a convention center or part of a
27 convention center.

28 (iii) Furnish, dedicate, close, pave, install,
29 grade, regrade, plan or replan streets, roads, roadways,
30 alleys, sidewalks or other places which it is otherwise

1 empowered to do.

2 (iv) Enter into agreements, extending over any
3 period, with the authority or with the Federal Government
4 pertaining to an action to be taken by a State public
5 body under this section.

6 (v) Aid and cooperate in the development,
7 acquisition, design, construction, improvement,
8 maintenance, management, operation, furnishing,
9 fixturing, equipping, repairing, financing, owning,
10 leasing and subleasing of a convention center or part of
11 a convention center.

12 (vi) In connection with public improvements made by
13 a State public body, political subdivision, county or the
14 county seat, in exercising the powers granted, incur the
15 entire expense.

16 (2) The Secretary of General Services is authorized,
17 with the approval of the Governor and Attorney General, to
18 execute and deliver, on behalf of the Commonwealth,
19 conveyances, deeds and leases authorized under this
20 subchapter.

21 (b) Contract.--In connection with a convention center or
22 part of a convention center, the county or county seat may
23 contract with the authority or the Federal Government with
24 respect to sums which the authority or the Federal Government
25 may agree to pay during any year or period of years to the
26 county or county seat for the improvements, services and
27 facilities to be provided by it for the benefit of the
28 authority, convention center or part of a convention center, or
29 the persons occupying the area. The absence of a contract for
30 these payments shall not relieve the county or county seat from

1 the duty to furnish for the benefit of the authority, convention
2 center or part of a convention center, or the persons occupying
3 the area, customary improvements and services and facilities as
4 the county or county seat usually furnishes without a service
5 fee.

6 (c) Agent.--The Commonwealth, county or county seat may, by
7 written agreement, designate the authority as its agent within
8 the authority's field of operation to perform any specified
9 activity or to administer any specified program which the
10 Commonwealth, county or county seat is authorized by law to do,
11 except that any activity or program shall be in furtherance of
12 the public purposes specified in this chapter. The activities
13 may include development, acquisition, design, construction,
14 improvement, maintenance, leasing, management or operation of a
15 convention center.

16 (d) Powers.--The powers conferred by this section shall be
17 in addition and supplemental to the powers conferred by any
18 other law.

19 § 17323. Hotel room rental tax.

20 (a) Imposition.--The county in which a convention center is
21 located may impose an excise tax on the consideration received
22 by each operator of a hotel within the market area from each
23 transaction of renting a room or rooms to accommodate
24 transients. The tax shall be collected by the operator from the
25 patron of the room and paid over to the county under subsection
26 (e) and shall be known as the Hotel Room Rental Tax.

27 (b) Rate.--The rate of tax imposed under this section by the
28 county in which the convention center is located may not exceed
29 5%.

30 (c) Deposit.--Eighty percent of revenues received from taxes

1 imposed under this section shall be annually deposited in the
2 special fund required under subsection (d) for the use of the
3 authority for convention center purposes. Twenty percent of the
4 revenues received from taxes imposed under this section shall be
5 deposited within 30 days of collection into the tourist
6 promotion agency fund required under subsection (d) until
7 disbursed as provided below.

8 (d) Collection.--The following shall apply:

9 (1) The treasurer of each county electing to impose the
10 tax authorized under this section is directed to collect the
11 tax and:

12 (i) to deposit 80% of the revenues received from the
13 tax in special funds established for purposes in this
14 section; and

15 (ii) to deposit 20% of the revenues received by the
16 tax in the tourist promotion agency fund until disbursed
17 under subsection (g).

18 (2) Interest on money deposited in the funds shall
19 accrue proportionately to the respective funds as provided in
20 this section. The treasurer may establish rules and
21 regulations concerning the collection of the tax, which
22 collection shall occur not more than monthly nor less than
23 quarterly.

24 (e) Expenditures.--Expenditures from the fund established
25 under subsection (d) for the authority shall be used by the
26 authority for the following purposes:

27 (1) Projected annual debt service or lease payments of
28 the convention center authority.

29 (2) Costs associated with financing, constructing,
30 improving, maintaining, furnishing, fixturing and equipping

1 the convention center.

2 (3) Costs associated with the development of the
3 convention center, including design, engineering and
4 feasibility costs.

5 (4) Costs associated with the operation and management
6 of the convention center.

7 (5) Costs associated with promoting, marketing and
8 encouraging the use of the convention center.

9 (6) General purposes of the convention center.

10 (f) Security.--If and to the extent that the authority
11 pledges its share of the proceeds of the tax authorized by this
12 section as security for the payment of bonds issued by the
13 authority for convention center purposes, the Commonwealth
14 pledges to and agrees with any person, firm or corporation
15 subscribing to or acquiring bonds to be issued by the authority
16 for convention center purposes that the Commonwealth will not,
17 nor will it authorize a county to, reduce the rate of tax
18 imposed for convention center purposes until all bonds secured
19 by the pledge of the authority, together with interest, are
20 fully met and discharged.

21 (g) Tourist promotion agency.--

22 (1) If default has not occurred or is continuing with
23 respect to any bonds, notes or other indebtedness of an
24 authority incurred to finance the construction of a
25 convention center, revenues received from the tax deposited
26 into the tourist promotion agency fund required under
27 subsection (d) shall be disbursed by each county to the
28 tourist promotion agency within 10 days of receipt.

29 (2) The county shall have no obligation to invest any
30 money deposited into the tourist promotion agency fund.

1 (h) Tax year.--Each tax year for any tax imposed under this
2 section shall run concurrently with the county's fiscal year.

3 (i) Report.--An audited report on the income and
4 expenditures incurred by a tourist promotion agency receiving
5 revenue from the tax authorized under this section shall be
6 submitted annually by the tourist promotion agency to the county
7 commissioners.

8 (j) Expiration.--The tax levied under this section shall
9 expire when all bonds issued by a county under this subdivision
10 have been fully met and discharged.

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

14 "Consideration." Receipts, fees, charges, rentals, leases,
15 cash, credits, property of any kind or nature or other payment
16 received by operators in exchange for or in consideration of the
17 use or occupancy by a transient of a room or rooms in a hotel
18 for a temporary period.

19 "Convention center."

20 (1) Any land, improvement, structure, building or
21 property interest, whether owned by or leased by or to or
22 otherwise acquired by an existing authority, appropriate for
23 any of the following:

24 (i) Large public assemblies.

25 (ii) Holding of conventions, conferences, trade
26 exhibitions and other business.

27 (iii) Social, cultural, scientific and public
28 interest events.

29 (2) All facilities, furniture, fixtures and equipment
30 necessary or incident to any item listed in paragraph (1),

1 including meeting rooms, dining rooms, kitchens, ballrooms,
2 reception areas, registration and prefunction areas, truck
3 loading areas, including access, accessways, common areas,
4 lobbies, offices and areas appurtenant to any of the
5 preceding, together referred to as the main convention area,
6 and also including other buildings, structures or facilities
7 for use in conjunction with the foregoing, including, but not
8 limited to, provision for off-street parking, retail areas
9 and other improvements related to the center owned by or
10 leased by or to an existing authority for the purpose of
11 producing revenues to assist in defraying the costs or
12 expenses of the convention center.

13 "Hotel." As follows:

14 (1) A hotel, motel, inn, guesthouse or other building
15 located within the market area which holds itself out by any
16 means, including advertising, license, registration with an
17 innkeeper's group, convention listing association, travel
18 publication or similar association or with a government
19 agency, as being available to provide overnight lodging or
20 use of facility space for consideration to persons seeking
21 temporary accommodation. The term includes:

22 (i) A place which advertises to the general public
23 or a segment of the general public that it will provide
24 beds, sanitary facilities or other space for a temporary
25 period to members of the general public.

26 (ii) A place recognized as a hostelry, provided that
27 portions of a facility which are devoted to persons who
28 have established permanent residence shall not be
29 included in this definition.

30 (2) The term does not include a bed and breakfast

1 homestead or inn as defined in 3 Pa.C.S. § 5702 (relating to
2 definitions).

3 "Market area." As follows:

4 (1) With respect to a county in which there is more than
5 one city of the third class, the entire county.

6 (2) With respect to a county in which there is only one
7 city of the third class, one of the following:

8 (i) The city and the area within the county which is
9 not more than 15 miles from the site of the convention
10 center.

11 (ii) The city and the area within the county which,
12 as determined by the board of county commissioners
13 imposing the tax, derives a material benefit from the
14 existence of the convention center within the county. The
15 owner of a hotel affected by a determination by the board
16 under this subparagraph may challenge the determination
17 by filing a petition in the court of common pleas in the
18 judicial district in which the determination was made.

19 "Occupancy." The use or possession, or the right to the use
20 or possession, by an individual other than a permanent resident
21 of a room in a hotel for any purpose or the right to the use or
22 possession of the furnishings or to the services accompanying
23 the use and possession of the room.

24 "Operator." Any individual, partnership, nonprofit or
25 profit-making association or corporation or other person or
26 group of persons that maintain, operate, manage, own, have
27 custody of or otherwise possess the right to rent or lease
28 overnight accommodations in a hotel to the public for
29 consideration.

30 "Patron." An individual who pays the consideration for the

1 occupancy of a room or rooms in a hotel.

2 "Permanent resident." An individual who has occupied or has
3 the right to occupy a room or rooms in a hotel as a patron or
4 otherwise for a period exceeding 30 consecutive days.

5 "Room." A space in a hotel set aside for use and occupancy
6 by patrons, or otherwise, for consideration, having at least one
7 bed or other sleeping accommodations provided therein.

8 "Temporary." A period of time not exceeding 30 consecutive
9 days.

10 "Tourist promotion agency." The agency designated by the
11 governing body of a county or county seat in which the
12 convention center is located to be eligible for grants from the
13 Department of Community and Economic Development under the act
14 of July 4, 2008 (P.L.621, No.50), known as the Tourism Promotion
15 Act.

16 "Transaction." The activity involving the obtaining by a
17 transient or patron of the use or occupancy of a hotel room from
18 which consideration emanates to the operator under an express or
19 an implied contract.

20 "Transient." An individual who obtains an accommodation in
21 any hotel by means of registering at the facility for the
22 temporary occupancy of a room for the personal use of that
23 individual by paying to the operator of the facility a fee.

24 SUBCHAPTER B

25 THIRD CLASS COUNTY CONVENTION CENTER AUTHORITIES,

26 ALTERNATIVE PROVISIONS

27 Sec.

28 17331. Scope of subchapter.

29 17332. Findings, declaration of policy and scope.

30 17333. Definitions.

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12 annual grants and lease payments to authority.
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15 officers.
16 17347. Use and operation of convention center facilities.
17 17348. Limitation of powers.
18 17349. Exemption from taxation.
19 17350. Lease by authorities.
20 17351. Cooperation.
21 17352. Hotel room rental tax.
22 17353. Construction.
23 § 17331. Scope of subchapter.
24 This subchapter relates to third class county convention
25 center authorities, alternative provisions.
26 § 17332. Findings, declaration of policy and scope.
27 (a) Findings.--It is determined and declared that:
28 (1) The health, safety and general welfare of the people
29 of this Commonwealth are directly dependent upon the
30 continual encouragement, development, growth and expansion of

1 business, industry, commerce and tourism within this
2 Commonwealth.

3 (2) Unemployment, the spread of indigence and the heavy
4 burden of public assistance and unemployment compensation can
5 be avoided by the promotion, attraction, stimulation,
6 development and expansion of business, industry, commerce and
7 tourism in this Commonwealth.

8 (3) Development of convention centers is appropriate
9 within a third class county and the attraction of business to
10 this Commonwealth as a result of such development is an
11 important factor in the continual encouragement, promotion,
12 attraction, stimulation, development, growth and expansion of
13 business, industry, commerce and tourism within the county
14 seat, the surrounding municipalities and this Commonwealth as
15 a whole.

16 (4) The purpose of a convention center should be the
17 promotion, attraction, stimulation, development and expansion
18 of business, industry, commerce and tourism in the county
19 seat, the surrounding municipalities and this Commonwealth as
20 a whole.

21 (5) The development of a convention center will provide
22 benefits to the hotel industry throughout the entire area of
23 the county in which the center is developed.

24 (6) The development of a convention center will also
25 provide benefits to the restaurant and entertainment
26 industries throughout the entire county in which the center
27 is located, to all other businesses and individuals benefited
28 by the attraction of major conventions and tourists, to other
29 individual businesses whose livelihood is dependent on major
30 conventions and tourists and to the general public.

1 (7) The need for and promotion of the type of facility
2 which will provide significant benefits to the general public
3 will require the expenditure of public money and that it is
4 therefore appropriate to authorize a county to impose and
5 collect a tax applicable within the entire territorial limits
6 of the county to facilitate the development of a convention
7 facility and the promotion of tourism within the county.

8 (8) To promote the development of convention centers
9 within this Commonwealth, it is necessary to provide
10 additional and flexible means of developing, constructing,
11 designing, managing, financing and operating convention
12 centers.

13 (9) An important aspect of the development of convention
14 centers should be the removal and redevelopment of blighted
15 areas.

16 (b) Declaration of policy.--It is declared to be the policy
17 of the Commonwealth to promote the health, safety, employment,
18 business opportunities and general welfare of the people of this
19 Commonwealth by providing for the creation of third class county
20 convention center authorities which exist and operate as public
21 instrumentalities of the Commonwealth for the public purpose of
22 promoting, attracting, stimulating, developing and expanding
23 business, industry, commerce and tourism in this Commonwealth.
24 The purpose is declared to be a public purpose supporting the
25 enactment of this subchapter for which public money may be spent
26 and taxes may be imposed.

27 (c) Scope.--

28 (1) This subchapter shall apply to counties of the third
29 class.

30 (2) This subchapter may not apply to:

1 (i) A county which has created, either individually
2 or jointly with its county seat, a third class county
3 convention center authority under this subchapter or the
4 former act of December 27, 1994 (P.L.1375, No.162), known
5 as the Third Class County Convention Center Authority
6 Act, prior to January 1, 2000.

7 (ii) A county which is served, together with one or
8 more other counties, by a joint planning commission.

9 (d) Option.--The following shall apply:

10 (1) A county which has created, either individually or
11 jointly with its county seat, a third class county convention
12 center authority under Subchapter A after January 1, 2000,
13 may opt to have the authority treated as having been
14 organized under the provisions of this subchapter. The option
15 shall be exercised by the adoption of a resolution by the
16 governing body of the county. The exercise of the option
17 under this paragraph may not be revoked.

18 (2) If an authority is organized under paragraph (1),
19 the following transitional provisions shall apply to the
20 authority, the county, the county seat, State public bodies
21 and political subdivisions:

22 (i) all acts of the authority shall be considered
23 granted under the authority of this subchapter,
24 regardless of whether the acts were taken prior to or
25 after December 18, 2000;

26 (ii) all acts of the county and, if applicable, the
27 county seat in organizing the authority shall be
28 considered granted under the authority of this
29 subchapter, regardless of whether the acts were taken
30 prior to or after December 18, 2000;

1 (iii) all acts of the county taken or purported to
2 be taken under the authority of Subchapter A, including
3 the enactment of a hotel room rental tax, shall be
4 considered granted under the authority of this
5 subchapter, regardless of whether the acts were taken
6 prior to or after December 18, 2000; and

7 (v) all acts with respect to the authority of a
8 State public body or a political subdivision taken or
9 purported to be taken under the authority of Subchapter
10 A, including the transfer of existing convention center
11 facilities to the authority and the funding of a
12 convention center project as a redevelopment assistance
13 project by the Commonwealth, shall be considered granted
14 under the authority of this subchapter, regardless of
15 whether the acts were taken prior to or after December
16 18, 2000.

17 (3) If an authority is organized under paragraph (1),
18 all acts taken or purported to be taken by the county, the
19 county seat, the authority and State public body or any
20 political subdivision under the authority of Subchapter A are
21 ratified and affirmed in their entirety, regardless of
22 whether the acts were taken prior to or after December 18,
23 2000.

24 (4) If an authority is organized under paragraph (1),
25 the members of the board of the authority shall continue in
26 office and shall be treated as if they had been appointed
27 under this subchapter.

28 § 17333. Definitions.

29 The following words and phrases when used in this subchapter
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Authority." An agency and public instrumentality of the
3 Commonwealth and a body politic and corporate created under this
4 subchapter.

5 "Board." The governing body of an authority.

6 "Bonds." Notes, bonds, refunding notes and bonds, interim
7 certificates, debentures and other evidence of indebtedness or
8 obligations which the authority may issue.

9 "Construct." The acquisition, design, erection, extension,
10 renovation, rehabilitation, conversion, furnishing, fixturing,
11 equipping, enlargement or substantial repair of a convention
12 center or part of a convention center and activities
13 substantially related to the acquisition, design, erection,
14 extension, renovation, rehabilitation, conversion, furnishing,
15 fixturing, equipping, enlargement or substantial repair of a
16 convention center or part of a convention center.

17 "Convention center." The following:

18 (1) Any land, improvement, structure or building or
19 property interest, whether owned or acquired by or leased by
20 or to an authority, appropriate for any of the following:

21 (i) Large public assemblies.

22 (ii) Holding of conventions, conferences, trade
23 exhibitions and other business.

24 (iii) Social, cultural, scientific, sports,
25 recreational, artistic and public interest events.

26 (iv) Performances and exhibitions.

27 (2) Facilities, furniture, fixtures and equipment
28 necessary or incident to an item listed under paragraph (1),
29 including, but not limited to:

30 (i) hotels, including meeting rooms, dining rooms,

1 kitchens, ballrooms, reception areas, registration and
2 prefunction areas, locker rooms, practice areas and
3 equipment, training areas and equipment and truck loading
4 areas, including access to the truck loading areas;

5 (ii) accessways, including tunnels, overhead
6 walkways, escalators, elevators and other connections to
7 nearby or adjoining buildings or facilities, regardless
8 of whether the buildings or facilities constitute
9 convention center facilities or are owned or controlled
10 by the authority;

11 (iii) common areas, lobbies, offices and areas
12 appurtenant to any of the items listed under this
13 paragraph; and

14 (iv) other land, buildings, structures or facilities
15 for use or planned for use in conjunction with the items
16 listed under this paragraph, including, but not limited
17 to, landscaping, buffer areas, off-street parking, retail
18 areas and other improvements related to a convention
19 center facility owned by or leased by of to an authority,
20 regardless of whether the improvements are for the
21 purpose of producing revenues to assist in defraying the
22 costs or expenses of the convention center facility.

23 "Cost of a project." The following:

24 (1) All or any part of the cost of construction,
25 acquisition, alteration, enlargement, furnishing, fixturing
26 and equipping, reconstruction and rehabilitation of a
27 convention center project.

28 (2) An item listed under paragraph (1) shall include the
29 cost of:

30 (i) all lands, structures, real or personal

1 property, rights, rights-of-way, roads, franchises,
2 easements and interests acquired or used for or in
3 connection with a project;

4 (ii) demolishing or removing buildings or structures
5 on land acquired, including the cost of acquiring lands
6 to which the buildings or structures may be moved or
7 located;

8 (iii) all utility lines;

9 (iv) structures or equipment;

10 (v) charges and interest prior to, during and after
11 completion of construction and acquisition;

12 (vi) provisions for reserves for principal and
13 interest and for extensions, enlargements, additions and
14 improvements;

15 (vii) architectural, engineering, financial and
16 legal services;

17 (viii) plans, specifications, studies, surveys,
18 estimates of cost and revenues;

19 (ix) expenses necessary or incident to determining
20 the feasibility or practicability of constructing the
21 project;

22 (x) other capital cost or expense as may be
23 necessary or incident to the construction, development
24 and acquisition of the project; and

25 (xi) the financing of construction, development and
26 acquisition and the placing of the project in operation,
27 including, without limitation, a proper allowance for
28 contingencies and the provision of reasonable initial
29 working capital for operating the project.

30 "County." A county of the third class or a county which was

1 a county of the third class at the time the county took action
2 to create an authority under this subchapter.

3 "Obligee." A bondholder or a trustee for a bondholder party
4 to a contract with the authority.

5 "Political subdivision." A governmental body other than
6 State public body or a Federal agency. The term includes a
7 county, city, borough, township, school district, municipal
8 authority, transit authority, parking authority or other
9 authority of any type.

10 "Project." A site, building, structure, equipment,
11 furnishing and other facilities or undertaking in respect of a
12 convention center facility which the authority may acquire,
13 construct, improve, install, maintain or operate under the
14 provisions of this subchapter.

15 "State public body." The Commonwealth and its executive,
16 administrative and independent agencies, departments, officers,
17 boards, authorities, commissions and instrumentalities.

18 "Substantial completion." Construction that is sufficiently
19 completed in accordance with contract documents and certified by
20 the convention center authority's architect or engineer, as
21 modified by change orders so that any project being constructed
22 by the convention center authority can be used, occupied or
23 operated for its intended use. In no event shall a project be
24 certified as substantially complete until at least 90% of the
25 work on the project area is completed.

26 § 17334. Authority creation.

27 (a) General rule.--The following shall apply:

28 (1) The governing bodies of a third class county and the
29 political subdivision constituting the county seat or the
30 county acting alone may create a body corporate and politic

1 to be named the County Convention Center Authority to
2 be created as a public authority and government
3 instrumentality to have continuing succession until its
4 existence shall be terminated by law.

5 (2) If any part of the convention center facilities
6 constructed by an authority created under this subchapter
7 shall be located within the jurisdictional limits of the
8 county seat of the county, the authority shall be a joint
9 authority of the county and the county seat. If the
10 convention center facilities of an authority are located
11 entirely outside the jurisdictional limits of the county seat
12 of the county, the authority may be created solely by the
13 county.

14 (3) The exercise by the authority of the powers
15 conferred by this subchapter is declared to be an essential
16 public function.

17 (b) Adoption.--An authority shall be created by an
18 ordinance, or equivalent enactment, adopted by the county or,
19 for a joint authority, ordinances, or equivalent enactments,
20 adopted by the county and the county seat providing that an
21 authority is created under this subchapter and specifying the
22 articles of incorporation of the authority. The articles of
23 incorporation shall be filed by the county with the Secretary of
24 the Commonwealth, who shall issue a certificate of incorporation
25 to the authority. The authority shall be deemed to come into
26 existence on the later of the following dates:

27 (1) the date on which the ordinance is enacted, or, for
28 a joint authority, on the date that the second ordinance is
29 enacted; or

30 (2) a later date as may be specified in the articles of

1 incorporation.

2 (c) Amendment.--Articles of incorporation of an authority
3 may only be amended in the manner specified above for the
4 adoption of articles of incorporation and may not:

- 5 (1) impair the rights or security of any creditors of
6 the authority or any party contracting with the authority; or
7 (2) be inconsistent with the provisions of this
8 subchapter.

9 § 17335. Purpose and powers of authorities.

10 (a) Purposes.--An authority created under this subchapter
11 shall be a public body, corporate and politic, exercising public
12 powers of the Commonwealth as an agency and instrumentality and
13 shall be for the purpose by itself or by agreement in
14 cooperation with others, of acquiring, holding, developing,
15 designing, constructing, improving, maintaining, managing,
16 operating, financing, furnishing, fixturing, equipping,
17 repairing, leasing or subleasing, either in the capacity of
18 lessor or lessee or sublessor or sublessee, and owning
19 convention centers or parts of convention centers. The
20 convention centers shall not be required to comprise a single,
21 integrated complex but may be located at one or more locations
22 within the county and may function independently of one another.

23 (b) Powers.--The authority is granted all powers necessary
24 or convenient for carrying out the purposes in subsection (a),
25 including, without limiting the generality of the foregoing, the
26 right and power to:

27 (1) Have continuing succession.

28 (2) Sue and be sued, implead and be impleaded, complain
29 and defend in all courts.

30 (3) Adopt, use and alter at will a corporate seal.

1 (4) Acquire by gift or otherwise, purchase, hold,
2 receive, lease, sublease and use a license, franchise or
3 property, real, personal or mixed, tangible or intangible, or
4 any interest therein, including convention center facilities,
5 or parts thereof, and to assume any obligations associated
6 therewith, including leases, concession agreements,
7 indebtedness and other contractual obligations which the
8 authority deems necessary to accomplish the purpose of this
9 subchapter.

10 (5) Sell, transfer or dispose of property or an interest
11 in the property with adequate and fair consideration.

12 (6) Acquire, hold, develop, design, construct, improve,
13 maintain, manage, operate, furnish, fixture, equip, repair,
14 own, lease or sublease convention centers, or parts of
15 convention centers, and to make, enter into and award
16 contracts with any person, association, partnership or
17 corporation for the development, design, financing,
18 construction, improvement, maintenance, operation,
19 management, furnishing, fixturing, equipping and repair of
20 convention centers or parts of convention centers.

21 (7) Make bylaws for the management and regulation of
22 authority affairs and issue rules, regulations and policies
23 in connection with the performance of its functions and
24 duties.

25 (8) Appoint officers, agents, employees and servants, to
26 prescribe their duties and to fix compensation.

27 (9) Fix, alter, charge and collect rentals, admissions,
28 license fees and other charges.

29 (10) Do the following:

30 (i) Borrow money for the purpose of paying the costs

1 of a project and to evidence the same.

2 (ii) Make and issue negotiable bonds of the
3 authority.

4 (iii) Secure payment of the bonds or any part of a
5 bond, by pledge or deed of trust of authority revenues,
6 including any hotel room rental tax, rentals, receipts
7 and contract rights.

8 (iv) Make agreements with the purchasers or holders
9 of the bonds or with other obligees of the authority in
10 connection with the bonds, whether issued or to be
11 issued, as the authority shall deem advisable, which
12 agreements shall constitute contracts with the holders or
13 purchasers.

14 (v) Obtain credit enhancement or liquidity
15 facilities in connection with the bonds as the authority
16 determines advantageous.

17 (vi) In general, provide for the security of the
18 bonds and the rights of the bondholders.

19 (11) Make, enter into and award contracts and to execute
20 all instruments necessary or convenient for the carrying out
21 of its business.

22 (12) Borrow money and accept grants and to enter into
23 contracts, leases, subleases, licenses or other transactions
24 with a Federal agency, State public body, political
25 subdivision, person, association, partnership or corporation.

26 (13) Pledge, hypothecate or otherwise encumber authority
27 property, real, personal or mixed, tangible or intangible,
28 and its revenues or receipts, including interest the
29 authority may have in a lease or sublease of convention
30 centers or parts of convention centers.

1 (14) Procure insurance containing coverages, including,
2 insurance covering the timely payment in full of principal of
3 and interest on bonds of the authority, in amounts and from
4 insurers as the authority determines necessary or desirable.

5 (15) Invest authority money.

6 (16) Cooperate with a Federal agency, State public body
7 or political subdivision.

8 (17) Invest money held in reserve or sinking funds or
9 money not required for immediate disbursements as authorized
10 by section 17343(d) (relating to money of authority).

11 (18) Appoint all officers, agents and employees required
12 for the performance of its duties and compensation and retain
13 or employ other agents or consultants, including architects,
14 auditors, engineers, private legal counsel and private
15 consultants, on a contract basis or otherwise for rendering
16 professional or technical services and advice.

17 (19) Enroll authority employees in an existing
18 retirement system of the State, county, city or other
19 governmental entity.

20 (20) Appoint and fix the compensation of chief counsel
21 and assistant counsel to provide the authority with legal
22 assistance, and the authority, through counsel, shall defend
23 actions brought against the authority and authority officers
24 and employees if acting within the scope of official duties.

25 (21) Maintain an office in the county seat.

26 (22) Appoint an executive director, who shall:

27 (i) be the chief executive officer of the authority;

28 (ii) devote his or her full time during business
29 hours to the duties of the office; and

30 (iii) receive compensation as the board shall

1 determine.

2 (23) Make grants to the county in accordance with the
3 provisions of subsection (e).

4 (24) Do all acts and things necessary or convenient for
5 the promotion of its purposes and the general welfare of the
6 authority and to carry out the powers granted to the
7 authority by this subchapter or any other act.

8 (c) Prohibitions.--The following apply:

9 (1) The authority shall have no power to pledge the
10 credit or taxing powers of a State public body, a political
11 subdivision or the county, nor shall authority obligations be
12 deemed obligations of any State public body, a political
13 subdivision or the county and a State public body, a
14 political subdivision or the county shall not be liable for
15 the payment of principal or interest on such obligations.

16 (2) The authority shall have no power of eminent domain.

17 (d) Affirmative action plan.--The authority shall develop
18 and implement an affirmative action plan to assure that all
19 individuals are accorded equality of opportunity in employment
20 and contracting by the authority and authority contractors,
21 subcontractors, assignees, lessees, agents, vendors and
22 suppliers.

23 (e) Grants.--The following apply:

24 (1) The authority shall have the power to make grants to
25 the county for the financial support of regional assets
26 located within the county. Grants made under this subsection
27 shall be included in the capital budget adopted by the
28 authority under section 17336(a) (relating to capital and
29 operating budgets) and may only be made if the authority
30 finds, by resolution adopted by a majority vote of authority

1 members, that the making of such grants shall not adversely
2 affect the short-term or long-term capital, operational or
3 financial needs of the authority or otherwise impair the
4 ability of the authority to meet any contractual or legal
5 obligations of the authority, including obligations owed to
6 bondholders issued by the authority. Grants made under the
7 authority of this paragraph:

8 (i) may not obligate money of the authority beyond a
9 single fiscal year of the authority;

10 (ii) shall be payable to the county in a single lump
11 sum or in installments during the fiscal year in
12 question, as determined by the authority; and

13 (iii) may be rescinded or reduced by the authority
14 if the authority, prior to payment of the grant,
15 determines that the current or projected financial needs
16 of the authority require reduction or rescission of the
17 grant.

18 (2) Grants received by the county from the authority
19 under paragraph (1) shall be deposited into a segregated
20 account identified as the regional asset fund. The regional
21 asset fund shall be used by the county solely for the purpose
22 of making grants of financial support to regional assets
23 located within the county in accordance with and subject to
24 the limitations of this subsection. Money deposited into the
25 regional asset fund shall be invested only in those types of
26 investments in which a county of the third class may invest
27 general money of the county under applicable law. Earnings on
28 the investments shall become a part of the regional asset
29 fund and may not be used for purposes other than those
30 permitted under this subsection. The county shall not be

1 required to disburse all of the money in the regional asset
2 fund during a particular fiscal year but may accumulate money
3 within the regional asset fund if the county determines that
4 the accumulation of the money, in whole or in part, is
5 appropriate for the effective and efficient long-term funding
6 of regional assets.

7 (3) The county shall have the authority to make grants
8 of financial support for regional assets from the regional
9 asset fund established under paragraph (2). Grants made by
10 the county from the regional asset fund shall be subject to
11 all of the following terms, conditions and limitations:

12 (i) grants may only be made to:

13 (A) political subdivisions located within the
14 county; and

15 (B) organizations which have been determined by
16 the Internal Revenue Service to be organizations
17 described in section 501(c)(3) of the Internal
18 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
19 501(c)(3)) or any successor provision of law;

20 (ii) grants may only be made for the purpose of
21 supporting a specific regional asset located within the
22 county and which is owned by the grantee or for which the
23 grantee has operational and financial responsibility;

24 (iii) grants may only be made pursuant to written
25 grant agreements and executed by authorized officers of
26 the county and the grantee, specifying the terms and
27 conditions of the grant;

28 (iv) the grant agreement shall describe, with
29 specificity, the purpose for which the grant is being
30 made;

1 (v) the grant agreement shall set forth other terms
2 and conditions as the county may prescribe, including
3 requirements with respect to matching funds and continued
4 financial support of the grantee for the regional asset
5 with respect to which the grant is being made; and

6 (vi) no grant may obligate money from the regional
7 asset fund beyond a single 12-month period.

8 (4) For purposes of this subsection, the term "regional
9 asset" means a civic, recreational, sports or cultural
10 facility, including zoos, museums and performing arts
11 facilities, function or activity which is owned or provided
12 by a political subdivision or section 501(c)(3) of the
13 Internal Revenue Code of 1986 organization, or with respect
14 to which a political subdivision or section 501(c)(3) of the
15 Internal Revenue Code of 1986 organization has operational
16 and financial responsibility. Notwithstanding the foregoing,
17 the following may not be considered regional assets:

18 (i) a health care facility;

19 (ii) an institution which predominantly provides
20 elementary, secondary or higher education or other
21 training;

22 (iii) a Federal or State park;

23 (iv) an airport or public transportation system or
24 facility;

25 (v) a library;

26 (vi) a paid or volunteer public safety organization
27 and facility;

28 (vii) an authority created under this subchapter,
29 and any facilities owned or operated by such an
30 authority; or

1 (viii) an asset which fails to serve a significant
2 number of individuals who are not residents of the city,
3 borough or township within which the asset is located.

4 (5) The county shall have the authority to prescribe
5 reasonable rules, regulations and procedures for:

6 (i) the administration of the regional asset fund
7 and the segregated account in which the regional asset
8 fund is deposited;

9 (ii) the making of grants from the regional asset
10 fund; and

11 (iii) the administration of grants made from the
12 regional asset money.

13 (f) Naming or designation revenue.--Net revenues received
14 from the sale of rights for the naming or designation of a
15 convention center or part of a convention center shall be
16 allocated as follows:

17 (1) Fifty percent of revenues shall be distributed to
18 the county for deposit into a segregated account identified
19 as the regional asset fund, to be utilized as provided in
20 subsection (e) (3).

21 (2) Fifty percent of revenues shall be retained by the
22 convention center authority established under this
23 subchapter.

24 (g) Application.--Subsection (f) may not apply to a sale of
25 rights occurring prior to the enactment of this subchapter.
26 Revenues from the sale of naming rights for items of a de
27 minimis nature, including the sale of plaques, individualized
28 bricks or furniture, may not be subject to allocation under this
29 section.

30 § 17336. Capital and operating budgets.

1 (a) Capital budget.--At least 90 days before the commencing
2 of the ensuing fiscal year of the authority, a recommended
3 capital budget shall be prepared and submitted to the board. The
4 capital budget shall show in detail the capital expenditures to
5 be made or incurred in the next fiscal year which are to be
6 financed from money subject to control or appropriation by the
7 board. For each separate purpose, project, facility or other
8 property, the amount and the source of the money that has been
9 spent, encumbered or is intended to be spent or encumbered
10 during the fiscal year shall be shown. No later than the date of
11 the adoption of the annual operating budget, the board shall by
12 a majority vote of its members adopt a capital budget.

13 (b) Operating budget.--At least 90 days before the
14 commencing of the ensuing fiscal year of the authority, a
15 recommended operating budget shall be prepared and submitted to
16 the board. The operating budget shall be prepared with the aid
17 of the governing bodies of the county and county seat. In the
18 event that the operating budget is not in form and detail
19 satisfactory to the governing body, the governing body may
20 require that the operating budget be redrafted and resubmitted,
21 and the governing body shall not be considered to be in receipt
22 of the operating budget or any amendments unless the form and
23 detail is to the governing body's satisfaction. The operating
24 budget shall set forth the estimated receipts and revenues of
25 the authority during the next fiscal year. The board shall, at
26 least 30 days before the end of the fiscal year, adopt by a
27 majority vote of its members an operating budget for the next
28 fiscal year.

29 § 17337. Authority to issue bonds.

30 (a) Bonds generally.--The bonds of an authority created

1 under this subchapter and authorized to be issued:

2 (1) Shall be authorized by resolution of the board of
3 the authority and shall be of a series, bear a date, mature
4 at a time not exceeding 40 years from the respective date,
5 bear interest at a rate as shall be determined by the board
6 as necessary to issue and sell the authorized bonds, be in
7 denominations, be in a form, either coupon or fully
8 registered without coupons, carry registration,
9 exchangeability and interchangeability privileges, be payable
10 in a medium of payment and at a place, be subject to terms of
11 redemption and be entitled to priorities in the revenues or
12 receipts of the authority as the resolution may provide.

13 (2) Shall be signed by or shall bear the facsimile
14 signatures of officers as the authority shall determine, and
15 coupon bonds shall have interest coupons bearing the
16 facsimile signature of the treasurer of the authority
17 attached to the bond, and all bonds shall be authenticated by
18 an authenticating agent, fiscal agent or trustee, as may be
19 prescribed in the resolution.

20 (3) May be issued and delivered regardless of whether
21 one or more of the officers who signed the bonds or the
22 treasurer who, by facsimile, signed the coupon are not
23 officers when the bonds are delivered.

24 (b) Sale.--The bonds may be sold at public sale or private
25 negotiated sale for a price or prices and at a rate of interest
26 as the authority determines. Pending the preparation of the
27 definitive bonds, interim receipts may be issued to the
28 purchaser or purchasers of the bonds and may contain terms and
29 conditions as the authority may determine.

30 (c) Negotiable instrument.--The bonds shall have the

1 qualities of negotiable instruments under 13 Pa.C.S. (relating
2 to commercial code).

3 (d) Proceeds.--The net proceeds of the issuance of bonds or
4 notes may be used to pay the costs of a project or to reimburse
5 costs initially paid by a State public body, the county, another
6 political subdivision, an agency, an organization or an
7 individual.

8 (e) Refund.--The following apply:

9 (1) Subject to the provisions of the outstanding bonds,
10 notes or other obligations and subject to the provisions of
11 this subchapter, the authority shall have the right and power
12 to refund outstanding debt, in whole or in part, at any time
13 and shall have the right and power to refund outstanding
14 notes with bonds or bonds with notes.

15 (2) As used in this subsection, the term "refund" means
16 the issuance and sale of obligations the proceeds of which
17 are used or are to be used for the payment or redemption of
18 outstanding obligations upon or prior to maturity.

19 § 17338. Provisions of bonds, trusts, indentures and mortgages.

20 In connection with the issuance of bonds or the incurring of
21 obligations under leases and in order to secure the payment of
22 such bonds and obligations, the authority, in addition to other
23 powers, shall have the power to:

24 (1) Pledge all or part of the gross or net revenues of
25 the authority to which its right exists or may thereafter
26 exist.

27 (2) Mortgage all or part of authority real or personal
28 property owned or acquired.

29 (3) Do the following:

30 (i) Covenant against pledging all or part of the

1 authority's revenues or against mortgaging all or part of
2 authority real or personal property to which the right or
3 title exists or may thereafter exist or against
4 permitting or suffering a lien on the revenues or
5 property.

6 (ii) Covenant with respect to limitations on the
7 authority's right to sell, lease or otherwise dispose of
8 real property.

9 (iii) Covenant as to what other or additional debts
10 or obligations may be incurred by it.

11 (4) Do the following:

12 (i) Covenant as to the bonds to be issued and as to
13 the issuance of the bonds, in escrow or otherwise, and as
14 to the use and disposition of the proceeds.

15 (ii) Provide for the replacement of lost, destroyed
16 or mutilated bonds.

17 (iii) Covenant against extending the time for the
18 payment of authority bonds or interest.

19 (iv) Redeem the bonds and to covenant for and
20 provide the terms and conditions for bond redemption.

21 (5) Do the following:

22 (i) Covenant as to the amount and the use and
23 disposition of revenues to be raised each year or other
24 period of time by the authority.

25 (ii) Create or authorize the creation of special
26 funds for debt service or other purposes.

27 (iii) Covenant as to the use and disposition of the
28 money held in funds under subparagraph (ii).

29 (6) Prescribe the procedure, if any, by which the terms
30 of a contract with bondholders may be amended or abrogated,

1 the amount of bonds, with the consent of the bondholders, and
2 the manner in which consent may be given.

3 (7) Do the following:

4 (i) Covenant as to the use of the authority's real
5 or personal property.

6 (ii) Warrant title of the property.

7 (iii) Covenant as to the maintenance and replacement
8 of its real and personal property, the insurance to be
9 carried on the property and the use and disposition of
10 insurance money.

11 (8) Do the following:

12 (i) Covenant as to the rights, liabilities, powers
13 and duties arising upon the breach by the authority of
14 any covenant, condition or obligation.

15 (ii) Covenant and prescribe in the event of default
16 as to terms and conditions upon which the authority's
17 bonds or obligations shall become or may be declared due
18 before maturity and as to the terms and conditions upon
19 which the declaration and the authority's consequences
20 may be waived.

21 (9) Do the following:

22 (i) Vest in a trustee or the bondholders the right
23 to enforce the payment of the bonds or any covenants
24 securing or relating to the bonds.

25 (ii) Vest in a trustee the right in the event of a
26 default by the authority to take possession and use,
27 operate and manage any real property and to collect the
28 rents and revenues arising from the property and to
29 dispose of the money in accordance with the agreement of
30 the authority with the trustee.

1 (iii) Provide for the powers and duties of a trustee
2 and to limit the trustee's liabilities.

3 (iv) Provide the terms and conditions upon which the
4 trustee or the bondholders may enforce covenants or
5 rights securing or relating to the bonds.

6 (10) Obtain letters of credit and bond insurance.

7 (11) Do the following:

8 (i) Exercise all or any part or combination of the
9 powers granted in this section.

10 (ii) Make covenants and perform acts necessary,
11 convenient or desirable to secure bonds or, in the
12 absolute discretion of the authority, to accomplish the
13 purposes of this subchapter by making the bonds more
14 marketable regardless of whether the covenants or acts
15 are specifically enumerated under this section.

16 § 17339. Remedies of obligee of authority.

17 An obligee of the authority shall have the right, in addition
18 to all other rights which may be conferred on the obligee,
19 subject only to any contractual restrictions binding upon the
20 obligee:

21 (1) By mandamus, suit, action or proceeding at law or in
22 equity, to compel the authority and authority members,
23 officers, agents or employees to perform each and every term,
24 provision and covenant contained in any bond or contract of
25 the authority with or for the benefit of the obligee and to
26 require the carrying out of covenants and agreements of the
27 authority and the fulfillment of all duties imposed upon the
28 authority by this subchapter.

29 (2) By proceeding in equity, to obtain an injunction
30 against any acts or things which may be unlawful or the

1 violation of any of the rights of the obligee.

2 § 17340. Additional remedies conferrable by authority.

3 (a) General rule.--The authority shall have power by
4 resolution, trust, indenture or mortgage to confer upon any
5 obligees holding or representing a specified percentage of bonds
6 the right, in addition to all rights that may otherwise be
7 conferred, upon the happening of an event of default as defined
8 in the resolution or instrument, by suit, action or proceeding
9 in a court of competent jurisdiction to:

10 (1) obtain the appointment of a receiver of any real
11 property or leasehold interest of the authority and of the
12 rents and profits from the property. If a receiver is
13 appointed, the receiver may enter and take possession of the
14 real property or any leasehold interest, operate the real
15 property or leasehold interest and collect and receive all
16 revenues or other income arising from the operation and shall
17 keep the money in a separate account and apply the same in
18 accordance with the obligations of the authority as the court
19 shall direct; or

20 (2) require the authority and its members to account as
21 if the authority and authority members were the trustees of
22 an express trust.

23 (b) Prohibition.--For the purpose of operating and
24 maintaining facilities of the authority, nothing in this
25 subchapter shall authorize a receiver appointed under this
26 subchapter to sell, assign, mortgage or otherwise dispose of
27 authority assets. It is the intention of this subchapter to
28 limit the powers of the receiver to the operation and
29 maintenance of the facilities of the authority as the court
30 directs, and the following apply:

1 (1) Receivers may not sell, assign, mortgage or
2 otherwise dispose of any assets of the authority.

3 (2) Bondholders, trustees and other obligees do not have
4 the right in any suit, action or proceeding, at law or in
5 equity, to compel a receiver to sell, assign, mortgage or
6 otherwise dispose of any assets of the authority.

7 (3) A court may not direct a receiver to sell, assign,
8 mortgage or otherwise dispose of any assets of the authority.

9 § 17341. Governing board.

10 (a) Composition.--The power of the authority shall be
11 exercised by a governing board composed of eleven members
12 appointed as follows:

13 (1) The mayor or, if there is no mayor, the governing
14 body of the municipality in which a convention center is
15 located shall appoint two members. Subject to subsection (b),
16 the terms of the first two members appointed shall be for a
17 two-year and four-year term, respectively. In all cases, the
18 beginning of the term shall be January 1 of the year of
19 appointment, subject to subsection (b).

20 (2) The county council or, if there is no county
21 council, the governing body of the county in which a
22 convention center is located shall appoint seven members.
23 Subject to subsection (b), the beginning of the term shall be
24 January 1 of the year of appointment. The terms of the first
25 seven members appointed shall be allocated as follows:

26 (i) One one-year term.

27 (ii) Two two-year terms.

28 (iii) Two three-year terms.

29 (iv) Two four-year terms.

30 (3) Two members shall be appointed by the Governor with

1 the advice and consent of a majority of the members of the
2 Senate.

3 (b) Terms.--Except as otherwise provided and subject to
4 subsection (a), members shall serve a four-year term from the
5 date of appointment and until their successors have been
6 appointed and qualified. If a vacancy occurs by 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.--The members of the board may not be
11 compensated for service on the board or for any other position
12 in which the members may serve the authority. The authority may
13 reimburse members for reasonable and necessary out-of-pocket
14 expenses incurred by members in carrying out the business of the
15 authority.

16 (d) Powers and duties.--

17 (1) The following shall apply:

18 (i) The members of the board shall select a
19 chairperson and other officers as the board determines
20 from among the members.

21 (ii) Except as otherwise provided, all actions of
22 the board shall be taken by a vote of at least six
23 members of the board, which shall constitute a majority
24 of the board, unless the bylaws of the authority provide
25 for a majority vote by a present quorum of not less than
26 six members in the absence of a full board.

27 (iii) The board shall have full authority to manage
28 the properties and business of the authority and to
29 prescribe, amend and repeal bylaws, rules and regulations
30 governing the manner in which the business of the

1 authority may be conducted and the powers granted to the
2 authority may be exercised and embodied. Notwithstanding
3 any other law, court decision, precedent or practice to
4 the contrary, no actions by or on behalf of the board
5 shall be taken by an officer of the board or the
6 authority except upon the approval or prior authorization
7 of the board.

8 (iv) As used in this subsection, the term "actions
9 by or on behalf of the board" means any action of the
10 board, including the hiring, appointment, removal,
11 transfer, promotion or demotion of any officers and
12 employees, the retention, use or remuneration of
13 advisors, counsel, auditors, architects, engineers or
14 consultants, the initiation of legal action, the making
15 of contracts, leases, agreements, bonds, notes or
16 covenants, the approval of requisitions, purchase orders,
17 investments and reinvestments, and the adoption,
18 amendment, revision or rescission of rules and
19 regulations, orders or other directives.

20 (2) The board shall appoint an executive director, who
21 shall act as the chief executive officer of the authority.
22 The executive director shall not be a member of the board.
23 Notwithstanding the provisions of paragraph (1), the board
24 may, by bylaw or by resolution, delegate to the executive
25 director the authority and power to carry out the day-to-day
26 operations of the authority and to exercise those powers
27 which are normal, customary and necessary to perform the
28 duties of a chief executive officer.

29 (3) The board may appoint an assistant and other
30 officers, including assistant secretaries and assistant

1 treasurers, as the board determines to be appropriate to
2 carry out the business of the authority. Assistant
3 secretaries and assistant treasurers may be members of the
4 board.

5 (4) The board may appoint one or more deputy executive
6 directors who, to the extent authorized by the board, may
7 exercise the duties and powers of the executive director in
8 the executive director's absence or incapacity or in the
9 event of a vacancy in the office of executive director.

10 (e) Liability.--Members of the board may not be held
11 personally liable for the bonds or other obligations of the
12 authority, and the rights of creditors shall be solely against
13 the authority. The authority shall defend board members, and the
14 authority shall indemnify and hold harmless board members,
15 whether currently serving as a member of the authority, against
16 and from personal liabilities, actions, causes of action and
17 claims made against them for actions performed within the scope
18 of board member duties.

19 § 17342. Sovereign immunity.

20 The following apply:

21 (1) An authority created under this subchapter and the
22 authority's officers, officials and employees shall have
23 sovereign and official immunity, as provided under 1 Pa.C.S.
24 § 2310 (relating to sovereign immunity reaffirmed; specific
25 waiver).

26 (2) An authority created under this subchapter and the
27 authority's officers, officials and employees shall remain
28 immune from suit except as provided by and subject to 42
29 Pa.C.S. §§ 8501 (relating to definitions), 8502 (relating to
30 enforcement proceedings), 8521 (relating to sovereign

1 immunity generally), 8522 (relating to exceptions to
2 sovereign immunity), 8523 (relating to venue and process),
3 8524 (relating to defenses), 8525 (relating to legal
4 assistance), 8526 (relating to counterclaim by the
5 Commonwealth), 8527 (relating to indemnity relating to inmate
6 health care) and 8528 (relating to limitations on damages).

7 (3) Notwithstanding 42 Pa.C.S. § 8525, the authority,
8 through the authority's counsel, shall defend actions brought
9 against the authority and the authority's officers and
10 employees when acting within the scope of the officers and
11 employees' official duties.

12 § 17343. Money of authority.

13 (a) Payment of money.--All money of the authority shall be
14 paid to the treasurer of the authority or other officer or
15 officers of the authority as the authority may designate.

16 (b) Duty of board.--The board shall invest authority money
17 consistent with sound business practice.

18 (c) Investment program.--The board shall provide for an
19 investment program subject to restrictions contained in this
20 subchapter, in any other applicable statute and in rules and
21 regulations adopted by the board.

22 (d) Authorized investments.--The following shall apply:

23 (1) Authorized types of investments for authority money
24 shall be:

25 (i) Direct obligations of or obligations guaranteed
26 by the United States.

27 (ii) A bond, debenture, note, participation
28 certificate or other similar obligation issued by any one
29 or combination of the following agencies:

30 (A) Government National Mortgage Corporation.

- 1 (B) Federal Land Banks.
- 2 (C) Federal Home Loan Banks.
- 3 (D) Federal Intermediate Credit Banks.
- 4 (E) Banks for Cooperatives.
- 5 (F) Tennessee Valley Authority.
- 6 (G) United States Postal Service.
- 7 (H) Farmers Home Administration.
- 8 (I) Student Loan Marketing Association.
- 9 (J) Export-Import Bank of the United States.

10 (iii) A bond, debenture, note, participation
11 certificate or other similar obligation issued by the
12 Federal National Mortgage Corporation to the extent the
13 obligations are guaranteed by the Government National
14 Mortgage Corporation or issued by another Federal agency
15 and backed by the full faith and credit of the United
16 States.

17 (iv) Deposits in interest-bearing time deposits,
18 demand deposits or certificates of deposit fully insured
19 by the Federal Deposit Insurance Corporation or its
20 successors or the Federal Savings and Loan Insurance
21 Corporation or its successors or fully secured by any of
22 the obligations described in this paragraph to the extent
23 not so insured.

24 (v) Repurchase agreements relating to, or investment
25 agreements secured by or providing for the acquisition of
26 and, if applicable, resale of, obligations described in
27 subparagraphs (i), (ii), (iii) and (iv) or obligations of
28 the Federal Home Loan Mortgage Corporation or the Federal
29 National Mortgage Association with:

- 30 (I) banks or trust companies, which may include

1 a banking entity or depository;

2 (II) brokers or broker-dealers registered under
3 the Securities Exchange Act of 1934 (48 Stat. 881, 15
4 U.S.C. §§ 78a-78jj) acceptable to the authority; or

5 (III) insurance companies rated A+ or better by
6 Best's and having a net capital and surplus of at
7 least \$25,000,000 or certificates of deposit with
8 banks or trust companies fully secured as to
9 principal and accrued interest by obligations
10 described in subparagraphs (i), (ii), (iii) and (iv)
11 deposited with or subject to the control of the
12 authority.

13 (vi) 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 (2) The description of authorized investments as set
18 forth in paragraph (1) (v) and (vi) shall be met only if the
19 agreements referenced provide for the repayment of the
20 principal amount invested at an amount not less than the
21 amount invested. If a security is required as set forth in
22 paragraph (1) (iv), (v) and (vi), the security shall be
23 deposited with the treasurer of the authority or be held by a
24 trustee or agent satisfactory to the authority. Money of the
25 authority shall be paid out on the warrant or other order of
26 the chairperson of the authority or of other individuals as
27 the authority may authorize to execute warrants or orders.

28 (e) Reports.--The following shall apply:

29 (1) An authority created under this subchapter shall
30 file an annual report with the Department of Community and

1 Economic Development and with the county and political
2 subdivision constituting the county seat, which shall make
3 provisions for the accounting of revenues and expenses.
4 Authority books, accounts and records shall be audited
5 annually in accordance with generally accepted auditing
6 standards by an independent auditor who shall be a certified
7 public accountant, and a copy of the audit report shall be
8 attached to and be made a part of the annual report. A
9 concise financial statement shall be published annually in a
10 newspaper of general circulation in the county in which the
11 authority is located.

12 (2) An authority created under this subchapter shall,
13 upon request by the county or the political subdivision
14 constituting the county seat, file a report with the
15 requesting entity listing the names of authority employees
16 and the amount of compensation received by each employee, the
17 names of authority independent contractors and the amount of
18 remuneration received by the employees and the names of any
19 providers of professional services and the value of the
20 contracts for professional services.

21 (f) Right of examination.--The Attorney General, Auditor
22 General, Secretary of the Budget, the chairperson and minority
23 chairperson of the Appropriations Committee of the Senate and
24 the chairperson and minority chairperson of the Appropriations
25 Committee of the House of Representatives shall have the right
26 to examine the books, accounts and records of the authority.

27 § 17344. Transfer of existing facilities or money and making of
28 annual grants and lease payments to authority.

29 (a) Transfer.--

30 (1) A State public body or political subdivision may

1 sell, lease or sublease from or to, lend, grant, convey or
2 otherwise transfer or pay over to the authority, with or
3 without consideration, a convention center or part of a
4 convention center, or an interest in property, real, personal
5 or mixed, tangible or intangible, or any money available,
6 needed or obligated for development, acquisition, design,
7 maintenance, management, operation, financing, leasing or
8 subleasing, construction or improvement purposes, including
9 the proceeds of bonds issued for construction or improvement
10 of a convention center or part of a convention center.

11 (2) Property, money, a convention center or part of a
12 convention center received by the authority may be used for
13 any lawful purpose of the authority. Nothing in this
14 subchapter or any other law shall be deemed to make an
15 authority or person a State-supported or State-aided
16 institution under the laws of this Commonwealth.

17 (b) Grants.--

18 (1) Subject to paragraph (2), the governing bodies of
19 the county and county seat may:

20 (i) Make grants from current revenues to the
21 authority.

22 (ii) Assist in defraying the costs of management,
23 operation, maintenance, financing and debt service of
24 convention center facilities, or parts of facilities.

25 (iii) Enter into long-term agreements providing for
26 the payment of the grants and assistance under
27 subparagraphs (i) and (ii).

28 (iv) Enter into long-term leases or subleases as
29 lessee or sublessee of convention centers or parts of
30 convention centers.

1 (2) Obligations of the county and county seat to make
2 grants, lease or sublease payments to an authority may not,
3 even if based on debt obligations of an authority, constitute
4 debts of the county and county seat within the meaning of any
5 constitutional or statutory provision and shall be payable
6 only to the extent that current revenues of the county and
7 county seat are available.

8 (3) The county and county seat may issue general
9 obligation bonds for the purpose of obtaining money for local
10 contributions pertaining to convention centers or parts of
11 convention centers.

12 (c) Bonds.--The Commonwealth may contribute to the capital
13 costs of constructing a convention center by the issuance of
14 Commonwealth bonds and notes under Chapter 3 of the act of
15 February 9, 1999 (P.L.1, No.1), known as the Capital Facilities
16 Debt Enabling Act. A convention center project undertaken by the
17 authority is deemed to be a redevelopment assistance project for
18 which capital money of the Commonwealth may be expended under
19 the act of May 20, 1949 (P.L.1633, No.493), known as the Housing
20 and Redevelopment Assistance Law, and, notwithstanding any
21 provisions of the Housing and Redevelopment Assistance Law, the
22 Department of Community and Economic Development may make
23 capital grants directly to the authority in furtherance of this
24 subchapter.

25 § 17345. Award of contracts.

26 (a) Bids.--

27 (1) All construction, reconstruction, repairs or work of
28 any nature made by the authority in which the entire cost,
29 value or amount exceed the adjusted base amount under
30 subsection 15101(a) for which bids are required for counties

1 shall be approved only under 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 that
17 exceed the adjusted base amount under subsection 15101(a) for
18 which bids are required for counties.

19 (d) Accepted bid.--The authority shall accept the lowest bid
20 from a responsible bidder when kind, quality and material is
21 equal, and the following apply:

22 (1) The authority shall have the right to reject any bid
23 or select a single item from a bid.

24 (2) This subsection shall not apply to the purchase of
25 unique supplies and materials or supplies and materials which
26 cannot be obtained in the open market.

27 (e) Convention center facilities.--The board, upon the
28 approval of six members, may negotiate contracts for management,
29 operation, concession services, licensing or leasing of
30 convention center facilities, or any part. The authority shall

1 not award a contract to a manager, operator, concessionaire,
2 licensee, lessee or lessor that exceeds three years in duration
3 unless six members of the board approve the awarding of a
4 contract for a greater period of time. The authority and the
5 authority's contractors, subcontractors, assignees, lessees,
6 agents, vendors and suppliers shall not be subject to county or
7 county seat laws, ordinances, rules or regulations relating to
8 limits or preferences with regard to employment, contracting or
9 procurement in the construction and operation of convention
10 center facilities.

11 (f) Governing law.--The authority shall be subject to the
12 act of August 15, 1961 (P.L.987, No.442), known as the
13 Pennsylvania Prevailing Wage Act, the act of March 3, 1978
14 (P.L.6, No.3), known as the Steel Products Procurement Act, and
15 62 Pa.C.S. Ch. 37 Subch. B (relating to motor vehicles).

16 (g) 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 "Advertisement or public notice." A notice published at
20 least 10 days before the award of a contract in a newspaper of
21 general circulation published in the county. The notice may be
22 waived if the authority determines an emergency exists and
23 supplies and materials must be immediately purchased by the
24 authority.

25 § 17346. Interests of public officers, public employees and
26 party officers.

27 (a) Employment.--Party officers, public officers, public
28 officials, public employees or individuals convicted of an
29 infamous crime may not be employed as a management-level
30 authority employee.

1 (b) Public employees.--The act of July 19, 1957 (P.L.1017,
2 No.451), known as the State Adverse Interest Act, and 65 Pa.C.S.
3 Ch. 11 (relating to ethics standards and financial disclosure)
4 apply to board members, officers and employees of the authority
5 and the following apply:

6 (1) For the purposes of application of these acts and
7 regardless of compensation, the employees of the authority
8 shall be regarded as public employees and officers or board
9 members of the authority shall be regarded as public
10 officials.

11 (2) The authority shall be subject to the act of
12 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know
13 Law, and to 65 Pa.C.S. Ch. 7 (relating to open meetings).

14 (c) Prohibitions.--Notwithstanding subsection (c), the
15 following prohibitions shall apply to the authority created
16 under this subchapter:

17 (1) A management-level employee or other employee of the
18 authority may not use the employee's position or confidential
19 information received through the employee's position to
20 obtain financial gain other than compensation provided by law
21 for the employee, a member of the employee's immediate family
22 or a personal business.

23 (2) A management-level employee or other employee of the
24 board or a member of the employee's immediate family or a
25 personal business may not solicit or accept anything of
26 value, including a gift, loan, political contribution, reward
27 or promise of future employment, based on an understanding
28 that the vote, official action or judgment of the employee
29 would be influenced.

30 (3) A management-level employee or other employee of the

1 board or a member of the employee's immediate family or a
2 business in which the person or a member of the person's
3 immediate family is a director, officer, owner or holder of
4 stock exceeding 5% of the equity at fair market value of the
5 business may not enter into a contract valued at \$500 or more
6 to provide goods or services to the authority unless the
7 contract has been awarded to the lowest responsible bidder
8 through an open and public process, including prior public
9 notice and subsequent public disclosure of all proposals
10 considered and contracts awarded.

11 (4) A former management-level employee or other former
12 employee of the board may not represent a person, with or
13 without compensation, on any matter before the authority with
14 which a former management-level employee or other former
15 employee of the board has been associated for one year after
16 separation from the authority.

17 (5) (i) An individual who is a State, county seat or
18 county public officer or public official or party officer
19 or a member of the individual's immediate family or the
20 individual's personal business may not have a financial
21 interest in a contract valued at \$500 or more to provide
22 goods or services to the authority either during the time
23 the individual holds the office or for two years after
24 termination unless the contract is executed under
25 paragraph (3).

26 (ii) For purposes of this paragraph, the term
27 "financial interest" does not include employment by,
28 association with or ownership of a business association
29 unless the public officer, public official, party officer
30 or immediate family member owns shares of stock in the

1 corporation or has an ownership interest in a
2 noncorporate business association in an amount in excess
3 of 5% of the total ownership of the noncorporate business
4 association.

5 (6) A management-level employee, other employee of the
6 board, an advisor or consultant to the county seat, the
7 county or the State, having recommended to the authority
8 either making a contract relating to a convention center
9 authority or a course of action of which the making of the
10 contract is an express or implied part, may not, at any time
11 after making the recommendation, possess an adverse interest
12 in the contract.

13 (7) A management-level employee or other employee may
14 not have an adverse interest in a contract with an authority.
15 The following shall apply:

16 (i) A management-level employee or other employee of
17 the authority, the county seat, the county or the state
18 may not influence or attempt to influence the making of
19 or supervise or in any manner deal with a contract with
20 the authority in which the employee has an adverse
21 interest.

22 (ii) A person having an adverse interest in a
23 contract with the authority may not become a management-
24 level employee or other employee of the authority until
25 the adverse interest has been wholly divested.

26 (8) A management-level employee or other employee of the
27 authority, the county seat, the county or the State, except
28 in the performance of his duties as an employee, may not for
29 remuneration, directly or indirectly, represent a person in a
30 matter pending before the authority.

1 (d) Penalties.--An individual who violates this section
2 shall have the individual's employment by the authority
3 immediately terminated by the appropriate person having the
4 power to terminate and shall be liable to the authority to
5 reimburse the authority for all compensation received by the
6 employee from the authority while employed in violation of
7 subsection (b). The following shall apply:

8 (1) An individual who violates subsection (c)(1) or (2)
9 commits a felony and, upon conviction, shall be sentenced to
10 pay a fine of not more than \$10,000 or to imprisonment for
11 not more than five years, or both.

12 (2) An individual who violates subsection (c)(3), (4),
13 (5), (6), (7) or (8) commits a misdemeanor and, upon
14 conviction, shall be sentenced to pay a fine of not more than
15 \$1,000 or to imprisonment for not more than one year, or
16 both.

17 (3) An individual who obtains financial gain from
18 violating subsection (c), in addition to any other penalty
19 provided by law, shall pay into the accounts of the authority
20 a sum of money equal to three times the financial gain
21 resulting from the violation.

22 (4) An individual who violates subsection (c) shall be
23 barred for a period of five years from engaging in any
24 business or contract with the authority, the county seat, the
25 county, the State and all political subdivisions.

26 (5) An employee of the county seat, county, State or any
27 political subdivision or a public officer or public official
28 who violates subsection (c) shall automatically forfeit the
29 office or employment.

30 (6) The penalties and sanctions under this section shall

1 supersede any similar penalties and sanctions provided by 65
2 Pa.C.S. Ch. 11 and the State Adverse Interest Act.

3 (e) Definitions.--The following words and phrases shall have
4 the meanings given to them in this section unless the context
5 clearly indicates otherwise:

6 "Business." A corporation, partnership, sole proprietorship,
7 firm, enterprise, franchise, association, organization, self-
8 employed individual, holding company, joint-stock company,
9 receivership, trust or any legal entity organized for profit or
10 as a not-for-profit corporation or organization.

11 "Immediate family." A parent, spouse, child, brother, sister
12 or like relative-in-law.

13 "Infamous crime." A violation and conviction for an offense
14 which would disqualify an individual from holding public office
15 under section 6 of Article II of the Constitution of
16 Pennsylvania or a conviction for a violation of this section, 18
17 Pa.C.S. § 4113 (relating to misapplication of entrusted property
18 and property of government or financial institutions) or 18
19 Pa.C.S. Ch. 47 (relating to bribery and corrupt influence), 49
20 (relating to falsification and intimidation), 51 (relating to
21 obstructing governmental operations) or 53 (relating to abuse of
22 office) or any other violation of the laws of this Commonwealth
23 for which an individual has been convicted within the preceding
24 10 years and which is classified as a felony, and similar
25 violations of the laws of the Federal Government or another
26 state.

27 "Management-level authority employee." The chairperson and
28 members of the board of the authority, counsel employed by the
29 authority, the executive director of the authority and any
30 authority employee with discretionary powers which may affect

1 the outcome of the authority's decision in relation to a private
2 corporation or business or any employee who by virtue of the
3 employee's job function could influence the outcome of the
4 decision.

5 "Party officer." The following members or officers of a
6 political party:

7 (1) a member of a national committee;

8 (2) a chairperson, vice chairperson, secretary,
9 treasurer or counsel of a State committee or member of the
10 executive committee of a State committee;

11 (3) a city chairperson or vice chairperson or counsel,
12 secretary or treasurer of a city committee; or

13 (4) a county chairperson or vice chairperson or counsel,
14 secretary or treasurer of a county committee.

15 "Person." A business, individual, corporation, union,
16 association, firm, partnership, committee, club or other
17 organization or group of persons.

18 "Public employee."

19 (1) An individual employed by the Commonwealth or a
20 political subdivision who is responsible for taking or
21 recommending official action of a nonministerial nature with
22 regard to:

23 (i) contracting or procurement;

24 (ii) administering or monitoring grants or
25 subsidies;

26 (iii) planning or zoning;

27 (iv) inspecting, licensing, regulating or auditing
28 any person; or

29 (v) any official action which has an economic impact
30 of greater than a de minimis nature on the interest of

1 any person.

2 (2) The term does not include individuals who are
3 independent contractors or persons that are employed by the
4 state or a political subdivision in teaching, as
5 distinguished from administrative duties.

6 "Public officer." An individual elected to any public office
7 of the Commonwealth or a political subdivision.

8 "Public official."

9 (1) An elected or appointed official in the executive,
10 legislative or judicial branch of the State or a political
11 subdivision.

12 (2) The term does not include members of advisory boards
13 that have no authority to expend public money other than
14 reimbursement for personal expenses or to otherwise exercise
15 the power of the State or a political subdivision.

16 (3) The term does not include an appointed official who
17 receives no compensation other than reimbursement for actual
18 expenses.

19 § 17347. Use and operation of convention center facilities.

20 (a) General rule.--The use and operation of a convention
21 center and the operation of the business of the authority shall
22 be subject to the rules and regulations adopted by the
23 authority.

24 (b) Limitation.--The authority may not impair the security
25 of the obligees of the authority, violate any agreements with
26 the obligees or for the obligee's benefit or violate any
27 contracts, leases or other agreements awarded, made or entered
28 into by the authority.

29 § 17348. Limitation of powers.

30 (a) Bonds.--The Commonwealth pledges to and agrees with any:

1 (1) person, county, county seat, political subdivision
2 or Federal agency subscribing to or acquiring the bonds to be
3 issued by the authority for the construction or improvement
4 of a convention center that the Commonwealth will not limit
5 or alter the rights vested in the authority under law in any
6 manner inconsistent with the obligations to the bondholders
7 until all bonds issued, together with the interest, are fully
8 paid and discharged; and

9 (2) Federal agency that in the event that a Federal
10 agency shall construct or contribute money for the
11 construction or improvement of a convention center that the
12 Commonwealth shall not alter or limit the rights and powers
13 of the authority in any manner which would be inconsistent
14 with the due performance of any agreements between the
15 authority and the Federal agency.

16 (b) Leases.--The Commonwealth pledges to and agrees with any
17 person that, as owner, leases or subleases a convention center
18 to or from an authority created pursuant to this subdivision
19 that the Commonwealth will not limit or alter the rights and
20 powers vested in the authority or otherwise created by this
21 subdivision in any manner which impairs the obligations of the
22 authority until all obligations of the authority under the lease
23 or sublease are fully met and discharged.

24 § 17349. Exemption from taxation.

25 (a) Purpose of exemption.--The authorized purposes of
26 authorities created under this subdivision shall in all respects
27 be for the benefit of the residents of this Commonwealth, for
28 the increase of commerce and prosperity and for the improvement
29 of health and living conditions.

30 (b) Authority exempt.--An authority, as public

1 instrumentality of the Commonwealth and performing essential
2 governmental functions in effectuating these purposes, is exempt
3 from the payment of any taxes or assessments upon a convention
4 center or a part of a convention center, or property acquired or
5 used or permitted to be used by a convention center for these
6 purposes.

7 (c) Bonds exempt.--Bonds issued by an authority, transfer of
8 the bonds and the income from the bonds, including any profits
9 made on the sale of the bonds, shall be exempt from State and
10 local taxation within this Commonwealth.

11 (d) Limitation--The exemptions under subsections (b) and (c)
12 shall not extend to gift, estate, succession or inheritance
13 taxes or any other taxes not levied directly on the bonds, the
14 transfer or the income of bonds from or the realization of
15 profits on the sale of the bonds.

16 § 17350. Lease by authorities.

17 A convention center may be leased or subleased by the
18 authority to and from the county or county seat, and the county
19 or county seat is empowered to enter into leases, subleases, or
20 both, for this purpose. A lease or sublease may be made for a
21 specified or unlimited time and on any terms and conditions
22 approved by the county or county seat and agreed to by the
23 authority in conformity with its contracts with the bondholders.

24 § 17351. Cooperation.

25 (a) Rights given authority.--For the purpose of aiding and
26 cooperating with the authority and in the planning, acquisition,
27 clearance, relocation, development, design, construction,
28 rehabilitation, leasing, subleasing, alteration, expansion,
29 financing, improvement, management or operation of a convention
30 center, any public body or political subdivision of the

1 Commonwealth or the county or county seat may, with or without
2 consideration:

3 (1) Dedicate, sell, convey, lease or otherwise transfer
4 property or any interest, real, personal or mixed, tangible
5 or intangible, to the authority.

6 (2) Cause parking, recreational or community facilities
7 or any other works, which the political body or political
8 subdivision is otherwise empowered to undertake, to be
9 furnished in or adjacent to any area selected for a
10 convention center or part of a convention center.

11 (3) Furnish, dedicate, close, pave, install, grade,
12 regrade, plan or replan streets, roads, roadways, alleys,
13 sidewalks or other places which the political body or
14 political subdivision is empowered to act.

15 (4) Enter into agreements, extending over any period,
16 with the Federal Government or the authority with respect to
17 action by a State public body pursuant to the powers granted
18 by this section.

19 (5) Incur the entire expense in connection with public
20 improvements made by a State public body, political
21 subdivision, county or the county seat, in exercising the
22 powers granted under this section.

23 (6) Aid and cooperate in the development, acquisition,
24 design, construction, improvement, maintenance, management,
25 operation, furnishing, fixturing, equipping, repairing,
26 financing, owning, leasing and subleasing of a convention
27 center or part of a convention center.

28 (b) Power of Secretary of General Services.--The Secretary
29 of General Services is authorized, with the approval of the
30 Governor and Attorney General, to execute and deliver, on behalf

1 of the Commonwealth, conveyances, deeds and leases authorized
2 under this subchapter.

3 (c) Payments.--

4 (1) In connection with a convention center, the county
5 or county seat may contract with the authority or the Federal
6 Government with respect to sums which the Federal Government
7 or the authority may agree to pay during any year or period
8 of years to the county or county seat for the improvements,
9 services and facilities to be provided by the county or
10 county seat for the benefit of the authority, convention
11 center facility or the persons occupying the area.

12 (2) The absence of a contract for payments under
13 paragraph (1) does not relieve the county or county seat from
14 the duty to furnish for the benefit of the authority,
15 convention center or the persons occupying the area,
16 customary improvements and services and facilities as the
17 county or county seat usually furnish without a service fee.

18 (d) Agency.--The Commonwealth, county or county seat may, by
19 written agreement, designate the authority as an agent within
20 the authority's field of operation to perform any specified
21 activity or to administer any specified program which the
22 Commonwealth, county or county seat is authorized by law to do
23 if these activities or programs are in furtherance of the public
24 purposes specified in this subchapter. Activities include
25 development, acquisition, design, construction, improvement,
26 maintenance, leasing, management or operation of a convention
27 center or part of a convention center.

28 (e) Supplemental powers.--Powers granted under this section
29 shall be in addition and supplemental to the powers conferred by
30 any other law.

1 § 17352. Hotel room rental tax.

2 (a) Imposition.--The county in which the authority's
3 convention centers are located or will be located may impose an
4 excise tax on the consideration received by each operator of a
5 hotel within the market area from each transaction of renting a
6 room or rooms to accommodate transients.

7 (b) Collection.--The tax shall be collected by the operator
8 from the patron of the room and paid over to the county and
9 shall be known as the Hotel Room Rental Tax.

10 (c) Rate.--The rate of tax imposed under this section by the
11 county in which the authority's convention centers are located
12 may not exceed 7%.

13 (d) Distribution of revenue.--Subject to the deduction of
14 the administrative fee authorized by subsection (o), the
15 revenues shall be distributed as follows:

16 (1) The revenues from the special funds required under
17 subsection (e) attributable to the levy of the first 5% of
18 the tax shall be distributed as follows:

19 (i) Eighty percent shall be deposited within two
20 working days into the special fund required under
21 subsection (e) for the use of the authority.

22 (ii) Twenty percent shall be deposited within two
23 working days into the tourist promotion agency fund
24 required under subsection (e) until disbursed under
25 subsection (j).

26 (2) The revenues from the special fund attributable to
27 the levy of the remaining 2% of the tax shall be deposited
28 into the tourist promotion agency fund required under
29 subsection (e) until disbursed under subsection (j).

30 (e) Duty of treasurer.--The treasurer of each county

1 electing to impose the tax authorized under this section shall
2 collect the tax and, subject to the deduction of the
3 administrative fee authorized by subsection (o):

4 (1) deposit 80% of the revenues attributable to the levy
5 of the first 5% of the tax in a special fund established for
6 the purposes set forth in this section;

7 (2) deposit 20% of the revenues attributable to the levy
8 of the first 5% of the tax in the tourist promotion agency
9 fund until disbursed under subsection (j); and

10 (3) deposit the revenues attributable to the levy of the
11 remaining 2% of the tax in the tourist promotion agency fund
12 until disbursed under subsection (j).

13 (f) Deposit of interest.--Interest on money deposited into
14 the funds shall accrue proportionately as provided under
15 subsection (e).

16 (g) Rules and regulations.--The treasurer may establish
17 rules and regulations concerning the collection of the tax,
18 which may not occur more than monthly nor less than quarterly.

19 (h) Special fund.--The authority shall have the right to
20 draw upon the special fund established under subsection (e)(1)
21 for the authority. Expenditures from the special fund shall be
22 used by the authority for the following purposes:

23 (1) Projected annual debt service or lease payments of
24 the convention center authority.

25 (2) Costs associated with financing, constructing,
26 expanding, improving, maintaining, furnishing, fixturing and
27 equipping convention centers.

28 (3) Costs associated with the development of convention
29 centers, including design, engineering and feasibility costs.

30 (4) Costs associated with the operation and management

1 of convention centers.

2 (5) Costs associated with promoting, marketing and
3 otherwise encouraging use of the convention centers.

4 (6) General purposes of the authority.

5 (7) Grants authorized under section 17335(e) (relating
6 to purpose and powers of authorities).

7 (i) Security.--If and to the extent that the authority
8 pledges the authority's share of the proceeds of the tax
9 authorized by this section as security for the payment of bonds
10 issued by the authority for convention centers, the following
11 shall apply:

12 (1) The Commonwealth pledges to and agrees with any
13 person, firm or corporation subscribing to or acquiring bonds
14 to be issued by the authority for convention center purposes
15 that the Commonwealth will not, nor will the Commonwealth
16 authorize a county to, reduce the rate of tax imposed for
17 convention centers until all bonds secured by the pledge of
18 the authority, together with interest, are fully met and
19 discharged.

20 (2) The county may not reduce the rate of tax imposed
21 for convention centers until all bonds secured by the pledge
22 of the authority, together with interest, are fully met and
23 discharged.

24 (j) Disbursement of money.--Revenues received from the tax
25 deposited into the tourist promotion agency fund required under
26 subsection (f) shall be disbursed by each county to the tourist
27 promotion agency within 10 days of receipt of the revenues.

28 (k) Fiscal year.--Each tax year for any tax imposed under
29 this section shall run concurrently with the county's fiscal
30 year.

1 (l) Audit.--An audited report on the income and expenditures
2 incurred by a tourist promotion agency receiving revenues from
3 the tax authorized under this section shall be submitted
4 annually by the tourist promotion agency to the county
5 commissioners.

6 (m) Penalty.--Notwithstanding any provision of law to the
7 contrary, in counties of the third class having a population
8 under the 1990 Federal decennial census in excess of 415,000
9 residents but less than 500,000 residents, a penalty of 1.5% per
10 month shall be imposed for failure to timely remit the tax
11 authorized by this section.

12 (n) Lien.--In addition to other remedies available for
13 collection of debts, the county may also file a lien upon the
14 hotel in the name of and for the use of the county as provided
15 by law for municipal claims.

16 (o) Administrative fee.--For purposes of defraying the costs
17 of collecting the tax imposed under this section and otherwise
18 performing the county's obligations under this subchapter, the
19 county may deduct and retain an administrative fee from the
20 taxes collected under this subsection. The administrative fee
21 shall be established by the county but may not exceed in any tax
22 year the lesser of:

23 (1) 2% of all taxes collected hereunder; or
24 (2) \$40,000, which amount shall be adjusted biannually,
25 beginning two years after the date of enactment, by the
26 percentage growth in the Consumer Price Index for All Urban
27 Consumers as determined by the United States Department of
28 Labor.

29 (p) Regulations.--The county shall have the authority to
30 prescribe rules and regulations as the county determines are

1 appropriate to administer the provisions of this section.

2 (g) Definitions.--As used in this section, the following
3 words and phrases shall have the meanings given to them in this
4 subsection:

5 "Consideration." Receipts, fees, charges, rentals, leases,
6 cash, credits, property of any kind or nature or other payment
7 received by operators in exchange for or in consideration of the
8 use or occupancy by a transient of a room or rooms in a hotel
9 for a temporary period.

10 "Convention center or convention center facility." Any land,
11 improvement, structure, building, or part thereof, or property
12 interest, whether owned by or leased by or to or otherwise
13 acquired by an authority, appropriate for any of the following:
14 large public assemblies, the holding of conventions,
15 conferences, trade exhibitions and other business, social,
16 cultural, scientific, sports, recreational, artistic and public
17 interest events, performances and exhibitions, and all
18 facilities, furniture, fixtures and equipment necessary or
19 incident thereto, including hotels, meeting rooms, dining rooms,
20 kitchens, ballrooms, reception areas, registration and
21 prefunction areas, locker rooms, practice areas and equipment,
22 training areas and equipment, truck loading areas, including
23 access, accessways, including, but not limited to, tunnels,
24 overhead walkways, escalators, elevators and other connections
25 to nearby or adjoining buildings or facilities, regardless of
26 whether the buildings or facilities constitute convention
27 centers or are owned or controlled by the authority, common
28 areas, lobbies, offices and areas appurtenant to any of the
29 preceding, and also including other land, buildings, structures
30 or facilities for use or planned for use in conjunction with the

1 foregoing, including landscaping, buffer areas, off-street
2 parking, retail areas and other improvements related to a
3 convention center owned by or leased by or to an authority,
4 regardless of whether the improvements are for the purpose of
5 producing revenues to assist in defraying the costs or expenses
6 of a convention center.

7 "Hotel." A hotel, motel, inn, guesthouse or other building
8 or complex of buildings located within the market area which
9 holds itself out by any means, including advertising, license,
10 registration with an innkeeper's group, convention listing
11 association, travel publication or similar association or with a
12 government agency, as being available to provide overnight
13 lodging or use of facility space for consideration to persons
14 seeking temporary accommodation and the following shall apply:

15 (1) The term includes:

16 (i) A place which advertises to the general public
17 or a segment of the general public that it will provide
18 beds, sanitary facilities or other space for a temporary
19 period to members of the general public.

20 (ii) A place recognized as a hostelry.

21 (2) The term does not include portions of a facility
22 which are devoted to individuals who have established
23 permanent residence.

24 (3) The term does not include a bed and breakfast
25 homestead or inn as defined in the act of May 23, 1945
26 (P.L.926, No.369), referred to as the Public Eating and
27 Drinking Place Law.

28 "Market area." With respect to a county in which there is
29 more than one city of the third class, the entire county. With
30 respect to a county in which there is only one city of the third

1 class, one of the following, as selected by the governing body
2 of the county:

3 (1) That city and the area within the county which is
4 not more than 15 miles from the city limits of the county
5 seat.

6 (2) That city and the area within the county which, as
7 determined by the governing body of the county imposing the
8 tax, derives a material benefit from the existence of the
9 convention center within the county. The owner of a hotel
10 affected by a determination by the governing body under this
11 subparagraph may challenge the determination by filing a
12 petition in the court of common pleas in the judicial
13 district in which the determination was made.

14 "Occupancy." The use or possession or the right to the use
15 or possession by a person other than a permanent resident of a
16 room in a hotel for any purpose or the right to the use or
17 possession of the furnishings or to the services accompanying
18 the use and possession of the room.

19 "Operator." Any individual, partnership, nonprofit or
20 profit-making association or corporation or other person or
21 group of persons that maintain, operate, manage, own, have
22 custody of or otherwise possess the right to rent or lease
23 overnight accommodations in a hotel to the public for
24 consideration.

25 "Patron." An individual who pays the consideration for the
26 occupancy of a room or rooms in a hotel.

27 "Permanent resident." An individual who has occupied or has
28 the right to occupy a room or rooms in a hotel as a patron or
29 otherwise for a period exceeding 30 consecutive days.

30 "Room." A space in a hotel set aside for use and occupancy

1 by patrons, or otherwise, for consideration, having at least one
2 bed or other sleeping accommodations provided therein.

3 "Temporary." A period of time not exceeding 30 consecutive
4 days.

5 "Tourist promotion agency." The agency designated by the
6 governing body of a county or county seat in which the
7 convention centers are located to be eligible for grants from
8 the Department of Community and Economic Development under the
9 act of July 4, 2008 (P.L.621, No.50), known as the Tourism
10 Promotion Act.

11 "Transaction." The activity involving the obtaining by a
12 transient or patron of the use or occupancy of a hotel room from
13 which consideration emanates to the operator under an express or
14 an implied contract.

15 "Transient." An individual who obtains an accommodation in
16 any hotel for the individual by means of registering at the
17 facility for the temporary occupancy of a room for the personal
18 use of that individual by paying to the operator of the facility
19 a fee in consideration for the accommodation.

20 "Treasurer." The elected treasurer of the county or, if
21 there is no elected treasurer, another official or agent of the
22 county as may be designated by the county to collect and account
23 for the tax authorized by this section.

24 § 17353. Construction.

25 Nothing in this subchapter shall be construed to limit any
26 action taken under Subchapter A.

27 CHAPTER 175

28 HOTEL TAX

29 Sec.

30 17501. Authorization of hotel tax.

1 17502. Authorization of five percent hotel tax for a county of
2 the third class.

3 17503. (Reserved).

4 17504. Authorization of five percent hotel tax for a county of
5 the fifth class.

6 17505. Hotel room rental tax in certain third class counties.

7 17506. (Reserved).

8 17507. Hotel room rental tax in third through eighth class
9 counties.

10 17508. Certification of recognized tourist promotion agencies.

11 17509. Hotel room rental tax in second class and second class A
12 counties.

13 § 17501. Authorization of hotel tax.

14 (a) Imposition.--The county commissioners of any county of
15 the third class having a second class A city located therein may
16 impose a hotel tax not to exceed 7% of the consideration
17 received by each operator of a hotel within the county from each
18 transaction of renting a room or rooms to transients. The tax
19 shall be collected by the operator from the patron of the room
20 or rooms and paid over to the county as herein provided.

21 (b) Records.--The county commissioners may by ordinance
22 impose requirements for keeping of records, the filing of tax
23 returns and the time and manner of collection and payment of
24 tax. The county commissioners may also impose by ordinance
25 penalties and interest for failure to comply with recordkeeping,
26 filing, collection and payment requirements.

27 (c) Collection.--The treasurer of each county that imposes
28 the tax authorized under this section shall collect the tax and
29 deposit the revenues received from the tax in a special fund
30 established for that purpose. The disposition of the revenues

1 from the special fund shall be as follows: a minimum of 40% of
2 all revenues received per annum shall be distributed to the TPA,
3 which shall use them for the appropriate and reasonable
4 operational, marketing and promotional expenses of the TPA.
5 Other tax revenues received and amounting to not more than 60%
6 of total annual revenues shall be distributed to the county,
7 which shall use them for reasonable expenses associated with
8 collection and enforcement of the tax; for county-owned tourist
9 and recreational facilities, sports facilities or visitor
10 centers; for other tourism-related activities as determined by
11 the county commissioners; or for other expenditures, debts or
12 liabilities related to tourism or recreational facilities
13 incurred by municipal authorities as determined by the county
14 commissioners.

15 (d) Concurrent tax years.--The tax year for a tax imposed
16 under this section shall run concurrently with the calendar
17 year.

18 (e) Audit.--An audited report on the income and expenditures
19 incurred by a tourist promotion agency receiving any revenues
20 from the tax authorized under this section shall be submitted
21 annually by the tourist promotion agency to the county
22 commissioners.

23 (f) Definitions.--As used in this section, the following
24 words and phrases shall have the meanings given to them in this
25 subsection:

26 "Consideration." Receipts, fees, charges, rentals, leases,
27 cash, credits, property of any kind or nature, or other payment
28 received by operators in exchange for or in consideration of the
29 use or occupancy by a transient of a room or rooms in a hotel
30 for any temporary period.

1 "Hotel." A hotel, motel, inn, guest house or other structure
2 which holds itself out by any means, including advertising,
3 license, registration with an innkeepers' group, convention
4 listing association, travel publication or similar association
5 or with a government agency, as being available to provide
6 overnight lodging or use of facility space for consideration to
7 persons seeking temporary accommodation; any place which
8 advertises to the public at large or any segment thereof that it
9 will provide beds, sanitary facilities or other space for a
10 temporary period to members of the public at large; or any place
11 recognized as a hostelry. The term does not include any portion
12 of a facility that is devoted to persons who have an established
13 permanent residence or a college or university student residence
14 hall.

15 "Occupancy." The use or possession or the right to the use
16 or possession by any person other than a permanent resident of
17 any room in a hotel for any purpose or the right to the use or
18 possession of the furnishings or to the services accompanying
19 the use and possession of the room.

20 "Operator." An individual, partnership, nonprofit or profit-
21 making association or corporation or other person or group of
22 persons who maintain, operate, manage, own, have custody of or
23 otherwise possess the right to rent or lease overnight
24 accommodations in a hotel to the public for consideration.

25 "Patron." A person who pays the consideration for the
26 occupancy of a room or rooms in a hotel.

27 "Permanent resident." A person who has occupied or has the
28 right to occupancy of a room or rooms in a hotel as a patron or
29 otherwise for a period exceeding 30 consecutive days.

30 "Room." A space in a hotel set aside for use and occupancy

1 by patrons, or otherwise, for consideration, having at least one
2 bed or other sleeping accommodation in a room or group of rooms.

3 "Tourist Promotion Agency (TPA)." An organization, agency or
4 corporation designated to be such by the board of commissioners
5 of the county in which the tax is imposed. The TPA shall be duly
6 established, designated and recognized as the county's TPA in
7 accordance with and pursuant to the act of July 4, 2008
8 (P.L.621, No.50), known as the Tourism Promotion Act.

9 "Transaction." The activity involving the obtaining by a
10 transient or patron of the use or occupancy of a hotel room from
11 which consideration is payable to the operator under an express
12 or an implied contract.

13 "Transient." An individual who obtains accommodation in a
14 hotel by means of registering at the facility for the temporary
15 occupancy of a room for the personal use of the individual by
16 paying a fee to the operator.

17 § 17502. Authorization of five percent hotel tax for a county
18 of the third class.

19 (a) Imposition.--The county commissioners of any county of
20 the third class having a population under the 1990 Federal
21 Decennial Census in excess of 237,000 residents, but less than
22 240,000 residents, may impose a hotel tax not to exceed 5% of
23 the consideration received by each operator of a hotel within
24 the county from each transaction of renting a room or rooms to
25 transients. The tax shall be collected by the operator from the
26 patron of the room or rooms and paid over to the county as
27 herein provided.

28 (b) Records.--The county commissioners may by ordinance
29 impose requirements for keeping of records, the filing of tax
30 returns and the time and manner of collection and payment of

1 tax. The county commissioners may also impose by ordinance
2 penalties and interest for failure to comply with recordkeeping,
3 filing, collection and payment requirements.

4 (c) Disposition of first two percent of tax revenue.--The
5 county commissioners of each county shall designate the entity
6 or agency responsible to collect and to enforce the collection
7 of the tax on their behalf. All revenues received from the tax
8 shall be deposited into a special fund, which is to be
9 established by the county's treasurer. The disposition of the
10 revenues from the special fund attributable to the levy of the
11 first 2% of the tax shall be as follows:

12 (1) 20% of all revenues received per annum shall be
13 distributed by the treasurer to a city of the third class in
14 the county of the third class imposing the tax for the
15 appropriate and reasonable marketing and promotional expenses
16 of promoting tourism in the city of a third class and the
17 costs associated with the renovation, rehabilitation,
18 extension, furnishing, equipping, substantial repair or
19 construction of a tourism-related facility located within the
20 city of the third class, including for payment of the debt
21 service on bonds issued for such projects;

22 (2) 10% of all revenues received per annum shall be
23 distributed by the treasurer to the county commissioners who
24 may accept the funds which may be used for tourism and
25 regional promotion purposes to be determined by the county
26 commissioners, or, if the county commissioners elect not to
27 accept the funds, the funds shall be distributed by the
28 treasurer to the TPA for the appropriate and reasonable
29 marketing and promotional expenses of the TPA in promoting
30 tourism in the county of the third class imposing the tax,

1 excluding promotion of a city of the third class receiving
2 revenues under clause (1); and

3 (3) 70% of all revenue received per annum shall be
4 distributed by the treasurer to qualified authorities located
5 within the county of the third class imposing the tax for
6 payment of the debt service on bonds issued for the
7 construction of a county regional sports facility having a
8 seating capacity of two and one-half thousand to fourteen
9 thousand seats, which is owned, in whole or in part, or
10 leased by the applicable authority, and which is located
11 within the county of the third class imposing the tax. The
12 following are qualified authorities for purposes of this
13 clause:

14 (i) an authority incorporated pursuant to the former
15 act of May 2, 1945 (P.L.382, No.164), known as the
16 Municipality Authorities Act of 1945;

17 (ii) an industrial or commercial development
18 authority incorporated pursuant to the act of August 23,
19 1967 (P.L.251, No.102), known as the Economic Development
20 Financing Law; and

21 (iii) a redevelopment authority incorporated
22 pursuant to the act of May 24, 1945 (P.L.991, No.385),
23 known as the Urban Redevelopment Law.

24 (d) Disposition of the third one percent of the tax
25 revenue.--The disposition of the revenues from the special fund
26 attributable to the levy of the third percent of the tax, if
27 levied, shall be distributed at the discretion of the county
28 commissioners and used solely for tourism and regional promotion
29 purposes.

30 (e) Disposition of remaining two percent of tax revenue.--

1 The disposition of the revenues from the special fund
2 attributable to the levy of the remaining 2% of the tax shall be
3 distributed by the treasurer as follows:

4 (1) 50% shall be distributed to the TPA for the
5 appropriate and reasonable marketing and promotional expenses
6 for promoting tourism in the county imposing the tax; and

7 (2) 50% shall be distributed as follows:

8 (i) 75% to an authority incorporated pursuant to the
9 former "Municipality Authorities Act of 1945" located
10 within the county of the third class currently imposing a
11 tax for payment of the debt service on bonds issued for
12 the construction of a county regional sports facility
13 having a seating capacity of two and one-half thousand to
14 fourteen thousand seats, which is owned, in whole or in
15 part, or leased by the applicable authority, and which is
16 located within the county of the third class imposing the
17 tax. Such authority shall use the tax distribution
18 identified in this section for the improvement, support,
19 rehabilitation, revitalization, construction, fit-out and
20 reconstruction of one or more tourism or tourism
21 infrastructure-related facilities, including, but not
22 limited to, the payment of debt service on bonds related
23 thereto.

24 (ii) 25% shall be distributed to the TPA for the
25 appropriate and reasonable marketing and promotional
26 expenses of promoting tourism in a city of the third
27 class located within the county of the third class
28 imposing the tax, and the same shall be used in
29 accordance with a plan approved by the TPA.

30 (f) Collection and deposit.--The treasurer of each county

1 electing to impose the tax authorized under this section shall
2 collect the tax from the entity or agency designated by the
3 county commissioners to collect and to enforce the collection of
4 the tax and shall deposit the revenues received from the tax in
5 a special fund established for that purpose.

6 (g) Concurrent tax years.--The tax year for a tax imposed
7 under this section shall run concurrently with the calendar
8 year.

9 (h) Audit.--An audited report on the income and expenditures
10 incurred by a tourist promotion agency receiving any revenues
11 from the tax authorized under this section shall be submitted
12 annually by the tourist promotion agency to the county
13 commissioners.

14 (i) Definitions.--As used in this section, the following
15 words and phrases shall have the meanings given to them in this
16 subsection:

17 "Consideration." Receipts, fees, charges, rentals, leases,
18 cash, credits, property of any kind or nature or other payment
19 received by operators in exchange for or in consideration of the
20 use or occupancy by a transient of a room or rooms in a hotel
21 for any temporary period.

22 "Debt service on bonds." Any cost related to the issuance,
23 refinancing, refunding or payment or any other costs associated
24 with the issuance and maintenance of bonds or notes by an
25 authority or a city of the third class.

26 "Hotel." A hotel, motel, inn, guest house 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

1 overnight lodging or use of facility space for consideration to
2 persons seeking temporary accommodation; any place which
3 advertises to the public at large or any segment thereof that it
4 will provide beds, sanitary facilities or other space for a
5 temporary period to members of the public at large; or any place
6 recognized as a hostelry. The term does not include any portion
7 of a facility that is devoted to persons who have an established
8 permanent residence or a college or university student residence
9 hall.

10 "Occupancy." The use or possession or the right to the use
11 or possession by any person other than a permanent resident of
12 any room in a hotel for any purpose or the right to the use or
13 possession of the furnishings or to the services accompanying
14 the use and possession of the room.

15 "Operator." An individual, partnership, nonprofit or profit-
16 making association or corporation, or other person or group of
17 persons who maintains, operates, manages, owns, has custody of
18 or otherwise possesses the right to rent or lease overnight
19 accommodations in a hotel to the public for consideration.

20 "Patron." A person who pays the consideration for the
21 occupancy of a room or rooms in a hotel.

22 "Permanent resident." A person who has occupied or has the
23 right to occupancy of a room or rooms in a hotel as a patron or
24 otherwise for a period exceeding 30 consecutive days.

25 "Room." A space in a hotel set aside for use and occupancy
26 by patrons, or otherwise, for consideration, having at least one
27 bed or other sleeping accommodation in a room or group of rooms.

28 "Tourist Promotion Agency (TPA)." An organization, agency or
29 corporation designated to be such by the board of commissioners
30 of the county in which the tax is imposed. The TPA shall be duly

1 established, designated and recognized as the county's TPA in
2 accordance with and pursuant to the former act of April 28, 1961
3 (P.L.111, No.50), known as the Tourist Promotion Law.

4 "Transaction." The activity involving the obtaining by a
5 transient or patron of the use or occupancy of a hotel room from
6 which consideration is payable to the operator under an express
7 or an implied contract.

8 "Transient." An individual who obtains accommodation in a
9 hotel by means of registering at the facility for the temporary
10 occupancy of a room for the personal use of the individual by
11 paying a fee to the operator.

12 § 17503. (Reserved).

13 § 17504. Authorization of five percent hotel tax for a county
14 of the fifth class.

15 (a) Imposition.--The county commissioners of any county of
16 the fifth class having a population under the 2010 Federal
17 Decennial Census in excess of 101,000 residents, but less than
18 102,000 residents, may impose a hotel tax not to exceed 5% of
19 the consideration received by each operator of a hotel within
20 the county from each transaction of renting a room or rooms to
21 transients. The tax shall be collected by the operator from the
22 patron of the room or rooms and paid over to the county as
23 herein provided.

24 (b) Records and penalty.--The provisions of subsection (c)
25 notwithstanding, county commissioners may by ordinance impose
26 requirements for keeping of records, the filing of tax returns
27 and the time and manner of collection and payment of tax. The
28 county commissioners may also impose by ordinance penalties and
29 interest for failure to comply with recordkeeping, filing,
30 collection and payment requirements.

1 (c) Audit.--Each operator of a hotel within a county that
2 imposes the tax authorized under this section shall submit to an
3 audit of hotel tax revenue. The audit shall be conducted by the
4 county commissioners and shall consist, at a minimum, of
5 determining the total amount of consideration received by the
6 operator from transactions of renting a room or rooms to
7 transients during the period being audited and the total amount
8 of hotel tax revenue collected. The county commissioners or
9 their duly authorized agents shall conduct at least one audit
10 annually and shall bear the costs of the audit.

11 (d) Collection, deposit and disposition of tax revenue.--The
12 treasurer of each county that imposes the tax authorized under
13 this section shall collect the tax and deposit the revenues
14 received from the tax in a special fund established for that
15 purpose. Subject to the deduction of the administrative fee
16 authorized by subsection (h), the disposition of the revenues
17 from the TPA hotel tax fund shall be as follows:

18 (1) Seventy-five percent of all revenues received per
19 annum shall be used by the county's recognized TPA for the
20 promotion, advertising and marketing of tourism and special
21 events and for administrative costs.

22 (2) Twenty-five percent of all revenues received per
23 annum shall be distributed as follows:

24 (i) Fifty percent shall be used by the county
25 commissioners for the purposes of economic development
26 and historic preservation.

27 (ii) Fifty percent shall be used by the county
28 commissioners for grants to municipalities that:

29 (A) have a municipal police department employing
30 at least two full-time police officers assigned to

1 law enforcement duties who work a minimum of 200 days
2 per year; or
3 (B) are a member of a regional police department
4 that provides full-time police services to the
5 municipality pursuant to an agreement or contract.
6 (iii) Municipalities receiving grants under
7 subclause (ii) must meet or have met the eligibility
8 requirements under subclause (ii) (A) or (B) for a minimum
9 of two years prior to receiving the grant.

10 (e) Grants.--Grants under subsection (d) (2) (ii) shall be
11 distributed to municipalities in proportion to the number of
12 hotel rooms within the municipality as a percentage of the total
13 number of hotel rooms in municipalities with police departments
14 under subsection (d) (2) (ii) as compiled by the recognized TPA
15 and certified by the county commissioners. Grants shall be used
16 for police and law enforcement purposes. Any portion of a grant
17 not used for police and law enforcement purposes shall be
18 returned to the county for the purposes of subsection (d) (2) (i).

19 (f) Concurrent tax years.--The tax year for a tax imposed
20 under this section shall run concurrently with the calendar
21 year.

22 (g) Audit.--An audited report on the income and expenditures
23 incurred by a tourist promotion agency receiving any revenues
24 from the tax authorized under this section shall be submitted
25 annually by the tourist promotion agency to the county
26 commissioners.

27 (h) Administrative fee.--The county may deduct and retain an
28 administrative fee from the taxes collected under this section.
29 The administrative fee established by the county may not exceed
30 in any tax year the lesser of:

1 (1) 4.5% of all taxes collected under this section; or

2 (2) \$95,000, which amount shall be adjusted biannually,
3 beginning two years after July 12, 2012, by the percentage
4 growth in the Consumer Price Index for All Urban Consumers.

5 (i) Uses of revenue.--Revenue collected from the fee imposed
6 under subsection (h) shall be used for the following purposes:

7 (1) Defraying the costs associated with the collection
8 and administration of the tax.

9 (2) Defraying the costs of the review required under
10 subsection (c).

11 (j) Definitions.--As used in this section, the following
12 words and phrases shall have the meanings given to them in this
13 subsection:

14 "Consideration." Receipts, fees, charges, rentals, leases,
15 cash, credits, property of any kind or nature, or other payment
16 received by operators in exchange for or in consideration of the
17 use or occupancy by a transient of a room or rooms in a hotel
18 for any temporary period.

19 "Hotel." A hotel, motel, inn, guest house or other structure
20 which holds itself out by any means, including advertising,
21 license, registration with an innkeepers' group, convention
22 listing association, travel publication or similar association
23 or with a government agency, as being available to provide
24 overnight lodging or use of facility space for consideration to
25 persons seeking temporary accommodation; any place which
26 advertises to the public at large or any segment thereof that it
27 will provide beds, sanitary facilities or other space for a
28 temporary period to members of the public at large; or any place
29 recognized as a hostelry. The term does not include any portion
30 of a facility that is devoted to persons who have an established

1 permanent residence or a college or university student residence
2 hall.

3 "Occupancy." The use or possession or the right to the use
4 or possession by any person other than a permanent resident of
5 any room in a hotel for any purpose or the right to the use or
6 possession of the furnishings or to the services accompanying
7 the use and possession of the room.

8 "Operator." An individual, partnership, nonprofit or profit-
9 making association or corporation or other person or group of
10 persons who maintain, operate, manage, own, have custody of or
11 otherwise possess the right to rent or lease overnight
12 accommodations in a hotel to the public for consideration.

13 "Patron." A person who pays the consideration for the
14 occupancy of a room or rooms in a hotel.

15 "Permanent resident." A person who has occupied or has the
16 right to occupancy of a room or rooms in a hotel as a patron or
17 otherwise for a period exceeding 30 consecutive days.

18 "Room." A space in a hotel set aside for use and occupancy
19 by patrons, or otherwise, for consideration, having at least one
20 bed or other sleeping accommodation in a room or group of rooms.

21 "Tourist Promotion Agency (TPA)." An organization, agency or
22 corporation designated to be such by the board of commissioners
23 as of January 1, 2000, of the county in which the tax is
24 imposed. The TPA shall be duly established, designated and
25 recognized as the county's TPA in accordance with and pursuant
26 to the act of July 4, 2008 (P.L.621, No.50), known as the
27 Tourism Promotion Act.

28 "Transaction." The activity involving the obtaining by a
29 transient or patron of the use or occupancy of a hotel room from
30 which consideration is payable to the operator under an express

1 or an implied contract.

2 "Transient." An individual who obtains accommodation in a
3 hotel by means of registering at the facility for the temporary
4 occupancy of a room for the personal use of the individual by
5 paying a fee to the operator.

6 § 17505. Hotel room rental tax in certain third class counties.

7 (a) Imposition.--A county may, by ordinance, impose a tax
8 which shall be known as the hotel room rental tax on the
9 consideration received by each operator of a hotel within the
10 county from each transaction of renting a room or rooms to
11 accommodate temporary residents. The tax shall be collected by
12 the operator from the patron of the room and paid over to the
13 county where the hotel is located as provided under this
14 section.

15 (b) Rate of tax.--The tax imposed under subsection (a) shall
16 be equal to 4% of the consideration received from each
17 transaction of renting a room or rooms to accommodate temporary,
18 not permanent, residents.

19 (c) Collection.--The tax shall be collected by the operator
20 from the patron and paid over to the county where the hotel is
21 located. The county executive of each county is hereby
22 authorized to establish rules and regulations governing the
23 collection of the tax, which collection shall not occur more
24 often than monthly and not less than quarterly.

25 (d) Distribution of tax revenue.--Money received under
26 subsection (c) and interest accrued shall be distributed by the
27 fiscal officer of each county as follows:

28 (1) Each county shall within 10 days of receipt transmit
29 68.75% of the money collected in that county to the regional
30 tourist promotion agency which serves more than one county

1 and which is designated by the governing body of the county
2 to be eligible for grants from the Department of Community
3 and Economic Development pursuant to the former act of April
4 28, 1961 (P.L.111, No.50), known as the Tourist Promotion
5 Law.

6 (2) Each county shall retain 18.75% of the money
7 collected in that county for the further development of
8 tourism facilities and for community development initiatives
9 within that county that enhance regional tourism.

10 (3) Each county shall retain 12.5% of the money
11 collected in that county for the further development of
12 facilities and for marketing purposes within that county to
13 enhance regional tourism.

14 (e) Definitions.--The following words and phrases when used
15 in this section shall have the meanings given to them in this
16 subsection unless the context clearly indicates otherwise:

17 "Consideration." Receipts, fees, charges, rentals, leases,
18 cash, credits, property of any kind or nature or other payment
19 received by operators in exchange for or in consideration of the
20 use or occupancy by a transient of a room or rooms in a hotel
21 for a temporary period.

22 "County." Any county which is, on June 22, 2000, a county of
23 the third class having a population under the 1990 Federal
24 Decennial Census in excess of 290,000 residents but less than
25 295,000 residents or a county of the third class having a
26 population under the 1990 Federal Decennial Census in excess of
27 245,000 residents but less than 250,000 residents.

28 "Hotel." A hotel, motel, inn, guesthouse or other structure
29 which holds itself out by any means, including advertising,
30 license, registration with an innkeepers' group, convention

1 listing association, travel publication or similar association
2 or with a government agency, as being available to provide
3 overnight lodging for consideration to persons seeking temporary
4 accommodation; any place which advertises to the public at large
5 or any segment thereof that it will provide beds, sanitary
6 facilities or other space for a temporary period to members of
7 the public at large; or any place recognized as a hostelry. The
8 term does not include any portion of a facility that is devoted
9 to persons who have an established permanent residence or a
10 college or university student residence hall or any private
11 campground or any cabins, public campgrounds or other facilities
12 located on State land.

13 "Joint planning commissions." A commission established by
14 ordinance or membership of two or more municipalities to
15 encourage planning for future development and to coordinate
16 planning with neighboring municipalities, counties and other
17 government agencies in accordance with Article XI of the act of
18 July 31, 1968 (P.L.805, No.247), known as the Pennsylvania
19 Municipalities Planning Code.

20 "Operator." Any individual, partnership, nonprofit or
21 profit-making association or corporation or other person or
22 group of persons who maintain, operate, manage, own, have
23 custody of or otherwise possess the right to rent or lease
24 overnight accommodations in a building to the public for
25 consideration.

26 "Patron." Any person who pays the consideration for the
27 occupancy of a room or rooms in a hotel.

28 "Permanent resident." Any person who has occupied or has the
29 right to occupy a room or rooms in a hotel as a patron or
30 otherwise for a period exceeding 30 consecutive days.

1 "Room." A space in a building set aside for use and
2 occupancy by patrons, or otherwise, for consideration, having at
3 least one bed or other sleeping accommodations provided.

4 "Temporary resident." Any person who has occupied or has the
5 right to occupy a room or rooms in a hotel as a patron or
6 otherwise for a period of time not exceeding 30 consecutive
7 days.

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 emanates to the operator under an expressed
11 or implied contract.

12 "Transient." Any person who obtains an accommodation in any
13 hotel for himself by means of registering at the facility for
14 the temporary occupancy of a room for the personal use of that
15 individual by paying to the operator of the facility a fee in
16 consideration therefor.

17 § 17506. (Reserved).

18 § 17507. Hotel room rental tax in third through eighth class
19 counties.

20 (a) Imposition.--A county may, by ordinance, impose a tax
21 which shall be known as the hotel room rental tax on the
22 consideration received by each operator of a hotel within the
23 county from each transaction of renting a room or rooms to
24 accommodate transients. The tax shall be collected by the
25 operator from the patron of the room and paid over to the county
26 where the hotel is located as provided under this section.

27 (b) Limitation on tax rate.--The rate of tax imposed under
28 this section shall not exceed 5%.

29 (c) Collection, deposit and distribution.--The treasurer of
30 each county electing to impose the tax authorized under this

1 section shall collect the tax and deposit the revenues received
2 from the tax in a special fund established for that purpose.
3 Subsequent to the deduction for administrative costs established
4 in subsection (i), the county shall distribute to the recognized
5 tourist promotion agency all revenues received from the tax not
6 later than 60 days after receipt of the tax revenues.

7 (d) Use of tax revenue.--The revenues from the special fund
8 shall be used by the recognized tourist promotion agency for any
9 of the following purposes:

10 (1) Marketing the area served by the agency as a leisure
11 travel destination.

12 (2) Marketing the area served by the agency as a
13 business, convention or meeting travel destination.

14 (3) Using all appropriate marketing tools to accomplish
15 these purposes, including, but not limited to, advertising,
16 publicity, publications, direct marketing, sales, technology
17 and participation in industry trade shows that attract
18 tourists or travelers to the area served by the agency.

19 (4) Programs, expenditures or grants that are directly
20 and substantially related to tourism or a business,
21 convention or meeting travel destination within the county,
22 augment and do not compete with private sector tourism or
23 travel efforts and improve and expand the county as a
24 destination market as deemed necessary by the recognized
25 tourist promotion agency. The following shall apply to grants
26 awarded under this paragraph:

27 (i) Grants require a cash or in-kind local match of
28 at least 25%.

29 (ii) Grants may not be used for signage that
30 promotes a specific private entity on the situs of that

1 entity, except where the signage also carries the logo of
2 a recognized tourist promotion agency.

3 (5) Any other tourism or travel marketing or promotion
4 program, expenditure or project that does not compete with
5 private sector tourism or travel efforts as deemed necessary
6 by the recognized tourist promotion agency.

7 (e) Concurrent tax years.--Each taxable year for any tax
8 imposed under this section shall run concurrently with the
9 county's fiscal year.

10 (f) Audit.--An audited report or financial statement, as
11 determined by the county in consultation with the recognized
12 tourist promotion agency, on the income and expenditures
13 incurred by a recognized tourist promotion agency receiving any
14 revenues from the tax authorized under this section shall be
15 submitted annually by the recognized tourist promotion agency to
16 the county commissioners.

17 (g) Sanction.--The following shall apply:

18 (1) If a recognized tourist promotion agency fails to
19 submit an annual audit report or financial statement required
20 under subsection (f) within 90 days of the end of the
21 recognized tourist promotion agency's fiscal year, the
22 corresponding county may withhold tax revenues collected and
23 deposited in a special fund under this section until the
24 required annual audit report or financial statement is
25 submitted to the county.

26 (2) In the event the county does not take action under
27 paragraph (1) within 120 days of the end of the recognized
28 tourist promotion agency's fiscal year, the Secretary of
29 Community and Economic Development may require the county to
30 withhold tax revenues collected and deposited in a special

1 fund under this section until the required annual audit
2 report or financial statement is submitted to the county and
3 the Department of Community and Economic Development.

4 (h) Conflict of interest.--Any board member, director,
5 officer or employe of a recognized tourist promotion agency
6 shall disclose to the recognized tourist promotion agency the
7 nature of any conflict of interest or financial interest and
8 recuse himself or herself from any action taken on behalf of the
9 recognized tourist promotion agency which may result in a
10 private pecuniary benefit to the individual, a member of the
11 individual's immediate family or a business with which the
12 individual or a member of the individual's immediate family is
13 associated.

14 (i) Administrative costs.--For the purposes of defraying the
15 costs associated with the collection of the tax imposed under
16 this section and otherwise performing its obligations under this
17 section, the county may deduct and retain an administrative fee
18 from the taxes collected under this section. The administrative
19 fee shall be established by the county but shall not exceed 4%
20 of the taxes collected in any taxable year.

21 (j) Penalty.--A penalty of 1.5% per month shall be imposed
22 upon the operator of a hotel for failure to timely collect and
23 remit the tax authorized by this section. In addition to other
24 remedies available for collection of debts, the county may file
25 a lien upon the hotel in the name of the county and for the use
26 of the county as provided by law.

27 (k) Definitions.--The following words and phrases when used
28 in this section shall have the meanings given to them in this
29 subsection unless the context clearly indicates otherwise:

30 "Bed and breakfast" or "homestead." A public accommodation

1 consisting of a private residence, which contains 10 or fewer
2 bedrooms, used for providing overnight accommodations to the
3 public and in which breakfast is the only meal served and is
4 included in the charge for the room.

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 "Conflict of interest." Use by a board member, director,
11 officer or employe of a recognized tourist promotion agency of
12 the authority of his or her office or employment or any
13 confidential information received through his or her capacity in
14 relation to a recognized tourist promotion agency for the
15 private pecuniary benefit of himself or herself, a member of his
16 or her immediate family or a business with which he or she or a
17 member of his or her immediate family is associated. The term
18 does not include an action having a de minimis economic impact
19 or which affects to the same degree a class consisting of the
20 general public or a subclass consisting of an industry,
21 occupation or other group which includes a board member,
22 director, officer or employe, a member of his or her immediate
23 family or business with which he or she or a member of his or
24 her immediate family is associated.

25 "Consideration." Receipts, fees, charges, rentals, leases,
26 cash, credits, property of any kind or nature or other payment
27 received by operators in exchange for or in consideration of the
28 use or occupancy by a transient of a room or rooms in a hotel
29 for a temporary period.

30 "County." Any county of the third through eighth class that

1 was authorized to levy a hotel occupancy or room rental tax
2 under the former sections 1770.2 or 1770.6 of the County Code.

3 "Hotel." A hotel, motel, inn, guesthouse, rooming house, bed
4 and breakfast, homestead or other structure which holds itself
5 out by any means, including advertising, license, registration
6 with an innkeepers' group, convention listing association,
7 travel publication or similar association or with a government
8 agency, as being available to provide overnight lodging for
9 consideration to persons seeking temporary accommodation; any
10 place which advertises to the public at large or any segment
11 thereof that it will provide beds, sanitary facilities or other
12 space for a temporary period to members of the public at large;
13 any place recognized as a hostelry or any cabin. The term does
14 not include any of the following:

15 (1) A charitable institution.

16 (2) A portion of a facility that is devoted to persons
17 who have an established permanent residence.

18 (3) A college or university student residence hall
19 currently occupied by students enrolled in a degree program.

20 (4) An educational or religious institution camp for
21 children, including a camp registered under the act of
22 November 10, 1959 (P.L.1400, No.497), entitled "An act
23 providing for the annual registration of organized camps for
24 children, youth and adults; defining the duties of the
25 Department of Health of the Commonwealth of Pennsylvania; and
26 prescribing penalties."

27 (5) A hospital.

28 (6) A nursing home.

29 (7) Part of a campground that is not a cabin.

30 "Immediate family." A spouse, parent, brother, sister or

1 child.

2 "Marketing." An action by a recognized tourism promotion
3 agency that includes, but is not limited to, promoting and
4 encouraging visitors to visit a specific county, counties or
5 geographic region.

6 "Occupancy." The use or possession or the right to the use
7 or possession by any person other than a permanent resident of
8 any room in a hotel for any purpose or the right to the use or
9 possession of the furnishings or to the services accompanying
10 the use and possession of the room.

11 "Operator." Any individual, partnership, nonprofit or
12 profit-making association or corporation or other person or
13 group of persons who maintain, operate, manage, own, have
14 custody of or otherwise possess the right to rent or lease
15 overnight accommodations in a building to the public for
16 consideration.

17 "Patron." Any person who pays the consideration for the
18 occupancy of a room or rooms in a hotel.

19 "Permanent resident." A person who has occupied or has the
20 right to occupancy of a room or rooms in a hotel as a patron or
21 otherwise for a period exceeding 30 consecutive days.

22 "Recognized tourist promotion agency." The nonprofit
23 corporation, organization, association or agency which is
24 engaged in planning and promoting programs designed to stimulate
25 and increase the volume of tourist, visitor and vacation
26 business within a county and certified by the county as of April
27 20, 2016, or under section 17508 (relating to certification of
28 recognized tourist promotion agencies).

29 "Room." A space in a building set aside for use and
30 occupancy by patrons or otherwise, for consideration, having at

1 least one bed or other sleeping accommodations provided.

2 "Transaction." The activity involving the obtaining by a
3 transient or patron of the use or occupancy of a hotel room from
4 which consideration emanates to the operator under an expressed
5 or implied contract.

6 "Transient." An individual who obtains accommodation in a
7 hotel by means of registering at the facility for the temporary
8 occupancy of a room for the personal use of the individual by
9 paying a fee to the operator.

10 § 17508. Certification of recognized tourist promotion
11 agencies.

12 (a) Authorization.--A county may certify a nonprofit
13 corporation, organization, association or agency to serve as the
14 county's recognized tourist promotion agency. The county may not
15 have more than one recognized tourist promotion agency.

16 (b) Procedure for certification.--The following shall apply:

17 (1) A county must certify a recognized tourist promotion
18 agency under subsection (a) by proper resolution of the
19 governing body of the county, concurred in by resolution of
20 the governing bodies of cities, boroughs, towns or townships
21 within the county which have an aggregate of more than 50% of
22 the total population of the county as determined by the most
23 recently completed Federal decennial census.

24 (2) A recognized tourist promotion agency shall operate
25 until that agency has dissolved as an entity, withdrawn its
26 certification or has been decertified by the county under
27 subsection (c).

28 (c) Decertification.--The following shall apply:

29 (1) Notwithstanding any other provision of law, a county
30 may decertify a recognized tourist promotion agency by proper

1 resolution of the governing body of a county, concurred in by
2 resolution of the governing bodies of cities, boroughs, towns
3 or townships within the county which have an aggregate of
4 more than 65% of the total population of the county as
5 determined by the most recently completed Federal decennial
6 census.

7 (2) The county shall hold at least one public hearing on
8 decertification no less than seven days before a meeting to
9 adopt a resolution under this subsection.

10 (3) This subsection shall apply to recognized tourist
11 promotion agencies, regardless of the date on which they were
12 recognized under the act of July 4, 2008 (P.L.621, No.50),
13 known as the Tourism Promotion Act, or certified by the
14 county under this section or former section 177.11 of the
15 County Code.

16 § 17509. Hotel room rental tax in second class and second class
17 A counties.

18 (a) Imposition of excise tax.--The following shall apply:

19 (1) The county commissioners in each county of the
20 second class are authorized to impose an excise tax at 5% on
21 the consideration received by each operator of a hotel within
22 the county from each transaction of renting a room or rooms
23 to accommodate transients.

24 (2) The county commissioners in each county of the
25 second class A are authorized to impose an excise tax not to
26 exceed 5% on the consideration received by each operator of a
27 hotel within the county from each transaction of renting a
28 room or rooms to accommodate transients.

29 (3) The tax shall be collected by the operator from the
30 patron of the room and paid over to the county as provided in

1 this section.

2 (b) Collection, deposit and distribution for county of the
3 second class.--The treasurer of each county of the second class
4 electing to impose the tax authorized under this section is
5 directed to collect the tax and to deposit the revenue received
6 from the tax in a special fund. The revenues shall be
7 distributed by the county commissioners as follows:

8 (1) Except as set forth in clause (5), two-fifths of the
9 revenue received by the county from the excise tax shall be
10 distributed to a tourist promotion agency pursuant to section
11 2199.14 of the act of July 28, 1953 (P.L.723, No.230), known
12 as the Second Class County Code.

13 (2) Except as set forth in clause (5), one-third of the
14 tax collected by hotels within a municipality where a
15 convention center or exhibition hall is located, less the
16 cost of collecting the tax, shall, at the request of that
17 municipality, be returned to that municipality for deposit in
18 that municipality's special fund established solely for
19 purposes of paying for promotional programs implemented by a
20 nonprofit organization which are designed to stimulate and
21 increase the volume of conventions and visitors within the
22 municipality or as provided in clause (7), subject to the
23 following requirements:

24 (i) An audited report on the income and expenditures
25 incurred by the municipality receiving funds from the
26 excise tax on hotel room rentals shall be made annually
27 to county.

28 (ii) The members of the board of directors or other
29 governing body of the nonprofit organization utilized by
30 the municipality to provide the promotional programs

1 shall be appointed by the governing body of the
2 municipality.

3 (3) Except as set forth in clause (5), a 5% fee shall be
4 paid to the county for collecting the tax.

5 (4) Except as set forth in clause (5), all remaining
6 revenue from the tax received by the county, after paying the
7 amounts set forth in clauses (1), (2) and (3), shall be used
8 for operational and maintenance expenditures of the
9 convention center or exhibition hall as provided in
10 subsection (d) and for regional tourist promotion activities.

11 (5) Subject to clause (6), if bonds are issued by the
12 public authority to provide permanent financing or
13 refinancing of the expansion of and capital improvements to
14 the convention center or exhibition hall, the revenue
15 received from the tax and deposited in the special fund shall
16 not be distributed as set forth in clauses (1) through (4)
17 but shall be distributed by the county commissioners in the
18 order of priority as follows:

19 (i) First, to the payment of all amounts set forth
20 in clause (2).

21 (ii) Second:

22 (A) to the trustee for the bonds in accordance
23 with the provisions of the indenture pursuant to
24 which the bonds are issued, to be used for the
25 payment of debt service on the bonds; and

26 (B) to the payment of all amounts set forth in
27 clause (3):

28 (I) in full; or

29 (II) if the revenues are insufficient to
30 make the payment in full, pro rata.

1 (iii) Third, to the payment of all amounts set forth
2 in clause (1).

3 (iv) Fourth, as set forth in clause (4).

4 (6) Clause (5) shall not apply to bonds issued
5 subsequent to the permanent financing for purposes of
6 completion or subsequent expansions or capital improvements.

7 (7) If a convention center or exhibition hall
8 discontinues operation in a municipality in which a
9 convention center or exhibition hall is located, the
10 municipality shall continue to collect and receive the tax,
11 which shall be deposited by the municipality and used for the
12 purposes as provided in clause (2).

13 (c) Collection and deposit for county of second class A.--
14 The treasurer of each county of the second class A electing to
15 impose the tax authorized under this section is directed to
16 collect the tax and to deposit the revenue in a special fund
17 established solely for purposes of travel and tourism promotion
18 and advertising related to travel and tourism promotion. The
19 treasurer is authorized to establish rules and regulations
20 concerning the collection of the tax.

21 (d) Limitation on use of fund for counties of the second
22 class.--The following shall apply:

23 (1) In counties of the second class, expenditures from
24 the fund established under subsection (b) shall be used for
25 all purposes which a public authority may determine to be
26 reasonably necessary to the support, operation and
27 maintenance of a convention center or exhibition hall,
28 including the following:

29 (i) Advertising and publicizing tourist attractions
30 in the area served by the recognized tourist promotion

1 agency.

2 (ii) Promoting and otherwise encouraging the use of
3 the facilities in the area served by the recognized
4 tourist promotion agency by the public as a whole.

5 (iii) Promoting and attracting conventions,
6 exhibitions and other functions to utilize facilities in
7 the area served by the recognized tourist promotion
8 agency.

9 (iv) Precompletion advertising and publicizing of
10 any convention center or exhibition hall.

11 (v) Promoting and attracting conventions,
12 exhibitions and other functions to utilize the convention
13 center or exhibition hall.

14 (vi) Promoting and otherwise encouraging the use of
15 the premises by the public as a whole or any segment of
16 the public.

17 (vii) Operating, furnishing and otherwise
18 maintaining and equipping the premises and realty
19 appurtenant to the premises.

20 (viii) Furnishing and equipping the building and
21 grounds.

22 (2) It is the intention of this subsection that the
23 receipts from any tax imposed under this section after
24 payment of the distributions under subsection (b) (1), (2),
25 (3), (4) and (5) be used in the county to offset the entire
26 operating deficit, if any, of any convention center or
27 exhibition hall including equally, shares of any cooperating
28 political subdivision or agency of government incurred
29 pursuant to any agreement. The operating deficit shall be
30 determined by the public authority which is the designated

1 operating agency of the convention center or exhibition hall.

2 (e) Limitation on use of fund for counties of second class

3 A.--The following shall apply:

4 (1) In counties of the second class A, expenditures from
5 the fund established under subsection (c) shall be annually
6 appropriated by the county commissioners for tourist
7 promotion activities, to be executed by the recognized
8 tourist promotion agency for the following:

9 (i) Marketing the area served by the recognized
10 tourist promotion agency as a leisure travel destination.

11 (ii) Marketing the area served by the recognized
12 tourist promotion agency as a convention, business or
13 meeting travel destination.

14 (iii) Marketing the area served by the recognized
15 tourist promotion agency to the public as a whole for use
16 of its tourist and convention facilities.

17 (iv) Using all appropriate marketing tools to
18 accomplish these purposes, including advertising,
19 publicity, publications, direct marketing, sales,
20 technology and participation in industry trade shows that
21 attract tourists or travelers to the area served by the
22 recognized tourist promotion agency.

23 (v) Programs, expenditures or grants that directly
24 and substantially relate to tourism or a business,
25 convention or meeting travel destination within a county
26 of the second class A, that augment and do not compete
27 with private sector tourism or travel efforts and that
28 improve and expand a county of the second class A as a
29 destination market as deemed necessary by the recognized
30 tourist promotion agency. The following shall apply to

1 grants awarded under this subclause:

2 (A) Grants shall have a cash or in-kind local
3 match of at least 25%.

4 (B) Grants may not be used for signage that
5 promotes a specific private entity on the situs of
6 the entity, except where the signage carries the logo
7 of a recognized tourist promotion agency.

8 (vi) Any other tourism or travel marketing or
9 promotion program, expenditure or project that does not
10 compete with private sector tourism or travel efforts as
11 deemed necessary by the recognized tourist promotion
12 agency.

13 (2) For the purposes of defraying the costs associated
14 with the collection of the tax imposed under this section and
15 otherwise performing their obligations under this section,
16 the county commissioners of a county of the second class A
17 may deduct and retain an administrative fee from the taxes
18 collected under this section. The administrative fee shall be
19 established by the county of the second class A and shall not
20 exceed 4% of the taxes collected in any taxable year.

21 (3) As determined by a county of the second class A in
22 consultation with the recognized tourist promotion agency, an
23 audited report or financial statement of the income and
24 expenditures incurred by a recognized tourist promotion
25 agency receiving revenue from the tax authorized under this
26 section shall be submitted annually by the recognized tourist
27 promotion agency to the county commissioners.

28 (4) A penalty of 1.5% per month shall be imposed upon
29 the operator of a hotel in a county of the second class A for
30 failure to timely collect and remit the tax authorized by

1 this section. In addition to other remedies available for
2 collection of debts, a county of the second class A may file
3 a lien upon the hotel in the name of the county and for the
4 use of the county as provided by law.

5 (f) Duration of section.--The following shall apply:

6 (1) The provisions of this section relating to counties
7 of the second class shall remain in force from year to year.

8 The following apply:

9 (i) Revenue in excess of amounts needed to pay the
10 distributions under subsection (b.1) (1), (2), (2.1), (3)
11 and (4) and to offset operating deficits under
12 subsections (b.1) (3) and (d) shall be determined by the
13 public authority and may be accumulated.

14 (ii) At the discretion of the cooperating political
15 subdivisions and the public authority, any revenue may be
16 used to:

17 (A) provide part or all of an annual payment to
18 be paid by a county or a political subdivision under
19 an agreement with a public authority created under
20 the act of July 29, 1953 (P.L.1034, No.270), known as
21 the Public Auditorium Authorities Law, which has been
22 designated as the operating agency for a convention
23 center or exhibition hall; or

24 (B) effect necessary expansion or further
25 capital improvements.

26 (2) The provisions of this section relating to counties
27 of the second class A shall remain in force and effect for
28 three years from February 14, 1986, and may be continued
29 thereafter by ordinance or resolution of the county
30 commissioners of the respective counties.

1 (g) Concurrent tax years.--Each taxable year for a tax
2 imposed under this section shall run concurrently with the
3 calendar year.

4 (h) Definitions.--The following words and phrases when used
5 in this section shall have the meanings given to them in this
6 subsection unless the context clearly indicates otherwise:

7 "Cabin." A permanent structure with beds and running water
8 that is located on a campground on State land or private
9 property and is available to provide overnight lodging for
10 consideration to persons seeking temporary accommodations. The
11 term does not include a yurt or walled tent.

12 "Consideration." Receipts, fees, charges, rentals, leases,
13 cash, credits, property or other payment received by operators
14 in exchange for or in consideration of the use or occupancy by a
15 transient of a room in a hotel for a temporary period.

16 "Convention center or exhibition hall." A building or series
17 of buildings:

18 (1) at least one of which contains a minimum of 75,000
19 gross square feet of exhibition space for shows and
20 conventions;

21 (2) which are not used for the retail sale of
22 merchandise or part of any shopping center, mall or other
23 retail center; and

24 (3) a major function of which is to house meetings,
25 exhibitions, shows, conventions, assemblies, convocations and
26 similar gatherings. The term includes land appurtenant to the
27 building or buildings.

28 "Cooperating political subdivision or agency of government."
29 A city or public authority located in a county:

30 (1) within the boundaries of which a convention center

1 or exhibition hall is planned or constructed; and

2 (2) which shares with the county duties, obligations or
3 privileges with respect to that convention center.

4 "Hotel." A hotel, motel, inn, guesthouse, rooming house, bed
5 and breakfast, homestead or other structure which holds itself
6 out by any means, including advertising, license, registration
7 with an innkeepers' group, convention listing association,
8 travel publication or similar association or with a government
9 agency, as being available to provide overnight lodging for
10 consideration to persons seeking temporary accommodation; any
11 place which advertises to the public at large or any segment
12 thereof that it will provide beds, sanitary facilities or other
13 space for a temporary period to members of the public at large;
14 any place recognized as a hostelry or any cabin. The term does
15 not include any of the following:

16 (1) A charitable institution.

17 (2) A portion of a facility that is devoted to persons
18 who have an established permanent residence.

19 (3) A college or university student residence hall
20 currently occupied by students enrolled in a degree program.

21 (4) An educational or religious institution camp for
22 children, including a camp registered under the act of
23 November 10, 1959 (P.L.1400, No.497), entitled "An act
24 providing for the annual registration of organized camps for
25 children, youth and adults; defining the duties of the
26 Department of Health of the Commonwealth of Pennsylvania; and
27 prescribing penalties."

28 (5) A hospital.

29 (6) A nursing home.

30 (7) Part of a campground that is not a cabin.

1 "Municipality." Notwithstanding 53 Pa.C.S. § 8401 (relating
2 to definitions), a township or borough or a home rule
3 municipality which was formerly a township or borough.

4 "Occupancy." The use or possession or the right to the use
5 or possession by any person other than a permanent resident of a
6 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 "Operating deficit." The excess of expenses over receipts
10 from the operation and management of a convention center or
11 exhibition hall.

12 "Operator." Any individual, partnership, nonprofit or
13 profit-making association or corporation or other person or
14 group of persons that maintain, operate, manage, own, have
15 custody of or otherwise possess the right to rent or lease
16 overnight accommodations in a hotel to the public for
17 consideration.

18 "Patron." A person that pays the consideration for the
19 occupancy of a room in a hotel.

20 "Permanent resident." An individual who has occupied or has
21 the right to occupancy of a room in a hotel as a patron or
22 otherwise for a period exceeding 30 consecutive days.

23 "Recognized tourist promotion agency." The nonprofit
24 corporation, organization, association or agency which is
25 engaged in planning and promoting programs designed to stimulate
26 and increase the volume of tourist, visitor and vacation
27 business within a county and certified by the county pursuant to
28 the act of July 4, 2008 (P.L.621, No.50), known as the Tourism
29 Promotion Act.

30 "Regional tourist promotion activities." Services,

1 activities, facilities and events, which result in a significant
2 number of nonresidents visiting a county of the second class for
3 recreational, cultural or educational purposes.

4 "Room." A space in a hotel set aside for use and occupancy
5 by patrons, or otherwise, for consideration, having at least one
6 bed or other sleeping accommodation.

7 "Substantial completion." Construction which is sufficiently
8 completed in accordance with contract documents and certified by
9 the convention center authority's architect or engineer, as
10 modified by change orders so that:

11 (1) the main convention area can be used, occupied or
12 operated for its intended use; and

13 (2) at least 90% of the work on the main convention or
14 exhibition area is complete.

15 "Temporary." A period of time not exceeding 30 consecutive
16 days.

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 accommodation in any
22 hotel for himself by means of registering at the facility for
23 the temporary occupancy of any room for the personal use of that
24 individual by paying to the operator of the facility a fee in
25 consideration for the accommodation.

26 Section 5. Repeals are as follows:

27 (1) The General Assembly declares that the repeal under
28 paragraph (2) is necessary to effectuate the amendment or
29 addition of 16 Pa.C.S. Pts. I, II, III and IV.

30 (2) The act of August 9, 1955 (P.L.323, No.130), known

1 as The County Code, is repealed.

2 (3) The General Assembly declares that the repeals under
3 paragraph (4) are necessary to effectuate the addition of
4 section 311(e).

5 (4) Sections 210 and 211 of the act of July 28, 1953
6 (P.L.723, No.230), known as the Second Class County Code, are
7 repealed.

8 Section 6. The amendment or addition of 16 Pa.C.S. Pts. I,
9 II, III and IV is a continuation of the act of August 9, 1955
10 (P.L.323, No.130), known as The County Code. The following
11 apply:

12 (1) Except as otherwise provided in 16 Pa.C.S. Pts. I,
13 II, III and IV, all activities initiated under The County
14 Code shall continue and remain in full force and effect and
15 may be completed under 16 Pa.C.S. Pts. I, II, III or IV.
16 Orders, regulations, rules and decisions which were made
17 under The County Code and which are in effect on the
18 effective date of section 5(2) of this act shall remain in
19 full force and effect until revoked, vacated or modified
20 under 16 Pa.C.S. Pts. I, II, III and IV. Contracts,
21 obligations and collective bargaining agreements entered into
22 under The County Code are not affected nor impaired by the
23 repeal of The County Code.

24 (2) Except as provided in paragraph (3), any difference
25 in language between 16 Pa.C.S. Pts. I, II, III and IV and The
26 County Code is intended only to conform to the style of the
27 Pennsylvania Consolidated Statutes and is not intended to
28 change or affect the legislative intent, judicial
29 construction or administration and implementation of The
30 County Code.

1 (3) Paragraph (2) shall not apply to the following:

2 (i) The addition of 16 Pa.C.S. § 12305(d).

3 (ii) The addition of 16 Pa.C.S. § 12309.

4 (iii) The addition of 16 Pa.C.S. § 14931(b)(2).

5 (iv) The addition of 16 Pa.C.S. § 15102(1).

6 (v) The exclusion of section 1951 of The County
7 Code.

8 (vi) The addition of 16 Pa.C.S. § 17315.

9 (vii) The addition of 16 Pa.C.S. § 17345.

10 Section 7. This act shall take effect in 60 days.