

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILLNo. **1005** Session of
2017INTRODUCED BY EICHELBERGER, MCGARRIGLE, HUTCHINSON, BLAKE AND
SCHWANK, DECEMBER 28, 2017AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 20, 2018

AN ACT

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

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

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

AN ACT

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

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

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

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

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

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

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

"Municipality." A municipal corporation or county.

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

1 recreation centers.

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

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

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

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

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

17 (4) The Local Health Administration Law, approved August
18 twenty-four, one thousand nine hundred fifty-one (Pamphlet Laws
19 1304).

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

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

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

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

1 (9) Any law relating to State highways.

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

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

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

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

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

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

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

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

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

23 (19) Any temporary law.

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

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

29 Section 104. Saving Clause.--(a) The provisions of this
30 act, as far as they are the same as those of existing laws,

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

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

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

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

1 repealing any term of office, power, ordinance, rule or
2 regulation of home rule counties or counties of the second class
3 A existing on the effective date of this subsection.

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

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

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

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

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

1 Section 108.1. Collection of Tax on Real Property from Rent
2 Paid to Owner in County of the Second Class A.--(a) Where the
3 owner of any residential or commercial real property that is
4 located in a county of the second class A and subject to a claim
5 owed to the county pursuant to the act of May 16, 1923 (P.L.207,
6 No.153), referred to as the Municipal Claim and Tax Lien Law,
7 derives any rental income from that property, the county
8 treasurer shall notify the property owner in writing of the
9 property owner's duty to remit that rental income to the office
10 of the county treasurer. The rent remitted shall be applied to
11 the amount of tax owed to the county, along with any interest or
12 penalties due, until the claim is paid in full.

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

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

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

1 court of common pleas, shall have preference for trial over all
2 other actions.

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

4 Section 109.1. Collection of Tax and Municipal Claims by
5 Suit; Limitations.--(a) In addition to the remedies provided by
6 law for the collection of tax and municipal claims, a county may
7 proceed for the recovery and collection of any tax or municipal
8 claim owed to the county against any owner or owners of the
9 property owing the tax or municipal claim to the county by a
10 civil action or other appropriate remedy. To each judgment
11 obtained for the taxes or municipal claim, there shall be added
12 a penalty of ten per centum, interest at the prevailing legal
13 rate and costs of suit. Upon judgment, execution may be issued
14 without any stay or benefit of any exemption law.

15 (b) The right of a county to collect unpaid taxes or
16 municipal claims owed to the county under the provisions of this
17 section shall not be affected by the fact that the tax or
18 municipal claims have or have not been entered as liens in the
19 office of the prothonotary.

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

23 (1) The date a tax is due.

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

26 (3) The date that the property owner first became liable for
27 payment of any claim other than that for taxes or improvements.

28 (d) The remedy granted under this section shall be applied
29 retroactively.

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

1 305, 306, 401, 402 and 403 of the act are amended to read:

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

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

1 supplies, shall be published only in newspapers of general
2 circulation[, as hereinbefore defined].

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

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

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

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

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

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

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

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

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

27 (1) First Class Counties, those having a population of
28 1,500,000 inhabitants and over.

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

1 inhabitants.

2 (2.1) Second Class A Counties, those having a population of
3 500,000 and more but less than [800,000] 1,000,000 inhabitants.

4 (3) (i) Third Class Counties, those having a population of
5 210,000 and more but less than 500,000 inhabitants.

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

15 (4) Fourth Class Counties, those having a population of
16 145,000 and more but less than 210,000 inhabitants.

17 (5) Fifth Class Counties, those having a population of
18 90,000 and more but less than 145,000 inhabitants.

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

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

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

1 Section 211. Ascertainment, Certification and Effect of
2 Change of Class.--(a) The classification of counties shall be
3 ascertained and fixed according to their population by reference
4 from time to time to the decennial United States census as
5 [hereinafter provided, deducting therefrom] provided in this
6 section, less the number of persons residing on any lands that
7 have been ceded to the United States.

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

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

1 decade.

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

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

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

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

29 (b) If it appears to the [court so] designated court that
30 the county line, or any part thereof, shall be surveyed or

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

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

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

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

1 verified by affidavit of the person claiming payment or [some
2 one on his] someone on the person's behalf.

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

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

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

1 county line be established in whole or in part.

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

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

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

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

1 recorded in the records thereof.

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

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

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

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

26 (1) Three county commissioners.

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

30 (3) One treasurer.

1 (4) One coroner.
2 (5) One recorder of deeds.
3 (6) One prothonotary.
4 (7) One clerk of the court of [quarter sessions and of the
5 court of oyer and terminer] common pleas.

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

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

10 (10) One sheriff.

11 (11) One district attorney.

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

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

30 (b.1) In the event that any officer in a county of the

1 second class A, other than a county commissioner, shall fail to
2 qualify, or if no successor is elected, the officer then in
3 office shall continue in office only until the first Monday in
4 January following the next municipal election, at which time a
5 successor shall be elected for a term of four years.

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

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

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

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

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

25 (a.1) Except as otherwise authorized by law, no elected
26 county officer or county solicitor, IF THE COUNTY SOLICITOR IS <--
27 AN INDIVIDUAL, of a county of the third through eighth class
28 shall, at the same time, serve as treasurer or tax collector of
29 any municipal corporation.

30 (b) No member of Congress from this State, nor any person

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

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

29 (b) The foregoing oath shall be administered by some person
30 authorized to administer oaths, and shall be filed in the office

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

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

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

19 Section 10. Sections 404, 405, 406, 407, 408, 409, 410 and
20 411 of the act are amended to read:

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

28 Section 405. Location of Offices, Records and Papers.--(a)
29 The commissioners, auditors, controller, treasurer, sheriff,
30 recorder of deeds, prothonotary, clerk of courts [of quarter

1 sessions and oyer and terminer], clerk of orphans' court,
2 register of wills[, recorder of deeds] and district attorney
3 shall keep their respective offices, and all public records and
4 papers [belonging thereto] of those offices, at the county seat,
5 and in such buildings as may be erected or appropriated for such
6 purpose.

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

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

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

1 management fund, administered by the county's records management
2 program in the Office of Management and Productivity or, in the
3 absence of such an office, an office that handles the same or
4 similar functions. The fund shall be solely used to help defray
5 the cost of maintaining, administering, preserving and caring
6 for the records of the county.

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

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

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

27 (b) In case any officer shall refuse to permit the
28 inspection of any fiscal record or document the taxpayer may, by
29 petition to the court of common pleas of the county, set forth
30 his reasons for desiring to make such inspection, and, if the

1 court deems such reasons proper, it shall order the officer to
2 permit the inspection to be made.] Except as otherwise provided
3 by this act, records of county offices shall be open for
4 inspection subject to the rules and regulations provided in the
5 act of February 14, 2008 (P.L.6, No.3), known as the "Right-to-
6 Know Law."

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

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

1 Section 408. Deputies to Act in Certain Cases.--(a)
2 Whenever any county officer is authorized or required to appoint
3 a deputy or deputies, such deputy or principal deputy, where
4 there are more than one, shall, during the necessary or
5 temporary absence of [his] the deputy's principal, perform all
6 duties of such principal, and also, in case of a vacancy or as
7 provided in section 401(b), until a successor is qualified.
8 While fulfilling these duties, in the case of a vacancy, in
9 counties of the third through eighth classes, the deputy shall
10 receive the salary provided by law for the principal or the
11 salary provided for the deputy, whichever is greater.

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

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

1 occurrence of the vacancy, other than the one at which the
2 office ordinarily is filled, then the office shall be filled at
3 that election for the balance of the unexpired term. Such
4 appointee shall be confirmed by the Senate if in session.

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

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

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

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

28 Section 411. Penalty for Neglect or Refusal to Perform
29 Duties.--If any county officer neglects or refuses to perform
30 any duty imposed on [him] the officer by the provisions of this

1 or any other act, [or by the provisions of any other act of
2 Assembly,] or by any rule of court, [or other provision of law,
3 he] the officer shall, for each [such] neglect or refusal, be
4 guilty of a misdemeanor, and, on conviction thereof, shall be
5 sentenced to pay a fine not exceeding five hundred dollars
6 (\$500).

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

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

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

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

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

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

1 referred to as the Uniform Mileage Fee Law.

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

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

7 Section 416. Solicitors to County Officers Other Than
8 Commissioners.--(a) Each of the following officers may
9 designate and appoint a ~~person who shall be~~ SOLICITOR licensed <--
10 to practice law in this Commonwealth to act as solicitor to that <--
11 officer: WHO MAY BE ONE PERSON OR A LAW FIRM, PARTNERSHIP, <--
12 ASSOCIATION OR PROFESSIONAL CORPORATION:

13 (1) The county treasurer.

14 (2) The sheriff.

15 (3) The register of wills.

16 (4) The recorder of deeds.

17 (5) The coroner.

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

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

21 (c) The solicitor shall hold office at the pleasure of the
22 officer.

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

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

29 Section 14. Sections 440, 442, 443, 444, 445, 446, 460, 502,
30 503, 504, 507, 508, 509, 521, 601, 602 and 603 of the act are

1 amended to read:

2 Section 440. State Associations Authorized.--County officers
3 of each county may organize for themselves a State association
4 as follows:

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

9 (2) The county controllers.

10 (3) The sheriffs.

11 (4) The district attorneys.

12 (5) The probation officers.

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

14 (7) The prothonotaries and clerks of courts [of quarter
15 sessions].

16 (8) The county treasurers.

17 (9) The recorders of deeds.

18 (10) The directors of veterans' affairs.

19 (11) The coroners.

20 (12) Jury commissioners.

21 (13) The county auditors.

22 (14) The public defenders.

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

1 annual meetings of his respective associations either together
2 with the controller, sheriff, register of wills, treasurer,
3 prothonotary, clerk of the courts of quarter sessions, district
4 attorney, public defender, recorder of deeds or coroner as the
5 case may be or in his place.] With the approval of their
6 principals, the first and, where appointed, second deputy and
7 the solicitor of the following officers may attend the annual
8 meeting of their respective association with or in the place of
9 their principals:

- 10 (1) The controller.
- 11 (2) The sheriff.
- 12 (3) The register of wills.
- 13 (4) The clerk of orphans' court.
- 14 (5) The treasurer.
- 15 (6) The prothonotary.
- 16 (7) The clerk of the courts.
- 17 (8) The recorder of deeds.
- 18 (9) The district attorney.
- 19 (10) The public defender.
- 20 (11) The coroner.

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

1 to and returning from such meeting and the registration fee. The
2 sum of [one hundred seventy-five dollars (\$175)] two hundred
3 twenty dollars (\$220) per day as set forth in this subsection
4 shall be adjusted annually by the annual increase in the cost of
5 living as determined annually by the United States Department of
6 Labor.

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

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

1 sum of [one hundred seventy-five dollars (\$175)] two hundred
2 twenty dollars (\$220) per day shall be adjusted annually as set
3 forth above.

4 (b) The annual meeting of the association of county
5 commissioners, county solicitors and chief clerks shall not
6 exceed four days, that of the district attorneys shall not
7 exceed three days, and those of all other State associations
8 shall not exceed three days in every case, exclusive of the time
9 spent in traveling to and from the said meetings.

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

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

30 (1) For each county of the second class A, one thousand

1 dollars (\$1,000).

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

4 (3) For each county of the fifth and sixth class, six
5 hundred twenty-five dollars (\$625).

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

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

16 (d) The amounts set forth in subsections (b) and (c) shall
17 be adjusted annually by the annual increase in the cost of
18 living as determined annually by the United States Department of
19 Labor.

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

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

1 regulations of the association.

2 (b) Such annual apportionments of expenses shall be as
3 approved at each annual [convention] conference of the said
4 association by a majority vote of the members present and, when
5 so approved, shall be paid by the several counties from general
6 county funds.

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

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

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

1 Section 460. Meetings Open to Public.--[(a)] All meetings,
2 regular and special, of the board of county commissioners and of
3 all boards, commissions and authorities, created by or operating
4 as agencies of a county, are hereby declared to be public
5 meetings [open to the public at all times.

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

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

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

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

1 Section 504. Quorum; Execution of Official Instruments.--(a)
2 The commissioners shall constitute a board, two members of which
3 shall be a quorum for the transaction of business, and, when
4 convened [in pursuance of notice or according to adjournment]
5 after notice, shall be competent to perform all the duties
6 appertaining to the office of county commissioners.

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

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

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

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

1 (c) Before purchasing office furniture, equipment or
2 supplies, blank books, blank dockets, books for records or
3 stationery, the county officers who are to be furnished with any
4 of [such] the items shall have an opportunity to state in
5 writing [his] preferences as to the type and make of [such
6 articles or any of them] the items. The commissioners shall,
7 when feasible, purchase and supply to each officer [his
8 preference in such articles] the preferred item when such
9 preference has been given.

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

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

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

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

30 (d) Any person violating any of the ordinances adopted by

1 the [board of county] commissioners pursuant to this section
2 shall, upon conviction thereof at a summary proceeding, be
3 sentenced to pay such fine as may be prescribed in such
4 ordinances by the [county] commissioners but not in excess of
5 one thousand dollars (\$1,000), to be paid to the use of the
6 county, with costs of prosecution, or to be imprisoned for not
7 more than ten days, or both.

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

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

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

30 (a.1) In counties of the second class A, a controller shall

1 be elected at the municipal election immediately preceding the
2 expiration of the term of the controller in office on the
3 effective date of this subsection and quadrennially thereafter.

4 (b) Each county controller shall be provided with an
5 official seal of [his] the office by the county commissioners of
6 the county, which shall be used for the attestation of all
7 official papers.

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

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

18 (c) The controller shall always be eligible to reelection or
19 appointment.

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

30 (b) The controller may appoint a second deputy controller,

1 who shall possess and discharge all the rights, powers and
2 duties of the principal deputy controller during [his necessary
3 or] the principal deputy controller's and the controller's
4 temporary absence.

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

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

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

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

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

1 (c) If the majority of electors voting on the question shall
2 vote in favor of establishing the office of county controller,
3 [such] the office shall thereby be established, and, at the next
4 municipal election, and quadrennially thereafter, the electors
5 of the county shall choose a citizen of the county for the
6 office of controller in place of the county auditors.

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

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

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

26 Section 701. Election and Vacancies.--(a) In each county
27 where the office of controller has not been established, three
28 county auditors shall be elected in the year one thousand nine
29 hundred fifty-five, and every fourth year thereafter. In the
30 election of auditors, each qualified elector shall vote for no

1 more than two persons. The three persons having the highest
2 number of votes shall be elected.

3 (b) Any casual vacancy in the office of county auditors
4 shall be filled, for the balance of the unexpired term, by the
5 court of common pleas of the county, [by the appointment of an
6 elector who voted for the auditor whose place is to be filled.]
7 sitting en banc, appointing a successor who shall be a
8 registered elector of the county and shall be a member of the
9 same political party as was the auditor whose place is to be
10 filled at the time the auditor assumed office.

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

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

26 Section 703. Meetings; Quorum.--(a) The auditors shall
27 [assemble] meet at the county seat on the first Monday of
28 January in each year[, and begin] for the purpose of organizing
29 and to begin their audit of the fiscal affairs of the county for
30 the fiscal year immediately preceding. [, and thereafter, at such

1 times as they may find necessary for the completion of their
2 audit before the first day of the following July. They may, upon
3 petition to the court of common pleas, have such additional time
4 for the completion of their report as the court shall allow.]

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

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

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

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

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

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

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

3 Section 805. Misapplication of Funds Collected for Specific
4 Purposes.--Whenever any moneys are collected by law in any
5 county [for any special purpose, and paid into the hands] and
6 are in the possession or control of the treasurer of [such] the
7 county, it shall be unlawful for [such] the treasurer to apply
8 such moneys, or any part thereof, to any other purpose than that
9 for which [such] the moneys were collected unless otherwise
10 authorized by law. Every such misapplication shall [be a
11 misdemeanor, upon conviction thereof such treasurer shall be
12 punished by a fine of not less than the amount so misapplied, or
13 by imprisonment for not less than three months nor more than one
14 year, or both.] constitute a violation of 18 Pa.C.S. § 3927
15 (relating to theft by failure to make required disposition of
16 funds received).

17 Section 806. Deputy Treasurer.--The county treasurer is
18 [hereby] authorized to appoint a deputy county treasurer who
19 shall perform such duties as shall be prescribed by the county
20 treasurer.

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

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

27 [~~Section 807. Solicitor to County Treasurer in Third,~~
28 ~~Fourth, Fifth, Sixth, Seventh and Eighth Class Counties.--In~~
29 ~~counties of the third, fourth, fifth, sixth, seventh and eighth~~
30 ~~classes, the county treasurer is authorized to appoint one~~

1 person, learned in the law, as his solicitor. The solicitor
2 shall advise upon all legal matters that may be submitted to him
3 and shall conduct any litigation when requested so to do by the
4 treasurer.]

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

7 Section 901. Appointment; Qualifications.--The county
8 commissioners shall appoint a county solicitor, who shall be an
9 attorney-at-law admitted to practice in the courts of this
10 Commonwealth AND MAY BE ONE PERSON OR A LAW FIRM, PARTNERSHIP, <--
11 ASSOCIATION OR PROFESSIONAL CORPORATION. [He shall, before]
12 Before entering upon the duties of [his] office, the solicitor
13 shall file with the county commissioners an agreement to pay all
14 fees, attorney's fees, and commissions received from every
15 source as county solicitor into the county treasury.

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

25 Section 903. Employes in [Third Class] Certain Counties.--In
26 counties of the second class A and third class, the county
27 solicitor may, with the consent of the county commissioners,
28 employ [a stenographer as an assistant in his office] clerks or
29 assistants as may be necessary in the discharge of the
30 solicitor's duties.

1 Section 904. Assistant County Solicitors.--[The] (a) Except
2 as provided in subsection (b), the county commissioners may
3 appoint one or more assistant county solicitors, and special
4 counsel who shall be attorneys at law admitted to practice in
5 the courts of this Commonwealth. Each assistant and special
6 counsel shall perform such duties in connection with the legal
7 affairs of the county as may be assigned [to him] by the county
8 commissioners or the county solicitor.

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

13 Section 1001. County Engineer; Appointment; Term.--The
14 [county] commissioners of any county may appoint a professional
15 engineer in civil engineering[, who shall be styled] or an
16 engineering firm as the county engineer. [Such] The engineer
17 shall serve at the pleasure of the commissioners.

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

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

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

28 (3) perform all duties heretofore imposed on county
29 surveyors.

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

1 [ARTICLE XII

2 SHERIFF AND CORONER

3 (a) Sheriff

4 Section 1201. Unfinished Business of Outgoing Sheriff.--(a)

5 It shall be the duty of every outgoing sheriff, to deliver all
6 unfinished and unexecuted writs and process whatsoever to his
7 successor whose duty it shall be to receive and execute the same
8 as if said writs and process had been originally issued and
9 directed to him, and to carry out and complete all other
10 official duties of his predecessor.

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

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

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

29 Section 1203. Chief Deputy; Compensation.--The sheriff of
30 each county shall appoint, by commission duly recorded in the

1 office for recording deeds, a chief deputy, whose appointment
2 shall be revocable by the sheriff at pleasure on recording in
3 said office a signed revocation thereof. The chief deputy,
4 during his continuance in office, shall have full power and
5 authority to perform any duty incumbent upon such sheriff, with
6 like effect in law as if such official act had been done by the
7 sheriff in person, regardless of the ability or temporary
8 disability of such sheriff to act, while such sheriff continues
9 in office. Nothing in this section shall operate to relieve such
10 sheriff or his sureties from liability upon their official bond.

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

26 Section 1205. Deputies and Clerks.--The sheriff of each
27 county may appoint such deputies and clerks as may be necessary
28 to properly transact the business of his office. He may revoke
29 the appointment of deputies in the same manner as his chief
30 deputy. The sheriff may also appoint necessary special deputies,

1 when any emergency arises, to assist him in executing any civil
2 or criminal process or court order or in preserving the peace,
3 who shall serve only so long as they are absolutely needed.

4 Section 1206. Deputy Sheriff's Qualifications.--A sheriff
5 shall not appoint any person a chief deputy or any other deputy
6 sheriff unless the sheriff files with the prothonotary, prior to
7 the appointment of such person, the name and photograph of such
8 person, together with an affidavit of such person setting forth
9 the following:

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

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

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

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

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

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

4 Section 1209. Public List of Applicants for Deputy
5 Sheriff.--The sheriff shall, from time to time, prepare a list
6 of the names of all persons who have applied for appointment as
7 deputy sheriff and who meet the qualifications hereinbefore
8 prescribed. Such list shall be posted in a public place for a
9 period of not less than ten days, and thereafter shall be filed
10 in the office of the prothonotary. No deputies shall be
11 appointed by the sheriff whose names do not appear on said list.

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

29 (b) No county, or any official or agent thereof, shall
30 accept as a gratuity, gift or donation any arms, ammunition,

1 military supplies, tear gas or equipment, or supplies or
2 articles of a similar character from, nor shall any such
3 gratuity, gift or donation be made by any person, association or
4 corporation.

5 (c) Any contract or agreement, whatsoever, made in violation
6 of the provisions of this section, shall be utterly void and of
7 no effect, in law or in equity, and is hereby declared to be
8 contrary to public policy.

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

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

27 Section 1212. Construction.--Nothing contained in sections
28 1206 or 1210 of this act, shall be construed to prohibit the
29 appointment, employment or compensation by any county in the
30 manner expressly provided by law of--(1) night watchmen, (2)

1 railroad police, (3) bank police, (4) payroll police, (5)
2 special policemen to police and protect cemeteries and grounds
3 and buildings open to the public, or to enforce laws for the
4 prevention of cruelty to persons or animals, (6) fire police
5 whose only duty shall be to direct traffic and maintain order
6 to, at or from fires, (7) police or guards employed by nonprofit
7 corporations or organizations.

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

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

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

1 of all persons interested therein.

2 (b) Coroner

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

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

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

26 Section 1234. Ambulance.--In each county, the county
27 commissioners may furnish and maintain, from the general funds
28 of the county, an ambulance for the removal of bodies of
29 deceased persons to and from the morgue, and for the burial of
30 unclaimed bodies. The coroner may provide rules and regulations

1 for the use and maintenance of the ambulance.

2 Section 1235. Unclaimed Property of Deceased; Sales.--(a)

3 The coroner shall safely keep in his charge all personal effects
4 and property which appear to have been on or about the person at
5 the time of his death, or being found on any decedent whose body
6 is received at the county morgue or at any other morgue serving
7 in lieu thereof, and all such effects and property which are
8 delivered to him according to law. The coroner shall hold such
9 property for one year, unless sooner claimed by legal
10 representatives of the deceased, or otherwise duly and lawfully
11 claimed or disposed of.

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

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

29 Section 1236. Private Morgue May be Used.--In any county
30 where a county morgue is not maintained, the coroner may cause

1 any body which he is authorized to admit to a county morgue to
2 be removed to a private morgue within the county, and, for the
3 use thereof, the owner shall be paid a sum to be established by
4 the salary board, to be paid in the same manner as fees of
5 coroner's jurors are paid.

6 Section 1236.1. Requests for Examinations and Reports.--(a)
7 Requests for examinations or other professional services by
8 other counties or persons may be complied with at the discretion
9 of the coroner pursuant to guidelines established by the county
10 commissioners.

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

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

29 Section 1237. Coroner's Investigations.--(a) The coroner
30 having a view of the body shall investigate the facts and

1 circumstances concerning deaths which appear to have happened
2 within the county, regardless where the cause thereof may have
3 occurred, for the purpose of determining whether or not an
4 autopsy should be conducted or an inquest thereof should be had,
5 in the following cases:

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

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

13 (3) deaths occurring as a result of violence or trauma,
14 whether apparently homicidal, suicidal or accidental (including,
15 but not limited to, those due to mechanical, thermal, chemical,
16 electrical or radiational injury, drowning, cave-ins and
17 subsidences);

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

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

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

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

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

29 (9) deaths of persons whose bodies are to be cremated,
30 buried at sea or otherwise disposed of so as to be thereafter

1 unavailable for examination;

2 (10) sudden infant death syndrome; and

3 (11) stillbirths.

4 (b) The purpose of the investigation shall be to determine
5 the cause of any such death and to determine whether or not
6 there is sufficient reason for the coroner to believe that any
7 such death may have resulted from criminal acts or criminal
8 neglect of persons other than the deceased.

9 (c) As part of this investigation, the coroner shall
10 determine the identity of the deceased and notify the next of
11 kin of the deceased.

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

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

24 (c) The proceedings at the inquest shall be recorded, at the
25 expense of the county, in a manner to be provided by the county
26 commissioners.

27 Section 1239. Sudden Deaths Defined.--The coroner shall
28 regard any death as sudden if it occurs without prior medical
29 attendance by a person who may lawfully execute a certificate of
30 death in this Commonwealth, or if, within twenty-four hours of

1 death, the decedent was discharged from such medical attendance
2 or a change of such medical attendance had occurred, or if any
3 such medical attendance began within twenty-four hours of death
4 and the medical attendant refuses or is unable to certify the
5 cause of death. Medical attendance includes hospitalization.

6 The provisions of this section shall not be construed to
7 affect the coroner's discretion as to whether or not any death
8 was suspicious, nor shall they be construed to authorize a
9 coroner to investigate a sudden death any further than necessary
10 to determine the cause and manner of death.

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

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

26 Section 1242. Cooperation with District Attorney.--In the
27 exercise of his duties as contained in this subdivision, the
28 coroner shall, so far as may be practicable, consult and advise
29 with the district attorney. The district attorney shall act as
30 counsel to the coroner in matters relating to inquests.

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

5 Section 1244. Certificate of Cause of Death.--The coroner
6 shall issue a certificate of cause of death in all cases
7 referred to him by the local registrar of vital statistics,
8 pursuant to the provisions of the act, approved June twenty-
9 nine, one thousand nine hundred fifty-three (Pamphlet Laws 304),
10 known as the "Vital Statistics Law of 1953," and in all other
11 cases of which he has jurisdiction, if no person duly authorized
12 by the said act certifies the cause of death.

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

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

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

1 Section 1246. Power to Administer Oaths.--The coroner shall
2 have power to administer oaths and affirmations to all persons
3 brought or appearing before him, and any person swearing or
4 affirming falsely on such examination shall be guilty of
5 perjury.

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

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

25 Section 1249. Chief Deputy Sheriff to Act as Sheriff in Case
26 of Vacancy.--If any sheriff shall be legally removed from his
27 office or shall die or resign before expiration of the term for
28 which he was commissioned, the chief deputy sheriff shall
29 execute the office of sheriff and perform all things thereunto
30 appertaining, and receive and retain for his own use the

1 compensation provided by law for sheriffs, until another sheriff
2 is commissioned and notice thereof is given to such chief deputy
3 sheriff.

4 Section 1250. Vacancies; No Fees upon Commissions.--If any
5 person elected to the office of coroner shall neglect or refuse,
6 for the space of two months next after such election, to assume
7 the duties of said office and to comply with the requirements of
8 the acts of Assembly in such cases, the office shall be vacant,
9 and it shall be the duty of the Governor, upon the notification
10 of the recorder of deeds, to appoint and commission some
11 suitable person to fill such vacancy during the remainder of the
12 term. No fees shall hereafter be charged on commissions issued
13 to the coroner.

14 Section 1251. Official Records of Coroner.--Every coroner,
15 within thirty (30) days after the end of each year, shall
16 deposit all of his official records and papers for the preceding
17 year in the office of the prothonotary for the inspection of all
18 persons interested therein.

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

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

29 (c) Provisions Relating to Sheriffs and Coroners

30 Section 1260. Not to Exercise Office Until Commission

1 Granted and Recorded; Penalty.--No person elected or appointed
2 to the office of sheriff or coroner shall execute any of the
3 duties of such office before a commission shall have been duly
4 granted to him by the Governor and left for record, under a
5 penalty of imprisonment for a term not exceeding six months, at
6 the discretion of the court of quarter sessions. Such person
7 shall nevertheless be liable to any person injured by any acts
8 done by him under color of such office.]

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

10 ARTICLE XII-A

11 SHERIFF

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

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

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

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

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

5 Whenever the sheriff is or shall be required by law to act in
6 person under or by virtue of any writ or process issued by the
7 courts of this Commonwealth, the sheriff may act either in
8 person or by a regularly appointed deputy sheriff.

9 Section 1203-A. Chief deputy and petition.

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

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

1 Section 1204-A. Real estate deputies.

2 The sheriff may have a real estate deputy to take charge of
3 all matters relating to sheriff's sales of real estate and
4 distributions of the proceeds thereof, whose appointment shall
5 be made and be revocable as provided for the chief deputy. The
6 deputy shall have full power to perform all duties incumbent
7 upon the sheriff in like manner as the chief deputy with like
8 effect in law as if such official acts had been done by the
9 sheriff in person. The duties shall include the execution and
10 acknowledgment of sheriff's deeds for real estate upon receipt
11 of the purchase price thereof. Nothing in this act shall operate
12 to relieve the sheriff or the sheriff's sureties from liability
13 upon their official bonds.

14 Section 1205-A. Deputies and clerks.

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

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

26 (a) Requirements.--A sheriff shall not appoint any person a
27 chief deputy or any other deputy sheriff unless the sheriff
28 files with the prothonotary, prior to the appointment of the
29 person, the name and photograph of the person, together with an
30 affidavit of the person setting forth the following:

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

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

4 (3) That the person has never been convicted of a crime
5 involving moral turpitude under the laws of this
6 Commonwealth, or of any other state, or of the United States.

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

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

23 Section 1207-A. False statements in deputy's affidavit.

24 Any false statement contained in any affidavit shall
25 constitute and shall be punishable as perjury.

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

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

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

30 The sheriff shall, from time to time, prepare a list of the

1 names of all persons who have applied for appointment as deputy
2 sheriff and who meet the qualifications for the position. The
3 list shall be posted in a public place for a period of not less
4 than 10 days, and thereafter shall be filed in the office of the
5 prothonotary. No deputies shall be appointed by the sheriff
6 whose names do not appear on said list.

7 Section 1210-A. Private services, gifts and payments
8 prohibited.

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

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

30 (c) Contract or agreement void.--Any contract or agreement,

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

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

13 Section 1211-A. Penalties.

14 A sheriff, deputy sheriff or other county police officer or
15 any other official of the county or any person, association or
16 corporation, who violates the provisions of sections 1206-A,
17 1209-A or 1210-A commits a misdemeanor and shall, upon
18 conviction, be sentenced to pay a fine of not less than \$100 nor
19 more than \$500, or to undergo imprisonment for not less than 90
20 days nor more than two years, or both.

21 Section 1212-A. Construction.

22 Nothing contained in section 1206-A or 1210-A shall be
23 construed to prohibit:

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

26 (i) Night watchmen.

27 (ii) Railroad police.

28 (iii) Bank police.

29 (iv) Payroll police.

30 (v) Special policemen to police and protect

1 cemeteries and grounds and buildings open to the public,
2 or to enforce laws for the prevention of cruelty to
3 persons or animals.

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

6 (vii) Police or guards employed by nonprofit
7 corporations or organizations.

8 (2) The payment by any person, association or
9 corporation of fees or compensation for county police or
10 other peace officers assigned to exhibitions, athletic
11 contests or other recreational activities.

12 Section 1213-A. Chief deputy sheriff to act as sheriff in case
13 of vacancy.

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

21 Section 1214-A. Sheriff to keep docket.

22 Every sheriff shall provide and keep in office a book or
23 books in which the sheriff shall enter all writs that may be
24 received and the proceedings thereon, and, at the expiration of
25 the term of office, such book or books shall be deposited in the
26 office of the prothonotary for the inspection of all persons
27 interested therein.

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

30 No person elected or appointed to the office of sheriff shall

1 execute any of the duties of office before a commission shall
2 have been duly granted to the sheriff by the Governor and
3 properly recorded, under a penalty of imprisonment for a term
4 not exceeding six months, at the discretion of the court of
5 common pleas. Such person shall nevertheless be liable to any
6 person injured by any acts done by the sheriff under color of
7 such office.

8 ARTICLE XII-B

9 CORONER

10 SUBARTICLE A

11 PRELIMINARY PROVISIONS

12 Section 1201-B. Applicability.

13 Except as otherwise expressly provided under this article,
14 this article shall apply to counties of the second class, second
15 class A and third through eighth class.

16 Section 1202-B. Definitions.

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

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

22 (1) Gross visual inspection and dissection of the body
23 and its internal organs.

24 (2) Photographic or narrative documentation of findings,
25 including microscopic, radiological, toxicological, chemical,
26 magnetic resonance imaging or other laboratory analysis
27 performed upon tissues, organs, blood, other bodily fluids,
28 gases or other specimens.

29 (3) The retention for diagnostic and documentary
30 purposes of the following which are necessary to establish

1 and defend against challenges to the cause and manner of
2 death of the deceased person:

3 (i) Tissues, organs, blood, other bodily fluids or
4 gases.

5 (ii) Any other specimen.

6 "Coroner." An elected or appointed coroner or an elected or
7 appointed medical examiner.

8 "Staff." The term includes an individual in the coroner's
9 office who engages in activities relating to death
10 investigation. The term may refer to a medical investigator,
11 forensic technician, laboratory director, forensic supervisor,
12 forensic investigator, scientist or autopsy or histology
13 technician.

14 SUBARTICLE B

15 GENERAL PROVISIONS

16 Section 1211-B. Deputies.

17 The coroner may appoint a deputy to act in the coroner's
18 place and may appoint staff to positions established in
19 accordance with section 1623 as the coroner determines. A deputy
20 shall have the same powers as the coroner.

21 Section 1212-B. Duties regarding county morgues.

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

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

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

29 (b) Salary board.--The salary board shall determine the
30 number of individuals appointed under subsection (a)(2) and the

1 individual's salaries.

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

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

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

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

18 (a) Removal and burial.--The county commissioners shall, in
19 consultation with the coroner, provide for the removal of a body
20 of a deceased individual to and from the morgue and for the
21 burial of an unclaimed body.

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

28 Section 1215-B. Unclaimed property and sales.

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

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

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

8 (b) Required holding period.--The coroner shall hold the
9 property for one year unless the property is claimed by a legal
10 representative of the deceased or is duly and lawfully disposed
11 of or claimed.

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

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

23 Section 1216-B. Private morgue.

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

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

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

5 (b) Fees and charges.--A fee and charge for an examination
6 or professional service shall be established by the coroner,
7 subject to approval by the county commissioners, and shall be
8 accounted for and paid to the county treasurer as provided under
9 section 1760. Payment for an examination or professional service
10 shall be the responsibility of the county or person requesting
11 the service.

12 Section 1218-B. Coroner's investigation.

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

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

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

26 (3) A death occurring as a result of violence or trauma,
27 whether apparently homicidal, suicidal or accidental,
28 including, but not limited to, a death due to mechanical,
29 thermal, chemical, electrical or radiational injury,
30 drowning, cave-in or subsidence.

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

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

7 (6) A death in which the body is unidentified or
8 unclaimed.

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

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

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

16 (10) A sudden and unexplained infant death.

17 (11) A stillbirth.

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

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

21 (2) Whether or not there is sufficient reason for the
22 coroner to believe that the death may have resulted from a
23 criminal act or criminal neglect of a person other than the
24 deceased.

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

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

29 (a) Autopsy.--If, after investigation, the coroner is unable
30 to determine the cause and manner of death, the coroner shall

1 perform or order an autopsy on the body.

2 (b) Inquest.--If the coroner is unable to determine the
3 cause and manner of death following an autopsy, the coroner may
4 conduct an inquest upon a view of the body as provided by law.

5 At the inquest, the coroner's duty shall be to:

6 (1) Ascertain the cause of death.

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

10 (3) Examine further evidence and witnesses regarding the
11 cause of death.

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

15 (d) Retention and disposal.--

16 (1) The coroner may retain a deoxyribonucleic acid (DNA)
17 specimen for diagnostic, evidentiary or confirmatory
18 purposes.

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

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

27 Section 1220-B. Child deaths.

28 (a) General rule.--A coroner shall perform or order an
29 autopsy to be conducted in the case of the sudden unexplained
30 death of a child who is not more than three years of age. If an

1 autopsy is required, the autopsy shall be conducted in the
2 manner the coroner determines is the least invasive manner
3 appropriate.

4 (b) Investigation.--

5 (1) For a death of a child who is not more than three
6 years of age where the coroner has determined that an
7 investigation is appropriate, the investigation shall include
8 the following information:

9 (i) Demographic information on the child and the
10 child's primary caregivers.

11 (ii) Witness interview.

12 (iii) Infant medical history.

13 (iv) Biological mother's prenatal history.

14 (v) Incident scene investigation.

15 (vi) Scene and body diagrams.

16 (2) In conducting the investigation under paragraph (1),
17 the coroner shall consider nationally recognized standards
18 for pediatric death review.

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

23 Section 1221-B. Sudden death.

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

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

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

30 (i) was discharged from medical attendance;

1 (ii) had a change of medical attendance occur; or
2 (iii) had medical attendance and the medical
3 attendant refuses or is unable to certify the cause of
4 death.

5 (b) Construction.--This section shall not be construed to
6 affect the coroner's discretion as to whether or not a death was
7 suspicious or to authorize a coroner to investigate a sudden
8 death further than necessary to determine the cause and manner
9 of death.

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

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

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

19 (1) The coroner has conducted an initial investigation
20 of the scene of death, including viewing and photographing
21 the scene in the manner that most fully discloses how the
22 individual died.

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

26 (b) Exception.--A body on a public thoroughfare or other
27 place may be moved if necessary for the administration of
28 emergency care and as a precaution against a traffic accident or
29 another serious consequence that might reasonably be anticipated
30 if the body was left in place. The removal of the body shall be

1 done so as to not substantially destroy or alter possible
2 evidence.

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

4 If a coroner assumes jurisdiction of a body under the
5 provisions of this article or another law, the body may not be
6 released or removed from the coroner's jurisdiction except upon
7 the coroner's directions and consent, in accordance with law.

8 Section 1224-B. Cooperation with district attorney.

9 In the exercise of duties under this article, the coroner
10 shall consult with and advise the district attorney as may be
11 practicable. The district attorney may act as counsel to the
12 coroner in matters relating to inquests.

13 Section 1225-B. Cooperation with other counties.

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

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

18 A coroner shall issue a certificate of cause of death in each
19 case:

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

23 (2) In which the coroner has jurisdiction and no
24 individual duly authorized by law certifies the cause of
25 death.

26 Section 1227-B. Subpoena and attachment.

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

30 (1) A death investigation.

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

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

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

7 (i) A paper.

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

10 (iii) Another thing relative to the investigation or
11 inquest.

12 Section 1228-B. Inquest and jury.

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

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

21 Section 1229-B. Oaths.

22 The coroner may administer an oath and affirmation to an
23 individual brought or appearing before the coroner. An
24 individual swearing or affirming falsely on the examination
25 commits perjury.

26 Section 1230-B. Commitment to county prison.

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

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

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

5 (b) Case required.--The warrant under subsection (a) must
6 set forth particularly the cause of the commitment.

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

10 Section 1231-B. Inquests.

11 The following shall apply:

12 (1) In counties of the second through eighth classes,
13 the coroner may:

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

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

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

19 (3) An individual required to attend may have counsel at
20 the attendance.

21 (4) In counties of the third through eighth class,
22 representatives of the media may not be excluded from an
23 inquest or part of an inquest unless the representatives are
24 personally interested or suspected from the inquest or part
25 of the inquest.

26 Section 1232-B. Vacancy.

27 (a) Legal removal, death or resignation.--If a coroner is
28 legally removed from office, dies or resigns before the
29 expiration of the term for which the coroner was elected or
30 appointed, the chief deputy coroner shall execute the office of

1 coroner, perform related duties and receive and retain the
2 compensation provided by law for the coroner until another
3 coroner is appointed.

4 (b) Neglect or refusal.--Except as otherwise provided under
5 subsections (d) and (e), if an individual who is elected to the
6 office of coroner neglects or refuses for the two months after
7 the election to assume the duties of the office and to comply
8 with the requirements of the law, the office shall be deemed
9 vacant. The Governor shall notify the recorder of deeds and
10 appoint and commission a suitable individual to fill the vacancy
11 during the remainder of the term.

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

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

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

23 Section 1233-B. Salary of solicitor and costs in counties of
24 the second class.

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

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

30 (2) Costs and expenses incurred by the coroner in a

1 manner connected with litigation or claims arising out of or
2 relating to the coroner's office shall be paid by the county
3 out of fees received by the coroner's office.

4 Section 1234-B. Anatomical gifts.

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

8 Section 1235-B. Execution of office.

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

16 Section 1236-B. Records.

17 ~~Records shall be maintained in the office of the coroner. If~~ <--
18 ~~no office is maintained, a public record providing the name of~~
19 ~~the deceased, the date of death and the cause and manner of~~
20 ~~death shall be deposited in the office of prothonotary for the~~
21 ~~inspection of an individual with an interest in the record.~~
22 ~~Except as provided under this article, public disclosure of a~~
23 ~~coroner record shall be in accordance with the act of February~~
24 ~~14, 2008 (P.L.6, No.3), known as the Right to Know Law. IN~~ <--
25 ~~COUNTIES OF THE THIRD, FOURTH, FIFTH, SIXTH, SEVENTH AND EIGHTH~~
26 ~~CLASSES, EVERY CORONER, WITHIN THIRTY (30) DAYS AFTER THE END OF~~
27 ~~EACH YEAR, SHALL DEPOSIT ALL OFFICIAL RECORDS AND PAPERS FOR THE~~
28 ~~PRECEDING YEAR IN THE OFFICE OF THE PROTHONOTARY FOR THE~~
29 ~~INSPECTION OF ALL PERSONS INTERESTED THEREIN.~~

30 SUBARTICLE C

1 FEEES AND COST RECOVERY

2 Section 1251-B. Disposition costs.

3 (a) Cost of disposition.--If legal representatives make
4 claim to property after disposition of the deceased has occurred
5 at county expense, any property retained from the deceased by
6 the coroner in accordance with 1215-B shall be subject to sale
7 to cover the cost of disposition with the balance, if any, going
8 to the representatives. No property shall be sold under this
9 subsection unless the coroner has provided written notice to the
10 representative of the all of the following:

11 (1) The costs of disposition.

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

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

16 (b) Costs of securing.--In cases where the coroner secures
17 the premises of the deceased, the costs of securing may be
18 charged against the estate of the deceased.

19 (c) Civil liability.--A coroner who reasonably attempts to
20 secure or safeguard any real property where the deceased is
21 found and any personal property on or around the deceased is
22 immune from civil liability for damage to or loss of the
23 property or its contents.

24 Section 1252-B. Fees for reports.

25 ~~(a) Fees to recover training costs.--The coroner shall~~ <--
26 charge and collect a fee of \$500 for an autopsy report, \$100 for
27 a toxicology report, \$100 for an inquisition or coroner's
28 report, \$50 for a cremation or disposition authorization and
29 other fees as may be established from time to time for other
30 reports or documents requested by nongovernmental agencies in

1 order to investigate a claim asserted under a policy of
2 insurance or to determine liability for the death of the
3 deceased. The fees collected under this subsection shall be
4 accounted for and paid to the county treasurer in accordance
5 with section 1760 and shall be used to defray the expenses
6 involved in the county complying with the training of coroners
7 or coroner office personnel, as may be required or authorized by
8 this or any other act.

9 ~~(b) Record disclosure. This section may not be construed as <--~~
10 ~~authorizing disclosure of a record exempt from public access in~~
11 ~~accordance with the act of February 14, 2008 (P.L.6, No.3),~~
12 ~~known as the Right to Know Law, or any provision of this act.~~

13 Section 23. Article XIII heading and sections 1301, 1302,
14 1303 and 1305 of the act are amended to read:

15 ARTICLE XIII

16 PROTHONOTARY, [CLERKS] CLERK OF COURTS, CLERK OF
17 ORPHANS' COURT, REGISTER OF WILLS,
18 RECORDER OF DEEDS

19 Section 1301. Election of [Prothonotaries, Clerks]
20 Prothonotary, Clerk of Courts, [Clerks] Clerk of Orphans' Court,
21 Register of Wills, Recorder of Deeds.--At the municipal election
22 preceding the expiration of the term of office of any
23 prothonotary, clerk of the [court of quarter sessions, clerk of
24 the court of oyer and terminer] courts of common pleas, register
25 of wills, clerk of the orphans' court or recorder of deeds of
26 any county and quadrennially thereafter, the electors of [such]
27 the county shall elect a person to fill [such] the office from
28 the first Monday of January next succeeding [such] the election,
29 for a term of four years and until [his] a successor is elected
30 and qualified. Where, under the provisions of this act or other

1 law, it is provided that two or more [of said] offices shall be
2 held by the same person, only one person shall be elected to
3 hold [such] the office.

4 Section 1302. How Offices to Be Held.--(a) In counties of
5 the third and fourth classes, one person shall hold the office
6 of prothonotary, one person the office of clerk of courts, one
7 person the offices of register of wills and clerk of the
8 orphans' court, and one person the office of recorder of deeds.

9 (a.1) Notwithstanding subsection (a) or any other law, a
10 county advancing from the fifth to fourth class as a result of
11 census figures certified after the primary election in the year
12 of a municipal election may maintain the configuration of
13 offices in effect in the county as long as the county, in
14 consultation with the president judge of the court of common
15 pleas of the county, deems appropriate. At such time as a county
16 decides that reconfiguration of the offices in the county in
17 accordance with subsection (a) or any other general law
18 applicable to the holding of offices and to the classification
19 of the county is appropriate, the county shall wait until the
20 year in which the offices are next up for election to effect
21 that change.

22 (a.2) Notwithstanding subsection (a) or (a.1) or any other
23 law, the county commissioners of a county advancing from the
24 fifth to fourth class may adopt a resolution providing that one
25 person shall continue to hold the offices of prothonotary and
26 clerk of courts, unless local law applying to such counties
27 shall otherwise provide.

28 (a.3) Notwithstanding subsection (a) or (a.1) or any other
29 law, the county commissioners of a county advancing from the
30 fifth to fourth class may adopt a resolution providing that one

1 person shall hold the offices of register of wills, recorder of
2 deeds and clerk of the orphans' court, unless local law applying
3 to such counties shall otherwise provide.

4 (b) In counties of the fifth class, one person shall hold
5 the offices of prothonotary and clerk of courts, one person the
6 offices of register of wills and clerk of the orphans' court,
7 and one person the office of recorder of deeds, unless local law
8 applying to such counties shall otherwise provide.

9 (b.1) Notwithstanding subsection (b) or any other law, the
10 county commissioners of a county advancing from the sixth to the
11 fifth class may adopt a resolution providing that one person
12 shall continue to hold the offices of register of wills,
13 recorder of deeds and clerk of the orphans' court, unless local
14 law applying to such counties shall otherwise provide.

15 (c) In counties of the sixth and seventh classes, one person
16 shall hold the offices of prothonotary and clerk of courts, and
17 one person the offices of register of wills, recorder of deeds
18 and clerk of the orphans' court, unless local laws applying to
19 such counties shall otherwise provide.

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

24 (e) This section does not repeal any of the provisions of
25 section one of the act, approved July two, one thousand eight
26 hundred thirty-nine (Pamphlet Laws 559), entitled "An act to
27 provide for the election of prothonotaries, clerks, recorders
28 and registers," nor any of the provisions of any other local
29 law.

30 (f) Any county in which the offices provided for herein are

1 not now held as hereinbefore provided, and which desires to
2 provide for the holding of two or more of said county offices by
3 the same person, may, at any time hereafter, accept the
4 provisions of this section in whole or in part, and provide for
5 the holding of its county offices, or any of them, in the manner
6 provided in this section for the class of counties to which it
7 belongs. The recombining of the offices that have been separated
8 shall take effect in the year in which the offices are next up
9 for election, at which time offices in the county shall be held
10 in accordance with the subsection authorizing the combining of
11 the offices or any other general law applicable to the holding
12 of offices and to the classification of the county.

13 (g) The proceedings to accept the provisions of this section
14 and to join its offices or any of them, as herein provided,
15 shall be in all respects as provided in section one thousand
16 three hundred three of this act for the acceptance of the
17 provisions of that section. Upon the expiration of the term of
18 any county officer affected by such proceeding, his or her
19 office shall be joined to the other whose term still continues,
20 and no successor shall be elected, or, if the terms of all
21 officers affected expire at the same time, then upon such
22 expiration such offices shall be joined and occupied by one
23 person elected at the preceding municipal election for such
24 purpose.

25 Section 1303. Counties of Forty Thousand Inhabitants Created
26 Separate Judicial Districts.--(a) In each county containing
27 forty thousand inhabitants, which has been created as a separate
28 and independent judicial district as provided by the
29 Constitution, upon acceptance of the provisions of this section,
30 there shall be elected one person to fill the office of

1 prothonotary, one person to fill the office of the clerk of the
2 courts of [quarter sessions and oyer and terminer] common pleas,
3 one person to fill the office of register of wills and clerk of
4 the orphans' court, and one person to fill the office of
5 recorder of deeds, at the expiration of the terms of the persons
6 then filling and exercising such offices in such counties.

7 (b) In any such county in which the offices provided for in
8 this section are now held as above provided, [such] the offices
9 shall continue to be so held, and persons shall continue to be
10 elected to fill the same without any actual acceptance of this
11 section.

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

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

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

26 [Section 1311. Solicitor to Register in Counties of the
27 Third, Fourth, Fifth, Sixth, Seventh and Eighth Classes.--In all
28 counties of the third, fourth, fifth, sixth, seventh and eighth
29 classes, the register of wills is authorized to appoint one
30 person, learned in the law, as his solicitor. Said solicitor

1 shall advise upon all legal matters that may be submitted to
2 him, and shall conduct any litigation when requested so to do by
3 the register of wills.]

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

6 Section 1312. Second Deputy Recorder.--The recorder of deeds
7 may appoint a second deputy recorder of deeds, who shall possess
8 and discharge all the rights, powers and duties of the principal
9 deputy recorder of deeds during [his] the principal deputy's
10 necessary or temporary absence.

11 Section 1313. Clerks of Recorder to Administer Oaths.--The
12 recorder of deeds may appoint one or more clerks employed in
13 [his] the recorder's office to administer oaths and affirmations
14 to all persons, pertaining to the business of the recorder's
15 office, with the same force and effect as if administered by the
16 recorder or deputy recorder.

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

18 [Section 1314. Solicitor to Recorder of Deeds in Counties of
19 the Third, Fourth, Fifth, Sixth, Seventh and Eighth Classes.--In
20 all counties of the third, fourth, fifth, sixth, seventh and
21 eighth classes, the recorder of deeds may appoint one person as
22 his solicitor. Said solicitor shall advise the recorder of deeds
23 upon all legal matters that may be submitted to him, and conduct
24 all litigation connected with the recorder of deeds' office when
25 requested so to do by the recorder of deeds.]

26 Section 27. Sections 1401, 1402, 1403, 1404, 1405, 1406,
27 1407, 1409, Subdivision (b) heading of Article XIV, 1420, 1421,
28 1424, 1425, 1426, 1440 and 1441 of the act are amended to read:

29 Section 1401. District Attorney; Qualifications;
30 Eligibility; Compensation.--(a) The district attorney shall be

1 a resident of the county, at least twenty-five years of age, and
2 a citizen of the United States, shall have been admitted to
3 practice as an attorney before the Supreme Court of this
4 Commonwealth for at least one year prior to taking the oath of
5 office and shall have resided in the county for which [he] the
6 district attorney is elected or appointed for one year next
7 preceding [his] election or appointment.

8 (f) No district attorney shall be eligible for a seat in the
9 Legislature or to any other office under the laws and
10 Constitution of the Commonwealth, excepting an office or
11 commission, pursuant to 51 Pa.C.S. (relating to military
12 affairs), in the militia of the Commonwealth, the Pennsylvania
13 Guard or the Pennsylvania National Guard, during [his] the
14 district attorney's continuance in office.

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

17 (1) The commissioners of the county have by ordinance fixed
18 the services of the district attorney at full time. An ordinance
19 under this clause may not be made between the first day for the
20 circulation of nominating petitions for the office of district
21 attorney and January 1 of the subsequent year.

22 (2) The president judge of the county court of common pleas
23 orders that the office of district attorney shall be full time.
24 Upon motion of the district attorney, the president judge shall
25 conduct a hearing and shall issue an order whether the office of
26 district attorney shall be full time within 180 days of the
27 filing of the motion. The order may be appealed by the district
28 attorney or the county commissioners in accordance with the
29 rules of appellate procedure. An order under this clause shall
30 take effect in 60 days. An order under this clause directing

1 that the office of district attorney be full time shall be made
2 if the president judge finds that two or more of the following
3 factors are present in the county:

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

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

8 (iii) the county has any State correctional facility,
9 juvenile detention facility, youth development center, youth
10 forestry camp, other licensed residential facility serving
11 children and youth, or mental health or mental retardation
12 facility or institution, with a population exceeding two hundred
13 fifty, or if the county has more than one such facility or
14 institution, the aggregate population of such facilities and
15 institutions exceeds two hundred fifty;

16 (iv) a major controlled substances transportation route
17 passes through the county;

18 (v) the average number of convictions under 75 Pa.C.S. §
19 3802 (relating to driving under influence of alcohol or
20 controlled substance) or the former 75 Pa.C.S. § 3731 (relating
21 to driving under influence of alcohol or controlled substance)
22 subject to the alcoholic ignition interlock statutory provision
23 requirements exceeds thirty per year; or

24 (vi) the county constitutes a single and separate judicial
25 district.

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

28 (1) Each part-time district attorney holding office on the
29 effective date of this subsection whose term expires January 7,
30 2008, shall become full time on January 2, 2006, if, after

1 exercising due diligence in conducting an assessment of the best
2 interests of public safety and the administration of criminal
3 justice in the county, the part-time district attorney provides
4 written notice to the chairman of the county commissioners, the
5 Secretary of Revenue and the State Treasurer, no sooner than
6 December 1, 2005, and no later than December 30, 2005, of the
7 part-time district attorney's choice to serve as a full-time
8 district attorney. Where a part-time district attorney holding
9 office on the effective date of this act does not provide such
10 notice, the office of district attorney shall remain part time
11 for the remainder of the current term of office.

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

27 (3) A person seeking election or re-election as district
28 attorney in a county where the office of district attorney is a
29 part-time position after January 2, 2006, shall, upon election
30 and taking the oath of office, become a full-time district

1 attorney if, prior to the deadline for filing nomination
2 petitions or papers, the person has provided written notice to
3 the chairman of the county commissioners, the Secretary of
4 Revenue and the State Treasurer of the person's choice to serve
5 as a full-time district attorney. Where the person does not
6 provide such notice, the office of district attorney shall
7 remain part time for the entire term of office.]

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

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

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

30 (l) A part-time district attorney may have an outside

1 practice and shall be compensated[, notwithstanding the
2 provisions of any other statutes, as follows: In counties of the
3 third or fourth class, the salary shall be sixty per cent of the
4 annual salary payable to the judge of the court of common pleas
5 of the judicial district of the county; in a county of the fifth
6 or sixth class, the salary shall be fifty per cent of the annual
7 salary payable to the judge of the court of common pleas of the
8 judicial district of the county; and in a county of the seventh
9 or eighth class, the salary shall be] at forty per cent of the
10 annual salary payable to the judge of the court of common pleas
11 of the judicial district of the county.

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

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

19 (o) A district attorney shall be subject to the Rules of
20 Professional Conduct and the canons of ethics as applied to
21 judges in the courts of common pleas of this Commonwealth
22 insofar as such canons apply to salaries, full-time duties and
23 conflicts of interest. Any complaint by a citizen of the county
24 that a full-time district attorney may be in violation of this
25 section shall be made to the Disciplinary Board of the Supreme
26 Court of Pennsylvania. If any substantive basis is found, the
27 board shall proceed forthwith in the manner prescribed by the
28 rules of the Supreme Court and make such recommendation for
29 disciplinary action as it deems advisable, provided, however,
30 that if the Supreme Court deems the violation so grave as to

1 warrant removal from office, the prothonotary of the Supreme
2 Court shall transmit its findings to the Speaker of the House of
3 Representatives for such action as the House of Representatives
4 deems appropriate under Article VI of the Constitution of
5 Pennsylvania.

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

9 Section 1402. Duties of District Attorney; Entry of Nolle
10 Prosequi.--(a) The district attorney shall sign all bills of
11 indictment and conduct in court all criminal and other
12 prosecutions, in the name of the Commonwealth, or, when the
13 Commonwealth is a party, which arise in the county for which
14 [he] the district attorney is elected, and perform all the
15 duties which, prior to May 3, 1850, were performed by deputy
16 attorneys general. The duties herein conferred shall be in
17 addition to all other duties given to the said district attorney
18 by other statutes.

19 Section 1403. Expenses Incurred by District Attorney.--All
20 necessary expenses incurred by the district attorney or [his]
21 the district attorney's assistants or any officer directed by
22 [him] the district attorney in the investigation of crime and
23 the apprehension and prosecution of persons charged with or
24 suspected of the commission of crime, upon approval thereof by
25 the district attorney and the court, shall be paid by the county
26 from the general funds of the county. In any case where a
27 defendant is convicted and sentenced to pay the costs of
28 prosecution and trial, the expenses of the district attorney in
29 connection with such prosecution shall be considered a part of
30 the costs of the case and be paid by the defendant.

1 Section 1404. Filling of Vacancies.--(a) If any vacancy
2 shall occur in the office of district attorney in a county of
3 the second class A or third class, either by death, resignation,
4 removal from office or from the county, or otherwise, the judges
5 of the court of common pleas shall supply such vacancy by the
6 appointment of a competent person to fill the office during the
7 balance of the unexpired term.

8 (b) If any vacancy shall occur in the office of district
9 attorney in a county of the fourth through eighth class, the
10 first assistant district attorney shall become district attorney
11 and discharge the duties of the district attorney until the
12 first Monday in January following the next municipal election
13 occurring not less than ninety days after the occurrence of the
14 vacancy. If the first assistant district attorney is unwilling
15 or unable to serve, the judges of the court of common pleas
16 shall fill the vacancy by the appointment of a competent person
17 to fill the office until the first Monday in January following
18 the next municipal election occurring not less than ninety days
19 after the occurrence of the vacancy.

20 Section 1405. Misconduct of District Attorney.--(a) If any
21 district attorney shall [~~wilfully~~] willfully and corruptly
22 demand, take or receive any other fee or reward than such as is
23 prescribed by law for any official duties required by law to be
24 executed by [~~him~~] the district attorney in any criminal
25 proceeding, or if such district attorney shall be guilty of
26 [~~wilful~~] willful and gross negligence in the execution of the
27 duties of [~~his~~] the office, [~~he~~] that individual shall be guilty
28 of a misdemeanor in office, and, on conviction thereof, be
29 sentenced to pay a fine not exceeding one thousand dollars
30 (\$1,000) and to undergo imprisonment not exceeding one year, and

1 [his] the office shall be declared vacant.

2 (b) Upon complaint in writing, verified by oath or
3 affirmation of the party aggrieved, made to the court in which
4 any district attorney shall prosecute the pleas of the
5 Commonwealth, charging such district attorney with [wilful]
6 willful and gross negligence in the execution of the duties of
7 [his] the office, the court shall cause notice of [such] the
8 complaint to be given to the district attorney and of the time
9 fixed by the court for [the] a hearing [of the same]. If [upon
10 such] after the hearing the court shall be of opinion that there
11 is probable cause for the complaint, they shall hand over or
12 commit the district attorney to answer the same in due course of
13 law. If the court shall be of opinion that there is no probable
14 cause for such complaint, they shall dismiss the same, with
15 reasonable costs to be assessed by the court.

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

30 Section 1407. [Law Books] Legal Resources for District

1 Attorney.--The county commissioners may purchase, for the use of
2 the office of the district attorney, out of the funds of the
3 county, such law books and other legal research resources as may
4 be selected by the district attorney[,] and, in counties of the
5 third through eighth classes, as approved by the president judge
6 of the court.

7 Section 1409. When Private Counsel May Prosecute.--If any
8 district attorney shall neglect or refuse to prosecute in due
9 form of law any criminal charge regularly returned to [him] the
10 district attorney or to the court [of the proper county], or if
11 at any stage of the proceedings the district attorney [of the
12 proper county] and the private counsel employed by the
13 prosecutor shall differ as to the manner of conducting the
14 trial, the prosecutor may present [his] a petition to the court
15 [of the proper county], setting forth the character of the
16 complaint, and verify the same by affidavit. If the court shall
17 be of the opinion that it is a proper case for a criminal
18 proceeding or prosecution, it may direct any private counsel
19 employed by such prosecutor to conduct the entire proceeding,
20 and where an indictment is necessary, to verify the same by
21 [his] the private counsel's own signature, as fully as the same
22 could be done by the district attorney.

23 (b) Assistant[, Special, Deputy] and Acting District
24 Attorneys, Stenographers and Clerks

25 Section 1420. Assistant[, Special Assistant and Deputy
26 Assistant] District Attorneys; Number; Compensation.--(a) The
27 district attorney may appoint such number of assistants,
28 [special assistants or deputy assistants, learned in the law]
29 licensed to practice law in this Commonwealth, to assist [him]
30 in the discharge of [his] duties. [, as is fixed by the salary

1 board of the county. The salary board shall fix the salary of
2 such assistants, special assistants and deputy assistants.] The
3 number and salary of such assistants shall be fixed by the
4 salary board.

5 (b) [The] In counties of the third through eighth classes,
6 the district attorney may appoint temporary assistants,
7 [temporary special assistants or temporary deputy assistants,
8 learned in the law] licensed to practice law in this
9 Commonwealth, to assist [him] in the discharge of [his] duties,
10 as provided by contract or other personnel agreement with the
11 county or the district attorney. Any attorney-at-law, including
12 a deputy Attorney General or an attorney employed by the
13 Commonwealth, may be appointed under this subsection.

14 (c) [An] In counties of the third through eighth classes, an
15 allegation of a violation of this section shall be timely raised
16 prior to the participation of the prosecutor in question. The
17 exclusive remedy for a violation of this section shall be
18 removal by quo warranto of the prosecutor from the appointment
19 that is in violation of this section.

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

24 Section 1421. Designation of First Assistant; Powers and
25 Duties.--In all cases where more than one assistant district
26 attorney is appointed, the district attorney shall designate one
27 [of such assistants as his] assistant as the first assistant.
28 [Such] The first assistant or the assistant district attorney
29 where only one is appointed shall, in the absence of the
30 district attorney from the jurisdiction or during [his] the

1 district attorney's disability to perform the duties of [his]
2 the office through sickness or other cause, be vested with all
3 the duties, powers and privileges given by law to the district
4 attorney, and generally, at such time, be empowered to do and
5 perform all things in connection with [his] the office which the
6 district attorney may by law be entitled to do or perform. In
7 case of any [such] incapacity of the district attorney or [his]
8 the first assistant, or both, any or all of such duties, powers
9 and privileges may be done by such other assistant district
10 attorneys, if any, as may be designated by the district
11 attorney.

12 Section 1424. Court May Appoint a District Attorney for the
13 Time Being in Counties of the Third Through Eighth Classes.--It
14 shall be the duty of the court of [quarter sessions] common
15 pleas of any county of the third through eighth classes to
16 appoint a district attorney for the time being, in all cases
17 where the district attorney and [his] the assistants shall be
18 absent from the court. [Such] A person so appointed shall
19 perform all the duties of the office until the regular district
20 attorney or one of [his] the assistants shall appear in person
21 to perform the same, and shall be paid such compensation by the
22 county as may be fixed by the court.

23 Section 1425. Indictment and Cost Clerk in Counties of the
24 Fourth Class.--The district attorney of any county of the fourth
25 class, in addition to other assistants authorized in this
26 subdivision, may appoint an assistant, [learned in the law]
27 licensed to practice law in this Commonwealth, who shall be
28 designated as indictment and cost clerk, to assist the district
29 attorney in the discharge of [his] duties.

30 Section 1426. Stenographers and Clerks.--The salary board in

1 any county may provide for the appointment by the district
2 attorney of such clerks and stenographers in [his] the district
3 attorney's office as may be deemed necessary for the proper
4 dispatch of business.

5 Section 1440. Appointment; Duties and Compensation of County
6 Detectives.--(a) (1) In counties of the second class A, the
7 district attorney may appoint one chief county detective, an
8 assistant chief county detective, and as many county detectives,
9 sergeants, special county detectives and junior county
10 detectives as the salary board shall fix.

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

15 (b) In counties of the fifth, sixth, seventh and eighth
16 classes, the district attorney may appoint one chief county
17 detective and such other county detectives as the salary board
18 may authorize.

19 (c) County detectives shall, at all times, be subject to the
20 orders of the district attorney, and shall investigate and make
21 reports to [him] the district attorney as to the conduct in
22 office of magistrates, constables, deputy constables and other
23 officers connected with the administration of criminal law,
24 shall make investigations and endeavor to obtain evidence
25 required by the district attorney in criminal cases, and shall
26 perform such other duties as the district attorney may direct.

27 (d) County detectives shall be general police officers and
28 shall have the powers conferred on constables by the laws of
29 this Commonwealth, so far as they relate to criminal law and
30 procedures[.] and, in counties of the second class A, they shall

1 serve subpoenas in cases in which the Commonwealth is a party in
2 a court of record.

3 (e) [County] (1) In counties of the second class A, county
4 detectives of every grade and rank shall not be entitled to
5 receive any fees whatsoever, but shall each receive a salary as
6 shall be fixed by the salary board, together with all necessary
7 traveling expenses, which said salary and expenses, having been
8 verified by affidavit of the detective incurring the same, and
9 approved by the district attorney, shall be paid out of the
10 treasury of the county, on a certificate issued by the district
11 attorney directed to the controller of the county, who shall
12 order warrants for said amounts according to law.

13 (2) In counties of the third through the eighth class,
14 county detectives of every grade and rank, in addition to their
15 annual salary, shall be allowed their expenses actually and
16 necessarily incurred in the performance of their duties. Such
17 salaries and expenses shall be paid by the county as provided by
18 law. No county detective shall be entitled to any fee
19 whatsoever.

20 Section 1441. Appointment of Special Detective with Approval
21 of Court.--The district attorney of any county may, with the
22 approval of the salary board, whenever the court of [quarter
23 sessions] common pleas and district attorney may deem it
24 necessary for a particular and temporary assignment, appoint a
25 special detective, whose duty it shall be to assist in obtaining
26 such evidence as shall be directed by the district attorney for
27 the Commonwealth, and perform such other duties as the court may
28 direct. [He] The special detective shall be allowed expenses
29 necessarily and actually incurred in the performance of [his]
30 duties.

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

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

6 [ARTICLE XV.1

7 SALARIES OF COUNTY OFFICERS

8 Section 1550. Counties of the Third Class.--The annual
9 salaries of the following county officers of counties of the
10 third class shall be as follows:

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

13 The coroner, nine thousand one hundred twenty dollars
14 (\$9,120).

15 The prothonotary, eleven thousand five hundred twenty dollars
16 (\$11,520).

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

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

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

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

24 The county controller, twelve thousand six hundred dollars
25 (\$12,600).

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

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

30 The district attorney, thirteen thousand five hundred dollars

1 (\$13,500).

2 Section 1551. Counties of the Fourth Class.--The annual
3 salaries of the following county officers of counties of the
4 fourth class shall be as follows:

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

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

7 The prothonotary, eleven thousand one hundred sixty dollars
8 (\$11,160).

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

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

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

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

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

20 The county commissioners, twelve thousand dollars (\$12,000),
21 each.

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

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

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

27 Section 1552. Counties of the Fifth Class.--The annual
28 salaries of the following county officers of counties of the
29 fifth class shall be as follows:

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

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

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

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

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

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

9 The register of wills, nine thousand six hundred dollars
10 (\$9,600).

11 The recorder of deeds, nine thousand six hundred dollars
12 (\$9,600).

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

16 The county commissioners, ten thousand two hundred dollars
17 (\$10,200), each.

18 The county treasurer, nine thousand six hundred dollars
19 (\$9,600).

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

21 The district attorney, ten thousand two hundred dollars
22 (\$10,200).

23 Section 1553. Counties of the Sixth Class.--The annual
24 salaries of the following county officers of counties of the
25 sixth class shall be as follows:

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

28 The treasurer, eight thousand one hundred sixty dollars
29 (\$8,160).

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

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

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

6 The prothonotary, eight thousand four hundred dollars
7 (\$8,400).

8 The recorder of deeds, eight thousand four hundred dollars
9 (\$8,400).

10 The register of wills, seven thousand two hundred dollars
11 (\$7,200).

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

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

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

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

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

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

30 The fees to be received by the coroner of each county of the

1 sixth class shall be as follows: For viewing a dead body,
2 eighteen dollars (\$18); summoning and qualifying inquest,
3 drawing and returning all inquisitions, nine dollars fifty cents
4 (\$9.50); summoning and qualifying each witness, three dollars
5 (\$3), to be paid out of the goods, chattels, lands, or tenements
6 of the slayer (in cases of murder or manslaughter), if any he
7 hath, if otherwise, by the county, with mileage at the rate of
8 ten cents for each mile circular traveled from the court house
9 to the place of viewing the body; executing any process or writs
10 of any kind, the same fees as are allowed to the sheriff and the
11 same mileage.

12 Section 1554. Counties of the Seventh Class.--The annual
13 salaries of the following county officers of counties of the
14 seventh class shall be as follows:

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

16 The district attorney, six thousand five hundred dollars
17 (\$6,500).

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

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

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

29 The prothonotary or clerks of the several courts of common
30 pleas, quarter sessions of the peace, oyer and terminer, and

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

25 The fees to be received by the coroner of each county of the
26 seventh class shall, in cases of murder or manslaughter, be paid
27 by the slayer, or his estate if recovery can be had, otherwise
28 and in all other cases by the county. The fees shall be as
29 follows:

30 For viewing a dead body, eighteen dollars (\$18); summoning

1 and qualifying inquest, drawing and returning all inquisitions,
2 nine dollars fifty cents (\$9.50); summoning and qualifying each
3 witness, three dollars (\$3); to be paid out of the goods,
4 chattels, lands, or tenements of the slayer (in cases of murder
5 or manslaughter), if any he hath. If otherwise, by the county,
6 with mileage at the rate of ten cents (10¢) for each mile
7 circular traveled from the court house to the place of viewing
8 the body; executing any process of writs of any kind, the same
9 fees as are allowed to the sheriff and the same mileage.

10 Section 1555. Counties of the Eighth Class.--The annual
11 salaries of the following county officers of counties of the
12 eighth class shall be as follows:

13 The sheriff, in counties having a population of less than
14 twelve thousand (12,000), four thousand eighty dollars (\$4,080);
15 and in counties having a population of twelve thousand (12,000)
16 and more, but less than twenty thousand (20,000), four thousand
17 six hundred eighty dollars (\$4,680).

18 The county commissioners, in counties having a population of
19 less than twelve thousand (12,000), three thousand three hundred
20 eighty dollars (\$3,380) each, and in counties having a
21 population of twelve thousand (12,000) and more, four thousand
22 two hundred ninety dollars (\$4,290), each.

23 The district attorney, four thousand five hundred dollars
24 (\$4,500).

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

29 The jury commissioners shall each receive fifteen dollars
30 (\$15) for each day necessarily employed in the discharge of

1 their duties. The said compensation shall be paid from the
2 county treasury in the same manner as the salary or compensation
3 of other county officers and employes.

4 The prothonotary or clerks of the several courts of common
5 pleas, quarter sessions of the peace, oyer and terminer, and
6 orphans' courts, the register of wills, and the recorder of
7 deeds, shall keep, or cause to be kept, a fair and accurate
8 account of all fees received for services performed by them or
9 any person employed by them in their respective offices; and
10 shall also, on the first Monday of January of each year, furnish
11 a copy of said account, upon oath or affirmation, to the auditor
12 appointed by the court to settle the accounts of county
13 officers; and shall also pay to the county treasurer, for the
14 use of the county, after deducting all necessary clerk hire and
15 office expenses, fifty per centum on the amount of any excess
16 over and above the sum of seven thousand two hundred dollars
17 (\$7,200), which shall be found by the said auditor, appointed by
18 the court to settle the accounts of county officers, to have
19 been received by any officer in any one year: Provided, That if
20 two or more of said offices shall be held by one person, the
21 said auditor shall add together the fees received in the offices
22 so held, and shall charge the same percentage on the aggregate
23 amount of fees received by such person holding more than one of
24 said offices. A copy of the report of the said auditor, when
25 completed, shall be presented by him to the court of common
26 pleas of the county, and filed among the records of said court;
27 which said report shall thereafter have all the force and effect
28 of, and be subject to the same procedure as applies to, the
29 report of the county auditors.

30 The fees to be received by the coroner of each county of the

1 eighth class shall, in cases of murder or manslaughter, be paid
2 by the slayer, or his estate if recovery can be had, otherwise
3 and in all other cases by the county. The fees shall be as
4 follows:

5 For viewing a dead body, eighteen dollars (\$18); summoning
6 and qualifying inquest, drawing and returning all inquisitions,
7 nine dollars fifty cents (\$9.50); summoning and qualifying each
8 witness, three dollars (\$3); to be paid out of the goods,
9 chattels, lands, or tenements of the slayer (in cases of murder
10 or manslaughter), if any he hath, if otherwise, by the county,
11 with mileage at the rate of ten cents (10¢) for each mile
12 circular traveled from the court house to the place of viewing
13 the body; executing any process or writs of any kind, the same
14 fees as are allowed to the sheriff and the same mileage.

15 Section 1556. Insurance and Other Employe Benefits.--In
16 addition to any other authorized compensation, county
17 commissioners and other county officers and their dependents
18 shall be eligible for inclusion in group life, health,
19 hospitalization, medical service and accident insurance plans or
20 other employe benefits, or payments made in lieu of such
21 benefits, paid in whole or in part by the county, provided such
22 plans, benefits or payments are offered generally to employes of
23 the county.]

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

25 ARTICLE XV.2

26 SALARIES OF COUNTY OFFICERS

27 Section 1560. Salaries of county officers.

28 (a) Amount.--Except where otherwise expressly provided in
29 this act, the salaries of county officers shall be set in
30 accordance with the act of November 1, 1971 (P.L.495, No.113),

1 entitled "An act providing for the compensation of county
2 officers in counties of the second through eighth classes, for
3 compensation of district attorneys in cities and counties of the
4 first class, for compensation of district election officers in
5 all counties, for the disposition of fees, for filing of bonds
6 in certain cases and for duties of certain officers."

7 (b) Construction.--Nothing in this act shall be construed as
8 affecting the salaries of county officers existing as of the
9 effective date of this subsection. Any change in salary shall be
10 in accordance with the act referred to in subsection (a) or
11 other applicable law.

12 Section 1561. Insurance and other employee benefits.

13 In addition to any other authorized compensation, county
14 commissioners and other county officers and their dependents
15 shall be eligible for inclusion in group life, health,
16 hospitalization, medical service and accident insurance plans or
17 other employee benefits, or payments made in lieu of such
18 benefits, paid in whole or in part by the county, provided such
19 plans, benefits or payments are offered generally to employees
20 of the county.

21 Section 30. Article XVI heading and sections 1601, 1602,
22 1603, 1605, 1607, 1608, 1609, 1610, 1622 and 1623 of the act are
23 amended to read:

24 ARTICLE XVI

25 FEES OF SALARIED COUNTY OFFICERS; SALARY

26 BOARDS[; PAYMENT OF SOLICITORS APPOINTED

27 BY COUNTY OFFICERS]

28 Section 1601. Fees of Salaried County Officers to Belong to
29 County.--[All] Except where otherwise provided by law, fees
30 limited and appointed by law to be received by any county

1 officer, either elected or appointed, or which they shall
2 legally be authorized, required or entitled to charge or
3 receive, shall belong to the county [in the following
4 circumstances: (1) fees of every such officer in counties
5 containing over one hundred and fifty thousand inhabitants and,
6 (2) in counties containing one hundred and fifty thousand or
7 less inhabitants, fees of every officer for whom a salary is
8 fixed by law. The provisions of this subdivision shall apply to
9 all fees belonging to the county and to all officers
10 hereinbefore designated]. Each [of the said officers] officer
11 shall exact, collect and receive all such fees to and for the
12 use of [his respective] the county, except [such] taxes and fees
13 as are levied by the Commonwealth, which shall be to and for the
14 use of the Commonwealth. [None of said officers shall receive
15 for his own use or for any use or purpose whatever] No officer
16 shall use fees received for official services for any purpose,
17 except for the use of the [proper] county or [for] the
18 Commonwealth[, as the case may be, any fees for any official
19 services whatsoever, except where the statute expressly
20 designates the officer as agent of the Commonwealth and
21 authorizes him to retain a part of such moneys for his own use].

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

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

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

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

24 (c) It shall be the duty of the county controller, or the
25 county auditors where the office of county controller does not
26 exist, to receive such returns, to audit and verify the returns
27 for the preceding month and to charge the county treasurer with
28 the money for fees so paid in.

29 (d) Where fees are paid to one office which are for services
30 rendered or to be rendered by another, the officer receiving the

1 same shall specify the same on his account book and on his
2 transcript as of the office to which they properly belong.

3 Section 1603. Penalty for Receiving Gratuities or
4 Percentages.--If any of the officers included in this
5 subdivision shall receive or stipulate to receive from any
6 deputy or clerk or from any person [or persons] awarded any
7 contract [for advertising or any other contract] any sum [or
8 sums] of money as percentage on the salaries of said deputy or
9 clerk or on the amounts or profits of said contract, or any sum
10 [or sums] of money [whatsoever] as compensation for making any
11 of the said appointments or contracts, or shall neglect to
12 render the accounts or to pay over the money received for fees
13 as required by this subdivision, or shall [wilfully] willfully
14 neglect to make any proper entry in the book or books required
15 to be kept, or shall [wilfully] willfully neglect to charge for
16 any official services the fees allowed by law, or shall take to
17 [his] the officer's own use any such fees, or fail to comply
18 with any of the provisions of this subdivision, or neglect to
19 discharge any of the duties herein imposed, the same shall be
20 deemed a misdemeanor in office, and, in addition to the other
21 penalties for such offenses, [he] the officer shall, upon
22 conviction thereof, refund the said sum [or sums] of money
23 [thus] unlawfully received, and shall be deemed incapable of
24 holding the said office.

25 Section 1605. Officers Subject to This Subdivision to be
26 Paid Salaries.--All [county] officers to which this subdivision
27 applies[, whether elected by the people or appointed according
28 to law,] and their [several] deputies and clerks, shall be paid
29 for their services by fixed and specific salaries[, which]. The
30 salaries shall be a charge upon the treasury of the county to

1 which each shall respectively belong, to the extent of the fees
2 collected and paid in by each officer respectively, or earned,
3 where fees are chargeable upon the county treasury, except as
4 provided in section [one thousand six hundred eight, of the fees
5 collected and paid in by each officer respectively, or earned,
6 where fees are chargeable upon the county treasury, and said]
7 1608. The salaries shall be paid weekly, bi-weekly, semi-monthly
8 or monthly during the month in which the services were rendered,
9 at the discretion of the county commissioners [of the county].
10 No voucher check or warrant shall be drawn for the payment of
11 any [said officer, his] officers, deputies or clerks who shall
12 not have filed the receipt and transcript for that month
13 provided for in this subdivision.

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

30 (b) All commissions on the collection of any such taxes and

1 fees for the Commonwealth shall be deemed and taken as part of
2 the regular fees of the officer collecting the same and shall be
3 accounted for accordingly.

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

8 Section 1608. Payment of Certain Officers.--The county
9 solicitor, county [jailer] prison warden, county commissioners,
10 county controller, county surveyor or engineer, county
11 detectives, county treasurer, interpreter of courts, district
12 attorney and his assistants, and in counties of the sixth,
13 seventh and eighth classes all county officers for whom a salary
14 is fixed by law and the deputies, clerks and employes of their
15 respective offices, shall severally be paid weekly, bi-weekly,
16 semi-monthly, or monthly, at the discretion of the county
17 commissioners of the county. They shall be paid the full amount
18 allowed them by law, but all fees and emoluments whatsoever that
19 may accrue to any of them by virtue of [his] the office shall be
20 paid by [him] the officer or employe to the county treasurer as
21 directed by law, and all other officers shall be paid the
22 amounts assigned them by law in accordance with the provisions
23 of this subdivision.

24 Section 1609. Salaries in Lieu of Fees.--Except to the
25 extent this section may be inconsistent with [the provisions of]
26 any other express provision of this act, the salaries fixed and
27 provided by law for county officers shall be in lieu of all or
28 any moneys, fees, perquisites, or mileage expenses, and other
29 allowances received or allowed to any such officer, and all such
30 moneys, fees, perquisites, or mileage expenses, and other

1 allowances, not governed by the aforesaid exceptions, shall
2 belong to the county and shall be paid into the county treasury,
3 except where required to be paid to the Commonwealth in the
4 manner provided by this subdivision for fees.

5 Section 1610. Rights of Action and Remedies for Collection
6 of Fees Extended to Counties.--All rights of action and all
7 other remedies heretofore granted or extended to [county]
8 officers to whom this subdivision applies for the collection of
9 their respective fees are hereby extended, and shall inure to
10 the benefit of the several counties affected by this subdivision
11 for the collection of all fees and costs that may accrue to
12 [said] counties under the provisions of this subdivision.

13 Section 1622. Salary Boards Created.--There is hereby
14 created in each county a salary board, which shall consist of
15 the three individual members of the board of county
16 commissioners and the county controller in counties where there
17 is a controller, or the county treasurer in counties where there
18 is no controller. The [chairman] chairperson of the board of
19 county commissioners shall be [chairman] chairperson of the
20 salary board and the county controller or county treasurer, as
21 the case may be, shall be secretary of the board. The board
22 shall meet and organize on the first Monday of January of each
23 year.

24 Section 1623. Number and Compensation of Officers, Deputies,
25 Assistants, Clerks and Employes; Revisions of Salary
26 Schedules.--[The] (a) At each annual meeting, the board,
27 subject to limitations imposed by law, shall fix the
28 compensation of all appointed county officers, and the number
29 and compensation of all deputies, assistants, clerks and other
30 persons whose compensation is paid out of the county treasury

1 (except employes of county officers who are paid by fees and not
2 by salary), and of all court criers, tipstaves and other court
3 employes, and of all officers, clerks, stenographers and
4 employes appointed by the judges of any court and who are paid
5 from the county treasury. [Thereupon] Between annual salary
6 board meetings whenever required by any judge, county officer or
7 executive head of any separate board, commission or division
8 whose deputies', assistants', clerks' and employes' numbers or
9 compensation is sought to be fixed, the board shall meet and
10 consider and shall fix and determine the same. All salaries
11 fixed under the provisions of this act shall be paid out of the
12 county treasury in the manner provided by law.

13 (b) Upon action by the board in accordance with subsection
14 (a), the number and compensation of all such officers, deputies,
15 assistants, clerks and persons, whether fixed by statute or by
16 any other method, are hereby repealed. In the event that any
17 salary board shall fail to fix the number or compensation of any
18 such officers, deputies, assistants, clerks or other employes as
19 required by this section, the number and compensation shall
20 continue, as fixed by or pursuant to law[, on the effective date
21 of this act,] with like effect as though the same had been so
22 fixed by the board, but the salary board shall have power to fix
23 any such number or compensation at a later time and with like
24 effect.

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

26 [Section 1624. Revisions of Salary Schedules.--At each
27 annual meeting, the board shall revise the salary schedule so
28 far as it shall deem such action necessary. From time to time
29 between annual meetings, whenever required by any judge, county
30 officer or executive head of any separate board, commission or

1 division, the number or compensation of whose deputies,
2 assistants, clerks and employes is sought to be fixed, the board
3 shall meet and consider and shall fix and determine the same.
4 All salaries fixed under the provisions of this act shall be
5 paid out of the county treasury in the manner provided by law.]

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

7 Section 1625. Procedure and Action of Board.--(a) Except as
8 herein otherwise provided, whenever the board shall consider the
9 number or salaries of the deputies or other employes of any
10 county officer or agency, such officer or the executive head of
11 such agency shall sit as a member of the board, as long as any
12 matter affecting [his] the office or agency is under
13 consideration and no longer.

14 (b) Whenever the board shall consider the number or salaries
15 of the court criers or tipstaves or other court employes, the
16 president judge of the court shall sit as a member of the board,
17 as long as any matter affecting the court criers, tipstaves or
18 employes of [his] the court is under consideration and no
19 longer.

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

25 (2) In counties of the second class A, whenever the board
26 shall consider the number or salaries of the employes of the
27 prison board, the president judge of the court of common pleas
28 shall sit as a member of the board, and the board so constituted
29 shall fix the number and salaries of such employes,
30 notwithstanding any general, local or special law to the

1 contrary.

2 (d) The decision of a majority shall govern. Each board
3 shall keep a correct minute book of its proceedings in all cases
4 heard and determined by it. Such minute book shall be a public
5 record.

6 Section 33. Subdivision (c) of Article XVI of the act is
7 repealed:

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

9 Section 1630. Compensation of Solicitors Appointed by County
10 Officers.--The county commissioners may appropriate money for
11 the payment of any solicitor appointed pursuant to this act by a
12 county treasurer, sheriff, prothonotary, register of wills,
13 recorder of deeds, clerk of courts, coroner, a clerk of orphans'
14 court or the county controller or the county auditors.]

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

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

1 succeeding term of office of tax collector following adoption of
2 the resolution.

3 (a.1) The county commissioners of each county of the third,
4 fourth, fifth, sixth, seventh and eighth class may, by
5 resolution, provide for the billing and collection of all county
6 taxes in municipalities existing or organized under [the] 53
7 Pa.C.S. Pt. III Subpt. E (relating to home rule and optional
8 plan government) or under the former act of April 13, 1972
9 (P.L.184, No.62), known as the "Home Rule Charter and Optional
10 Plans Law," that have eliminated the elective office of tax
11 collector, by the authorities empowered to levy such taxes[.],
12 and by resolution, vest in the county treasurer the duties and
13 responsibilities of billing and collecting county taxes in those
14 municipalities.

15 [(b) In counties of the third, fourth, fifth, sixth, seventh
16 and eighth class, the county commissioners may provide, by
17 resolution, for the billing and collection of all county and
18 county institution district taxes levied in third class cities.
19 The county commissioners shall have the power and authority by
20 resolution, to vest in the county treasurer the duties and
21 responsibilities of billing and collecting county and county
22 institution district taxes in third class cities. The resolution
23 shall be adopted by the county no later than the first day for
24 the circulation of nomination petitions for the office of tax
25 collector within the county and shall take effect upon the first
26 day of the next succeeding term of office of tax collector
27 following adoption of the resolution.

28 (b.1) In counties of the third, fourth, fifth, sixth,
29 seventh and eighth class in which the county commissioners
30 provide, by resolution, for the billing and collection of all

1 county taxes levied in municipalities existing and organized
2 under the "Home Rule Charter and Optional Plans Law," that have
3 eliminated the elective office of tax collector, the county
4 commissioners shall have the power and authority, by resolution,
5 to vest in the county treasurer the duties and responsibilities
6 of billing and collecting county taxes.]

7 (b.2) Notwithstanding any law to the contrary, if, as a
8 result of a vacancy in the office of elected tax collector in a
9 municipality within a county of the third, fourth, fifth, sixth,
10 seventh or eighth class, an employe or paid official of the
11 municipality is appointed or directed by the governing body of
12 the municipality to assume the duties of tax collector, the
13 county commissioners may, by resolution, provide, until a
14 successor tax collector is elected in accordance with law, for
15 the following:

16 (1) the county treasurer to have the duties and
17 responsibilities of billing and collecting all county and county
18 institution district taxes levied within the municipality;

19 (2) payment to the municipality, rather than the employe or
20 paid official appointed or directed by the governing body of the
21 municipality to assume the duties of tax collector, the
22 compensation that otherwise would be attributable to the billing
23 and collecting of county and county institution district taxes
24 levied within the municipality; or

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

1 (b.3) Notwithstanding any law to the contrary, if, as a
2 result of a vacancy in the office of elected tax collector in a
3 municipality, the county treasurer has been appointed or
4 directed by the county commissioners to bill and collect all
5 county and county institution district taxes within the
6 municipality, the governing body of the municipality and the
7 county commissioners may by agreement provide that the county
8 treasurer shall have the duties and responsibilities of billing
9 and collecting all taxes levied by the municipality in
10 accordance with section 4.4 of the act of May 25, 1945
11 (P.L.1050, No.394), known as the "Local Tax Collection Law."

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

14 (d) [The] Except as may otherwise be provided in the "Local
15 Tax Collection Law," the compensation of personnel and other
16 expenses of billing and collecting county and institution
17 district taxes pursuant to this section shall be paid out of the
18 general fund in the county treasury. The compensation and number
19 of such employes other than the county treasurer shall be
20 governed by the provisions of this act relating to the county
21 salary board. If the county treasurer is designated as the
22 collector of the county and county institution district taxes
23 [he] that person shall not receive added compensation for
24 performing such functions.

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

28 Section 1702. Functions of the Controller.--(a) (1)
29 Subject to the power and duty of the county commissioners to
30 manage and administer the fiscal affairs of the county, the

1 controller shall supervise the fiscal affairs of the county
2 including the related accounts and official acts [relating
3 thereto] of all officers or other persons who shall collect,
4 receive, hold or disburse, or be charged with the management or
5 custody of, the public assets of the county. [The discretionary
6 powers of the controller shall not be applicable to the
7 management of the fiscal policies of the county commissioners,
8 or to matters not involving the accounts and transactions of
9 officers or other persons of the county.] The discretionary
10 powers of the controller shall be applicable to matters or
11 official acts involving the accounts and transactions of
12 officers or other persons of the county including those
13 indicated in section 1705. The discretionary policies of the
14 controller shall not be applicable to the establishment and
15 adoption of the fiscal policies of the county commissioners.

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

1 as may be warranted, and shall take immediate measures to secure
2 the public assets.

3 (b) Pursuant to subsection (a), the county commissioners
4 [may], for the purpose of meeting Federal or State requirements,
5 may issue a request for proposals for and contract with [or
6 employ] 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 and/or in addition to, that conducted by the county
10 controller or auditors. [Such contracts shall be discussed with
11 the controller prior to execution, and the] The controller shall
12 be afforded an opportunity to comment[.] on the request for
13 proposals prior to issuance and the contract prior to execution.
14 The contracts shall supplement, but not replace, the official
15 acts and audits of the controller.

16 Section 1703. Accounts of Officers.--The controller shall
17 furnish the commissioners of the county, whenever required by
18 them, a detailed account of any officer or other person having
19 in [his] that individual's possession or under [his] that
20 individual's control funds belonging to the county, and shall,
21 during regular office hours, give information respecting any of
22 said accounts to any taxpayer of the county demanding the same.

23 [He] The controller shall have power and authority to require
24 each and every county officer to make a quarterly statement with
25 respect to moneys in [his] the officer's possession or control
26 as a county officer, showing the amount of cash on hand and the
27 amount deposited in banks, banking institutions and trust
28 companies, together with the names of such institutions. [He]
29 The controller shall have power to examine every such account of
30 a county officer in any bank, banking institution or trust

1 company, to verify the accuracy of the statement of such county
2 officer. It shall be the duty of every such bank, banking
3 institution or trust company, its officers and agents, to
4 furnish full information to the controller in relation to the
5 account of such county officer. No bank, banking institution or
6 trust company, its officers or agents, shall be subject to
7 prosecution under other laws of this Commonwealth for disclosing
8 any such information with respect to any account of a county
9 officer.

10 Section 1704. Custody of Documents.--The controller shall
11 have [the] custody of and retain in original or other acceptable
12 form, as provided in the most recent edition of the County
13 Records Manual issued for the County Records Committee by the
14 Pennsylvania Historical and Museum Commission, all title deeds
15 to real estate owned by the county, and [of] all executed
16 contracts entered into by or on behalf of the county, and [of
17 all books, documents and papers] all records relating to its
18 financial affairs, and [of] all bonds and other obligations
19 issued by [said] the county, when paid. Such bonds and other
20 obligations, when so paid, shall be [distinctly cancelled]
21 monitored by the controller [and carefully and regularly filed,
22 a register], a ledger of which [cancellation] shall be [kept]
23 maintained by him or her in a book [to be provided for that
24 purpose.] or an electronic file dedicated for that purpose and
25 retained according to the most recent edition of the County
26 Records Manual.

27 Section 1705. [Books of Fiscal Affairs] Financial Records.--
28 The controller shall [keep] maintain a full and regular set of
29 [books] financial records, including the general ledger, in
30 electronic form or otherwise, which support financial statements

1 in accordance with generally accepted accounting principles of
2 all the fiscal operations of the county, embracing as many
3 accounts, under appropriate titles, as may be necessary to meet
4 Federal and State reporting requirements and to show distinctly
5 and separately all the property of the county, its revenue and
6 expenditures, and all debts and accounts due by the county
7 officers or others, and the amount raised from each source of
8 revenue, and the expenditures in detail, and classified by
9 reference to the objects thereof. [He] The controller shall
10 [prescribe] select and administer the form and manner of
11 [keeping] maintaining the official [books and papers] financial
12 records in connection with the fiscal affairs of the county.
13 Where the controller prescribes a change in the form and manner
14 of [keeping] maintaining the official [books and papers]
15 financial records, any costs necessary for implementation shall
16 be subject to the approval of the county commissioners. In
17 counties without a controller, the requirements of this section
18 shall be fulfilled by the office of the county commissioners.

19 Section 1706. Investment of Funds.--(a) [The] (1) In
20 counties of the second class A, the county treasurer shall have
21 the power, subject to subsection (b)(1) and any conditions and
22 limitations in this article, to invest and reinvest the moneys
23 of the general fund and special funds as shall have accumulated
24 beyond the ordinary needs of said various funds, and which are
25 not authorized by law to be invested by any board, commission or
26 county officer, consistent with sound business practice,
27 subject, however, to the exercise of that degree of judgment,
28 skill and care under the circumstances then prevailing which
29 persons of prudence, discretion and intelligence, who are
30 familiar with the matters, exercise in the management of their

1 own affairs not in regard to speculation, but in regard to the
2 permanent disposition of the funds, considering the probable
3 income to be derived therefrom as well as the probable safety of
4 their capital.

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

19 (b) [The] (1) In counties of the second class A, a board of
20 investment is hereby created. The board shall be composed of the
21 treasurer, who shall chair the board, the chairperson of the
22 county commissioners and the controller. The board shall provide
23 for an investment program, including temporary investments,
24 subject to restrictions contained in this act, and in any other
25 applicable statute and any rules and regulations adopted by the
26 board. County boards, commissions or other county officers
27 authorized to make investments under subsection (a)(1) shall
28 make investments in conformity with the board's investment
29 program.

30 (2) In counties of the third, fourth, fifth, sixth, seventh,

1 or eighth class, the commissioners shall provide for an
2 investment program, including temporary investments, subject to
3 restrictions contained in this act and in any other applicable
4 statute and any rules and regulations adopted by the
5 commissioners. Other elective officials authorized to make
6 investments under subsection [(a)] (a)(2) shall make investments
7 in conformity with the commissioners investment program.

8 (c) Authorized types of investments or financial products
9 for such moneys [shall be:], in addition to those authorized
10 under the act of July 25, 1973 (P.L.217, No.53), entitled "An
11 act authorizing cities of the first class and second class to
12 invest all funds received and deposited with the city treasurer
13 in certain commercial paper under certain terms and conditions;
14 and providing for investment of public corporation or municipal
15 authority funds," shall be:

16 [(1) United States Treasury bills.

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

19 (3) Deposits in savings accounts or time deposits, other
20 than certificates of deposit, or share accounts of institutions
21 having their principal place of business in the Commonwealth and
22 insured by the Federal Deposit Insurance Corporation or the
23 Federal Savings and Loan Insurance Corporation or the National
24 Credit Union Share Insurance Fund or the Pennsylvania Deposit
25 Insurance Corporation or the Pennsylvania Savings Association
26 Insurance Corporation to the extent that such accounts are so
27 insured, and, for any amounts above the insured maximum,
28 provided that approved collateral as provided by law therefore
29 shall be pledged by the depository.

30 (4) Obligations of the United States of America or any of

1 its agencies or instrumentalities backed by the full faith and
2 credit of the United States of America, the Commonwealth of
3 Pennsylvania or any of its agencies or instrumentalities backed
4 by the full faith and credit of the Commonwealth, or of any
5 political subdivision of the Commonwealth of Pennsylvania or any
6 of its agencies or instrumentalities backed by the full faith
7 and credit of the political subdivision.

8 (5) Shares of an investment company registered under the
9 Investment Company Act of 1940, whose shares are registered
10 under the Securities Act of 1933, provided that the only
11 investments of that company are in the authorized investments
12 for county funds listed in clauses (1) through (4).

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

1 (7) Certificates of deposit purchased from institutions
2 having their principal place of business outside the
3 Commonwealth and insured by the Federal Deposit Insurance
4 Corporation or the Federal Savings and Loan Insurance
5 Corporation or the National Credit Union Share Insurance Fund to
6 the extent that such accounts are so insured, and, for any
7 amounts above the insured maximum, provided that approved
8 collateral as provided by law therefore shall be pledged by the
9 depository. Certificates of deposit purchased from commercial
10 banks shall be limited to an amount equal to twenty per centum
11 of a bank's total capital and surplus. Certificates of deposit
12 purchased from savings and loan associations or savings banks
13 shall be limited to an amount equal to twenty per centum of an
14 institution's assets minus liabilities.

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

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

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

29 (11) Deposits in savings accounts or time deposits, other
30 than certificates of deposit, or share accounts of 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 so insured, and, for any amounts above the
4 insured maximum, provided that approved collateral as provided
5 by law therefore shall be pledged by the depository. The
6 deposits are differentiated from savings or demand deposits as
7 authorized by the act of July 25, 1973 (P.L.217, No.53).

8 (12) Shares of an investment company registered under the
9 Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1
10 et seq.), whose shares are registered under the Securities Act
11 of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.), if the only
12 investments of the company are in the authorized investments for
13 county funds in paragraphs (10) and (11) and:

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

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

18 (13) Certificates of deposit purchased from institutions
19 insured by the Federal Deposit Insurance Corporation or the
20 National Credit Union Share Insurance Fund to the extent that
21 the accounts are so insured, and, for any amounts above the
22 insured maximum, provided that approved collateral as provided
23 by law therefore shall be pledged by the depository. In addition
24 to the collateralization requirements, the following limitations
25 shall apply:

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

29 (ii) Certificates of deposit purchased from savings and loan
30 associations or savings banks shall be limited to an amount

1 equal to twenty per centum of an institution's assets minus
2 liabilities.

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

6 [(d) As used herein "commercial paper" shall mean unsecured
7 promissory notes issued at a discount from par by any
8 industrial, common carrier, public utility or finance company
9 and "prime commercial paper" shall mean notes issued by
10 corporations whose credit has been approved by the National
11 Credit Office, Incorporated, New York, or its successor. The
12 treasurer shall have obtained the following prior to any
13 commitment to purchase commercial paper:

14 (1) A certification or other evidence that such commercial
15 paper is rated prime by the National Credit Office,
16 Incorporated.

17 (2) A certification or other evidence that the paper
18 proposed to be delivered is not subordinate to any other debt of
19 the issuer.

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

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

25 (5) A certificate or other evidence that the issuer was
26 incorporated within the United States, is transacting business
27 within the United States, and has assets of one billion dollars
28 (\$1,000,000,000) or more, or is a wholly owned subsidiary of a
29 Pennsylvania corporation having assets of one billion dollars
30 (\$1,000,000,000) or more.

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

4 (d.1) Officials, as authorized in subsection (a)(1) or (2),
5 shall not, at any time, have invested in negotiable certificates
6 of deposit, bankers' acceptances or commercial paper,
7 respectively, as authorized by the act of July 25, 1973
8 (P.L.217, No.53), more than an aggregate of the total sum as the
9 investment policy of the board of investment or the board of
10 commissioners shall have prescribed.

11 (e) [In] Officials making investments of county funds, [the
12 commissioners (or other elected officials when authorized as
13 provided in subsection (a))] as authorized in subsection (a)(1)
14 or (2), shall have authority:

15 (1) To permit assets pledged as collateral under subsection
16 [(c)(3)] (c)(11), to be pooled in accordance with the act of
17 August 6, 1971 (P.L.281, No.72), entitled "An act standardizing
18 the procedures for pledges of assets to secure deposits of
19 public funds with banking institutions pursuant to other laws;
20 establishing a standard rule for the types, amounts and
21 valuations of assets eligible to be used as collateral for
22 deposits of public funds; permitting assets to be pledged
23 against deposits on a pooled basis; and authorizing the
24 appointment of custodians to act as pledgees of assets,"
25 relating to pledges of assets to secure deposits of public
26 funds.

27 (2) To combine moneys from more than one fund under county
28 control for the purchase of a single investment, provided that
29 each of the funds combined for the purpose shall be accounted
30 for separately in all respects and that the earnings from the

1 investment are separately and individually computed and recorded
2 and credited to the accounts from which the investment was
3 purchased.

4 (3) To join with one or more other political subdivisions
5 and municipal authorities in accordance with 53 Pa.C.S. Ch. 23
6 Subch. A (relating to intergovernmental cooperation) in the
7 purchase of a single investment, provided that the requirements
8 of clause (2) on separate accounting of individual funds and
9 separate computation, recording and crediting of the earnings
10 therefrom are adhered to.

11 (4) To join with the Commonwealth, political subdivision or
12 redevelopment authority in the purchase of real estate for the
13 purposes of community and economic development.

14 (5) To grant funds to the Commonwealth, political
15 subdivision or redevelopment authority for the purposes of
16 supporting community and economic development projects.

17 (f) All income earned on any of the investments shall inure
18 to the benefit of the county and shall be placed in the general
19 fund except as otherwise directed by the commissioners or
20 restricted by law.

21 Section 1720. Controller's or Auditors' Settlement of
22 Accounts; Report to Common Pleas; Publications; Financial Report
23 to Department of Community and Economic Development.--(a) The
24 controller or auditors, as may be the case, shall, at the end of
25 each fiscal year, complete the audit, settlement and adjustment
26 of the accounts of all county officers. [He] The controller or
27 auditors shall, before the first day of July in every year, make
28 a report, verified by oath or affirmation, to the [Court of
29 Common Pleas of said county] county court of common pleas,
30 unless upon due cause shown the court shall grant an extension

1 of time, of all receipts and expenditures of the county for the
2 preceding year, in detail, and classified by reference to the
3 object thereof, together with a full statement of the financial
4 conditions of the county. [A concise summary of this report]

5 (b) Within ten days after making a report to the court of
6 common pleas, notice that the report is available for public
7 inspection shall [thereupon] be published one time in [such
8 newspapers published in said] at least one newspaper of general
9 circulation in the county as the controller or auditors may
10 direct and shall be posted on the official publicly accessible
11 Internet website of the county, but the aggregate cost [thereof]
12 of newspaper publication shall not exceed fifteen hundred
13 dollars (\$1500) in any one year in any county, to be paid for
14 out of the county treasury. The entire report, which shall
15 include a concise summary, shall be available for public
16 inspection in the office of the controller or auditors during
17 regular business hours and on the official publicly accessible
18 Internet website of the county. Such report may also be
19 published in printed pamphlets at the cost of the county, the
20 number and cost of such pamphlets to be determined by the
21 controller or auditors and the county commissioners with
22 consideration of current budget allocations.

23 (c) The controller shall also, [before the first day of
24 July,] on or before the date required by section 123 of the act
25 of July 10, 1987 (P.L.246, No.47), known as the Municipalities
26 Financial Recovery Act, or the first of July, whichever is
27 first, make an annual report to the Department of Community and
28 Economic Development of the financial condition of the county,
29 on forms furnished by the Secretary of Community and Economic
30 Development[, and subject to the penalties provided in section

1 one thousand seven hundred twenty-one of this act for auditors
2 refusing or neglecting to make similar reports. Within the
3 summary of the auditor's or controller's report, there shall be
4 a notice to the public that the entire text of the report shall
5 be available for public inspection during regular business hours
6 in the office of the auditor or controller.].

7 (d) Any controller or auditors refusing or neglecting to
8 file a report with the Department of Community and Economic
9 Development as required by this section shall, upon conviction
10 in a summary proceeding brought at the instance of the
11 department, be sentenced to pay a fine of five dollars (\$5) for
12 each day's delay beyond said first day of July and costs. All
13 finances recovered shall be for the use of the Commonwealth.

14 Section 35. The act is amended by adding a section to read:

15 Section 1720.1. Audit of Additional Accounts.--(a) It shall
16 be the duty of the controller or county auditors to audit,
17 settle and adjust the accounts of:

18 (1) Every parole and probation officer, appointed by the
19 court under law, who shall receive from any person money paid
20 under any order, sentence or judgment of any court, and to
21 report the results of the audits to the court which has
22 appointed the officer.

23 (2) Any money appropriated by the county to units of the
24 National Guard.

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

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

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

12 (b) All taxes, penalties, fines and costs collected by the
13 county treasurer and belonging to any taxing district shall be
14 entered and carried in the records of the county in the same
15 manner as county money, shall be audited in like manner, and
16 when paid to the taxing district entitled thereto, as provided
17 by law, payments shall be made on voucher checks in the same
18 manner as payments are made of county money.

19 Section 36. Sections 1721, 1722, 1722.1, 1723 and 1724 of
20 the act are repealed:

21 [Section 1721. Audit of Accounts by Auditors; Report to
22 Common Pleas; Publications; Financial Report to Department of
23 Community and Economic Development.--(a) The auditors shall
24 audit, settle and adjust the accounts of all county officers of
25 the county, and make an annual report thereof, on or before the
26 first day of the following July, to the court of common pleas,
27 unless upon due cause shown the court shall grant an extension
28 of time therefor. Said report shall be in detail, showing
29 distinctly and separately all receipts and expenditures of the
30 several offices, and all debts and accounts due, and the amount

1 raised from each source of revenue, and the expenditures in
2 detail and classified by reference to the object thereof,
3 together with a full statement of the financial conditions of
4 the county, and a statement of the balance due from or to such
5 county officers.

6 (b) The auditor's report shall be prepared and within ten
7 days after being filed in the court of common pleas, a concise
8 summary thereof shall be published, once, in at least two
9 newspapers published in said county; or if not more than one
10 newspaper is published in the county, then in such newspaper; or
11 if there be no newspaper published in the county, then in one
12 newspaper of general circulation in said county. The expense of
13 the publication of said summary shall be paid by the county.
14 Within the summary of the auditor's or controller's report,
15 there shall be a notice to the public that the entire text of
16 the report shall be available for public inspection during
17 regular business hours in the office of the auditor or
18 controller.

19 (c) The county auditors shall also make an annual report of
20 the financial condition of the county to the Department of
21 Community and Economic Development, which report shall be signed
22 by a majority of the auditors, and duly verified by the oath or
23 affirmation of one of the auditors. The report shall be
24 presented on a form furnished by the Secretary of Community and
25 Economic Development, and shall be filed on or before the first
26 day of the following July.

27 (d) Any auditors refusing or wilfully neglecting to file the
28 report required by this section shall, upon conviction thereof,
29 in a summary proceeding brought at the instance of the
30 Department of Community and Economic Development, be sentenced

1 to pay a fine of five dollars (\$5) for each day's delay beyond
2 said first day of July, and costs. All fines recovered shall be
3 for the use of the Commonwealth.

4 Section 1722. Audit of the Accounts of Parole and Probation
5 Officers and of Appropriations to National Guard Units.--It
6 shall be the duty of the controller or county auditors to audit,
7 settle and adjust the accounts of every parole and probation
8 officer, appointed by the court pursuant to law, who shall
9 receive from any person or persons moneys paid under any order,
10 sentence or judgment of any court, and to report the results of
11 such audits to the court which shall have appointed such
12 officer. The controller or county auditors shall likewise audit,
13 settle and adjust the accounts of any moneys appropriated by the
14 county to units of the National Guard.

15 Section 1722.1. Audit of Accounts of Minor Judiciary.--The
16 controller or county auditors shall annually audit the accounts
17 of every alderman, magistrate or district justice within the
18 county and report the results of such audits to the county
19 commissioners, the Auditor General and to the governing body of
20 each political subdivision which is entitled or has a right to
21 receive any moneys or funds collected by any such alderman,
22 magistrate or district justice.

23 Section 1723. Accounts and Audits of Moneys Collected for
24 Taxing Units Within the County; Payments.--All taxes, penalties,
25 fines and costs collected by the county treasurer and belonging
26 to any city, borough, township, incorporated town, school
27 district or institution district shall be entered and carried in
28 the books of the county in the same manner as county moneys,
29 shall be audited in like manner, and when paid to the taxing
30 district entitled thereto, as provided by law, such payments

1 shall be made on voucher checks in the same manner as payments
2 are made of county moneys.

3 Section 1724. Audit of Accounts of Commonwealth Moneys.--It
4 shall also be the duty of the controller or auditors to audit,
5 settle and adjust the accounts of the treasurer of the county
6 with the State Treasury, and of each of such other officers in
7 the county receiving money for the use of the Commonwealth, as
8 may be referred to them by the Auditor General or the Department
9 of Revenue, and to make a separate report thereof to the court
10 of common pleas, together with a statement of the balances due
11 from or to such treasurer or other officer. A certified copy of
12 such report shall be transmitted to the Auditor General or
13 Department of Revenue, as the case may be, within ten days after
14 the same is prepared.]

15 Section 37. Sections 1724.1, 1725 and 1727 of the act are
16 amended to read:

17 Section 1724.1. Audit of [Miscellaneous] Insurance and
18 Escrow Accounts.--For the purposes of this act relating to the
19 auditing of accounts and the purchasing of insurance, money held
20 by any county official in escrow shall be deemed the same as
21 county funds or public money.

22 Section 1725. Power of Subpoena and Attachment.--The
23 controller or auditors shall have power to issue subpoenas to
24 obtain the attendance of the officers whose accounts they are
25 required to adjust, their executors and administrators, and of
26 any person whom it may be necessary to examine as witnesses, and
27 to compel their attendance by attachment, in accordance with the
28 Pennsylvania Rules of Civil Procedure, in like manner and to the
29 same extent as any court of common pleas of this [State]
30 Commonwealth may or can do in cases pending before them, and

1 also to compel in like manner the production of all books,
2 vouchers and papers relative to such accounts. Such subpoena
3 [and attachment] shall be served and executed by the sheriff or
4 [coroner] any constable of the county, as the case may require.

5 Section 1727. Refusal to Obey Subpoena or Submit to
6 Examination.--[If any person] A person shall be guilty of a
7 misdemeanor for any of the following:

8 (1) Refusing to appear or produce documents after being
9 served a subpoena in accordance with this article.

10 (2) After appearing before the controller or auditors for
11 examination [shall refuse], refusing to take oath or
12 affirmation[, or after].

13 (3) After having been sworn or affirmed [shall refuse],
14 refusing to [make] answer [to such] questions [as shall be put
15 to him by] of the controller or auditors touching the public
16 accounts or the official conduct of any public officers[, he
17 shall be guilty of a misdemeanor].

18 Section 38. Section 1730 of the act is amended by adding a
19 subsection to read:

20 Section 1730. Filing Reports.--* * *

21 (c) The amount of a balance and of any express surcharge
22 found in a report as provided in subsection (b) shall, if no
23 appeal is taken, or after an appeal has been finally determined
24 in favor of the county or Commonwealth, be entered by the
25 prothonotary as a judgment against the officer. The county or
26 Commonwealth, as the case may be, may execute on a final
27 judgment under this section against the property of the
28 defaulting officer in accordance with law and rule of court.

29 Section 39. Sections 1731, 1733, 1750, 1751, 1752, 1753,
30 1754 and 1760 of the act are amended to read:

1 Section 1731. Appeals from Reports.--(a) An appeal may be
2 taken from such reports to the court of common pleas, either by
3 the Commonwealth, the county or the officer. Such appeal may
4 also be taken by ten or more taxpayers in behalf of the county[,
5 in the manner and subject to the restrictions provided by
6 article twenty-eight of this act].

7 [Such] (b) The appeal shall be entered by the Commonwealth
8 within four months, and by the county [and the officer], the
9 officer or taxpayers within sixty days after the filing of the
10 report. No appeal by officers or taxpayers may be allowed,
11 unless within the time of taking the appeal, the appellant
12 secures a bond in the sum of one thousand dollars (\$1,000) with
13 sufficient surety, to prosecute the appeal and to pay the costs
14 of appeal, in case, if the appellant is a taxpayer, the
15 appellant fails to obtain a final decision more favorable to the
16 Commonwealth or county than that awarded by the auditors, or, in
17 case, if the appellant is an officer, the appellant fails to
18 obtain a final decision more favorable to the officer than that
19 awarded by the auditors. Unless the bond is filed as required
20 under this section, the court of common pleas, upon application,
21 shall set aside the appeal.

22 (c) Upon appeal to the court of common pleas, the controller
23 or auditors shall be required to establish the validity of the
24 surcharge and shall establish the loss sustained to the county.
25 If the surcharge is upheld on appeal to the court of common
26 pleas, the officer so surcharged shall immediately pay the costs
27 and money due to the county, but only to the extent of actual
28 loss.

29 Section 1733. Allowance of [Counsel] Attorney Fees.--[When
30 an appeal is taken from the county auditors' reports or the

1 controller's reports and such appeal results favorably to the
2 appellants in such a manner that money is recovered for any
3 county, the court hearing such appeal shall make an order to pay
4 a counsel fee which it deems just and reasonable to the counsel
5 representing such appeal out of the funds so recovered.]

6 (a) Upon final determination of an appeal taken under
7 section 1731, attorney fees shall be awarded as follows:

8 (1) If in the opinion of the court the final determination
9 is more favorable to the officer involved than that awarded by
10 the controller or auditors, the county shall pay reasonable
11 attorney fees or, under paragraph (3), a portion of reasonable
12 attorney fees incurred by the officer in connection with the
13 surcharge proceeding.

14 (2) In the case of an appeal taken by the Commonwealth, the
15 county or taxpayers, if in the opinion of the court the final
16 determination is more favorable to the Commonwealth or county
17 than that awarded by the controller or auditors, the officer who
18 is the subject of the surcharge proceeding shall pay reasonable
19 attorney fees or, under paragraph (3), a portion of reasonable
20 attorney fees incurred by the Commonwealth, county or taxpayers
21 in connection with the surcharge proceeding.

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

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

3 (b) The attorney fees in case of appeals involving accounts
4 other than those of county officers shall be allocated in the
5 court's discretion.

6 (c) In adjudications of the official actions of the auditors
7 or controllers other than appeals as provided in section 1731,
8 the court may award reasonable attorney fees to the prevailing
9 party as may be just and equitable. Nothing in this section
10 shall be construed as authorizing personal liability for
11 attorney fees or costs.

12 Section 1750. Claims Against County.--The controller or the
13 county commissioners in counties having no controller shall
14 scrutinize, audit and decide on all bills, claims and demands
15 whatsoever against the county, except such as are otherwise
16 provided for in this subdivision. All persons having such claims
17 shall first present [the same] the claims to the controller or
18 to the county commissioners and, if required, make oath or
19 affirmation before [him or them] the controller or commissioners
20 to the correctness [thereof] of the claims. The controller or
21 the commissioners, as the case may be, may[, if he or they deem
22 it necessary,] require evidence, by oath or affirmation, of the
23 claimant and otherwise that the claim is legally due and that
24 the supplies or services for which payment is claimed have been
25 furnished or performed under legal authority. [He or they] The
26 controller or commissioners may inquire or ascertain whether any
27 officer or agent of the county is interested in the contract
28 under which any claim may arise, or has received or is to
29 receive any commission, consideration or gratuity relating
30 thereto, or whether there has been any evasion of the provisions

1 of this act by making two or more contracts for small amounts
2 which should have been in one. If [he or they] either shall find
3 [that there has been any evasion, or] that any such officer or
4 agent is so interested, [he or they] except as provided under
5 section 1806, or that there has been any evasion, the controller
6 or commissioners shall refuse to approve the claim.

7 Section 1751. Procedure for Approval.--[The] (a) In
8 counties having a controller, the controller shall date, upon
9 receipt, all bills, claims and demands [presented to him] which
10 the controller approves, [which he approves and only for such as
11 he approves,] and shall forward the bills, claims or demands
12 along with checks therefor to the county commissioners for their
13 approval or, if already approved by the commissioners, for their
14 signatures as provided in this section. If the county
15 commissioners approve payment of a bill, claim or demand, at
16 least two commissioners shall sign the check as properly drawn
17 upon the county treasury. In such cases facsimiles of their
18 signatures may be used. The bill, claim or demand shall be
19 returned to the controller for filing in [his] the controller's
20 office and the check shall be forwarded to the county treasurer.
21 The county treasurer shall sign the check as [his] the
22 treasurer's draft upon the county treasury, but [he] the
23 treasurer shall not sign any check not already signed, as herein
24 provided, by the commissioners and the controller. Every check
25 issued shall include reference to its corresponding bill, claim
26 or demand as well as the number or numbers which may be put upon
27 it by the county treasurer. If the county commissioners refuse
28 to approve any bill, claim or demand, they shall return the same
29 together with the check involved to the controller for filing in
30 [his] the controller's office.

1 (b) In counties not having a controller, the county
2 commissioners shall approve each transaction and the check shall
3 be drawn by their chief clerk who shall keep files of the bills,
4 claims or demands involved. At least two commissioners shall
5 sign the checks either personally or by facsimile, and they
6 shall be forwarded, together with a check register or similar
7 description of the corresponding bill, claim or demand providing
8 a clear description of the nature and purpose of the
9 expenditure, to the county treasurer for [his] the treasurer's
10 signature.

11 (c) In all cases the [cancelled] canceled checks or official
12 bank record thereof, shall be filed in the office of the county
13 treasurer, but [he] the treasurer shall transmit, at such times
14 as the controller shall establish, a list of all checks paid
15 from the county treasury and not previously transmitted, along
16 with appropriate identification. The county treasurer and the
17 controller in those counties having a controller are authorized
18 to use a facsimile signature on any check which they are
19 required to sign. Nothing in this section shall preclude the
20 receipt or transfer of funds to or from the county, or payment
21 of a bill, claim or demand, by electronic fund transfer,
22 provided that adequate and recognized fiscal and procedural
23 controls, together with proper system security, are in place.

24 Section 1752. Claims Not Approved by Controller.--If, upon
25 receipt, the controller does not approve a claim, bill or demand
26 [presented to him, he], the controller shall within [thirty]
27 fifteen days forward it to the county commissioners together
28 with [his] notice that [he] the controller has disapproved the
29 claim, bill or demand or is unable to approve the same and [his]
30 the reasons therefor. The county commissioners shall consider

1 the claim, bill or demand and, if they consider that it should
2 be paid by the county, they shall so notify the controller. If
3 the controller thereafter continues to refuse [his] approval no
4 payment shall be made thereon by the county except pursuant to
5 an order of court upon a proper issue thereto directing the
6 controller to approve payment.

7 Section 1753. Reports to Commissioners.--[The] At the request
8 of the commissioners, the controller shall report to the
9 commissioners monthly [or oftener, if required by them,] the
10 amount of outstanding checks registered and the amount of money
11 in the treasury or the amount of any particular unencumbered
12 appropriation items involved.

13 Section 1754. Fees of Witnesses and Jurors.--Fees of jurors
14 and witnesses shall be ascertained by the courts of the county
15 entered upon the records thereof and duly certified by their
16 respective clerks to the commissioners being first sworn to or
17 affirmed before the controller or the chief clerk of the
18 commissioners as the case may be. [The commissioners, then, may
19 draw checks therefor without approval of the controller. The
20 certificates shall be filed with the controller or the
21 commissioners where there is no controller after the checks are
22 issued.]

23 Section 1760. Receipts and Accounts of Money Due County.--
24 The county treasurer shall receive and receipt for all moneys
25 due or accruing to the county. [He] The treasurer shall keep
26 proper accounts of all moneys received and disbursed. [His
27 books] The treasurer's records shall be, at all times during
28 office hours, open to the inspection of the controller and the
29 commissioners, or any of [them] the commissioners in counties
30 having no controller. [He] The treasurer shall issue receipts[

1 at least in triplicate,] for all moneys received for the county,
2 and shall transmit the duplicate or triplicate thereof daily to
3 the controller, or to the county commissioners in counties
4 having no controller. Said receipts shall be serially numbered,
5 shall indicate the amount of money received, from whom, on what
6 account and the date. [He] The treasurer shall likewise keep
7 daily records of all disbursements from the county treasury, and
8 shall forward daily records thereof to the controller, or the
9 commissioners as the case may be. The controller, or the chief
10 clerk of the commissioners where there is no controller, shall
11 have the right to [a certified daily or monthly deposit slip]
12 review depository account information upon request from the
13 county depository or depositories, without prejudice to the said
14 depositories, of all moneys deposited in the name of the county
15 by the treasurer. In counties having no controller, the
16 treasurer shall render, at least quarterly and oftener, if
17 required, a statement of all moneys received and disbursed since
18 [his] the treasurer's last statement, showing the balance
19 remaining in [his] the accounts and the names of the collectors
20 having arrearages in taxes with the amounts thereof. [He] The
21 treasurer shall state [his] the accounts at the end of each
22 fiscal year, which statement shall be examined by the
23 commissioners and delivered by them to the auditors for
24 settlement.

25 Section 40. Section 1761 of the act is repealed:

26 [Section 1761. Moneys Paid for the Redemption of Unseated
27 Land Sold for Taxes.--The treasurer shall pay over to his
28 successor in office all moneys paid to him for the redemption of
29 unseated land sold for taxes, which have not been called for by
30 the purchasers at treasurer's sale or their legal

1 representatives during the continuance in office of such
2 treasurer. The county controller or auditor shall charge the
3 moneys so received to said treasurer, in the same manner that
4 other money received by him is charged, and the same shall be
5 paid to said purchasers, or their legal representatives when
6 called for, by orders drawn by the commissioners of the county
7 upon the treasurer as in other cases.]

8 Section 41. Sections 1762, 1770, 1770.1 and 1771 of the act
9 are amended to read:

10 Section 1762. Depositories.--(a) The county commissioners
11 together with the county treasurer shall, from time to time,
12 designate, by resolution, a depository or depositories for all
13 county funds to be deposited. Such depository or depositories
14 shall be banks, banking institutions or trust companies, located
15 in the Commonwealth.

16 (b) (1) Depositories so designated shall, upon receipt of
17 notice of their selection as a depository of county funds,
18 [furnish a bond to secure payment of deposits and any interest
19 to the county, secured by a surety company, or by the depositing
20 in escrow of securities to be approved by the county
21 commissioners. The parties may, by agreement, provide for
22 substitution of securities so held in escrow, the securities in
23 every case to be approved by the commissioners. Such bonds shall
24 be in a sum to be fixed by resolution of the county
25 commissioners.] collateralize deposits of public funds in
26 accordance with the act of August 6, 1971 (P.L.281, No.72),
27 entitled "An act standardizing the procedures for pledges of
28 assets to secure deposits of public funds with banking
29 institutions pursuant to other laws; establishing a standard
30 rule for the types, amounts and valuations of assets eligible to

1 be used as collateral for deposits of public funds; permitting
2 assets to be pledged against deposits on a pooled basis; and
3 authorizing the appointment of custodians to act as pledgees of
4 assets," which authorizes financial institutions to pledge
5 collateral in an account in the name of the county, or utilize a
6 letter of credit from the Federal Home Loan Bank, to secure
7 public deposits in excess of Federal Deposit Insurance
8 Corporation insurance limits. The depository shall provide a
9 monthly report within fifteen days after the end of each month
10 to the commissioners in accordance with the reporting
11 requirements in the act of August 6, 1971 (P.L.281, No.72),
12 including the composition of the collateral and related market
13 value.

14 (2) Counties may elect to require that any depositories must
15 pledge collateral in an account in the name of the county to
16 collateralize deposits above the Federal Deposit Insurance
17 Corporation limit. These accounts may be custodied with the
18 depository's trust department or at a third-party financial
19 institution. The arrangement with the depository may be governed
20 by a written agreement, approved by the board of directors or
21 loan committee of the depository, with approval reflected in the
22 minutes of the board or committee, which are kept continuously
23 as an official record of the depository and include the
24 following if collateral is pledged instead of a Federal Home
25 Loan Bank Letter of Credit:

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

27 (ii) Collateral shall be in investments as prescribed in the
28 investment program provided by the board of investment or board
29 of commissioners.

30 (iii) If the financial institution serves as the custodian,

1 the pledged collateral shall be held in a separate account,
2 established under the act of August 6, 1971 (P.L.281, No.72), in
3 the depository's trust department.

4 (iv) The market value of the pledged collateral shall be at
5 least one hundred and two per centum of the county deposits in
6 excess of federally insured limits.

7 (v) A monthly report shall be provided as specified in
8 paragraph (1).

9 (3) The depository shall not be required to [furnish a bond
10 or deposit securities in escrow to] secure payment of deposits
11 and interest insured by the Federal Deposit Insurance
12 Corporation.

13 (c) The county treasurer shall, upon the designation of such
14 depository or depositories, immediately, transfer thereto all
15 county funds to be deposited, and shall, thereafter, keep such
16 deposits solely in such depository or depositories in the name
17 of the county. Withdrawals from such depository shall be only
18 drawn by the treasurer, upon properly authorized checks or by
19 other commercially accepted methods of electronic funds transfer
20 which have been specifically approved by the board of
21 commissioners.

22 (d) Neither county commissioners nor treasurer complying
23 with the provisions of this [section] article, nor their surety
24 or sureties, shall be chargeable with losses of county funds
25 caused by the failure or negligence of such depository or
26 depositories.

27 Section 1770. Tax Levies.--(a) No tax shall be levied on
28 personal property taxable for county purposes where the rate of
29 taxation thereon is fixed by law other than at the rate so
30 fixed. The county commissioners shall fix, by resolution, the

1 rate of taxation for each year.

2 (a.1) The tax levied in counties of the second class A shall
3 be for the purpose of creating a general fund to pay expenses
4 incurred for general county purposes, for the payment of the
5 matters connected with roads under section 2707, for the payment
6 of the matters connected with parks and related matters under
7 section 2507. No tax for general county purposes in any county
8 of the second class A shall in any one year exceed the rate of
9 forty mills on every dollar of the adjusted valuation. The rate
10 of taxation for payment of interest and principal on any
11 indebtedness incurred pursuant to 53 Pa.C.S. Pt. VII Subpt. B
12 (relating to indebtedness and borrowing), or any prior or
13 subsequent act governing the incurrence of indebtedness of the
14 county shall be unlimited. In fixing the rate of taxation, the
15 county commissioners if the rate is fixed in mills, shall also
16 include in the resolution a statement expressing the rate of
17 taxation in dollars and cents on each one hundred dollars of
18 assessed valuation of taxable property.

19 (a.2) The county commissioners in counties of the second
20 class A shall have the power to levy a tax for institution
21 district purposes and for the payment of the obligations of the
22 predecessor poor districts on real estate, trades, occupations
23 and professions, in the same manner and at the same time as
24 county taxes, annual taxes to pay the current expense of the
25 institution district, none of which shall exceed fifteen mills
26 on the dollar of the last adjusted assessed valuation for county
27 purposes. No tax shall be levied and collected on trades,
28 occupations and professions at the same time a per capita tax on
29 individuals is levied and collected.

30 (b) No tax for general county purposes in [counties] a

1 county of the third, fourth, fifth, sixth, seventh [and] or
2 eighth [classes] class, exclusive of the requirements for the
3 payment of rentals to any municipal authority, shall in any one
4 year exceed the rate of twenty-five mills on every dollar of the
5 adjusted valuation, unless the county commissioners by majority
6 action shall, upon due cause shown by resolution, petition the
7 court of common pleas, in which case the court may order a rate
8 of not more than five mills additional to be levied: Provided,
9 however, That the rate of taxation for payment of interest and
10 principal on any indebtedness incurred [pursuant to the act of
11 July 12, 1972 (P.L.781, No.185), known as the "Local Government
12 Unit Debt Act,"] under 53 Pa.C.S. Pt. VII Subpt. B or any prior
13 or subsequent act governing the incurrence of indebtedness of
14 the county shall be unlimited. Tax for payment of rentals to any
15 municipal authority shall not exceed the rate of ten mills on
16 every dollar of the adjusted valuation and shall be in addition
17 to the twenty-five mill limitation for general county purposes.
18 In fixing the rate of taxation, the county commissioners, if the
19 rate is fixed in mills, shall also include in the resolution a
20 statement expressing the rate of taxation in dollars and cents
21 on each one hundred dollars of assessed valuation of taxable
22 property.

23 (c) In a county of the fourth, fifth, sixth, seventh or
24 eighth class:

25 (1) The rate of taxation fixed for any occupation tax levied
26 by a county [of the fourth, fifth, sixth, seventh or eighth
27 class] shall not in any one year exceed twenty mills. The county
28 commissioners may, by resolution, abolish the levy and
29 collection of occupation taxes for county purposes.

30 (2) The county commissioners [of counties of the fourth,

1 fifth, sixth, seventh and eighth classes] may levy and collect
2 an annual per capita tax on persons for county purposes.

3 (3) Any county [of the fourth, fifth, sixth, seventh or
4 eighth class] which shall become a county of the third class may
5 collect for a period of four years after such status has been
6 certified a per capita tax from any person not in any one year
7 to exceed a total of five dollars (\$5) for county purposes.

8 (d) In a county of the third, fourth, fifth, sixth, seventh
9 or eighth class:

10 (1) No tax shall be levied and collected for county purposes
11 on offices and posts of profits, or on professions, trades and
12 occupations at the same time during which a per capita tax on
13 persons is levied and collected for county purposes.

14 (2) Any per capita taxes levied upon and collected from any
15 person shall not in any one year exceed a total of five dollars
16 (\$5) for county and institution district purposes.

17 (3) Any county may, by ordinance or resolution, exempt any
18 person whose total income from all sources is less than [ten
19 thousand dollars (\$10,000)] the dollar amount per annum as
20 provided in section 301.1(b) of the act of December 31, 1965
21 (P.L.1257, No.511), known as The Local Tax Enabling Act, from
22 any per capita tax levied under this act.

23 Section 1770.1. Additions and Revisions to Duplicates.--
24 Whenever in any county there is any construction of a building
25 or buildings not otherwise exempt as a dwelling after January
26 first of any year, and such building is not included in the tax
27 duplicate of the county, the authority responsible for
28 assessments in the county shall, upon the request of the board
29 of county commissioners, cause to be inspected and reassessed,
30 subject to the right of appeal and adjustment provided by the

1 act of Assembly under which assessments are made, all taxable
2 property in the county to which major improvements have been
3 made after January first, and to give notice of such
4 reassessments [within ten days] in accordance with 53 Pa.C.S. §
5 8841(c) (relating to assessment roll and interim revisions) to
6 the authority responsible for assessments, the county
7 commissioners and the property owner. Such property shall then
8 be added to the duplicate and shall be taxable for county
9 purposes at the reassessed valuation for that proportionate part
10 of the fiscal year of the county remaining after the property
11 was improved. Any improvement made during the month shall be
12 computed as having been made on the first of the month. A
13 certified copy of the additions or revisions to the duplicate
14 shall be furnished by the board of county commissioners to the
15 proper tax collector for the county and, within ten days
16 thereafter, the tax collector shall notify the owner of the
17 property of the taxes due the county.

18 Whenever an assessment is made for a portion of a year as
19 above provided, the same shall be added to the duplicate of the
20 following or succeeding year unless the value of the
21 improvements has already been included in said duplicate.

22 Section 1771. Temporary Loans.--Whenever the funds of a
23 county have been exhausted, the county commissioners may
24 borrow[, on the credit of the county,] money in anticipation of
25 taxes to be collected for the current fiscal year[, and issue a
26 certificate of indebtedness] in accordance with 53 Pa.C.S. Pt.
27 VII, Subpt. B (relating to indebtedness and borrowing), payable
28 on a certain date, not exceeding [one year from the date of
29 issue] the last day of the fiscal year in which the tax
30 anticipation note is issued.

1 Section 42. The act is amended by adding sections to read:

2 Section 1773. Supplemental Appropriations, Transfers of
3 Funds and Appropriation Limits.--(a) The commissioners may:

4 (1) At any time, by resolution, make supplemental
5 appropriations for any lawful purpose from any funds on hand or
6 estimated to be received within the fiscal year and not
7 otherwise appropriated, including the proceeds of any borrowing
8 now or hereafter authorized by law.

9 (2) Authorize the transfer of:

10 (i) Any unencumbered balance of any appropriation item or
11 any portion thereof.

12 (ii) Within the same fund, any unencumbered balance or any
13 portion thereof from one spending agency to another.

14 (3) During the last fifteen days of a fiscal year, authorize
15 the transfer of any unencumbered balance, or any portion
16 thereof, from any county fund to any fund of the institution
17 district, and to reappropriate that money to the institution
18 district.

19 (b) No work shall be hired to be done, no materials
20 purchased, no contracts made and no order issued for the payment
21 of any money by the county commissioners which will cause the
22 sums appropriated to be exceeded.

23 Section 1774. Banks Authorized to Receive Taxes in Counties
24 of the Second Class A.--The county commissioners together with
25 the county treasurer and the county controller in second class A
26 counties shall have authority to designate any bank, savings
27 bank, bank and trust company, trust company or national banking
28 association located within the county as a deputy county tax
29 collector, for the sole purpose of receiving and receipting for
30 county taxes paid to the deputy county tax collector at the

1 collector's place of business. The county tax collector shall
2 not be held responsible for losses occasioned by the failure of
3 any institution, for money received by it as a deputy. Each
4 institution acting as a deputy county tax collector shall,
5 within five days after the last day of each calendar month,
6 transmit to the county tax collector all money received by it as
7 the deputy during the preceding month. Each payment shall be
8 accompanied by an itemized statement showing what taxes have
9 been paid, the dates when paid and by whom they have been paid.
10 An institution shall not be allowed any compensation or
11 commission for acting as a deputy other than expenses actually
12 incurred in transmitting money and records of payments to the
13 county tax collector.

14 Each institution, before entering upon the duties of
15 receiving and receipting for taxes, shall post security in an
16 amount as determined by the commissioners together with the
17 treasurer and the county controller, to ensure the faithful
18 performance of duties and the payment over of all taxes and
19 money received.

20 Section 43. Section 1780 of the act is amended to read:

21 Section 1780. Fiscal Year and [Passage of Budgets]
22 Preparation of Proposed Annual Budget.--(a) The fiscal year of
23 each county shall begin on the first day of January and end on
24 the thirty-first day of December of each year.

25 (a.1) The commissioners, at least ninety days prior to
26 adopting the budget, shall begin the preparation of the proposed
27 budget for the succeeding fiscal year. The budget may be
28 prepared based upon information collected and transmitted by the
29 controller, as under subsection (b), or by the commissioners, a
30 finance department or a designated person employed, and

1 qualified, by the commissioners.

2 (b) At the request of the commissioners, but in no case less
3 than sixty days prior to adoption of the budget by the
4 commissioners, the controller shall prepare and transmit to the
5 commissioners:

6 (1) A comparative statement of revenues for the current and
7 the immediately preceding fiscal year, and a comparative
8 statement of expenditures, including interest due and to fall
9 due on all lawful interest bearing debts of the county for the
10 same years. In counties where the controller is a participant in
11 the development of the budget, the controller shall also include
12 balances projected for the close of the current fiscal year.

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

18 (c) The information requested by the commissioners in
19 accordance with subsection (a.1) or (b) shall be in form and
20 detail as the commissioners direct upon the form or forms
21 furnished, as under this subdivision, by the Department of
22 Community and Economic Development. With this information as a
23 guide, the commissioners shall, within a reasonable time, begin
24 the preparation of a proposed budget for the succeeding fiscal
25 year.

26 Section 44. Section 1781 of the act is repealed:

27 [Section 1781. Preparation of Proposed Annual Budget.--(a)
28 The commissioners, at least ninety days prior to adopting the
29 budget, shall begin the preparation of the proposed budget for
30 the succeeding fiscal year.]

1 (b) At the request of the commissioners, but in no case less
2 than sixty days prior to adoption of the budget by the
3 commissioners, the controller shall transmit to the
4 commissioners a comparative statement of revenues for the
5 current and the immediately preceding fiscal year, and a
6 comparative statement of expenditures, including interest due
7 and to fall due on all lawful interest bearing debts of the
8 county for the same years. In counties where the controller is a
9 participant in the development of the budget, the controller
10 shall also include balances projected for the close of the
11 current fiscal year.

12 (c) The controller's statement shall also indicate the
13 amounts of all appropriation requests, submitted to the
14 controller or to the commissioners and supplied by them to the
15 controller, from the several county offices and agencies,
16 including estimates of expenditures contemplated by the
17 commissioners as forwarded by them to the controller.

18 (d) Said statements shall be in such form and detail as the
19 commissioners direct. With this information as a guide, the
20 commissioners shall, within a reasonable time, begin the
21 preparation of a proposed budget for the succeeding fiscal year.

22 (e) In counties not having a controller, the commissioners
23 shall prepare the statements hereinbefore required.]

24 Section 45. Sections 1782, 1782.1 and 1782.2 of the act are
25 amended to read:

26 Section 1782. Adoption of Budget; Publication of Proposed
27 Budget and Notice of Final Action Date.--(a) The proposed
28 budget shall be prepared and adopted [not later than December
29 thirty-first, and notice thereof shall be published, and the
30 proposed budget shall be made available for public inspection

1 for at least twenty days prior to the date set for adopting the
2 budget. The date set for final action on the budget shall
3 likewise be made a matter of public notice for at least ten days
4 prior thereto.] as follows:

5 (1) The public shall be given notice by publication in one
6 newspaper OF GENERAL CIRCULATION at least twenty days before the <--
7 date set for the adoption of the budget that the budget is
8 available for public inspection. The notice shall contain the
9 date set for the adoption of the budget and the manner in which
10 the proposed budget has been made available for public
11 inspection.

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

13 (b) [Should it appear upon] If any revision of the proposed
14 budget[,] is made after it has been published, such that the
15 estimated expenditures in the adopted budget would be increased
16 more than ten per centum in the aggregate [or more than twenty-
17 five per centum in any function] over the proposed budget as
18 made available for public inspection, such revised budget shall
19 not be adopted with any such increases therein, unless it be
20 again made available for public inspection, and for protest of
21 such increases, for a period of at least ten days after notice
22 to that effect is published as hereinbefore provided.

23 Section 1782.1. Amending Budget; Notice.--During the month
24 of January next following any municipal election the
25 commissioners [of any county] may amend the budget and the levy
26 and tax rate to conform with its amended budget. [A period of
27 ten days' public inspection at the office of the chief clerk of
28 the proposed amended budget, after notice by the chief clerk to
29 that effect is published once in a newspaper as provided in
30 section 110 of this act, shall intervene between the proposed

1 amended budget and the adoption thereof.] The county shall
2 provide public notice by publication in one newspaper OF GENERAL <--
3 CIRCULATION that an amended budget has been proposed and is
4 available for public inspection for a period of ten days at a
5 location specified in the notice. Any amended budget must be
6 adopted by the county commissioners [on or before] after the
7 public inspection period and no later than the fifteenth day of
8 February.

9 No such proposed amended budget shall be revised upward in
10 excess of ten per centum in the aggregate [thereof or as to an
11 individual function in excess of twenty-five per centum of the
12 amount of such individual function in the proposed amended
13 budget].

14 Section 1782.2. Delivery of Tax Duplicates.--(a) The
15 [county] commissioners shall [within thirty days after the
16 adoption of the budget make out] prepare and deliver the
17 duplicates of taxes assessed to the respective tax collectors
18 together with their warrant for the collection of the same at
19 least fifteen days prior to the date of the tax bill.

20 (b) Notwithstanding the provisions of subsection (a), the
21 [county] commissioners shall have the option to make out and
22 deliver the duplicates of taxes assessed to the respective tax
23 collectors together with their warrant for collection of the
24 same no later than the final date for a school district to make
25 out and deliver the duplicates for school real estate taxes
26 under section 682 of the act of March 10, 1949 (P.L.30, No.14),
27 known as the "Public School Code of 1949." The option authorized
28 by this subsection may be exercised only if the county
29 commissioners find that exercise of the option will result in
30 cost savings compared to proceeding under the deadline imposed

1 by subsection (a) and they adopt a resolution that refers to the
2 finding.

3 Section 46. Section 1784 of the act is repealed:

4 [Section 1784. Supplemental Appropriations; Transfers of
5 Funds; Appropriation Limits.--The commissioners may at any time,
6 by resolution, make supplemental appropriations for any lawful
7 purpose from any funds on hand or estimated to be received
8 within the fiscal year and not otherwise appropriated, including
9 the proceeds of any borrowing now or hereafter authorized by
10 law. The commissioners may authorize the transfer of any
11 unencumbered balance of any appropriation item or any portion
12 thereof. During the last fifteen days of any fiscal year, they
13 may authorize the transfer of any unencumbered balance, or any
14 portion thereof, from any county fund to any fund of the
15 institution district, and to reappropriate such moneys to the
16 institution district. No work shall be hired to be done, no
17 materials purchased, no contracts made, and no order issued for
18 the payment of any moneys by the county commissioners, which
19 will cause the sums appropriated to be exceeded.]

20 Section 47. Sections 1784.1, 1784.3, 1785(a), (c) and (e)
21 and 1790 of the act are amended to read:

22 Section 1784.1. Take Money and Property by Gift, Etc.--The
23 [county] commissioners may take by gift, grant, devise or
24 bequest any money or property, real, personal or mixed, for the
25 benefit of the county.

26 Section 1784.3. Operating Reserve Fund.--(a) The county
27 commissioners shall have the power to create and maintain a
28 separate operating reserve fund in order to minimize future
29 revenue shortfalls and deficits, provide greater continuity and
30 predictability in the funding of vital government services,

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

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

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

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

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

20 (2.1) to counterbalance potential budget deficits resulting
21 from increases in anticipated costs of goods or services; or

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

28 (d) The operating reserve fund shall be invested, reinvested
29 and administered in a manner consistent with the provisions of
30 section 1706.

1 Section 1785. Committee to Prepare Uniform Forms.--(a) The
2 report forms specified in the foregoing sections of this article
3 shall be prepared by a committee consisting of three
4 representatives from the County Commissioners Association of
5 Pennsylvania, three representatives from the Pennsylvania State
6 Association of County Controllers, three representatives from
7 the Pennsylvania State Association of County Auditors, one
8 certified public accountant, one member of the Senate and one
9 member of the House of Representatives of the General Assembly,
10 who shall be members of the Local Government Commission,
11 designated by the chairman of said commission, and the Secretary
12 of Community and Economic Development or [his] the secretary's
13 agent who shall be a person trained in the field of municipal
14 finance.

15 * * *

16 (c) The committee shall meet at the call of the Secretary of
17 Community and Economic Development or [his] the secretary's
18 agent, who shall serve as chairman of the committee. The
19 Secretary of Community and Economic Development may call
20 meetings of the committee, and shall do so at the request of the
21 secretary of either of said associations, but in every case
22 there shall be at least two weeks' notice to each member of the
23 committee of any such meeting.

24 * * *

25 (e) It shall be the duty of the Secretary of Community and
26 Economic Development or [his] the secretary's agent to see to it
27 that the forms required by this section are prepared in
28 cooperation with said committee. Should said committee for any
29 reason fail to furnish such cooperation, the Secretary of
30 Community and Economic Development or [his] the secretary's

1 agent shall complete the preparation of the forms. After their
2 preparation, [he] the secretary shall issue said forms and
3 distribute them annually, as needed, to the commissioners,
4 controller or auditors of each county.

5 * * *

6 Section 1790. Membership.--In each county there [shall] may
7 be a sinking fund commission, composed of the commissioners, the
8 controller, or auditors in counties not having a controller, and
9 treasurer.

10 Section 48. The act is amended by adding a section to read:

11 Section 1800. Contracting.--The commissioners may make
12 contracts for lawful purposes and for the purposes of carrying
13 into execution the provisions of this article and the laws of
14 this Commonwealth.

15 Section 49. Sections 1801, 1802, 1803, 1805, 1806 and 1807
16 of the act are amended to read:

17 Section 1801. Commissioners Sole Contractors for County
18 Generally.--(a) [The county] In counties of the third, fourth,
19 fifth, sixth, seventh or eighth class, the commissioners shall
20 contract for and purchase all services referred to in section
21 [five hundred eight] 508 and personal property for county
22 officers and agencies. All contracts and purchases not in excess
23 of the base amount of eighteen thousand five hundred dollars
24 (\$18,500), subject to adjustment under subsection (b.1), shall
25 be by note or memorandum, in writing, signed by the [county]
26 commissioners, or their designee. A copy of all [such] notes and
27 memorandums and all executed written contracts, or electronic
28 copies of executed written contracts, shall be filed in the
29 office of the controller, if any, and, if not, then with the
30 chief clerk of the commissioners.

1 (b) [Written] Except as otherwise provided in section
2 1802(h)(4), in the case of counties in the third, fourth, fifth,
3 sixth, seventh or eighth class, written or telephonic price
4 quotations from at least three qualified and responsible
5 contractors shall be requested for all contracts in excess of
6 the base amount of ten thousand dollars (\$10,000), subject to
7 adjustment under subsection (b.1), but are less than the amount
8 requiring advertisement and competitive bidding or, in lieu of
9 price quotations, a memorandum shall be kept on file showing
10 that fewer than three qualified contractors exist in the market
11 area within which it is practicable to obtain quotations. A
12 written record of telephonic price quotations shall be made and
13 shall contain at least the date of the quotation, the name of
14 the contractor and the contractor's representative, the
15 construction, reconstruction, repair, maintenance or work which
16 was the subject of the quotation and the price. Written price
17 quotations, written records of telephonic price quotations and
18 memoranda shall be retained for a period of three years.

19 (b.1) Adjustments to the base amounts specified under
20 subsections (a) and (b) shall be made as follows:

21 (1) The Department of Labor and Industry shall determine the
22 percentage change in the Consumer Price Index for All Urban
23 Consumers: All Items (CPI-U) for the United States City Average
24 as published by the United States Department of Labor, Bureau of
25 Labor Statistics, for the twelve-month period ending September
26 30, 2012, and for each successive twelve-month period
27 thereafter.

28 (2) If the department determines that there is no positive
29 percentage change, then no adjustment to the base amounts shall
30 occur for the relevant time period provided for in this

1 subsection.

2 (3) (i) If the department determines that there is a
3 positive percentage change in the first year that the
4 determination is made under paragraph (1), the positive
5 percentage change shall be multiplied by each base amount, and
6 the products shall be added to the base amounts, respectively,
7 and the sums shall be preliminary adjusted amounts.

8 (ii) The preliminary adjusted amounts shall be rounded to
9 the nearest one hundred dollars (\$100) to determine the final
10 adjusted base amounts for purposes of subsections (a) and (b).

11 (4) In each successive year in which there is a positive
12 percentage change in the CPI-U for the United States City
13 Average, the positive percentage change shall be multiplied by
14 the most recent preliminary adjusted amounts, and the products
15 shall be added to the preliminary adjusted amount of the prior
16 year to calculate the preliminary adjusted amounts for the
17 current year. The sums thereof shall be rounded to the nearest
18 one hundred dollars (\$100) to determine the new final adjusted
19 base amounts for purposes of subsections (a) and (b).

20 (5) The determinations and adjustments required under this
21 subsection shall be made in the period between October 1 and
22 November 15 of the year following the effective date of this
23 subsection and annually between October 1 and November 15 of
24 each year thereafter.

25 (6) The final adjusted base amounts and new final adjusted
26 base amounts obtained under paragraphs (3) and (4) shall become
27 effective January 1 for the calendar year following the year in
28 which the determination required under paragraph (1) is made.

29 (7) The department shall publish notice in the Pennsylvania
30 Bulletin prior to January 1 of each calendar year of the annual

1 percentage change determined under paragraph (1) and the
2 unadjusted or final adjusted base amounts determined under
3 paragraphs (3) and (4) at which competitive bidding is required
4 under subsection (a) and written or telephonic price quotations
5 are required under subsection (b), respectively, for the
6 calendar year beginning the first day of January after
7 publication of the notice. The notice shall include a written
8 and illustrative explanation of the calculations performed by
9 the department in establishing the unadjusted or final adjusted
10 base amounts under this subsection for the ensuing calendar
11 year.

12 (8) The annual increase in the preliminary adjusted base
13 amounts obtained under paragraphs (3) and (4) shall not exceed
14 three per centum.

15 (c) The commissioners shall, where possible, anticipate the
16 needs of the various officers, agencies and operations of the
17 county and endeavor to purchase in wholesale quantities, where
18 practicable and where savings could be achieved thereby. The
19 commissioners may make contracts and purchases for all purposes
20 expressly or impliedly authorized by law.

21 Section 1802. Contract Procedures; Terms and Bonds;
22 Advertising for Bids.--(a) All contracts for services and
23 personal property where the base amount thereof exceeds the sum
24 of eighteen thousand five hundred dollars (\$18,500), subject to
25 adjustment under section 1801(b.1), shall be written and shall,
26 except as otherwise hereinafter specified, be made by
27 advertising for bids.

28 (b) Contracts or purchases in excess of the base amount of
29 eighteen thousand five hundred dollars (\$18,500), subject to
30 adjustment under section 1801(b.1), except those [hereinafter

1 mentioned] specified in subsection (h) and except as provided by
2 the act of October 27, 1979 (P.L.241, No.78), entitled "An act
3 authorizing political subdivisions, municipality authorities and
4 transportation authorities to enter into contracts for the
5 purchase of goods and the sale of real and personal property
6 where no bids are received," shall not be made except with and
7 from the lowest responsible and responsive bidder submitting a
8 bid in conformity with the specifications approved by the board
9 of commissioners for the contract or purchase, after due notice
10 in one newspaper of general circulation, published or
11 circulating in the county, at least two times at intervals of
12 not less than three days where daily newspapers of general
13 circulation are employed for such publication, or in case weekly
14 newspapers are employed then the notice shall be published once
15 a week for two successive weeks. The first advertisement shall
16 be published not less than ten days prior to the date fixed for
17 the opening of bids. The requirements of this subsection need
18 not be followed in cases of emergency, but in such cases the
19 actual emergency shall be declared and stated by resolution of
20 the commissioners.

21 (c) All bids shall be received by the controller, or, in the
22 case of a county of the third, fourth, fifth, sixth, seventh or
23 eighth class, if there be no controller, then by the chief clerk
24 of the [county] commissioners, in sealed envelopes. [Bids]

25 (1) In the case of a county of the second class A, bids
26 shall be opened publicly at a time and place to be designated in
27 the advertisement for bids. All the figures shall be announced
28 publicly by the chief clerk or the chief clerk's designee and
29 referred to the appropriate departments for tabulation without
30 the presence of the commissioners.

1 (2) In the case of a county of the third, fourth, fifth,
2 sixth, seventh or eighth class, bids shall be opened publicly at
3 a time and place specified in the advertisement for bids, in the
4 presence of the controller, or chief clerk as the case may be,
5 by the commissioners or their designee. The controller, or the
6 chief clerk as the case may be, shall keep a record of all such
7 bids [and awards, and the controller shall certify no checks for
8 contracts not made agreeably thereto].

9 (d) The amount or price of the contract shall, in all cases
10 whether of straight sale price, conditional sale, lease, lease
11 purchase or otherwise, be the entire amount which the county
12 pays to the successful bidder, or his assigns, less the value of
13 personal property transferred from the county to the bidder, or
14 his assigns, at any time during the duration of the contract, in
15 order to obtain the services or property, or both, and shall not
16 be construed to mean only the amount which is paid to acquire
17 title, or to receive any other particular benefit or benefits of
18 the whole bargain. The value of personal property transferred to
19 the bidder or his assigns upon execution of the contract shall
20 be specified in the bid. The method of determining the value of
21 personal property transferred to the bidder or his assigns at a
22 time during the duration of the contract shall be specified in
23 the bid and shall be determined using generally accepted
24 valuation methods.

25 (e) The acceptance of bids by advertising required herein
26 shall be made by the [commissioners] controller, in the case of
27 a county of the second class A, or by the commissioners, in the
28 case of a county of the third, fourth, fifth, sixth, seventh or
29 eighth class, and shall only be made by public announcement at
30 the meeting at which bids are opened, or at a subsequent

1 meeting, the time and place of which shall be publicly announced
2 when bids are so opened. If for any reason the award is not made
3 at either of the above meetings, the same business may be
4 transacted at any subsequent meeting, the time and place of
5 which shall have been announced at the previous meeting held for
6 such award. The contract shall be awarded, or all bids shall be
7 rejected, within thirty days of the opening of the bids, except
8 for bids subject to 62 Pa.C.S. (relating to procurement).
9 Thirty-day extensions of the date for the award may be made by
10 the mutual written consent of the commissioners and any bidder
11 who wishes to remain under consideration for award. The
12 commissioners shall excuse from consideration any bidder not
13 wishing to agree to a request for extension of the date for the
14 award and shall release such bidder from any bid bond or similar
15 bid security furnished under subsection (f). All contracts shall
16 be filed with the controller, or with the chief clerk as the
17 case may be, immediately after their execution.

18 (f) The commissioners may require, as a necessary condition
19 of considering a bid, that any bids advertised be accompanied by
20 [cash, by a certified check,] a cashier's check[, bank good
21 faith check] or other irrevocable letter of credit in a
22 reasonable amount drawn upon a bank authorized to do business in
23 this Commonwealth or by a bond with corporate surety in a
24 reasonable amount. [Whenever it is required that a bid be
25 accompanied by cash, certified check, cashier's check, bank good
26 faith check or other irrevocable letter of credit or bond, no
27 bid shall be considered unless so accompanied.] In the event any
28 bidder shall, upon award of the contract to [him] the bidder,
29 fail to comply with the requirements [hereinafter stated] of
30 subsection (g) as to security guaranteeing the performance of

1 the contract, the security furnished under this subsection shall
2 be forfeited to the county as liquidated damages.

3 (g) [The] Whenever a formal bid is required by this article,
4 the successful bidder[, when a formal bid is required herein,]
5 may be required to furnish a bond or irrevocable letter of
6 credit or other security in an amount sufficient to the
7 commissioners guaranteeing performance of the contract within
8 thirty days after the contract has been awarded, unless the
9 commissioners shall prescribe a shorter period. The successful
10 bidder for a contract which involves the construction, erection,
11 installation, completion, alteration, repair of or addition to
12 any public work or improvement of any kind shall furnish
13 security as provided in section 2318 of this act. Performance
14 security for services and contracts for labor and materials
15 delivered on a periodic basis, including, but not limited to,
16 food service contracts, home health services and janitorial
17 services and supplies, may be computed on the expected average
18 value for one or more months at the discretion of the
19 commissioners. Upon failure to furnish such security within the
20 time fixed, the previous awards shall be void. Deliveries,
21 performances and guarantees may be required in all cases of
22 expenditures, including the exceptions [herein] as under
23 subsection (h).

24 (h) The contracts or purchases made by the commissioners
25 which shall not require advertising, bidding or price
26 quotations, as hereinbefore provided, are as follows:

27 (1) Those for maintenance, repairs or replacements for
28 water, electric light, or other public works of the county where
29 they do not constitute new additions, extensions or enlargements
30 of existing facilities and equipment. Security may be required

1 by the commissioners as in other cases for work done.

2 (2) Those made for improvements, repairs and maintenance of
3 any kind, made or provided by the county through its own
4 employes. This shall not apply to construction materials used in
5 a street improvement.

6 (3) Those where particular types, models or pieces of new
7 equipment, articles, apparatus, appliances, vehicles or parts
8 thereof, are desired by the commissioners, which are patented
9 and manufactured or copyrighted products.

10 (4) Those involving any policies of insurance or surety
11 company bonds, those made for public utility service and
12 electricity, natural gas or telecommunication services, provided
13 that, in the case of utilities not under tariff with the
14 Pennsylvania Public Utility Commission, contracts made without
15 advertising and bidding shall be made only after receiving
16 written or telephonic price quotations in accordance with the
17 procedures specified in section 1801(b) of this article.

18 (5) Those involving services of members of the medical or
19 legal profession, registered architects, engineers, certified
20 public accountants or other personal services involving
21 professional expertise.

22 (6) Those involving contracts entered into by nonprofit
23 cooperative hospital service associations for hospitals and
24 nursing homes which are part of the institutional district or
25 which are owned by the county, operated by the county or
26 affiliated with the county by the purchasing of, or
27 participating in contracts for, materials, supplies and
28 equipment.

29 (6.1) Those involving tangible client services provided by
30 nonprofit agencies. For the purposes of this clause, the term

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

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

13 (i) the Federal Government;

14 (ii) the Commonwealth of Pennsylvania;

15 (iii) any other state;

16 (iv) a political subdivision, local or municipal authority,
17 council of government, entity created in accordance with 53
18 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental
19 cooperation) or other similar local entity of the Commonwealth
20 or any other state; or

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

23 (7.1) In the case of counties of the second class A, those
24 involving the purchase of milk.

25 (8) Those exclusively involving construction management
26 services.

27 (9) Those involving computer software.

28 (i) Notwithstanding the provisions of this article to the
29 contrary, the [county] commissioners shall have authority to
30 enter into contracts for equipment and services related to

1 technology and information systems on the basis of best value
2 procurement. Contracts under best value procurement shall be
3 made only after the county has solicited proposals based on
4 performance and outcome specifications developed by the county
5 and describing at minimum the objectives to be met by the
6 system, the tasks to be performed by the system, the users of
7 the system, system security issues, the time frame for system
8 implementation, potential operating technologies, compatibility
9 with existing systems, training and maintenance and shall
10 indicate the process by which the contract shall be awarded.
11 Best value procurement shall not require a sealed bid process
12 and shall permit the commissioners to negotiate the terms of the
13 agreement with any responsive and responsible vendor.

14 (j) Every contract subject to this article shall comply, as
15 applicable, with the provisions of [the]:

16 (1) The act of August 15, 1961 (P.L.987, No.442), known as
17 the "Pennsylvania Prevailing Wage Act."

18 (2) The act of December 20, 1967 (P.L.869, No.385), known as
19 the "Public Works Contractors' Bond Law of 1967."

20 (3) The act of January 23, 1974 (P.L.9, No.4), referred to
21 as the Public Contract Bid Withdrawal Law.

22 (4) The act of March 3, 1978 (P.L.6, No.3), known as the
23 "Steel Products Procurement Act[" the act of October 28, 1983
24 (P.L.176, No.45), known as the "Antibid-Rigging Act," the act of
25 December 20, 1967 (P.L.869, No.385), known as the "Public Works
26 Contractors' Bond Law of 1967," the act of August 15, 1961
27 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage
28 Act," the act of November 26, 1978 (P.L.1309, No.317), known as
29 the "Public Works Contract Regulation Law," the act of February
30 17, 1994 (P.L.73, No.7), known as the "Contractor and

1 Subcontractor Payment Act," the act of January 23, 1974 (P.L.9,
2 No.4), referred to as the Public Contract Bid Withdrawal Law,
3 and the act of April 4, 1984 (P.L.193, No.40), known as the
4 "Motor Vehicle Procurement Act]."

5 (5) The act of February 17, 1994 (P.L.73, No.7), known as
6 the "Contractor and Subcontractor Payment Act."

7 (6) 62 Pa.C.S. Chs. 37 Subch. B. (relating to motor
8 vehicles), 39 (relating to contracts for public works) and 45
9 (relating to antibid-rigging).

10 (k) No person, consultant, firm or corporation contracting
11 with a county for purposes of rendering personal or professional
12 services to the county shall share with any county officer or
13 employe and no county officer or employe shall accept, any
14 portion of the compensation or fees paid by the county for the
15 contracted services provided to the county except under the
16 following terms or conditions:

17 (1) Full disclosure of all relevant information regarding
18 the sharing of the compensation or fees shall be made to the
19 board of commissioners.

20 (2) The board of commissioners must approve the sharing of
21 any fee or compensation for personal or professional services
22 prior to the performance of said services.

23 (3) No fee or compensation for personal or professional
24 services may be shared except for work actually performed.

25 (4) No shared fee or compensation for personal or
26 professional services may be paid at a rate in excess of that
27 commensurate for similar personal or professional services.

28 Section 1803. Evasion of Advertising Requirements.--(a) No
29 commissioner or commissioners shall evade the provisions of
30 section one thousand eight hundred two of this act, as to

1 advertising for bids or purchasing or contracting for services
2 and personal properties piece-meal, for the purpose of obtaining
3 prices under the base amount of eighteen thousand five hundred
4 dollars (\$18,500), subject to adjustment under section
5 1801(b.1), upon transactions which should in the exercise of
6 reasonable discretion and prudence be conducted as one
7 transaction amounting to more than the base amount of eighteen
8 thousand five hundred dollars (\$18,500), subject to adjustment
9 under section 1801(b.1). This provision is intended to make
10 unlawful the practice of evading advertising requirements by
11 making a series of purchases or contracts each for less than the
12 advertising requirement price, or by making several simultaneous
13 purchases or contracts each below said price, when in either
14 case the transaction involved should have been made as one
15 transaction for one price. Any [county commissioners]
16 commissioner who so [vote] votes in violation of this provision
17 and who know that the transaction upon which they so vote is or
18 ought to be a part of a larger transaction and that it is being
19 divided in order to evade the requirements as to advertising for
20 bids shall be, jointly and severally, subject to surcharge for
21 any loss sustained. Wherever it shall appear that a commissioner
22 may have voted in violation of this section, but the purchase or
23 contract on which he so voted was not approved by the board of
24 [county] commissioners, this section shall be inapplicable.

25 (b) Any [county] commissioner who votes to unlawfully evade
26 the provisions of section [one thousand eight hundred two] 1802
27 of this act and who knows that the transaction upon which he so
28 votes is or ought to be a part of a larger transaction and that
29 it is being divided in order to evade the requirements as to
30 advertising for bids commits a misdemeanor of the third degree

1 for each contract entered into as a direct result of that vote.
2 This penalty shall be in addition to any surcharge which may be
3 assessed pursuant to subsection (a).

4 Section 1805. Sales of Personal Property and Surplus Farm
5 Products.--(a) No personal property [of the county] and no
6 surplus farm products [of counties of the fourth, fifth, sixth,
7 seventh or eighth classes] of the county shall be disposed of by
8 sale or otherwise, except upon resolution of the commissioners.
9 When the commissioners approve a sale of such property or [in
10 counties of the fourth, fifth, sixth, seventh or eighth classes
11 of] farm products, they shall estimate the sale value of the
12 entire lot to be disposed of, and, if the estimate be less than
13 [one thousand dollars (\$1,000)] two thousand dollars (\$2,000),
14 they shall require notice of the proposed sale to be posted, for
15 at least ten days, in a prominent place in the court house,
16 describing and itemizing the property to be sold, and directing
17 that bids may be made thereon at the office of the chief clerk
18 of the commissioners. Thereafter, the commissioners may sell
19 such property in whole or in part for the best price or prices
20 obtainable.

21 (b) If the commissioners estimate the sale value of the
22 personal property or of such surplus farm products to be sold at
23 [one thousand dollars (\$1,000)] two thousand dollars (\$2,000) or
24 more, the entire lot shall be advertised for sale, once, in at
25 least one newspaper of general circulation in the county, and
26 sale of the property so advertised shall be made to the highest
27 and best bidder. The bids shall not be opened until at least ten
28 days after the said advertisement. The commissioners may sell
29 any such property at auction, but the provisions as to notice
30 contained in this section shall be likewise observed as to the

1 holding of auction sales. The provisions of this section shall
2 not be mandatory where county property is to be traded-in or
3 exchanged for new personal property. The provisions of this
4 section shall not apply to sale of personal property with real
5 property as a single unit pursuant to section 2306.1.

6 (c) A public auction of personal property may be conducted
7 by means of an online or electronic auction sale. During an
8 electronic auction sale, bids shall be accepted electronically
9 at the time and in the manner designated in the advertisement.
10 During the electronic auction, each bidder shall have the
11 capability to view the bidder's bid rank or the high bid price.
12 Bidders may increase bid prices during the electronic auction.
13 The record of the electronic auction shall be accessible for <--
14 public inspection. AS A PUBLIC RECORD UNDER THE PROVISIONS OF <--
15 THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE "RIGHT-
16 TO-KNOW LAW." The purchase price shall be paid by the high
17 bidder immediately or at a reasonable time after the conclusion
18 of the electronic auction as determined by the commissioners. In
19 the event that shipping costs are incurred, the shipping costs
20 shall be paid by the high bidder. A county that has complied
21 with the advertising requirements of this section may provide
22 additional public notice of the sale by bids or public auction <--
23 in any manner deemed appropriate by the commissioners. The
24 advertisement for electronic auction sales authorized in this
25 subsection shall include the publicly accessible Internet
26 website or means of accessing the electronic auction and the
27 date, time and duration of the electronic auction.

28 Section 1806. County Officers Not to Be Interested in
29 Contracts, Generally.--[Restrictions] (a) Except as provided in
30 subsection (b), restrictions on the involvement of elected and

1 appointed county officers in any county contract shall be as
2 prescribed in 65 Pa.C.S. Ch. 11 (relating to ethics standards
3 and financial disclosure)[.], and subject to the limitations and
4 procedures under section 1802(k).

5 (b) Notwithstanding subsection (a), the following shall
6 apply:

7 (1) It shall be unlawful for any architect or engineer, in
8 the employ of any county of the second class A, and engaged in
9 the preparation of plans, specifications or estimates, to bid or
10 negotiate on any public work at any letting of work by the
11 county, except that an architect or engineer who shall have
12 prepared preliminary plans only shall not be prohibited from
13 bidding or negotiating on the final contract for the work.

14 (2) It shall be unlawful for the officers of any county of
15 the second class A charged with the duty of letting any public
16 work, to award a contract to an architect or engineer, in the
17 employ of the county who is in any way interested in a contract
18 for public work for the county or for any architect or engineer
19 to receive any remuneration or gratuity from any person
20 interested in the contract except under the terms and conditions
21 as provided in section 1802(k).

22 (3) Any person violating any of the provisions of paragraph
23 (1) or (2) shall be guilty of a misdemeanor in office, and upon
24 conviction, shall forfeit the office and be sentenced to pay a
25 fine not exceeding five hundred dollars (\$500), or to undergo
26 imprisonment for not more than six months, or both.

27 Section 1807. Application of Contract Provisions.--The
28 provisions of this article shall apply to all the contractual
29 powers of the [county] commissioners contained in this act, or
30 other laws insofar as they are not inconsistent therewith, and

1 the mention of powers of contract outside this article shall not
2 be construed as being in disregard of the applicable provisions
3 of this article in relation thereto.

4 Section 50. The act is amended by adding sections to read:

5 Section 1807.1. Printing Contracts in Certain Counties.--In
6 counties of the second class A, the commissioners may, by proper
7 resolution, require that printing firms presenting bids for
8 county printing shall establish consideration as responsible
9 bidders by requiring:

10 (1) That the printing firms shall file, with the chief clerk
11 of the commissioners, a sworn statement to the effect that
12 employees, in the employ of the firm or firms which are to
13 produce the printing, are receiving the prevailing wage rate and
14 are working under conditions prevalent in the locality in which
15 the work is produced.

16 (2) That whenever a collective bargaining agreement shall be
17 in effect between an employer and employees who are represented
18 by a responsible organization which is in no way influenced or
19 controlled by the management, the agreement and the provisions
20 of the agreement shall be considered as conditions prevalent in
21 the locality and shall be the minimum requirements for being
22 adjudged a responsible bidder under this act.

23 (3) That in case any dispute arises as to what is the
24 prevailing rate of wages for work applicable to the contract,
25 which cannot be adjusted by the commissioners, the matter shall
26 be referred to the county salary board and the board's decision
27 shall be conclusive.

28 (4) The words "prevailing wage rate," as used in this
29 section, shall be construed to mean at least the minimum wages
30 which are received by employees of any printing firm or firms, in

1 second class A counties, as a result of collective bargaining
2 agreements negotiated by an employer or employers with a
3 responsible organization representing the employes. If the wage
4 rates, so arrived at, vary in any district in a county, then any
5 printing firm which pays wages at least equal to those provided
6 for in any of such agreements, shall, for the purposes of this
7 act, be deemed to be paying the prevailing wage rate.

8 Section 1807.2. Certain Contract Provisions Prohibited.--No
9 political subdivision or authority in a county of the second
10 class A may enter into any contract related to a redevelopment
11 capital assistance project as provided under section 318 of the
12 act of February 9, 1999 (P.L.1, No.1), known as the "Capital
13 Facilities Debt Enabling Act," which contains a provision
14 requiring that a specified percentage of a contracting party's
15 work force be residents of a specific municipality.

16 Section 51. Subdivisions (a), (b) and (c) of Article XIX of
17 the act are repealed:

18 [(a) Appropriations for Military Purposes

19 Section 1901. Appropriation of Money or Land for National
20 Guard Armories.--(a) The board of commissioners may, either
21 independently or in connection with any other county, or with
22 any city, town, borough, or township, provide and appropriate
23 moneys, or convey land to the Commonwealth of Pennsylvania, to
24 assist the Armory Board of the State of Pennsylvania in the
25 erection, wherever deemed most advantageous by the Armory Board,
26 of armories for the use of the National Guard of Pennsylvania.
27 The board of commissioners may acquire land for such purpose,
28 either by purchase, at tax sale, by gift, by the right of
29 eminent domain, or otherwise.

30 (b) The board of commissioners may also furnish water,

1 light, or fuel, either or all free of cost to the Commonwealth
2 of Pennsylvania, for use in any armory of the National Guard and
3 may do all things necessary to accomplish such purpose.

4 Section 1902. Appropriation for Maintenance of National
5 Guard.--(a) The board of commissioners may appropriate,
6 annually, from any moneys in the county treasury, not otherwise
7 appropriated, a sum not exceeding seven hundred and fifty
8 dollars (\$750) for the support and maintenance, discipline and
9 training, of any dismounted company or similar unit of the
10 National Guard, and a sum not to exceed fifteen hundred dollars
11 (\$1500) for the support and maintenance, discipline and
12 training, of any mounted or motorized troop or similar unit of
13 the National Guard. Where such units are organized as a
14 battalion, regiment or similar organization, the total amount
15 due may be paid to the commanding officer of the battalion,
16 regiment or similar organization.

17 (b) Any moneys so appropriated shall be paid by voucher
18 check of the commissioners, drawn to the order of the commanding
19 officer of such company, battalion, regiment or similar
20 organization, only when it shall be certified to the
21 commissioners by the Adjutant General of the State that such
22 unit or units have satisfactorily passed the annual inspection
23 provided by law. The moneys so appropriated shall be used and
24 expended solely and exclusively for the support and maintenance,
25 discipline and training, of the said company, battalion,
26 regiment or similar organization, and the commanding officer
27 shall account, by proper vouchers to the said county each year,
28 for the expenditure of the money so appropriated, and no
29 appropriation shall be made for any subsequent year, until the
30 expenditure of the previous year is duly and satisfactorily

1 accounted for.

2 (c) The accounts of such expenditures shall be subject to
3 the inspection of the Department of Military Affairs, and shall
4 be audited by the auditors, or the controller as the case may
5 be, in the manner provided by law for the audit of accounts of
6 county moneys.

7 Section 1903. Appropriation to Rifle-Clubs in Time of War.--

8 (a) At any time a state of war exists, the board of
9 commissioners may appropriate money to civilian rifle clubs,
10 duly chartered by the National Rifle Association of the United
11 States of America, for the maintenance and rental of rifle-
12 ranges, the employment of competent instructors and necessary
13 employes, and for the equipment and uniforms for the members of
14 such clubs, who volunteer for special military duty in their
15 respective counties, or answer any call of the Governor of the
16 Commonwealth.

17 (b) No moneys shall be appropriated to any such club, unless
18 practice on such rifle-range by the members of the club shall be
19 with the United States Military rifle or arms approved by the
20 State Adjutant General.

21 (b) Burial of Deceased Service Persons
22 and Surviving Spouses

23 Section 1908. Definitions.--(a) The term deceased service
24 person, as used in this subsection, shall mean and include:

25 (1) Any deceased person who, at the time of his or her
26 death, was serving (whether or not in a combat zone) in the
27 Army, Navy, Air Force, Marine Corps, Coast Guard, or any women's
28 organization officially connected therewith, during any war or
29 armed conflict in which the United States has been, is now or
30 shall hereafter be engaged, or who, at the time of his or her

1 death, was serving in a zone where a campaign or state or
2 condition of war or armed conflict then existed, in which the
3 United States was, is or shall be a participant. The existence
4 of a campaign or state or condition of war or armed conflict,
5 and the participation of the United States therein, as well as
6 the fact that the deceased person served in a zone where such
7 campaign or state or condition of war or armed conflict existed,
8 shall, in each case, be established by the records of the
9 Department of Defense of the Federal Government; or

10 (2) Any deceased person, who had so served at any time
11 during his or her life, and whose separation from such service
12 was honorable, whether by discharge or otherwise, or who at the
13 time of his or her death was continuing in such service after
14 the cessation of the war, armed conflict, campaign or state or
15 condition of war during or in which he or she served; or

16 (3) Any deceased person who was in active service in the
17 militia of the State of Pennsylvania under and in pursuance of
18 any proclamation issued by the Governor during the Civil War,
19 who was not duly mustered into the service of the United States,
20 but was honorably discharged or relieved from such service.

21 (b) The term "legal residence" as used in this subsection,
22 shall be construed as synonymous with "domicile" and is hereby
23 defined as actual residence, coupled with intention that it
24 shall be permanent, or a residence presently fixed with no
25 definite intention of changing it, or of returning to a former
26 residence at some future period. Legal residence is to be
27 determined by abode of person and his or her intention to
28 abandon his or her former domicile and establish a new one. The
29 legal residence of a deceased service person shall be prima
30 facia in the county where he or she made his or her abode at the

1 time of his or her death.

2 Section 1909. Funeral Expenses of Deceased Service

3 Persons.--(a) Any county is hereby authorized and directed to

4 contribute the sum of seventy-five dollars (\$75) and may

5 contribute an additional sum of twenty-five dollars (\$25)

6 towards the funeral expenses of each deceased service person in

7 the cases enumerated below, where in each case application

8 therefor is made within one year after the date of his or her

9 death. In the case of any deceased service person who died while

10 in the service, application need not be made within one year

11 after the date of his or her death, but may be made at any time

12 thereafter.

13 (b) Payments shall be made under the following

14 circumstances:

15 (1) Where the deceased service person at the time of his or

16 her death had his or her legal residence in the county, whether

17 or not he or she died in the county, and whether or not he or

18 she was buried in the county. It is hereby declared to be the

19 intent of the General Assembly that every deceased service

20 person having a legal residence in this Commonwealth at the time

21 of his or her death shall be entitled to the benefits of this

22 section, regardless of where he or she may have died or where he

23 or she may be buried, and that the liability therefor shall be

24 on the county, where the deceased service person shall have had

25 his or her legal residence at the time of his or her death.

26 (2) Where the deceased service person died and was buried in

27 the county, but at the time of his or her death did not have

28 legal residence within this Commonwealth, if the county

29 commissioners of the county where he or she died are notified in

30 writing by any organization of veterans that the body is

1 unclaimed by relatives or friends, and upon investigation shall
2 find such condition to exist.

3 (3) Where a deceased service person has died while a member
4 of the Pennsylvania Soldiers' and Sailors' Home at Erie,
5 Pennsylvania, and such home incurs all funeral expenses and
6 buries the soldier in a cemetery in the City of Erie,
7 Pennsylvania, or the home furnishes clothing, casket and
8 shipping case, and ships the body to the county from which he
9 was admitted to the home, the county from which he was admitted
10 shall reimburse and pay to the Pennsylvania Soldiers' and
11 Sailors' Home the amount of seventy-five dollars (\$75) or so
12 much thereof as was actually expended by the home.

13 Section 1910. Burial of Spouses of Deceased Service
14 Persons.--Upon due application and proof, the county is hereby
15 authorized and directed to contribute the sum of seventy-five
16 dollars (\$75) and may contribute an additional sum of twenty-
17 five dollars (\$25) from the county funds towards the funeral
18 expenses of any spouse of any deceased service person, who at
19 the time of his or her death had a legal residence in the
20 county, whether or not he or she died in the county and whether
21 or not he or she was buried in the county. The county shall not
22 contribute any moneys toward the funeral expenses of any spouse
23 of a deceased service person who had remarried after the death
24 of such deceased service person, nor unless application for the
25 payment of such moneys shall be made within one year after the
26 date of the death of such spouse.

27 Section 1911. Payment.--(a) It shall be the duty of the
28 county to cause a voucher check to be drawn upon the treasury of
29 their county in the sum of seventy-five dollars (\$75), or one
30 hundred dollars (\$100) if the additional sum of twenty-five

1 dollars (\$25) is authorized, for each body buried in accordance
2 with the provisions of this subdivision, to be paid out of the
3 funds of the county, and such checks shall be made payable to
4 the applicant or applicants if the application shows that the
5 funeral expenses have been paid, otherwise to the undertaker
6 performing the services with notice to the applicant.

7 (b) Application for such contribution shall be made by the
8 personal representative of such deceased service person or
9 deceased service person's spouse, if there be such personal
10 representative, and if no such personal representative has
11 qualified then by any next of kin, individual, or veterans'
12 organization, who or which assumes responsibility for the cost
13 of burial of the body. The application shall be sustained by
14 affidavit as to the facts.

15 (c) The application shall be on forms prescribed by the
16 Department of Military Affairs and shall set forth whether or
17 not the funeral expenses have been paid. The application shall
18 have attached thereto a certified copy of the death certificate
19 and a certification by the undertaker, who had charge of the
20 burial of the body, and to the effect that the undertaker did
21 render such service.

22 Section 1912. Notification of County Commissioners.--The
23 coroners and all other public officers, agents and servants and
24 all officers, agents and servants of any county, city, township,
25 borough, district or other municipality, or of any prison,
26 morgue, hospital, home or other public institution, having the
27 control or custody of the body of the deceased service person
28 whose body is entitled to be buried under the provisions of this
29 subdivision, shall, immediately upon the death or arrival of the
30 body of such deceased service person, notify the county

1 commissioners of the county wherein such death occurred, or
2 wherein such deceased service person shall have had his legal
3 residence.

4 Section 1913. Markers for Graves; Headstones.--(a) The
5 county commissioners of each county shall, from time to time as
6 they consider expedient, procure appropriate markers for the
7 graves of deceased service persons and the graves of all other
8 deceased persons who served in the Army, Navy, Air Force, Marine
9 Corps, Coast Guard, Merchant Marine during World War II or any
10 organization officially connected therewith and whose separation
11 from such service was honorable, whether by discharge or
12 otherwise. Such markers shall be of cast bronze, aluminum or a
13 suitable substitute material.

14 (b) The county commissioners shall procure bronze, aluminum
15 or suitable substitute material markers from some manufacturer
16 or manufacturers, engaged in the manufacturing of the same, and
17 in the contract for the furnishing thereof, the manufacturer
18 furnishing the bronze markers shall warrant that the same are
19 made of the following metals, and in the following proportions:
20 copper, eighty-five per centum; tin, five per centum; zinc, five
21 per centum; and lead, five per centum.

22 (c) The manufacturer shall be liable to the county to an
23 amount equal to the sum paid to him by the county for the
24 markers, if the above proportions of metals are not contained in
25 the markers.

26 (d) Nothing, except actual fraud on the part of the county
27 commissioners, shall render them liable for any amount if it is
28 established that the markers are not composed of the metals in
29 the proportions above recited.

30 (e) No officer, trustee, association, corporation or person

1 in control of any cemetery, or a public burying ground, shall
2 have the right to question the composition of such bronze
3 markers, or to require that any of them be chemically analyzed
4 before being placed in the cemetery, or under any circumstances
5 to refuse to permit the erection thereof in the cemetery, or
6 public burying ground, or to charge for making the foundations
7 for the same more than is charged for making similar foundations
8 of the same proportion. Any person who violates any of the
9 provisions of this subsection shall, upon conviction thereof in
10 a summary proceeding, be sentenced to pay a fine of not less
11 than ten dollars (\$10) nor more than one hundred dollars (\$100)
12 for each offense.

13 (f) The county commissioners of each county are hereby
14 authorized and directed to place a marker upon the grave of each
15 deceased service person and the graves of all other deceased
16 persons who served in the Army, Navy, Air Force, Marine Corps,
17 Coast Guard, Merchant Marine during World War II or any
18 organization officially connected therewith and whose separation
19 from such service was honorable, whether by discharge or
20 otherwise, who, at the time of his or her death, had his or her
21 legal residence in the county, whether or not he or she died in
22 the county, and whether or not he or she was buried in the
23 county, and upon the grave of each deceased service person
24 buried in the county, who at the time of his or her death did
25 not have a legal residence within this Commonwealth. When such
26 deceased service person shall have been a veteran of any war or
27 campaign for which the Government of the United States issued
28 discharge buttons, the markers designated for their graves shall
29 include a facsimile of said discharge button. When such markers
30 are upright flag holders they shall consist of cast bronze or

1 any other weather resistant material. When such deceased service
2 person shall have been a veteran of the Korean Conflict, the
3 markers designated for their graves shall include a circular
4 emblem with the words "Korea, U.S., 1950-1953" in the border
5 thereof, and shall incorporate the insignia of the Army, Navy,
6 Marine Corps, Air Force, and Coast Guard, in the form approved
7 by the State Veterans' Commission.

8 (g) It shall be the duty of the county commissioners of each
9 county, upon or at any time subsequent to the death of any
10 deceased service person and the graves of all other deceased
11 persons who served in the Army, Navy, Air Force, Marine Corps,
12 Coast Guard, Merchant Marine during World War II or any
13 organization officially connected therewith and whose separation
14 from such service was honorable, whether by discharge or
15 otherwise, who, at the time of his or her death, had his or her
16 legal residence in the county, on application as hereinafter
17 provided, to cause a headstone or bronze memorial tablet to be
18 placed at the head of or on the grave of each such deceased
19 service person.

20 (h) Each headstone shall contain his or her name and the
21 rank and organization to which he or she belonged or in which he
22 or she served, in letters raised or cut in at least three-
23 sixteenth of an inch deep. The headstone shall be of either
24 marble or granite, and shall be placed or set in a concrete base
25 at least three feet deep, or if a headstone has been provided
26 for such grave by the United States Government, the county
27 commissioners shall provide the concrete base therefor, or if
28 lettering only on an existing memorial is desired by the family,
29 the county commissioners shall provide such lettering.

30 (i) In the event the body of any deceased service person

1 either cannot or will not be returned to the United States of
2 America, it shall be the duty of the county commissioners to
3 cause a headstone to be placed in the family plot of such
4 deceased service person. Said headstone shall have inscribed
5 thereon, (1) the name, rank and organization of such deceased
6 service person, (2) the name of the country, location or manner
7 in which such person lost his or her life, and (3) the cemetery
8 or location in which the body, if buried, was finally laid to
9 rest. Application therefor shall in each case be made on forms
10 prescribed by the Department of Military Affairs and may be made
11 by any relative of the deceased service person, or by a friend
12 if there is no objection by the nearest relative. Each
13 application must be approved by an organization of veterans of
14 any war in which the United States has been, is now or shall
15 hereafter be engaged.

16 (j) The expense in each case shall be borne by the county in
17 which the deceased service person had his or her legal residence
18 at the time of his or her death, whether or not he or she died
19 in the county, and whether or not he or she was buried in the
20 county. The expense shall not exceed the sum of one hundred
21 dollars (\$100) for each headstone or concrete base or lettering
22 or bronze memorial tablet and the county commissioners of each
23 county, acting under this section, shall cause to be drawn a
24 voucher check on the treasury of the county for the payment of
25 said expense in favor of the party or parties furnishing such
26 headstone or concrete base or lettering or bronze memorial
27 tablet.

28 (k) In cases of dispute concerning the legal residence of a
29 deceased service person, the county in which a deceased service
30 person is buried shall perform the duties hereinbefore set

1 forth. No such payment or payments shall be made, unless the
2 application therefor shall be approved before the commencement
3 of the project by the county commissioners.

4 (1) Any person who shall wilfully, maliciously, or
5 carelessly destroy, mutilate, remove or deface any grave marker,
6 headstone or flag holder, placed or erected under the provisions
7 of this section, shall be guilty of the grade of offense in
8 relation to the dollar amount of the theft or damage done in
9 accordance with 18 Pa.C.S. § 3903 (relating to grading of theft
10 offenses).

11 Section 1914. Burial Plots.--The county commissioners of the
12 several counties are hereby authorized to purchase plots of
13 ground, in any cemetery or burial ground in their respective
14 counties, for the interment of deceased service persons whose
15 bodies are entitled to be buried under the provisions of this
16 subdivision, and to cause to be drawn a voucher check upon their
17 county treasury for the payment of the same. The purchase price
18 of said plots of ground shall not be charged against or allotted
19 as part of the cost of burial of such deceased service persons
20 who may be buried in any of said plots under the provisions of
21 this subdivision.

22 Section 1915. Care of Graves and Markers.--The county
23 commissioners of each county shall, at all times, see that the
24 graves and tombstones of all deceased service persons who are
25 buried in such county, receive proper and fitting care, and may
26 employ all necessary assistants to carry out the provisions of
27 this section. The expense of the care of such graves and
28 tombstones shall be borne by the county where said graves are
29 located, except where suitable care is otherwise provided. Money
30 so appropriated may be expended directly by the county

1 commissioners, or paid over to the person, firm, association or
2 corporation owning or controlling any cemetery or burial place
3 in the county where any such grave is situated. The sum so paid
4 over in any year shall not exceed for each grave the charge for
5 the annual care and maintenance of like graves in the same
6 cemetery, or, if no such fixed charge is established in that
7 cemetery, it shall not exceed the sum charged in other
8 cemeteries in the same county for like service.

9 Section 1916. Proof of Service, Et Cetera.--(a) In each
10 case, where application is made for a contribution toward the
11 funeral expenses of a deceased service person, or the surviving
12 spouse of a deceased service person, or for a headstone or
13 concrete base or lettering or bronze memorial tablet, the county
14 commissioners shall, before expending any money therefor,
15 require proof of the following facts:

16 (1) The service of the deceased service person which
17 entitles him or his surviving spouse to the benefits of this
18 subdivision. Such proof shall be by the production of an
19 honorable discharge or other official record showing service
20 during any war in which the United States is or was engaged, or
21 by the records of the Department of Defense of the Federal
22 Government, or by copies thereof filed in the Department of
23 Military Affairs showing the existence of a campaign or state or
24 condition of war, the participation of the United States
25 therein, and the service of the deceased service person in a
26 zone where such campaign or state or condition of war existed.

27 (2) The death of the deceased service person.

28 (3) In the case of the burial of the surviving spouse of a
29 deceased service person, the death of such surviving spouse, and
30 the fact that the spouse was married to the deceased service

1 person at the time of his death, and that the spouse has not
2 since remarried. The proof required by clauses one and two of
3 this subsection shall also be required in such cases.

4 (4) Except in cases where persons not having a legal
5 residence within this Commonwealth are entitled to any of the
6 benefits of this subdivision, the legal residence within the
7 county of the deceased service person, or of the surviving
8 spouse of a deceased service person, as the case may be.

9 (b) Death shall in all cases be proved by death certificate
10 where the same is procurable, otherwise by affidavit of one or
11 more persons personally acquainted with the deceased, and the
12 fact of his or her death, or by proof of the record of death
13 kept by the attending physician, or by proof of the record of
14 burial kept by the undertaker by whom he or she was buried, or
15 by the church burial association or cemetery company maintaining
16 the graveyard, burial ground or cemetery in which he or she was
17 buried.

18 (c) Where any proof required by this subdivision has been
19 furnished to the county commissioners, no further proof of the
20 same facts shall be required in order to obtain any other
21 benefit under the provisions of this subdivision.

22 (c) Memorial Observances

23 Section 1921. Appropriations to Veterans' Organizations for
24 Expenses of Memorial Day, Veterans' Day, Flag Day and
25 Independence Day.--(a) The board of commissioners may
26 appropriate, annually, to each camp of the United Spanish War
27 Veterans, and to each post of the American Legion, and to each
28 post of the Veterans of Foreign Wars, and to each post of the
29 Veterans of World War I of the U. S. A., Inc., and to each post
30 of the American War Veterans of World War II (AMVETS), and to

1 each post of the Society of the Twenty-eighth Division, AEF,
2 Incorporated, and to each post of the Italian American War
3 Veterans of the United States, Incorporated, and to each
4 detachment of the Marine Corps League, and to each Naval
5 Association, and to each post of the Grand Army of the Republic,
6 and to each post of the Disabled American Veterans of the World
7 War, and to each organization of American Gold Star Mothers, and
8 to each organization of ex-service persons incorporated under
9 the act of April twenty-nine, one thousand eight hundred
10 seventy-four (Pamphlet Laws 73), and the supplements thereto, in
11 the county, any sum budgeted to aid in defraying the expenses of
12 Memorial Day, Veterans' Day, Flag Day and Independence Day.

13 (b) Where the Grand Army of the Republic has ceased to exist
14 or to function, such appropriation may be made to the Sons of
15 Union Veterans of the Civil War or, in the absence of such
16 order, to a duly constituted organization which conducts the
17 decorating of graves of Union Veterans of the Civil War.

18 (c) Such payments shall be made to defray actual expenses
19 only. Before any payment is made, the organization receiving the
20 same shall submit verified accounts of their expenditures.

21 Section 1922. Flags to Decorate Graves.--(a) It shall be
22 the duty of the county commissioners to provide flags on each
23 Memorial Day with which to decorate the graves of all deceased
24 service persons and the graves of all other deceased persons who
25 served in the Army, Navy, Air Force, Marine Corps, Coast Guard,
26 Merchant Marine during World War II or any organization
27 officially connected therewith and whose separation from such
28 service was honorable, whether by discharge or otherwise, buried
29 within the county. The flags to be used for such purposes shall
30 be of one standard size, colorfast and American made, and shall

1 be purchased at the expense of the county from moneys in the
2 county treasury.

3 (b) Such flags shall be furnished to the various veterans'
4 organizations in such numbers as they shall require for their
5 respective communities.

6 (c) The moneys expended by any county under the provisions
7 of this section shall be in addition to moneys appropriated by
8 counties for Memorial Day purposes.

9 (d) The authorities in charge of any cemetery are authorized
10 to remove such flags when the same become unsightly or
11 weatherworn at any time not before the first working day after
12 Independence Day of each year.

13 (e) Any authority or person in charge of any cemetery who
14 shall remove or cause the removal of the flags prior to the
15 first working day after Independence Day shall be guilty of a
16 summary offense and, upon conviction thereof, shall be sentenced
17 to pay a fine in the amount of three hundred dollars (\$300) and,
18 upon failure to pay such fine, to undergo imprisonment not to
19 exceed ninety days.

20 Section 1923. Compilation of War Records; Director of
21 Veterans' Affairs.--(a) The county commissioners of each county
22 are hereby authorized and directed, at the expense of the
23 county, to compile a record of the burial places within such
24 county of deceased service persons. Such record, so far as
25 practicable, shall indicate the name of each such person, the
26 service in which he or she was engaged, the number of the
27 regiment or company or command, the rank and period of service,
28 the name and location of the cemetery or other place in which
29 his or her body is interred, the location of the grave in such
30 cemetery or other place, and the character of headstone or other

1 marker, if any, at such grave. Such record shall be known as the
2 Veterans' Grave Registration Record
3 of County, and shall be a public
4 record, open to inspection during business hours.

5 (b) The county commissioners of each county shall cause
6 record blanks to be prepared, according to forms prescribed by
7 the Department of Military Affairs, whereby the information
8 required for such record may be transmitted to them.

9 (c) Every person, firm, association, or corporation,
10 including a municipal corporation, owning or controlling any
11 cemetery or burial place within the Commonwealth, in which are
12 interred the bodies of deceased service persons, shall file with
13 the county commissioners of the county in which such cemetery is
14 located a certificate, on the record blanks provided by said
15 county commissioners, of the facts required for such record, as
16 far as the same are within the knowledge of such person, firm,
17 association, corporation, or the agents thereof.

18 (d) The county commissioners shall cause record blanks to be
19 distributed to such persons, firms, associations, and
20 corporations as they deem advisable, with the request that such
21 information be transmitted to them. Any such person, firm,
22 association or corporation, except municipal corporations, upon
23 receipt of such blanks or forms, who shall refuse or neglect to
24 fill out and transmit to the county commissioners such blanks or
25 forms within six months after receipt of same, upon conviction
26 thereof in a summary proceeding, shall be sentenced to pay a
27 fine of one hundred dollars (\$100).

28 (e) For the purpose of locating the burial places of persons
29 who have served in the military or naval service or other
30 branches of the combative forces of the United States during any

1 war or armed conflict in which the United States was engaged,
2 the Grand Army of the Republic, the United Spanish War Veterans,
3 the Veterans of Foreign Wars of the United States, the American
4 Legion, the Disabled American Veterans, the Veterans of World
5 War I of the U. S. A., Inc., the American Veterans of World War
6 II (AMVETS), the Marine Corps League, and the Italian American
7 War Veterans of the United States, Incorporated, through their
8 local camps, posts and branches in this Commonwealth, are
9 authorized, without expense to the county, to collect the
10 required data and prepare and file with the county commissioners
11 certificates embodying the information provided for in this
12 section.

13 (f) For the purpose of carrying into effect the provisions
14 of this section, the county commissioners shall appoint a
15 director of veterans affairs, who shall receive such
16 compensation as the salary board may fix.

17 (g) It shall also be the duty of the director of veterans
18 affairs to:

19 (1) Assist the county commissioners in administering the
20 provisions of this subdivision which relate to the burial of
21 deceased service persons and their surviving spouses and to
22 furnishing markers and placing headstones on their graves.

23 (2) Assist war veterans and their families in securing their
24 rights as such in matters relating to their person, property and
25 care of family, under any of the laws of this Commonwealth and
26 of the United States, and for such services the director of
27 veterans affairs shall be entitled to his expenses incurred
28 therein and additional compensation. Both expenses and
29 compensation shall be subject to the approval of the salary
30 board.

1 (3) Assist the county commissioners in transmitting records
2 of burial places of deceased service persons to the Department
3 of Military Affairs of the Commonwealth, for the use of the
4 Deputy Adjutant General in charge of Veteran Affairs, and
5 otherwise assist the commissioners in cooperating with the said
6 deputy.]

7 Section 52. Sections 1928, 1929, 1930, 1931, 1936, 1937,
8 1938, 1939, 1947(d), subdivision (g.1) heading of Article XIX,
9 sections 1948 and 1951, subdivision (h.1) heading of Article XIX
10 and sections 1953 and 1955 of the act are amended to read:

11 Section 1928. County History.--The county commissioners [of
12 any county], either independently or in connection with any
13 other municipality [or municipalities] within their county or
14 any society or organization, may appropriate money for the
15 compilation of a county war history or any general history or
16 historical account related to the history records and government
17 of the county, and for the publication and distribution of the
18 same.

19 Section 1929. Payment to Historical Societies.--The board of
20 commissioners may pay, out of the county funds not otherwise
21 appropriated, a sum of money to a county historical society [or
22 to county historical societies], qualified under section 1930,
23 to assist in paying the running expenses. Where a society is
24 comprised of residents of more than one county, the
25 commissioners of the respective counties may jointly pay the sum
26 in such proportion as they shall agree.

27 No appropriation shall be renewed until vouchers have been
28 filed with the commissioners showing that the appropriation for
29 any prior year has been expended for the purpose herein
30 designated.

1 Section 1930. Qualification of Society.--[In order to
2 entitle any historical society to the said appropriation, the
3 following conditions shall have been first complied with. It
4 shall have been organized at least two years, incorporated by
5 the proper authority, and have an active membership of one
6 hundred or more persons, each of whom shall have paid into the
7 treasury of said society a membership fee of at least two
8 dollars (\$2) for the support of the same. It shall hold at least
9 two public meetings yearly, whereat papers shall be read or
10 discussions held on historic subjects. It shall have established
11 a museum wherein shall be deposited curios and other objects of
12 interest, and books, documents and papers relating to the
13 history of the county or Commonwealth. It shall have adopted a
14 constitution and code of by-laws and elected proper officers to
15 conduct its business.] A historical society eligible to receive

16 county funds according to the provisions of section 1929 shall:

17 (1) be a not-for-profit corporation, in good standing and
18 registered according to the laws of this Commonwealth with the
19 Pennsylvania Commission on Charitable Organizations;

20 (2) have operated for two years prior to receiving an
21 appropriation from a county; and

22 (3) control and operate a museum or other facility related
23 to the history of the county or this Commonwealth which is open
24 to the public at least one hundred (100) days per year.

25 Section 1931. Restoration and Preservation of Historic
26 Sites.--The board of commissioners [are] is hereby authorized to
27 make appropriations out of county funds to any nonprofit
28 corporation organized for the purpose of restoring and
29 preserving historic sites which are within the county[:]

30 Provided, however, That such sites shall have been designated by

1 the Pennsylvania Historical and Museum Commission as a monument
2 worthy of restoration and preservation: And provided further,
3 That local historical societies, associations or interested
4 citizens shall have made substantial contributions toward such
5 restoration and preservation]. For the purposes of this section,
6 an eligible historic site shall be listed or eligible to be
7 listed in the National Register of Historic Places or designated
8 as historic by resolution of the commissioners.

9 Section 1936. Cooperative Extension Work in Agriculture [and
10 Home Economics], Natural Resources, 4-H Youth, Families,
11 Nutrition and Community Development.--[The board of
12 commissioners may make appropriations annually for agricultural
13 and home economics extension work, in cooperation with the
14 Pennsylvania State University in encouraging improved methods of
15 farm management and home economics and giving practical
16 instruction and demonstrations in agriculture, for the purpose
17 of improving and developing the agricultural resources of the
18 county. An educational program will be conducted to include the
19 body of scientific knowledge in agriculture, family living, and
20 resource development and to encourage application of the same.]
21 The board of commissioners may make annual appropriations for
22 Cooperative Extension work, in cooperation with the Pennsylvania
23 State University, to support improved methods of agricultural
24 production and management, economic development, family and
25 youth programming and practical instruction and demonstrations,
26 both in-person and online. The purpose of these activities is to
27 help communities, businesses and people solve problems and
28 improve their quality of life. Cooperative Extension shall
29 provide counties access to The Pennsylvania State University's
30 science-based information, expertise and education and shall

1 continually work to expand access to its Statewide programs
2 through technology channels. The money so appropriated shall be
3 expended according to rules and regulations prescribed or
4 approved by the board of commissioners to support Cooperative
5 Extension's mission to provide educational opportunities to
6 constituents, regardless of where the expertise is located. The
7 board of commissioners may also, where practicable and
8 desirable, provide offices in the county [court house] for
9 headquarters for such cooperative work.

10 Section 1937. Agricultural or Horticultural Societies.--The
11 county commissioners are hereby authorized to make
12 appropriations annually out of the current revenues of the
13 county to any incorporated agricultural or horticultural society
14 or association located within the county. [The total amount of
15 any such appropriation in any one county shall not exceed
16 fifteen hundred dollars (\$1500) in any one year. Where more than
17 one such society or association is located in the county, the
18 amount appropriated may be distributed and divided among said
19 societies and associations in such proportions and such amount
20 as the board of commissioners, in its discretion, may
21 determine.]

22 The county commissioners are hereby authorized to make
23 additional appropriations annually out of the current revenues
24 of the county to any incorporated agricultural or horticultural
25 society or association regardless of where the same is located
26 within the Commonwealth. [Such appropriations may be made in the
27 amount of three hundred dollars (\$300) or more, but the total
28 amount of such additional appropriations shall not exceed
29 fifteen hundred dollars (\$1500) in any one year.]

30 Section 1938. Suppression of Animal and Plant Disease.--The

1 board of commissioners is hereby authorized to make
2 appropriations from county funds for the purpose of controlling
3 and suppressing dangerous [infectious disease of livestock and
4 poultry] transmissible diseases of domestic animals and
5 dangerous plant diseases and insect pests and diseases to
6 honeybees, in cooperation with the Department of Agriculture of
7 Pennsylvania.

8 For the purpose of carrying out the provisions of this
9 section, the board of county commissioners may enter into
10 agreements with the Pennsylvania Department of Agriculture
11 concerning terms, rules, regulations and practices for
12 conducting the work.

13 Section 1939. County Fair Associations in Counties of the
14 Third through Eighth Classes.--The county commissioners in
15 counties of the third through eighth classes may appropriate,
16 annually, out of current revenues, to any incorporated nonprofit
17 agriculture association or any nonprofit county fair association
18 located within the county, for the repair and maintenance of the
19 real estate, buildings and structures within the county used,
20 annually, by the association for county agriculture fairs and
21 exhibitions, whether or not the real estate is owned by the
22 county and leased to the association. [The total amount of any
23 such appropriation shall not exceed five thousand dollars
24 (\$5000) in any one year, and where more than one such
25 association is located in the county, the amount appropriated
26 may be divided among them in such proportions and amounts as the
27 county commissioners may determine.]

28 Section 1947. Prevention and Control of Floods.--* * *

29 (d) In exercising the powers herein conferred, the county
30 commissioners may, in their discretion, subject to the

1 limitation of the Constitution, issue interest bearing bonds of
2 the county in accordance with the provisions of [the Municipal
3 Borrowing Law] 53 Pa.C.S. Pt. VII Subpt. B (relating to
4 indebtedness and borrowing).

5 (g.1) Disaster Emergency Aid to Municipalities in Counties of
6 the Third through Eighth Class

7 Section 1948. Emergency Appropriation to Municipal
8 Corporations.--(a) The board of county commissioners of any
9 third through eighth class county may appropriate money [from
10 the county's operating reserve fund, created and maintained in
11 accordance with section 513,] for the purpose of assisting
12 municipal corporations within the county with any cleanup,
13 maintenance, repair and improvements undertaken as a result of
14 damage incurred or a dangerous condition caused by either a
15 disaster emergency within the county declared by the Governor or
16 a local emergency declared by the governing body of a municipal
17 corporation within the county.

18 (b) As used in this section:

19 "Disaster emergency" shall have the meaning ascribed to the
20 term in 35 Pa.C.S. § 7102 (relating to definitions).

21 "Local emergency" shall have the meaning ascribed to the term
22 in 35 Pa.C.S. § 7102 (relating to definitions).

23 Section 1951. Counties of Seventh and Eighth Classes;
24 Appropriations to Borough Fire Departments and Volunteer Fire
25 Companies.--The board of county commissioners of any county of
26 the seventh or eighth class may [appropriate annually, except as
27 hereinafter provided, a sum not in excess of six hundred dollars
28 (\$600),] make an appropriation annually to the fire department
29 of any borough in the county or to any volunteer fire company
30 located within a borough in said county which actually [give]

1 gives fire protection to approximately all parts of the county[,
2 or may appropriate up to one-half of such amount to each of two
3 such departments or two such companies or one such department
4 and one such company when each gives fire protection to
5 approximately one-half of the entire county]. All moneys
6 appropriated to any such fire department or fire company shall
7 be used for the purchase, maintenance and repair of fire
8 fighting equipment. This section shall not authorize the
9 appropriation of any money to any fire department or fire
10 company which receives contributions or appropriations from any
11 township in the county.

12 (h.1) Fire Marshal and Assistant Fire Marshals in Counties of
13 the Third through Eighth Class

14 Section 1953. Appointment.--The county commissioners of any
15 third through eighth class county may appoint a fire marshal and
16 assistant fire marshals deemed necessary to perform such duties
17 relating to the prevention and control of fire as the county
18 commissioners shall deem to be in the best interests of the
19 county. Any fire marshal or assistant fire marshals so appointed
20 shall not be assigned duties which will conflict with fire
21 marshals or municipal fire marshals or powers relating to the
22 control of fires conferred by law upon the Pennsylvania State
23 Police. Compensation for the fire marshal and assistant fire
24 marshals shall be set by the county salary board.

25 Section 1955. Drilling Gas Wells and Laying Gas Lines.--(a)
26 The board of commissioners [of counties, situated in regions
27 wherein natural gas is known to be obtainable,] may contract for
28 the drilling of gas wells upon any lands owned by the county for
29 the purpose of furnishing gas for light and fuel to the county
30 buildings and for other purposes. For that purpose, they may

1 also contract for the laying of gas lines equipped with such
2 modern appliances and machinery as may be necessary.

3 (b) All such contracts, including contracts for the building
4 of rigs or derricks and the purchase of machinery, shall be made
5 by the county commissioners in the manner provided for in
6 Article [XX] XVIII of this act.

7 Section 53. The act is amended by adding a section to read:

8 Section 1957. County May Assist Municipalities.--Upon the
9 request of any political subdivision or subdivisions within a
10 county, the county may assist a political subdivision in any
11 negotiations or contest with any public utility company and, for
12 such purpose, may employ or place at the disposal of such
13 political subdivision the legal, engineering, accounting or
14 clerical service of the county. The county commissioners of the
15 county may also enter their appearance as interveners or
16 otherwise in any proceedings before the Pennsylvania Public
17 Utility Commission or before any court in any proceeding
18 involving any controversy between any political subdivision in
19 the county and a public utility company.

20 Section 54. Subdivision (j) heading of Article XIX of the
21 act is repealed:

22 [(j) Law Libraries]

23 Section 55. Section 1971 of the act is amended to read:

24 Section 1971. Rewards for Detection or Apprehension of
25 Criminals.--The board of commissioners, when they deem the same
26 expedient, may offer such reward, in addition to that authorized
27 by law, as in their judgment the nature of the case requires,
28 for information leading to the detection or apprehension of any
29 person charged with or perpetrating any felony or misdemeanor,
30 or aiding or abetting the same. Upon the conviction of such

1 person, the county commissioners may pay such reward out of the
2 county treasury, but in no case shall the owner of any stolen
3 property be entitled to any of the reward for the detection or
4 apprehension of the person guilty of the larceny. In cases of
5 misdemeanor, the county commissioners must have the approval of
6 the president judge of the court of common pleas of the county
7 before offering or paying such reward.

8 Section 56. Section 1972 of the act is repealed:

9 [Section 1972. Bounties for Destruction of Rattlesnakes,
10 Copperhead Snakes and Porcupines.--The board of commissioners of
11 any county of the sixth, seventh or eighth class may provide for
12 the payment of rewards or bounties for the killing within the
13 county of rattlesnakes and copperhead snakes, not more than one
14 dollar (\$1) for each, and for the killing of porcupines, not
15 more than fifty cents (50¢) each. They may make appropriations
16 for such purposes.]

17 Section 57. Section 1975 of the act is amended to read:

18 Section 1975. [Garbage and Refuse Disposal in County
19 Plants.--The county] Municipal Waste Processing and Disposal in
20 County Facilities.--(a) The commissioners of any county shall
21 have the power to operate [garbage and refuse disposal plants or
22 facilities, and incinerating furnaces,] or provide for the
23 operation of municipal waste processing and disposal facilities,
24 including municipal waste landfills, resource recovery
25 facilities and recycling facilities, and to enter into
26 agreements or contracts with any person, corporation or
27 political subdivision for the disposal of [garbage and refuse
28 in such facilities, erected and maintained by the county, as
29 provided in Article XXIII of this act] municipal waste in the
30 facilities constructed and maintained by the county, and to

1 charge and receive fees for such service.

2 (b) A county may acquire by gift, lease, purchase by current
3 revenues, borrowing or incurring indebtedness or eminent domain
4 real property within the county for the purpose of constructing
5 any facilities under subsection (a) or other buildings necessary
6 to operate the facilities. In every case where private property
7 is taken by eminent domain, the county shall acquire the entire
8 title, either in fee or otherwise, held by the owner or owners
9 of the property or of any interest therein.

10 (c) As used in this section, the terms "municipal waste
11 landfill," "recycling facility" and "resource recovery facility"
12 shall have the same meanings as given to those terms in the act
13 of July 28, 1988 (P.L.556, No.101), known as the "Municipal
14 Waste Planning, Recycling and Waste Reduction Act."

15 Section 58. Subdivision (m) of Article XIX of the act is
16 repealed:

17 [(m) County and County Aided Institutions
18 Section 1980. Board of Visitors for Charitable Reform and
19 Penal Institutions.--(a) The court of common pleas in each
20 county shall, annually, appoint three reputable citizens of the
21 county, on or before the first Tuesday of January, to serve as a
22 board of visitors for that year. Two of the members of said
23 board shall be of the majority party in the county and one shall
24 be of the minority party, all of which shall be determined from
25 the registration lists of the county. Vacancies upon the board
26 shall be filled by the said court in like manner. The members of
27 the board shall serve without compensation, but shall be paid
28 such sum or sums for actual and necessary expenses as may be
29 approved by the board of commissioners of the county.

30 (b) The board of visitors of each county shall visit at

1 least three times a year all county hospitals, detention homes,
2 children's homes, jails and like institutions of the county, or
3 any agency of the county, or in counties of the third class of
4 the institution district of the county, and all similar
5 institutions and other charitable institutions to which the
6 county appropriates money. Such visits shall be unannounced, and
7 shall be made either by all of the members of the board or by a
8 lesser number acting for the board. The board shall inspect the
9 premises involved, and shall be entitled to full access thereto
10 and to interview any of the inmates thereof, and shall inspect
11 and ascertain all matters pertaining to the welfare and proper
12 conduct of such institutions and, particularly, the treatment
13 received by the inmates. The board shall make an annual report
14 to the court of common pleas, upon a date fixed by the court,
15 regarding all such things and such other matters as may be
16 referred to them by the court regarding such institutions, and
17 the board may also report to the said court, from time to time,
18 as the board shall see fit. A copy of such reports shall be
19 submitted by the board to the proper authorities for such
20 institutions.]

21 Section 59. Subdivision (n) heading of Article XIX and
22 section 1985 of the act are amended to read:

23 (n) Appropriations to Industrial Development
24 Agencies [and Tourist Promotion Agencies]

25 Section 1985. Appropriations to Industrial Development
26 Agencies by Counties.--The board of commissioners of any county
27 may appropriate, annually, such amounts as may be deemed
28 necessary to any ["industrial development agency," as defined in
29 the act of May 31, 1956 (P.L.1911), known as the "Industrial
30 Development Assistance Law,"] "industrial development

1 organization" as defined in section 2301 of the act of June 29,
2 1996 (P.L.434, No.67), known as the "Job Enhancement Act," to
3 assist such agencies in the financing of their operational costs
4 for the purposes of making studies, surveys and investigations,
5 [the compilation of] compiling data and statistics and in the
6 carrying out of planning and promotional programs.

7 Section 60. Section 1986 of the act is repealed:

8 [Section 1986. Appropriations to Tourist Promotion
9 Agencies.--The board of commissioners may appropriate, annually,
10 such amount of money but not in excess of thirty-five cents
11 (35¢) for each resident of the county, as determined by the last
12 census, which may be deemed necessary to any "tourist promotion
13 agency" as defined in the act of April 28, 1961 (P.L.111), known
14 as the "Tourist Promotion Law," to assist such agencies in
15 carrying out tourist promotional activities.]

16 Section 61. Section 1990 of the act is amended to read:

17 Section 1990. Appropriations for Handling, Storage and
18 Distribution of Surplus Foods.--The board of commissioners [of
19 any county to which this act applies] may appropriate from
20 county funds, or in counties of the second class A and third
21 class from county institution district funds, moneys for the
22 handling, storage and distribution of surplus foods obtained
23 either through a local, State or Federal agency.

24 [All appropriations of moneys heretofore made by the board of
25 commissioners of any county out of county funds, or county
26 institution district funds, for the handling, storage and
27 distribution of surplus foods obtained either through a local,
28 State or Federal agency are hereby validated.]

29 Section 62. Section 1991 of the act is repealed:

30 [Section 1991. Food Stamp Program.--The board of

1 commissioners of any county to which this act applies may by
2 resolution adopt the food stamp program. Upon adoption of the
3 program the county shall appropriate money and shall pay,
4 quarterly from county funds, the amounts certified to the county
5 as being the obligations to the Department of Public Welfare for
6 thirty percent of the amount expended by the department for
7 administration of the food stamp program for the county during
8 the fiscal year 1965-1966, for forty percent of the amount
9 expended during the fiscal year 1966-1967 and for fifty percent
10 of the amount expended during the fiscal year 1967-1968 and
11 thereafter.]

12 Section 63. Subdivision (p) heading of Article XIX and
13 section 1995 of the act are amended to read:

14 (p) Historical Property and Museums

15 Section 1995. Acquisition, Repair and Maintenance of
16 Historical Property.--The board of commissioners may acquire by
17 purchase or by gift and repair, supervise, operate and maintain
18 ancient landmarks and other property of historical or
19 antiquarian interest, which is [either listed in the catalogue
20 of historical sites and buildings in Pennsylvania issued by the
21 Joint State Government Commission, or approved for acquisition
22 by the Pennsylvania Historical and Museum Commission as having
23 historical significance.] listed or eligible to be listed in the
24 National Register of Historic Places or designated as historic
25 by resolution of the commissioners.

26 Section 64. The act is amended by adding a section to read:

27 Section 1995.1. Contributions to Museums of Fine Art or
28 Natural History.--The board of commissioners may appropriate
29 from county funds money for the purpose of contributing toward
30 the cost of operating, maintaining or carrying out or furthering

1 the purposes of institutes or museums of fine art or natural
2 history, or both, located within the county on public property,
3 established by private grant or bequest, open to the public and
4 not used for private or corporate profit.

5 Section 65. Article XIX of the act is amended by adding a
6 subdivision to read:

7 (p.1) Legal Aid Services

8 Section 1996. Appropriations for Legal Aid Services.--The
9 board of commissioners may appropriate money for payment to
10 nonprofit legal aid associations or societies or county bar
11 associations, that provide legal aid services for indigent
12 persons in civil matters.

13 Section 66. Subdivision (q) heading of Article XIX and
14 section 1997 of the act are amended to read:

15 (q) Transportation and Traffic Control Devices

16 Section 1997. Improvement of Operation and Facilities.--The
17 board of commissioners may enter into contracts and long range
18 cooperative programs with Federal, State and local governmental
19 agencies [or], public utilities or authorities for the
20 improvement of transportation operations and facilities within
21 and across county lines. The board of commissioners may
22 independently or in cooperation with any other county or
23 municipality appropriate moneys annually in furtherance of such
24 transportation improvements and, in connection therewith, may
25 also accept on behalf of the county gifts, grants and Federal
26 and State loans.

27 Section 67. The act is amended by adding a section to read:

28 Section 1998. Funds for Traffic Control Devices.--The board
29 of commissioners may contribute funds to any municipal
30 corporation within the county for the erection and maintenance

1 of any traffic signal, as defined in 67 Pa. Code § 212.1.
2 (relating to definitions).

3 Section 68. Subdivision (s) heading of Article XIX, section
4 1999, subdivision (t) heading of Article XIX, sections 1999a,
5 1999b, 1999c and 1999d, subdivision (x) heading of Article XIX
6 and sections 1999f, subdivision (z) heading of Article XIX and
7 1999g of the act are amended to read:

8 (s) Appropriations for Recreation and Historic and
9 Museum Projects of [Boroughs and Townships] Municipal
10 Corporations, Authorities and Nonprofit Organizations

11 Section 1999. Appropriations for [Grants to Aid Certain]
12 Recreation and Historic and Museum Projects.--(a) The board of
13 commissioners of any county may appropriate from county funds
14 moneys for grants to assist [boroughs or townships within the
15 county in the purchase or acquisition of lands or buildings, or
16 both,] municipal corporations and authorities within the county,
17 as well as nonprofit organizations, in the purchase,
18 acquisition, improvement, equipping or landscaping of lands,
19 buildings and facilities, and, in the case of buildings and
20 facilities, demolition of the same, for parks, recreation areas,
21 open space projects and other such outdoor projects and for
22 historic [or] and museum projects.

23 (b) As used in this section, the term "nonprofit
24 organizations" shall mean entities which are tax exempt under
25 section 501(a) of the Internal Revenue Code of 1986 (Public Law
26 99-514, 26 U.S.C. § 501(a)), as amended, or any successor
27 provisions thereto, not operated for profit and organized to:

28 (1) preserve or conserve open space, natural resources or
29 natural habitats;

30 (2) promote outdoor recreation and the acquisition and

1 development of facilities related thereto; or
2 (3) preserve sites of historical significance.

3 (t) Appropriations to Institutions of Higher
4 Learning or to Nonprofit Educational Trusts in Counties of the
5 Third through Eighth Class

6 Section 1999a. Appropriations to Institutions of Higher
7 Learning or to Nonprofit Educational Trusts.--The board of
8 commissioners of any county may appropriate from time to time
9 moneys from county funds in such amounts as may be deemed
10 necessary to any nonsectarian institution of higher learning
11 within such county or to any nonprofit educational trust created
12 for the purpose of constructing or maintaining facilities for
13 [State Colleges or] Pennsylvania State System of Higher
14 Education universities and State-related universities, including
15 the Pennsylvania State University, Lincoln University, Temple
16 University and the University of Pittsburgh, within such county
17 to assist the institution or trust in the financing of the
18 functions specified by the board of commissioners.

19 Section 1999b. Federal Health and Welfare Programs.--Any
20 county may, through the commissioners, enter into agreements
21 with the Federal government, or with any city, borough, town,
22 township, nonprofit corporation or association located or
23 carrying on its functions within such county or serving the
24 residents of such county and which city, borough, town,
25 township, nonprofit corporation or association has or is about
26 to contract with the Federal government or with any agency of
27 State government whereby the Federal government will provide a
28 portion of the funds necessary, payable either to the county or
29 State government or directly to the city, borough, town,
30 township, nonprofit corporation or association for any program

1 not in conflict with an existing or hereafter established state
2 program offered by the Federal government for the promotion of
3 the health or welfare of its citizens[, including but not
4 limited to the young, the poor and the aged,] and in the
5 furtherance of said programs may comply with conditions, rules
6 or regulations attached by the Federal or State governments.

7 The county may accept gifts or grants of money, property or
8 services from any source, public or private, and may appropriate
9 such funds as may be necessary to carry out said programs.

10 Section 1999c. Appropriations for Reservoirs and Water
11 Resources.--(a) The board of commissioners may borrow,
12 appropriate and expend money for the construction, acquisition
13 by purchase, lease or otherwise, operation and maintenance of
14 dams, reservoirs, wells and other facilities for the utilization
15 of surface, subsurface, and ground water resources and all
16 related structures, appurtenances and equipment necessary for
17 the use of said dams, reservoirs, wells and other facilities,
18 and may acquire by purchase, lease, gift, or the exercise of
19 power of eminent domain, sites for the same: Provided, That the
20 board of commissioners shall obtain a permit from the Department
21 of Environmental [Resources] Protection whenever such permit is
22 required by law: And provided further, That the board of
23 commissioners shall not acquire by the exercise of power of
24 eminent domain the property of a public utility subject to the
25 jurisdiction of Pennsylvania Public Utility Commission or
26 [Federal Power Commission] the Federal Energy Regulatory
27 Commission.

28 (b) The board of commissioners may enter into agreements for
29 the regulation of withdrawals and diversions of waters from said
30 dams, reservoirs, wells and other facilities, and the sale of

1 the same, subject to approval of State, Federal or interstate
2 agencies which may have primary jurisdiction over water
3 resources. Dams, wells and reservoirs acquired by purchase,
4 lease or otherwise, or constructed by the commissioners may be
5 for the sole purpose of water supply or in conjunction with any
6 other purposes, except the generation of electric energy.

7 (c) The board of commissioners may enter into contracts or
8 long-range cooperative programs with State, Federal, interstate
9 and local government agencies or public utilities for the
10 development and use of the county's water resources.

11 (d) It shall be lawful for any county to execute such
12 agreements and contracts as it may deem necessary or advisable
13 with an authority organized by such county to provide, design,
14 acquire, hold, construct, improve, own, lease, as lessor or
15 lessee, maintain and operate dams, reservoirs, wells and other
16 facilities for the utilization of surface, subsurface and ground
17 water resources and all related structures, appurtenances and
18 equipment necessary for the use of the same; also to grant,
19 convey, lease, transfer, encumber, mortgage and pledge to such
20 authority, its dams, reservoirs, wells and related facilities
21 and any improvements and additions thereto; to assign and pledge
22 to such authority rentals, rates and charges charged and
23 collected by it for the use thereof and to assign to such
24 authority its power to collect the same. No such agreement,
25 contract, grant, conveyance, lease, assignment, encumbrance,
26 mortgage or pledge shall be construed to prevent the affected
27 county from thereafter using its tax revenues for the purpose of
28 maintaining, repairing, altering, inspecting or improving such
29 dams, reservoirs, wells and related facilities.

30 [Every such agreement, contract, grant, conveyance, lease,

1 transfer, assignment, encumbrance, mortgage and pledge
2 heretofore made to or with any authority organized by any county
3 is hereby ratified, confirmed and made valid and the same shall
4 be and remain lawful, valid and enforceable according to its
5 terms.]

6 (e) Any county may enter into an agreement and contract for
7 the sale of water to any other [county, city, borough,
8 incorporated town, township] municipality, authority or public
9 utility at reasonable and uniform rates to be determined
10 exclusively by it.

11 Section 1999d. Tourist Promotion Agencies; Appropriations.--

12 (a) The board of commissioners of any county may create or may
13 join with other counties in the creation of a tourist promotion
14 agency, as defined under the act of July 4, 2008 (P.L.621,
15 No.50), known as the "Tourism Promotion Act," for the purpose of
16 making studies, surveys and investigations and for planning and
17 carrying out promotional programs and projects designed to
18 stimulate and increase the volume of tourist, visitor and
19 vacation business within such county or counties and may
20 appropriate funds for such purposes.

21 (b) The board of commissioners may appropriate annually such
22 amount of money as may be deemed necessary to any tourist
23 promotion agency, as defined under the "Tourism Promotion Act,"
24 to assist such agencies in carrying out tourism promotional
25 activities.

26 (x) Crime Detection Laboratory and Police Training School
27 in Counties of the Third Class

28 Section 1999f. Parking Facilities.--The board of
29 commissioners of any county may appropriate moneys from the
30 county treasury for the purpose of purchasing, constructing,

1 maintaining and operating as a county facility a motor vehicle
2 parking facility, or may create a municipal authority and
3 appropriate moneys to such authority for such purpose, and the
4 county commissioners, or the municipal authority created for
5 such purpose, may lease to any city, borough or township wherein
6 the parking facility is or shall be constructed, or to a parking
7 authority created by the city, borough or township, the land to
8 be used for a parking facility, or a parking facility, for the
9 use, benefit, health, safety and general welfare of the citizens
10 of the Commonwealth. [The county, at the discretion of the
11 commissioners, may establish or designate parking areas
12 exclusively reserved for parking by handicapped individuals and
13 may post signs indicating such restriction.]

14 (z) [Non-debt] Revenue Bonds for Industrial Development
15 Projects

16 Section 1999g. Issuance of [Non-Debt] Revenue Bonds for
17 Industrial Development Projects.--The board of commissioners of
18 any county is empowered to issue [non-debt] revenue bonds of the
19 county pursuant to provisions of [the act of June 25, 1941
20 (P.L.159). known as the "Municipal Borrowing Law," and its
21 amendments] 53 Pa.C.S. Pt. VII Subpt. B (relating to
22 indebtedness and borrowing), to provide sufficient moneys for
23 and toward the acquisition, construction, reconstruction,
24 extension, equipping or improvement of an industrial development
25 project or projects, consisting of any building or facility or
26 combination or part thereof occupied or utilized by an
27 industrial, manufacturing, or research and development
28 enterprise now existing or hereafter acquired, including any or
29 all buildings, improvements, additions, extensions,
30 replacements, appurtenances, lands, rights in land, water

1 rights, franchises, machinery, equipment, furnishings,
2 landscaping, utilities, railroad spurs and sidings, wharfs,
3 approaches and roadways necessary or desirable in connection
4 therewith or incidental thereto, said bonds to be secured solely
5 by the pledge of the whole or part of the fees, rents, tolls or
6 charges derived from the ownership or operation of such
7 facilities or for the use or services of the same.

8 Said industrial development project or projects financed by
9 the issuance of [non-debt] revenue bonds as in this section
10 provided may be leased by the county in whole or in part to a
11 lessee or lessees for a period of years equal in time to the
12 period of maturity of the bonds so issued.

13 Included in the cost of the issue may be any costs and
14 expenses incident to constructing and financing the facilities
15 and selling and distributing the bonds.

16 The board of commissioners [in] is further empowered to sell,
17 lease, lend, grant, convey, transfer or pay over to any
18 authority created pursuant to the [act of August 23, 1967 (Act
19 No. 102), known as the "Industrial Development Authority Law,"]
20 act of August 23, 1967 (P.L.251, No.102), known as the "Economic
21 Development Financing Law," with or without consideration, any
22 project or any part or parts thereof, or any interest in real or
23 personal property or any funds available for industrial
24 development purposes, including the proceeds of [non-debt]
25 revenue bonds hereafter issued pursuant hereto, for industrial
26 development purposes, and to assign, transfer and set over to
27 any such authority and contracts which may have been awarded for
28 the construction of projects not begun or, if begun, not
29 completed.

30 The board of commissioners [are] is further empowered to

1 enter into any and all contracts or agreements with any such
2 authority and/or with any tenant or proposed tenant of any
3 industrial development project and to do any or all things
4 necessary or proper to effectuate the public purpose of this
5 section.

6 Section 69. Article XIX of the act is amended by adding
7 subdivisions to read:

8 (z.3) Civil Service in Counties

9 of the Second Class A

10 Section 1999j. Civil Service for Certain Employes.--The
11 county commissioners in a county of the second class A are
12 hereby authorized to establish by ordinance a merit system for
13 the selection, tenure, promotion and discharge of employes
14 involved in any work for which the county receives or is
15 eligible to receive Federal or State grants-in-aid.

16 (z.4) Insuring County Against Loss or Liability

17 Section 1999k. Insurance.--(a) The commissioners may
18 provide for such insurance as they deem appropriate on the real
19 and personal property of the county, including, but not limited
20 to, all grounds, buildings and contents, vehicles and
21 information technology.

22 (b) In addition to any form of comprehensive, general or
23 umbrella liability insurance, the commissioners may acquire
24 insurance against any form of loss or liability, including
25 crime, fire, natural disaster, errors and omissions of officers
26 or employes, vehicle operation and use of information
27 technology.

28 (z.5) Lot and Block System in Counties

29 of the Second Class A

30 Section 1999l. Lot and Block System, Generally.--Any county

1 of the second class A which, upon the effective date of this
2 section, has adopted and maintains a lot and block system for
3 the registration of land titles, for the accumulation of county
4 tax liens and for the enumeration of the parcels of real estate
5 for the assessment of real estate taxes in one or more political
6 subdivisions of the county may continue to operate a lot and
7 block system until such time as the commissioners deem
8 appropriate.

9 Section 1999m. Duties of county officers and employees under
10 lot and block system.--(a) Where a lot and block system under
11 section 1999l remains in effect, the portion of the system
12 relating to the plats, plat books and the upkeep of the same
13 shall remain in the custody of the deed registry office of the
14 county. The portion of the system containing the files, cards,
15 indexes and other records relating to the liening of county
16 taxes shall remain in and be maintained by the office of the
17 controller of the county.

18 (b) (1) The district assessors appointed by the county
19 board of assessment appeals, whose assessments are being made
20 within the municipal subdivisions that have had the lot and
21 block system completed therein, shall use the lot and block
22 system descriptive numbers in their original books of
23 assessment.

24 (2) The board of assessment appeals shall, within municipal
25 subdivisions covered by lot and block system, correct any
26 assessment where the lot and block system descriptive number is
27 absent.

28 (3) The recorder of deeds shall receive for recording any
29 deed that refers to a specific parcel of real estate. If the
30 deed does not bear the certification by the custodian of the lot

1 and block system that the descriptive numbers incorporated in
2 the description of the real estate described therein are
3 correct, then, before transcribing any such deed lacking the
4 certification, the recorder of deeds shall obtain the same from
5 the custodian of the lot and block system.

6 (4) The treasurer or tax collector of each city, borough,
7 town, township or school district where the lot and block system
8 has been completed under the order of court shall place upon
9 each tax bill sent out, and upon each tax receipt issued upon
10 payment, the lot and block system descriptive numbers.

11 (5) The controller, in the case of the county, and the
12 treasurer, tax collector or solicitor, as the case may be, in
13 each city, borough, township or school district, within which
14 the lot and block system has been completed, shall, at the time
15 of filing liens for unpaid taxes with the prothonotary, set
16 forth on such liens the individual lot and block system
17 descriptive numbers, and the prothonotary shall not receive and
18 file such liens unless the descriptive numbers are contained
19 thereon.

20 (6) For the purposes of the sale of real estate for
21 delinquent taxes, either by the sheriff of the county or by the
22 commissioners and treasurer of the county, or by the treasurer
23 of any city, borough, town, township or school district, the lot
24 and block system descriptive numbers are hereby declared to be
25 sufficient description for the advertising preceding such sale,
26 for the oral description read at such sale prior to receiving
27 bids and for the purposes of the description to be inserted in
28 any tax deed to be given to the purchaser at such sale.

29 Section 70. The act is amended by adding an article to read:

30 ARTICLE XIX-A

1 MILITARY AND VETERANS AFFAIRS

2 (a) Appropriations for Military Purposes

3 Section 1901-A. Appropriation of money or land for National
4 Guard Armories.

5 (a) Conveyance of land.--The board of commissioners of a
6 county may convey land to the Commonwealth to assist the State
7 Armory Board in the erection of armories for the use of the
8 Pennsylvania National Guard. The board of commissioners may
9 acquire land for this purpose in a lawful manner.

10 (b) Board.--The board of commissioners may also furnish
11 water, light or fuel, free of cost to the Commonwealth, for use
12 in an armory of the National Guard and may do all things
13 necessary to accomplish this purpose.

14 Section 1902-A. Appropriation for maintenance of National
15 Guard.

16 (a) Support and maintenance.--The board of commissioners of
17 a county may make appropriations for the support, maintenance,
18 discipline and training of one or more units of the National
19 Guard. If units are organized as a battalion, regiment or
20 similar organization, the total amount due may be paid to the
21 commanding officer of the battalion, regiment or similar
22 organization.

23 (b) Requirements.--All money appropriated shall be paid to
24 the order of the commanding officer of the company, battalion,
25 regiment or similar organization only when it shall be certified
26 to the commissioners by the Adjutant General that the unit or
27 units have satisfactorily passed the annual inspection provided
28 by law. The money appropriated shall be used and expended solely
29 and exclusively for the support, maintenance, discipline and
30 training of the company, battalion, regiment or similar

1 organization, and the commanding officer shall account by proper
2 vouchers to the county each year for the expenditure of the
3 money appropriated. No appropriation shall be made for a
4 subsequent year until the expenditure of the previous year is
5 duly and satisfactorily accounted for.

6 (c) Inspection.--Accounts of expenditures shall be subject
7 to the inspection of the Department of Military and Veterans
8 Affairs and shall be audited by the auditors or the controller,
9 as the case may be, in the manner provided by law for the audit
10 of accounts of county money.

11 Section 1903-A. Appropriation to rifle clubs in time of war.

12 (a) Appropriation.--At any time a state of war exists, the
13 board of commissioners of a county may appropriate money to
14 civilian rifle clubs, duly chartered by the National Rifle
15 Association of America, for the maintenance and rental of rifle
16 ranges, the employment of competent instructors and necessary
17 employees and for the equipment and uniforms for the members of
18 clubs who volunteer for special military duty in their
19 respective counties or answer a call of the Governor.

20 (b) Restriction.--No money shall be appropriated to a club
21 unless practice on a rifle range by the members of the club is
22 with a United States military rifle or arms approved by the
23 Adjutant General.

24 (b) Interment of Deceased Servicepersons
25 and Surviving Spouses

26 Section 1908-A. Definitions.

27 As used in this subdivision, 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 person 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 where a campaign or state or condition of
8 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
13 where 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 Department of Defense of the Federal
16 Government.

17 (2) A deceased person who had served at any time during
18 the person's life and whose separation from service was
19 honorable, whether by discharge or otherwise, or who, at the
20 time of death, was continuing in service after the cessation
21 of the war, armed conflict, campaign or state or condition of
22 war during or in which the person served.

23 (3) A deceased person who was in active service in the
24 militia of the Commonwealth under a proclamation issued by
25 the Governor during the Civil War and who was not duly
26 mustered into the service of the United States but was
27 honorably discharged or relieved from service.

28 "Legal residence." An actual residence, coupled with
29 intention that it shall be permanent, or a residence presently
30 fixed with no definite intention of changing it or of returning

1 to a former residence at some future period. Legal residence is
2 to be determined by abode of a person and the person's intention
3 to abandon a former domicile and establish a new one. The legal
4 residence of a deceased serviceperson shall be prima facia in
5 the county where the person resided at the time of death.

6 Section 1909-A. Funeral expenses of deceased servicepersons.

7 (a) Contributions.--Each county shall contribute at least
8 \$75 towards the funeral expenses of each deceased serviceperson
9 in the cases provided in subsection (b) where, in each case,
10 application for the contribution is made within one year after
11 the date of the deceased serviceperson's death. In the case of a
12 deceased serviceperson who died while in service, application
13 may be made at any time. All contributions made under this
14 section shall be uniform as to eligible deceased servicepersons
15 within the same calendar year.

16 (b) Payments.--Payments shall be made under the following
17 circumstances:

18 (1) Where the deceased serviceperson, at the time of
19 death, had a legal residence in the county, whether or not
20 the person died in the county and whether or not the person
21 was interred in the county. Every deceased serviceperson
22 having a legal residence in this Commonwealth at the time of
23 death shall be entitled to the benefits of this section,
24 regardless of where the person may have died or where the
25 person may be interred, and the liability shall be on the
26 county where the deceased serviceperson shall have had legal
27 residence at the time of death.

28 (2) Where the deceased serviceperson died and was
29 interred in the county but, at the time of death, did not
30 have legal residence within this Commonwealth, if the board

1 of commissioners of the county where the person died are
2 notified in writing by an organization of veterans that the
3 body is unclaimed by relatives or friends and, upon
4 investigation, shall find such conditions to exist.

5 Section 1910-A. Interment of spouses of deceased
6 servicepersons.

7 Upon due application and proof, the county shall contribute
8 at least \$75 towards the funeral expenses of a spouse of a
9 deceased serviceperson who, at the time of death, had a legal
10 residence in the county, whether or not the person died in the
11 county and whether or not the person was interred in the county.
12 The county shall not contribute money toward the funeral
13 expenses of a spouse of a deceased serviceperson who had
14 remarried after the death of the deceased serviceperson. In each
15 case, application for the contribution shall be made within one
16 year after the date of the death of the spouse. All
17 contributions made under this section shall be uniform as to
18 eligible spouses within the same calendar year.

19 Section 1911-A. Payment.

20 (a) Funeral expenses.--The county shall make a payment in
21 the amount authorized or required under section 1909-A or 1910-A
22 for each deceased serviceperson or spouse of a deceased
23 serviceperson in accordance with the provisions of this
24 subdivision, to be paid out of the funds of the county, and
25 payments shall be made payable to the applicant or applicants if
26 the application shows that the funeral expenses have been paid.
27 Otherwise, payments shall be made to the funeral director
28 performing the services, with notice to the applicant.

29 (b) Personal representative.--Application for contributions
30 shall be made by the personal representative of a deceased

1 serviceperson or a deceased serviceperson's spouse. If no
2 qualified personal representative is available, the application
3 then may be made by the next-of-kin, an individual or a
4 veterans' organization, who or which assumes responsibility for
5 the cost of burial. The facts contained in the application shall
6 be sustained by affidavit. A person who knowingly files an
7 application under this section which is false in any material
8 manner shall be guilty of a misdemeanor in accordance with 18
9 Pa.C.S. § 4903 (relating to false swearing).

10 (c) Application.--The application shall be on forms
11 prescribed by the Department of Military and Veterans Affairs
12 and shall verify whether the funeral expenses have been paid.
13 The application shall be attached to a certified copy of the
14 death certificate and an affidavit prepared by the funeral
15 director who had charge of the interment, which certifies that
16 the funeral director did render the service.
17 Section 1912-A. Flag holders for graves.

18 (a) Flag holders.--The commissioners of each county shall,
19 from time to time, as they consider expedient, procure
20 appropriate upright flag holders for the graves of deceased
21 servicepersons and the graves of all other deceased persons who
22 served in the Army, Navy, Air Force, Marine Corps, Coast Guard
23 or Merchant Marine during World War II or an organization
24 officially connected to those forces and whose separation from
25 service was honorable, whether by discharge or otherwise. Such
26 flag holders shall be of bronze, aluminum or a suitable weather-
27 resistant substitute material.

28 (b) Requirement for flag holders.--The commissioners of each
29 county shall place an upright flag holder upon the grave of each
30 deceased serviceperson and the graves of all other deceased

1 persons who served in the Army, Navy, Air Force, Marine Corps,
2 Coast Guard or Merchant Marine during World War II or an
3 organization officially connected to those forces whose
4 separation from service was honorable, whether by discharge or
5 otherwise who, at the time of death:

6 (1) had legal residence in the county, whether or not
7 the person died in the county and whether or not the person
8 was interred in the county; or

9 (2) did not have a legal residence within this
10 Commonwealth.

11 (c) Design of flag holders.--If a deceased serviceperson was
12 a veteran of a war or campaign for which the Federal Government
13 issued discharge buttons, the upright flag holders designated
14 for their graves shall include a facsimile of the discharge
15 button. If a deceased serviceperson was a veteran of the Korean
16 Conflict, the markers designated for their graves shall include
17 a circular emblem with the words "Korea, U.S., 1950-1953" in the
18 border and shall incorporate the insignia of the Army, Navy,
19 Marine Corps, Air Force or Coast Guard, as appropriate, in the
20 form approved by the State Veterans' Commission.

21 (d) Memorial certificate.--In the case of a county of the
22 second class A, in lieu of placing an upright flag holder on the
23 grave, if the next-of-kin of a veteran so requests, a memorial
24 certificate may be issued to the next-of-kin of a deceased
25 serviceperson who, at the time of death, had legal residence in
26 the county, whether or not the person died in the county and
27 whether or not the person was interred in the county. The
28 memorial certificate shall indicate the deceased serviceperson's
29 name and designate the war or campaign in which the deceased
30 serviceperson served.

1 Section 1913-A. Memorial benefit.

2 (a) Memorial.--The county commissioners shall provide a
3 memorial designated in subsection (b) on the graves of deceased
4 servicepersons who, at the time of death, had legal residence in
5 the county, as well as on the graves of all other deceased
6 servicepersons who served in the Army, Navy, Air Force, Marine
7 Corps, Coast Guard or Merchant Marine during World War II or an
8 organization officially connected to those forces and whose
9 separation from service was honorable, whether by discharge or
10 otherwise.

11 (b) Specifications.--The commissioners shall provide a
12 concrete or granite base for a headstone provided by the Federal
13 Government, or if lettering only on an existing memorial is
14 desired by the family, the county commissioners shall provide
15 the lettering.

16 (c) Commissioner requirements.--In the event the body of any
17 deceased serviceperson either cannot or will not be returned to
18 the United States, it shall be the duty of the county
19 commissioners to provide a memorial benefit in the family plot
20 of the deceased serviceperson. If lettering of an existing
21 memorial is desired by the family, the inscription shall
22 include:

23 (1) the name, rank and organization of the deceased
24 serviceperson;

25 (2) the name of the country, location or manner in which
26 the person lost his or her life; and

27 (3) the cemetery or other interment site where the
28 deceased serviceperson has been interred, if any.

29 (d) Expense for benefit.--The expense for a benefit provided
30 under this section shall be paid for by the county in which the

1 deceased serviceperson had legal residence at the time of death,
2 whether or not the person died in the county and whether or not
3 the person was interred in the county. The expense shall not
4 exceed the actual cost of providing the concrete or granite base
5 or lettering. The county commissioners of each county shall pay
6 from the treasury to the party or parties furnishing the
7 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. No payment shall be made unless the
12 application is approved by the county commissioners before the
13 commencement of the project.

14 (f) Offense.--Any person who intentionally, recklessly or
15 negligently destroys, mutilates, removes or defaces a grave
16 marker, headstone or flag holder commits an offense under 18
17 Pa.C.S. § 3903 (relating to grading of theft offenses).

18 Section 1914-A. Burial plots.

19 The county commissioners of each county are authorized to
20 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 subdivision. Costs under
23 this section shall be paid by the county commissioners from the
24 county treasury. The purchase price of plots of ground shall not
25 be charged against or allotted as part of the cost of interment
26 of deceased servicepersons who may be interred in any of the
27 plots under this subdivision.

28 Section 1915-A. Care of graves and headstones.

29 The county commissioners of each county may ensure that the
30 graves and headstones of all deceased servicepersons and all

1 other veterans who are buried in the county receive proper and
2 fitting care and may employ all necessary assistants to carry
3 out the provisions of this section. The expense of the care of
4 the graves and headstones may be paid for by the county where
5 the graves are located, except where suitable care is otherwise
6 provided. Money appropriated may be expended directly by the
7 county commissioners or paid over to the person, firm,
8 association or corporation owning or controlling a cemetery or
9 other interment site in the county where a grave is situated.
10 The sum paid for a grave each year shall not exceed the charge
11 for the annual care and maintenance of like graves in the same
12 cemetery or, if no fixed charge is established in that cemetery,
13 shall not exceed the sum charged in other cemeteries in the same
14 county for like service.

15 Section 1916-A. Determining eligibility for interment benefits.

16 (a) Proof required.--In each case where application is made
17 for a contribution toward the funeral expenses of a deceased
18 serviceperson or the surviving spouse of a deceased
19 serviceperson or for a memorial benefit under section 1913-A,
20 the county commissioners shall, before expending any money,
21 require proof of the following:

22 (1) The service of the deceased serviceperson which
23 entitles that person or the surviving spouse to the benefits
24 under this subdivision. Proof shall be made by the production
25 of an honorable discharge or other official record showing
26 service during a war in which the United States is or was
27 engaged, or by the records of the United States Department of
28 Defense, or by copies filed in the Department of Military and
29 Veterans Affairs showing the existence of a campaign or state
30 or condition of war, the participation of the United States

1 and the service of the deceased serviceperson in a zone where
2 a campaign or state or condition of war existed.

3 (2) The death of the deceased serviceperson.

4 (3) In addition to paragraphs (1) and (2), in the case
5 of the interment of the surviving spouse of a deceased
6 serviceperson, the death of the surviving spouse and the fact
7 that the spouse was married to the deceased serviceperson at
8 the time of the serviceperson's death and that the spouse has
9 not since remarried.

10 (4) Except in cases where persons not having a legal
11 residence within this Commonwealth are entitled to any of the
12 benefits under this subdivision, the legal residence within
13 the county of the deceased serviceperson or of the surviving
14 spouse of a deceased serviceperson, as the case may be.

15 (b) Documentation required.--Death shall, in all cases, be
16 proven by a death certificate, if procurable, or else by one of
17 the following:

18 (1) Affidavit of one or more persons personally
19 acquainted with the deceased and the fact of the person's
20 death.

21 (2) Proof of the record of death kept by the attending
22 physician.

23 (3) Proof of the record of interment kept by the funeral
24 director.

25 (4) Records of the church burial association or cemetery
26 company maintaining the graveyard, burial ground, cemetery or
27 other interment site in which the deceased serviceperson was
28 interred.

29 (c) Satisfaction of proof.--If proof required by this
30 subdivision has been furnished to the county commissioners, no

1 further proof of the same facts shall be required in order to
2 obtain any other benefit under this subdivision.

3 (c) Memorial Observances

4 Section 1921-A. Appropriations to veterans' organizations for
5 expenses of Memorial Day, Veterans' Day, Flag Day and
6 Independence Day.

7 (a) Appropriations.--The board of commissioners may make
8 appropriations to aid in defraying the expenses of Memorial Day,
9 Veterans' Day, Flag Day and Independence Day to each camp, post,
10 detachment or organization in the county of the following:

11 (1) The United Spanish War Veterans.

12 (2) The American Legion.

13 (3) The Veterans of Foreign Wars.

14 (4) The Veterans of World War I of the USA, Inc.

15 (5) The American War Veterans of World War II (AMVETS).

16 (6) The Society of the Twenty-eighth Division, AEF,
17 Incorporated.

18 (7) Italian American War Veterans of the United States,
19 Incorporated.

20 (8) The Marine Corps League.

21 (9) Each naval association.

22 (10) The Grand Army of the Republic.

23 (11) The Disabled American Veterans.

24 (12) The American Gold Star Mothers.

25 (13) The Sons of Union Veterans of the Civil War, the
26 Daughters of Union Veterans of the Civil War or, in the
27 absence of orders, a duly constituted organization that
28 decorates graves of Union Veterans of the Civil War.

29 (14) Any other nationally chartered veterans'
30 organization or other veterans' organization recognized by

1 the county.

2 (b) Payments.--Payments under this section shall be made to
3 defray actual expenses only. Before any payment is made, the
4 organization receiving the payment shall submit verified
5 accounts of their expenditures.

6 Section 1922-A. Flags to decorate graves.

7 (a) Memorial Day flags.--It shall be the duty of the county
8 commissioners of each county to provide flags on each Memorial
9 Day with which to decorate the graves of all deceased
10 servicepersons and the graves of all other deceased persons who
11 served in the Army, Navy, Air Force, Marine Corps, Coast Guard
12 or Merchant Marine during World War II or an organization
13 officially connected to those forces, whose separation from
14 service was honorable, whether by discharge or otherwise, and
15 who are interred within the county. The flags to be used shall
16 be standard size, colorfast and American-made and shall be
17 purchased at the expense of the county from money in the county
18 treasury.

19 (b) Veterans' organizations.--COUNTIES MAY COORDINATE WITH <--
20 LOCAL VETERANS' ORGANIZATIONS TO ENSURE THAT CEMETERIES ARE IN
21 COMPLIANCE WITH THE PROVISIONS OF THIS SECTION. Flags required
22 under this section shall be furnished to the various veterans'
23 organizations in numbers required for their respective
24 communities.

25 (c) Appropriations.--Money expended by each county under
26 this section shall be in addition to money appropriated by
27 counties for Memorial Day purposes.

28 (d) Maintenance.--Annually, the authorities in charge of
29 each cemetery are authorized to remove flags when flags become
30 unsightly or weatherworn any time on or after the first working

1 day after Veterans' Day. PRIOR TO VETERANS' DAY, A CEMETERY MAY <--
2 REQUEST REPLACEMENT FLAGS FROM THE COUNTY WHICH MAY BE USED BY
3 THE CEMETERY TO REPLACE WEATHERWORN FLAGS, IF SUCH REPLACEMENT
4 FLAGS ARE AVAILABLE.

5 (E) REMOVAL OF FLAGS BY FAMILY MEMBERS.--A FAMILY MEMBER OF
6 A PERSON WHOSE GRAVE IS DECORATED WITH A FLAG BY THE COUNTY FOR
7 THE PURPOSE OF MEMORIAL DAY MAY TAKE AND KEEP THE FLAG AFTER THE
8 FIRST WORKING DAY AFTER VETERANS' DAY.

9 ~~(e)~~ (F) Offense.--An authority or person in charge of a <--
10 cemetary who removes or causes the removal of flags prior to the
11 first working day after Independence Day shall be guilty of a
12 summary offense and, upon conviction, shall be sentenced to pay
13 a fine of \$300 and, upon failure to pay a fine, to undergo
14 imprisonment not to exceed 90 days.

15 Section 1923-A. Compilation of war records.

16 (a) Records required.--The county commissioners of each
17 county are authorized and directed, at the expense of the
18 county, to compile a record of the interment sites within the
19 county of deceased servicepersons and all other veterans.
20 Records, so far as practicable, shall indicate the name of each
21 deceased serviceperson, the service in which the person was
22 engaged, the number of the regiment, company or command, the
23 rank and period of service, the name and location of the
24 cemetary or other place in which the person's body is interred,
25 the location of the grave in a cemetery or other place and the
26 character of headstone or other marker, if any, at the grave.
27 The record shall be known as the Veterans' Grave Registration
28 Record of County, and shall be a
29 public record, open to inspection during business hours.

30 (b) Record blanks.--The county commissioners of each county

1 shall ensure that record blanks are prepared, according to forms
2 prescribed by the Department of Military and Veterans Affairs,
3 whereby the information required for the record may be
4 transmitted to the commissioners upon request.

5 (c) Certificate required.--Every person, firm, association
6 or corporation, including a municipal corporation, owning or
7 controlling a cemetery or interment site in this Commonwealth
8 which inters bodies of deceased servicepersons shall file with
9 the county director of veterans' affairs of the county in which
10 the cemetery is located a certificate, on the record blanks
11 provided by the county commissioners, of the facts required for
12 the record if the facts are within the knowledge of the person,
13 firm, association or corporation or a designated agent.

14 (d) Offense.--The county commissioners of each county shall
15 ensure that record blanks are distributed to a person, firm,
16 association or corporation, as they deem advisable, with the
17 request that the information required under this section be
18 transmitted to the county. A person, firm, association or
19 corporation, except municipal corporations, that refuses or
20 neglects to fill out and transmit to the county commissioners
21 the blanks or forms within six months after receipt of the
22 blanks or forms is guilty of a summary offense and, upon
23 conviction, shall be sentenced to pay a fine of \$100.

24 (e) Location of interment sites.--For the purpose of
25 locating the interment sites of persons who have served in the
26 armed forces of the United States during a war or armed conflict
27 in which the United States was engaged, any veterans'
28 organization listed in section 1921-A(a) or otherwise recognized
29 by the county is authorized, without expense to the county, to
30 collect the required data and prepare and file with the county

1 commissioners certificates embodying the information required
2 under this section.

3 (f) Written notice.--Notwithstanding any provision to the
4 contrary, any organization that accepts remains under section
5 506.2 of the act of June 29, 1953 (P.L.304, No.66), known as the
6 Vital Statistics Law of 1953, which allows certain veterans'
7 service organizations to claim the remains of certain deceased
8 veterans, shall give written notice of the location and manner
9 of the final disposition of the remains to the county director
10 of veterans' affairs of the county in which the final
11 disposition of the remains is made.

12 Section 1924-A. Director of veterans' affairs.

13 (a) Appointment.--The county commissioners of a county shall
14 appoint an eligible person under 51 Pa.C.S. § 1731(a) (relating
15 to accreditation) to serve as the director of veterans' affairs,
16 who shall receive compensation as fixed by the salary board.

17 (b) Responsibility of director.--It shall also be the duty
18 of the director of veterans' affairs to:

19 (1) Assist all veterans and their families in securing
20 rights relating to their person, property and care of family
21 under any of the laws of the United States and this
22 Commonwealth.

23 (2) Assist the county commissioners in administering the
24 provisions of this subdivision which relate to the interment
25 of deceased servicepersons and their surviving spouses and to
26 furnishing flagholders and placing headstones on their
27 graves.

28 (3) Compile and maintain war records and records of
29 interment sites of deceased servicepersons in accordance with
30 the provisions of this subdivision.

1 (4) Perform other duties provided by statute, including,
2 but not limited to, the duties required under 51 Pa.C.S. §
3 1731(c).

4 (c) Compensation.--For services performed under subsection
5 (b), the director of veterans' affairs shall be entitled to
6 expenses incurred and additional compensation. Both expenses and
7 compensation shall be subject to the approval of the salary
8 board.

9 Section 71. Section 2101 of the act is amended to read:

10 Section 2101. Health Work.--The [board of county]
11 commissioners may provide and annually appropriate from any
12 moneys in the county treasury not otherwise appropriated such
13 sum or sums as they deem necessary for the protection of the
14 health, cleanliness, convenience, comfort and safety of the
15 people of the county.

16 Section 72. Subdivision (b) of Article XXI of the act is
17 repealed:

18 [(b) County and Joint County Hospitals

19 Section 2110. Expenses of Maintenance, Care and Treatment.--
20 All expenses incident to the maintenance and operation of any
21 county or joint county contagious disease hospitals, and of
22 buildings, wings and units at general hospitals, erected and
23 equipped for such diseases, under the provisions of this act,
24 shall be paid by the county, or by the counties so joining, out
25 of county funds in accordance with the agreement made between or
26 among the participating counties, or between or among the county
27 and any municipalities within the county, in the case of joint
28 county hospitals, or of buildings, wings and units at general
29 hospitals jointly agreed upon by counties under the provisions
30 of this act. The county, or each county in the case of joint

1 arrangements, shall separately be liable to pay the cost of the
2 care and treatment of its indigent patients and those unable to
3 pay the entire cost of care and treatment in such contagious
4 disease hospitals, and in buildings, wings and units at general
5 hospitals, and for such purposes any county, or the counties so
6 joining, shall have power to appropriate county funds.

7 Section 2111. Administration of County and Joint County
8 Hospitals.--After any county hospital for contagious diseases is
9 erected and equipped and ready for occupancy, it shall be
10 operated by and under the authority of the county commissioners
11 of the county in the same manner that other county buildings and
12 institutions are operated, and in the case of joint county
13 hospitals, the operation shall be in the manner provided in the
14 agreement between the counties. All county or joint county
15 contagious disease hospitals heretofore erected and constructed
16 shall hereafter be maintained and operated in the manner
17 provided by this subdivision.

18 Section 2112. Removal of Contagious Cases to Hospital.--In
19 any county having a hospital for the care and treatment of
20 contagious diseases, any lawfully authorized health authorities
21 of or within the county may remove cases of contagious disease
22 to such hospital for treatment and isolation, whenever proper
23 quarantine measures cannot otherwise be enforced.

24 Section 2113. Advisory Board for County Hospital for
25 Tuberculosis.--(a) If a majority of the electors voting upon
26 the question submitted to them, pursuant to the provisions of
27 this act, at an election, shall be in favor of the establishment
28 of a hospital by the county for treatment of persons afflicted
29 with tuberculosis, the court of common pleas of the county shall
30 immediately appoint an advisory board of five members, all of

1 whom shall be electors of the county and one of whom shall be a
2 licensed physician. The members of said board shall be
3 appointed, one for a term of five years, one for a term of four
4 years, one for a term of three years, one for a term of two
5 years and one for a term of one year or until their successors
6 are appointed and have qualified. All appointments at the
7 expiration of any term shall be for a term of five years.

8 (b) The board shall meet monthly and at such other times as
9 it may be deemed necessary. The board shall visit and inspect
10 and keep in close touch with the management and operation of
11 said hospital, and shall, from time to time, make such
12 recommendations and suggestions to the county commissioners for
13 changes or improvements in said management and operation as may
14 be deemed advisable. It shall also make an annual report to the
15 county commissioners concerning the management and operation of
16 said hospital.

17 (c) The county commissioners shall, at the expense of the
18 county, provide a meeting place for said board, and furnish all
19 supplies and materials necessary to carry on its work.

20 (d) The members of the board shall not receive any
21 compensation for their services, but shall be allowed all actual
22 and necessary expenses, incurred in the discharge of their
23 duties, which shall be paid by the county.

24 Section 2114. Employes' Salaries in County Hospital for
25 Tuberculosis.--The county commissioners may, after consultation
26 with the advisory board, employ a superintendent and such
27 physicians, nurses and other employes as may be necessary to
28 properly conduct and manage such hospital and the salary board
29 shall fix their compensation. All such salaries shall be paid by
30 the county treasurer in the usual manner.

1 Section 2115. Management.--The county commissioners shall
2 have power, after consulting with the advisory board, to make
3 general rules and regulations for the management of the county
4 hospital for tuberculosis, and shall have power to do all acts
5 deemed necessary to promote the usefulness of the hospital in
6 the prevention of tuberculosis.

7 Section 2116. Use of Hospital.--Every hospital established
8 under the provisions of this act for the treatment of
9 tuberculosis shall be used for the benefit of all inhabitants
10 afflicted with tuberculosis resident within the county in which
11 the hospital is located, and all such persons shall be entitled
12 to occupancy, nursing, care, treatment and maintenance according
13 to the rules and regulations prescribed by the county
14 commissioners. The county commissioners may exclude from the use
15 of the hospital any person who wilfully violates any rule or
16 regulation adopted for the hospital by said county
17 commissioners. The county commissioners may charge and collect,
18 from persons admitted to the hospital or persons legally
19 responsible for their maintenance, reasonable compensation for
20 the care, treatment and maintenance of such persons, but free
21 treatment shall be given to all such persons who are, after
22 reasonable investigation, found to be unable to pay.

23 Section 2117. Patients from Other Counties; Donations.--(a)
24 The county commissioners may admit patients to the county
25 hospital for tuberculosis who are resident within any other
26 county of the Commonwealth, provided such other county agrees to
27 reimburse the county in which the hospital is located for all
28 charges in connection with the admission, maintenance, care and
29 treatment of such patients, and not paid by the patients
30 themselves. Authority is hereby conferred upon all counties in

1 the Commonwealth to pay to any other county in which such
2 hospital is located reasonable charges for patients cared for by
3 said hospital resident in the county paying such charges.

4 (b) All money received from the care and maintenance of
5 patients or from gifts or donations shall be paid into the
6 county treasury and shall be used only for the maintenance of
7 such hospitals. County commissioners are authorized and
8 empowered to receive contributions, donations, property and
9 trust funds for the erection and maintenance of such hospitals
10 as provided in this act.

11 Section 2118. Appropriations; Tax Levy.--The advisory board
12 for county hospitals for tuberculosis herein provided for shall,
13 by September thirtieth of each year, furnish to the county
14 commissioners and the county controller, if any, a schedule of
15 expenses deemed necessary for the maintenance and operation of
16 the hospital for the ensuing year. The county commissioners
17 shall, after considering the schedule submitted by the advisory
18 board, annually make appropriations deemed by them sufficient to
19 properly manage and operate said hospital. The county
20 commissioners shall levy a special tax sufficient to produce the
21 moneys appropriated to said hospital, which tax shall be
22 collected in the same manner as other county taxes and shall be
23 paid into the county treasury. All payments from the county
24 treasury shall be made by voucher checks in the usual manner.

25 Section 2119. Hospitals for Tuberculosis Established Under
26 Other Laws.--In any county where any hospital for tuberculosis
27 has been begun or erected under the provisions of any act of
28 Assembly heretofore repealed, such proceedings and hospital may
29 be completed and the said hospital may thereafter be managed and
30 operated in accordance with the provisions of this act.]

1 Section 73. Section 2130 of the act is amended to read:

2 Section 2130. Appropriations to Hospitals[, Tuberculosis
3 Sanitaria], Health Clinics and Homes.--The [board of]
4 commissioners may [appropriate moneys for the] make
5 appropriations to support [of any] a hospital or health clinic
6 or comparable facility, [located within or without the limits of
7 such county] which is engaged in charitable work and extends
8 treatment and medical attention to residents of [such] the
9 county, and may also appropriate moneys for the support of any
10 home or place of detention of dependent, delinquent and
11 neglected children located within the county[, and may also
12 appropriate moneys for the support of any sanitarium for the
13 treatment of persons afflicted with tuberculosis located within
14 the Commonwealth of Pennsylvania, which sanitarium is engaged in
15 charitable work and extends treatment and medical attention to
16 residents of such county].

17 Section 74. Section 2131 of the act is repealed:

18 [Section 2131. Appropriation to Society Maintaining
19 Tuberculosis Sanitarium for Indigent.--The board of
20 commissioners may appropriate to any duly incorporated society,
21 chartered to maintain a sanitarium for the treatment therein of
22 persons suffering from tuberculosis, so much money as may be
23 necessary for the maintenance of indigent persons, residents of
24 the county, who may be inmates of such sanitarium and under
25 treatment for tuberculosis. Said appropriation shall not exceed
26 for each indigent inmate the sum of ten dollars (\$10) per week,
27 payable every three months at the end of the period. The board
28 of commissioners shall at all times have free access to such
29 sanitarium for inspection of its management and for the
30 ascertainment of the number of indigent persons receiving

1 treatment therein.]

2 Section 75. Section 2132 of the act is amended to read:

3 Section 2132. Aid to [Boroughs and Townships] Municipal
4 Corporations for Sewage Purposes.--The [board of county]
5 commissioners may [appropriate moneys from the county treasury]
6 make appropriations to aid [cities of the third class, boroughs,
7 incorporated towns or townships] municipal corporations in the
8 construction or maintenance of sewers or [sewage treatment
9 works] waste water treatment facilities[, where such sewers and
10 treatment works have been first approved by the Sanitary Water
11 Board of the State Department of Health in the manner provided
12 by law] if the project has received all necessary approvals or
13 permits from the Department of Environmental Protection.

14 Section 76. The act is amended by adding a section to read:

15 Section 2133. Aid to Municipal Corporations for Water
16 Systems.--The commissioners may make appropriations to aid
17 municipal corporations in the construction or maintenance of
18 public water systems, if the project has first received all
19 necessary approvals or permits from the Department of
20 Environmental Protection.

21 Section 77. Sections 2150, 2151, 2152, 2160, 2162, 2163,
22 2164 and 2165 of the act are amended to read:

23 Section 2150. [Secretary of Agriculture to Cooperate;]

24 Elimination and Abatement of Larvae Breeding Places; Liens.--

25 [(a) The Secretary of Agriculture of the Commonwealth is hereby
26 authorized and empowered to cooperate with and assist the county
27 commissioners of any county in the effective carrying out the
28 provisions of this subdivision. He may authorize a deputy to
29 meet with the commissioners as his representative. The necessary
30 expenses actually incurred by the secretary and his deputy, in

1 compliance with this section, shall be allowed and paid by the
2 Commonwealth as a part of the expenses of the Department of
3 Agriculture. He shall furnish the said commissioners with such
4 surveys, maps, information and advice as they may require for
5 the prosecution of their work or as in his opinion will be of
6 advantage in connection therewith.]

7 (b) The county commissioners of counties of the third
8 through eighth class shall have power to eliminate [all]
9 breeding places of mosquitoes[,] on private or public
10 property[,] within the county [and to do and perform]. The
11 commissioners may provide for all acts, including entry upon
12 private or public property, [and] to carry out all plans which,
13 in their opinion and judgment through consultation with public
14 health or veterinary officials, [may] are deemed to be necessary
15 [or proper] for the preservation of human or animal health by
16 the elimination of breeding places of mosquitoes, or which will
17 tend to exterminate disease-carrying mosquitoes within [said]
18 the county.

19 (c) Any water, in which mosquito larvae breed, is hereby
20 declared a public nuisance and subject to abatement as such.
21 Whenever any such breeding place exists on any lands in the
22 county, other than meadow or marsh lands subject to the ebb and
23 flow of the tide, which breeding place should, in the opinion of
24 the commissioners, be abated they shall, in writing, order the
25 owner or owners of such lands to abate the same within a
26 reasonable period, and in a manner, to be specified in such
27 order. If, at the expiration of such period, such order has not
28 been complied with, or if the owner or owners of such lands
29 cannot be ascertained or found, the commissioners shall, at
30 once, abate said nuisance and may assess all or part of the cost

1 of such abatement against the lands on which such breeding place
2 exists. They may file municipal liens for said assessments
3 within the time and in the manner provided by law, the same to
4 be subject in all respects to the general law providing for the
5 filing and recovery of municipal liens.

6 Section 2151. Not to Affect Public Water Supply.--No order
7 of abatement shall authorize, nor shall the county commissioners
8 employ, any method of extermination which shall in [anywise
9 effect] any way affect waters used and useful in the supply of
10 water to the public, whether by a municipality or a water supply
11 company. Man-made pools which allow mosquito propagation are
12 subject to be targeted first, and strategies shall be supported
13 that minimize environmental impact.

14 Section 2152. Appropriations[; Report to Secretary of
15 Agriculture].--[a] The county commissioners may appropriate
16 the amount of money necessary for the purpose of carrying out
17 the provisions of this subdivision. In no year shall the amount,
18 so appropriated, exceed one-fourth of one mill on each dollar of
19 the assessed value of taxable real estate in the county. The
20 sums, so appropriated, or so much thereof as may be required,
21 shall be paid out, from time to time, by the county treasurer on
22 the orders of the county commissioners.

23 [(b) It shall be the duty of the county commissioners
24 annually, on or before the first day of February of each year,
25 to submit to the Secretary of Agriculture a report setting forth
26 the amount of moneys expended during the previous year, if any,
27 the methods employed, the work accomplished and any other
28 information which in its judgment may be pertinent.]

29 Section 2160. Definitions.--As used in this subdivision,
30 unless the context otherwise indicates:

1 "Institution district" means a county institution district
2 managed by the commissioners of the county.

3 "Dependent" means an indigent person requiring public care,
4 including maintenance, medical care, clothing and incidentals,
5 because of physical or mental [infirmity] health needs or
6 disability.

7 "Institution" means [an infirmary, poorhouse, almshouse,
8 hospital or sanitarium managed by the commissioners of the
9 county] hospital, health care clinic or comparable facility.

10 "Public charge" means a person who is unable to maintain
11 himself and who requires and receives aid from the Commonwealth
12 or from any political subdivision thereof.

13 Section 2162. Records.--The commissioners of each county of
14 the fourth, fifth, sixth, seventh and eighth class shall keep
15 records of the work necessitated by this subdivision as
16 prescribed by the Department of [Public Welfare] Human Services,
17 and shall from time to time, make such reports to such
18 department as it shall require.

19 Section 2163. Powers and Duties.--The county commissioners
20 of counties of the fourth, fifth, sixth, seventh and eighth
21 classes shall have the power and their duty shall be:

22 (1) To erect, equip, maintain, repair, alter and add to
23 institutions for the care of dependents[, and to equip,
24 maintain, cultivate and improve farms, using their produce for
25 the support of dependents, or if a surplus of farm products
26 should exist, the commissioners may sell the surplus pursuant to
27 section 1805 of this act]. Any plan for the erection or
28 substantial alteration of an institution must be approved as to
29 suitability by the Department of [Public Welfare] Human
30 Services.

1 (2) To pay the necessary expenses of land and buildings for
2 the care of dependents and farms.

3 Section 2164. Further Powers and Duties.--The county
4 commissioners of counties of the fourth, fifth, sixth, seventh
5 and eighth classes shall have the power and it shall be their
6 duty, with funds of the county, according to rules, regulations
7 and standards established by the Department of [Public Welfare]
8 Human Services:

9 (1) To care for any dependent [having a settlement] in the
10 county, who is not otherwise cared for[: Provided, however, That
11 no applicant for public nursing home care under the medical
12 assistance for aged provisions of the "Public Assistance Law,"
13 who resides in Pennsylvania, shall be rendered ineligible for
14 such care by lack of settlement in the county].

15 (2) To contract with other counties[, any institution
16 district,] or any individual, association, corporation or other
17 entity for the care of any dependent.

18 (3) To contract with any association in Pennsylvania
19 organized to provide a home or employment for [deaf and dumb or
20 blind persons having a settlement in the county, or to care for
21 any dependent having a settlement in the county, who is deaf and
22 dumb or blind or to help him through employment] persons with
23 disabilities.

24 (4) To pay the cost or part of the cost [with respect to
25 mental or other patients imposed by law upon county institution
26 districts.] imposed by law upon county institution districts for
27 patients with mental health needs or intellectual disability.

28 (5) To take any other action authorized by law.

29 (6) To contract with any individual, association,
30 corporation, institution or governmental agency for the purpose

1 of providing foster home care for persons over eighteen years of
2 age. If, in the discretion of the county commissioners, such
3 foster home care is advisable, the county commissioners may
4 expend funds for such foster home care in addition to any funds
5 paid by the Commonwealth or any individual, association,
6 corporation, institution or governmental agency to or for such
7 persons over eighteen years of age.

8 (7) To require that any person cared for in an institution
9 as defined herein shall pay for the cost of his care to the
10 extent of his available resources.

11 (8) To provide or to contract with any individual,
12 corporation, institution or governmental agency to provide care
13 and services designed to help dependents remain in or return to
14 community living, outside county institutions.

15 Section 2165. Care of Persons Referred by Department of
16 [Public Welfare] Human Services.--The county commissioners of
17 counties of the fourth, fifth, sixth, seventh and eighth classes
18 shall have power to care for any dependent or other indigent
19 person in the county who is referred to them by the Department
20 of [Public Welfare] Human Services or by a local board under its
21 supervision[, pending the determination of such person's legal
22 settlement].

23 Section 78. Section 2167 of the act is repealed:

24 [Section 2167. Treatment of Persons in Danger of
25 Hydrophobia.--The county commissioners of counties of the
26 fourth, fifth, sixth, seventh and eighth classes shall provide,
27 with approved medical care and proper attendance (including the
28 so-called Pasteur treatment, where prescribed), all indigent
29 persons settled within their district who may be assumed to be
30 in danger of suffering from hydrophobia or rabies by reason of

1 having been bitten by an animal believed to have been suffering
2 from the disease, and to order payment of the expenses so
3 incurred out of the funds of the county for the care of
4 dependents.]

5 Section 79. Sections 2168, 2169, 2170, 2172, 2173 and 2174
6 of the act are amended to read:

7 Section 2168. Powers and Duties of County Commissioners as
8 to Children.--The county commissioners of any county of the
9 fourth, fifth, sixth, seventh or eighth class shall have the
10 power and for the purpose of protecting and promoting the
11 welfare of children and youth, it shall be their duty to provide
12 those child welfare services designed to keep children in their
13 own homes, prevent neglect, abuse and exploitation, help
14 overcome problems that result in dependency, neglect or
15 delinquency, to provide in foster family homes and child caring
16 institutions adequate substitute care for any child in need of
17 such care and upon the request of the court, to provide such
18 services and care for children and youth who have been
19 adjudicated dependent, neglected or delinquent.

20 [No child under the age of sixteen years shall, unless he is
21 mentally or physically handicapped and no other care is
22 available for him, be admitted to, or maintained in, an
23 institution conducted by the county commissioners of fourth,
24 fifth, sixth, seventh or eighth class counties other than a
25 hospital or sanitarium.]

26 Section 2169. Contributions for Medical Care.--The
27 commissioners of each county of the fourth, fifth, sixth,
28 seventh or eighth class shall have the power to make annual
29 appropriations from the funds of the county for the support of
30 any public institution operated, or to any nonprofit corporation

1 organized, to give medical care to the dependents and children
2 of the county [without discrimination as to membership in any
3 organization or as to race or sect].

4 Section 2170. Inspections by Department of [Public Welfare]
5 Human Services.--The institutions and books, accounts and
6 records of each county pertaining to its powers and duties
7 authorized by this subdivision shall, at all times, be open to
8 the inspection of the Department of [Public Welfare] Human
9 Services and its agents.

10 Section 2172. Rules and Regulations.--The county
11 commissioners of each county of the fourth, fifth, sixth,
12 seventh and eighth class shall have power to make such rules and
13 regulations, not inconsistent with this act and not inconsistent
14 with the rules and regulations of the Department of [Public
15 Welfare] Human Services, as may be deemed proper, convenient and
16 necessary for the government of its institutions and to properly
17 care for dependents.

18 Section 2173. Providing Certain Services Without Charge
19 Prohibited.--Notwithstanding any other provisions of law, no
20 county commissioners shall provide without charge any items of
21 care or service which an individual is entitled to receive as
22 assistance under the ["Public Assistance Law,"] act of June 13,
23 1967 (P.L.31, No.21), known as the "Human Services Code," but
24 this section shall not be construed to preclude county
25 commissioners from [supplementing such public assistance]
26 providing additional forms of assistance not inconsistent with
27 the Human Services Code or the regulations of the Department of
28 Human Services.

29 Section 2174. Payments by County Commissioners for
30 Assistance.--The county commissioners shall pay monthly to the

1 Department of [Public Welfare] Human Services, as such county
2 commissioners payment for assistance, the amount expended by the
3 department during the preceding month as assistance on behalf of
4 patients receiving public nursing home care in a county medical
5 institution, and on behalf of children in foster family homes
6 and child-caring institutions, plus the cost of administering
7 such assistance, minus the amount of Federal funds properly
8 received or to be received by the Department of [Public Welfare]
9 Human Services on account of such expenditures increased or
10 reduced, as the case may be, by any amount by which the sum paid
11 for any previous month differed from the amount which should
12 have been paid for such previous month and by the proportionate
13 share of refunds of such assistance as provided in the ["Public
14 Assistance Law."] act of June 13, 1967 (P.L.31, No.21), known as
15 the "Human Services Code." The Department of [Public Welfare]
16 Human Services shall certify to the county commissioners the
17 amount to be paid by them to the department.

18 Section 80. Sections 2175, 2176 and 2177 of the act are
19 repealed:

20 [Section 2175. Settlement.--For the purposes of this
21 subdivision:

22 (1) A person is first settled in the county of birth unless
23 the child's parents or the custodial parent if the parents do
24 not live together or other legal guardian if neither parent has
25 custody of the child has an established settlement elsewhere, in
26 which case the first settlement of such person is in the county
27 of his or her custodian. If the child resides with both parents
28 and they have different settlements the settlement of the child
29 shall be the same as that of the parent whose settlement
30 coincides with the family residence. If neither parent's

1 settlement coincides with the family residence, the child's
2 settlement shall be in the place of the child's birth.

3 (3) The settlement of a person in a county continues until a
4 new one is acquired in this Commonwealth or elsewhere. A
5 settlement is lost only by acquiring a new one, except that a
6 person who has settlement in this Commonwealth, and who is
7 residing in another state, shall be deemed to have lost
8 settlement in this Commonwealth if a person from such other
9 state, in like circumstances, could have acquired settlement in
10 this Commonwealth by residence in this Commonwealth, as
11 hereinafter provided; and except that a person having settlement
12 in this Commonwealth, who has been absent therefrom and who has
13 been residing in another state, shall be deemed to have lost
14 settlement in this Commonwealth if a resident of such other
15 state, who is residing in this Commonwealth, would lose
16 settlement in such other state as a result of absence therefrom
17 for a period of equal duration or for a period of lesser
18 duration.

19 (4) Except as hereinafter otherwise provided, every adult
20 and every emancipated minor, whether married or single, may
21 acquire a new settlement in any county of this Commonwealth or
22 in the Commonwealth by coming bona fide to establish a permanent
23 abode therein and continuing to reside therein for one whole
24 year, if such person or minor is of sufficient mental ability to
25 make a bargain, and is not or does not become a public charge
26 during such year.

27 (6) A minor cannot be emancipated before age sixteen, and
28 becomes emancipated absolutely at age eighteen, if then of
29 sufficient mental ability to make a bargain. After age sixteen
30 and before age eighteen, a minor of sufficient mental ability to

1 make a bargain may become emancipated by his own acts or the
2 acts of the parent, stepfather or stepmother having had the
3 custody. When a person is emancipated, he or she is capable of
4 establishing a new settlement.

5 (7) A minor who is so mentally deficient as to be unable to
6 make a bargain cannot be emancipated after age sixteen, and such
7 a person does not become emancipated at age eighteen and so long
8 thereafter, as the mental condition continues. The settlement of
9 such a person shall at all times during mental disability be
10 ascertained as provided in clauses (8) and (9) of this section
11 for the settlement of minors not emancipated.

12 (8) Before emancipation, the settlement of a minor is and
13 remains that of the natural parents or custodial parent, should
14 the natural parents not live together, or of any other legal
15 guardian, or if the parents live together and have different
16 settlements, that of the natural parent whose settlement
17 coincides with the family residence, except that if the parents
18 live together with the child and have different settlements
19 neither of which coincides with the family residence, the
20 settlement of a minor before emancipation shall be and remain in
21 the place of the child's birth.

22 (10) If a person has no known settlement in this
23 Commonwealth and cannot for any reason whatever be removed into
24 the state or country where settled, he shall have a quasi-
25 settlement in the county where he or she becomes a public
26 charge, which county shall, if he be a dependent, be liable for
27 his or her support, otherwise such liability shall be upon the
28 Commonwealth.

29 (11) If a person becomes a public charge in a county other
30 than the one in which settled, such county, if he be a

1 dependent, otherwise the Commonwealth, shall be liable for
2 support until the county, state or country of settlement is
3 discovered, and removal to such county, state or country takes
4 place. Any county of settlement shall be liable to the county in
5 which the person became a dependent for the cost of care
6 advanced and the expenses of removal.

7 Section 2176. Removal to County of Settlement.--In case any
8 person does not have a settlement in the county of the fourth,
9 fifth, sixth, seventh or eighth class wherein he has become, or
10 is likely to become, a dependent, it shall be the duty of the
11 county commissioners to notify the county commissioners of the
12 county of his settlement of the facts. If the county
13 commissioners, so notified, refuse or neglect to receive him or
14 to make arrangements for his proper care and to pay the amount
15 advanced, the county commissioners during such care may apply to
16 the court of quarter sessions of their county, or to any judge
17 thereof, by petition, asking for a citation to the county
18 commissioners, so refusing or neglecting, requiring them to
19 appear before such court at a time specified therein, and to
20 show cause why an order should not issue for the removal of such
21 dependent into their county. The court shall proceed to hear and
22 determine the cause upon its merits, and its decree shall be
23 final, unless an appeal therefrom be taken within thirty days.

24 The citation accompanied by a copy of the petition shall be
25 served by the sheriff of the county, who may, for that purpose,
26 deputize the sheriff of the cited county, upon one or more of
27 the county commissioners named therein, or, with the approval of
28 the court, service may be had by sending such copy by registered
29 mail. The service of mailing shall be at least ten days before
30 the day fixed for such hearing. Upon the hearing and argument

1 before the court, it shall be lawful for either of the parties
2 to the issue to except to any decision of the court upon any
3 point of evidence or law, which exception shall be noted by the
4 court and filed of record as in civil cases. An appeal to an
5 appellate court may be taken by either party from the judgment
6 or decree of the court.

7 Section 2177. Liability for Costs.--In case an order of
8 removal is granted by any court of quarter sessions, the court,
9 in the same order, shall require the county of settlement to pay
10 the petitioners the cost of the proceedings, the expense of
11 removal, and the proper charges for the care of the dependent,
12 from the date of the notice first above provided for, all of
13 which expense, cost, and charges shall be ascertained and
14 allowed by the court. If an order of removal is refused, the
15 cost of the proceeding shall be paid by the county petitioning
16 therefor.

17 The court of quarter sessions shall have full and complete
18 authority and jurisdiction to enforce by appropriate methods its
19 orders or directions made in such proceeding.]

20 Section 81. Section 2180 of the act is amended to read:

21 Section 2180. Attendance at Training Courses and
22 Conferences.--The commissioners of any county may approve
23 attendance at county expense by county health, [welfare] human
24 services or probation personnel at appropriate training courses
25 or at state or national conferences in the health, welfare or
26 correctional fields. [Such expenses may include maintenance
27 fees, if any, and transportation or mileage, if use of personal
28 automobile is authorized.] Each person attending a training
29 course or conference shall submit an itemized account of
30 expenses related to the event according to the provisions of

1 section 446.

2 Section 82. Sections 2185, 2186, 2187, 2188, 2189, 2190,
3 2191, 2192, 2193, 2193.1, 2193.2, 2194, 2195, 2195.1, 2195.2,
4 2196, 2197, 2198, 2199, 2199.1 and 2199.2 are repealed:

5 [Section 2185. Board of Health Jurisdiction
6 Incompatibility.--Each county of the third class may, by
7 ordinance, create a board of health as herein provided. The
8 jurisdiction of every such board of health shall extend to all
9 parts of the country in which created: Provided, That whenever
10 there is a board of health in any city, borough or township of
11 the county, the rules and regulations of any such board of
12 health shall supersede any rules and regulations of the county
13 board in any particular matter where such rules and regulations
14 are more stringent. The board of health shall have five members
15 appointed by the board of county commissioners, who shall serve
16 without compensation. Except as otherwise herein provided,
17 membership on the board of health shall be incompatible with
18 every other county office.

19 Section 2186. Qualifications; Term; Removal.--The members of
20 the board of health shall be residents of the county, except in
21 the case of physicians who shall have their main office in the
22 county. At least two members shall be reputable physicians of
23 not less than two years experience in the practice of their
24 profession. Upon the creation of the board, the board of county
25 commissioners shall designate for one appointee a term of one
26 year, for another a term of two years, and so on up to five;
27 thereafter, one member of the board shall be appointed annually
28 to serve for a term of five years from the first Monday of April
29 succeeding his appointment. The board of county commissioners,
30 after due notice and hearing, may remove members of the board

1 for official misconduct or neglect of duty. All vacancies shall
2 be filled for the unexpired term.

3 Section 2187. Oath of Office; Organization; Secretary.--Each
4 member of the board of health shall take the oath of office
5 prescribed in section 403 of this act. The board shall organize
6 annually at its regular meeting date in January. The board shall
7 elect a president annually from among the members and shall
8 appoint a secretary who is not a board member. The secretary
9 shall take the aforesaid oath and shall give a fidelity bond
10 with corporate surety to the county in such amount as the board
11 of county commissioners requires. The secretary shall receive
12 such salary as the board of county commissioners shall approve.

13 Section 2188. Duties of Secretary.--The secretary of the
14 board shall perform such duties as shall be assigned to him by
15 the board of health or the health officer.

16 Section 2189. Health Officer; Qualifications; Oath and
17 Bond.--The board shall appoint as a health officer a person with
18 experience and training in public health work in accordance with
19 rules and regulations of the Advisory Health Board of the State
20 Department of Health, and who shall not enter upon his duties
21 until he has been certified for the office of health officer by
22 the State Department of Health. The health officer shall take
23 the oath required of members of the board, and shall give bond
24 with corporate surety approved by the board of county
25 commissioners to the county for the faithful performance of his
26 duties. The amount of the bond shall be fixed by the board of
27 county commissioners. The health officer shall be the agent of
28 the board of health.

29 Section 2190. Duties of Health Officer.--It shall be the
30 duty of the health officer to attend all stated and special

1 meetings of the board of health and to be available for the
2 prompt performance of his official duties at all times. He shall
3 quarantine places of communicable diseases in accordance with
4 law and with the rules and regulations of the State Department
5 of Health or of the board of health. He shall execute all laws
6 and rules or regulations for the disinfection of quarantined
7 places. He shall serve written notice on teachers and persons in
8 charge of public, parochial, Sunday and other schools, requiring
9 the exclusion from school of children who are suffering from, or
10 who reside with persons who are suffering from, communicable
11 diseases, and shall make sanitary inspections, and shall execute
12 the orders of the board of health and all other laws, rules and
13 regulations and orders pertaining to his office. He shall, in
14 the performance of his duties, have the power and authority of a
15 peace officer.

16 Section 2191. Duties of Board of Health.--The board of
17 health shall enforce the health laws of the Commonwealth and the
18 rules and regulations of the State Department of Health
19 pertaining thereto. The board shall enforce those orders of the
20 State Department of Health for which the State Department of
21 Health reimburses the county for its costs pertaining thereto.
22 The board shall undertake to prevent or diminish the
23 introduction or further spread of infectious or contagious
24 diseases, and otherwise to protect and increase the public
25 health by regulating communication with places of infection or
26 contagion, by isolating carriers of infection or contagion or
27 persons who have been exposed to any infectious or contagious
28 disease, by abating or removing all nuisances which the board
29 shall deem prejudicial to the public health, and by enforcing
30 the vaccination laws; and the boards shall make all such rules

1 and regulations as to it appear proper for the preservation or
2 improvement of the public health, consistent with this article
3 and the laws of the Commonwealth. The board shall transmit to
4 the State Department of Health all of its reports and
5 publications and such other information regarding public health
6 in the county as may be requested by the department.

7 Section 2192. Powers of Board of Health.--The board of
8 health shall have authority:

9 (1) To employ agents and employes at such rates or salaries
10 as the salary board shall approve.

11 (2) To establish and staff emergency hospitals, with the
12 consent of the board of county commissioners, in case of the
13 prevalence or threat of any contagious or infectious disease or
14 other serious peril to public health, and to provide for and
15 regulate the management of such hospitals.

16 (3) To enter upon any premises whatsoever within county as a
17 body or by committee or by its agents or employes, which
18 premises are suspected of infectious or contagious disease or of
19 any other nuisance prejudicial to the public health, or of the
20 danger of them, for the purpose of examining the premises or of
21 preventing, confining or abating public nuisances.

22 (4) To conduct investigations and to hold public hearings in
23 the performance of its duties and powers, wherein the president
24 and secretary of the board shall have full power to administer
25 oaths and affirmations but shall receive no fee therefor. For
26 such purposes, the board of health may require the attendance of
27 witnesses and their books and papers.

28 (5) To establish a force of sanitarians for the enforcement
29 of its rules and regulations, wherever in the opinion of the
30 board the public health of the county requires. To fix the

1 number of such police and the duration of their service and to
2 have the exclusive control and direction of them.

3 (6) To publish and enforce its rules and regulations.

4 (7) To provide for or cooperate in providing for general and
5 gratuitous vaccination, disinfection and other public health
6 control programs, and likewise to make available medical relief
7 in such ways as in its opinion will benefit the public health.

8 (8) To certify to the board of county commissioners
9 expenditures in excess of the board of county commissioner's
10 appropriations therefor, necessarily incurred by the board by
11 reason of an epidemic, or upon approval of the board of county
12 commissioners for any other immediate and serious peril to
13 public health. The board of county commissioners shall thereupon
14 appropriate sufficient money to meet such additional
15 expenditures.

16 (9) To prevent, abate or remove conditions found by it to be
17 detrimental to the public health as public nuisances, or to
18 declare and certify to the board of county commissioners such
19 conditions and the premises or ways or places harboring them to
20 be public nuisances.

21 (10) To prescribe regulations for the erection or operation
22 of bone boiling establishments or of repositories of dead
23 animals in the county, and in accordance therewith, to permit or
24 refuse to permit such erections or operations within the county.
25 Any person who shall erect or operate any such establishment or
26 repository in the county without the permission of the board of
27 health, or in violation of its regulations pertaining thereto,
28 shall forfeit and pay to the county the sum of three hundred
29 dollars (\$300) for every such offense, and the like amount for
30 each months's continuance thereof, to be collected by an action

1 before any alderman or justice of the peace, and shall also be
2 subject to indictment for the common law offense of creating and
3 maintaining a nuisance. Nothing herein shall limit the remedies
4 of injunction or abatement as to any such establishment.

5 (11) To determine whether or not the keeping or slaughtering
6 of stock animals or fowls in or about any dwelling or part
7 thereof, or in the yard, lot or adjoining property of any such
8 building within the county or parts thereof, is or may become
9 detrimental to the public health. The board of county
10 commissioners may prohibit any such keeping or slaughtering
11 which the board certifies to it as detrimental, or the board may
12 issue permits in accordance with regulations adopted by it for
13 the keeping of such animals or fowls within the county or parts
14 thereof. No such permit shall extend beyond the calendar year
15 within which it was issued, and the fee for each permit shall be
16 fixed by the board of health upon approval of the county
17 commissioners.

18 (12) To make provisions for the compilation of vital
19 statistics, maternal and child care, health education, control
20 of chronic diseases, or needed laboratory services.

21 Section 2193. Effect of Rules and Regulations.--The rules
22 and regulations of the board of health shall be subject to prior
23 approval of the board of county commissioners and when printed
24 and advertised by the board of county commissioners as required
25 by this act in section 110, shall have the force of ordinances
26 of the county, and all penalties, fines or imprisonment
27 prescribed therein for violations thereof, together with the
28 expenses necessarily incurred in carrying the rules and
29 regulations into effect and the costs of proceedings incident
30 thereto, shall be recoverable for the use of the county.

1 Section 2193.1. Prohibition of Political Activity.--No
2 person appointed to any position or employed by a county board
3 of health shall be a member of or delegate or alternate to any
4 political convention, nor shall he participate at any such
5 convention, except in the performance of his official duty or as
6 a visitor, nor shall he serve as a member of any committee of
7 any political party, or take an active part in political
8 management or in political campaigns, or use his office or
9 position to influence political movements or to influence the
10 political action of any officer or employe in the classified
11 service, nor shall he circulate or seek signatures to any
12 nominations or other petition required by any primary or
13 election law, nor shall he seek or accept election, nomination
14 or appointment as an officer of a political club or
15 organization, or serve as a member of a committee of any such
16 club or organization, nor shall he in any manner participate in
17 or interfere with the conduct of any election or the preparation
18 therefor at the polling place or with the election officers
19 while counting the votes or returning the election material to
20 the place provided by law for that purpose, save only for the
21 purpose of making and depositing his own ballot as speedily as
22 it reasonably can be done, nor shall he be within the polling
23 place or within fifty feet thereof, except for the purpose of
24 carrying out official duties and of ordinary travel or residence
25 during the period of time beginning with one hour preceding the
26 opening of the polls for holding such election and ending with
27 the time when the election officers shall have finished counting
28 the votes and have left the polling place for the purpose of
29 depositing the election material in the place provided by law
30 for that purpose, excepting only police officers, who may

1 temporarily approach or enter the polling place in order to make
2 any arrest permitted by law or for the purpose of preserving
3 order and in each case remain only long enough to accomplish the
4 duties aforesaid after which the said officers shall at once
5 withdraw: Provided, however, That the rights of any individual
6 as a citizen are not impaired hereby, and the prerogative to
7 attend meetings, to hear or see any candidate or nominee, nor to
8 express one's individual opinion privately, shall remain
9 inviolate.

10 Section 2193.2. Prohibition of Assessments.--No person shall
11 orally or by written or printed communication, directly or
12 indirectly, demand, solicit, collect or receive or be in any
13 manner concerned in demanding, soliciting, collecting or
14 receiving any money or valuable thing or any assessment,
15 subscription or contribution, whether voluntary or involuntary,
16 from any officer or employe of a county board of health for any
17 political purpose whatever. No officer or employe of a county
18 board of health shall orally or by written or printed
19 communication, directly or indirectly, demand, solicit, collect
20 or receive or be in any manner concerned in demanding,
21 soliciting, collecting or receiving any money or valuable thing
22 for any political purpose whatever. No person in the service of
23 the county shall remove, suspend, furlough, demote or promote or
24 in any manner change the official status or compensation of any
25 officer or employe of a county board of health or promise or
26 threaten to do so for withholding or neglecting to make any
27 contribution of money or service or other valuable thing for any
28 political purpose. No person shall take part in preparing any
29 political assessment, subscription or contribution with the
30 intent that the same shall be sent or presented to or collected

1 from any officer or employe of a county board of health, and no
2 person shall knowingly send or present, directly or indirectly,
3 in person or by letter, any political assessment, subscription
4 or contribution to, or request its payment by, any officer or
5 employe of a county board of health.

6 Section 2194. Fees and Penalties.--All fees and penalties
7 collected or received by the board or any officer thereof in his
8 official capacity shall be paid monthly to the county treasurer
9 for the use of the county.

10 Section 2195. Proceedings of Board to be Public.--The
11 proceedings of the board shall be public and its journal or
12 proceedings shall be opened to the inspection of any taxpayer.

13 Section 2195.1. Employes of Boards of Health.--The
14 recruiting, selection, tenure, removal and working conditions of
15 all personnel employed by any board of health shall conform to
16 standards of personnel administration formulated by the board of
17 health and reviewed and approved first by the county
18 commissioners and finally by the State Department of Health,
19 except that the State Department of Health shall exercise no
20 authority with respect to the selection, compensation and
21 removal of any individual employed in accordance with such
22 standards, other than the approval of the qualifications of the
23 county health director by the State Secretary of Health.

24 Section 2195.2. Program Controls.--Should the State
25 Secretary of Health find any of the activities of the board of
26 health to be incompatible with the rules, regulations, or
27 programs of the State Department of Health, he shall so advise
28 the county commissioners and the board of health which shall
29 take steps to remove such incompatibility. Should conditions
30 exist which constitute a menace to the health of the people of

1 the county, the State Secretary of Health may, after giving
2 notice which is reasonable under the particular circumstances,
3 take charge of the county board of health during the existence
4 of such menace of which remedial action has not been taken by
5 the board of health.

6 Section 2196. Definition.--Any condition or usage whatsoever
7 in or about the buildings, structures or land, or the streets or
8 private ways and places, or elsewhere within the county of the
9 third class, whether public or private, which the board of
10 health shall find to be detrimental to the public health is
11 hereby declared to be a public nuisance. Whenever in this
12 subdivision the words "public nuisance" or "nuisance" are used
13 they shall be deemed to mean a nuisance detrimental to the
14 public health, unless a different meaning is specified. The
15 powers of investigation and entering upon premises vested in the
16 board of health and its agents and employes pursuant to its
17 orders shall be available for the determination of public
18 nuisances.

19 Section 2197. Procedure for the Abatement of Public
20 Nuisances.--Whenever the board of health shall determine, after
21 such examination, investigation or hearing as shall suffice to
22 inform its judgment, that a public nuisance exists or is about
23 to exist, it may order the nuisance to be removed, abated,
24 suspended, altered, or otherwise prevented or avoided. Notice of
25 such order, bearing the official title of the board and the
26 number of days for compliance therewith and the alternative
27 remedy of the board in case of non-compliance, shall be served
28 upon the person, if any, whom the board deems responsible
29 therefor or concerned therein, and upon the owner or abutting
30 owner of the land, premises or other places whereon such

1 nuisance is or is about to be, if any. In case no such party or
2 parties can be discovered by the board, the order shall be
3 served by posting a copy or copies thereof conspicuously upon
4 the premises for a period of at least ten days.

5 Section 2198. Contents of Notice.--The notice of the board's
6 order shall clearly specify:

7 (1) The place and manner of the nuisance or anticipated
8 nuisance as determined by the board;

9 (2) The nature or condition thereof;

10 (3) The board's order with respect to the nuisance or
11 anticipated nuisance;

12 (4) The names of the persons found by the board to be
13 responsible therefor or concerned therewith and the name of the
14 owner, if any, of the land or premises involved;

15 (5) The date of the board's order and the number of days
16 therefrom allowed for compliance with it;

17 (6) The alternative remedy of the board in case of non-
18 compliance;

19 (7) Notice that the persons affected thereby may apply,
20 within the time set for compliance with the order, to the board
21 for a hearing, and may request such stay of execution or
22 modification or rescission of the said order as they shall
23 believe just and proper;

24 (8) The signature of the president of the board, attested by
25 the secretary.

26 Section 2199. Hearing; Disposition.--If any person affected
27 thereby shall apply for a hearing within the time provided, the
28 board shall promptly notify all interested parties of the time
29 and place of the hearing. The board shall enter upon its minutes
30 such facts and proofs as it may receive, and its proceedings on

1 such hearing and thereafter may rescind, modify or reaffirm its
2 order and require execution of the original or of a new or
3 modified order, as it shall determine and direct. The persons
4 affected shall be notified of the board's final order, and may
5 appeal therefrom, which appeal may operate as a supersedeas if
6 the court, upon proper cause shown, so orders, and provided the
7 appellants post bond, approved by the court, for the use of the
8 county, with sufficient surety to cover all the expense and cost
9 of executing the board's order.

10 Section 2199.1. Abatement of Public Nuisances by Board of
11 Health or County.--In any case where the persons ordered by the
12 board of health to abate or prevent a public nuisance or
13 anticipated public nuisance refuse or neglect to do so within
14 the time specified in the original or any subsequent order of
15 the board, then, unless the said order shall have been suspended
16 by appeal to the court and proper bond posted, the board may
17 direct its health officer and employes to execute the said
18 order; or if the execution of the said order requires the
19 grading, paving or repaving of private alleys or any similar
20 work upon any property whatsoever within the county or any other
21 work or service that may best be performed or contracted for by
22 the agencies and employes of the county itself, then the board
23 shall certify its order to the board of county commissioners and
24 the board of county commissioners shall thereupon proceed to
25 cause the execution of the order. In any case where the board of
26 health or the board of county commissioners thus abates or
27 prevents or causes the abatement or prevention of a public
28 nuisance, the cost and expense of such work, services and
29 materials shall be charged to the persons affected in their
30 proper proportions; and upon non-payment of such charges, the

1 county may file a lien therefor upon the affected premises in
2 the name of and for the use of the county, as provided by law
3 for municipal claims, in addition to the other remedies
4 available for the collection of debts due the county. The lien
5 shall attach as of the time the work was commenced, which shall
6 be fixed by the certificate of the health officer or of the
7 county engineer filed with the chief clerk of the county
8 commissioners.

9 Section 2199.2. Penalties.--Any person violating any
10 provision of this subdivision or any order of the board of
11 health made under the authority of this subdivision, or of any
12 law or ordinance therein referred to or authorized, or who shall
13 obstruct or interfere with any person in the execution of any
14 order of said board, or wilfully and illegally omit to obey any
15 such order, shall upon conviction thereof in a summary
16 proceeding, be sentenced to pay a fine not exceeding one hundred
17 dollars (\$100) or undergo imprisonment not exceeding ninety
18 days, or both.]

19 Section 83. Sections 2199.6, 2199.7 and 2199.8 of the act
20 are amended to read:

21 Section 2199.6. Expenses.--All expenses incident to the
22 maintenance and operation of any hospital [under the provisions
23 of this subdivision (h)] owned or leased to the county, or
24 otherwise established under section 2199.5, including any lease
25 rentals payable by the county to a municipal authority shall be
26 paid by the county out of county funds.

27 Section 2199.7. Administration of Hospitals.--Any hospitals
28 owned by or leased to the county [under this subdivision (h)]
29 may be operated by and under the authority of the county
30 commissioners of the county in the same manner that other county

1 buildings and institutions are operated or may be subleased to
2 the governing body of any general hospital within the county for
3 operation by such governing body.

4 Section 2199.8. Use of Hospital.--Every hospital owned by or
5 leased to the county [under the provisions of this subdivision
6 (h)] shall be used for the benefit of all inhabitants resident
7 within the county in which the hospital is located, and all such
8 persons shall be entitled to occupance, nursing, care, treatment
9 and maintenance according to the rules and regulations
10 prescribed by the county commissioners. The county commissioners
11 may exclude from the use of the hospital any person who
12 willfully violates any rule or regulation adopted for the
13 hospital by said county commissioners. The county commissioners
14 may charge and collect from persons admitted to the hospital or
15 persons legally responsible for their maintenance, reasonable
16 compensation for the care, treatment and maintenance of such
17 persons.

18 Section 84. Article XXII heading of the act is amended to
19 read:

20 ARTICLE XXII

21 AERONAUTICS AND TRANSPORTATION

22 Section 85. Article XXII of the act is amended by adding a
23 subdivision heading to read:

24 (a) Aeronautics

25 Section 86. Sections 2201, 2202, 2203, 2204, 2205, 2206,
26 2207, 2208 and 2209 of the act are amended to read:

27 Section 2201. Authority to Establish Airports.--Subject to
28 the provisions of [The Aeronautical Code, any county shall have
29 the right and authority to] 74 Pa.C.S. (relating to
30 transportation), a county may establish, construct and provide

1 for [air navigation facilities] airports in accordance with the
2 provisions of this article. For purposes of this article, the
3 term "airports" shall be defined as provided in 74 Pa.C.S. §
4 5102 (relating to definitions).

5 Section 2202. Counties May Hold or Acquire Lands for
6 Aeronautical Purposes.--(a) Any county may use for the purpose
7 of any [air navigation facilities] airport any land within the
8 county and owned by the county when the county commissioners
9 determine such land necessary for such purposes.

10 (b) Any county may appropriate for the purposes of any [air
11 navigation facilities] airport, any lands purchased by it at any
12 tax sale and not redeemed within the period of redemption, if
13 any, provided by law.

14 (c) Any county may acquire by gift, lease, purchase or
15 condemnation proceedings, any land lying within its territorial
16 limits or the territorial limits of any adjoining county which,
17 in the judgment of the county commissioners, may be necessary
18 and desirable for the purpose of establishing and maintaining
19 [air navigation facilities] airports or of enlarging them, but
20 no such land shall be so acquired in any adjoining county
21 without the assent of the county commissioners thereof.

22 Section 2203. Condemnation Proceedings; Title.--(a) The
23 proceedings for the condemnation of lands under the provisions
24 of this article and for the assessment of damages for property
25 taken, injured or destroyed shall be conducted in the same
26 manner as now provided by law for the condemnation of land or
27 buildings for county purposes in the county in which the land is
28 situated.

29 (b) The title acquired by virtue or any such condemnation
30 [shall] may be a title in fee simple or any lesser estate,

1 including an easement for aviation or any other purpose.

2 Section 2204. [Leases for Aeronautical Purposes] Agreements
3 for Airport Facilities.--Any county acquiring land for any
4 [aeronautical] airport purposes may [lease the same or part
5 thereof for an] enter into agreements in the form of a lease,
6 permit, license, concession or otherwise, for the use of all or
7 a part of the land, for adequate consideration, after due public
8 notice to any [individual or corporation] person desiring to use
9 the same for the purposes of taking off or landing an airplane,
10 or for other [aeronautical] aviation purposes, or for any
11 nonaviation purpose, on such terms and subject to such
12 conditions and regulations as may be provided. In counties of
13 the second class A, agreements for nonaviation purposes shall be
14 for terms of less than 50 years and shall only involve land
15 designated in the county's airport master plan as not needed for
16 airport purposes within the term of the lease. Any [such] county
17 may enter into a contract in the form of a lease providing for
18 the use of [said] airport land or any part thereof by the
19 Government of the United States for air mail delivery or other
20 [aeronautical] aviation purposes upon nominal rental or without
21 consideration.

22 Section 2205. Joint Operation; Leasing.--Any county
23 acquiring land for any [aviation] airport purpose may operate
24 and maintain such [air navigation] facilities jointly with any
25 [city, county, borough, town or township] municipal corporation
26 or other political subdivision, upon such terms and conditions
27 as may be agreed upon between the authorities thereof and the
28 county commissioners [of the county], and such joint facilities
29 may be operated and leased, as hereinbefore provided, upon the
30 joint action of the authorities involved and the county

1 commissioners.

2 Section 2206. Engineering and Construction;
3 Appropriations.--Any county acquiring any land for any
4 [aeronautical] airport purposes may, by resolution of the board
5 of commissioners, appropriate such funds as are necessary for
6 the engineering design, surveys and construction of such
7 facilities, either wholly by themselves or in cooperation with
8 State, Federal or other public agencies supplying a portion of
9 the necessary funds for said work.

10 Section 2207. Contracts for Construction and Repairs.--In
11 establishing, maintaining and operating [air navigation] airport
12 facilities where construction and repair of roadways, runways,
13 buildings and facilities, or the purchase thereof, are deemed
14 necessary within or for use within the limits of land acquired
15 for such purpose, there shall be no necessity for submission
16 thereof to [the court of quarter sessions] any court or grand
17 jury of any county, but contracts therefor shall be entered into
18 as provided for [the general business of the county] in Article
19 XVIII, and in the case of joint establishment, operation and
20 maintenance with any other political subdivision, contracts
21 relating thereto shall be entered into as provided for the
22 general business of any of such participating political
23 subdivisions.

24 Section 2208. Validation of Contracts.--Any contracts
25 [heretofore entered into] executed prior to July 28, 1953, in
26 the case of counties of the second class A, and August 9, 1955,
27 for counties of the third through eighth class, for construction
28 and repair of roadways, runways, buildings and facilities or the
29 purchase thereof within or for use within the limits of land
30 acquired for the establishment and operation of airdromes or

1 landing fields, without first having obtained the approval of
2 the court of quarter sessions or grand jury of any county and
3 entered into as provided for the general business of the county
4 or other political subdivisions jointly interested, are hereby
5 ratified, confirmed, approved and declared lawful contracts.

6 Section 2209. Appropriating Money to Assist Political
7 Subdivisions and Municipality Authorities for Airports in
8 certain counties.--The county commissioners of any county may
9 appropriate moneys to assist any [city, borough, town, township]
10 municipal corporation or other political subdivision, or
11 municipality airport authority, within such county or within any
12 adjacent county to acquire, establish, operate and maintain any
13 and all [air navigation] airport facilities.

14 Section 87. The act is amended by adding a section to read:

15 Section 2209.1. Issuance of Revenue Bonds for Airport
16 Facilities in Certain Counties.--(a) In addition to present
17 methods of financing the same, the county commissioners of
18 counties of the second class A may issue revenue bonds, pursuant
19 to provisions of 53 Pa.C.S. Pt. VII Subpt. B (relating to
20 indebtedness and borrowing), to provide sufficient money for and
21 toward the acquisition, construction, reconstruction, extension
22 or improvement of airport facilities, including, but not limited
23 to, airports, terminals, hangars, parking areas and all other
24 facilities either necessary thereto or appropriate therefor,
25 with said bonds to be secured solely by the pledge of the whole
26 or part of the fees, rents, tolls or charges derived from the
27 ownership or operation of the facilities or for the use or
28 service of the same.

29 (b) Airport facilities financed by the issuance of revenue
30 bonds as provided under this section may be leased by the

1 county, in whole or in part, to a lessee or lessees for a period
2 of years equal in time to the period of maturity of the bonds so
3 issued.

4 (c) Included in the cost of the issue may be any costs and
5 expenses incident to constructing and financing the facilities
6 and selling and distributing the bonds.

7 (d) Nothing in this section shall be construed as modifying
8 or restricting the power of any county of the third through
9 eighth class to incur debt for the acquisition, construction,
10 reconstruction, extension or improvement of airport facilities,
11 including, but not limited to, airports, terminals, hangars,
12 parking areas and all other facilities either necessary thereto
13 or appropriate therefor, to the extent such power exists on the
14 effective date of this subsection.

15 Section 88. Article XXII of the act is amended by adding a
16 subdivision to read:

17 (b) Second Class A County Transit
18 and Traffic Commission

19 Section 2250. Creation of County Transit and Traffic
20 Commission.

21 (a) Establishment.--The commissioners of a county of the
22 second class A may establish a county transit and traffic
23 commission under this subdivision.

24 (b) Existing commission.--A county transit and traffic
25 commission existing on the effective date of this section may
26 continue to exist under this subdivision.

27 (c) Composition.--The county transit and traffic commission
28 shall be composed of nine members in accordance with the
29 following:

30 (1) Each of the nine members shall be residents of the

1 county in accordance with the following:

2 (i) Not more than four of the members shall be
3 residents of cities in the county.

4 (ii) Not more than two of the members shall be
5 regular employees of a publicly financed body.

6 (2) Members shall be individuals experienced in at least
7 one of the following:

8 (i) Engineering.

9 (ii) Commerce.

10 (iii) Finance.

11 (iv) Law.

12 (v) Transportation.

13 (vi) Traffic matters.

14 (3) Each member shall be appointed by the county
15 commissioners.

16 (4) If there is an existing board on the effective date
17 of this section which has duties substantially similar to
18 those of the commission established under this section, new
19 members shall be appointed upon the expiration of the terms
20 of the existing members.

21 (d) Terms, quorums and vacancies.--

22 (1) Each member shall serve for a term of six years.

23 (2) Five members shall constitute a quorum.

24 (3) An appointment to fill a vacancy shall be only for
25 the unexpired term of the vacancy.

26 (e) Organization.--The commission members may make rules and
27 regulations for the commission's organization and procedure
28 consistent with the resolutions of the county commissioners and
29 the laws of this Commonwealth.

30 (f) Compensation and expenses.--

1 (1) Members shall serve without compensation.

2 (2) The county commissioners may provide for the
3 following expenses, at the county commissioners' discretion,
4 by resolution and appropriation:

5 (i) Employment of a technical staff or other
6 individuals as necessary.

7 (ii) Necessary expenses of the commission.

8 Section 2251. Duties of county transit and traffic commission.

9 (a) Duties.--The duties of the county transit and traffic
10 commission shall be:

11 (1) To investigate transit, traffic and parking
12 conditions in the county, including the volume and
13 characteristics of the movement of public carriers, such as
14 street railways, trains, buses and other motor vehicles,
15 throughout the county, with a view of determining advisable
16 means for obtaining adequate, rapid and safe transportation.

17 (2) To consider fully the coordination of existing
18 transportation services.

19 (3) To investigate and study safety measures for persons
20 and vehicles on highways, streets and thoroughfares in the
21 county.

22 (4) To advise with officials of political subdivisions
23 in the county about the transit, traffic and parking
24 problems.

25 (b) Report.--All minutes, reports and recommendations made
26 by the commission shall be a matter of public record.

27 Periodically, but not less than once a year, the commission
28 shall file with the county commissioners a report, which shall
29 include the results of investigations made by the commission and
30 any recommendations the commission may have to offer.

1 (c) Referral to commission.--The county commissioners shall
2 refer any plan, proposal or resolution affecting public
3 transportation and the safety of the public on public
4 transportation facilities and on highways, bridges and tunnels
5 in the county to the county transit and traffic commission for
6 consideration and recommendation. The county transit and traffic
7 commission shall report to the county commissioners on the plan,
8 proposal or resolution within a reasonable period of time.

9 (d) County planning commission.--

10 (1) In lieu of the creation of a county transit and
11 traffic commission in the county where a county planning
12 commission has been established, the county commissioners
13 may, by resolution, confer and impose on the county planning
14 commission the additional powers and duties of serving as the
15 county transit and traffic commission, with all the powers
16 and duties conferred by this subdivision upon the county
17 transit and traffic commission. Upon the passage of such
18 resolution by the county commissioners, the terms of office
19 of the existing county transit and traffic commissioners
20 shall terminate and they shall deliver all books, papers,
21 records, furnishings and supplies pertaining to their office
22 to the county planning commission.

23 (2) The passage of the resolution by the county
24 commissioners under paragraph (1) shall not impair nor affect
25 any act done, or right accruing, accrued or acquired, or
26 liability, duty or obligation incurred, prior to the time the
27 resolution takes effect.

28 Section 89. Sections 2301, 2301.1, 2302 and 2302.1 of the
29 act are amended to read:

30 Section 2301. Title to Real Estate Vested in County.--The

1 title to all [court houses, jails, prisons and workhouses,
2 together with the lots of land thereunto belonging or
3 appertaining, and all other] real property acquired [or that may
4 hereafter be acquired] by or for the use of the county, shall be
5 vested in the county for the use of the people thereof and for
6 no other use, except as hereinafter provided.

7 Section 2301.1. Days and Hours of [Court House] Courthouse
8 and Offices.--The [county] commissioners shall determine when
9 the county [court house] courthouse and all county offices
10 located elsewhere shall be open.

11 Section 2302. Exemption from Taxation and Attachment.--[All]
12 Except as provided under section 2306(a.1) or other law, all
13 property of the county, real or personal, shall be exempt from
14 taxation and from levy and sale by virtue of execution or of any
15 other process.

16 Section 2302.1. Payments in Lieu of Taxes.--Where real
17 property of the county is not presently being used for the
18 purposes for which it was acquired, [(as in the case of long-
19 range acquisition programs for parks, dams and the like),] the
20 county may make payments in lieu of taxes for such property to
21 [local governments] political subdivisions in which the property
22 is located.

23 Section 90. Section 2303 of the act is repealed:

24 [Section 2303. Insuring Buildings and Contents.--The county
25 commissioners may provide insurance against fire and extended
26 coverage, against public liability and such other forms of
27 insurance, including insurance against burglary, as shall seem
28 proper to them for county lands, buildings and farms and the
29 contents, real and personal, thereof.]

30 Section 91. Sections 2304, 2305, 2305.1, 2306 and 2306.1 of

1 the act are amended to read:

2 Section 2304. Credit of County Available for Grounds and
3 Buildings.--In the acquisition, construction or alteration[, as
4 the case may be,] of land and buildings for county purposes, the
5 commissioners may issue bonds [of the county to meet the costs
6 thereof, except as any other system of financing shall be
7 expressly provided by law for any particular county buildings.]
8 as provided by law.

9 Section 2305. Acquiring and Using Real Property;

10 Exceptions.--(a) The [county] commissioners may acquire real
11 property by purchase for not more than the fair market value,
12 [take by] gift, devise or [by the power of] eminent domain[, in
13 accordance with the provisions of this act,]. The commissioners
14 may acquire, improve and maintain such real property at the
15 county seat or in such other places as they deem necessary for
16 the purposes of a county courthouse, [county jail, prison,
17 workhouse, detention house or other county building, or in the
18 alteration, including enlargement, of an existing county
19 building.] prison and such other facilities necessary for county
20 purposes. The fair market value of real property in the case of
21 a purchase valued in excess of ten thousand dollars (\$10,000)
22 shall be determined by the [county] commissioners in
23 consultation with two of the following: the county assessor,
24 licensed real estate brokers, or licensed real estate appraisers
25 doing business within the county.

26 (b) The [county] commissioners may also use any real
27 property at the county seat or elsewhere, as authorized by law,
28 owned by the county, and deemed suitable by them for the
29 purposes aforesaid, except such property as is bound by contract
30 to another public use.

1 (c) The [county] commissioners may provide for the grading,
2 filling, draining, gardening and otherwise improving and
3 maintaining of all lands for county buildings, either by
4 contract or by county employes, as they deem proper.

5 (d) To the extent that any of the matters provided for
6 herein are otherwise specifically provided for by law, with
7 regard to any particular acquisitions of real property by
8 counties, either by tax sales or by other purchases, this
9 section shall not apply to such matters.

10 Section 2305.1. Acquiring and Developing Industrial Areas.--

11 (a) The [county] commissioners may purchase, take by gift or
12 devise real property within the county including Federal surplus
13 real property, for the purpose of developing the same for
14 industrial use under a local, regional or county plan and to
15 expend funds to bring utilities within such county industrial
16 area and to develop such area for industrial sites. [The land so
17 purchased may be developed as stated and may be sold only to a
18 local industrial development corporation.]

19 (b) A county may sell, or lease for a term not to exceed
20 ninety-nine years, to any industrial development organization,
21 with or without consideration, any lands, easements or rights in
22 land, together with any improvements, buildings or structures
23 therein or thereon now owned by the county or hereafter acquired
24 by it for the purpose of establishing or enlarging any
25 commercial, industrial or manufacturing enterprise or research
26 and development center within the county. In addition, the
27 following shall apply:

28 (1) The industrial development organization shall be
29 designated in the manner provided by Chapter 23 of the act of
30 June 29, 1996 (P.L.434, No.67), known as the "Job Enhancement

1 Act."

2 (2) The county may make with such industrial development
3 organization any and all agreements for the industrial
4 development of such lands, easements or rights in lands.

5 (3) Any instrument of sale, lease or other agreement made
6 pursuant to this subsection may contain provisions regulating
7 the uses of lands, buildings and structures for trade, industry,
8 manufacture, research, residence, recreation, water supply,
9 public activities or other purposes.

10 Section 2306. Authority to Sell or Lease Real Property.--(a)
11 The [board of] commissioners may sell any estate in real
12 property for not less than the fair market value [or lease,
13 either as lessor or lessee, any real property belonging to the
14 county or to others where the county is lessee]. If the
15 commissioners know or have reason to believe that the property
16 to be sold contains oil, gas, coal, stone, timber or other
17 mineral or forest products of commercial value, such knowledge
18 or belief shall be advertised together with the description of
19 the land in at least [two newspapers, in said county, of general
20 circulation, once a week for three consecutive weeks. The] one
21 newspaper of general circulation in the county. In the case that
22 the fair market value of the real property [in the case of a
23 sale valued] is estimated to be in excess of ten thousand
24 dollars (\$10,000), the fair market value shall be determined by
25 the [county] commissioners in consultation with two of the
26 following: the county assessor, certified broker-appraisers or
27 certified real estate appraisers doing business within the
28 county.

29 (a.1) The commissioners may lease any estate in real
30 property owned by the county or such real property for which the

1 county is the lessee. In the case of any lease of county
2 property hereunder, such property, with any and all improvements
3 or additions thereon or thereto, shall, in the hands of the
4 lessee, be subject to taxation by such county and any other
5 political subdivision therein, in the same manner as other real
6 estate located in the county. Such taxes shall be levied and
7 assessed against and paid by the lessee. [This section shall not
8 apply to leases or sales of county property or other property
9 which are otherwise specifically provided for by law.]

10 (b) The provisions of subsection (a) shall not be mandatory
11 where county real property is to be sold to any of the
12 following:

13 (1) A [city, borough, town, township, institution district,
14 school district] political subdivision, volunteer fire company,
15 volunteer ambulance service or volunteer rescue squad located
16 within the county.

17 (2) A municipal authority pursuant to [the act of May 2,
18 1945 (P.L.382, No.164), known as the "Municipality Authorities
19 Act of 1945."] 53 Pa.C.S. Ch. 56 (relating to municipal
20 authorities).

21 (3) A nonprofit corporation or limited partnership in which
22 a nonprofit corporation is a general partner and managing agent
23 engaged in community industrial, commercial or affordable
24 housing development or reuse for its exclusive use for
25 industrial, commercial or affordable housing development. This
26 exemption shall not apply to property owned and operated by a
27 county or subcontracted or operated on the behalf of a county in
28 order to conduct existing government functions.

29 (4) A person for [his] the exclusive use of the property in
30 an industrial development program.

1 (5) A nonprofit corporation organized as a public library
2 for its exclusive use as a library.

3 (6) A nonprofit medical service corporation for its
4 exclusive use as a site for a medical service facility.

5 (7) A nonprofit housing corporation [for its exclusive use
6 for housing for the elderly or for low-income housing].

7 (8) The Federal Government.

8 (9) The Commonwealth.

9 (10) An authority pursuant to the act of August 23, 1967
10 (P.L.251, No.102), known as the "Economic Development Financing
11 Law."

12 (11) A redevelopment authority pursuant to the act of May
13 24, 1945 (P.L.991, No.385), known as the "Urban Redevelopment
14 Law."

15 (12) A public utility.

16 (13) A nonprofit organization providing community service or
17 development activities.

18 (14) A nonprofit corporation established for the
19 preservation of historical, architectural or aesthetic sites or
20 artifacts.

21 (15) A nonprofit association or nonprofit corporation
22 organized to acquire and maintain real property for the
23 preservation, conservation and stewardship of open space.

24 (16) A council of government, consortium, cooperative or
25 other similar entity created pursuant to 53 Pa.C.S. Ch. 23
26 Subch. A (relating to intergovernmental cooperation).

27 When the real property is to be sold or leased to a qualified
28 entity under this subsection, the [board of] commissioners may
29 elect to accept such nominal consideration for such sale as [it
30 shall deem] the commissioners deem appropriate. Real property

1 sold pursuant to this subsection to any entity under this
2 subsection, other than a city, borough, town, township,
3 institution district, school district, municipal authority
4 pursuant to [the "Municipality Authorities Act of 1945,"] 53
5 Pa.C.S. Ch. 56 located within the county, the Federal Government
6 or the Commonwealth shall be subject to the condition that when
7 the property is not used for the purposes of the entity the
8 property shall revert to the county.

9 (c) This section shall not apply to leases or sales of
10 county property or other property which are otherwise
11 specifically provided for by law.

12 (d) The commissioners shall provide for the transfer of any
13 interest in real property under this section by deed, or by
14 written lease, under the seal of the county, as applicable.

15 Section 2306.1. Authority to Sell Certain Real Property and
16 Personal Property as a Single Unit.--Notwithstanding any other
17 provisions of law, whenever the [county] commissioners [of a
18 county] determine that the continued ownership and operation of
19 an institution for the care of dependents is economically
20 unfeasible, the [county] commissioners may sell the real
21 property belonging to the county and being used for such
22 purposes, together with all of the contents of personal property
23 used in connection with and incidental to the operation of the
24 institution, as a single unit. Any such sale of real property
25 and personal property as a single unit shall be deemed a sale of
26 real property only and need only comply with the provisions of
27 this act relating to the sale of real property.

28 Section 92. Sections 2307, 2308, 2309 and 2310 of the act
29 are repealed:

30 [Section 2307. Conveyance and Lease of Real Estate.--The

1 board of commissioners shall make and acknowledge a deed or
2 lease of any real estate belonging to the county, which they are
3 authorized to sell or lease, under their hands and seals as
4 commissioners with the seal of the county attached and the same
5 shall be a good and lawful conveyance in fee simple or lease.

6 Section 2308. Conveyances to General State Authority.--Any
7 county may grant, assign and convey to the General State
8 Authority, with or without consideration, any lands, easements
9 or rights in lands, together with any improvements, buildings or
10 structures therein or thereon, now owned by such county or
11 hereafter acquired by it, needed or convenient as a site for a
12 county court house, or may lease to the Authority for a term,
13 not exceeding ninety-nine years, at a nominal or such other
14 rental as may be determined, any or all such lands, easements or
15 rights in lands, together with any improvements, structures or
16 buildings therein or thereon.

17 Section 2309. Leasing from General State Authority.--Any
18 county may enter into contracts with the General State Authority
19 to lease as lessee from the Authority, any county court house or
20 any improvement thereto and the furnishings and equipment
21 thereof constructed by the Authority, for a term not exceeding
22 thirty years, at such rental or rentals as may be determined by
23 the Authority. Upon the completion of such county court house or
24 improvements and the furnishings and equipment thereof, the
25 county may lease the same as lessee from the Authority for a
26 term not exceeding thirty years, at such rental or rentals as
27 may be determined by the Authority.

28 Section 2310. Acquisition of Lands for Conveyance to General
29 State Authority.--Any county may acquire lands or interests in
30 lands by purchase, gift or condemnation which may be required to

1 carry out the purposes of the two sections immediately
2 preceding.]

3 Section 93. Sections 2311, 2315, 2316, 2317, 2319, 2325 and
4 2326 of the act are amended to read:

5 Section 2311. Disposing of County Property for Other Uses;
6 Demolition.--[Whenever any new county building is constructed to
7 replace a county building no longer suitable for the purposes of
8 its use, or whenever the county has or acquires, incident to
9 purchase at tax sale or to any other acquisition of land
10 authorized by law, any building, title and interest to which is
11 in the county, and any such replaced or acquired building is
12 deemed no longer suitable or not suitable for use as a county
13 building or for use as an auxiliary to any county building, the
14 county commissioners may devote said replaced or acquired
15 building to such other public use or purpose as shall be found
16 suitable and proper, including a war memorial. They may convey
17 all or a part of the title and interest of the county in such
18 building, with or without the land or a part of the land upon
19 which it is situate, either by sale or by gift, to any public or
20 charitable institutions or to any political subdivisions singly,
21 in common, or jointly, within the county.

22 The county commissioners may remove any such building from
23 one location to another within the county, for the purpose of
24 enabling its use as a county building by virtue of its
25 relocation. The commissioners may cause any such building to be
26 demolished and removed from land of the county, if of no use to
27 the county.] (a) Whenever the commissioners find that an
28 existing county building is no longer suitable for its original
29 purpose, or where the county has acquired or received an
30 interest in real property which the commissioners find is not

1 suitable for the use of the county, the commissioners may do any
2 of the following:

3 (1) Devote the real property to another public purpose.

4 (2) Convey by sale or gift the real property to a public or
5 charitable institution.

6 (3) Convey by sale or gift the real property to a political
7 subdivision within the county.

8 (4) Demolish or relocate the building.

9 (b) For the purposes of this section, the commissioners may
10 convey, on behalf of the county, any interest in real property
11 to one or more parties authorized by this section in single or
12 concurrent ownership.

13 (c) Notwithstanding the provisions of Article XVIII, the
14 county may convey personal property together with an interest in
15 real property for the purposes of this section.

16 (d) Nothing in this section shall supersede the procedures
17 or limitations on the disposition of county property imposed by
18 law.

19 Section 2315. Authority and Procedure for Acquiring,
20 Constructing or Altering County Buildings[; Exceptions].--(a)
21 The [county] commissioners may purchase or take by gift any
22 building at the county seat or elsewhere as authorized by law
23 deemed suitable and proper by them for use as a county building.

24 (b) The [county] commissioners may provide[, in accordance
25 with this section,] for the construction or alteration,
26 including enlargement of [a county court house, county jail,
27 prison, workhouse, detention house and such other county
28 buildings, as may be required or authorized by law. Such
29 construction or alteration shall be done at the county seat or
30 elsewhere as authorized by law.] any county building. Whenever

1 the [county] commissioners undertake any such construction or
2 alteration, they shall cause to be prepared plans and
3 specifications therefor. The [county] commissioners [may secure
4 bids for the contract or contracts involved in the construction
5 or alteration in accordance with this act. Any such contract or
6 contracts shall be made as provided by this act.

7 (c) Except where another procedure is provided by law with
8 regard to such construction or alteration of any particular
9 county building, the provisions of this section shall be
10 followed for all such purposes.] shall secure bids and provide
11 for the formation of contracts necessary for the construction or
12 alteration according to the provisions of this act.

13 Section 2316. Right to Build on Public Squares.--Whenever
14 the [court house, jail] courthouse or other building of the
15 county is located upon a public square or common in the city,
16 borough or town then being the county seat, and a new building
17 is authorized and required to be erected, in place of such
18 [court house, jail] courthouse or other building, the [board of
19 county] commissioners may erect such new building upon any other
20 of the public squares or commons of said city, borough or town,
21 or upon any part thereof.

22 Section 2317. Separate Bids for Plumbing, Heating,
23 Ventilating, Air Conditioning, Electrical Work, Elevators and
24 [Moving Stairs.--] Escalators.--(a) In the preparation of
25 specifications for the erection, construction and alteration of
26 any public building, when the entire cost of such work shall
27 exceed the base amount [of eighteen thousand five hundred
28 dollars (\$18,500), subject to adjustment under section
29 1801(b.1)] established under the provisions of section 1801, the
30 architect, engineer or other person preparing such

1 specifications shall prepare [only] the following separate
2 specifications: (1) plumbing, (2) heating, [(3) ventilating, (4)
3 electrical work, (5) elevators and moving stairs, and (6)]
4 ventilating and air conditioning, (3) electrical work, (4)
5 elevators and escalators, and (5) one complete set of
6 specifications for all [the other work to be done in such
7 erection, construction and alteration. The board of] work not
8 otherwise specified. The commissioners shall receive separate
9 bids upon each of the said branches of work and award the
10 contract for the same to the lowest responsible bidder for each
11 of said branches, including the balance of the work [in addition
12 to the plumbing, heating, ventilating and electrical work, and
13 elevators and moving stairs. Where it is desired to install an
14 air conditioning unit, the heating and ventilating so involved
15 may be regarded as one branch of work having only one set of
16 specifications, and bids may be received and a contract awarded
17 thereon, as hereinbefore provided.] not otherwise specified.

18 (b) Notwithstanding the separate specification provisions of
19 subsection (a), an authority organized under the act of August
20 23, 1967 (P.L.251, No.102), known as the "Economic Development
21 Financing Law," which is engaged to erect, construct or alter a
22 public purpose facility for a county of the second class A may
23 elect to use an alternative contracting procedure as follows:

24 (1) The authority may, in its sole discretion, elect to use
25 an alternative contracting procedure for a project involving
26 selected public purpose facilities. If the authority elects to
27 utilize an alternative contracting procedure, its board shall
28 adopt a resolution that the use of an alternative contracting
29 procedure is the most efficient, economical and timely method to
30 proceed with a project. Upon adoption of a resolution, the

1 authority shall request written proposals from proposers for a
2 project involving selected public purpose facilities under an
3 alternative contracting method. In its request for proposals,
4 the authority shall include such terms, conditions and
5 requirements which it deems necessary to protect the authority
6 and the interests of the public.

7 (2) In reviewing and evaluating the proposals for a project
8 involving selected public purpose facilities, the authority
9 shall, in addition to compliance with the terms, conditions and
10 requirements set forth in the request for proposals, consider
11 the following criteria:

12 (i) The cost of the project.

13 (ii) Experience of the proposer.

14 (iii) Adherence to the act of March 3, 1978 (P.L.6, No.3),
15 known as the "Steel Products Procurement Act."

16 (iv) Adherence to prevailing wage laws and other work force
17 standards.

18 (v) Commitment to enter into voluntary contracts with
19 disadvantaged business enterprises. After due consideration of
20 proposals under the criteria described in this paragraph, the
21 authority may, in its discretion, upon recommendation of its
22 designee or project end user, select a proposal and award a
23 contract to a responsible proposer under an alternative
24 contracting procedure. The award of a contract for the project
25 need not be awarded to the lowest priced proposer.

26 (3) Any contract awarded under this subsection shall be
27 exempt from the act of May 1, 1913 (P.L.155, No.104), referred
28 to as the Separations Act, or from any subsequent enactment or
29 reenactment of substantially similar separate bid specification
30 requirements.

1 (4) As used in this section, the following words and phrases
2 shall have the meanings given to them in this subsection:

3 "Alternative contracting procedure" shall mean a procedure
4 under which a proposer would be responsible for all aspects or
5 phases necessary to achieve the development of a parcel of
6 property. Such aspects or phases of development may include, but
7 not necessarily be limited to, the planning, design, finance,
8 construction and management of property.

9 "Design/build contract" shall mean a construction contract in
10 which the contractor is responsible for both the design and
11 construction of any public structure, building or other public
12 improvement of any kind to any public real property.

13 "Project" or "project involving a selected public purpose
14 facility" shall mean the demolition, modification and
15 construction of a building or group of buildings with related
16 facilities formerly owned by a county and previously used as a
17 jail or office facility.

18 "Project end user" shall mean the governmental body or entity
19 that will use the selected public purpose facility under a
20 contract or lease with the authority.

21 "Proposer" shall mean a firm, organization or company or a
22 combination of firms, organizations or companies acting as a
23 partnership, joint venture, consortium or similar joint
24 relationship with sufficient knowledge, expertise and experience
25 in design/build contracts.

26 Section 2319. Compliance with Workers' Compensation Law.--

27 (a) All contracts executed by the [board of] commissioners,
28 which [shall] involve the construction or doing of any work
29 involving the employment of labor, shall contain a provision
30 that the contractor shall accept, in so far as the work covered

1 by any such contract is concerned, the provisions of the
2 [Workers' Compensation Act and any reenactments, supplements or
3 amendments thereto,] act of June 2, 1915 (P.L.736, No.338),
4 known as the "Workers' Compensation Act," and that the [said]
5 contractor will insure his liability thereunder or file with the
6 [board of] commissioners a certificate of exemption from
7 insurance from the Department of Labor and Industry of the
8 Commonwealth.

9 (b) The [board of] commissioners, before signing on behalf
10 of the county any contract requiring in its performance the
11 employment of labor, shall require proof that the said
12 contractor with whom the contract is made shall have accepted
13 the Workers' Compensation Act and any reenactments, supplements
14 or amendments thereto, and proof that the [said contractor has
15 insured his liability thereunder in accordance with the terms of
16 said act or that the contractor has had issued to him a
17 certificate of exemption from insurance from the Department of
18 Labor and Industry.] contractor has complied with the provisions
19 of subsection (a).

20 (c) Any contract executed in violation of the provisions of
21 this section shall be null and void.

22 Section 2325. Buildings and Grounds to be Kept in Order and
23 Repair.--[The board of] Except as otherwise provided by law, the
24 commissioners shall keep and maintain the public buildings of
25 the county in suitable and convenient order and repair and shall
26 keep the grounds about county buildings in proper condition and
27 appearance. [The provisions of this subdivision shall not apply
28 to particular county buildings which are otherwise expressly
29 provided for by law.]

30 Section 2326. [Watchman and Employes.--The board of]

1 Security and Grounds Employees.--(a) The commissioners may
2 appoint one or more security officers [or watchmen] to guard and
3 protect the county buildings and to enforce the provisions of
4 this act and other [laws relating thereto. Such officers or
5 watchmen] related laws. The officers shall have power to arrest
6 on view any person violating the same.

7 [The board of commissioners shall employ all janitors,
8 firemen, engineers, mechanics, laborers and caretakers of all
9 county buildings and grounds.]

10 (b) The commissioners may employ such persons as may be
11 necessary to provide for maintenance and repair of all county
12 buildings and grounds.

13 Section 94. Section 2329 of the act is repealed:

14 [Section 2329. Disorderly Conduct in and About Court Houses
15 and Jails Prohibited.--It is unlawful for any person to cause
16 any outcry or disorder, or be guilty of any indecent or
17 unbecoming conduct tending to disturb the peace and good order
18 in the county court house, jail, or other county buildings, or
19 to willfully or carelessly defile, deface or injure the floors,
20 walls or any other portion of said buildings, or fences, or
21 railings surrounding the same, or the carpets, furniture, or
22 other articles or things used in or about said buildings,
23 belonging to the county. Any person violating any of the
24 provisions of this section commits a summary offense and shall
25 make restitution for damages arising therefrom.]

26 Section 95. Sections 2337 and 2339 of the act are amended to
27 read:

28 Section 2337. Room or Building for Juvenile Offenders
29 Waiting Trial.--The [board of] commissioners of each county of
30 the third through eighth class shall provide, furnish and heat,

1 within the county, a separate room or rooms, or a suitable
2 building, to be used exclusively for the confinement of any and
3 all [children under the age of sixteen years,] alleged or
4 adjudicated delinquent children or dependent children as defined
5 in 42 Pa.C.S. § 6302 (relating to definitions) who may be in
6 custody awaiting trial or hearing in the courts of the county,
7 and provide for the maintenance and care of such children while
8 in custody.

9 Section 2339. Furnishing Rooms for Meetings of Veterans [of
10 Certain Wars] and Other Organizations.--The [Board of
11 Commissioners] commissioners may, in their discretion, upon
12 application therefor, furnish [to each organization composed of
13 veterans of any foreign war, sons of veterans and to ladies'
14 auxiliaries of each such organization and to the American Gold
15 Star Mothers, Inc., a room or rooms in any public building of
16 such county, sufficient for the meeting of each of such
17 organizations at least once each month.] meeting accommodations
18 to any veterans, veterans auxiliary or other civic organization.

19 Section 96. Article XXIII of the act is amended by adding a
20 subdivision to read:

21 (e.1) Special Provisions for Temporary County Buildings
22 and for Rooms in County Buildings in Counties of the
23 Second Class A

24 Section 2339.1. Scope.

25 This subdivision shall apply to counties of the second class
26 A.

27 Section 2339.2. Room or building for juvenile offenders waiting
28 trial.

29 The commissioners shall provide, furnish and heat within the
30 county a separate room or rooms or a suitable building to be

1 used exclusively for the confinement of alleged or adjudicated
2 delinquent children or dependent children as defined in 42
3 Pa.C.S. § 6302 (relating to definitions) who are in custody
4 awaiting trial or hearing in the courts of the county and
5 provide for the maintenance and care of the children while in
6 custody.

7 Section 2339.3. Management of houses for detention of juveniles
8 and appointment of board and ex officio members.

9 The management of houses for the detention and reception of
10 juveniles awaiting trial, hearing or judicial investigation
11 under the laws of this Commonwealth shall be in a board of
12 managers consisting of three county commissioners, the county
13 controller and six private citizens, three to be appointed by
14 the president judge of the court of common pleas and three to be
15 appointed by the chairperson of the board of county
16 commissioners. The commissioners and the controller may appoint
17 persons to act as their designees for the purpose of attending
18 meetings of the board, and the designees shall have the right to
19 vote at the meetings. The private citizen members of the board
20 shall not be officers or employees of the county. The members of
21 the board or boards of managers existing in the county shall
22 remain as members of the board or boards of managers created in
23 this subdivision until the expiration of the terms to which they
24 were respectively appointed. Annually thereafter, the members or
25 their successors shall be appointed for a term of three years.
26 Vacancies occurring in the membership of the board shall be
27 filled for the unexpired term by the chairperson of the board of
28 county commissioners or the president judge of the court of
29 common pleas, depending upon who originally appointed the board
30 member. The members of the board shall serve without

1 compensation.

2 Section 2339.4. Appointment and compensation of employees.

3 The board of managers may appoint a superintendent and
4 additional staff members as may be necessary, whose salaries
5 shall be paid by the county. The number and compensation of the
6 employees shall be fixed by the salary board of the county.

7 Section 2339.5. Annual report and expenses.

8 The board of managers shall annually report to the county
9 commissioners, on or before the first day of November, the
10 amount of money required for the maintenance of the house or
11 houses of detention. The county commissioners shall make an
12 annual appropriation to the board of managers for the payment of
13 the expenses of administering the house or houses of detention.
14 Expenses incurred in the performance of duties by the board of
15 managers shall be itemized and presented with vouchers to the
16 county commissioners for payment, and a semiannual expense
17 report shall be made to the county commissioners. All expenses
18 in connection with the management and administration of the
19 house of detention shall be paid by the county in the manner
20 provided by law for the payment of county obligations.

21 Section 2339.6. Appropriation and bond issues.

22 The county commissioners shall have power and authority, for
23 the purpose of housing juveniles, to appropriate money from the
24 public funds or to issue bonds in the manner provided by law for
25 the purchase of lands or erecting, constructing and equipping a
26 building or buildings.

27 Section 97. Sections 2345 and 2346, subdivision (g) heading
28 of Article XXIII and sections 2350, 2355 and 2356 of the act are
29 amended to read:

30 Section 2345. Joining with Municipalities in Improving

1 Certain Streets and Highways.--(a) The [board of] commissioners
2 [of counties now erecting or which may hereafter erect public
3 buildings in any municipality] may join with the [proper
4 authorities of such municipality] governing body of a municipal
5 corporation in the grading, regrading, paving, repaving and
6 improvement of so much of the streets and highways as are in,
7 upon or alongside of the grounds [upon which said public
8 buildings stand] of a county building.

9 (b) The commissioners may enter into contract with [any such
10 municipalities for the payment of a just proportion of the
11 expense of said] a municipality to pay a fair proportion of the
12 expense of grading, regrading, paving, repaving and improvement
13 of said streets and highways, and may appropriate from the
14 county treasury sufficient funds for this purpose. They may act
15 with any committee or committees [which may be] appointed by
16 [such] municipalities to establish grades, determine the kind
17 and quality of paving materials to be used, and ratify the
18 contracts entered into by said municipalities in the course of
19 said improvements.

20 (c) [No obligation shall rest upon the county for any
21 proportion of the expenses of such improvements until the
22 selection of grades and paving materials and the acceptance of
23 bids by said municipalities shall have been ratified by the
24 board of commissioners.] The selection of grades, paving
25 materials and proportion of expenses to be paid by the county
26 shall be specified by any contract formulated under this
27 section.

28 Section 2346. Ornamental Illumination.--(a) [Whenever the
29 court house, jail, workhouse or other public building of a
30 county abuts upon the street of a city or borough which is the

1 county seat and which shall provide for the ornamental
2 illumination of that section of the street whereon the county
3 building abuts, the county commissioners of such county may
4 appropriate moneys from the county funds towards the
5 installation of such ornamental illumination.] The commissioners
6 may appropriate funds to support the installation, maintenance
7 or repair of ornamental illumination of any section of a street
8 that abuts the courthouse or other county building in the county
9 seat.

10 (b) The appropriation by the county commissioners of a
11 county for such purpose shall not exceed the amount that shall
12 be assessed for such ornamental illumination upon owners of an
13 equivalent frontage of property abutting upon said street,
14 measured by the foot front rule.

15 (g) [Comfort Stations] Public Accommodations
16 Section 2350. Appropriations for [Comfort Stations] Public
17 Accommodations.--(a) The [board of county] commissioners may
18 appropriate [moneys] money to assist any municipality to
19 construct and maintain [comfort stations within the boundaries
20 of the county] public restrooms and related facilities.

21 (b) The [county commissioners, in cooperation with the
22 municipal authorities of the municipality wherein the court
23 house lies,] commissioners may provide, [and] or cooperate with
24 a municipality or municipal authority, to equip and maintain in
25 the [court house] courthouse rest or waiting rooms for the
26 public[, and provide attendants therefor. The cost of providing
27 such rooms and of maintaining the same, including salaries, and
28 all incidental expenses, shall be paid by the county and by the
29 municipality, as they shall agree, for all which purposes the
30 county commissioners and said authorities may, respectively,

1 appropriate moneys].

2 (c) Any part of any ground acquired by any county for the
3 purposes of a [court house, jail or workhouse] courthouse or
4 other county building or facility may be leased by such county
5 to any municipality being the county seat of such county, for
6 the purpose of the construction thereon of a public comfort
7 station by such municipality.

8 Section 2355. Monuments [and], Memorials and Memorial Halls
9 to War Veterans.--The [board of] commissioners may appropriate
10 money for, and provide for, the erection of monuments [or],
11 memorials or memorial halls, commemorating or honoring the
12 services of any person who has served in the armed forces of the
13 United States or in any [women's] auxiliary organization
14 officially connected [therewith during any part of any war in
15 which the United States has been or may hereafter be engaged.]
16 with a division of the armed forces of the United States.

17 Section 2356. Assistance to Private or Municipal Agencies.--
18 The [board of] commissioners may[, in order to prevent
19 duplication,] appropriate money to assist any individual,
20 private corporation[, city, borough, town or township,] or
21 municipal corporation in the erection of any monument [or
22 memorial for said soldiers, sailors and marines], memorial or
23 memorial hall authorized under section 2355.

24 Section 98. Sections 2357 and 2358 of the act are repealed:

25 [Section 2357. Erection or Completion of Monuments and
26 Memorials on Petition to Court.--Upon the petition of at least
27 fifty citizens of the county, to the court of quarter sessions,
28 for the erection or completion and maintenance at the county
29 seat of a memorial, monument, or memorial hall in honor of the
30 soldiers, sailors or marines of such county who served in any

1 war in which the United States has been or may hereafter be
2 engaged, the court may lay the same before the grand jury. If
3 approved by two successive grand juries and the court, and, in
4 the case of a memorial hall by the electors of the county, the
5 board of commissioners may erect such memorial, monument, or
6 memorial hall, or complete any of them partly erected but not
7 completed, and maintain at the county seat a suitable monument
8 or memorial in honor of said soldiers, sailors and marines.

9 Section 2358. Election on Memorial Hall Purchase or
10 Condemnation of Site.--(a) When the petition provided for in
11 the preceding section has been approved by two successive grand
12 juries and the court of quarter sessions, the board of
13 commissioners shall submit the question of the erection of a
14 memorial hall to the electors of the county, at the next
15 election, and, if a majority of the votes cast on the question
16 of the erection of a memorial hall shall be in favor of the
17 same, the board of commissioners shall erect, at the county
18 seat, a memorial hall and, acquire, by purchase, donation, or by
19 condemnation, under the right of eminent domain the necessary
20 site and erect and maintain thereon a suitable and proper
21 memorial hall or building, in memory of the soldiers, sailors
22 and marines of any such wars.

23 (b) In case said election shall result adversely, and a
24 second petition shall be presented, the same shall be laid
25 before two successive grand juries, and, if approved, then, it
26 shall be the duty of the county commissioners to again in like
27 manner submit the question to vote, at the next general or
28 municipal election, and, if the result shall be favorable, then
29 it shall be the duty of the county commissioners to erect such
30 hall, at such place in the county as shall have been designated

1 upon the ballot or ballot label in the question submitted to the
2 electors.

3 (c) All proceedings for the condemnation of any property
4 under the provisions of this section shall be in the manner and
5 subject to the restrictions and procedure provided in this act.]

6 Section 99. Sections 2359, 2360 and 2361 of the act are
7 amended to read:

8 Section 2359. Existing Building May Be Used.--[If any such
9 site has a hall or building already erected thereon,] The
10 commissioners may acquire by any lawful means, any real property
11 which can be altered and improved so as to be made suitable for
12 [such] a memorial hall[, the board of commissioners may acquire
13 such site, in the manner aforesaid, for the purpose of a
14 memorial hall].

15 Section 2360. Donations.--For the purpose of aiding in
16 [paying the purchase money and price for the site,] the
17 acquisition of real property and erection and construction of
18 [such] a memorial hall, voluntary donations and contributions
19 may be accepted by the [board of] commissioners from
20 individuals, associations and organizations.

21 Section 2361. Maintenance of Hall.--[Such] Any county
22 memorial hall shall be and remain the property of and shall be
23 maintained at the expense of the county.

24 Section 100. Section 2362 of the act is repealed:

25 [Section 2362. Plan of Hall; Special Rooms to be Provided.--

26 (a) Such memorial hall shall be in honor of the soldiers,
27 sailors and marines from said county, who served in the Army and
28 Navy of the United States in any war in which the United States
29 has been or may hereafter be engaged. Such memorial halls shall
30 each contain one large assembly room, or auditorium for public

1 meetings of the soldiers, sailors and marines of such county,
2 which may be used also for other public meetings and patriotic
3 gatherings by the consent of the board of control herein
4 provided for.

5 (b) Such memorial hall shall also contain rooms for meetings
6 of organizations of veterans of all wars in which the United
7 States has or may be engaged, and also rooms for meetings of
8 ladies' auxiliaries of posts, encampments, camps and
9 organizations for which rooms for meetings may be contained in
10 the memorial hall, and also rooms for such committees of public
11 defense and welfare as may be created by the Commonwealth, or as
12 may be approved by the board of control hereinafter provided
13 for.

14 (c) Such memorial halls shall also provide room for the
15 display and preservation of relics and trophies of all wars in
16 which the United States has been or may be engaged, photographs,
17 paintings and portraits, busts and statues of the soldiers,
18 sailors and marines of the said counties, and mural tablets upon
19 which shall be inscribed the names of such soldiers, sailors and
20 marines. Such memorial halls shall also contain waiting and rest
21 rooms with lavatories attached.]

22 Section 101. Sections 2363, 2364, 2365, 2366, 2367, 2368,
23 2369 and 2374 of the act are amended to read:

24 Section 2363. Board of Control.--[(a) A board of control is
25 hereby created, which shall have charge of all matters relating
26 to such memorial hall and shall have the care thereof. The board
27 shall be composed of one member chosen by members of the
28 Veterans of Foreign Wars, one member chosen by members of the
29 American Legion, one member chosen by the American War Veterans
30 of World War II (AMVETS), one member chosen by the Italian

1 American War Veterans of the United States, Incorporated, one
2 member chosen by the Disabled American Veterans, and one member
3 chosen by the Military Order of the Purple Heart. The judges of
4 the court of common pleas and the board of commissioners shall
5 be ex-officio members of the board of control. The selected
6 members of the board shall serve one year, when their successors
7 shall be selected. Vacancies occurring shall be filled by the
8 board for the unexpired term of the member whose death,
9 resignation or removal caused the vacancy.

10 (b) This section shall not apply to any county in which
11 there has been created by existing law a similar board of
12 control, and any references to the board of control in this
13 subdivision shall be inapplicable in so far as they are
14 inconsistent with the provisions of such law.] (a) In any
15 county where the commissioners have established a memorial hall,
16 the commissioners shall establish a board of control of the
17 memorial hall, and establish the powers and duties of that board
18 to provide for the operation and maintenance of the memorial
19 hall. The commissioners shall provide for the members of the
20 board of control to be selected by the veterans organizations
21 which operate in, and have been recognized by, the county.

22 (b) Any board of control established prior to the effective
23 date of this section shall persist according to the provisions
24 of law that applied at the time that the board was established
25 until such time as the commissioners take an action under
26 subsection (a).

27 Section 2364. Flagstaff to be Erected; Display of Flag.--A
28 [suitable] flagstaff shall be erected upon [said] any county
29 memorial hall, from which [shall be displayed] the flag of the
30 United States shall be displayed from sunrise to sunset on each

1 and every day of the year.

2 Section 2365. Acquisition of Additional Land; Equipment,
3 Furnishings, Etc.--In any county in which there [has been or may
4 hereafter be erected] is a memorial hall in honor of the
5 soldiers, sailors or marines from such county, [who served in
6 any war in which the United States has been or may be hereafter
7 engaged, upon petition of at least fifty citizens to the court
8 of quarter sessions, setting forth that it is necessary or
9 desirable to] the commissioners may acquire additional land
10 adjoining [that upon which said] the memorial hall [is erected,]
11 to enhance and preserve the beauty and character of [said] the
12 memorial hall[, and the object had in its erection, or that it
13 is necessary or desirable to] or equip, furnish, decorate and
14 make additions to [said] the memorial hall, or both. [, the court
15 shall lay said petition before the grand jury then or next
16 sitting for their approval. If said petition shall be approved
17 by said grand jury, it shall be certified back to the court. If
18 no exceptions thereto are filed within ten days from the date
19 upon which said petition was certified back to the court, or if
20 exceptions are filed and are dismissed, the court shall confirm
21 said petition absolutely, and thereupon the court may make an
22 order authorizing the board of commissioners to acquire, by
23 purchase, gift or condemnation, such additional land, or to
24 equip, furnish, decorate and make additions to said memorial
25 hall, or both.]

26 Section 2366. Tax Levy; Increase or Indebtedness.--The
27 [board of] commissioners may provide the funds with which to pay
28 for the ground purchased or condemned, and the erection thereon
29 of a memorial hall, or the acquiring of additional land, or for
30 the enlarging, equipping, furnishing and decorating of said

1 memorial hall, by the levying and collecting of a tax upon the
2 taxable persons and property within said county, and by
3 increasing the indebtedness of said county according to [law and
4 by issuing and selling bonds] the provisions of 53 Pa.C.S. Pt.
5 VII Subpt. B (relating to indebtedness and borrowing).

6 Section 2367. Preservation, Maintenance, Repair and
7 Completion of Public Monuments.--The [board of] commissioners
8 may preserve, maintain and repair any public monument or
9 memorial hall in the county, other than in cemeteries, including
10 the enclosed public ground surrounding the monument, and
11 appropriate moneys for such purposes. In any case where any
12 public monument referred to in this section has been partially
13 completed, either in construction or payment, the [board of]
14 commissioners may appropriate money for the purpose of such
15 completion.

16 Section 2368. Acquiring of Property.--[(a)] Counties shall
17 have power to [take, by gift, purchase, by the issuance of bonds
18 or otherwise, or acquire through condemnation proceedings,
19 property] acquire property according to the provisions of this
20 article for the purpose of erecting [thereon] public
21 auditoriums, public libraries, public memorial buildings and
22 monuments.

23 [All proceedings for the condemnation of any property, under
24 the provisions of this section, shall be in the manner and
25 subject to the restrictions and procedure provided by law.

26 (b) Counties may appropriate money from the public funds or
27 by issuance of bonds for the erection on said property taken,
28 purchased or acquired through condemnation proceedings, public
29 auditoriums, public libraries, public memorial buildings and
30 monuments. They may appropriate moneys for the operation and

1 maintenance of such public auditoriums, public libraries,
2 memorial buildings and monuments.]

3 Section 2369. Rental of Auditoriums.--[Counties, in case of
4 public auditoriums, may charge a rental for the use of said
5 auditoriums. All moneys] Any revenue derived from rental of
6 [said] a public auditorium shall first be devoted to the
7 maintenance of [said] the auditorium, and any remaining annual
8 balance accruing therefrom shall be [turned over to the county
9 funds for the general uses and purposes of said] deposited in
10 the general fund of the county.

11 Section 2374. Donations to Orphans' or Childrens' Homes.--
12 The [board of] commissioners may receive[, from time to time,
13 donations, gifts, legacies, endowments, devises, and conveyance
14 or conveyances of property,] real or personal property, that may
15 be given or granted to the county by any lawful means for the
16 use and purpose of providing a home within the county for the
17 keeping and care of indigent orphans and children dependent upon
18 the public of such county for support.

19 Section 102. Sections 2378, 2379, 2380, 2381, 2382, 2383,
20 2384 and 2385 of the act are repealed:

21 [Section 2378. Contagious Disease Hospitals or Units.--(a)
22 Whenever in the opinion of the board of commissioners of any
23 county or the boards of commissioners of two or more counties, a
24 hospital for the care and treatment of contagious diseases
25 appears to be necessary or advisable, the board of commissioners
26 of the county or the boards of commissioners of two or more
27 counties jointly may, either erect, construct, equip and
28 maintain such a hospital on the grounds of the county
29 institution district of any of the counties adjoining, or may
30 purchase a suitable site for such purpose in some other

1 locality.

2 (b) In lieu of erecting and constructing a separate
3 contagious disease hospital, the board of commissioners of a
4 county or the boards of commissioners of two or more counties
5 jointly may enter into an agreement with a general non-sectarian
6 nonprofit hospital or hospitals within the county or within any
7 of such counties or any adjoining county, and may appropriate
8 county moneys to such hospital or hospitals for the erection,
9 construction and equipment of a building or wing or unit for the
10 care, isolation and treatment of contagious disease cases. In
11 any such contagious disease hospital, or building, wing or unit,
12 provisions shall be made for the care and treatment of indigent
13 persons and of persons who are able to pay for their care and
14 treatment in whole or in part.

15 (c) The county commissioners may in like manner join in
16 establishing, maintaining, equipping and operating a contagious
17 disease hospital with any municipality within the county.

18 Section 2379. Plans and Specifications; Approval;
19 Construction.--Plans and specifications for any county or joint
20 county hospital, or building, wing or unit at a general
21 hospital, shall be prepared by the board or boards of
22 commissioners or at their instance, or by the general hospital
23 with which an agreement has been made, as the case may be, which
24 plans and specifications must be submitted to the Secretary of
25 Health of the Commonwealth. The cost of the preparation of such
26 plans shall be paid by the county or counties so joining. Upon
27 the approval of said plans and specifications by the Secretary
28 of Health of the Commonwealth, any county or joint county
29 contagious disease hospital may be constructed and equipped in
30 the same manner that any other county buildings are constructed

1 and equipped, and in the case of a building, wing or unit at a
2 general hospital, the same shall be constructed and equipped by
3 the authorities in charge of the general hospital as may be
4 provided in the agreement with the county or counties joining.
5 In either event, the expense and cost of such erection,
6 construction and equipment, and the cost of the site, if any,
7 shall be paid by the board or boards of commissioners out of
8 county funds.

9 Section 2380. County Agreements for Joint Contagious Disease
10 Hospitals, Buildings, Wings and Units.--Whenever the county
11 commissioners of two or more counties or the county
12 commissioners and the corporate authorities of any
13 municipalities within the county decide that a hospital or a
14 building, wing or unit at a general hospital for the care and
15 treatment of contagious diseases is necessary, they shall enter
16 into an agreement for such purposes and therein provide how and
17 in what proportions each county shall bear the expenses incident
18 to the construction, operation and maintenance of the joint
19 hospital, building, wing or unit for contagious diseases.

20 Section 2381. County Hospital for Tuberculosis.--Whenever a
21 number of citizens residents of a county, equal to the number of
22 votes cast at the last municipal election, shall petition the
23 county commissioners for the establishment of a county hospital
24 for the treatment of persons afflicted with tuberculosis, the
25 county commissioners shall, at the next municipal election,
26 submit to the voters of the county the question whether or not
27 the county shall establish such a hospital. Such question shall
28 be submitted, and the vote on such question shall be counted,
29 returned and computed in the manner prescribed by the
30 Pennsylvania Election Code.

1 Section 2382. Power to Acquire Site.--If a majority of the
2 electors voting upon such question at such election shall vote
3 in favor of the establishment of such a hospital, the county
4 commissioners shall acquire a site for such hospital, either by
5 purchase, gift or condemnation. In case such site shall be
6 acquired by condemnation, the procedure for the assessment of
7 damages for the property taken shall be as prescribed by law.

8 Section 2383. Site and Plans Approval.--If a majority of the
9 electors voting upon such question at such election shall be in
10 favor of the establishment of the hospital, the county
11 commissioners shall, after consultation with the advisory board
12 created by the provisions of this act, select a site for such
13 hospital and shall have plans and specifications prepared for
14 such hospital, but no such hospital shall be erected until such
15 plans and specifications, and the site therefor, have been first
16 approved by the Secretary of Health.

17 Section 2384. Construction and Equipment.--Any such hospital
18 shall be constructed by contract or contracts let by the county
19 commissioners to the lowest responsible and best bidder, in
20 accordance with the provisions of this act, and when so
21 constructed, the hospital shall be equipped by the county
22 commissioners at the cost of the county in the same manner as
23 other county buildings are equipped.

24 Section 2385. Increase of Indebtedness.--The county
25 commissioners of every county establishing a hospital for
26 tuberculosis, as provided for in this act, may incur or increase
27 the indebtedness of the county, in accordance with the Municipal
28 Borrowing Law, to an amount sufficient to pay the cost of
29 acquiring a site and of erecting, constructing and equipping the
30 said hospital. The county commissioners shall levy an annual tax

1 in an amount necessary to pay interest and sinking fund charges
2 upon such bonds.]

3 Section 103. Section 2390 of the act is amended to read:

4 Section 2390. Authority to Provide; Approval.--The county
5 commissioners of each county may buy or lease land and construct
6 and maintain thereon, at the expense of the county, a morgue for
7 the reception [and care of the bodies of all unclaimed deceased
8 persons upon whom it may be necessary to hold a coroner's
9 inquest and such other bodies as the coroner of the county may,
10 by written order, direct to be received therein. The location of
11 such morgue shall be determined by the county commissioners,
12 subject to the approval of the coroner of the county.] of all
13 deceased persons under the care and custody of the coroner.

14 Section 104. Sections 2391, 2392, 2393 and 2396 of the act
15 are repealed:

16 [Section 2391. Rules and Regulations; Employes.--The coroner
17 of each county having a morgue shall make general rules and
18 regulations for its government and control, and shall appoint
19 suitable persons not exceeding three in number to have charge of
20 the same. The number and salary of such employes shall be fixed
21 by the salary board.

22 Section 2392. Ambulance.--The county commissioners may
23 purchase and maintain an ambulance or other proper vehicle for
24 the removal of bodies to and from said morgue, and for the
25 burial of unknown, unclaimed bodies, and the costs thereof shall
26 be paid from the funds of the county.

27 Section 2393. Private Morgues.--Where no county morgue is
28 maintained, the coroner may remove bodies coming within his
29 jurisdiction to a private morgue within the county, the cost
30 thereof to be paid from the funds of the county according to

1 rates established by the salary board thereof.

2 Section 2396. Land and Buildings for Garbage and Refuse
3 Disposal.--Any county may acquire by gift, lease, purchase by
4 current revenues, borrowing or incurring indebtedness, or
5 eminent domain, real property within said county for the purpose
6 of erecting thereon garbage and refuse disposal facilities, and
7 shall have power to erect and maintain suitable buildings for
8 such facilities and for incinerating furnaces to be operated by
9 the county, as provided in Article XIX of this act. In every
10 case of taking private property by eminent domain, the county
11 shall acquire the entire title, either in fee or otherwise, held
12 by the owner or owners of the property or of any interest
13 therein.]

14 Section 104.1. The definitions of "county" in sections
15 2399.3 and 2399.53 of the act are amended to read:

16 Section 2399.3. Definitions.--The following words and
17 phrases when used in this subdivision shall have the meanings
18 given to them in this section unless the context clearly
19 indicates otherwise or unless there is a specific definition in
20 another section:

21 * * *

22 "County" shall mean a county of the third class[.] or a
23 county which was a county of the third class at the time the
24 county took action to create an authority under this
25 subdivision.

26 * * *

27 Section 2399.53. Definitions.--The following words and
28 phrases when used in this subdivision shall have the meanings
29 given to them in this section unless the context clearly
30 indicates otherwise or unless there is a specific definition in

1 another section:

2 * * *

3 "County" shall mean a county of the third class[.] or a
4 county which was a county of the third class at the time the
5 county took action to create an authority under this
6 subdivision.

7 * * *

8 Section 105. Article XXIV of the act is repealed:

9 [ARTICLE XXIV

10 EMINENT DOMAIN AND INJURY TO PROPERTY

11 Section 2401. Eminent Domain; County May Enter Upon Land;
12 Etc.--In all cases where the power of eminent domain is
13 conferred upon the county by law, the county may enter upon,
14 appropriate, take, injure or destroy private lands, property or
15 material.

16 Section 2402. Certain Property Not to be Taken by Eminent
17 Domain.--The power conferred by this article shall not be
18 exercised to enter upon, appropriate, take, injure or destroy
19 any church property, graveyard or cemetery, and the right-of-way
20 of a railroad company shall not be acquired or occupied without
21 the consent of the company owning or operating or in possession
22 of said railroad.

23 Section 2403. Right to Entry to Make Preliminary Surveys.--
24 For the purpose of making all necessary preliminary surveys in
25 order to prepare plans and estimates, the board of commissioners
26 and the persons by them employed for such purposes may enter
27 upon private or public property and designate, by proper marks
28 upon the ground, the line of any improvement proposed to be made
29 and constructed under and for the purposes herein authorized.

30 Section 2404. Right of Damages.--The right to damages

1 against counties is hereby given to all owners or tenants of
2 lands, property or material appropriated, injured or destroyed
3 by the county in cases where the right of eminent domain has
4 been exercised, and to all owners or tenants of lands, property
5 or material abutting on or through which pass roads or highways
6 injured by the laying out, opening, widening, vacating,
7 extending or grading of such roads or highways or the changing
8 of the grades or lines thereof, the construction and the
9 vacation of bridges, piers and abutments and approaches
10 therefor, and the construction of sewers over, upon or through
11 such lands or property.

12 Section 2405. Agreement of Damages.--The county
13 commissioners may agree with the owner as to the amount of
14 damages occasioned to any person for property taken, injured or
15 destroyed. Such damages shall be payable by the county out of
16 the general county fund or other funds provided for that
17 purpose.

18 Section 2406. County to Furnish Bond When Immediate
19 Possession Is Desired; Notice.--(a) Whenever the board of
20 commissioners or the board of commissioners in conjunction and
21 acting with the corporate authorities of any city, borough, town
22 or township have selected any land, property or material to be
23 appropriated, injured or destroyed by the right of eminent
24 domain and desire immediate possession thereof, and are unable
25 to agree with the owner or owners upon the amount of damages due
26 them for such appropriation, injury or destruction, or by reason
27 of the absence or legal incapacity of such owner or owners no
28 such agreement can be made, they shall tender a bond to the said
29 owner or owners, or to the attorney or agent of any absent
30 owner, or to the guardian or committee of any one under legal

1 incapacity, in sufficient sum to secure him or them for damages.
2 Upon acceptance of said bond by the owner or owners of said
3 land, property or material, the county shall have the right to
4 immediate possession thereof.

5 (b) In case there is no acceptance of said bond by the owner
6 or owners, the board of commissioners, after written notice
7 thereof has first been given to said owner or owners, his or
8 their agent, attorney, guardian or committee, shall file the
9 same in the court of common pleas or with any judge thereof, and
10 upon approval thereof by said court or judge, the county shall
11 have the right to immediate possession of said land, property
12 and material.

13 Section 2407. Writ of Habere Facias Possessionem to Issue.--
14 If the owner, lessee or occupier shall refuse to remove his
15 personal property therefrom or give up possession thereof, the
16 petitioner in the proceedings may serve written notice upon such
17 owner, lessee or his agent or the occupier to remove his
18 personal property therefrom and give up possession of said
19 lands, property or materials within thirty days from the date of
20 the service of said notice.

21 If the owner, lessee or occupier of said lands, property or
22 material shall refuse or neglect to remove his personal property
23 therefrom and give possession thereof, upon proof of the service
24 of such notice being filed in the office of the prothonotary for
25 the county in which said lands, buildings or other property is
26 located, a writ of habere facias possessionem shall forthwith
27 issue, directing the sheriff to give to the party entitled
28 thereto possession, as is provided by existing laws.

29 Section 2408. Appointment of Viewers.--(a) In case the
30 board of commissioners or a majority of them and the parties

1 interested in the land, property or material appropriated,
2 injured or destroyed by the county fail to agree upon the
3 compensation to be made for the land, property or material so
4 taken, injured or destroyed, upon petition of such commissioners
5 or a majority of them or any person or parties interested and
6 whose land, property or material is affected thereby to the
7 court of common pleas of said county, the said court shall
8 appoint three viewers from the county board of viewers, and
9 appoint a time, not less than twenty nor more than thirty days
10 thereafter, when said viewers shall meet and view the land,
11 property or material to be so appropriated, injured or
12 destroyed.

13 (b) The said viewers shall give at least ten days' notice,
14 by publication in one newspaper of general circulation in the
15 county once and in accord with the provisions of section one
16 hundred ten of this act, of the time and place of their first
17 meeting, and shall also give notice thereof by handbills posted
18 in conspicuous places in the vicinity of the said proposed
19 public improvement.

20 (c) All the viewers shall act unless prevented by sickness
21 or other unavoidable cause, but a majority of the viewers may
22 hear, determine, pass upon and report all matters relating to
23 the view for which they were appointed.

24 Section 2409. Time of Appointment of Viewers; Cost.--(a)
25 The viewers provided for in the preceding section may be
26 appointed either before or at any time within six years after
27 the entry upon, taking, appropriating or injuring of said land,
28 property or material.

29 (b) The cost of said viewers and all court costs incurred,
30 including all advertising and notices in connection therewith,

1 shall be paid by the county, except that when the right of
2 eminent domain has been exercised by the county acting with the
3 corporate authorities of any city, borough, town or township,
4 then all costs shall be borne equally by the county and city,
5 borough, town or township.

6 Section 2410. Petition for Appointment of Viewers to Specify
7 Liens on Property.--In all proceedings hereafter instituted for
8 the condemnation and appropriation of land and property by
9 eminent domain, the petition for the appointment of viewers
10 shall contain allegations specifying any judgments, mortgages or
11 other claims (hereinafter designated "liens") which are liens
12 upon the land and property sought to be appropriated or
13 condemned as aforesaid.

14 Section 2411. Testimony and Evidence Concerning Liens.--
15 Testimony shall be taken in said proceedings to ascertain the
16 amounts of said liens and the dates of the entry of the same,
17 and the amounts of said liens and the dates of entry thereof
18 shall be found as facts by the viewers in said proceedings.
19 Certified lists of liens from the courts of the Commonwealth and
20 the United States shall be prima facie evidence of the
21 existence, dates, amounts, dates of entry and places of record
22 of said liens, and unless modified or overcome by oral or
23 documentary evidence, shall be conclusive upon the parties
24 thereto.

25 Section 2412. Procedure; Rights and Liabilities Where Liens
26 Exist.--When it appears that liens exist which are liens upon
27 property sought to be condemned and appropriated, a report of
28 the facts found shall be made to the court. Such report shall be
29 subject to exceptions in manner to be regulated by the Supreme
30 Court by general rule. When the court has finally determined the

1 findings in relation to the liens, the court shall make an order
2 directing the payment and distribution of the amount found to be
3 payable as compensation to the parties entitled thereto, first
4 to the owners of said liens, then to the owners of the property
5 appropriated as aforesaid. The parties interested shall have the
6 right of appeal from said order of distribution to the Superior
7 and Supreme Courts. Payment in accordance with the order of
8 distribution, evidenced by a receipt of record in the
9 proceedings, shall absolutely discharge the party making the
10 payment from all liens by any person, copartnership, association
11 or corporation as against said property. In such receipt and on
12 the record thereof, any claimant may reserve the right to
13 proceed against any other property or assets of the owner of the
14 property condemned for any balance due upon his lien.

15 Section 2413. Proceedings by and Before Viewers.--The said
16 viewers, having been duly sworn or affirmed faithfully, justly
17 and impartially to decide and true report to make concerning all
18 matters and things to be submitted to them and in relation to
19 which they are authorized to inquire and having viewed the
20 premises and examined the land, property or material to be
21 appropriated, injured or destroyed, shall hear all parties
22 interested and their witnesses, and, having a due regard to and
23 making just allowance for the advantages which may have resulted
24 or which may seem likely to result to the owner or owners of
25 said lands or materials in consequence of the proposed
26 improvement, shall estimate, determine and assess the damages
27 for the land, property or material taken, injured or destroyed,
28 and to whom the same is payable, and the benefits, if any, in
29 connection therewith. Having so estimated, determined and
30 assessed the damages and benefits, they shall prepare a schedule

1 thereof, and give notice to all parties to whom damages are
2 allowed or against whom benefits are assessed of a time, not
3 less than ten days thereafter, and of a place, where said
4 viewers shall meet and exhibit said schedule and hear all
5 exceptions thereto and evidence.

6 Section 2414. Notice of Meeting.--Notice of the time and
7 place of said meeting shall be given in the manner provided by
8 law for the service of summons in a personal action upon all
9 parties allowed damages and against whom benefits have been
10 assessed, as shown by said schedule, if the said parties can be
11 found in the county, or upon an adult person, if any, residing
12 upon the property affected in case the owner or reputed owner
13 cannot be found, and to all others by publication in the
14 newspaper or newspapers in which the first notices of said view
15 were published. When no service is made upon the owner, reputed
16 owner or upon an adult person residing upon the property
17 affected, said notice, where publication thereof has also been
18 made, shall be deemed to have been properly served if tacked or
19 conspicuously posted on the premises. The court may provide by
20 whom the notice provided by this act shall be posted, given and
21 served, and fix the compensation for said service.

22 Section 2415. Plans of Properties Condemned to be Furnished
23 to Viewers.--In all proceedings to assess damages for the
24 taking, injury or destruction of private property for public
25 use, the county taking, injuring or destroying property for said
26 purpose shall furnish the board of viewers with a correct plan
27 of all properties affected, showing all buildings or other
28 structures thereon, their width, length, elevation and cubical
29 contents, names of all owners, tenants or occupiers thereof, the
30 topography of the land and the grades and widths of all highways

1 running through or abutting on said properties, and all other
2 data necessary for a proper determination of the amount of
3 damages caused by the taking, injury or destruction of said
4 private property.

5 Said plans shall be prepared and ready for the use of the
6 viewers at their first meeting, and copies thereof shall be
7 furnished to all owners, tenants and occupiers of the property
8 and all other parties affected thereby without charge.

9 Section 2416. Report to Court.--After making whatever
10 changes are deemed necessary, the said viewers shall make report
11 to the court showing all the damages allowed and benefits
12 assessed in each case, and file therewith a plan showing the
13 improvement and the land, properties and materials taken,
14 injured or destroyed. When said report is filed, notice thereof
15 shall be given by publication once in the newspaper or
16 newspapers in which first notices of said view were published.
17 Said notice shall state the date of filing of the report and
18 shall contain a schedule of the damages and benefits shown
19 therein, and shall further state that, unless exceptions thereto
20 are filed within thirty days from the date of filing, the said
21 report will be confirmed absolutely.

22 Section 2417. Certain Testimony Authorized.--In all
23 proceedings arising from the exercise of the right of eminent
24 domain, it shall be competent for all witnesses called, when
25 duly qualified.

26 (1) To state in detail and costs all the elements of the
27 property before the exercise of the right of eminent domain and
28 as unaffected by it and its market value immediately after the
29 exercise of the right of eminent domain and as affected thereby.

30 (2) To state in detail and costs all the elements of benefit

1 or damage which they have taken into consideration in arriving
2 at their opinion.

3 (3) In arriving at their opinion as to the market value
4 immediately after the exercise of the right of eminent domain,
5 to add to their opinion of the market value before such exercise
6 the cost or value of all the elements of benefit or advantage
7 and to deduct therefrom all disadvantages or damage in order to
8 arrive at the market value after such exercise of the right of
9 eminent domain and as affected thereby.

10 (4) In all proceedings to assess damages or benefits for the
11 opening of any road or highway, to take into consideration as
12 one of the elements of advantage or disadvantage the cost of
13 highway improvements.

14 Section 2418. Value of Property.--In all claims for damages
15 against a county arising from the exercise of the right of
16 eminent domain, it shall be competent for the party or parties
17 claiming damages to offer in evidence the value of the property
18 affected as assessed for the purpose of taxation.

19 Section 2419. Unlawful Assessments.--In all cases of
20 appropriation of land for public use, other than for roads or
21 highways, it shall be unlawful to assess any portion of the
22 damage done to or value of the land so appropriated against the
23 other property adjoining or in the vicinity of the land so
24 appropriated.

25 Section 2420. Vacation of Road When No Property is Taken.--
26 Whenever viewers are appointed to vacate any road or highway and
27 the vacation of the same takes no land from the owner abutting
28 thereon, if, in the opinion of the viewers, such vacation
29 damages the property of the abutting owner, they may award
30 damages to such owner as though land has been actually taken.

1 Section 2421. Procedure When Building is on Line of Proposed
2 Road.--Whenever in locating, relocating, opening, widening,
3 straightening or extending any road or highway or parts thereof
4 the same shall be found to pass through, take or injure
5 buildings, barns or other valuable improvements thereon, the
6 said viewers or a majority of them shall have the right to
7 recommend that such buildings and improvements, situate in part
8 or in whole on the road or highway so to be improved, opened,
9 widened, straightened or extended, shall be permitted to remain
10 thereon for such time as shall be deemed wise and proper, and if
11 the court shall approve the finding and report of said viewers
12 or a majority of them, the owner or owners of such buildings or
13 improvements may continue to use and enjoy the same during the
14 time so fixed and determined. In case of the destruction,
15 vacation or abandonment of any such building within the time
16 they are so authorized to remain, such owners or owner shall not
17 have the right to re-erect and reconstruct or retake such
18 buildings or improvements within the line of such road or
19 highway.

20 Section 2422. Time Limit for Report of Viewers.--Viewers
21 appointed to assess the damages and benefits due to the
22 appropriation, injury or destruction of land, property and
23 materials shall make their reports within a time which the court
24 shall fix when so appointing them. If the viewers so appointed
25 shall, for any reason appearing sufficient to the court, be
26 unable to file their report within the period so fixed, the
27 court may, either before or after the expiration of the time
28 fixed, extend the time for the filing of such report.

29 Section 2425. Payment of Damages and Costs; Interest on
30 Awards.--All damages agreed upon or awarded and all costs and

1 expenses incurred shall be paid by the county, except in cases
2 where an appeal is taken by any party in interest from the award
3 of the viewers and the appellant does not recover any greater
4 amount than the viewers award, in which case the appellant shall
5 pay all costs of such appeal.

6 The amount of damages allowed in a report of viewers for the
7 taking, injury or destruction of property by the exercise of the
8 right of eminent domain shall, as finally confirmed, bear
9 interest at the rate of six per cent per annum from the date of
10 the final decree.

11 Section 2426. Collection of Awards.--Upon the final
12 confirmation of the report of the viewers, the party or parties
13 to whom an award has been made shall have the right to take such
14 further appropriate legal proceedings as may be necessary and
15 proper to enforce payment of said confirmed award, either in
16 nature of a writ of mandamus, execution or otherwise.

17 Section 2427. Title to Vest upon Payment of Award.--(a)
18 Upon payment of the compensation for land or property in
19 accordance with the order of distribution, title to such land or
20 property shall vest in the county in accordance with provisions
21 of the law under which the appropriation is made, and all claims
22 for compensation shall be deemed paid and satisfied.

23 (b) In counties of the third and fourth classes upon payment
24 of the compensation for land or property in accordance with the
25 order of distribution or upon the filing of a bond by such
26 county of the third or fourth class in an amount which shall be
27 fixed by the court having jurisdiction, which amount shall not
28 be less than the amount fixed by the viewers as the value of the
29 land or property, title to such land or property shall vest in
30 the respective third or fourth class county in accordance with

1 provisions of the law under which the appropriation is made, and
2 all claims for compensation shall be deemed paid and satisfied,
3 except where title vests by virtue of a bond having been filed,
4 seventy-five per centum of the amount of damages as fixed by the
5 viewers as the value of the land or property shall be paid to
6 the owner within six months after the date of the filing of the
7 bond and the balance due shall be determined by judicial
8 proceedings and promptly paid thereafter.

9 Section 2428. Money to be Paid Into Court in Case of Adverse
10 Claims.--(a) If any person or persons shall claim adversely to
11 each other any estate or interest in the land, property or
12 materials selected by the board of commissioners to be
13 appropriated, injured or destroyed for the purposes mentioned in
14 this act, and the viewers shall not be able to determine who are
15 the owner or owners of said land, property or materials, or the
16 value of their estates and interests therein, they shall so
17 report, valuing the land, property or materials as a whole, and
18 upon the confirmation by the court of the report of said
19 viewers, if no appeal shall be taken therefrom, the
20 commissioners of the county shall pay into the court the whole
21 of the said valuation money; thereupon, the title of the land,
22 property or material and the estates and interests of all the
23 owners thereof shall become vested in fee in the county
24 acquiring and taking said land, property or materials.

25 (b) The court of common pleas shall, by rule, process or
26 motion, require all said claimants to appear therein and may, by
27 an issue framed between them to be tried by a jury or by a
28 reference to a master or by such orders and decisions as shall
29 appear to be just under all the circumstances of the case,
30 determine the estates and interest of said claimants in said

1 valuation money. Upon the final determination of such
2 proceeding, the court shall direct said valuation money to be
3 paid to the person or persons ascertained to be entitled
4 thereto.

5 Section 2429. Appeals by Adverse Claimants.--(a) In case
6 any of said claimants shall appeal from the award of said
7 viewers, the county commissioners, upon filing in the court and
8 having approved thereby a bond in double amount of said award to
9 the said owners and claimants for the benefit of the persons
10 owning said land, property or materials, with at least two
11 sufficient sureties conditioned for the payment by the county of
12 such an amount as the owner or owners shall be entitled to
13 receive for said ground when the same shall have been finally
14 ascertained by due course of law, may lawfully enter upon and
15 take possession of said land, property or materials.

16 (b) The said court shall thereupon proceed to determine the
17 estates and interest of said claimants in said land, property or
18 material, as is hereinbefore provided when the valuation money
19 is paid into court. Said proceeding shall be finally determined
20 before the issue framed upon the said appeal shall be tried, and
21 if it be determined that the party appellant has no estate or
22 interest in said land, property or materials, his appeal shall
23 be disallowed.

24 Section 2430. Payment into Court When Award is Refused or
25 When Parties Cannot be Found.--Any amount of money awarded, as
26 herein provided, if refused by the person or persons entitled
27 thereto, or if the person or persons entitled thereto cannot be
28 found, shall be paid into court, and thereafter all such persons
29 shall look to said fund for all damages accruing by reason of
30 the appropriation, injury or destruction of such land, property

1 or material.

2 Section 2431. Notice to Vacate; Ejectment.--In case any land
3 or property selected by the board of commissioners or by the
4 board of commissioners in conjunction and acting with the
5 corporate authorities of any city, borough, town or township to
6 be appropriated, injured or destroyed, and said land or property
7 has improvements thereon in the actual occupancy of any person
8 or persons, and such person has had his, her or their damages
9 assessed and paid, thirty days' notice to vacate the same shall
10 be given to the party or parties so in actual possession. In
11 case of refusal or neglect on the part of any one to obey said
12 notice, the board of commissioners may, at the expiration of
13 said thirty days, be entitled to a writ of habere facias
14 possessionem or may enter upon and eject or cause to be ejected
15 any of the parties so refusing or neglecting to vacate, and use
16 force enough by themselves, agents or employes to accomplish the
17 same.

18 Section 2432. Appropriations of Right of Way or Easement.--
19 In any action brought to ascertain or recover damages caused to
20 any owner of lands by reason of the appropriation of a right of
21 way or easement in such lands by any county, where such owner of
22 lands and such county cannot agree upon the amount of damages
23 payable to such owner, the parties may by agreement waive the
24 right to have such damages assessed by viewers. Such owner may
25 thereupon file his statement and claim in the court of common
26 pleas and rule the defendant to plead thereto within twenty days
27 from notice of such rule duly served upon said county, and the
28 said suit shall be proceeded with the same as if an award of
29 viewers had been filed and an appeal had been taken therefrom.

30 Either party to such action shall have the right during the

1 trial to demand and have the jury which may be selected to try
2 said cause visit and view the premises over or through which the
3 right of way or easement extends before rendering a verdict in
4 such case.

5 Section 2433. Discontinuance of Proceedings by County.--In
6 case the county shall discontinue any proceedings taken
7 providing for the appropriation, injury or destruction of any
8 land, property or materials prior to the entry upon, taking or
9 appropriation thereof and before judgment therein, the said
10 county shall not thereafter be liable to pay any damages which
11 have been or might have been allowed, but all costs upon any
12 such proceedings had thereon shall be paid by the county,
13 together with any actual damages, loss or injury sustained by
14 reason of such proceeding, and the amount of the same may be
15 determined and fixed by the court in which such proceeding was
16 pending.]

17 Section 106. The act is amended by adding an article to
18 read:

19 ARTICLE XXIV-A

20 EMINENT DOMAIN AND INJURY TO PROPERTY

21 Section 2401-A. Exercise of eminent domain.

22 A county may enter upon, appropriate, injure or destroy
23 private lands, property or material, or lands previously granted
24 or dedicated to public use that are no longer used for the
25 purpose for which the lands were granted, according to the
26 proceedings set forth in 26 Pa.C.S. (relating to eminent
27 domain), for any purpose conferred upon the county by law.

28 Section 2402-A. Restrictions as to certain property.

29 (a) Prohibition.--Except as provided in subsection (b), no
30 land or property used for a cemetery, burying ground or place of

1 public worship may be taken or appropriated by virtue of a power
2 contained in this article.

3 (b) Exception for certain counties.--The prohibition in
4 subsection (a) shall not apply in the case of a county of the
5 second class A where the land or property is taken or
6 appropriated according to the provisions of the act of May 12,
7 1887 (P.L.96, No.47), entitled "A supplement to an act, entitled
8 'An act supplementary to an act relative to burial grounds and
9 cemeteries situated in incorporated boroughs,' approved the
10 nineteenth day of May, one thousand eight hundred and seventy-
11 four, changing the title of said act, and authorizing the court
12 to make orders and decrees required by the act, and to enforce
13 the same by process, approved the thirteenth day of May,
14 eighteen hundred and seventy-six, further empowering courts to
15 direct removal of remains in boroughs, cities, and towns from
16 burial grounds where interments have ceased or have become so
17 neglected as to become a public nuisance, or such remains
18 interfere with the improvements, extensions, and interests of
19 such cities, boroughs, or towns."

20 (c) Restrictions as to railroad property.--In the case of
21 counties of the third through eighth classes, the right-of-way
22 of a railroad company shall not be acquired or occupied without
23 the consent of the company owning or operating or in possession
24 of the property.

25 Section 2403-A. Declaration of intention.

26 A county shall declare its intention to acquire, enter upon,
27 take, use and appropriate any private property or land for any
28 of the purposes authorized by this article through a duly
29 enacted ordinance.

30 Section 2404-A. Application of 26 Pa.C.S.

1 Eminent domain proceedings must conform to the provisions of
2 26 Pa.C.S. (relating to eminent domain), including payment of
3 damages and costs.

4 Section 107. Sections 2501, 2502, 2503 and 2504 of the act
5 are amended to read:

6 Section 2501. Acquisition of Land and Buildings for
7 Recreation Places.--(a) The county commissioners may [in any
8 county] designate and set apart for use as [public parks,
9 parkways, bridle paths, foot paths, playgrounds, playfields,
10 gymnasiums, public baths, swimming pools, agricultural
11 fairgrounds, or other indoor or outdoor recreation centers, all
12 of which shall hereinafter be referred to as recreation places,]
13 recreation places or for the enlarging or extending of
14 recreation places, any lands or buildings owned by such county
15 and not dedicated or devoted to other public use. [They may also
16 designate and set apart any such land or buildings for the
17 enlarging or extending of any such recreation places.]

18 (b) The county commissioners may also acquire [for use as
19 any such recreation place, or the extension or enlargement
20 thereof,] lands or buildings, by gift[, purchase or the power of
21 eminent domain. They may also lease lands or buildings within
22 the county for use for any such purpose.] or purchase, or may
23 lease lands for use as, or the extension or enlargement of,
24 recreation places.

25 (b.1) The county commissioners may, in accordance with the
26 provisions of this act and 26 Pa.C.S. (relating to eminent
27 domain):

28 (1) In counties of the third through eighth class, acquire
29 private property by the power of eminent domain for use as, or
30 the extension or enlargement of, recreation places.

1 (2) In counties of the second class A, acquire private
2 property for the purpose of establishing, making, enlarging,
3 extending, operating and maintaining public parks and multiuse
4 recreational trails within the limits of the county.

5 (c) [The exercise of the power of eminent domain shall be in
6 accordance with the provisions of this act.] The power to
7 acquire lands or buildings, by gift or purchase, shall not
8 extend beyond the limits of the particular county, except upon
9 the consent of the adjoining county and [municipality or
10 township] municipal corporation which would be affected thereby.

11 (d) A county may exercise the powers granted in this article
12 jointly with any political subdivision.

13 Section 2502. Construction, Equipment and Maintenance;
14 General Powers.--The county commissioners of any county may
15 build, alter, extend, enlarge, manage, supervise, equip,
16 ornament, operate and maintain recreation places, and may vest
17 their authority to do so in any existing body or board, or in a
18 park board, recreation board or fair board, any of which may be
19 established by the county commissioners [of any county, except a
20 county of the second class,] for any or all of the aforesaid
21 purposes, functions and places as the county commissioners may
22 determine. For the purpose of carrying out the provisions of
23 this article, the county commissioners, or any body or board
24 vested with their authority, may employ play leaders, recreation
25 directors, supervisors, superintendents or any other officers or
26 employes, as they deem proper. The number and salary thereof to
27 the extent that such salary is paid from the funds of the county
28 shall be determined by the salary board. All such recreation
29 places shall be kept in good order and repair.

30 Section 2503. Fair, Park and Recreation Boards.--[If the

1 county commissioners of any county shall determine that the
2 power to supervise any or all recreation places shall be
3 exercised by a park board or recreation board or fair board,
4 they may establish in said county such] The county commissioners
5 may establish a fair board, park board or recreation board,
6 which shall possess all the powers and be subject to all the
7 responsibilities of the [respective] county commissioners in the
8 management, supervision, operation and maintenance of such
9 recreation places. Any [such boards, when established,] board
10 shall consist of a minimum of five persons and a maximum of nine
11 persons. The members of such boards shall be appointed by the
12 commissioners [of the county and shall be appointed] for a term
13 to extend no longer than five years and the terms of the members
14 shall be staggered in such a manner that at least one expires
15 annually. Members of such board shall serve without pay.
16 Vacancies in such board occurring otherwise than by expiration
17 of term shall be for the unexpired term and shall be filled in
18 the same manner as original appointments.

19 [If, on the effective date of this amendment, there is a
20 recreation board established in any county that is not comprised
21 of nine members, additional persons may be appointed but if
22 there are more than nine members, vacancies shall not be filled
23 until the membership is less than nine.]

24 Section 2504. Officers of Board.--The members of a fair
25 board, park board or recreation board[, established pursuant to
26 this article,] shall elect their own chairman and secretary and
27 select all other necessary officers, to serve for a period of
28 one year, and may, with the consent and approval of the county
29 commissioners, employ such persons as may be needed, as provided
30 by this article. Such boards shall have power to adopt rules and

1 regulations for the conduct of all business within their
2 jurisdiction.

3 Section 108. Section 2505 of the act is repealed:

4 [Section 2505. Joint Action.--Any county authorized by this
5 article to acquire property for and operate and maintain any
6 recreation places may acquire property in the manner provided in
7 this article for such purposes, and operate and maintain the
8 same jointly with any other county or any city, borough,
9 township or school district.]

10 Section 109. Sections 2506, 2507, 2508, 2509, 2510, 2511,
11 2512(a) and 2513 of the act are amended to read:

12 Section 2506. Indebtedness.--The county commissioners may
13 issue bonds, in accordance with [the Municipal Borrowing Law] 53
14 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and
15 borrowing), for the purpose of acquiring lands or buildings for
16 recreation places and for the construction, extension,
17 enlargement, alteration or equipment thereof.

18 Section 2507. Payment of Expenses; Taxation; Annual Fairs;
19 State Contributions.--(a) All expenses incurred in the
20 operation of [such] recreation places, established as herein
21 provided, shall be payable from the treasury of [such] the
22 county. The county commissioners may annually appropriate and
23 cause to be raised by taxation [such tax] funds for any or all
24 of the purposes authorized in this article, including debt
25 service upon bond issues authorized herein. In counties of the
26 second class A, the amount of the tax may not exceed two mills
27 on the dollar of the assessed valuation of taxable property in
28 the county.

29 (b) The county commissioners or the fair board, if there be
30 one, may provide for and hold an annual fair or agricultural

1 exhibition on [the fairgrounds acquired or maintained as
2 aforesaid] county fairgrounds, and may accept aid or
3 contributions from the Commonwealth under any act [of Assembly]
4 for the payment of premiums at any such fair or exhibition.

5 Section 2508. Park Buildings.--The county commissioners [of
6 any county] shall have exclusive power to lease all houses,
7 cottages and buildings within the park limits which may be let
8 without prejudice to the interest and purposes of the park, and
9 to collect the rents and other considerations, including license
10 fees provided therefor.

11 Section 2509. Use of Receipts.--All rents, license charges
12 and fees, all fines, proceeds of sales, and profits of
13 whatsoever kind, to be collected, received, or realized from
14 [said] recreation places and buildings in any county, shall be
15 paid into the county treasury. Moneys or property given or
16 bequeathed to the county commissioners upon specified trusts
17 shall be received and receipted for by the county treasurer and
18 held and applied according to the trusts specified.

19 Section 2510. Damages; Forfeiture of Leases; Penalties.--(a)
20 Any person violating any rules and regulations adopted for
21 [such] recreation places shall be [further] liable to the full
22 extent of any damage by him or her committed, in trespass or
23 other action, and any tenant or licensed party who shall violate
24 any rules and regulations [or any of them], or consent to or
25 permit the same to be violated on [his or her or their] the
26 premises, shall forfeit [his or her or their] the lease or
27 license and shall be liable to be forthwith removed by a vote of
28 the county commissioners. Every lease and license shall contain
29 a clause making it cause of forfeiture for the lessee or party
30 licensed to violate or permit or suffer any violation of any

1 such rules and regulations.

2 (b) In counties of the second class A, the violation of any
3 rules or regulations of the county commissioners for the
4 government of public parks shall constitute a summary offense.

5 Section 2511. Employes; Police.--(a) For the purpose of
6 performing all necessary duties relating to the establishing,
7 making, enlarging, extending and maintaining public parks,
8 buildings and other county-owned properties and for enforcing
9 the rules and regulations ordained or resolved by the county
10 commissioners or by any body or board of control where no
11 penalty or fine is involved, the county commissioners of the
12 county are hereby authorized to employ or appoint and equip
13 proper persons, in such numbers and at such compensation as may
14 be authorized by the salary board, to do all necessary and
15 proper work connected therewith, including police or guard duty.

16 (b) The board of commissioners of any county of the third
17 class that is contiguous to a county of the second class may, by
18 ordinance, create or disband a county park police force within
19 the county. When such a county park police force is created in
20 accordance herewith, the county commissioners shall have power
21 to employ the number of officers as may be fixed by the salary
22 board of the county. The compensation of the county park police
23 officers shall be paid by the county.

24 Section 2512. Duty of Police.--(a) It shall be the duty of
25 the police, county park police or guards appointed to duty in
26 any recreation places, buildings and other county-owned
27 properties, without warrant, forthwith to arrest any offender
28 against the rules and regulations, ordained or resolved by the
29 county commissioners, that they may detect in the commission of
30 such offense, and to take the person so arrested forthwith

1 before a [magistrate, alderman or justice of the peace]
2 magisterial district judge having competent jurisdiction.

3 * * *

4 Section 2513. [Commissioners May Hold] Property Held in
5 Trust.--(a) Where the owner or owners of any real property,
6 with or without improvements thereon, adapted to the use or
7 purpose of public agriculture fairs or exhibits are willing to
8 convey or devise said real property to the county wherein
9 located, to be held in trust for the citizens and inhabitants of
10 the county, the county commissioners may take title thereto and
11 hold such real property in trust for the benefit of the citizens
12 and inhabitants of the county.

13 (b) The county commissioners may receive and accept
14 contributions in buildings or materials for additional
15 improvements on the real property conveyed or devised and held
16 in trust.

17 (c) The county commissioners may lease real property
18 acquired under this section to any incorporated agriculture
19 association willing and financially able to manage the premises,
20 on condition that the premises will be used annually for
21 agriculture fairs and exhibitions without any liability on the
22 part of the county and with no expense to the county. Upon
23 failure of any lessee to comply with terms of any lease, the
24 county shall retake possession of the leased property.

25 (d) If, for a period of five years, no public use of the
26 real property as contemplated by the grant or gift to the county
27 is made, it may be sold on petition to the court of common pleas
28 as provided by this act for the sale of county real property.

29 Section 110. Sections 2514, 2515 and 2516 of the act are
30 repealed:

1 [Section 2514. Contributions for Additional Improvements.--
2 The county commissioners of any county may receive and accept
3 contributions in buildings or materials for additional
4 improvements on the real property conveyed or devised and held
5 in trust as hereinbefore provided.

6 Section 2515. Leases for Agricultural Fairs.--The county
7 commissioners may lease real property so conveyed or devised to
8 any incorporated agriculture association willing and financially
9 able to manage said premises, on condition that said premises
10 will be used annually for agriculture fairs and exhibitions
11 without any liability on the part of the county and with no
12 expense to the county. Upon failure of any lessee to comply with
13 terms of any lease, the county shall retake possession of the
14 leased property.

15 Section 2516. Power of Sale.--If for a period of five years
16 no public use of said real property as contemplated by the grant
17 or gift to the county is made, the county commissioners may sell
18 real estate on petition to the court of common pleas as provided
19 by this act for the sale of county real property.]

20 Section 111. Sections 2517, 2601, 2604, 2611, 2612, 2616,
21 2633, 2634, 2635, 2636, 2650, 2651, 2652 and 2653 of the act are
22 amended to read:

23 Section 2517. Appropriations to Political Subdivisions for
24 Recreation Places.--The board of commissioners, in counties of
25 the third through eighth class, may appropriate moneys from the
26 county treasury to aid [cities of the third class, boroughs,
27 incorporated towns and townships] municipal corporations in the
28 purchase, construction, operation and maintenance of [lands and
29 buildings for public parks, parkways, bridle paths, foot paths,
30 playfields, gymnasiums, public baths, swimming pools, golf

1 courses, tennis courts, agricultural fair grounds, or other
2 indoor or outdoor recreation centers and facilities] recreation
3 places.

4 Section 2601. Authority to Provide Bridges, Viaducts and
5 Culverts; Definitions; Application of Article.--(a) The
6 [county] commissioners of any county may locate, lay out, open,
7 construct, reconstruct, widen, straighten, extend, otherwise
8 alter, replace, remove and in all other respects provide for
9 bridges and viaducts over streams and other topographical
10 impediments to public traffic, as parts or adjuncts of the roads
11 within the county for vehicles and pedestrians or for
12 pedestrians only, and culverts within the county or partly
13 within and partly without the county, in accordance with [the
14 procedures and requirements established by the provisions of]
15 this article. The provisions of this [section and of this]
16 article shall apply equally to all necessary approaches,
17 abutments, slopes, walls, embankments, fills, piers and other
18 things pertaining to bridges, viaducts and culverts as to the
19 bridges, viaducts and culverts themselves.

20 (b) As used in this article "streams" include streams,
21 rivers, creeks, ponds, lakes and all other such natural waters;
22 "road" includes roads, streets, highways, lanes, alleys and all
23 other such public thoroughfares; and "bridge" shall for the
24 purpose of convenience include the bridges, provided for in this
25 article, and also the viaducts and culverts and all things
26 pertaining to such bridges, viaducts and culverts wherever such
27 meanings may reasonably be intended.

28 (c) The provisions of this article shall not apply to any
29 matters relating to such county bridges, viaducts or culverts
30 [as are covered and] to the extent they are covered by the

1 provisions of the State Highway Law, or of any other law vesting
2 in the Secretary or Department of Transportation and the various
3 counties of the Commonwealth, rights, powers and duties. The
4 terms of the foregoing limitation shall apply as well in the
5 case of the Public Utility Law and the Public Utility
6 Commission.

7 (d) No county of the third through eighth class shall, in
8 the exercise of any authority or duty conferred in this article,
9 enter upon any road or property of any city or borough of, or
10 adjacent to the county, or act in derogation of the lawful
11 authority of any such political subdivision, except with the
12 proper consent of such political subdivision.

13 (e) No bridge provided for by this article shall obstruct
14 any canal or railroad, and nothing in this article shall be
15 deemed to release any railroad or other public utility from the
16 requirements of existing law.

17 Section 2604. Plans and Surveys for Bridges and Viaducts.--
18 Whenever the commissioners [of any county] resolve to provide a
19 bridge or viaduct, pursuant to this article, they shall cause to
20 be prepared plans and surveys showing the location of the
21 proposed structure, its approaches and the property or rights of
22 property affected thereby, together with any roads in any [city,
23 borough, incorporated town or township] municipal corporation
24 proposed to be used in connection therewith.

25 Section 2611. Authorization to Contract with Municipality
26 for Sharing of Certain Costs.--When any bridge is proposed to be
27 located in any municipality, the county may enter into an
28 agreement with such municipality providing that the municipality
29 shall bear a portion of the cost of the location, laying out,
30 opening, construction and maintenance of such bridge or that the

1 municipality shall provide or maintain the approach thereto
2 within the municipality or bear the costs of property damages of
3 said approach. Every [such] agreement shall be entered into in
4 writing and at least one executed copy thereof shall be
5 furnished to each party thereto. Every such bridge shall be a
6 county bridge and the duty of maintaining the same, except as
7 otherwise herein provided, shall devolve upon the county. The
8 expense thereof shall be provided out of any county funds
9 authorized for use in the maintenance of county bridges.

10 Section 2612. Bridges on Boundary Between Two Counties.--(a)
11 Whenever any bridge provided for by this article is on the
12 boundary line between two counties or within one-fourth of a
13 mile therefrom and necessary for the accommodation of the
14 inhabitants of both counties, the commissioners of such counties
15 shall act jointly in the exercise of all powers conferred upon
16 them and in the performance of all duties imposed upon them.
17 [Whenever] Except in a county of the second class A, whenever a
18 petition of residents or taxpayers is required, such petition
19 shall be made by the required number of petitioners in each
20 county in relation to a boundary bridge under this section to
21 the county commissioners of their county. Whenever any other
22 petitions are required, such petitions shall be made to the
23 county commissioners in each of such counties. Each of the
24 boards of county commissioners shall act on such petitions and
25 shall communicate its approval or disapproval to the other
26 board.

27 (b.1) If one of the counties is a county of the second class
28 A, and whenever the appointment of viewers or inspectors is
29 required, the court of each county shall appoint a full number
30 of viewers or inspectors and order a view in the manner and with

1 like powers, duties and procedure provided for in the case of
2 public roads. The total number thereof shall act together in the
3 view or inspection and shall make a joint report and
4 recommendations to each court. Exceptions to the report of
5 viewers may be filed in and appeals therefrom made to the courts
6 of either county, in which case the courts of the two counties
7 sitting together shall hear and determine the same. Whenever
8 publication of notice is required, the publications shall be
9 made in each county. The approval of both boards of
10 commissioners and of both courts shall be necessary in order to
11 authorize any action requiring such approval.

12 (c) Whenever publication of notice is required, such
13 publication shall be made in each county. The approval of both
14 boards of commissioners shall be necessary in order to authorize
15 any action requiring such approval.

16 (d) Whenever the procedure provided in Article XXIV of this
17 act is to be followed, such procedure shall be carried out only
18 in and by the county in which the lands, other property or
19 materials entered upon, taken or damaged are located and the
20 damages shall be paid by such county only.

21 (e) Any such bridge shall be a joint county bridge. All
22 costs and expenses pertaining to such bridge and the maintenance
23 thereof shall be borne by the two counties, jointly, in such
24 proportions as shall be agreed upon, from time to time, by the
25 commissioners thereof.

26 (f) For the purposes of this section, "joint county bridge"
27 shall include a bridge over the boundary line between two
28 counties constructed or proposed to be constructed as part of
29 the laying out, alteration or vacation of roads intended to form
30 a continuous highway from one county to another.

1 Section 2616. Acceptance of Bridge Donated to County.--(a)
2 The commissioners of any county may accept, take charge of and
3 enter upon the records as a county bridge, any bridge within the
4 county which has been built at the expense of private persons or
5 by public subscriptions, and has been opened to free public
6 travel, used by the public and become necessary and convenient
7 for the use of the public, upon notice in writing of the persons
8 who built it or of the subscribers to the original subscription
9 on which the money was raised to build the same, or the heirs or
10 assigns of such persons or subscribers, or of a duly authorized
11 board of trustees representing such persons or subscribers, that
12 they desire to give the bridge to the county in which it is
13 located. Where the bridge crosses the boundary line between two
14 counties, the person or the person's heirs or the assignees,
15 subscribers or trustees representing the person, shall give
16 notice in writing to the county commissioners of each county of
17 the intention to donate the bridge to the counties jointly.

18 (c) All costs shall be paid out of the treasury of the
19 county. The [county] commissioners may require the owner of said
20 bridge to file, together with their notice, a bond sufficient to
21 secure payment of the costs.

22 Section 2633. Temporary Substitutes for Bridges.--When any
23 county bridge is destroyed or rendered impassable, the [county]
24 commissioners may provide at the expense of the county, ferries
25 or other temporary ways as a substitute for such destroyed or
26 impassable bridge, until such bridge has been rebuilt or
27 rendered fit for public travel. Where [such bridge shall have
28 been] the bridge was maintained at the joint expense of two
29 adjoining counties, the establishment and maintenance of such
30 ferry or temporary way shall be by joint discretionary action of

1 the boards of commissioners of both counties, and the expense
2 thereof shall be borne by said counties in the same proportions
3 as the maintenance of [such] the bridge was borne before it was
4 destroyed or rendered impassable.

5 Section 2634. Closing, Vacating, Abandoning and Removing
6 County Bridges.--Whenever it appears to the [county]
7 commissioners that any county bridge including but not limiting
8 to any destroyed or partially destroyed bridge has, from any
9 cause, become burdensome and is no longer necessary for the
10 accommodation of public travel, they may close, vacate, abandon
11 and remove such bridge.

12 Section 2635. Contracts for Special Use of Bridge.--The
13 commissioners [of any county] may enter into a contract or lease
14 with any street railway, telegraph or telephone company or other
15 public utility, their successors or assigns, desiring to use a
16 county bridge and its approaches for other than ordinary public
17 foot or vehicular traffic for the concurrent use of such portion
18 of said public bridge and approaches as will not substantially
19 impair or restrict the public use and enjoyment thereof, upon
20 such terms and conditions as shall be agreed upon, and may
21 charge tolls or rentals for such special use. No such contract
22 or lease shall be entered into for a longer period than twenty
23 years nor shall any such contract or lease be entered into
24 unless approved by the Public Utility Commission or become
25 effective except in accordance with the provisions of the Public
26 Utility Law.

27 Section 2636. Contracts with Railroad Companies for Use,
28 Purchase, Removal, Replacing or Exchange of County Bridge.--(a)
29 Any railroad company whose tracks or other facilities are
30 located upon any county bridge may contract and agree with the

1 commissioners of the county for the use, purchase, removal,
2 replacing or exchange of such bridge, or for the compensation to
3 be paid to the county by [said] the company for the use and
4 occupancy of the bridge or [such] parts thereof [as may be used
5 and occupied by said company. For such purpose the commissioners
6 may contract with said company, and may do all acts necessary
7 and proper to carry out such contract effectually].

8 (b) All moneys due and all obligations incurred by said
9 companies under any such contract may be collected and enforced
10 in the same manner as debts of like amount are recovered and
11 similar obligations enforced in the Commonwealth.

12 Section 2650. Procedure for Taking Over Bridge by County;
13 Aid to Political Subdivisions in Construction and Maintenance of
14 Bridge.--(a) Whenever the construction of any new bridge, or of
15 any bridge to replace any existing bridge, over a stream, or
16 over or under a railroad, and forming part of any road in any
17 city, borough, town or township, or between any two or more
18 [such political subdivisions] municipal corporations is
19 necessary, and requires more expense than it is reasonable that
20 [such political subdivision, or any two of them jointly,] the
21 municipal corporations, individually or jointly, should bear,
22 and if it shall appear to the commissioners [of the county] that
23 such bridge is necessary, [and would be too expensive for such
24 political subdivision or adjoining political subdivisions to
25 bear, it] the bridge may, at the discretion of the [county]
26 commissioners, be entered on record as a county bridge. Such
27 bridge shall thereupon be erected, maintained and kept in repair
28 in the same manner as other county bridges constructed under the
29 provisions of subdivision (a) of this article.

30 (b) If the [county] commissioners refuse to have such bridge

1 entered on record as a county bridge, the county may pay the
2 entire cost or any part of the cost of constructing such bridge
3 including damages. Such bridge shall thereupon be a municipal
4 [or township] bridge to be maintained and kept in repair by such
5 [political subdivision] municipal corporation. The county
6 commissioners may, at their discretion, furnish [such political
7 subdivision] the municipal corporation the whole or any part of
8 the money necessary to maintain such municipal [or township]
9 bridge.

10 (b.1) The commissioners shall keep a record of all
11 proceedings under this section.

12 (c) [Where the cost to the county will not exceed ten
13 thousand dollars (\$10,000), the county commissioners may furnish
14 such aid in the construction of such bridge without following
15 the procedure herein stipulated.] In addition to the provisions
16 of Articles XVIII and XXIII of this act relating to contracting
17 for services and personal property, whenever the county
18 commissioners propose to build or repair a bridge upon the line
19 between the two adjoining counties, required advertising shall
20 be done in each county and a copy of the plans and
21 specifications shall be kept in the commissioner's office of
22 each county.

23 Section 2651. Change in Location of Bridge and Roads.--
24 [When] In counties of the third through eighth classes, when
25 such bridge is to take the place of an existing bridge, the
26 viewers may change the location thereof so that it may be
27 located and built in the most suitable place, or at the least
28 expense, or in the best manner, and, in the case of the change
29 of location of such bridge, they shall also report what change
30 in the course or bed of the road to be connected therewith will

1 be necessary, and shall also report the vacation of the old or
2 existing bridge, and the vacation of such portion of the road
3 connecting therewith as they may deem proper.

4 Section 2652. Construction of Embankments and Causeways as
5 County Improvements[.--Where] in Certain Counties.--In counties
6 of the third through eighth classes, where a stream over which
7 it may be necessary to build a bridge crosses a public road, and
8 the building of such bridge requires the construction of an
9 embankment or causeway leading to either end of such bridge, the
10 erection of which embankment or causeway requires more expense
11 than it is reasonable that one or more adjoining townships
12 should bear, [and if it shall appear that for the use and
13 enjoyment of said bridge by the public it is necessary to
14 construct an embankment or causeway the construction of which
15 would be too expensive for such township or townships to bear,
16 it] the bridge may, in the discretion of the county
17 commissioners, be entered on record as a county improvement and
18 constructed as county bridges are constructed.

19 Section 2653. Contract for Parts of Municipal Bridges Where
20 County Might Have Built Bridge.--(a) Where a [city of the third
21 class, a borough or a township] municipal corporation is
22 authorized to construct a bridge or viaduct over a stream or
23 other place over which the county is authorized to build bridges
24 and such [political subdivision] municipal corporation is
25 authorized to contract with the county and with railroads,
26 street railways and other companies or parties interested for
27 the building and maintenance of such bridge or viaduct and for
28 the payment of any damages caused by the location or building
29 thereof, the county commissioners may contract with such [city,
30 borough or township] municipal corporation for that part or

1 portion of the bridge which crosses any of the places
2 hereinbefore mentioned, including the abutments and piers
3 thereof. Such part shall thereafter be maintained as a county
4 bridge.

5 (b) In lieu of the contract above provided for, the county
6 commissioners may contract for any part or portion of the whole
7 structure equal to or greater than the part or portion which the
8 county might have built.

9 (c) The contracts provided for in this section may stipulate
10 that the county shall pay a certain portion of the whole
11 contract price or cost of the work, including damages, or may
12 stipulate that the county shall construct or pay for the
13 construction of a certain part of the work, and may otherwise
14 provide for the payment of the damages. The amount to be paid by
15 the county shall be paid directly to the contractor as may be
16 provided by the contract. The agreements may also provide for
17 the maintenance of the viaducts and bridges after their
18 erection.

19 Section 112. The act is amended by adding a section to read:

20 Section 2653.1. Contribution Where County Might Not Have
21 Built Bridge in Certain Counties.--When a bridge or viaduct is
22 built by a municipality and does not cross any place over which
23 the county is authorized to construct a bridge but crosses
24 merely railroad or railroads and private property, the
25 commissioners of counties of the second class A may contract to
26 pay an amount of money, not exceeding thirty per centum of the
27 entire cost of the proposed bridge or viaduct. The bridge or
28 viaduct shall thereafter be maintained as a municipal structure,
29 and the county shall not be liable for any part of the cost of
30 maintenance or repair thereof.

1 Section 113. Sections 2655 and 2656 of the act are amended
2 to read:

3 Section 2655. Aiding Municipality in Constructing Bridge
4 Over Ravine or Valley.--Whenever different parts of any
5 municipality or any two municipalities are separated by an
6 intervening valley or ravine, and the commissioners of the
7 county in which such municipality or municipalities are located
8 shall decide it necessary that a public bridge, to connect the
9 territories thus separated, be constructed, [such] the county
10 may contract with [such] the municipality or municipalities for
11 the laying out and construction of [such] the bridge by such
12 municipality or municipalities, and may pay to the municipality
13 or municipalities such portion of the cost thereof as the county
14 commissioners shall deem reasonable.

15 Section 2656. Entry of Municipal Bridge on Record as County
16 Bridge.--Whenever a public bridge has been built or maintained
17 by [any municipality, or by any two municipalities] one or more
18 municipal corporations, and it shall afterwards appear to the
19 commissioners that the care, maintenance and responsibility of
20 said bridge is greater than it is reasonable that the said
21 [political subdivisions] municipal corporations should bear, the
22 commissioners may enter such bridge upon record as a county
23 bridge, and it shall thereafter be a county bridge in the same
24 manner as if it had originally been so entered on record, if the
25 proper local authorities having the maintenance, supervision and
26 control of such bridge shall tender the same to the said county
27 [commissioners] free and without charge.

28 Section 114. Section 2670 of the act is repealed:

29 [Section 2670. Building or Repair of Bridges.--In addition
30 to the provisions of Articles XVIII and XXIII of this act

1 relating to contracting for services and personal property,
2 whenever the county commissioners propose to build or repair a
3 bridge at a cost in excess of ten thousand dollars (\$10,000)
4 upon the line between two adjoining counties, the advertising
5 shall be done in each of said counties, and a copy of the plans
6 and specifications shall be kept in the commissioners' office of
7 each county.]

8 Section 115. Sections 2701, 2702, 2703 and 2704 of the act
9 are amended to read:

10 Section 2701. Definitions.--The words defined in section
11 [two thousand six hundred one of this act] 2601 shall be
12 construed to have like meanings when used in this article.

13 Section 2702. Establishing County Roads.--(a) For the
14 purpose of providing public roads, specially constructed,
15 improved and maintained, the county commissioners may[, upon
16 approval by the court of quarter sessions, originally lay out
17 and open any road, and take possession of and exercise control
18 over any existing township road or part thereof, and build and
19 maintain roads as county roads within their respective limits.
20 They may, at any time, straighten, widen, extend and alter any
21 such road or part thereof, and vacate so much thereof as may
22 become unnecessary and useless. Any road so]:

23 (1) Lay and open any road.

24 (2) Take possession of and exercise control over any
25 existing municipal road or part thereof, or any road decreed by
26 a court to be a county road.

27 (3) Build and maintain roads as county roads within the
28 county limits.

29 (4) Straighten, widen, extend and alter any county road or
30 part thereof laid out, opened or acquired, and vacate so much

1 thereof as may become unnecessary and useless.

2 (b) Any road taken over or improved shall thereupon become a
3 county road and be subject to the control and supervision of the
4 county commissioners. It shall be the duty of the county to keep
5 and maintain county roads established under this act and all
6 other county roads in repair, the expense thereof to be paid by
7 the county in the manner hereinafter provided.

8 Section 2703. Acquisition of Rights of Way of Abandoned
9 Railroads.--(a) The county commissioners [of any county] may
10 take over any abandoned rights of way or bridge of a railroad
11 company or any part thereof for the purpose of relocating any
12 existing or locating a new county road, and they may purchase
13 such abandoned right of way or bridge or such part thereof, as
14 may be necessary for the relocating or locating of said county
15 road, from the owner thereof[, at a fair price, to be approved
16 by the court of quarter sessions of the county].

17 (b) Whenever [any such] an abandoned right of way or bridge
18 of a railroad company or any part thereof is purchased under the
19 provisions of this section, a county road shall be laid out and
20 located thereon and shall thereafter be constructed, improved
21 and maintained in accordance with law. Any [such] bridge so
22 taken over shall become a county bridge and shall be maintained,
23 rebuilt and repaired accordingly.

24 Section 2704. Joint Action by Counties.--The provisions of
25 this article may also be exercised jointly by adjoining counties
26 as to roads extending along and adjacent to county lines and
27 from one adjoining county into another.

28 The procedure and jurisdiction in each county in such cases
29 shall be the same as to any portion of such road lying within
30 its limits, except that the petition, plans and surveys of such

1 road shall describe and exhibit every portion of such road
2 within the limits of such county and every portion thereof
3 extending along the line of or into an adjoining county. The
4 [several portions thereof] portions of the road lying within
5 limits of each county shall be treated in all proceedings as one
6 continuous road.

7 Section 116. Section 2705 of the act is repealed:

8 [Section 2705. To Be County Road as Soon as so Decreed.--All
9 roads and parts thereof heretofore and hereafter decreed by the
10 court, under this or any former acts of Assembly, to be a county
11 road shall be subject to the control and supervision of the
12 county commissioners. Upon the decree or order making an
13 existing township road or part thereof a county road, the same
14 shall immediately be kept in repair, made, constructed and
15 maintained by the county and the township relieved of any duty
16 thereto as a township road.]

17 Section 117. Sections 2706, 2707, 2708, 2709, 2710, 2721,
18 2722 and 2723 of the act are amended to read:

19 Section 2706. Maintenance and Repair of County Roads.--The
20 commissioners shall have prepared plans and estimates, as often
21 as required, for the repair and maintenance of all roads which
22 the county is required by law to maintain and repair. [They may
23 invite proposals for maintaining and repairing such roads or
24 parts thereof in accordance with such plans and estimates and
25 award the contract therefor in like manner as contracts for new
26 improvements, or they may make the necessary repairs themselves.
27 For the purpose of making such repairs, the commissioners may
28 employ or appoint the proper persons and buy the necessary
29 materials and buy or rent the necessary machinery.] Maintenance
30 and repair may be undertaken by contract or through the use of

1 county personnel, supplies and equipment. Any county may also
2 lease any of its [machinery] equipment to any political
3 subdivision within the county, upon such terms and conditions as
4 may be agreed upon.

5 Section 2707. Annual Tax.--The commissioners may levy,
6 assess and collect [an annual tax, of not more than two mills
7 upon the dollar,] annual taxes upon all real and personal
8 property within said county taxable for county purposes for the
9 purpose of acquiring and securing a fund from which to pay all
10 costs, damages and expenses required in the locating, opening,
11 building, improving, widening, straightening, extending,
12 maintaining, repairing or vacating of roads or parts thereof
13 [covered by the provisions of subdivision (a) 1 of this
14 article], and for the taking and use of [such] land as may be
15 necessary in constructing and maintaining proper slopes,
16 embankments, fills [and], culverts, embankment approaches and
17 termini for roads, tunnels, subways and underground roads. The
18 moneys so raised shall not be expended for any other purposes
19 [than those named in this section] other than those for which
20 the tax was levied, except for the maintenance, repair,
21 construction and reconstruction of any county bridge or bridges
22 whether or not located on a county road or roads. [All checks
23 for the payment of any portion of the money raised for the
24 purposes aforesaid shall be issued, in the manner provided by
25 this act, upon estimates which shall be made from time to time
26 by the persons charged with such duty. The amount and time
27 within which the same shall be paid shall be fixed and
28 determined in the contract made for the public work.] The taxes
29 shall be at the following rates, and retained, respectively, for
30 the following purposes:

1 (1) Not more than two mills on the dollar for any purpose
2 set forth in subdivision (a) 1 of this article.

3 (2) Not more than two mills on the dollar for any purpose
4 set forth in subdivision (a) 2 of this article.

5 (3) Not more than two mills on the dollar for any purpose
6 set forth in subdivision (a) 3 of this article.

7 Section 2708. Borrowing Money; Bond Issue and Tax Levy.--The
8 county commissioners may borrow money and secure any
9 indebtedness created by them for the purposes authorized under
10 [subdivision (a) 1 of this article, by issuing bonds in
11 accordance with the provisions of the Municipal Borrowing Law]
12 this article, in accordance with 53 Pa.C.S. Pt. VII Subpt. B
13 (relating to indebtedness and borrowing).

14 Section 2709. Changing Part of Road [Without View] Upon
15 Agreement.--Whenever the board of commissioners deem it
16 advisable to construct or alter any part of any road under their
17 supervision and can agree with the property owners affected by
18 such change as to damages, they may, upon payment of the damages
19 agreed upon, construct or alter such part of such public road as
20 contemplated in such agreement without the formality of a view.
21 [This authority shall not extend to any construction or
22 alteration, the cost and expenses of which to such county,
23 including damages, shall exceed one thousand dollars (\$1000). A
24 petition setting forth the facts, accompanied by a map or draft
25 of such proposed change, shall be presented to the court of
26 quarter sessions for approval before such actual change is made,
27 whereupon the new location, thus approved by the court, shall be
28 the public road to all intents and purposes and the old location
29 shall be vacated.] The old location of the road shall be vacated
30 in accordance with this act.

1 Section 2710. Assessment of Benefits.--Whenever, in any
2 county, any road or highway shall be originally located, laid
3 out or constructed or relocated, opened, straightened, widened,
4 extended or altered, or any part thereof vacated, the viewers
5 appointed to assess damages [for taking, injuring or destroying
6 property] in accordance with 26 Pa.C.S. (relating to eminent
7 domain), after having determined the amount of damages
8 sustained, shall assess the whole or such part of such damages
9 as may be represented by benefits upon the properties abutting
10 on and benefited by [such] the improvements. The remaining part
11 of such damages, if any, not so assessed against the abutting
12 properties, shall be paid by the county. The total assessments
13 for benefits shall in no case exceed the total damages awarded
14 and agreed upon.

15 [The viewers shall in such cases file their report showing
16 the balance struck between the damages awarded and the benefits
17 assessed.]

18 Section 2721. Improvement of [Borough and Township]
19 Municipal Roads.--Whenever such system of main thoroughfares had
20 been adopted or when the adoption thereof is contemplated within
21 two years after the commencement of such improvement, the
22 commissioners may[, upon approval by the court of quarter
23 sessions as hereinafter provided,] take exclusive control of and
24 improve any road or section thereof located either wholly or in
25 part[,] in any [borough or township] municipal corporation,
26 whether existing by their authority or laid out in whole or in
27 part by virtue of this act or otherwise. For that purpose, they
28 may originally locate, lay out, establish in whole or in part
29 relocate, straighten, widen, extend, alter and open roads, and
30 construct and improve the same, and vacate so much of any roads

1 as may be thereby rendered unnecessary and useless. Any road as
2 established or altered, constructed and improved, under the
3 provisions of this section, shall, by ordinance enacted by each
4 [borough or by resolution adopted by the commissioners or
5 supervisors of each township] municipal corporation through
6 which such road shall pass, become [borough or township]
7 municipal roads, and the duty of maintaining and keeping the
8 same in repair shall devolve upon each respective [township or
9 borough] municipal corporation through or into which the same
10 extends.

11 Section 2722. Plan of System to Be Followed; Variations.--
12 After such plans have been adopted and recorded pursuant to law,
13 all applications under the preceding section [to the court of
14 quarter sessions] shall be restricted and shall relate only to
15 the establishing, opening, construction and improvement of the
16 proposed roads of said system or parts thereof and the vacation
17 of roads supplied by the portion opened and improved. The
18 commissioners[, upon approval by the court of quarter sessions
19 as hereinafter provided,] may relocate, straighten, widen,
20 extend, alter and open, construct and improve, the proposed
21 roads as laid out, surveyed, marked and shown upon the plans of
22 said system, or to originally locate, lay out and establish,
23 construct and improve roads which substantially supply said
24 system or parts thereof which, although not parts of said
25 system, are deemed by the court to be main thoroughfares of
26 sufficient importance to be improved by the county and to be
27 added to said plan, and in such case to vacate so much of the
28 roads of the system and of roads already established as may be
29 rendered unnecessary by the changes or by an entirely new
30 location.

1 Section 2723. Improvement of Roads Not Part of System on
2 Contribution From Parties Interested.--The commissioners may
3 also originally locate, lay out and establish in whole or in
4 part, relocate, straighten, widen, extend, alter and open,
5 construct and improve roads not parts of said system nor deemed
6 main thoroughfares, upon parties interested therein paying or
7 securing to be paid[, in a manner to be approved by the court of
8 quarter sessions,] such proportion of the cost of the original
9 construction and improvement as the commissioners may deem just,
10 which shall not be less than one-fourth of the cost in any case.

11 Section 118. Sections 2724 and 2725 of the act are repealed:

12 [Section 2724. Annual Tax.--The commissioners may levy,
13 assess and collect an annual tax, of not more than two mills
14 upon the dollar, upon all real and personal property within the
15 county taxable for county purposes, for the purpose of acquiring
16 and securing a fund from which to pay all costs, damages and
17 expenses required in locating, opening, widening, straightening,
18 extending, building, improving, maintaining, repairing or
19 vacating of the roads or parts thereof improved under the
20 provisions of subdivision (a) 2 of this article, and for the
21 taking and using of such land as may be made necessary in
22 constructing and maintaining proper slopes, embankments, fills
23 and culverts. The moneys so raised shall not be expended for any
24 other purposes than those named in this section. All checks for
25 the payment of any portion of the money raised for the purposes
26 aforesaid shall be issued, in the manner provided by this act,
27 upon estimates which shall be made from time to time by the
28 person charged with such duty, and the amount and time within
29 which the same shall be paid shall be fixed and determined in
30 the contract made for the public work herein authorized.]

1 Section 2725. Borrowing Money and Bond Issue.--Any county
2 may borrow money and secure such indebtedness by issuing bonds
3 in accordance with the provisions of the Municipal Borrowing Law
4 for the purpose of building and improving the roads or any part
5 thereof constructed under the provisions of subdivision (a) 2 of
6 this article.]

7 Section 119. Sections 2730, 2731 and 2732 of the act are
8 amended to read:

9 Section 2730. Purchase, Location, Construction, Operation
10 and Maintenance Authorized.--Whenever the county commissioners
11 shall deem it expedient [so to do and upon the approval thereof
12 by the court of quarter sessions as hereinafter provided], they
13 may cause to be purchased, located, constructed, operated and
14 maintained roads, tunnels, subways or underground roads anywhere
15 within the county, either wholly or partly within the boundaries
16 of any [city, borough, town or township] municipal corporation.
17 Any road, tunnel, subway or underground road, purchased or
18 constructed under the provisions of subdivision (a) 3 of this
19 article, shall forever thereafter be a county road, tunnel,
20 subway or underground road, and the duty of maintaining and
21 keeping the same in repair shall devolve upon the county. The
22 expense thereof shall be paid by the county as hereinafter
23 provided.

24 Section 2731. Contracts or Lease for Special Use of
25 Improvements.--The commissioners[, subject to the approval of
26 the court of quarter sessions,] may make a contract or lease
27 with any street railway or transportation company, its
28 successors and assigns, for the concurrent use of such a portion
29 of said road, tunnel or subway or underground road, as shall not
30 substantially impair or restrict the public use and enjoyment

1 thereof, upon such terms and conditions as shall be agreed upon.
2 [No such contract or lease for the concurrent use of a portion
3 of such improvement shall be for a longer term or period than
4 twenty years. Any such contract or lease shall be made in
5 accordance with applicable provisions of the Public Utility
6 Law.]

7 Section 2732. Taking Street or Other Property of [City or
8 Borough] Municipal Corporation.--Should the commissioners of any
9 county deem it necessary or advisable to enter upon or
10 appropriate any road or property of any [city or borough]
11 municipal corporation in the county, or take any other action
12 affecting the property rights or authority of such [city or
13 borough] municipal corporation, for the purpose of constructing
14 or maintaining a road, tunnel, subway or underground road, or in
15 connection with the improvement of any of them, which has been
16 or is about to be purchased by the county or otherwise, the
17 consent thereto of such [city or borough] municipal corporation
18 by ordinance shall be obtained before the actual entering in or
19 upon or the appropriation of such road or property. After such
20 entry and appropriation, the county shall be liable and charged
21 with the supervision, control and maintenance of said roads and
22 properties, or so much thereof as is taken and used for the
23 purpose of constructing and maintaining such road, tunnel,
24 subway or underground road, or in connection with the
25 improvement of any of them, purchased or to be purchased as
26 aforesaid.

27 Section 120. Sections 2733, 2734, 2740, 2741, 2742, 2743,
28 2744 and 2745 of the act are repealed:

29 [Section 2733. Annual Tax Levy.--The commissioners may levy,
30 assess and collect an annual tax, of not more than two mills on

1 the dollar, on all real and personal property within the county
2 taxable for county purposes for the purpose of acquiring and
3 securing a fund from which to pay all costs, damages and
4 expenses required in the purchasing, improving, locating,
5 opening, constructing, maintaining and repairing roads, tunnels,
6 subways and underground roads, purchased or constructed under
7 the provisions of subdivision (a) 3 of this article, and the
8 taking and using of such land as may be made necessary in
9 constructing the same and in maintaining proper slopes,
10 embankments approaches and termini for said roads, tunnels,
11 subways and underground roads. The money so raised shall not be
12 used or expended for any other purposes than those herein named.
13 All checks for the payment of any portion of the money raised
14 for the purposes aforesaid shall be issued, in the manner
15 provided by this act, upon estimates which shall be made from
16 time to time by the person charged with such duty. The amount
17 and time within which the same shall be paid shall be fixed and
18 determined in the contract made for the public work herein
19 authorized.

20 Section 2734. Borrowing Money and Bond Issue.--Any county
21 may borrow money and incur indebtedness in accordance with the
22 provisions of the Municipal Borrowing Law, to an amount not
23 exceeding the constitutional limitations, for the purchase and
24 improvement or construction of such roads, tunnels, subways and
25 underground roads.

26 Section 2740. Procedure to Obtain Approval of Quarter
27 Sessions.--(a) When the county commissioners resolve to
28 exercise any of the powers conferred in subdivision (a) of this
29 article, they shall cause to be prepared surveys and plans of
30 such road or tunnel, subway or underground road showing the

1 improvement proposed to be made, together with any proposed
2 changes in existing roads, and they shall present such surveys
3 and plans, together with their petition, on behalf of such
4 county, to the court of quarter sessions, praying for approval
5 of such proposed exercise of powers. Such petition shall briefly
6 describe the proposed improvement and the estimated cost thereof
7 and, if the method of construction has not been fully
8 determined, the estimated cost thereof according to each of the
9 several methods in which the improvement may practically be
10 made.

11 (b) On the filing of such petition, the court shall fix a
12 time for a hearing thereon. Notice of said hearing shall be
13 given, by an advertisement published at least ten days prior to
14 the hearing in two newspapers of general circulation in the
15 county, which notice shall briefly describe the location of the
16 improvement proposed to be made and the time, place and purpose
17 of said hearing. Upon the hearing thereof, the court may, for
18 proper cause shown, disapprove the petition; otherwise, it shall
19 approve the same and order that the improvement be made and
20 constructed in accordance with the plans and surveys
21 accompanying the petition. Thereupon, any original location,
22 relocation, opening, widening, straightening, extension,
23 alteration or vacation of any road as set forth in the
24 proceedings and the right to proceed with such improvement shall
25 become absolute.

26 (c) The words "improved" or "improvement" as herein used
27 mean each and every power conferred upon counties under the
28 terms of any of the preceding sections of this article.

29 Section 2741. Right of Eminent Domain.--For the purposes
30 described in subdivision (a) of this article, the county

1 commissioners may enter upon private or public property and may
2 take, injure and destroy the same in the manner and subject to
3 the restrictions and procedure prescribed by Article XXIV of
4 this act.

5 Section 2742. Contracts for Improvements.--After said
6 surveys and plans and the petition to the court of quarter
7 sessions have been approved by the court, and the road, tunnel,
8 subway or underground road, ordered to be made and constructed
9 in accordance therewith, the commissioners shall invite
10 proposals and let contracts for the making and constructing of
11 the same or such parts of the same as the commissioners shall
12 deem proper, in accordance with the provisions of Article XVIII
13 of this act and of sections two thousand three hundred eighteen
14 and two thousand three hundred nineteen and such provisions of
15 Article XXVI of this act as establish additional requirements
16 for advertising for bids, for inspection of plans and
17 specifications by bidders, and for the dating and marking of
18 bids filed.

19 Section 2743. Procedure Where Property is Left Without
20 Outlet by Reason of Vacating of Part of Old Road.--Whenever, by
21 reason of the relocating, opening, widening, straightening or
22 extending of any road or any part thereof, any part of the road
23 involved becomes useless and is vacated, and the property of one
24 owner shall intervene between the new road and the lands of
25 another owner, having no outlet by reason of said relocation,
26 opening, extending, straightening and widening, it shall be the
27 duty of the said county commissioners to obtain from the owner
28 of said intervening property and the owner of the formerly
29 contiguous or adjoining land an agreement satisfactory to such
30 parties for providing an outlet for the said land. If the

1 parties shall not agree to the transfer of the properties so
2 intervening upon the new road, and any such lot or piece of
3 land, in the opinion of the said county commissioners, be
4 insufficient for building purposes, it shall be taken and used
5 as part of said road or highway.

6 Section 2744. Parties Making Application for New Road to
7 Notify Local Road Authorities.--In all cases wherein any
8 proceedings are about to be had before the county commissioners
9 or court for the laying out, opening and construction of new
10 roads for public use, it shall be the duty of the parties making
11 application to the commissioners or to the court for the
12 appointment of viewers, reviewers or re-reviewers to lay out,
13 open or construct such road, to give written notice of such
14 application to the supervisors or commissioners of the territory
15 through which the proposed road is designated to be laid out and
16 constructed, of the time and place of such application, and the
17 time and place of the meeting of viewers, reviewers and re-
18 reviewers. A copy of said written notice, properly attested,
19 shall be filed among the records of the court having cognizance
20 of the matter. Failure to comply with the provisions of this
21 section as to such notice shall be sufficient grounds for an
22 application to set aside whatever proceedings may have been
23 taken of which said supervisors or commissioners had no written
24 notice.

25 Section 2745. Unlawful to Raise Road Above Ordinary Grade
26 Over Drain or Culvert.--In the construction or repair of any
27 road, it shall be unlawful for the person or persons in charge
28 of such construction or repair to raise such road or permit the
29 same to be raised or elevated above the ordinary grade thereof,
30 when a drain or culvert shall be constructed under such road or

1 when such road shall be constructed or repaired over such drain
2 or culvert.]

3 Section 121. Sections 2750, 2753, 2756, 2757, 2758, 2759 and
4 2760 of the act are amended to read:

5 Section 2750. Vacation as County Roads.--Upon petition of
6 the county commissioners, the court of [quarter sessions] common
7 pleas may vacate as a county road any portions of any abandoned
8 or condemned [turnpike] road, or any portions of any [turnpike]
9 road purchased by the county, or of any road, the permanent
10 location or improvement whereof has been ordered or made under
11 this or former acts relating to county roads. All portions of
12 such roads so vacated shall become [and be township roads] and
13 be roads of the municipal corporation through which they pass.
14 Written notice of the contents of said petition and the time
15 when the same will be presented to the court shall be given by
16 the county commissioners to the [supervisors or commissioners of
17 the township or townships] governing body of the municipal
18 corporation through which said road passes, at least ten days
19 before the date of presenting the same. At the time said
20 petition is presented, the court may fix a time for hearing in
21 open court, or may refer the matter to an examiner to take
22 testimony and report his findings to the court at such time as
23 the court shall direct. At any hearing in open court or before
24 an examiner appointed by the court, all parties in interest may
25 appear and be heard. After such hearing, the court, if it shall
26 find that the conditions prescribed by this act have been
27 complied with, may grant the [prayer] request of the petitioners
28 and make a decree accordingly or make such order in the premises
29 as it deems right and just. No order of vacation shall be made
30 until the [township] municipal corporation affected shall have

1 consented thereto by an ordinance or resolution certified to the
2 court.

3 Section 2753. Laying Out; Altering; Vacating.--Roads forming
4 or intended to form a continuous highway from one county to
5 another, which cross a river, creek or rivulet forming a
6 boundary line between said counties, may be laid out or altered
7 or vacated in the manner provided in the case of other roads.[,
8 except that the court of quarter sessions of each county shall
9 appoint three viewers and that a report as aforesaid shall be
10 made to each court respectively, and that each court shall
11 otherwise have and exercise concurrent jurisdiction therein.]

12 Section 2756. Municipal Streets Connecting Two Ends of
13 County Road.--When a city or borough intervenes between two ends
14 of a county road, and the [municipality] municipal corporation
15 has failed to properly improve the municipal streets
16 constituting the shortest and most reasonable route through
17 [said municipality which] the municipal corporation that will
18 connect the two ends of such county road, the board of
19 commissioners may contract with the [corporate authorities of
20 the municipality that] governing body of the municipal
21 corporation to improve the shortest and most reasonable route
22 [through said municipality] connecting the two ends of such
23 highway [be improved].

24 Section 2757. Municipal Streets as Terminus of County
25 Road.--(a) When a county road terminates at the corporate
26 limits of a city or borough in the same or in another county and
27 connects with a municipal street which the [municipality]
28 municipal corporation has failed to properly improve, and the
29 commissioners of the county in which the [municipality]
30 municipal corporation is located deem the improvement of such

1 municipal street necessary in order to make such county road
2 easily accessible to [the residents of the municipality]
3 residents or to the traveling public, the county commissioners
4 may contract with the [corporate officials of the municipality
5 that such municipal street or any part thereof be improved, and
6 also that there be improved, when necessary, any parts of the
7 streets connected therewith which connect said] governing body
8 of the municipal corporation to improve municipal streets,
9 including, where necessary, streets connecting a county road
10 with the business districts of [said municipality] the municipal
11 corporation or with a system of improved streets therein or
12 which connect the said road with another county road terminating
13 at the limits of [said municipality] the municipal corporation.

14 (b) If several [municipalities] municipal corporations are
15 contiguous to each other and at the corporate limits of any one
16 of them a county road terminates and one or more [of such
17 municipalities] have failed to properly improve any municipal
18 street therein, and the county commissioners deem the
19 improvement of such street necessary in order to make such
20 county road easily accessible to [the residents of the
21 municipality] residents or to the traveling public, the board of
22 commissioners may enter into a similar contract with [the
23 corporate authorities of such municipality or municipalities]
24 any of the municipal governing bodies.

25 Section 2758. Improvements.--The board of commissioners may
26 widen, repave or otherwise improve said municipal streets
27 whenever the same is necessary to accomplish any of the purposes
28 of sections [two thousand seven hundred fifty-six and two
29 thousand seven hundred fifty-seven] 2756 and 2757 of this act.
30 Whenever such improvement is made to a municipal street, the

1 county may pay the total cost of such improvement, or the cost
2 may be divided between or among the [municipality or
3 municipalities] municipal corporations and the county. [The
4 contract for any such improvement may be taken by the county
5 upon the stipulation by any municipality to pay its
6 proportionate share of the cost, if any, upon the completion of
7 the work, or it may be taken by any municipality upon a like
8 stipulation of the county, or the improvement may be made by
9 joint contract.]

10 Section 2759. Maintenance.--Before any municipal street is
11 so improved, the board of commissioners and the [council of such
12 municipality] governing body of the municipal corporation shall
13 agree upon the maintenance of such street. Such agreement may
14 provide that such street shall be kept and maintained in good
15 repair by the [municipality] municipal corporation, in which
16 case, upon the completion of said improvement, all further
17 liability and responsibility of the county shall [cease and
18 determine] terminate, or it may provide that it shall be kept
19 and maintained in good repair by the county and the share of the
20 [municipality] municipal corporation shall be paid annually to
21 the county.

22 Section 2760. Contracts With [Borough, Township or
23 Incorporated Town] Municipal Corporations.--(a) The board of
24 commissioners may contract with the [authorities of any borough
25 or township or any incorporated town] governing bodies of
26 municipal corporations, separately or jointly, providing that
27 the commissioners shall construct an improved road in a similar
28 manner as a county road. The expense or cost of said
29 construction shall be borne jointly by the [borough, township or
30 incorporated town] municipal corporations and the county in such

1 ratio or proportions as may be agreed on in said contract or
2 contracts, irrespective of whether the [municipality] municipal
3 corporation intervenes between two ends of the county road or
4 not, or whether [or not the municipality] it is the terminus of
5 a county road, State highway or township road.

6 (b) Payment for the construction of roads under this section
7 shall be made by the county, which shall be reimbursed by the
8 municipal corporation in such sums as agreed upon in said
9 contract or contracts.

10 (c) Any road jointly constructed under this section shall be
11 repaired and maintained at the expense of the county, but
12 nothing shall prevent the governing body of a municipal
13 corporation from entering into a contract or contracts with the
14 county for the maintenance of said improved road under such
15 terms and conditions as may be mutually satisfactory.

16 Section 122. Sections 2761 and 2762 of the act are repealed:

17 [Section 2761. Payment.--Payment for the construction of
18 said road or roads shall be made by the county, which shall be
19 reimbursed by the borough, township or incorporated town in such
20 sums as agreed upon in said contract or contracts, upon
21 presentation to them, from time to time, of estimates and bills
22 for work already performed and paid for.]

23 Section 2762. Repair and Maintenance.--Any such road,
24 constructed jointly, shall be repaired and maintained at the
25 expense of the county, but nothing shall prevent the authorities
26 of a borough, township or incorporated town from entering into a
27 contract or contracts with the county for the maintenance of
28 said improved road under such terms and conditions as may be
29 mutually satisfactory.]

30 Section 123. Section 2763 of the act is amended to read:

1 Section 2763. Where Center Line of Highway is Boundary
2 Between City or Borough and Township.--(a) Whenever the center
3 line of any road constitutes the dividing line between any city
4 or borough and a township located in the same county, the board
5 of county commissioners and the commissioners or supervisors of
6 such township may enter into a contract with the city or borough
7 providing for the grading, curbing and macadamizing or paving of
8 the roadway of said road. The cost thereof shall be borne one-
9 half by the city or borough and one-half by the county and
10 township, in equal portions.

11 (b) Alterations or improvements under this section shall be
12 constructed, and subsequent repairs shall be made, under the
13 supervision of the city or borough, in compliance with
14 applicable laws, and in further compliance with plans and
15 specifications to be agreed upon in writing between the city or
16 borough and the board of commissioners of the county and the
17 governing body of the township. The cost of repairs shall be
18 borne one-half by the city or borough and one-half by the
19 township or by the county and township in equal portions or such
20 other proportion as may be agreed upon by the county and
21 township.

22 Section 124. Section 2764 of the act is repealed:

23 [Section 2764. Alteration or Improvement.--The said
24 alteration or improvement shall be constructed and subsequent
25 repairs shall be made under the supervision of the proper
26 authorities of the city or borough, in compliance with laws
27 governing the construction of such alterations or improvements
28 in said city or borough, and in further compliance with plans
29 and specifications to be agreed upon in writing between the said
30 city or borough and the board of commissioners of the county and

1 commissioners or supervisors of the township. The cost of
2 repairs shall be borne one-half by the city or borough and one-
3 half by the township, or by the county and township in equal
4 portions or such other proportion as may be agreed upon by the
5 county and township.]

6 Section 125. Section 2765 of the act is amended to read:

7 Section 2765. Where Center Line of Road is Boundary Between
8 City or Borough and Township in Adjoining County.--(a) Whenever
9 the center line of any road constitutes a dividing line between
10 a township and a city or borough located in an adjacent county,
11 the board of commissioners of the county and the commissioners
12 or supervisors of such township may enter into a contract with
13 the city or borough providing for the grading, curbing,
14 macadamizing or paving of the roadway of said road. The cost
15 thereof shall be borne one-half by the city or borough and one-
16 half by the township and the county in which such township shall
17 be situated, in equal portions.

18 (b) Alterations or improvements under this section shall be
19 constructed, and subsequent repairs shall be made, under the
20 supervision of the city or borough, in compliance with
21 applicable law, and in further compliance with plans and
22 specifications to be agreed upon in writing between such
23 municipal corporation and board of commissioners of the county
24 and the governing body of the township. The cost of repairs
25 shall be borne one-half by the city or borough and one-half by
26 the township or by the county and township in equal portions or
27 such other proportion as may be agreed upon by the county and
28 township.

29 Section 126. Section 2766 of the act is repealed:

30 [Section 2766. Alteration, Improvement and Repairs.--Said

1 alteration or improvement shall be constructed and subsequent
2 repairs shall be made under the supervision of the authorities
3 of the city or borough, in compliance with laws governing such
4 construction or improvement by such city or borough, and in
5 further compliance with plans and specifications to be agreed
6 upon in writing between such municipality and board of
7 commissioners of the county and the commissioners or supervisors
8 of the township. The cost of repairs shall be borne one-half by
9 the municipality and one-half by the township, or by the county
10 and township in equal portions or such other proportion as may
11 be agreed upon by the county and township.]

12 Section 127. Section 2767 of the act is amended to read:

13 Section 2767. Improvement on Order of Common Pleas.--(a) In
14 all cases in which it shall be found impossible to enter into
15 [such] contracts or agreements under section 2765, or where
16 either the city or borough and the township or the county in
17 which such township is situated shall refuse to enter into such
18 contract or agreement, either [the municipality] a municipal
19 corporation or the county [or township] may present its petition
20 to the court of common pleas of either county setting forth the
21 facts and circumstances, including the condition of the road
22 from which the necessity and desirability for the grading,
23 curbing, macadamizing or paving of the roadway appears, and the
24 estimated cost thereof, and that the terms of such contract
25 cannot be agreed upon by the [municipality and county or
26 township] municipal corporations and the county, or either or
27 any of them, or that either such [municipality or the county or
28 township] municipal corporations or the county or any of them
29 refuses to enter into such contract.

30 (b) The petition may [pray] request that the court, after

1 hearing all the parties concerned, make its order or decree
2 defining the nature and character of the improvement reasonably
3 necessary or desirable to be made to the roadway, and requiring
4 the parties hereinabove specified to enter into a contract or
5 contracts for the making and constructing of the same as herein
6 provided for. A copy of said petition, duly certified, shall be
7 served upon the [municipality or county and township] municipal
8 corporations or county concerned, other than the petitioner,
9 with notice of the day fixed by the court for the hearing.
10 Thereupon, any of the parties served with such notice shall be
11 entitled, on or before such date, to file in the court its
12 answer to said petition setting forth its version of the facts
13 or such other matters in relation thereto as may be deemed
14 necessary or proper by it.

15 (c) The court, upon the date fixed or at such other time as
16 it may appoint, shall hear the evidence of the parties, or it
17 may refer the matter to a master who shall hear the testimony of
18 the parties and report his findings, in the same manner and
19 under the same procedure as provided by the rules in equity in
20 similar cases, to the court, which may reject, confirm or modify
21 the same, and may make its decree or order directing the making
22 of such alterations or improvements to the roadway as may be
23 deemed reasonably necessary or desirable, and providing for the
24 sharing of the cost of such improvements, one-half by the
25 [municipality] municipal corporation and one-half by the county
26 and township, in equal portions.

27 (d) Said order or decree may further provide that the
28 repairs to such alterations and improvements subsequently
29 required shall be borne one-half by the [municipality] municipal
30 corporation, whether borough or city, and one-half by the county

1 or township in equal portions, or such other proportions, as
2 between the county and the township, as such court may find to
3 be legal and proper. Thereupon, the grading, curbing,
4 macadamizing or paving of the roadway of such road shall proceed
5 in accordance with the decree or order of the said court in the
6 same manner as if the contract or agreement had been entered
7 into and duly executed.

8 Section 128. Section 2768 of the act is repealed:

9 [Section 2768. Guards or Barriers Along Township Roads.--
10 When a township road runs along the edge of a precipice along
11 which it may be necessary to erect guards or barriers for the
12 proper protection of the traveling public, and the erecting of
13 such guards or barriers requires more expense than it is
14 reasonable the township should bear, the court of quarter
15 sessions having jurisdiction shall, on the representation of the
16 supervisors or on the petition of any of the inhabitants of such
17 township, order a view. If, on the report of the viewers, it
18 shall appear to the court and to the commissioners of the county
19 that such guards and barriers are necessary and would be too
20 expensive for such township, the same shall be erected and
21 maintained by the county as county improvements. The county and
22 the township may contract to share the cost thereof jointly. The
23 provisions of this section shall apply to roads already opened
24 as well as those hereafter opened.]

25 Section 129. Sections 2769, 2770, 2775, 2776 and 2777 of the
26 act are amended to read:

27 Section 2769. Improvements of Roads Connecting With State
28 Highway.--The county may, singly, or jointly with any [city or
29 borough] municipal corporation, appropriate and expend moneys
30 for the improvement of any road, not more than one mile in

1 length in distance, outside of the limits of such [city or
2 borough] municipal corporation, for the purpose of connecting
3 improved streets in such [cities or boroughs] municipal
4 corporations with a State highway.

5 Section 2770. Purchase of Road [Machinery] Equipment;
6 Renting of Road [Machinery] Equipment to [Townships] Municipal
7 Corporations.--The county commissioners of any county may
8 purchase such [machinery] equipment for the preparation of road
9 material and the construction and maintenance of roads as they
10 deem necessary and pay for the same out of the general funds of
11 the county. Such [machinery] equipment may be rented by the
12 county commissioners to any of the [townships] municipal
13 corporations within such county applying for same, under such
14 regulations and at such rentals as the county commissioners
15 shall prescribe and fix. All [machinery] equipment, purchased
16 under the provisions of this section, shall be operated only by
17 persons employed for that purpose by and under the direct
18 supervision of the county commissioners.

19 Section 2775. Laying Out Detours When County Road is
20 Closed.--(a) Except in the case of emergency wherein the safety
21 of the public would be endangered, no county road shall be
22 closed to vehicular traffic except upon order of the county
23 commissioners, nor for a longer period than is necessary for the
24 purpose for which such order is issued. Except for temporary
25 emergency police measures wherein the safety of the public would
26 be endangered if it were not temporarily closed, no county road
27 shall be closed to vehicular traffic when the same has been
28 designated as a detour by the Department of [Highways of the
29 Commonwealth] Transportation unless the written consent of the
30 Department of [Highways] Transportation has first been obtained,

1 or unless the county commissioners having jurisdiction over said
2 road shall, by resolution, declare such closing necessary for
3 the protection of the public safety.

4 (b) Whenever any county road shall be closed to vehicular
5 travel, the board of commissioners shall immediately designate
6 or lay out a detour, on which they shall cause to be erected and
7 maintained, while such detour is in use, legible signs at each
8 public road intersection throughout its entire length indicating
9 the direction to the main highway. During the period when such
10 detour is in use, the county commissioners shall maintain such
11 detour in safe and passable condition. They shall also
12 immediately remove all detour signs when the highway originally
13 closed is again opened for traffic.

14 (c) The county commissioners shall, as soon as possible,
15 repair the road designated as a detour and place it in a
16 condition at least equal to its condition when designated as a
17 detour.

18 [(d) "Highways" as used in this act includes all public
19 thoroughfares and ways equally with the word "road", for
20 convenience of expression.]

21 Section 2776. Detour Over Private Lands.--Whenever necessary
22 in the creation of a detour as aforesaid, the county
23 commissioners responsible for laying out the detour may enter
24 into an agreement with the owners of private lands covering the
25 acquisition of right of way privileges over private property for
26 the period when the main highway shall be closed to traffic. In
27 the exercise of the rights conferred by this section, the county
28 commissioners responsible [are hereby empowered to] may pay for
29 the necessary maintenance, subsequent repair and land rental out
30 of such funds as are available for the construction and

1 maintenance of the roads in their charge.

2 Section 2777. Fines and Damages.--(a) Any person who shall
3 [wilfully] willfully remove, deface, destroy or disregard any
4 barricade, light, danger sign, detour sign [or], warning or
5 traffic control device of any character whatsoever, erected or
6 placed under authority of section [two thousand seven hundred
7 seventy-five of this act] 2775, or who shall drive on, over or
8 across any road which had been closed by proper authority,
9 shall[, upon conviction thereof in a summary proceeding before a
10 magistrate, alderman or justice of the peace, be sentenced to
11 pay a fine of not less than twenty-five dollars (\$25) nor more
12 than one hundred dollars (\$100), and the cost of prosecution,
13 and in default of the payment thereof, shall be imprisoned one
14 day for each dollar of fine and costs unpaid] be convicted of a
15 summary offense: Provided, however, That persons who have no
16 outlet due to the closing of a road may drive on, over or across
17 such road, with the consent in writing of and subject to such
18 conditions as may be prescribed by the county commissioners
19 responsible for the closing, or their agents or contractors,
20 without being subject to the fines imposed by this section.

21 (b) In addition to the fines herein provided, the county
22 commissioners responsible for the maintenance of a road which
23 has been closed to vehicular traffic, or their agents or
24 contractors, may, in an action at law, recover damages from any
25 person or persons who have damaged a road when it is closed to
26 vehicular traffic.

27 (c) All fines collected under the provision of this section
28 shall be paid [by the officer receiving the same to the
29 treasurer of the boroughs, towns or townships in which the
30 offenses shall have been committed] to the county treasurer for

1 the general fund use of the county.

2 Section 130. Sections 2781, 2782, 2783 and 2784 of the act
3 are repealed:

4 [Section 2781. County Road Caretakers.--The persons
5 appointed by the board of commissioners to inspect and repair
6 roads improved and maintained as county roads shall be
7 designated county road caretakers. The caretakers shall have all
8 the power and authority now vested by law in the constables of
9 the several cities, boroughs and townships of this Commonwealth
10 to keep the peace in and along the county roads of such county,
11 and to enforce all laws regulating the speed of automobiles and
12 other vehicles thereon, and to enforce all rules or regulations
13 governing the use of such roads, and to make arrests therefor.

14 Section 2782. Caretakers Not Entitled to Fines or
15 Penalties.--No such caretaker shall be entitled to any portion
16 of any fine or penalty imposed upon any person or persons for
17 any violation of any act of Assembly or rule relating thereto,
18 but all such fines and penalties, when the proceeding is
19 initiated by such caretaker, shall belong to and be paid into
20 the county treasury for the benefit of the county.

21 Section 2783. Badge of Caretaker.--The board of
22 commissioners shall furnish each of said caretakers, as an
23 evidence of his authority, a badge having impressed thereon the
24 words "Police County Road
25 Caretaker".

26 Section 2784. Rules for Protection of Road; Penalty for
27 Violation.--(a) For the purpose of preventing unreasonable wear
28 and destruction of public roads improved and maintained by the
29 county, the board of commissioners may adopt and prescribe
30 reasonable rules, regulating and restricting the use of said

1 roads within the county by any means of locomotion and prescribe
2 pecuniary penalties for the enforcement thereof. All such rules
3 adopted by the board of commissioners shall, before becoming
4 operative, be published once a week for three weeks in two
5 newspapers of general circulation in the county to which the
6 rules apply, and be recorded in the office of the recorder of
7 deeds of said county.

8 (b) Any resident of the county within which the violation of
9 any rule so adopted shall occur may institute and prosecute to
10 judgment and execution an action of assumpsit, in any court
11 having jurisdiction of such actions and the amounts involved,
12 for the recovery of any penalty for the violation of any rule
13 prescribed by the board of commissioners, of which penalty the
14 plaintiff shall be entitled to one-half and the county shall be
15 entitled to the other half, payable to the county treasurer, who
16 shall add the same to the fund for the improvement of said
17 county roads.

18 (c) Any person violating any rule so adopted shall, upon
19 summary conviction, be sentenced to pay a fine of not less than
20 five dollars (\$5) or more than one hundred dollars (\$100),
21 payable to the county treasurer, who shall add the same to the
22 fund for the improvement of said county roads. From any judgment
23 obtained for said penalty and from said summary conviction an
24 appeal shall lie as provided by law.]

25 Section 131. Section 2785 of the act is amended to read:

26 Section 2785. Penalty for Destroying, Et Cetera, Index
27 Boards.--(a) It shall be unlawful for any person to [wilfully]
28 willfully destroy, remove, injure or deface any sign or index
29 board erected upon or near any public street, road or bridge by
30 the authorities of any county, or erected, with the consent of

1 such authorities, by any club, association or other organized
2 body, for the direction, guidance or safety of travelers. Any
3 and all such signs of wood, metal or other substance, affixed to
4 trees or posts in or upon any roads, properly erected in such
5 manner that they do not interfere with travel, or upon fences,
6 telegraph, telephone, trolley or other poles, with the
7 permission of the owners thereof, or upon private grounds, where
8 consent has been obtained from the owners and tenants thereof,
9 and which are close to roads, shall be within the provisions of
10 this section.

11 (b) Any person violating the provisions of this section
12 shall[, upon summary conviction, be sentenced to pay a fine of
13 not less than ten dollars (\$10) nor more than twenty-five
14 dollars (\$25) with all costs of prosecution, together with the
15 value of such sign so destroyed, removed or defaced. In default
16 of payment of said fine, costs and expenses, such person shall
17 undergo an imprisonment for a period of not less than five nor
18 more than sixty days.] be convicted of a summary offense and, in
19 addition to other fines and penalties provided by law, may be
20 required to provide reimbursement for the value of a sign
21 destroyed.

22 Section 132. Nothing in this act shall be construed as
23 requiring a county to liquidate any investment, in whole or in
24 part, by disposing of securities or withdrawing funds on deposit
25 if the investment was lawfully authorized prior to the effective
26 date of this act.

27 Section 133. Repeals are as follows:

28 (1) The General Assembly declares that the repeal under
29 paragraph (2) is necessary to implement the amendment of
30 section 405 of the act of August 9, 1955 (P.L.323, No.130),

1 known as The County Code.

2 (2) Section 210(2) and (2.1) of the act of July 28, 1953
3 (P.L.723, No.230), known as the Second Class County Code.

4 Section 134. This act shall take effect in 60 days.