

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 831 Session of 2021

INTRODUCED BY DUSH, HUTCHINSON, J. WARD, SCHWANK AND KEARNEY, AUGUST 17, 2021

SENATOR DUSH, LOCAL GOVERNMENT, AS AMENDED, JUNE 14, 2022

AN ACT

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

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

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

PART I

PRELIMINARY PROVISIONS

[(Reserved)]

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

CHAPTER 1

GENERAL PROVISIONS

16 Sec.

17 101. Scope of title.

18 102. Applicability.

19 102.1. Definitions.

- 1 103. Excluded provisions.
- 2 104. Saving clause.
- 3 105. Holding of office.
- 4 106. Construction of references.
- 5 107. Constitutional construction.
- 6 108. Legislation according to class.
- 7 108.1. (Reserved).

8 § 101. Scope of title.

9 This title relates to counties.

10 § 102. Applicability.

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

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

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

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

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

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

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

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

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

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

1 convention center authorities).

2 § 102.1. Definitions.

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

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

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

11 "Municipality." A municipal corporation or county.

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

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

19 § 103. Excluded provisions.

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

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

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

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

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

1 County Code.

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

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

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

8 (8) Any law relating to State highways.

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

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

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

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

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

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

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

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

28 (17) Any temporary law.

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

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

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

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

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

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

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

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

9 § 105. Holding of office.

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

14 § 106. Construction of references.

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

19 § 107. Constitutional construction.

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

27 § 108. Legislation according to class.

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

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

4 CHAPTER 3

5 NAMES AND CORPORATE POWERS
6 AND CLASSIFICATION OF COUNTIES

7 Subchapter

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

10 B. Classification

11 SUBCHAPTER A

12 DIVISION OF COMMONWEALTH INTO
13 COUNTIES AND CORPORATE POWERS

14 Sec.

15 301. Enumeration of counties.

16 § 301. Enumeration of counties.

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

29 SUBCHAPTER B

30 CLASSIFICATION

1 Sec.

2 310. Counties divided into nine classes.

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

5 § 310. Counties divided into nine classes.

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

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

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

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

16 (4) The following shall apply:

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

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

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

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

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

2 (7) Sixth Class Counties, having:

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

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

9 (8) Seventh Class Counties, having:

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

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

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

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

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

24 (b) Certification.--

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

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

1 an advance in classification; or

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

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

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

19 (d) Change in class.--

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

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

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

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

17 CHAPTER 5

18 FIXING AND RELOCATING LINES AND BOUNDARIES

19 Sec.

20 501. Petition to Commonwealth Court.

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

23 503. Compensation, assistants and expenses.

24 504. Oath, organization and duties.

25 505. Authority to fix undetermined county line.

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

28 § 501. Petition to Commonwealth Court.

29 (a) Boundary lines.--The boundary line between two or more
30 adjoining counties may be determined, surveyed, established or

1 marked as provided under this title.

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

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

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

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

20 § 503. Compensation, assistants and expenses.

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

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

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

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

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

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

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

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

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

28 § 505. Authority to fix undetermined county line.

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

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

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

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

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

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

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

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

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

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

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

16 CHAPTER 11

17 GENERAL PROVISIONS

18 SUBCHAPTER A

19 (Reserved)

20 SUBCHAPTER B

21 REQUIRED FISCAL SECURITY FOR OFFICERS AND EMPLOYEES

22 Sec.

23 1121. Short title and scope of subchapter.

24 1122. Definitions.

25 1123. Required security.

26 1124. Official security and officers.

27 1125. Other county officers and employees.

28 1126. County officers and employees acting as agents.

29 1127. Bonds or blanket bond as security coverage.

30 1128. Insurance as security coverage.

1 1129. Form of required security.

2 1130. Amount of coverage.

3 1131. Custody and filing of required security documents.

4 1132. Payment of premiums and commissions on collections.

5 1133. Other requirements, references and approvals.

6 § 1121. Short title and scope of subchapter.

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

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

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

22 § 1122. Definitions.

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

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

30 "Blanket bond." Security coverage in the form of a bond for

1 county officers and employees as follows:

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

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

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

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

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

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

23 "Crime-fidelity insurance." Insurance that is endorsed with
24 faithful performance of duty coverage and which insures, at a
25 minimum, against events of loss of money or other property
26 resulting from one or more fraudulent or dishonest acts,
27 including, but not limited to, embezzlement, theft, forgery,
28 similar acts of dishonesty or fraud by a county officer or
29 employee acting alone or in collusion with others, or from a
30 breach of fiduciary duty or a failure of a county officer or

1 employee to perform faithfully the officer's or employee's
2 duties or to account properly for all money and property
3 received or held by virtue of the officer's or employee's office
4 or employment.

5 "Governing authority." Includes:

6 (1) The Supreme Court.

7 (2) Any agency or unit of the unified judicial system
8 exercising a power or performing a duty under 42 Pa.C.S. §
9 1721 (relating to delegation of powers).

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

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

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

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

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

1 Plans Law.

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

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

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

22 § 1123. Required security.

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

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

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

30 (2) Section 1125 (relating to other county officers and

1 employees).

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

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

11 (d) Primary liability.--

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

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

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

29 § 1124. Official security and officers.

30 (a) Official security.--Each county shall obtain official

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

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

12 (1) Each county commissioner.

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

14 (3) The controller.

15 (4) The county treasurer.

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

17 (6) The sheriff.

18 (7) The coroner.

19 (8) The clerk of the courts of the court of common
20 pleas.

21 (9) The clerk of the orphans' court division of the
22 court of common pleas.

23 (10) The recorder of deeds.

24 (11) The register of wills.

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

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

29 (14) The secretary of the board of health and the health
30 officer in a county in which the secretary is required by law

1 to obtain official security.

2 § 1125. Other county officers and employees.

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

10 § 1126. County officers and employees acting as agents.

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

16 § 1127. Bonds or blanket bond as security coverage.

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

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

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

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

28 (ii) The just and faithful use, accounting or
29 payment over, according to law, of all moneys and
30 balances and other property, which are received or held

1 by the officer or employee by virtue of the officer's or
2 employee's office or employment whether on behalf of the
3 county, the Commonwealth, a political subdivision or any
4 other person.

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

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

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

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

28 § 1128. Insurance as security coverage.

29 A county may comply with section 1123(b) (relating to
30 required security) by providing crime-fidelity insurance for

1 county officers or employees in accordance with this subchapter.
2 § 1129. Form of required security.

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

14 § 1130. Amount of coverage.

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

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

24 (c) Consultation.--To determine the amount of security for a
25 county officer or employee who is acting as an agent for a
26 Commonwealth agency or governing authority, the governing body
27 may, or the risk manager shall, if directed by the governing
28 body, provide written notice to the secretary or head of the
29 Commonwealth agency or the governing authority. The Commonwealth
30 agency or governing authority may provide input concerning the

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

8 § 1131. Custody and filing of required security documents.

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

20 (b) Department of State filing.--

21 (1) In compliance with section 809 of the act of April
22 9, 1929 (P.L.177, No.175), known as The Administrative Code
23 of 1929, it shall be sufficient for a copy of the recorded
24 documents evidencing the required security for county
25 officers to be filed with the Department of State in
26 accordance with deadlines established by the department.

27 (2) No other filing or approvals, except as provided in
28 section 1133(c)(2) (relating to other requirements,
29 references and approvals) of documents evidencing the
30 required security for county officers, except that required

1 in accordance with paragraph (1), shall be required as a
2 condition for the issuance of commissions to elected county
3 officials by the Department of State.

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

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

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

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

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

28 (2) For the period of time required by the act of August
29 14, 1963 (P.L.839, No.407), entitled "An act creating a
30 county records committee; imposing powers and duties upon it;

1 authorizing the Pennsylvania Historical and Museum Commission
2 to assist and cooperate with it; defining county records; and
3 authorizing the disposition of certain county records by
4 county officers in counties of the second to eighth class,"
5 or the rules and regulations adopted pursuant thereto.

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

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

20 § 1132. Payment of premiums and commissions on collections.

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

29 (b) Commissions on collections.--Nothing in this subchapter
30 shall affect the right, provided for in any other law, of a

1 county officer or employee to retain a commission, for use of
2 the county, on amounts collected or transmitted as agent for a
3 Commonwealth agency. Notwithstanding the right to retain
4 commissions in accordance with this paragraph, no county officer
5 or employee shall be entitled to retain any additional sums from
6 amounts collected for or to be transmitted to the Commonwealth
7 agency for the purpose of paying premiums or costs related to
8 the acquisition of required security.

9 § 1133. Other requirements, references and approvals.

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

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

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

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

29 (2) If any other law explicitly authorizes a
30 Commonwealth agency or the Governor to approve the amount of

1 a bond or other security of a county officer or employee, the
2 amount of required security under this subchapter shall be
3 subject to approval by the Commonwealth agency or the
4 Governor, which approval shall not be unreasonably withheld.

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

6 [PART II

7 CREATION, ALTERATION AND FUNCTIONS

8 (Reserved)

9 PART III

10 GOVERNMENT AND ADMINISTRATION

11 Subpart

12 A. General Provisions

13 SUBPART A

14 GENERAL PROVISIONS

15 Chapter

16 11. General Provisions

17 CHAPTER 11

18 GENERAL PROVISIONS

19 Subchapter

20 A. (Reserved)

21 B. Required Fiscal Security for Officers and Employees

22 SUBCHAPTER A

23 (Reserved)

24 SUBCHAPTER B

25 REQUIRED FISCAL SECURITY FOR OFFICERS AND EMPLOYEES

26 Sec.

27 1121. Short title and scope of subchapter.

28 1122. Definitions.

29 1123. Required security.

30 1124. Official security and officers.

- 1 1125. Other county officers and employees.
- 2 1126. County officers and employees acting as agents.
- 3 1127. Bonds or blanket bond as security coverage.
- 4 1128. Insurance as security coverage.
- 5 1129. Form of required security.
- 6 1130. Amount of coverage.
- 7 1131. Custody and filing of required security documents.
- 8 1132. Payment of premiums and commissions on collections.
- 9 1133. Other requirements, references and approvals.

10 § 1121. Short title and scope of subchapter.

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

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

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

26 § 1122. Definitions.

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

30 "Additional coverage." Insurance that covers each county at

1 a minimum for the loss of money or property through robbery,
2 burglary and larceny committed by parties other than officers or
3 employees required to receive or hold money.

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

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

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

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

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

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

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

27 "Crime-fidelity insurance." Insurance that is endorsed with
28 faithful performance of duty coverage and which insures, at a
29 minimum, against events of loss of money or other property
30 resulting from one or more fraudulent or dishonest acts,

1 including, but not limited to, embezzlement, theft, forgery,
2 similar acts of dishonesty or fraud by a county officer or
3 employee acting alone or in collusion with others, or from a
4 breach of fiduciary duty or a failure of a county officer or
5 employee to perform faithfully the officer's or employee's
6 duties or to account properly for all money and property
7 received or held by virtue of the officer's or employee's office
8 or employment.

9 "Governing authority." Includes:

10 (1) The Supreme Court.

11 (2) Any agency or unit of the unified judicial system
12 exercising a power or performing a duty under 42 Pa.C.S. §
13 1721 (relating to delegation of powers).

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

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

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

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

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

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

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

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

26 § 1123. Required security.

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

30 (b) Security coverage.--Security coverage shall be provided

1 in accordance with the following:

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

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

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

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

15 (d) Primary liability.--

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

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

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

1 to limit any right the county may have to be indemnified or
2 receive restitution for the loss.

3 § 1124. Official security and officers.

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

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

16 (1) Each county commissioner.

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

18 (3) The controller.

19 (4) The county treasurer.

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

21 (6) The sheriff.

22 (7) The coroner.

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

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

27 (10) The recorder of deeds.

28 (11) The register of wills.

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

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

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

6 § 1125. Other county officers and employees.

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

14 § 1126. County officers and employees acting as agents.

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

20 § 1127. Bonds or blanket bond as security coverage.

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

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

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

30 (i) The faithful performance of all duties required

1 of the person holding the office or position.

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

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

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

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

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

1 offices.

2 § 1128. Insurance as security coverage.

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

6 § 1129. Form of required security.

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

18 § 1130. Amount of coverage.

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

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

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

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

12 § 1131. Custody and filing of required security documents.

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

24 (b) Department of State filing.--

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

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

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

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

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

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

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

1 agency or the governing authority.

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

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

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

24 § 1132. Payment of premiums and commissions on collections.

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

1 from an obligation, imposed by law, to procure insurance or
2 bonding protection.

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

13 § 1133. Other requirements, references and approvals.

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

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

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

29 (1) Except as provided in paragraph (2), when required
30 security is obtained in compliance with this subchapter, it

1 shall not require the approval of any Commonwealth agency or
2 the Governor as to form, content or amount.

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

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

10 PART II

11 COUNTIES OF THE FIRST CLASS

12 Chapter

13 21. (Reserved)

14 23. Vehicle Rental Tax

15 CHAPTER 21

16 (Reserved)

17 CHAPTER 23

18 VEHICLE RENTAL TAX

19 Sec.

20 2301. Authorization of vehicle rental tax by counties of the
21 first class.

22 § 2301. Authorization of vehicle rental tax by counties of the
23 first class.

24 (a) Authorization.--Notwithstanding any provision of this
25 title or any other law, each county of the first class may
26 impose an excise tax on the rental of a rental vehicle in that
27 county. If the county is coterminous with a city of the first
28 class, imposition of the tax in the county, if any, shall be by
29 the city. The tax may be imposed on a person renting a rental
30 vehicle at a rate of up to 2% of the purchase price of the

1 rental.

2 (b) Proceeds.--

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

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

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

21 (4) Payments by a county or a city of the first class
22 under a lease or service agreement may not constitute debt of
23 the Commonwealth or of a county or city of the first class.

24 (c) Collection.--The vehicle rental tax shall be collected
25 by each vehicle rental company in the county or city of the
26 first class imposing the tax. The tax shall be collected at the
27 time the rental vehicle is rented by the vehicle rental company
28 and shall be remitted by the vehicle rental company to the
29 county or city of the first class that imposed the tax in
30 accordance with rules and regulations established by the county

1 or city or the tax collection agencies of the county or city for
2 collection and remittance of the tax. A person required to
3 collect or pay over the tax authorized under this section and
4 who fails to collect or pay over the tax shall be liable for the
5 full amount of the tax, including interest or penalties which
6 may be imposed by a county or city of the first class.

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

12 (e) Location.--For purposes of this section, the location of
13 the rental of the vehicle is the place where the renter takes
14 possession of the rental vehicle.

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

18 "Rental vehicle." Any of the following:

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

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

24 (i) rented without a driver;

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

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

30 "Vehicle rental company." An entity engaged in the business

1 of renting motor vehicles in this Commonwealth.

2 PART III

3 COUNTIES OF THE SECOND CLASS

4 Chapter

5 71. (Reserved)

6 73. Salaries

7 CHAPTER 71

8 (Reserved)

9 CHAPTER 73

10 SALARIES

11 Sec.

12 7301. Salary of solicitor and costs.

13 § 7301. Salary of solicitor and costs.

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

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

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

23 PART IV

24 COUNTIES OF THE SECOND CLASS A THROUGH EIGHTH CLASS

25 Chapter

26 121. General Provisions

27 123. County Officers

28 125. County Commissioners and Chief Clerks

29 127. Controller

30 129. Auditors

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

26 CHAPTER 121

27 GENERAL PROVISIONS

- 28 Sec.
- 29 12101. Scope of part.
- 30 12102. (Reserved).

1 12103. Proceedings for recovery of penalties.

2 12104. Collection of tax and municipal claims by suit and
3 limitations.

4 12105. Publication of legal notices.

5 12106. General powers.

6 12107. Vesting of corporate power.

7 § 12101. Scope of part.

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

11 § 12102. (Reserved).

12 § 12103. Proceedings for recovery of penalties.

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

23 § 12104. Collection of tax and municipal claims by suit and
24 limitations.

25 (a) Proceedings.--In addition to the remedies provided by
26 law for the collection of tax and municipal claims, a county may
27 proceed for the recovery and collection of a tax or municipal
28 claim owed to the county against each owner of the property
29 owing the tax or municipal claim to the county by a civil action
30 or other appropriate remedy. A penalty of 10% and interest at

1 the prevailing legal rate and costs of suit shall be added to
2 each judgment obtained for the taxes or municipal claim. Upon
3 judgment, execution may be issued without a stay or benefit of
4 an exemption law.

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

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

13 (1) The date a tax is due.

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

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

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

21 § 12105. Publication of legal notices.

22 (a) Publication.--

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

28 (2) If the matter in connection with which the
29 advertising under paragraph (1) is being done affects only a
30 political subdivision, the advertisement shall be published

1 in a newspaper printed in the political subdivision, if there
2 is a newspaper and, if not, in a newspaper circulating
3 generally in the political subdivision.

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

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

20 § 12106. General powers.

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

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

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

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

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

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

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

7 § 12107. Vesting of corporate power.

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

10 CHAPTER 123

11 COUNTY OFFICERS

12 Subchapter

13 A. General Provisions

14 B. (Reserved)

15 C. State Associations

16 D. Removal of County Officers

17 E. Conduct of Official Business

18 SUBCHAPTER A

19 GENERAL PROVISIONS

20 Sec.

21 12301. Elected officers.

22 12302. Incompatible offices.

23 12303. Oath of office.

24 12303.1. (Reserved).

25 12304. Recorded commissions.

26 12305. Location of offices, records and papers.

27 12306. Open records.

28 12307. Securing from predecessors.

29 12308. Action by deputies.

30 12309. Vacancies.

1 12310. Information to heads of governmental departments.

2 12311. Penalty.

3 12312. (Reserved).

4 12313. Qualifications.

5 12314. Mileage.

6 12315. Security.

7 12316. Solicitors to county officers other than county
8 commissioners.

9 § 12301. Elected officers.

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

12 (1) Three county commissioners.

13 (2) Three auditors or, in counties of the second class A
14 and in each county in which the office of auditor has been or
15 shall be abolished, one controller.

16 (3) One treasurer.

17 (4) One coroner.

18 (5) One recorder of deeds.

19 (6) One prothonotary.

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

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

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

25 (10) One sheriff.

26 (11) One district attorney.

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

29 (b) Term.--

30 (1) Except as provided under paragraph (2) and

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

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

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

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

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

30 (1) The office of jury commissioner may be abolished by

1 referendum at the option of each county which on August 17,
2 1998, is a county of the third class having a population
3 under the 1990 Federal decennial census in excess of:

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

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

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

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

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

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

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

27 (5) A referendum under this subsection may not take
28 place in a year in which the office of jury commissioner is
29 on the ballot.

30 (f) Jury commissioner abolishment by resolution.--The office

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

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

18 § 12302. Incompatible offices.

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

24 (1) A member of the legislative body of a municipal
25 corporation.

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

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

28 (b) Treasurer or tax collector.--Except as authorized under
29 law, an elected county officer or county solicitor, if the
30 county solicitor is an individual, of a county of the third,

1 fourth, fifth, sixth, seventh or eighth class may not, at the
2 same time, serve as treasurer or tax collector of a municipal
3 corporation.

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

12 § 12303. Oath of office.

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

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

26 § 12303.1. (Reserved).

27 § 12304. Recorded commissions.

28 Each county officer receiving a commission from the Governor
29 shall, immediately, deliver the same to the recorder of deeds
30 for recordation. An officer may not execute any of the duties of

1 office until the commission has been delivered.

2 § 12305. Location of offices, records and papers.

3 (a) County seat.-- Except as otherwise provided in

4 subsection (d), each county commissioner, auditor, controller,

5 treasurer, sheriff, recorder of deeds, prothonotary, clerk of

6 courts, clerk of orphans' court, register of wills and district

7 attorney shall keep the individual's respective offices and each

8 public record and paper of the office at the county seat and in

9 buildings erected or appropriated for keeping offices and public

10 records and papers.

11 (b) Storage.--

12 (1) The county commissioners may keep and maintain

13 records and contract with persons for storage, retrieval and

14 transmission of county records within or outside the county

15 except that no records shall be stored outside the county

16 seat without the approval of the officer in charge of the

17 office to which the records belong. The approval of the

18 president judge shall be required if records are in the

19 custody of agencies of the court of common pleas, the clerk

20 of courts, the prothonotary, the register of wills or the

21 clerk of the orphans' court. Public records stored outside of

22 the county seat shall be made accessible to the general

23 public at the county seat by an electronic means or facility

24 which will permit the retrieval of the records or exact

25 copies of the records within five business days.

26 (2) County records used on a regular or frequent basis

27 shall be accessible in the county seat.

28 (c) Fee.--The county commissioners of counties of the second

29 class A may impose a fee on recorded instruments required to be

30 kept permanently that are filed with the county and, with the

1 approval of the president judge, may impose a fee on civil or
2 criminal cases filed in the court of common pleas. Fees shall be
3 collected by the appropriate row officer and deposited into a
4 special records management fund, administered by the county's
5 records management program in the Office of Management and
6 Productivity or, in the absence of an Office of Management and
7 Productivity, an office that handles the same or similar
8 functions. The fund shall be solely used to help defray the cost
9 of maintaining, administering, preserving and caring for the
10 records of the county.

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

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

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

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

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

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

5 § 12306. Open records.

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

10 § 12307. Securing from predecessors.

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

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

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

30 (2) pay a fine of not more than \$500 for the use of the

1 county.

2 § 12308. Action by deputies.

3 (a) Appointment.--

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

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

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

21 § 12309. Vacancies.

22 (a) Appointment by Governor.--

23 (1) Except as provided under subsection (b), for a
24 vacancy in a county office created by the Constitution of
25 Pennsylvania or laws of this Commonwealth, and, if no other
26 provision is made under the Constitution of Pennsylvania or
27 under this part to fill the vacancy, the Governor shall
28 appoint a suitable individual to fill the office, who shall
29 continue to hold and discharge the duties of the office until
30 the first Monday in January following the next municipal

1 election occurring not less than 90 days after the occurrence
2 of the vacancy, or for the balance of the unexpired term,
3 whichever period is shorter.

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

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

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

14 (c) Discharge of duties.--The Governor shall discharge the
15 duties under this section in accordance with section 207.1(d)
16 (5.1) of the act of April 9, 1929 (P.L.177, No.175), known as
17 The Administrative Code of 1929.

18 § 12310. Information to heads of governmental departments.

19 (a) Duty.--

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

25 (2) The county furnishing information under paragraph
26 (1) shall receive reasonable compensation as may be
27 determined by the Auditor General. The compensation shall be
28 paid to the county by the State Treasurer, out of money not
29 otherwise appropriated, upon warrant from the Auditor
30 General.

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

5 § 12311. Penalty.

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

11 § 12312. (Reserved).

12 § 12313. Qualifications.

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

16 (1) at least 18 years of age;

17 (2) a citizen of the United States;

18 (3) a resident of the county; and

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

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

26 § 12314. Mileage.

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

1 § 12315. Security.

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

6 § 12316. Solicitors to county officers other than county
7 commissioners.

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

12 (1) The county treasurer.

13 (2) The sheriff.

14 (3) The register of wills.

15 (4) The recorder of deeds.

16 (5) The coroner.

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

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

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

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

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

29 SUBCHAPTER B

30 (Reserved)

SUBCHAPTER C

STATE ASSOCIATIONS

Sec.

12340. State associations.

12341. Purpose and annual meetings.

12342. Deputies and solicitors.

12343. Expenses and time limits.

12344. Other meeting expenses.

12345. Annual assessments.

12346. Associations and organizations concerned with
governmental affairs.

§ 12340. State associations.

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

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

(2) County controllers.

(3) Sheriffs.

(4) District attorneys.

(5) Probation officers.

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

(7) Prothonotaries and clerks of courts.

(8) County treasurers.

(9) Records of deeds.

(10) Directors of veterans' affairs.

(11) Coroners.

(12) Jury commissioners.

(13) County auditors.

1 (14) Public defenders.

2 § 12341. Purpose and annual meetings.

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

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

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

23 § 12342. Deputies and solicitors.

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

29 (1) Controller.

30 (2) Sheriff.

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

10 § 12343. Expenses and time limits.

11 (a) Elected officers.--

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

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

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

24 (b) Nonelected officers and employees.--

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

29 (2) Each officer may be reimbursed for actual expenses
30 in an amount not to exceed \$220 per day for the number of

1 days specified under subsection (d), including mileage
2 traveling to and returning from the annual meeting and the
3 registration fee.

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

6 (c) Account and payment.--

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

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

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

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

22 (d) Time limit.--

23 (1) The annual meeting of:

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

26 (ii) The association of district attorneys may not
27 exceed three days.

28 (iii) A State association, other than an association
29 under subparagraphs (i) and (ii), may not exceed three
30 days.

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

4 § 12344. Other meeting expenses.

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

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

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

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

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

21 (4) For each county of the seventh and eighth class,
22 \$500.

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

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

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

1 the county.

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

6 § 12345. Annual assessments.

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

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

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

24 § 12346. Associations and organizations concerned with
25 governmental affairs.

26 (a) Associations and organizations.--The county
27 commissioners may:

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

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

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

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

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

18 SUBCHAPTER D

19 REMOVAL OF COUNTY OFFICERS

20 Sec.

21 12350. Removal of county officers and appointees.

22 § 12350. Removal of county officers and appointees.

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

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

1 thirds of the Senate; or

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

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

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

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

12 SUBCHAPTER E

13 CONDUCT OF OFFICIAL BUSINESS

14 Sec.

15 12360. Meetings open to public.

16 § 12360. Meetings open to public.

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

21 CHAPTER 125

22 COUNTY COMMISSIONERS AND CHIEF CLERKS

23 Subchapter

24 A. County Commissioners

25 B. Chief Clerk of County Commissioners

26 SUBCHAPTER A

27 COUNTY COMMISSIONERS

28 Sec.

29 12501. Election and vacancies.

30 12502. Organization.

1 12503. Meetings.

2 12504. Quorum and execution of official instruments.

3 12505. Certified copies of proceedings.

4 12506. Oaths.

5 12507. Expenses.

6 12508. Office supplies.

7 12509. Ordinances and resolutions.

8 12510. (Reserved).

9 12511. (Reserved).

10 12512. (Reserved).

11 12513. (Reserved).

12 § 12501. Election and vacancies.

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

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

26 § 12502. Organization.

27 The county commissioners shall meet on the first Monday of
28 January 1956 and on the first Monday of January every fourth
29 year thereafter in the office provided for the county
30 commissioners at the county seat for the purpose of

1 organization. If the first Monday is a legal holiday, the
2 meeting shall be held the next day.

3 § 12503. Meetings.

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

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

14 § 12504. Quorum and execution of official instruments.

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

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

25 § 12505. Certified copies of proceedings.

26 Copies of the proceedings of the county commissioners and of
27 each record in the possession of the county commissioners,
28 certified by the chief clerk under the county seal, shall be
29 admitted in evidence in any court of the Commonwealth.

30 § 12506. Oaths.

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

4 § 12507. Expenses.

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

9 § 12508. Office supplies.

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

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

25 § 12509. Ordinances and resolutions.

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

1 regulations pertaining to the use of property owned or used by
2 the county and the conduct of individuals in, on or about the
3 property in order to preserve the property and to promote and
4 preserve public health, safety and welfare.

5 (b) Publication.--

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

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

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

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

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

30 (4) In the event substantial amendments are made in the

1 proposed ordinance, the county commissioners shall, at least
2 10 days before the enactment or adoption, republish the
3 proposed ordinance in a newspaper of general circulation in
4 the county and a brief summary setting forth all the
5 provisions in reasonable detail with a summary of the
6 amendments.

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

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

15 (1) Prescribe fines and penalties as follows:

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

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

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

25 (d) Penalties.--A person who violates an ordinance enacted
26 by the county commissioners under this section shall, upon
27 conviction at a summary proceeding, be sentenced to pay a fine
28 as may be prescribed in the ordinance by the county
29 commissioners. The fine shall not exceed an amount of \$1,000
30 per violation, with the costs of prosecution, or imprisonment of

1 not more than 10 days, or both. The fine shall be paid to the
2 county for use by the county.

3 § 12510. (Reserved).

4 § 12511. (Reserved).

5 § 12512. (Reserved).

6 § 12513. (Reserved).

7 SUBCHAPTER B

8 CHIEF CLERK OF COUNTY COMMISSIONERS

9 Sec.

10 12520. Chief clerk.

11 12521. Duties and powers of chief clerk.

12 § 12520. Chief clerk.

13 The county commissioners shall appoint a chief clerk.

14 § 12521. Duties and powers of chief clerk.

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

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

24 CHAPTER 127

25 CONTROLLER

26 Sec.

27 12701. Election, term and seal.

28 12702. Eligibility.

29 12703. Deputy controller and clerks.

30 12704. (Reserved).

1 12705. Establishment of office of controller in counties of the
2 sixth, seventh and eighth classes.

3 12706. Appointment by Governor, duties of auditors and
4 abolition of office of auditor.

5 12707. Expenses.

6 § 12701. Election, term and seal.

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

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

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

27 § 12702. Eligibility.

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

1 office.

2 (b) Local office holders.--A county commissioner, county <--
3 treasurer, prothonotary, register of wills, clerk of courts,
4 recorder of deeds, sheriff or district attorney, or the chief
5 clerk or deputy of a county commissioner, county treasurer,
6 prothonotary, register of wills, clerk of courts, recorder of
7 deeds, sheriff or district attorney, shall be ineligible to hold
8 the office of county controller while in office and for two
9 years after leaving office. THE COUNTY COMMISSIONERS, COUNTY <--

10 TREASURER, PROTHONOTARY, REGISTER OF WILLS, CLERK OF THE COURTS,
11 RECORDER OF DEEDS, SHERIFF AND DISTRICT ATTORNEY, AND THEIR
12 CHIEF CLERKS OR DEPUTIES, SHALL BE INELIGIBLE, DURING THEIR
13 CONTINUANCE IN SUCH OFFICE AND FOR TWO YEARS THEREAFTER, TO THE
14 OFFICE OF COUNTY CONTROLLER.

15 § 12703. Deputy controller and clerks.

16 (a) Appointments.--

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

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

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

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

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

3 § 12704. (Reserved).

4 § 12705. Establishment of office of controller in counties of
5 sixth, seventh and eighth classes.

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

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

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

29 § 12706. Appointment by Governor, duties of auditors and
30 abolition of office of auditor.

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

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

15 § 12707. Expenses.

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

21 CHAPTER 129

22 AUDITORS

23 Sec.

24 12901. Election and vacancies.

25 12902. Eligibility.

26 12903. Meetings and quorum.

27 12904. (Reserved).

28 § 12901. Election and vacancies.

29 (a) Election.--In each county in which the office of
30 controller has not been established, three county auditors shall

1 be elected in 1955 and every four years thereafter. In the
2 election of county auditors, each qualified elector shall vote
3 for no more than two individuals. The three individuals with the
4 highest number of votes shall be elected to the office of county
5 auditor.

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

12 § 12902. Eligibility.

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

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

24 § 12903. Meetings and quorum.

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

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

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

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

21 § 12904. (Reserved).

22 CHAPTER 131

23 TREASURER

24 Sec.

25 13101. County treasurer and eligibility.

26 13102. (Reserved).

27 13103. (Reserved).

28 13104. (Reserved).

29 13105. Misapplication of money collected for specific purposes.

30 13106. Deputy treasurer.

1 13106.1. Second deputy treasurer.

2 13107. (Reserved).

3 § 13101. County treasurer and eligibility.

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

8 § 13102. (Reserved).

9 § 13103. (Reserved).

10 § 13104. (Reserved).

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

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

21 § 13106. Deputy treasurer.

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

24 § 13106.1. Second deputy treasurer.

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

30 § 13107. (Reserved).

1 CHAPTER 133

2 COUNTY SOLICITOR

3 Sec.

4 13301. Appointment and qualifications.

5 13302. Duties.

6 13303. Employees in certain counties.

7 13304. Assistant county solicitors.

8 § 13301. Appointment and qualifications.

9 The county commissioners shall appoint a county solicitor.

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

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

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

13 professional corporation. Before entering upon the duties of

14 office, the county solicitor shall file with the county

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

16 commissions received from every source as county solicitor into

17 the county treasury.

18 § 13302. Duties.

19 The county solicitor shall have the following duties:

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

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

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

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

30 § 13303. Employees in certain counties.

1 In counties of the second class A and third class, the county
2 solicitor may, with the consent of the county commissioners,
3 employ clerks or assistants as may be necessary in the discharge
4 of the county solicitor's duties.

5 § 13304. Assistant county solicitors.

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

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

18 CHAPTER 135

19 ENGINEER

20 Sec.

21 13501. County engineer, appointment and term.

22 13502. Duties.

23 § 13501. County engineer, appointment and term.

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

28 § 13502. Duties.

29 The county engineer shall have the following duties:

30 (1) Prepare plans, specifications and estimates of all

1 engineering work undertaken by the county.

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

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

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

9 CHAPTER 137

10 SHERIFF

11 Sec.

12 13701. Unfinished business of outgoing sheriff.

13 13702. Deputy action authorized.

14 13703. Chief deputy and petition.

15 13704. Real estate deputies.

16 13705. Deputies and clerks.

17 13706. Deputy sheriff's qualifications.

18 13707. False statements in deputy's affidavit.

19 13708. Filed items and public records.

20 13709. Public list of applicants for deputy sheriff.

21 13710. Private services, gifts and payments prohibited.

22 13711. Penalties.

23 13712. Construction.

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

26 13714. Sheriff to keep docket.

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

29 § 13701. Unfinished business of outgoing sheriff.

30 (a) Unfinished business.--An outgoing sheriff shall deliver

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

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

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

19 § 13702. Deputy action authorized.

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

24 § 13703. Chief deputy and petition.

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

1 have the effect in law as if the duty had been done by the
2 sheriff in person, regardless of the ability or temporary
3 disability of the sheriff to act, while the sheriff continues in
4 office. Nothing in this subsection shall be construed to relieve
5 the sheriff or the sheriff's sureties from liability upon the
6 official bond of the sheriff or the sheriff's sureties.

7 (b) Petition.--If, during a vacancy in the office of sheriff
8 the duties of the office cannot be discharged in accordance with
9 section 13713 (relating to chief deputy sheriff to act as
10 sheriff in case of vacancy) or any other law, the ranking deputy
11 of the office shall petition the court of common pleas to
12 authorize a deputy to perform any duty incumbent upon the
13 sheriff. Upon a finding that no other individual has the legal
14 capacity to discharge the duty, the court shall authorize the
15 deputy to perform the duty during the vacancy as if the official
16 act had been done by the sheriff.
17 § 13704. Real estate deputies.

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

1 § 13705. Deputies and clerks.

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

15 § 13706. Deputy sheriff's qualifications.

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

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

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

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

30 (4) That the individual, chief deputy or other deputy

1 sheriff has not, for a period of two years immediately
2 preceding the filing of the affidavit under this subsection:

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

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

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

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

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

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

24 § 13707. False statements in deputy's affidavit.

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

28 § 13708. Filed items and public records.

29 The name, photograph and affidavit filed under section 13706
30 (relating to deputy sheriff's qualifications) with the

1 prothonotary shall constitute a public record.

2 § 13709. Public list of applicants for deputy sheriff.

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

11 § 13710. Private services, gifts and payments prohibited.

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

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

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

30 (b) Firearms and military supplies.--

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

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

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

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

24 § 13711. Penalties.

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

1 commits a misdemeanor and shall, upon conviction, be sentenced
2 to pay a fine of not less than \$100 nor more than \$500, or to
3 undergo imprisonment for not less than 90 days nor more than two
4 years, or both.

5 § 13712. Construction.

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

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

13 (i) Night watchmen.

14 (ii) Railroad police.

15 (iii) Bank police.

16 (iv) Payroll police.

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

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

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

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

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

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

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

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

9 § 13714. Sheriff to keep docket.

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

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

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

26 CHAPTER 139

27 CORONER

28 Subchapter

29 A. Preliminary Provisions

30 B. General Provisions

1 C. Fees and Cost Recovery

2 SUBCHAPTER A

3 PRELIMINARY PROVISIONS

4 Sec.

5 13901. Applicability.

6 13902. Definitions.

7 § 13901. Applicability.

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

12 § 13902. Definitions.

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

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

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

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

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

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

1 (ii) Any other specimen.
2 "Coroner." An elected or appointed coroner or an elected or
3 appointed medical examiner.

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

10 SUBCHAPTER B

11 GENERAL PROVISIONS

- 12 13911. Deputies.
13 13912. Duties regarding county morgues.
14 13913. Removal of bodies to morgue.
15 13914. Removal of body, burial and vehicle.
16 13915. Unclaimed property and sales.
17 13916. Private morgue.
18 13917. Requests for examinations and reports.
19 13918. Coroner's investigation.
20 13919. Autopsy, inquest and records.
21 13920. Child deaths.
22 13921. Sudden death.
23 13922. Prohibition on moving a body.
24 13923. Release of coroner's jurisdiction.
25 13924. Cooperation with district attorney.
26 13925. Cooperation with other counties.
27 13926. Certificate of cause of death.
28 13927. Subpoena and attachment.
29 13928. Jury.
30 13929. Oaths.

1 13930. Commitment to county prison.

2 13931. Excluded individuals.

3 13932. Vacancy.

4 13933. Anatomical gifts.

5 13934. Execution of office.

6 13935. Records.

7 § 13911. Deputies.

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

14 § 13912. Duties regarding county morgues.

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

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

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

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

25 § 13913. Removal of bodies to morgue.

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

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

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

10 § 13914. Removal of body, burial and vehicle.

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

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

21 § 13915. Unclaimed property and sales.

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

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

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

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

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

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

17 § 13916. Private morgue.

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

25 § 13917. Requests for examinations and reports.

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

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

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

8 § 13918. Coroner's investigation.

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

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

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

22 (3) A death occurring as a result of violence or trauma,
23 whether apparently homicidal, suicidal or accidental,
24 including, a death due to mechanical, thermal, chemical,
25 electrical or radiational injury, drowning, cave-in or
26 subsidence.

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

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

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

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

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

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

12 (10) A sudden and unexplained infant death.

13 (11) A stillbirth.

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

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

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

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

23 § 13919. Autopsy, inquest and records.

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

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

1 (1) Ascertain the cause of death.

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

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

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

10 (d) Retention and disposal.--

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

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

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

22 § 13920. Child deaths.

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

28 (b) Investigation.--

29 (1) If the coroner determines that an investigation is
30 appropriate in the case of the death of a child who is not

1 more than three years of age, the investigation shall include
2 the following information:

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

5 (ii) Witness interviews.

6 (iii) Infant medical history.

7 (iv) Biological mother's prenatal history.

8 (v) Incident scene investigation.

9 (vi) Scene and body diagrams.

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

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

17 § 13921. Sudden death.

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

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

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

24 (i) was discharged from medical attendance;

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

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

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

1 suspicious or to authorize a coroner to investigate a sudden
2 death further than necessary to determine the cause and manner
3 of death.

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

8 § 13922. Prohibition on moving a body.

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

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

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

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

28 § 13923. Release of coroner's jurisdiction.

29 If a coroner assumes jurisdiction of a body under the
30 provisions of this chapter or any other law, the body may not be

1 released or removed from the coroner's jurisdiction except upon
2 the coroner's directions and consent in accordance with law.
3 § 13924. Cooperation with district attorney.

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

8 § 13925. Cooperation with other counties.

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

12 § 13926. Certificate of cause of death.

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

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

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

21 § 13927. Subpoena and attachment.

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

25 (1) A death investigation.

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

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

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

2 (i) A paper.

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

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

7 § 13928. Jury.

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

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

16 § 13929. Oaths.

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

21 § 13930. Commitment to county prison.

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

26 (1) take an oath or affirmation; or

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

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

1 county jail.

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

6 § 13931. Excluded individuals.

7 The following apply:

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

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

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

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

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

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

23 § 13932. Vacancy.

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

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

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

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

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

20 § 13933. Anatomical gifts.

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

24 § 13934. Execution of office.

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

1 act done by the individual under authority of the office.

2 § 13935. Records.

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

8 SUBCHAPTER C

9 FEEES AND COST RECOVERY

10 Sec.

11 13951. Disposition costs.

12 13952. Fees for reports.

13 § 13951. Disposition costs.

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

23 (1) The costs of disposition.

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

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

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

1 (c) Civil liability.--A coroner who reasonably attempts to
2 secure or safeguard any real property where the deceased is
3 found and any personal property on or around the deceased is
4 immune from civil liability for damage to or loss of the
5 property or its contents.

6 § 13952. Fees for reports.

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

21 CHAPTER 141

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

23 REGISTER OF WILLS AND RECORDER OF DEEDS

24 Sec.

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

28 14102. Office holders.

29 14103. Separate judicial districts.

30 14104. (Reserved).

1 14105. Appointment of first deputies.
2 14106. (Reserved).
3 14107. (Reserved).
4 14107.1. (Reserved).
5 14108. (Reserved).
6 14109. (Reserved).
7 14110. (Reserved).
8 14111. (Reserved).
9 14112. Second deputy recorder.
10 14113. Clerks of recorder to administer oaths.
11 14114. (Reserved).
12 14115. (Reserved).
13 14116. (Reserved).

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

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

28 § 14102. Office holders.

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

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

5 (b) Reconfiguration.--

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

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

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

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

1 orphans' court, unless an applicable local law states otherwise.

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

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

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

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

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

1 (j) Offices not held.--

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

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

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

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

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

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

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

30 § 14103. Separate judicial districts.

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

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

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

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

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

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

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

26 § 14104. (Reserved).

27 § 14105. Appointment of first deputies.

28 The recorder of deeds shall appoint one first deputy to act
29 for the death or resignation of the first deputy's principal or
30 when the office becomes vacant from other causes. The register

1 of wills shall appoint a deputy or deputies with powers and
2 duties specified under 20 Pa.C.S. Ch. 9 (relating to register of
3 wills).

4 § 14106. (Reserved).

5 § 14107. (Reserved).

6 § 14107.1. (Reserved).

7 § 14108. (Reserved).

8 § 14109. (Reserved).

9 § 14110. (Reserved).

10 § 14111. (Reserved).

11 § 14112. Second deputy recorder.

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

17 § 14113. Clerks of recorder to administer oaths.

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

24 § 14114. (Reserved).

25 § 14115. (Reserved).

26 § 14116. (Reserved).

27 CHAPTER 143

28 DISTRICT ATTORNEY, ASSISTANTS AND DETECTIVES

29 Subchapter

30 A. District Attorney

1 B. Assistant and Acting District Attorneys, Stenographers
2 and Clerks

3 C. County Detectives

4 SUBCHAPTER A

5 DISTRICT ATTORNEY

6 Sec.

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

9 14302. Duties of district attorney and entry of nolle prosequi.

10 14303. Expenses incurred by district attorney.

11 14304. Filling of vacancies.

12 14305. Misconduct of district attorney.

13 14306. District attorney charged with crime.

14 14307. Legal resources for district attorney.

15 14308. Police radio in counties of the third class.

16 14309. Prosecution by private counsel.

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

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

21 (1) Be a resident of the county.

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

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

24 (4) Have been admitted to practice as an attorney before
25 the Supreme Court of Pennsylvania for at least one year
26 before taking the oath of office AND CONTINUALLY HOLD AN <--
27 ACTIVE LAW LICENSE DURING THE PERIOD WHEN THE INDIVIDUAL IS
28 IN OFFICE.

29 (5) Have resided in the county for which the district
30 attorney is elected or appointed for one year prior to the

1 election or appointment.

2 (B) SUSPENSION AND DISBARMENT.--THE FOLLOWING SHALL APPLY: <--

3 (1) IF A DISTRICT ATTORNEY IS DISBARRED, THE OFFICE OF
4 THE DISTRICT ATTORNEY SHALL BE VACANT AND SHALL BE FILLED AS
5 FOLLOWS:

6 (I) EXCEPT FOR A COUNTY OF THE FIRST OR SECOND
7 CLASS, AS PROVIDED UNDER SECTION 14304 (RELATING TO
8 FILLING OF VACANCIES).

9 (II) FOR A COUNTY OF THE SECOND CLASS, AS PROVIDED
10 UNDER SECTION 1404 OF THE ACT OF JULY 28, 1953 (P.L.723,
11 NO.230), KNOWN AS THE SECOND CLASS COUNTY CODE.

12 (III) FOR A COUNTY OF THE FIRST CLASS, AS PROVIDED
13 UNDER SECTION 3 OF THE ACT OF MAY 3, 1850 (P.L.654,
14 NO.385), ENTITLED "AN ACT PROVIDING FOR THE ELECTION OF
15 DISTRICT ATTORNEYS."

16 (2) NOTWITHSTANDING ANY OTHER LAW APPLICABLE TO A CLASS
17 OF COUNTY TO THE CONTRARY, IF A DISTRICT ATTORNEY'S LAW
18 LICENSE IS SUSPENDED, THE OFFICE OF DISTRICT ATTORNEY SHALL
19 NOT BE VACANT BUT THE DISTRICT ATTORNEY SHALL BE SUSPENDED
20 FROM THE OFFICE UNTIL THE LAW LICENSE OF THE DISTRICT
21 ATTORNEY IS REINSTATED OR THE EXPIRATION OF THE TERM OF THE
22 DISTRICT ATTORNEY, WHICHEVER IS SOONER. THE FIRST ASSISTANT
23 DISTRICT ATTORNEY, IF WILLING, QUALIFIED AND ABLE, SHALL ACT
24 AS THE DISTRICT ATTORNEY DURING THE TIME PERIOD THAT THE
25 DISTRICT ATTORNEY'S LAW LICENSE IS SUSPENDED. IF THE FIRST
26 ASSISTANT DISTRICT ATTORNEY IS UNWILLING, UNQUALIFIED OR
27 UNABLE TO SERVE, THE JUDGES OF THE COURT OF COMMON PLEAS
28 SHALL APPOINT A COMPETENT PERSON WHO SATISFIES THE
29 REQUIREMENTS OF THIS SECTION TO ACT AS DISTRICT ATTORNEY.

30 ~~(b)~~ (C) Eligibility.--A district attorney may not be <--

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

8 ~~(e)~~ (D) Counties of the eighth class.--In counties of the <--
9 eighth class, the district attorney shall be a full-time
10 position if any of the following apply:

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

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

1 (i) The average caseload of felony, misdemeanor and
2 juvenile cases for the past five years exceed 200 per
3 year.

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

6 (iii) The county has:

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

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

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

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

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

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

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

1 district.

2 ~~(f)~~ (G) Limitations.--

<--

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

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

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

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

26 ~~(h)~~ (I) Full time.--Except as provided in subsection (e) <--
27 (D), an office of district attorney that was part time on <--
28 January 2, 2012, shall become full time as of that date.

29 ~~(i)~~ (J) Professional conduct.-- <--

30 (1) A district attorney shall be subject to the Rules of

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

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

21 ~~(j)~~ (K) Reimbursement.--The Commonwealth shall annually <--
22 reimburse each county with a full-time district attorney an
23 amount equal to 65% of the district attorney's salary.

24 § 14302. Duties of district attorney and entry of nolle
25 prosequi.

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

1 were performed by deputy attorneys general. The duties conferred
2 shall be in addition to all other duties given to the district
3 attorney by other acts.

4 § 14303. Expenses incurred by district attorney.

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

16 § 14304. Filling of vacancies.

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

1 of a competent individual who satisfies the requirements of
2 section 14301 to fill the office until the first Monday in
3 January following the next municipal election occurring not less
4 than 90 days after the occurrence of the vacancy.

5 § 14305. Misconduct of district attorney.

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

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

18 (b) Notice and probable cause.--

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

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

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

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

30 (3) If after the hearing the court finds that there is

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

6 § 14306. District attorney charged with crime.

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

19 § 14307. Legal resources for district attorney.

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

26 § 14308. Police radio in counties of the third class.

27 The district attorney of a county of the third class may,
28 with the consent and approval of the county commissioners and at
29 the expense of the county, purchase and maintain a short wave
30 police radio receiving and transmitting set and the necessary

1 accessory equipment, to be installed and used in the office of
2 the district attorney.

3 § 14309. Prosecution by private counsel.

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

18 SUBCHAPTER B

19 ASSISTANT AND ACTING DISTRICT ATTORNEYS,

20 STENOGRAPHERS AND CLERKS

21 Sec.

22 14320. Assistant district attorneys.

23 14321. Designation, powers and duties of first assistant.

24 14322. (Reserved).

25 14323. (Reserved).

26 14324. Temporary court appointment in counties of the third,
27 fourth, fifth, sixth, seventh and eighth class.

28 14325. Indictment and cost clerk in counties of the fourth
29 class.

30 14326. Stenographers and clerks.

1 § 14320. Assistant district attorneys.

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

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

16 (c) Violation and remedy.--

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

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

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

27 § 14321. Designation, powers and duties of first assistant.

28 The following shall apply:

29 (1) If more than one assistant district attorney is
30 appointed, the district attorney shall designate one

1 assistant as the first assistant.

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

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

15 § 14322. (Reserved).

16 § 14323. (Reserved).

17 § 14324. Temporary court appointment in counties of the third,
18 fourth, fifth, sixth, seventh and eighth class.

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

27 § 14325. Indictment and cost clerk in counties of the fourth
28 class.

29 The district attorney of a county of the fourth class, in
30 addition to other assistants authorized in this subchapter, may

1 appoint an assistant who is licensed to practice law in this
2 Commonwealth as an indictment and cost clerk to assist the
3 district attorney in the discharge of the district attorney's
4 duties.

5 § 14326. Stenographers and clerks.

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

10 SUBCHAPTER C

11 COUNTY DETECTIVES

12 Sec.

13 14340. Appointment, duties and compensation of county
14 detectives.

15 14341. Appointment of special detective with approval of court.

16 § 14340. Appointment, duties and compensation of county
17 detectives.

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

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

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

28 (b) Counties of fifth, sixth, seventh and eighth class.--In
29 counties of the fifth, sixth, seventh and eighth class, the
30 district attorney may appoint one chief county detective and

1 other county detectives as the county salary board may
2 authorize.

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

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

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

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

13 (d) Powers.--

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

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

20 (e) Fees and compensation.--

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

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

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

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

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

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

22 CHAPTER 145

23 SALARIES OF COUNTY OFFICERS

24 Sec.

25 14501. Salaries of county officers.

26 14502. Insurance and other employee benefits.

27 § 14501. Salaries of county officers.

28 (a) Amount.--Except as otherwise provided under this part or
29 other applicable law, salary and changes in salary of county
30 officers shall be set in accordance with the act of November 1,

1 1971 (P.L.495, No.113), entitled "An act providing for the
2 compensation of county officers in counties of the second
3 through eighth classes, for compensation of district attorneys
4 in cities and counties of the first class, for compensation of
5 district election officers in all counties, for the disposition
6 of fees, for filing of bonds in certain cases and for duties of
7 certain officers."

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

11 § 14502. Insurance and other employee benefits.

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

20 CHAPTER 147

21 FEEES OF SALARIED COUNTY OFFICERS AND SALARY BOARDS

22 Subchapter

23 A. Fees of Salaried County Officers

24 B. Salary Boards

25 C. (Reserved)

26 SUBCHAPTER A

27 FEEES OF SALARIED COUNTY OFFICERS

28 Sec.

29 14701. Fees belonging to county.

30 14702. System of accounts and fees paid to county treasurer.

1 14703. Penalty for receiving gratuities or percentages.
2 14704. False swearing to county accounts, bills or transcripts.
3 14705. Officers to be paid salaries.
4 14706. (Reserved).
5 14707. Monthly returns.
6 14708. Payment of certain officers.
7 14709. Salaries in lieu of fees.
8 14710. Rights of action and remedies for collection of fees.
9 § 14701. Fees belonging to county.
10 (a) General rule.--Except as provided under law, fees that
11 an elected or appointed county officer is legally authorized,
12 required or entitled to charge or receive belong to the county.
13 (b) Collection and receipt.--Each county officer shall
14 exact, collect and receive all fees to and for the use of the
15 county, except taxes and fees as are levied by the Commonwealth,
16 which shall be to and for the use of the Commonwealth.
17 (c) Use.--No county officer shall use fees received for
18 official services for any purpose except for the use of the
19 county or the Commonwealth.
20 § 14702. System of accounts and fees paid to county treasurer.
21 (a) System of accounts.--Each county officer receiving fees
22 shall keep a system of accounts, the form of which shall be
23 prescribed by the controller, or, if that office does not exist,
24 by the county auditors, on which entry shall be made of all the
25 money received for fees and of all money earned and chargeable
26 upon the county, specifying the day and date, the title of the
27 case, if applicable, for what service and from whom received.
28 (b) Duties of officer.--At the times designated by
29 resolution of the county commissioners but not later than the
30 10th day of each month, each officer shall:

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

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

19 (c) Duties of county controller or county auditor.--The
20 county controller, or the county auditors in counties without a
21 controller, shall receive, audit and verify the returns for the
22 preceding month and charge the county treasurer with the money
23 for fees paid in.

24 (d) Fees for another office.--If fees are paid to an office
25 for services rendered or to be rendered by another office, the
26 officer receiving the fees shall specify the fees on the account
27 book and on the transcript reflecting the office to which the
28 fees are due.

29 § 14703. Penalty for receiving gratuities or percentages.

30 (a) Prohibited conduct.--An officer under this subchapter

1 may not:

2 (1) Receive or stipulate to receive, from a deputy,
3 clerk or any person awarded a contract, money as percentage
4 on the salaries of the deputy or clerk or on the amounts or
5 profits of the contract or money as compensation for making
6 the appointment or contract.

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

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

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

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

14 (6) Fail to comply with any of the provisions of this
15 subchapter.

16 (7) Neglect to discharge any of the duties imposed on
17 the office.

18 (b) Penalty.--A violation of subsection (a) shall be deemed
19 a misdemeanor in office, and, in addition to other applicable
20 penalties, the officer shall, upon conviction, refund the money
21 unlawfully received and shall be deemed incapable of holding the
22 office.

23 § 14704. False swearing to county accounts, bills or
24 transcripts.

25 (a) Perjury.--A county officer under this subchapter or
26 another individual who willfully swears or affirms falsely as to
27 the accuracy of an account, transcript or bill required in this
28 subchapter or in making an affidavit in reference to the
29 account, transcript or bill, commits perjury and, upon
30 conviction, shall be liable to the punishment prescribed by law

1 for perjury.

2 (b) Subornation of perjury.--An individual who procures
3 another individual to swear or affirm falsely in verifying any
4 account, transcript or bill, or in making an affidavit in
5 reference to the account, transcript or bill, commits
6 subornation of perjury and, upon conviction, shall be liable to
7 the punishment prescribed by law for that offense.

8 § 14705. Officers to be paid salaries.

9 Each county officer and their deputies and clerks shall be
10 paid for services rendered by fixed and specific salaries as
11 follows:

12 (1) The salaries of each officer, deputy and clerk shall
13 be paid out of the treasury of the county which the officer,
14 deputy or clerk serve to the extent that the fees collected
15 and paid in by each officer respectively or earned if fees
16 are chargeable upon the county treasury, except as provided
17 in section 14708 (relating to payment of certain officers).

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

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

25 § 14706. (Reserved).

26 § 14707. Monthly returns.

27 (a) Separate returns and payment.--Each county officer shall
28 make a separate return to the Department of Revenue of all taxes
29 or fees collected or earned for the Commonwealth by the officer,
30 if any, at the same time that monthly returns are made under

1 section 14702 (relating to system of accounts and fees paid to
2 county treasurer). The taxes, fees and other amounts due to the
3 Commonwealth shall be paid over as required, but not more often
4 than monthly, unless specifically provided by law or regulation.

5 (b) Commissions.--All commissions on the collection of taxes
6 and fees for the Commonwealth shall be deemed and taken as part
7 of the regular fees of the county officer collecting and shall
8 be accounted for accordingly.

9 (c) Applicability of section.--This section applies only to
10 the reporting and payment of any taxes or fees and to the
11 treatment of commissions as are not otherwise provided for by
12 law.

13 § 14708. Payment of certain officers.

14 The following shall apply:

15 (1) The following individuals shall be paid weekly,
16 biweekly, semimonthly or monthly, at the discretion of the
17 county commissioners:

18 (i) The county solicitor.

19 (ii) County prison warden.

20 (iii) County commissioners.

21 (iv) County controller.

22 (v) County surveyor or engineer.

23 (vi) County detectives.

24 (vii) County treasurer.

25 (viii) Interpreter of courts.

26 (ix) District attorney and assistants of the
27 district attorney.

28 (x) In counties of the sixth, seventh and eighth
29 class, all county officers for whom a salary is fixed by
30 law and the deputies, clerks and employees of their

1 respective offices.

2 (2) The county officers listed under paragraph (1) shall
3 be paid the full amount allowed under law, but all fees and
4 emoluments that may accrue by virtue of an office shall be
5 paid by the officer or employee to the county treasurer as
6 directed by law, and all other officers shall be paid the
7 amounts assigned in accordance with this subchapter.

8 § 14709. Salaries in lieu of fees.

9 Except to the extent this section may be inconsistent with
10 any other express provision of this part, the salaries fixed and
11 provided by law for county officers shall be in lieu of money,
12 fees, perquisites or mileage expenses and other allowances
13 received or allowed to any officer. All money, fees, perquisites
14 or mileage expenses and other allowances, not governed by the
15 exceptions, shall belong to the county and shall be paid into
16 the county treasury, except if required to be paid to the
17 Commonwealth in the manner provided by this subchapter for fees.

18 § 14710. Rights of action and remedies for collection of fees.

19 All rights of action and all other remedies granted or
20 extended to a salaried county officer under this subchapter for
21 the collection of the officer's respective fees are extended and
22 shall inure to the benefit of counties for the collection of all
23 fees and costs that may accrue to counties under the provisions
24 of this subchapter.

25 SUBCHAPTER B

26 SALARY BOARDS

27 Sec.

28 14720. Salaries and compensation.

29 14721. Fees.

30 14722. Salary boards.

1 14723. Number and compensation of officers, deputies,
2 assistants, clerks and employees and revisions of
3 salary schedules.

4 14724. (Reserved).

5 14725. Procedure and action of salary board.

6 § 14720. Salaries and compensation.

7 The salaries and compensation of county officers shall be as
8 provided under law. The salaries and compensation of all
9 appointed officers and employees who are paid from the county
10 treasury shall be fixed by the salary board established under
11 section 14722 (relating to salary boards). The board of county
12 commissioners shall have the sole power and responsibility to
13 represent judges of the court of common pleas in proceedings
14 before the Pennsylvania Labor Relations Board or collective
15 bargaining negotiations involving employees paid from the county
16 treasury, the county and all elected or appointed county
17 officers having employment powers over the affected employees.
18 The powers authorized by the county commissioners under this
19 section shall not affect the hiring, discharging and supervising
20 rights and obligations with respect to employees as may be
21 vested in the judges or other county officers.

22 § 14721. Fees.

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

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

28 (c) Timing of payment.--Fees, mileage and emoluments shall
29 be paid on or before the 10th day of each month unless otherwise
30 required.

1 § 14722. Salary boards.

2 A salary board is created in each county. The following
3 apply:

4 (1) The salary board shall consist of the three
5 individual members of the county commissioners and:

6 (i) the county controller; or

7 (ii) for counties without a controller, the county
8 treasurer.

9 (2) The chairperson of the county commissioners shall be
10 chairperson of the salary board.

11 (3) The county controller or county treasurer, as the
12 case may be, shall be secretary of the board.

13 (4) The salary board shall meet and organize on the
14 first Monday of January of each year.

15 § 14723. Number and compensation of officers, deputies,
16 assistants, clerks and employees and revisions of
17 salary schedules.

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

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

23 (i) all deputies, assistants, clerks and other
24 individuals whose compensation is paid out of the county
25 treasury, except employees of county officers who are
26 paid by fees and not by salary;

27 (ii) all court criers, tipstaves and other court
28 employees; and

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

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

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

9 (b) Effect of section.--

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

13 (2) If a salary board fails to fix the number or
14 compensation of an officer, deputy, assistant, clerk or other
15 employee as required under this section, the number and
16 compensation shall continue, as fixed by or in accordance
17 with law with the same effect as though the number and
18 compensation had been fixed by the salary board, but the
19 salary board may fix any number or compensation at a later
20 time and with similar effect.

21 § 14724. (Reserved).

22 § 14725. Procedure and action of salary board.

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

29 (b) Attendance by president judge.--When the board considers
30 the number or salaries of court employees, the president judge

1 of the court shall sit as a member of the board until the matter
2 affecting the court criers, tipstaves or employees of the court
3 is resolved.

4 (c) Attendance by certain judges.--

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

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

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

16 (1) The decision of a majority of members of the salary
17 board shall govern.

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

21 SUBCHAPTER C

22 (Reserved)

23 CHAPTER 149

24 FISCAL AFFAIRS

25 Subchapter

26 A. Fiscal Policy and Systems

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

28 C. Disbursals of County Money

29 D. County Treasury and County Depositories

30 E. County Taxation, Borrowing and Transfer of Funds

1 F. Budgets

2 G. Sinking Fund Commission

3 SUBCHAPTER A

4 FISCAL POLICY AND SYSTEMS

5 Sec.

6 14901. Functions of county commissioners.

7 14901.1. Billing and collection of third, fourth, fifth, sixth,
8 seventh and eighth class county taxes.

9 14901.2. Collection of tax on real property from rent paid to
10 owner in county of the second class A.

11 14902. Functions of controller.

12 14903. Accounts of officers.

13 14904. Custody of documents.

14 14905. Financial records.

15 14906. Investment of money.

16 § 14901. Functions of county commissioners.

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

20 § 14901.1. Billing and collection of third, fourth, fifth,
21 sixth, seventh and eighth class county taxes.

22 (a) County institution district taxes.--The county
23 commissioners of each county of the third, fourth, fifth, sixth,
24 seventh and eighth class may, by resolution, provide for the
25 billing and collecting of all county and county institution
26 district taxes levied within a third class city and may, in the
27 resolution, vest the county treasurer with the duties and
28 responsibilities of billing and collecting all the taxes. The
29 resolution shall be adopted by the county, and the city
30 treasurer shall be notified of adoption of the resolution no

1 later than the first day for the circulation of nomination
2 petitions for the office of tax collector within the county and
3 shall take effect upon the first day of the next succeeding term
4 of office of tax collector following adoption of the resolution.

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

17 (c) Vacancy in office.--Notwithstanding any law to the
18 contrary, if, as a result of a vacancy in the office of elected
19 tax collector in a municipality within a county of the third,
20 fourth, fifth, sixth, seventh or eighth class, an employee or
21 paid official of the municipality is appointed or directed by
22 the governing body of the municipality to assume the duties of
23 tax collector, the county commissioners may, by resolution,
24 provide, until a successor tax collector is elected in
25 accordance with law, for the following:

26 (1) the county treasurer to have the duties and
27 responsibilities of billing and collecting all county and
28 county institution district taxes levied within the
29 municipality;

30 (2) payment to the municipality, rather than the

1 employee or paid official appointed or directed by the
2 governing body of the municipality to assume the duties of
3 tax collector, the compensation that otherwise would be
4 attributable to the billing and collecting of county and
5 county institution district taxes levied within the
6 municipality; or

7 (3) an agreement with the tax collector in an adjoining
8 or conveniently located municipality to assume the duties of
9 the tax collector and receive the compensation that otherwise
10 would be attributable to the billing and collecting of county
11 and county institution district taxes levied within the
12 municipality.

13 (d) Duties passing to county treasurer.--Notwithstanding any
14 law to the contrary, if, as a result of a vacancy in the office
15 of elected tax collector in a municipality, the county treasurer
16 is appointed or directed by the county commissioners to bill and
17 collect all county and county institution district taxes within
18 the municipality, the governing body of the municipality and the
19 county commissioners may, by agreement, provide that the county
20 treasurer shall have the duties and responsibilities of billing
21 and collecting all taxes levied by the municipality in
22 accordance with section 4.4 of the act of May 25, 1945
23 (P.L.1050, No.394), known as the Local Tax Collection Law.

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

27 (f) Compensation.--

28 (1) Except as otherwise provided in the Local Tax
29 Collection Law, the compensation of personnel and other
30 expenses of billing and collecting county and county

1 institution district taxes under this section shall be paid
2 out of the general fund in the county treasury.

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

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

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

13 § 14901.2. Collection of tax on real property from rent paid to
14 owner in county of the second class A.

15 (a) Rental income.--If the owner of residential or
16 commercial real property that is located in a county of the
17 second class A and subject to a claim owed to the county under
18 the act of May 16, 1923 (P.L.207, No.153), referred to as the
19 Municipal Claim and Tax Lien Law, derives any rental income from
20 the property, the county treasurer shall notify the property
21 owner in writing of the property owner's duty to remit the
22 rental income to the office of the county treasurer. The rent
23 remitted shall be applied to the amount of tax owed to the
24 county, with any interest or penalties due, until the claim is
25 paid in full.

26 (b) Notice.--The notice under subsection (a) shall include
27 the amount of the claim on the property, including interest and
28 penalties, and each date the rental income is to be remitted.
29 If, after 15 days of the date or dates specified in the notice,
30 the property owner fails to remit the rental income, the county

1 may immediately begin the judicial sale process under the
2 Municipal Claim and Tax Lien Law.
3 § 14902. Functions of controller.

4 (a) Duties.--

5 (1) Subject to the power and duty of the county
6 commissioners to manage and administer the fiscal affairs of
7 the county, the controller shall supervise the fiscal affairs
8 of the county, including the related accounts and official
9 acts of all officers or other ~~individuals~~ PERSONS who shall <--
10 collect, receive, hold or disburse or be charged with the
11 management or custody of the public assets of the county. The
12 discretionary powers of the controller shall be applicable to
13 matters or official acts involving the accounts and
14 transactions of officers or other persons of the county,
15 including those indicated in section 14905 (relating to
16 financial records). The discretionary policies of the
17 controller ~~may~~ SHALL not be applicable to the establishment <--
18 and adoption of the fiscal policies of the county
19 commissioners.

20 (2) The following shall apply:

21 ~~(i) The controller may only refuse to authorize a <--~~
22 ~~fiscal transaction which:~~

23 ~~(A) Is, by law, subject to the controller's~~
24 ~~supervision or control and it appears that a~~
25 ~~transaction:~~

26 ~~(I) Is not authorized by law.~~

27 ~~(II) Has not been undertaken according to~~
28 ~~law.~~

29 ~~(III) Has not received approval according to~~
30 ~~law.~~

1 ~~(B) The controller desires upon reasonable~~
2 ~~grounds to investigate for or has already discovered~~
3 ~~fraud, flagrant abuse of public office or a criminal~~
4 ~~act or neglect of an officer or other person of the~~
5 ~~county relating to their public accounts and~~
6 ~~transactions.~~

7 (I) THE CONTROLLER MAY ONLY REFUSE TO AUTHORIZE ANY <--
8 FISCAL TRANSACTION WHICH IS, BY LAW, SUBJECT TO THE
9 CONTROLLER'S SUPERVISION OR CONTROL WHERE IT APPEARS THAT
10 THE TRANSACTION IS NOT AUTHORIZED BY LAW, OR HAS NOT BEEN
11 UNDERTAKEN ACCORDING TO LAW, OR HAS NOT RECEIVED APPROVAL
12 ACCORDING TO LAW, OR AS TO WHICH THE CONTROLLER DESIRES
13 UPON REASONABLE GROUNDS TO INVESTIGATE FOR OR HAS ALREADY
14 DISCOVERED ANY FRAUD, FLAGRANT ABUSE OF PUBLIC OFFICE OR
15 ANY CRIMINAL ACT OR NEGLIGENCE OF ANY OFFICER OR OTHER
16 PERSON OF THE COUNTY RELATING TO THEIR PUBLIC ACCOUNTS
17 AND TRANSACTIONS.

18 (ii) The controller may AT ANY TIME require from the <--
19 ANY officer or other person, in writing, an account of <--
20 each asset ALL ASSETS which may have come into the <--
21 officer's or person's control.

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

27 (b) Report of audit.--Under subsection (a), the county
28 commissioners, for the purpose of meeting Federal or State
29 requirements, may issue a request for proposals for and contract
30 with an independent certified public accountant or employ a

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

9 § 14903. Accounts of officers.

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

17 (b) Information regarding financial institutions.--

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

25 (2) The controller shall have power to examine ~~each~~ <--
26 ~~account of a county officer in a~~ EVERY ACCOUNT UNDER <--
27 PARAGRAPH (1) OF EACH AND EVERY COUNTY OFFICER IN ANY bank,
28 banking institution or trust company to verify the accuracy
29 of the statement of the county officer.

30 (3) Each bank, banking institution or trust company, its

1 officers and agents shall furnish full information to the
2 controller in relation to the account of the county officer.

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

8 § 14904. Custody of documents.

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

22 § 14905. Financial records.

23 The following shall apply:

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

30 (i) meet Federal and State reporting requirements;

1 and
2 (ii) show distinctly and separately the following
3 records classified by reference to the subject matter: <--
4 (A) property of the county;
5 (B) the county's revenue and expenditures;
6 (C) all debts and accounts due by the county
7 officers or others;
8 (D) the amount raised from each source of
9 revenue; and
10 (E) expenditures in detail.

11 (2) The controller shall select and administer the form
12 and manner of maintaining the records required under <--
13 paragraph (1) OFFICIAL FINANCIAL RECORDS IN CONNECTION WITH <--
14 THE FISCAL AFFAIRS OF THE COUNTY.

15 (3) If the controller prescribes a change in the form
16 and manner of maintaining the records required under <--
17 paragraph (1) OFFICIAL FINANCIAL RECORDS, any costs necessary <--
18 for implementation shall be subject to the approval of the
19 county commissioners.

20 (4) In counties without a controller, the requirements
21 of this section shall be fulfilled by the office of the
22 county commissioners.

23 § 14906. Investment of money.

24 (a) Investment standards.--

25 (1) Subject to subsection (b)(1) and any conditions and
26 limitations in this chapter, in counties of the second class
27 A, the county treasurer shall have the power to invest and
28 reinvest the money of the general fund and special funds as
29 have accumulated beyond the ordinary needs of the various
30 funds, and which are not authorized by law to be invested by

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

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

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

27 (1) In counties of the second class A, a board of
28 investment is created. The board shall be composed of the
29 treasurer, who shall chair the board, the chairperson of the
30 county commissioners and the controller. The board shall

1 provide for an investment program, including temporary
2 investments, subject to restrictions contained in this part
3 and in any other applicable statute and any rules and
4 regulations adopted by the board. County boards, commissions
5 or other county officers authorized to make investments under
6 subsection (a)(1) shall make investments in conformity with
7 the board's investment program.

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

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

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

25 (1) Obligations of:

26 (i) the United States or any of its agencies or
27 instrumentalities backed by the full faith and credit of
28 the United States, including United States Treasury
29 bills;

30 (ii) the Commonwealth or any of its agencies or

1 instrumentalities backed by the full faith and credit of
2 the Commonwealth; or

3 (iii) a political subdivision of the Commonwealth or
4 any of its agencies or instrumentalities backed by the
5 full faith and credit of the political subdivision.

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

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

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

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

27 (4) Certificates of deposit purchased from institutions
28 insured by the Federal Deposit Insurance Corporation or the
29 National Credit Union Share Insurance Fund to the extent that
30 the accounts are insured, and, for any amounts above the

1 insured maximum, if approved collateral as provided by law is
2 pledged by the depository. In addition to the
3 collateralization requirements, the following limitations
4 shall apply:

5 (i) Certificates of deposit purchased from
6 commercial banks shall be limited to an amount equal to
7 20% of a bank's total capital and surplus.

8 (ii) Certificates of deposit purchased from savings
9 and loan associations or savings banks shall be limited
10 to an amount equal to 20% of an institution's assets
11 minus liabilities.

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

15 (d) Limitation on certain officials.--Officials, as
16 authorized in subsection (a)(1) or (2), may not have invested in
17 negotiable certificates of deposit, bankers' acceptances or
18 commercial paper, respectively, as authorized by the act of July
19 25, 1973 (P.L.217, No.53), more than an aggregate of the total
20 sum as the investment policy of the board of investment or the
21 county commissioners has prescribed.

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

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

1 valuations of assets eligible to be used as collateral for
2 deposits of public funds; permitting assets to be pledged
3 against deposits on a pooled basis; and authorizing the
4 appointment of custodians to act as pledgees of assets,"
5 relating to pledges of assets to secure deposits of public
6 money.

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

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

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

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

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

1 SUBCHAPTER B

2 ACCOUNTS, AUDITS AND REPORTS

3 BY CONTROLLER OR AUDITORS

4 Sec.

5 14920. Settlement of accounts, report to common pleas,
6 publications and financial report.

7 14920.1. Audit of additional accounts.

8 14921. (Reserved).

9 14922. (Reserved).

10 14922.1. (Reserved).

11 14923. (Reserved).

12 14924. (Reserved).

13 14924.1. Audit of insurance and escrow accounts.

14 14925. Power of subpoena and attachment.

15 14926. Power to administer oaths.

16 14927. Refusal to obey subpoena or submit to examination.

17 14928. Witness fees.

18 14929. Settlement of accounts on extraneous proof.

19 14930. Filing reports.

20 14931. Appeals from reports.

21 14932. Form of issue on appeals.

22 14933. Allowance of attorney fees.

23 14934. (Reserved).

24 14935. (Reserved).

25 14936. (Reserved).

26 14937. (Reserved).

27 14938. (Reserved).

28 14939. (Reserved).

29 § 14920. Settlement of accounts, report to common pleas,
30 publications and financial report.

1 (a) Reports and audit, settlement and adjustment of
2 accounts.--

3 (1) At the end of each fiscal year, the controller or
4 auditors, as the case may be, shall complete the audit,
5 settlement and adjustment of the accounts of all county
6 officers.

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

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

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

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

30 (3) The report may also be published in printed

1 pamphlets at the cost of the county. The number and cost of
2 the pamphlets shall be determined by the controller or
3 auditors and the county commissioners with consideration of
4 current budget allocations.

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

13 (d) Penalty.--A controller or auditor refusing or neglecting
14 to file a report with the Department of Community and Economic
15 Development as required by this section commits a summary
16 offense and, upon conviction in a proceeding brought at the
17 instance of the department, shall be sentenced to pay a fine of
18 \$5 for each day's delay beyond July 1 and costs. All fines
19 recovered shall be for the use of the Commonwealth.

20 § 14920.1. Audit of additional accounts.

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

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

27 (2) Money appropriated by the county to units of the
28 Pennsylvania National Guard.

29 (3) Each magistrate or district justice within the
30 county and report the results of the audits to the county

1 commissioners, the Auditor General and the governing body of
2 each political subdivision that is entitled or has a right to
3 receive money collected by the magistrate or district
4 justice.

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

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

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

26 § 14921. (Reserved).

27 § 14922. (Reserved).

28 § 14922.1. (Reserved).

29 § 14923. (Reserved).

30 § 14924. (Reserved).

1 § 14924.1. Audit of insurance and escrow accounts.

2 For the purposes of this part relating to the auditing of
3 accounts and the purchasing of insurance, money held by a ANY <--
4 county official in escrow shall be deemed the same as county
5 money or public money.

6 § 14925. Power of subpoena and attachment.

7 (a) Subpoena and power to compel.--The controller or
8 auditors may issue a subpoena to obtain the attendance of an
9 officer whose accounts the controller or auditors are required
10 to adjust, including an executor or administrator of the
11 officer, and of an individual ANY PERSON whom it may be <--
12 necessary to examine as a witness and to compel:

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

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

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

22 § 14926. Power to administer oaths.

23 (a) Power.--The controller or auditors may administer oaths
24 and affirmations to each individual PERSON brought or appearing <--
25 before the controller or auditors, WHETHER ACCOUNTANTS, <--
26 WITNESSES OR OTHERWISE.

27 (b) Penalty.--An individual A PERSON swearing or affirming <--
28 falsely on examination commits perjury.

29 § 14927. Refusal to obey subpoena or submit to examination.

30 An individual A PERSON commits a misdemeanor for any of the <--

1 following:

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

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

6 (3) After having been sworn or affirmed, refusing to
7 answer questions of the controller or auditors relating to
8 the public accounts or the official conduct of public
9 officers.

10 § 14928. Witness fees.

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

18 § 14929. Settlement of accounts on extraneous proof.

19 If ~~an individual~~ ANY PERSON in possession of books, vouchers <--
20 or papers relative to public accounts before the controller or
21 auditors refuses to produce the documents, or if ~~an~~ ANY officer <--
22 whose accounts are to be settled and adjusted by the controller
23 or auditors refuses to attend or submit to examination, the
24 auditors or controller shall proceed, by the examination of
25 witnesses and other evidence, to ascertain and settle the amount
26 of public money received by the officer and its application to
27 public purposes.

28 § 14930. Filing reports.

29 (a) Filing among court records.--The reports of the
30 controller or auditors shall be filed among the records of the

1 court of common pleas of the county.

2 (b) Surcharge.--The amount of a ANY balance or shortage or <--
3 of an ANY expenditure of a kind, or made in a manner prohibited <--
4 or not authorized by statute which causes a financial loss to
5 the county shall be a surcharge against an ANY officer against <--
6 whom the balance or shortage appears or against whom by vote,
7 act or neglect permitted or approved the expenditure. The
8 following apply:

9 (1) An elected or appointed official of a county shall
10 not be surcharged for an act, error or omission in excess of
11 the actual financial loss sustained by the county.

12 (2) The imposition of a surcharge shall take into
13 consideration as its basis the results of the act, error or
14 omission and the results had the procedure been conducted
15 strictly according to law.

16 (3) The provisions limiting the amount of any surcharge
17 may SHALL not apply to: <--

18 (i) Cases involving fraud or collusion on the part
19 of officers.

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

22 ~~(4) No elected or appointed official of a county may be~~ <--
23 ~~surcharged if the official acted in good faith reliance on a~~
24 ~~written, nonconfidential opinion of the solicitor or on an~~
25 ~~opinion of the solicitor publicly stated at an open meeting~~
26 ~~of the county and recorded in the official minutes of the~~
27 ~~meeting. This paragraph shall not apply if a solicitor's~~
28 ~~opinion has been rendered under duress or if the parties~~
29 ~~seeking and rendering the solicitor's opinion have colluded~~
30 ~~to purposefully commit a violation of law. As used in this~~

~~paragraph, the term "solicitor" shall include a county
solicitor, a solicitor appointed by an official or a special
counsel appointed by a board of commissioners or other
official for a specific matter.~~

(c) Judgment and execution on judgment.--

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

(2) The Commonwealth or the county, AS THE CASE MAY BE, <--
may execute a final judgment under this section against the
property of the defaulting officer in accordance with law and
rule of court.

§ 14931. Appeals from reports.

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

(1) the Commonwealth;

(2) the county;

(3) the officer; or

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

(b) Conditions.--The following apply:

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

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

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

(2) An appeal by officers or taxpayers may not be
allowed unless within the time of taking the appeal the
appellant secures a bond in the sum of \$1,000 with sufficient

1 surety to prosecute the appeal and to pay the costs of
2 appeal. The costs of the appeal shall be paid as follows:

3 (i) If the appellant is a taxpayer, by the appellant
4 if the appellant fails to obtain a final decision more
5 favorable to the Commonwealth or county than that awarded
6 by the CONTROLLER OR auditors ~~or~~ in the case. <--

7 (ii) If the appellant is an officer, by the
8 appellant if the appellant fails to obtain a final
9 decision more favorable to the officer than that awarded
10 by the CONTROLLER OR auditors. <--

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

14 (c) Validity and payment.--

15 (1) Upon appeal to the court of common pleas, the
16 controller or auditors shall be required to establish the
17 validity of the surcharge and shall establish the loss
18 sustained to the county.

19 (2) If the surcharge is upheld on appeal to the court of
20 common pleas, the officer surcharged shall immediately pay
21 the actual loss of costs and money due to the county.

22 § 14932. Form of issue on appeals.

23 The courts of common pleas shall direct the form in which the
24 issues shall be entered in all appeals from the reports of the
25 county controller or auditors. The issues shall be tried by a
26 jury or may be submitted to reference and arbitration in the
27 manner and subject to the proceedings provided by law.

28 § 14933. Allowance of attorney fees.

29 (a) Award.--Upon final determination of an appeal taken
30 under section 14931 (relating to appeals from reports), attorney

1 fees shall be awarded as follows:

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

6 (2) For an appeal taken by the Commonwealth, the county
7 or taxpayers, if the court's final determination is more
8 favorable to the Commonwealth or county than that awarded by
9 the controller or auditors, the officer who is the subject of
10 the surcharge proceeding shall pay reasonable attorney fees,
11 except under paragraph (3).

12 (3) If the court's final determination is in part more
13 favorable to the Commonwealth or county and in part more
14 favorable to the officer involved in the surcharge proceeding
15 than that awarded by the controller or auditors, the court
16 may order the Commonwealth or the county to pay a portion of
17 reasonable attorney fees incurred by the officer in
18 connection with the surcharge proceeding or may order the
19 officer who is the subject of the surcharge proceeding to pay
20 a portion of reasonable attorney fees incurred by the
21 Commonwealth, county or taxpayer in connection with the
22 surcharge proceeding.

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

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

30 (d) Effect of section.--Nothing in this section shall be

1 construed as authorizing personal liability for attorney fees or
2 costs.
3 § 14934. (Reserved).
4 § 14935. (Reserved).
5 § 14936. (Reserved).
6 § 14937. (Reserved).
7 § 14938. (Reserved).
8 § 14939. (Reserved).

9 SUBCHAPTER C

10 DISBURSALS OF COUNTY MONEY

11 Sec.

12 14950. Claims against county.

13 14951. Procedure for approval.

14 14952. Claims not approved by controller.

15 14953. Reports to county commissioners.

16 14954. Fees of witnesses and jurors.

17 § 14950. Claims against county.

18 (a) General duties.--The controller or the county
19 commissioners in counties without a controller shall scrutinize,
20 audit and decide on ~~each bill, claim or demand~~ ALL BILLS, CLAIMS <--
21 OR DEMANDS WHATSOEVER, against the county, except as otherwise
22 provided in this subchapter.

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

24 (1) ~~Each person~~ ALL PERSONS with a claim shall first <--
25 present the claim to the controller or the county
26 commissioners and, if required, make oath or affirmation
27 before the controller or county commissioners to the
28 accurateness of the claims.

29 (2) The controller or the county commissioners may
30 require evidence by oath or affirmation of the claimant that

1 the claim is legally due and that the supplies or services
2 for which payment is claimed have been furnished or performed
3 under legal authority.

4 (c) Conflict of interest.--

5 (1) The controller or county commissioners may inquire
6 or ascertain if:

7 (i) ~~An~~ ANY officer or agent of the county: <--

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

10 (B) has received or is to receive a ANY <--

11 commission, consideration or gratuity RELATING <--
12 THERE TO.

13 (ii) There has been ~~an~~ ANY evasion of the provisions <--
14 of this part by making two or more contracts for small
15 amounts which should have been in one.

16 (2) Except as provided under section 15106 (relating to
17 conflicts of interest prohibited), if the controller or
18 county commissioners find that an officer or agent has a
19 conflict of interest under paragraph (1) or that there has
20 been any evasion by the officer or agent, the controller or
21 county commissioners shall refuse to approve the claim.

22 § 14951. Procedure for approval.

23 (a) Counties with controller.--In counties having a
24 controller:

25 (1) The controller shall date, upon receipt, all bills,
26 claims and demands that the controller approves and shall
27 forward the bills, claims or demands along with checks to the
28 county commissioners for approval or, if already approved by
29 the county commissioners, for signatures under this section.

30 (2) If the county commissioners approve payment of a

1 bill, claim or demand, at least two county commissioners
2 shall sign the check as properly drawn upon the county
3 treasury. In these cases facsimiles of the signatures of the
4 county commissioners may be used.

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

8 (4) The county treasurer shall sign the check as the
9 treasurer's draft upon the county treasury, but the treasurer
10 may SHALL not sign a check that is not already signed by the <--
11 county commissioners and the controller.

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

15 (6) If the county commissioners refuse to approve a
16 bill, claim or demand, the county commissioners shall return
17 the bill, claim or demand, together with the check involved
18 to the controller for filing in the controller's office.

19 (b) Counties without controller.--In counties without a
20 controller:

21 (1) The county commissioners shall approve each
22 transaction.

23 (2) The check shall be drawn by the chief clerk who
24 shall keep files of the bills, claims or demands.

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

27 (4) The checks shall be forwarded, together with a check
28 register or similar description of the corresponding bill,
29 claim or demand providing a clear description of the nature
30 and purpose of the expenditure, to the county treasurer for

1 the treasurer's signature.

2 (c) Filing.--In all cases, the canceled checks or official
3 bank record shall be filed in the office of the county
4 treasurer, but the treasurer shall transmit, at times the
5 controller shall establish, a list of all checks paid from the
6 county treasury not previously transmitted, along with
7 appropriate identification.

8 (d) Facsimile signature.--The county treasurer and the
9 controller in counties with a controller may use a facsimile
10 signature on a check which the county treasurer and controller
11 are required to sign.

12 (e) Effect of section.--Nothing in this section shall
13 preclude the receipt or transfer of money to or from the county,
14 or payment of a bill, claim or demand, by electronic fund
15 transfer if adequate and recognized fiscal and procedural
16 controls, together with proper system security, are in place.
17 § 14952. Claims not approved by controller.

18 If, upon receipt, the controller does not approve a claim,
19 bill or demand, the controller shall within 15 days forward the
20 claim, bill or demand to the county commissioners, together with
21 notice that the controller has disapproved the claim, bill or
22 demand or is unable to approve the claim, bill or demand and the
23 reasons for the disapproval. The county commissioners shall
24 consider the claim, bill or demand and, if the county
25 commissioners consider that the claim, bill or demand should be
26 paid by the county, the county commissioners shall notify the
27 controller. If the controller continues to refuse approval, no
28 payment shall be made by the county except under an order of
29 court upon a proper issue directing the controller to approve
30 payment.

1 § 14953. Reports to county commissioners.

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

7 § 14954. Fees of witnesses and jurors.

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

13 SUBCHAPTER D

14 COUNTY TREASURY AND COUNTY DEPOSITORIES

15 Sec.

16 14960. Receipts and accounts of money due county.

17 14961. (Reserved).

18 14962. Depositories.

19 14963. (Reserved).

20 14964. (Reserved).

21 § 14960. Receipts and accounts of money due county.

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

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

29 (c) Receipts.--The treasurer shall issue receipts for money
30 received for the county and shall transmit the duplicate or

1 triplicate receipts daily to the controller or to the county
2 commissioners in counties without a controller. The receipts
3 shall:

4 (1) be serially numbered; and

5 (2) indicate:

6 (i) the amount of money received;

7 (ii) the payor;

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

9 (iv) the date.

10 (d) Disbursals.--The treasurer shall keep daily records of
11 disbursals from the county treasury and shall forward daily
12 records to the controller or the county commissioners in
13 counties without a controller.

14 (e) Account information.--The controller, or the chief clerk
15 of the county commissioners in counties without a controller,
16 may review depository account information upon request from the
17 county depository, without prejudice to the depositories, of the
18 money deposited in the name of the county by the treasurer.

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

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

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

26 (g) Annual statements.--The treasurer shall state the
27 accounts at the end of each fiscal year. The statement shall be
28 examined by the county commissioners and delivered by the
29 commissioners to the county auditors for settlement.

30 § 14961. (Reserved).

1 § 14962. Depositories.

2 (a) Designation.--The county commissioners and the county
3 treasurer shall designate by resolution one or more depositories
4 for county money. The depositories shall be banks, banking
5 institutions or trust companies located in this Commonwealth.

6 (b) Collateral.--

7 (1) A depository designated under subsection (a) shall,
8 upon receipt of notice of its designation, collateralize
9 deposits of public money in accordance with the act of August
10 6, 1971 (P.L.281, No.72), entitled "An act standardizing the
11 procedures for pledges of assets to secure deposits of public
12 funds with banking institutions pursuant to other laws;
13 establishing a standard rule for the types, amounts and
14 valuations of assets eligible to be used as collateral for
15 deposits of public funds; permitting assets to be pledged
16 against deposits on a pooled basis; and authorizing the
17 appointment of custodians to act as pledgees of assets," by
18 pledging collateral in an account in the name of the county
19 or utilizing a letter of credit from the Federal Home Loan
20 Bank to secure public deposits in excess of Federal Deposit
21 Insurance Corporation insurance limits. The depository shall
22 provide a monthly report within 15 days after the end of each
23 month to the county commissioners in accordance with the
24 reporting requirements under the act of August 6, 1971
25 (P.L.281, No.72), including the composition of the collateral
26 and related market value.

27 (2) A county may elect to require that a depository
28 pledge collateral in an account in the name of the county to
29 collateralize deposits above the Federal Deposit Insurance
30 Corporation insurance limit. These accounts may be in the

1 custody of the depository's trust department or at a third-
2 party financial institution. The arrangement with the
3 depository may be governed by a written agreement, approved
4 by the board of directors or loan committee of the
5 depository, with approval reflected in the minutes of the
6 board or committee, which are kept continuously as an
7 official record of the depository. The agreement shall
8 include all of the following if collateral is pledged instead
9 of a Federal Home Loan Bank letter of credit:

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

11 (ii) Collateral shall be in investments as
12 prescribed in the investment program provided by the
13 board of investment or the county commissioners.

14 (iii) If the financial institution serves as the
15 custodian, the pledged collateral shall be held in a
16 separate account, established under the act of August 6,
17 1971 (P.L.281, No.72), in the depository's trust
18 department.

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

22 (v) A monthly report shall be provided as specified
23 in paragraph (1).

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

27 (c) Deposits.--The county treasurer shall, upon the
28 designation of the depository, immediately transfer all county
29 money to be deposited and shall thereafter keep deposits solely
30 in the depository in the name of the county.

1 (d) Withdrawals.--Withdrawals from the depository shall be
2 only drawn by the treasurer upon properly authorized checks or
3 by other commercially accepted methods of electronic funds
4 transfer that have been specifically approved by the county
5 commissioners.

6 (e) Loss of county money.--No county commissioner or
7 treasurer complying with this chapter, or their surety, may be
8 charged with losses of county money caused by the failure or
9 negligence of the depository.

10 § 14963. (Reserved).

11 § 14964. (Reserved).

12 SUBCHAPTER E

13 COUNTY TAXATION, BORROWING AND

14 TRANSFER OF FUNDS

15 Sec.

16 14970. Tax levies.

17 14971. Additions and revisions to duplicates.

18 14972. (Reserved).

19 14973. (Reserved).

20 14974. Temporary loans.

21 14975. Transfer of certain money into general fund of county.

22 14976. Supplemental appropriations, transfers of money and
23 appropriation limits.

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

26 § 14970. Tax levies.

27 (a) Rate.--The county commissioners shall fix, by
28 resolution, the rate of taxation for each year. A tax may not be
29 levied under this subsection on personal property taxable for
30 county purposes if the rate of taxation is fixed by law other

1 than at the rate fixed under this subsection. The following
2 shall apply:

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

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

11 (3) If the rate is fixed in mills, in fixing the rate of
12 taxation, the county commissioners shall include in the
13 resolution a statement expressing the rate of taxation in
14 dollars and cents on each \$100 of assessed valuation of
15 taxable property.

16 (b) Payments.--The tax levied in counties of the second
17 class A shall be for the purpose of creating a general fund to
18 pay expenses incurred for general county purposes, for the
19 payment of the matters connected with roads under section 16907
20 (relating to annual tax), for the payment of the matters
21 connected with parks and related matters under section 16507
22 (relating to payment of expenses, taxation, annual fairs and
23 State contributions).

24 (c) Other taxes.--The county commissioners in counties of
25 the second class A shall have the power to levy a tax for
26 institution district purposes and for the payment of the
27 obligations of the predecessor poor districts on real estate,
28 trades, occupations and professions, in the same manner and at
29 the same time as county taxes and annual taxes to pay the
30 current expense of the institution district, none of which may

1 exceed 15 mills on the dollar of the last adjusted assessed
2 valuation for county purposes.

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

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

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

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

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

29 (g) Fourth, fifth, sixth, seventh or eighth class
30 counties.--The rate of taxation fixed for any occupation tax

1 levied by a county shall not in any one year exceed 20 mills.
2 The county commissioners may, by resolution, abolish the levy
3 and collection of occupation taxes for county purposes and the
4 following shall apply:

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

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

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

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

20 (2) A county may, by ordinance or resolution, exempt an
21 individual whose total income from all sources is less than
22 the dollar amount per annum as provided in section 301.1(b)
23 of the act of December 31, 1965 (P.L.1257, No.511), known as
24 The Local Tax Enabling Act, from any per capita tax levied
25 under this part.

26 § 14971. Additions and revisions to duplicates.

27 (a) Addition to tax duplicates.--If in any county there is
28 any construction of a building or buildings not otherwise exempt
29 as a dwelling after January first of any year, and the building
30 is not included in the tax duplicate of the county, the

1 authority responsible for assessments in the county shall, upon
2 the request of the county commissioners, cause to be inspected
3 and reassessed, subject to the right of appeal and adjustment
4 provided by any statute under which assessments are made, all
5 taxable property in the county to which major improvements have
6 been made after January 1 of any year.

7 (b) Notice of the reassessments.--Notice of the
8 reassessments shall be given in accordance with 53 Pa.C.S. §
9 8841(c) (relating to assessment roll and interim revisions) to
10 the authority responsible for assessments, the county
11 commissioners and the property owner and the following shall
12 apply:

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

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

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

24 (4) If an assessment is made for a portion of a year
25 under this section, the assessment shall be added to the
26 duplicate of the following or succeeding year unless the
27 value of the improvements has already been included in the
28 duplicate.

29 § 14972. (Reserved).

30 § 14973. (Reserved).

1 § 14974. Temporary loans.

2 If the money of a county has been exhausted, the county
3 commissioners may borrow money in anticipation of taxes to be
4 collected for the current fiscal year in accordance with 53
5 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and
6 borrowing), payable on a certain date, not later than the last
7 day of the fiscal year in which the tax anticipation note is
8 issued.

9 § 14975. Transfer of certain money into general fund of county.

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

13 (1) the money has been paid into the county treasury
14 upon a duplicate for taxes and has remained during a period
15 of 10 years uncalled for by the authorities of the city,
16 borough or township to whose credit it may have been placed;
17 and

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

20 § 14976. Supplemental appropriations, transfers of money and
21 appropriation limits.

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

23 (1) By resolution, make supplemental appropriations for
24 a lawful purpose from money on hand or estimated to be
25 received within the fiscal year and not otherwise
26 appropriated. This paragraph includes proceeds of borrowing
27 authorized by law.

28 (2) Authorize the transfer of:

29 (i) The unencumbered balance of an appropriation
30 item or any portion of the balance.

1 (ii) The unencumbered balance or any portion of the
2 balance within a fund from one spending agency to
3 another.

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

5 (i) authorize the transfer of the unencumbered
6 balance or any portion of the balance in a county fund to
7 a fund of the institution district; and

8 (ii) reappropriate the transferred money to the
9 institution district.

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

13 (1) Hiring work to be done.

14 (2) Purchasing materials.

15 (3) Making a contract.

16 (4) Issuing a payment order.

17 § 14977. Banks authorized to receive taxes in counties of the
18 second class A.

19 (a) Scope of section.--This section applies to counties of
20 the second class.

21 (b) Designation.--The county commissioners, the county
22 treasurer and the county controller may designate any bank,
23 savings bank, bank and trust company, trust company or national
24 banking association, located within the county as a deputy
25 county tax collector for the sole purpose of receiving and
26 receipting for county taxes paid to the deputy county tax
27 collector at the collector's place of business.

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

1 collector.

2 (d) Security.--Before entering upon the duties of receiving
3 and receipting for taxes, an institution shall post security in
4 an amount as determined by the county commissioners, the county
5 treasurer and the county controller, to ensure the faithful
6 performance of duties and the remission of taxes and money
7 received.

8 (e) Functions.--A deputy county tax collector shall, within
9 five days after the last day of each calendar month, transmit to
10 the county tax collector all money received by it as the deputy
11 during the preceding month. The payment shall be accompanied by
12 an itemized statement identifying:

- 13 (1) the tax paid;
14 (2) the date of payment; and
15 (3) the payor.

16 (f) Compensation and expenses.--A deputy tax collector:

- 17 (1) Shall not be allowed compensation or commission for
18 acting as a deputy tax collector.
19 (2) Shall be reimbursed for expenses actually incurred
20 in transmitting money and records of payments to the county
21 tax collector.

22 SUBCHAPTER F

23 BUDGETS

24 Sec.

25 14980. Fiscal year and preparation of proposed annual budget.

26 14981. (Reserved).

27 14982. Adoption of budget, publication of proposed budget and
28 notice of final action date.

29 14982.1. Amended budget and notice.

30 14982.2. Delivery of tax duplicates.

1 14982.3. Amending budget, levy and tax rate, revising tax
2 duplicates and filing.

3 14983. Annual budget appropriations and tax rate.

4 14984. (Reserved).

5 14984.1. Taking of money and property.

6 14984.2. Capital reserve fund for anticipated capital
7 expenditures.

8 14984.3. Operating reserve fund.

9 14985. Committee to prepare uniform forms.

10 § 14980. Fiscal year and preparation of proposed annual budget.

11 (a) Fiscal year.--The fiscal year of each county shall begin
12 on January 1 and end on December 31 of each year.

13 (b) Preparation of proposed budget.--At least 90 days prior
14 to adopting the budget, the county commissioners shall begin the
15 preparation of the proposed budget for the succeeding fiscal
16 year. The budget may be prepared based upon information
17 collected and transmitted by the controller as provided under
18 subsection (c) or by the county commissioners, a finance
19 department or a designated person employed and qualified by the
20 county commissioners.

21 (c) Budget information.--At the request of the county
22 commissioners, but in no case less than 60 days prior to
23 adoption of the budget by the commissioners, the controller
24 shall prepare and transmit to the commissioners:

25 (1) A comparative statement of revenues for the current
26 and immediately preceding fiscal year and a comparative
27 statement of expenditures, including interest due and to
28 become due on the lawful interest-bearing debts of the county
29 for the same years. In counties in which the controller is a
30 participant in the development of the budget, the controller

1 shall also include balances projected for the close of the
2 current fiscal year.

3 (2) The amounts of the appropriation requests, submitted
4 to the controller or to the county commissioners and supplied
5 by the county commissioners to the controller, from the
6 county offices and agencies, including estimates of
7 expenditures contemplated by the county commissioners as
8 forwarded by the county commissioners to the controller.

9 (d) Form.--The information requested by the county
10 commissioners under subsection (b) or (c) shall be in the form
11 requested by the commissioners or on forms furnished by the
12 Department of Community and Economic Development under this
13 subchapter. With this information as a guide, the county
14 commissioners shall, within a reasonable time, begin the
15 preparation of a proposed budget for the succeeding fiscal year.
16 § 14981. (Reserved).

17 § 14982. Adoption of budget, publication of proposed budget and
18 notice of final action date.

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

21 (1) The public shall be given notice by publication in
22 one newspaper of general circulation at least 20 days before
23 the date set for the adoption of the budget that the proposed
24 budget is available for public inspection. The notice shall
25 contain the date set for the adoption of the budget and the
26 manner in which the proposed budget has been made available
27 for public inspection.

28 (2) The budget shall be adopted on or before December
29 31.

30 (b) Revision of proposed budget.--If any revision of the

1 proposed budget is made after the budget has been published
2 under subsection (a) which would increase the estimated
3 expenditures in the adopted budget by more than 10% in the
4 aggregate over the proposed budget as made available for public
5 inspection, the revised budget may not be adopted with any
6 increases unless the budget is made available for public
7 inspection and for protest of any increases for a period of at
8 least 10 days after notice to that effect is published.

9 § 14982.1. Amended budget and notice.

10 (a) Amended budget.--During the month of January next
11 following a municipal election, the county commissioners may
12 amend the budget and the levy and tax rate to conform with the
13 amended budget.

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

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

23 § 14982.2. Delivery of tax duplicates.

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

28 (b) Alternative delivery date.--Notwithstanding the
29 provisions of subsection (a), the county commissioners shall
30 have the option to prepare and deliver the duplicates of taxes

1 assessed to the respective tax collectors, together with the
2 warrant for collection no later than the final date for a school
3 district to prepare and deliver the duplicates for school real
4 estate taxes under section 682 of the act of March 10, 1949
5 (P.L.30, No.14), known as the Public School Code of 1949, if the
6 county commissioners:

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

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

11 § 14982.3. Amending budget, levy and tax rate, revising tax
12 duplicates and filing.

13 At any time prior to the time tax duplicates are sent by the
14 county in any year, the county commissioners may amend the
15 budget and the levy and tax rate and revise the tax duplicate to
16 conform with its amended budget if the county receives
17 unanticipated revenues that may be expended during the county's
18 fiscal year that may enable the county commissioners to reduce
19 the levy and tax rate to conform with its amended budget.

20 § 14983. Annual budget appropriations and tax rate.

21 The budget shall reflect as nearly as possible the estimated
22 revenues and expenditures for the year for which the budget is
23 prepared. Upon adopting the budget, the county commissioners
24 shall:

25 (1) adopt the appropriation measures required to put the
26 budget into effect; and

27 (2) fix the rate of taxation upon the valuation of the
28 property taxable for county purposes that, together with the
29 other estimated revenues of the county, excluding operating,
30 capital and other reserve funds, raise a sufficient sum to

1 meet the expenditures.

2 § 14984. (Reserved).

3 § 14984.1. Taking of money and property.

4 The county commissioners may take by gift, grant, devise or
5 bequest any money or property, real, personal or mixed, for the
6 benefit of the county.

7 § 14984.2. Capital reserve fund for anticipated capital
8 expenditures.

9 (a) Capital reserve fund.--The county commissioners shall
10 have the power to create and maintain a separate capital reserve
11 fund for anticipated legal capital expenditures. Money in the
12 fund shall be used for the construction, purchase or replacement
13 of or addition to county buildings, equipment, machinery, motor
14 vehicles or other capital assets of the county.

15 (b) Deposits.--The county commissioners may annually
16 appropriate money from the general county fund, not to exceed
17 10% of a county's operating budget, to be paid into the capital
18 reserve fund or place in the fund any money received from the
19 sale, lease or other disposition of county property or from any
20 other source unless received or acquired for a particular
21 purpose.

22 (c) Administration of fund.--The fund shall be controlled,
23 invested, reinvested and administered and the money and income
24 from the fund expended for any purpose for which the fund is
25 created, as may be determined by the county commissioners. The
26 money in the fund, when invested, shall be invested in a manner
27 consistent with the provisions of section 14906 (relating to
28 investment of money). This subsection may not be construed to
29 limit the powers of the county to the use of money in the
30 capital reserve fund in making lawful capital expenditures.

1 § 14984.3. Operating reserve fund.

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

5 (1) minimize future revenue shortfalls and deficits;

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

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

10 (4) provide the capacity to undertake long-range
11 financial planning; and

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

13 (b) Appropriations from general county fund.--The county
14 commissioners may annually make appropriations from the general
15 county fund to the operating reserve fund, but no appropriation
16 may be made to the operating reserve fund if the appropriation
17 would cause the fund to exceed 25% of the estimated revenues of
18 the county's general fund in the current fiscal year.

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

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

24 (2) counterbalance potential budget deficits resulting
25 from shortfalls in anticipated revenues or program receipts
26 from any source;

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

29 (4) provide for anticipated operating expenditures
30 related either to the planned growth of existing projects or

1 programs or the establishment of new projects or programs if
2 for each project or program appropriations have been made and
3 allocated to a separate restricted account established within
4 the operating reserve fund.

5 (d) Administration of fund.--The operating reserve fund
6 shall be invested, reinvested and administered in a manner
7 consistent with the provisions of section 14906 (relating to
8 investment of money).

9 § 14985. Committee to prepare uniform forms.

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

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

16 (2) One member of the Senate and one member of the House
17 of Representatives, who shall be members of the Local
18 Government Commission, appointed by the majority chairperson
19 of the commission.

20 (3) Three representatives from the County Commissioners
21 Association of Pennsylvania.

22 (4) Three representatives from the Pennsylvania State
23 Association of County Controllers.

24 (5) Three representatives from the Pennsylvania State
25 Association of County Auditors.

26 (6) One certified public accountant.

27 (b) Appointment of committee members.--Except for the
28 certified public accountant who shall be appointed by the
29 Governor, the committee members shall be appointed by the
30 president of each organization. For representatives of the

1 county commissioners, one shall be appointed from a county of
2 either the third or fourth class, one from a county of either
3 the fifth or sixth class and one from a county of either the
4 seventh or eighth class. The president of each organization
5 shall supply to the Department of Community and Economic
6 Development the names and addresses of the representatives
7 immediately upon appointment.

8 (c) Reimbursement of expenses.--The representatives shall
9 serve without compensation but shall be reimbursed by the
10 Commonwealth for all necessary expenses incurred while attending
11 meetings of the committee.

12 (d) Meetings.--The committee shall meet at the call of the
13 Secretary of Community and Economic Development or the
14 secretary's designee, who shall serve as chairperson of the
15 committee. The Secretary of Community and Economic Development
16 shall call meetings of the committee at the request of the
17 secretary of any of the associations represented under
18 subsection (a). There shall be at least two weeks' notice to
19 each member of the committee of any meeting.

20 (e) Preparations of forms.--In preparing the uniform forms
21 for annual reports, the committee shall give careful
22 consideration to the differing legal requirements and needs of
23 the counties, producing, if necessary, separate forms for
24 certain classes of counties or groups of classes.

25 (f) Oversight.--The Secretary of Community and Economic
26 Development or the secretary's designee shall ensure that the
27 forms required under this section are prepared in cooperation
28 with the committee. If the committee fails to cooperate, the
29 Secretary of Community and Economic Development or the
30 secretary's designee shall complete the preparation of the

1 forms. The Secretary of Community and Economic Development shall
2 issue and distribute the forms annually, as needed, to the
3 county commissioners, controller or auditors of each county.

4 (g) Changes to forms.--The Secretary of Community and
5 Economic Development shall include within the report forms
6 specified in this section the changes necessitated under this
7 part in regard to property, powers, duties and obligations of
8 institution districts transferred to counties. The committee may
9 not be held responsible for the changes to the forms.

10 (h) Accounting and fiscal practices.--The Secretary of
11 Community and Economic Development shall convene the committee
12 to assist counties in developing appropriate accounting and
13 fiscal practices in compliance with generally accepted
14 accounting principles.

15 SUBCHAPTER G

16 SINKING FUND COMMISSION

17 Sec.

18 14990. Membership.

19 14991. Management of sinking funds.

20 14992. Bonds of county held by commission.

21 14993. Pay off, cancellation, priority and sale of county
22 bonds.

23 14994. (Reserved).

24 14995. Investment of sinking fund money.

25 § 14990. Membership.

26 Each county may establish a sinking fund commission. The
27 sinking fund commission shall be composed of:

28 (1) the county commissioners;

29 (2) the controller, or auditors in counties without a
30 controller; and

1 (3) the treasurer.

2 § 14991. Management of sinking funds.

3 (a) Income.--The sinking fund commission shall annually
4 apply the interest received on sinking fund deposits, the
5 interest received on bonds held in the sinking fund and all
6 other income, if any, from the sinking fund for the purpose of
7 reducing the amount of money required to be paid by the county
8 for sinking fund purposes for the following year, unless the
9 income is necessary to pay the bonds of the county as the bonds
10 mature and become payable. The income and the amount required to
11 be paid by the county for sinking fund purposes shall annually
12 equal the full amount required to be paid for sinking fund
13 purposes to the several sinking funds.

14 (b) Sale of bonds.--The sinking fund commission may,
15 whenever the commission deems necessary and for the best
16 interest of the several sinking funds, sell any bonds held by
17 the commission other than bonds of the county itself.

18 § 14992. Bonds of county held by commission.

19 (a) Bonds generally.--The bonds of the county held by the
20 sinking fund commission shall be stamped in a conspicuous manner
21 to show that the bonds have been purchased for the sinking fund.
22 The bonds may not be reissued or sold.

23 (b) Interest.--The sinking fund commission may not require
24 the county to pay interest on any of the bonds held by the
25 commission, unless the commission deems the payment of interest
26 necessary for the purpose of having adequate money on hand to
27 pay the bonds of the county as the bonds mature and become
28 payable.

29 (c) Cancellation of bonds.--The bonds of the county held by
30 the sinking fund commission shall be canceled immediately upon

1 maturity.

2 § 14993. Pay off, cancellation, priority and sale of county
3 bonds.

4 (a) Pay off and cancellation of bonds.--In order to
5 facilitate the extinguishment of the county debt, the county
6 bonds purchased by the sinking fund commission shall be paid off
7 and canceled according to the priority of maturity. The
8 commission may, at the commission's discretion, withhold the
9 purchase of the maturing county bonds until after bonds
10 purchased from a later issue of county bonds shall be paid off
11 and canceled.

12 (b) Sale of bonds.--If the sinking fund commission does not
13 have sufficient money to meet the payment of the earlier
14 maturing bonds, the bonds shall be sold by the commission at not
15 less than par.

16 § 14994. (Reserved).

17 § 14995. Investment of sinking fund money.

18 The sinking fund commission shall have the power to invest
19 county sinking funds as authorized by the act of July 12, 1972
20 (P.L.781, No.185), known as the Local Government Unit Debt Act,
21 and liquidate the investment, in whole or in part, by disposing
22 of securities or withdrawing money on deposit. Any action taken
23 to make or to liquidate any investment shall be made by the
24 commission.

25 CHAPTER 151

26 CONTRACTS

27 Sec.

28 15100. Contracting.

29 15101. Commissioners sole contractors for county generally.

30 15102. Contract procedures, terms and bonds and advertising for

1 bids.

2 15103. Evasion of advertising requirements.

3 15104. (Reserved).

4 15105. Sales of personal property and surplus farm products.

5 15106. Conflicts of interest prohibited.

6 15107. Application of contract provisions.

7 15107.1. Printing contracts.

8 15107.2. Prohibited contract provisions.

9 § 15100. Contracting.

10 The county commissioners may make contracts for lawful
11 purposes and for executing the provisions of this chapter and
12 the laws of this Commonwealth.

13 § 15101. Commissioners sole contractors for county generally.

14 (a) Contracts for services and personal property.--In
15 counties of the third, fourth, fifth, sixth, seventh or eighth
16 class, the county commissioners shall contract for and purchase
17 the services referred to in section 12508 (relating to office
18 supplies) and personal property for county officers and
19 agencies. A contract and purchase not in excess of the base
20 amount of \$18,500, subject to adjustment under subsection (c),
21 shall be by note or memorandum, in writing, signed by the
22 county commissioners or their designees. A copy of the note and
23 memorandum and the executed written contract, or electronic copy
24 of the executed written contract, shall be filed in the office
25 of the controller, or in a county without a controller, with the
26 chief clerk of the county commissioners.

27 (b) Price quotations.--

28 (1) Except as otherwise provided in section 15102(h)(4)
29 (relating to contract procedures, terms and bonds and
30 advertising for bids), for counties of the third, fourth,

1 fifth, sixth, seventh or eighth class, written or telephonic
2 price quotations from at least three qualified and
3 responsible contractors shall be requested for the contracts
4 in excess of the base amount of \$10,000, subject to
5 adjustment under subsection (c), but less than the amount
6 requiring advertisement and competitive bidding. In lieu of
7 price quotations, a memorandum shall be kept on file showing
8 that fewer than three qualified contractors exist in the
9 market area within which it is practicable to obtain
10 quotations.

11 (2) A written record of telephonic price quotations
12 shall be made and shall contain at least:

13 (i) the date of the quotation;

14 (ii) the name of the contractor and the contractor's
15 representative;

16 (iii) the construction, reconstruction, repair,
17 maintenance or work which was the subject of the
18 quotation; and

19 (iv) the price.

20 (3) Written price quotations, written records of
21 telephonic price quotations and memoranda shall be retained
22 for a period of three years.

23 (c) Adjustments to base amounts.--Adjustments to the base
24 amounts specified under subsections (a) and (b) shall be made as
25 follows:

26 (1) The Department of Labor and Industry shall determine
27 the percentage change in the Consumer Price Index for All
28 Urban Consumers: All Items (CPI-U) for the United States City
29 Average as published by the United States Department of
30 Labor, Bureau of Labor Statistics, for the 12-month period

1 ending September 30, 2012, and for each successive 12-month
2 period thereafter.

3 (2) If the department determines that there is no
4 positive percentage change, no adjustment to the base amounts
5 shall occur for the relevant time period provided for in this
6 subsection.

7 (3) If the department determines that there is a
8 positive percentage change in the first year that the
9 determination is made under paragraph (1):

10 (i) the positive percentage change shall be
11 multiplied by each base amount, and the products shall be
12 added to the base amounts, respectively, and the sums
13 shall be preliminary adjusted amounts; and

14 (ii) the preliminary adjusted amounts shall be
15 rounded to the nearest \$100 to determine the final
16 adjusted base amounts for purposes of subsections (a) and
17 (b).

18 (4) In each successive year in which there is a positive
19 percentage change in the CPI-U for the United States City
20 Average:

21 (i) the positive percentage change shall be
22 multiplied by the most recent preliminary adjusted
23 amounts and the products shall be added to the
24 preliminary adjusted amount of the prior year to
25 calculate the preliminary adjusted amounts for the
26 current year; and

27 (ii) the sums shall be rounded to the nearest \$100
28 to determine the new final adjusted base amounts for
29 purposes of subsections (a) and (b).

30 (5) The determinations and adjustments required under

1 this subsection shall be made in the period between October 1
2 and November 15 of the year following November 3, 2011, and
3 annually between October 1 and November 15 of each year
4 thereafter.

5 (6) The final adjusted base amounts and new final
6 adjusted base amounts obtained under paragraphs (3) and (4)
7 shall become effective January 1 for the calendar year
8 following the year in which the determination required under
9 paragraph (1) is made.

10 (7) The department shall transmit notice to the
11 Legislative Reference Bureau for publication in the
12 Pennsylvania Bulletin prior to January 1 of each calendar
13 year of the annual percentage change determined under
14 paragraph (1) and the unadjusted or final adjusted base
15 amounts determined under paragraphs (3) and (4) at which
16 competitive bidding is required under subsection (a) and
17 written or telephonic price quotations are required under
18 subsection (b), respectively, for the calendar year beginning
19 January 1 after publication of the notice. The notice shall
20 include a written and illustrative explanation of the
21 calculations performed by the department in establishing the
22 unadjusted or final adjusted base amounts under this
23 subsection for the ensuing calendar year.

24 (8) The annual increase in the preliminary adjusted base
25 amounts obtained under paragraphs (3) and (4) may not exceed
26 3%.

27 (d) Wholesale purchases.--The county commissioners shall, if
28 possible, anticipate the needs of the various officers, agencies
29 and operations of the county and endeavor to purchase in
30 wholesale quantities, if practicable and if savings could be

1 achieved by wholesale purchase.

2 (e) Purposes of contracts and purchases.--The county
3 commissioners may make contracts and purchases for all purposes
4 expressly or impliedly authorized by law.

5 § 15102. Contract procedures, terms and bonds and advertising
6 for bids.

7 (a) Contract requirements.--A contract for services and
8 personal property in which the base amount of the contract
9 exceeds the sum of \$18,500, subject to adjustment under section
10 15101(c) (relating to commissioners sole contractors for county
11 generally), shall be in writing and shall, except as otherwise
12 specified, be made by advertising for bids.

13 (b) Bids.--

14 (1) Contracts or purchases in excess of the base amount
15 of \$18,500, subject to adjustment under section 15101(c),
16 except those specified in subsection (h) and except as
17 provided by the act of October 27, 1979 (P.L.241, No.78),
18 entitled "An act authorizing political subdivisions,
19 municipality authorities and transportation authorities to
20 enter into contracts for the purchase of goods and the sale
21 of real and personal property where no bids are received,"
22 must be made:

23 (i) with and from the lowest responsible and
24 responsive bidder submitting a bid in conformity with the
25 specifications approved by the county commissioners for
26 the contract or purchase;

27 (ii) after due notice in one newspaper of general
28 circulation, published or circulating in the county:

29 (A) at least two times at intervals of not less
30 than three days where daily newspapers of general

1 circulation are employed for such publication; or

2 (B) once a week for two successive weeks where
3 weekly newspapers are employed.

4 (2) The first notice under paragraph (1) (ii) shall be
5 published not less than 10 days prior to the date fixed for
6 the opening of bids.

7 (3) The requirements of this subsection need not be
8 followed in cases of emergency, but in emergency cases the
9 actual emergency shall be declared and stated by resolution
10 of the county commissioners.

11 (c) Receipt and opening of bids.--All bids shall be received
12 by the controller, or, for a county without a controller, by the
13 chief clerk of the county commissioners, in sealed envelopes.

14 The following apply:

15 (1) For a county of the second class A, bids shall be
16 opened publicly at a time and place to be designated in the
17 advertisement for bids. The figures shall be announced
18 publicly by the chief clerk or the chief clerk's designee and
19 referred to the appropriate departments for tabulation
20 without the presence of the county commissioners.

21 (2) For a county of the third, fourth, fifth, sixth,
22 seventh or eighth class, bids shall be opened publicly at a
23 time and place specified in the advertisement for bids, in
24 the presence of the controller or chief clerk, as the case
25 may be, by the county commissioners or their designee. The
26 controller or the chief clerk, shall keep a record of the
27 bids.

28 (d) Entire amount.--

29 (1) The amount or price of the contract shall be the
30 entire amount which the county pays to the successful bidder

1 or the bidder's assigns less the value of personal property
2 transferred from the county to the bidder or the bidder's
3 assigns at any time during the duration of the contract, in
4 order to obtain the services or property, or both. The amount
5 of the contract may not be construed to mean only the amount
6 that is paid to acquire title or to receive any other
7 particular benefit of the whole bargain.

8 (2) The value of personal property transferred to the
9 bidder or the bidder's assigns upon execution of the contract
10 shall be specified in the bid. The method of determining the
11 value of personal property transferred to the bidder or his
12 assigns at a time during the duration of the contract shall
13 be specified in the bid and shall be determined using
14 generally accepted valuation methods.

15 (e) Acceptance of bids.--

16 (1) The acceptance of bids by advertising required under
17 this section shall be made by the controller, for a county of
18 the second class A, or by the county commissioners, for a
19 county of the third, fourth, fifth, sixth, seventh or eighth
20 class. The acceptance of bids shall only be made by public
21 announcement at the meeting at which bids are opened, or at a
22 subsequent meeting, the time and place of which shall be
23 publicly announced when bids are opened. If for any reason
24 the award is not made at either of the meetings, the same
25 business may be transacted at any subsequent meeting, the
26 time and place of which shall have been announced at the
27 previous meeting held for the award.

28 (2) The contract shall be awarded, or the bids shall be
29 rejected, within 30 days of the opening of the bids, except
30 for bids subject to 62 Pa.C.S. (relating to procurement). A

1 30-day extension of the date for the award may be made by the
2 mutual written consent of the county commissioners and any
3 bidder that wishes to remain under consideration for award.

4 The county commissioners shall excuse from consideration any
5 bidder not wishing to agree to a request for extension of the
6 date for the award and shall release the bidder from any bid
7 bond or similar bid security furnished under subsection (f).

8 (3) A contract shall be filed with the controller, or
9 with the chief clerk as the case may be, immediately after
10 the execution.

11 (f) Security permitted.--The county commissioners may
12 require, as a necessary condition of considering a bid, that any
13 bids advertised be accompanied by a cashier's check or other
14 irrevocable letter of credit in a reasonable amount drawn upon a
15 bank authorized to do business in this Commonwealth or by a bond
16 with corporate surety in a reasonable amount. In the event a
17 bidder shall, upon award of the contract to the bidder, fail to
18 comply with the requirements of subsection (g) as to security
19 guaranteeing the performance of the contract, the security
20 furnished under this subsection shall be forfeited to the county
21 as liquidated damages.

22 (g) Security required.--If a formal bid is required by this
23 chapter, the successful bidder may be required to furnish a bond
24 or irrevocable letter of credit or other security in an amount
25 sufficient to the county commissioners guaranteeing performance
26 of the contract within 30 days after the contract has been
27 awarded, unless the county commissioners prescribe a shorter
28 period. The successful bidder for a contract which involves the
29 construction, erection, installation, completion, alteration,
30 repair of or addition to any public work or improvement of any

1 kind shall furnish security as provided in section 16118
2 (relating to contract performance security and payment bonds).
3 Performance security for services and contracts for labor and
4 materials delivered on a periodic basis, including food service
5 contracts, home health services and janitorial services and
6 supplies, may be computed on the expected average value for one
7 or more months at the discretion of the county commissioners.
8 Upon failure to furnish the security within the time fixed, the
9 previous awards shall be void. Deliveries, performances and
10 guarantees may be required in all cases of expenditures,
11 including the exceptions under subsection (h).

12 (h) Exceptions.--Contracts or purchases made by the county
13 commissioners for the following may not require advertising,
14 bidding or price quotations:

15 (1) Maintenance, repairs or replacements for water,
16 electric light or other public works if not new additions,
17 extensions or enlargements of existing facilities and
18 equipment. Security may be required by the county
19 commissioners as in other cases for work done.

20 (2) Improvements, repairs and maintenance, made or
21 provided by the county through its own employees. This
22 paragraph does not apply to construction materials used in a
23 street improvement.

24 (3) Particular types, models or pieces of new equipment,
25 articles, apparatus, appliances, vehicles or parts thereof
26 requested by the county commissioners, which are patented and
27 manufactured or copyrighted products.

28 (4) Policies of insurance or surety company bonds.

29 (5) Public utility service and electricity, natural gas
30 or telecommunication services, provided that, for utilities

1 not under tariff with the Pennsylvania Public Utility
2 Commission, contracts made without advertising and bidding
3 shall be made only after receiving written or telephonic
4 price quotations in accordance with the procedures specified
5 in section 15101(b).

6 (6) Services of members of the medical or legal
7 profession, registered architects, engineers, certified
8 public accountants or other personal services involving
9 professional expertise.

10 (7) Materials, supplies and equipment contracts entered
11 into by nonprofit cooperative hospital service associations
12 for hospitals and nursing homes which are part of the
13 institutional district or which are owned by the county,
14 operated by the county or affiliated with the county.

15 (8) Tangible client services provided by nonprofit
16 agencies. For the purposes of this paragraph, the term
17 "tangible client services" shall mean congregate meals, home-
18 delivered meals, transportation or chore services provided
19 through area agencies on aging.

20 (9) The sale, lease or loan of supplies or materials to
21 the county by a public body if the price is not in excess of
22 that fixed by the public body. The requirements of 53 Pa.C.S.
23 Ch. 23 Subch. A (relating to intergovernmental cooperation)
24 may not apply when a county purchases cooperatively with
25 another public body that has entered into a contract for
26 supplies or materials. As used in this paragraph, the term
27 "public body" shall mean any of the following:

28 (i) the Federal Government;

29 (ii) the Commonwealth;

30 (iii) any other state;

1 (iv) a political subdivision, local or municipal
2 authority, council of government, entity created in
3 accordance with 53 Pa.C.S. Ch. 23 Subch. A or other
4 similar local entity of the Commonwealth or any other
5 state; or

6 (v) an agency of the Federal Government, the
7 Commonwealth or any other state.

8 (10) The purchase of milk for counties of the second
9 class A.

10 (11) Construction management services.

11 (12) Computer software.

12 (i) Contracts for technology and information systems.--

13 (1) Notwithstanding the provisions of this chapter to
14 the contrary, the county commissioners shall have authority
15 to enter into contracts for equipment and services related to
16 technology and information systems on the basis of best value
17 procurement.

18 (2) Contracts under best value procurement shall be made
19 only after the county has solicited proposals based on
20 performance and outcome specifications developed by the
21 county and describing at minimum:

22 (i) the objectives to be met by the system;

23 (ii) the tasks to be performed by the system;

24 (iii) the users of the system;

25 (iv) system security issues;

26 (v) the time frame for system implementation;

27 (vi) potential operating technologies;

28 (vii) compatibility with existing systems;

29 (viii) training and maintenance; and

30 (ix) the process by which the contract shall be

1 awarded.

2 (3) Best value procurement may not require a sealed bid
3 process and shall permit the county commissioners to
4 negotiate the terms of the agreement with any responsive and
5 responsible vendor.

6 (j) Other acts.--A contract subject to this chapter shall
7 comply, as applicable, with the provisions of:

8 (1) The act of August 15, 1961 (P.L.987, No.442), known
9 as the Pennsylvania Prevailing Wage Act.

10 (2) The act of December 20, 1967 (P.L.869, No.385),
11 known as the Public Works Contractors' Bond Law of 1967.

12 (3) The act of January 23, 1974 (P.L.9, No.4), referred
13 to as the Public Contract Bid Withdrawal Law.

14 (4) The act of March 3, 1978 (P.L.6, No.3), known as the
15 Steel Products Procurement Act.

16 (5) The act of February 17, 1994 (P.L.73, No.7), known
17 as the Contractor and Subcontractor Payment Act.

18 (6) 62 Pa.C.S. Chs. 37 Subch. B. (relating to motor
19 vehicles), 39 (relating to contracts for public works) and 45
20 (relating to antibid-rigging).

21 (k) Shared fees and compensation.--Individuals, consultants,
22 firms or corporations contracting with a county for purposes of
23 rendering personal or professional services to the county may
24 not share with a county officer or employee, and county officers
25 or employees may not accept any portion of the compensation or
26 fees paid by the county for the contracted services provided to
27 the county except under the following terms or conditions:

28 (1) Full disclosure of all relevant information
29 regarding the sharing of the compensation or fees shall be
30 made to the county commissioners.

1 (2) The county commissioners must approve the sharing of
2 any fee or compensation for personal or professional services
3 prior to the performance of the services.

4 (3) Fees or compensation for personal or professional
5 services may not be shared except for work actually
6 performed.

7 (4) Shared fees or compensation for personal or
8 professional services may not be paid at a rate in excess of
9 that commensurate for similar personal or professional
10 services.

11 (1) Electronic bidding.--Nothing in this part shall be
12 construed as prohibiting a county from electronic bidding to the
13 extent authorized by 62 Pa.C.S. Ch. 46 (relating to electronic
14 bidding by local government units).

15 § 15103. Evasion of advertising requirements.

16 (a) Prohibition.--

17 (1) No commissioner may evade the provisions of section
18 15102 (relating to contract procedures, terms and bonds and
19 advertising for bids), for advertising for bids or purchasing
20 or contracting for services and personal properties piece-
21 meal, for the purpose of obtaining prices under the base
22 amount of \$18,500, subject to adjustment under section
23 15101(c) (relating to commissioners sole contractors for
24 county generally), upon transactions which should, in the
25 exercise of reasonable discretion and prudence, be conducted
26 as one transaction amounting to more than the base amount of
27 \$18,500, subject to adjustment under section 15101(c). This
28 paragraph is intended to make unlawful the practice of
29 evading advertising requirements by making a series of
30 purchases or contracts each for less than the advertising

1 requirement price, or by making several simultaneous
2 purchases or contracts each below that price, if in either
3 case the transaction involved should have been made as one
4 transaction for one price.

5 (2) Commissioners who vote in violation of this
6 provision and who know that the transaction upon which the
7 commissioners so vote is or should be a part of a larger
8 transaction and that it is being divided in order to evade
9 the requirements as to advertising for bids shall be, jointly
10 and severally, subject to surcharge for any loss sustained.

11 (3) If it appears that a county commissioner may have
12 voted in violation of this section, but the purchase or
13 contract on which a county commissioner voted was not
14 approved by the board of commissioners, this section shall be
15 inapplicable.

16 (b) Criminal offense.--Each county commissioner who votes to
17 unlawfully evade section 15102 and who knows that the
18 transaction is or should be a part of a larger transaction and
19 that it is being divided in order to evade the requirements as
20 to advertising for bids commits a misdemeanor of the third
21 degree for each contract entered into as a direct result of that
22 vote. This penalty shall be in addition to any surcharge that
23 may be assessed under subsection (a).

24 § 15104. (Reserved).

25 § 15105. Sales of personal property and surplus farm products.

26 (a) General rule.--Personal property and surplus farm
27 products of the county may not be disposed of by sale or
28 otherwise, except upon resolution of the county commissioners.

29 (b) Small lots.--If the county commissioners approve a sale
30 of the property or farm products, the commissioners shall

1 estimate the sale value of the entire lot to be disposed of,
2 and, if the estimate is less than \$2,000, the commissioners
3 shall require notice of the proposed sale to be posted, for at
4 least 10 days, in a prominent place in the courthouse,
5 describing and itemizing the property to be sold, and directing
6 that bids may be made at the office of the chief clerk of the
7 county commissioners. After the notice period, the county
8 commissioners may sell the property in whole or in part for the
9 best price or prices obtainable.

10 (c) Large lots.--If the county commissioners estimate the
11 sale value of the personal property or of the surplus farm
12 products to be sold at \$2,000 or more, the entire lot shall be
13 advertised for sale, once, in at least one newspaper of general
14 circulation in the county, and sale of the property advertised
15 shall be made to the highest and best bidder. The bids may not
16 be opened until at least 10 days after the advertisement.

17 (d) Auctions.--The county commissioners may sell any
18 property at auction, but the notice contained in this section
19 shall be likewise observed as to the holding of auction sales.

20 (e) Exceptions.--The provisions of this section may not be
21 mandatory if county property is to be traded-in or exchanged for
22 new personal property. The provisions of this section may not
23 apply to sale of personal property with real property as a
24 single unit under section 16106.1 (relating to authority to sell
25 certain property as a single unit).

26 (f) Electronic auctions.--A public auction of personal
27 property may be conducted by means of an online or electronic
28 auction sale. During an electronic auction sale, bids shall be
29 accepted electronically at the time and in the manner designated
30 in the advertisement. During the electronic auction, each bidder

1 shall have the capability to view the bidder's bid rank or the
2 high bid price. Bidders may increase bid prices during the
3 electronic auction. The record of the electronic auction shall
4 be accessible as a public record under the provisions of the act
5 of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know
6 Law. The purchase price shall be paid by the high bidder
7 immediately or at a reasonable time after the conclusion of the
8 electronic auction as determined by the county commissioners. In
9 the event that shipping costs are incurred, the shipping costs
10 shall be paid by the high bidder. A county that has complied
11 with the advertising requirements of this section may provide
12 additional notice of the sale by bids or public auction in any
13 manner deemed appropriate by the county commissioners. The
14 advertisement for electronic auction sales authorized in this
15 subsection shall include the publicly accessible Internet
16 website of, or means of accessing, the electronic auction and
17 the date, time and duration of the electronic auction.

18 § 15106. Conflicts of interest prohibited.

19 (a) General rule.--Except as provided in subsection (b),
20 restrictions on the involvement of elected and appointed county
21 officers in a county contract shall be as prescribed in 65
22 Pa.C.S. Ch. 11 (relating to ethics standards and financial
23 disclosure) and the limitations and procedures under section
24 15102(k) (relating to contract procedures, terms and bonds and
25 advertising for bids).

26 (b) Architects and engineers and criminal offense.--
27 Notwithstanding subsection (a), the following shall apply:

28 (1) It shall be unlawful for an architect or engineer
29 employed by a county of the second class A and engaged in the
30 preparation of plans, specifications or estimates, to bid or

1 negotiate on any public work contracted by the county, except
2 that an architect or engineer who prepared preliminary plans
3 only may bid on or negotiate the final contract for the work.

4 (2) It shall be unlawful for the officers of a county of
5 the second class A charged with the duty of contracting for
6 public work, to award a contract to an architect or engineer,
7 employed by the county who is interested in a contract for
8 public work for the county or for any architect or engineer
9 to receive any remuneration or gratuity from any person
10 interested in the contract except as provided under section
11 15102(k).

12 (3) A person violating any of the provisions of
13 paragraph (1) or (2) commits a misdemeanor in office and,
14 upon conviction, shall forfeit the office and be sentenced to
15 pay a fine not exceeding \$500, or to imprisonment for not
16 more than six months, or both.

17 § 15107. Application of contract provisions.

18 The provisions of this chapter shall apply to all of the
19 contractual powers of the county commissioners contained in this
20 part, or other laws not inconsistent with this chapter, and the
21 mention of powers of contract outside this chapter shall not be
22 construed as disregarding the applicable provisions of this
23 chapter.

24 § 15107.1. Printing contracts.

25 (a) Responsible bidders.--In counties of the second class A,
26 the county commissioners may, by resolution, require that a
27 printing firm presenting a bid for county printing establish
28 itself as a responsible bidder by requiring that:

29 (1) The printing firm file, with the chief clerk of the
30 county commissioners, a sworn statement to the effect that

1 employees are receiving the prevailing wage rate and are
2 working under conditions prevalent in the locality in which
3 the work is produced.

4 (2) If a collective bargaining agreement is in effect
5 between an employer and employees who are represented by a
6 responsible organization that is not influenced or controlled
7 by the management, the agreement and the provisions of the
8 agreement shall be considered as conditions prevalent in the
9 locality and shall be the minimum requirements for being
10 deemed a responsible bidder under this chapter.

11 (3) In case a dispute arises as to what is the
12 prevailing rate of wages for work applicable to the contract,
13 which cannot be adjusted by the county commissioners, the
14 matter shall be referred to the county salary board and the
15 board's decision shall be conclusive.

16 (b) Prevailing wage rate.--If the wage rates vary in any
17 district in a county, then a printing firm that pays wages at
18 least equal to those in any agreement, shall, for the purposes
19 of this chapter, be deemed to be paying the prevailing wage
20 rate.

21 (c) Definition.--As used in this section, the term
22 "prevailing wage rate" means at least the minimum wages that are
23 received by employees of a printing firm, in second class A
24 counties as a result of a collective bargaining agreement
25 negotiated by an employer with a responsible organization
26 representing the employees.

27 § 15107.2. Prohibited contract provisions.

28 A political subdivision or authority in a county of the
29 second class A may not enter into a contract related to a
30 redevelopment capital assistance project under section 318 of

1 the act of February 9, 1999 (P.L.1, No.1), known as the Capital
2 Facilities Debt Enabling Act, which contains a provision
3 requiring that a specified percentage of a contracting party's
4 work force be residents of a specific municipality.

5 CHAPTER 153

6 SPECIAL POWERS AND DUTIES OF COUNTIES

7 Subchapter

8 A. (Reserved)

9 B. (Reserved)

10 C. (Reserved)

11 D. County Histories

12 E. Animal and Plant Husbandry

13 F. Communications

14 G. Prevention and Control of Floods

15 G.1. Disaster Emergency Aid to Municipalities in Counties of
16 the Third through Eighth Class

17 H. Aid to Firefighting Departments and Companies

18 H.1. Fire Marshal and Assistant Fire Marshals in Counties of
19 the Third through Eighth Class

20 I. Utilities

21 J. (Reserved)

22 K. Rewards and Bounties

23 L. Garbage and Refuse Disposal

24 M. (Reserved)

25 N. Appropriations to Industrial Development Agencies

26 O. Surplus Foods and Food Stamp Program

27 P. Historical Property and Museums

28 P.1. Legal Aid Services

29 Q. Transportation and Traffic Control Devices

30 R. (Reserved)

1 S. Appropriations for Recreation and Historic and Museum
2 Projects of Municipal Corporations, Authorities and
3 Nonprofit Organizations
4 T. Appropriations to Institutions of Higher Learning or to
5 Nonprofit Educational Trusts in Counties of the Third
6 through Eighth Class
7 U. Agreements with Federal Government for the Promotion of
8 Health or Welfare
9 V. Appropriations for Reservoirs and Water Resources
10 W. Tourist Promotion Agencies
11 X. Crime Detection Laboratory and Police Training School in
12 Counties of the Third Class
13 Y. Parking Facilities
14 Z. Revenue Bonds for Industrial Development Projects
15 Z.1. Grants to Nonprofit Art Corporations
16 Z.2. Commission on Women
17 Z.3. Civil Service in Counties of the Second Class A
18 Z.4. Insuring County Against Loss or Liability
19 Z.5. Lot and Block System in Counties of the Second Class A
20 SUBCHAPTER A
21 (Reserved)
22 SUBCHAPTER B
23 (Reserved)
24 SUBCHAPTER C
25 (Reserved)
26 SUBCHAPTER D
27 COUNTY HISTORIES
28 Sec.
29 15328. County history.
30 15329. Payment to historical societies.

1 15330. Qualification of society.

2 15331. Restoration and preservation of historic sites.

3 § 15328. County history.

4 The county commissioners, either independently or in
5 connection with any other municipality within the county or a
6 society or organization, may appropriate money for the
7 compilation of a county war history or any general history or
8 historical account related to the historical records and
9 government of the county, and for publication and distribution.

10 § 15329. Payment to historical societies.

11 (a) Payments.--The county commissioners may pay, out of the
12 county money not otherwise appropriated, a sum of money to a
13 county historical society, qualified under section 15330
14 (relating to qualification of society), to assist in paying
15 expenses. If a county historical society is comprised of
16 residents of more than one county, the county commissioners of
17 the respective counties may jointly pay the sum in such
18 proportion as the county commissioners shall agree.

19 (b) Vouchers.--Appropriations may not be renewed until
20 vouchers have been filed with the county commissioners showing
21 that the appropriation for any prior year has been expended
22 under this chapter.

23 § 15330. Qualification of society.

24 A historical society eligible to receive county money
25 according to the provisions of section 15329 (relating to
26 payment to historical societies) shall:

27 (1) be a not-for-profit corporation, in good standing
28 and registered according to the laws of this Commonwealth
29 with the Pennsylvania Commission on Charitable Organizations;

30 (2) have operated for two years prior to receiving an

1 appropriation from a county; and

2 (3) control and operate a museum or other facility
3 related to the history of the county or this Commonwealth
4 that is open to the public at least 100 days per year.

5 § 15331. Restoration and preservation of historic sites.

6 The county commissioners may make appropriations out of
7 county money to any nonprofit corporation organized for the
8 purpose of restoring and preserving historic sites that are
9 within the county. For the purposes of this section, an eligible
10 historic site shall be listed or eligible to be listed in the
11 National Register of Historic Places or designated as historic
12 by resolution of the county commissioners.

13 SUBCHAPTER E

14 ANIMAL AND PLANT HUSBANDRY

15 Sec.

16 15335. Appropriations for prevention of cruelty to animals.

17 15336. Cooperative Extension, natural resources, 4-H youth,
18 families, nutrition and community development.

19 15337. Agricultural or horticultural societies.

20 15338. Suppression of animal and plant disease.

21 15339. County fair associations in counties of the third,
22 fourth, fifth, sixth, seventh and eighth class.

23 § 15335. Appropriations for prevention of cruelty to animals.

24 The county commissioners may appropriate money toward the
25 maintenance of an organization or society, incorporated under
26 the laws of this Commonwealth, for the prevention of cruelty to
27 animals and which, for a period of at least two years prior to
28 the making of the appropriation, shall have been engaged in
29 carrying out the purposes of its incorporation, in whole or in
30 part, within the county.

1 § 15336. Cooperative Extension, natural resources, 4-H youth,
2 families, nutrition and community development.

3 (a) Appropriations.--The county commissioners may make
4 annual appropriations for Cooperative Extension work, in
5 cooperation with The Pennsylvania State University, to support
6 improved methods of agricultural production and management,
7 economic development, family and youth programming and practical
8 instruction and demonstrations, both in-person and online. The
9 purpose of these activities is to help communities, businesses
10 and people solve problems and improve their quality of life.
11 The money shall be expended according to rules and regulations
12 prescribed or approved by the county commissioners to support
13 Cooperative Extension's mission to provide educational
14 opportunities to constituents, regardless of where the expertise
15 is located.

16 (b) Cooperative Extension services.--Cooperative Extension
17 shall provide counties access to The Pennsylvania State
18 University's science-based information, expertise and education
19 and shall continually work to expand access to its Statewide
20 programs through technology channels.

21 (c) Offices.--The county commissioners may provide offices
22 in the county for headquarters for cooperative work under this
23 section.

24 § 15337. Agricultural or horticultural societies.

25 (a) Appropriations.--The county commissioners are authorized
26 to make appropriations annually out of the current revenues of
27 the county to an incorporated agricultural or horticultural
28 society or association located within the county.

29 (b) Additional appropriations.--The county commissioners are
30 authorized to make additional appropriations annually out of the

1 current revenues of the county to an incorporated agricultural
2 or horticultural society or association located within the
3 Commonwealth.

4 § 15338. Suppression of animal and plant disease.

5 (a) Appropriations.--The county commissioners may make
6 appropriations from county money and cooperate with the
7 Department of Agriculture, for the purpose of controlling and
8 suppressing:

9 (1) dangerous transmissible diseases of domestic
10 animals;

11 (2) dangerous plant diseases;

12 (3) insect pests; and

13 (4) diseases of honeybees.

14 (b) Agreements.--For the purpose of carrying out this
15 section, the county commissioners may enter into agreements with
16 the Department of Agriculture concerning terms, rules,
17 regulations and practices for conducting the work.

18 § 15339. County fair associations in counties of the third,
19 fourth, fifth, sixth, seventh and eighth class.

20 The county commissioners in counties of the third, fourth,
21 fifth, sixth, seventh and eighth class may appropriate annually,
22 out of current revenues, to an incorporated nonprofit
23 agriculture association or a nonprofit county fair association
24 located within the county, for the repair and maintenance of the
25 real estate, buildings and structures within the county used
26 annually by the association for county agriculture fairs and
27 exhibitions, regardless of if the real estate is owned by the
28 county and leased to the association.

29 SUBCHAPTER F

30 COMMUNICATIONS

1 Sec.

2 15343. Appropriations for radio broadcasting station.

3 15344. Appropriations for police, fire and other public safety
4 radio and telecommunications networks.

5 § 15343. Appropriations for radio broadcasting station.

6 The county commissioners may make an appropriation for the
7 purpose of assisting a naval reserve unit or amateur radio
8 league in maintaining, equipping and operating a shortwave radio
9 broadcasting station or cable television community access
10 stations geared to public access, educational access or
11 governmental access, which shall be available for public use in
12 the event of emergency or disaster.

13 § 15344. Appropriations for police, fire and other public
14 safety radio and telecommunications networks.

15 The county commissioners may make appropriations for the
16 erection, operation and maintenance of a county police radio,
17 fire and other public safety radio and telecommunications
18 networks.

19 SUBCHAPTER G

20 PREVENTION AND CONTROL OF FLOODS

21 Sec.

22 15347. Prevention and control of floods.

23 § 15347. Prevention and control of floods.

24 (a) Prevention and control of floods.--The county
25 commissioners may borrow, appropriate and expend money and may
26 acquire by purchase or dedication or by the power of eminent
27 domain real property, or any interest in real property, for the
28 purpose of cleansing, maintaining, regulating, improving and
29 controlling rivers, streams and other bodies of water and
30 stormwater drainage systems lying within the boundaries of the

1 county, either in whole or in part, for the prevention and
2 control of floods. The county commissioners may make contracts
3 and expenditures for the cleansing, maintenance, regulation,
4 improvement and control of waters and drainage systems and for
5 the prevention and control of floods by storage or retaining
6 reservoirs, or otherwise, in parts of waters beyond the limits
7 of the county or of the Commonwealth, if, in the county
8 commissioner's judgment, the expenditures are necessary and for
9 the benefit of the county.

10 (b) Investigations.--The county commissioners may make
11 appropriations and expenditures for investigating and examining
12 or for assisting in the investigation and examination of the
13 condition of waters for the purpose of subsection (a).

14 (c) Agreements.--The county commissioners may enter into
15 agreements with the United States Secretary of Defense or other
16 public authorities empowered to act under any law of the United
17 States or of this or any other state, as may be necessary and
18 proper for the prevention and control of floods.

19 (d) Bonds.--In exercising the powers under this chapter, the
20 county commissioners may, subject to the limitation of the
21 Constitution of Pennsylvania, issue interest bearing bonds of
22 the county in accordance with the provisions of 53 Pa.C.S. Pt.
23 VII Subpt. B (relating to indebtedness and borrowing).

24 SUBCHAPTER G.1

25 DISASTER EMERGENCY AID TO MUNICIPALITIES

26 IN COUNTIES OF THE THIRD THROUGH EIGHTH CLASS

27 Sec.

28 15348. Emergency appropriation to municipal corporations.

29 § 15348. Emergency appropriation to municipal corporations.

30 (a) Appropriations.--The county commissioners of counties of

1 the third, fourth, fifth, sixth, seventh and eighth class may
2 appropriate money for the purpose of assisting municipal
3 corporations within the county with any cleanup, maintenance,
4 repair and improvements undertaken as a result of damage
5 incurred or a dangerous condition caused by either a disaster
6 emergency within the county declared by the Governor or a local
7 emergency declared by the governing body of a municipal
8 corporation within the county.

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

12 "Disaster emergency." As defined in 35 Pa.C.S. § 7102
13 (relating to definitions).

14 "Local emergency." As defined in 35 Pa.C.S. § 7102.

15 SUBCHAPTER H

16 AID TO FIREFIGHTING DEPARTMENTS AND COMPANIES

17 Sec.

18 15351. Counties of seventh and eighth classes and

19 appropriations to borough fire departments and
20 volunteer fire companies.

21 15352. Establishment of fire training schools.

22 § 15351. Counties of seventh and eighth classes and

23 appropriations to borough fire departments and
24 volunteer fire companies.

25 The county commissioners of a county of the seventh or eighth
26 class may make an appropriation annually to the fire department
27 of a municipal corporation in the county or to a volunteer fire
28 company located in the county that gives fire protection to
29 parts of the county. Money appropriated to a fire department or
30 fire company shall be used for the purchase, maintenance and

1 repair of firefighting equipment.

2 § 15352. Establishment of fire training schools.

3 (a) Appropriations.--The county commissioners may
4 appropriate annual money to lawfully organized or incorporated
5 county or regional firemen's associations to establish, equip,
6 maintain and operate, and the county commissioners may
7 establish, equip, maintain and operate, fire training schools or
8 centers for the purpose of giving instruction and practical
9 training in the prevention, control and fighting of fire and
10 related fire department emergencies to the members of paid fire
11 departments and volunteer fire companies in any city, borough,
12 town or township within the county.

13 (b) Regional fire training schools.--If a firemen's
14 association is comprised of residents of two or more counties or
15 contemplates operation of a regional fire training school in two
16 or more counties, the county commissioners may appropriate money
17 to the association.

18 SUBCHAPTER H.1

19 FIRE MARSHAL AND ASSISTANT FIRE MARSHALS IN
20 COUNTIES OF THE THIRD THROUGH EIGHTH CLASS

21 Sec.

22 15353. Appointment.

23 § 15353. Appointment.

24 (a) Appointment.--The county commissioners of a county of
25 the third, fourth, fifth, sixth, seventh and eighth class may
26 appoint a fire marshal and assistant fire marshals as necessary
27 to perform duties relating to the prevention and control of fire
28 as the county commissioners deem to be in the best interests of
29 the county.

30 (b) Duties.--A fire marshal or assistant fire marshal may

1 not be assigned duties that will conflict with fire marshals or
2 municipal fire marshals or powers relating to the control of
3 fires conferred by law upon the Pennsylvania State Police.

4 (c) Compensation.--Compensation for the fire marshal and
5 assistant fire marshals shall be set by the county salary board.

6 SUBCHAPTER I

7 UTILITIES

8 Sec.

9 15355. Drilling gas wells and laying gas lines.

10 15356. Contracts for relocation, change or elevation of
11 railroads.

12 15357. County may assist municipalities.

13 § 15355. Drilling gas wells and laying gas lines.

14 (a) Contracts.--For the purpose of furnishing gas for light
15 and fuel to the county buildings and for other purposes, the
16 county commissioners may contract for:

17 (1) The drilling of gas wells upon lands owned by the
18 county.

19 (2) The laying of gas lines equipped with modern
20 appliances and machinery as may be necessary.

21 (b) Procedure.--Contracts under this section, including
22 contracts for the building of rigs or derricks and the purchase
23 of machinery, shall be made by the county commissioners in the
24 manner provided for in Chapter 151 (relating to contracts).

25 § 15356. Contracts for relocation, change or elevation of
26 railroads.

27 The county commissioners may enter into contracts with a
28 railroad company to relocate, change or elevate the railroads
29 within the county in such manner as, in the judgment of the
30 board, may be best adapted to secure the safety of lives and

1 property and promote the interest of the county.

2 § 15357. County may assist municipalities.

3 (a) Assistance.--Upon the request of a political subdivision
4 within a county, the county may assist the political subdivision
5 in negotiations or a contest with a public utility company and
6 may use or allow the political subdivision to use the legal,
7 engineering, accounting or clerical service of the county.

8 (b) Intervention.--The county commissioners may enter their
9 appearance as interveners or otherwise in a proceeding before
10 the Pennsylvania Public Utility Commission or before a court in
11 a proceeding involving a controversy between a political
12 subdivision in the county and a public utility company.

13 SUBCHAPTER J

14 (Reserved)

15 SUBCHAPTER K

16 REWARDS AND BOUNTIES

17 Sec.

18 15371. Rewards for detection or apprehension of criminals.

19 15372. (Reserved).

20 § 15371. Rewards for detection or apprehension of criminals.

21 (a) Rewards.--The county commissioners may offer a reward,
22 in addition to that authorized by law, for information leading
23 to the detection or apprehension of an individual charged with
24 or perpetrating a felony or misdemeanor, or aiding or abetting.

25 (b) Payment of rewards.--Upon the conviction of an
26 individual under subsection (a), the county commissioners may
27 pay the reward out of the county treasury, but in no case may
28 the owner of stolen property be entitled to the reward for the
29 detection or apprehension of the individual who commits the
30 offense of larceny.

1 (c) Misdemeanors.--In cases of misdemeanors, the county
2 commissioners must have the approval of the president judge of
3 the court of common pleas of the county before offering or
4 paying a reward.

5 § 15372. (Reserved).

6 SUBCHAPTER L

7 GARBAGE AND REFUSE DISPOSAL

8 Sec.

9 15375. Municipal waste processing and disposal in county
10 facilities.

11 § 15375. Municipal waste processing and disposal in county
12 facilities.

13 (a) Power.--The county commissioners shall have the power
14 to:

15 (1) operate or provide for the operation of municipal
16 waste processing and disposal facilities, including municipal
17 waste landfills, resource recovery facilities and recycling
18 facilities; and

19 (2) enter into agreements or contracts with any person,
20 corporation or political subdivision for the disposal of
21 municipal waste in the facilities constructed and maintained
22 by the county and charge and receive fees for services
23 provided under this subsection.

24 (b) Acquisition of real property.--A county may acquire by
25 gift, lease, purchase by current revenues, borrowing or
26 incurring indebtedness or eminent domain real property within
27 the county for the purpose of constructing any facility under
28 subsection (a) or other buildings necessary to operate the
29 facility. If private property is taken by eminent domain, the
30 county shall acquire the entire title, either in fee or

1 otherwise, held by the owner or owners of the property or of any
2 interest.

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

6 "Municipal waste landfill." As defined in the act of July
7 28, 1988 (P.L.556, No.101), known as the Municipal Waste
8 Planning, Recycling and Waste Reduction Act.

9 "Recycling facility." As defined in the Municipal Waste
10 Planning, Recycling and Waste Reduction Act.

11 "Resource recovery facility." As defined in the Municipal
12 Waste Planning, Recycling and Waste Reduction Act.

13 SUBCHAPTER M

14 (Reserved)

15 SUBCHAPTER N

16 APPROPRIATIONS TO INDUSTRIAL DEVELOPMENT AGENCIES

17 Sec.

18 15385. Appropriations to industrial development agencies by
19 counties.

20 15386. (Reserved).

21 § 15385. Appropriations to industrial development agencies by
22 counties.

23 The county commissioners may annually appropriate amounts as
24 deemed necessary to an industrial development organization, as
25 defined in section 2301 of the act of June 29, 1996 (P.L.434,
26 No.67), known as the Job Enhancement Act, to assist the agencies
27 in the:

28 (1) financing of operational costs for the purposes of
29 making studies, surveys and investigations and compiling data
30 and statistics; and

1 (2) carrying out of planning and promotional programs.

2 § 15386. (Reserved).

3 SUBCHAPTER O

4 SURPLUS FOODS AND FOOD STAMP PROGRAM

5 Sec.

6 15390. Appropriations for handling, storage and distribution of
7 surplus foods.

8 15391. (Reserved).

9 § 15390. Appropriations for handling, storage and distribution
10 of surplus foods.

11 The county commissioners may appropriate from county money,
12 or, in counties of the second class A and third class from
13 county institution district money, money for the handling,
14 storage and distribution of surplus foods obtained through a
15 Federal, State or local agency.

16 § 15391. (Reserved).

17 SUBCHAPTER P

18 HISTORICAL PROPERTY AND MUSEUMS

19 Sec.

20 15395. Acquisition, repair and maintenance of historical
21 property.

22 15395.1. Contributions to museums of fine art or natural
23 history.

24 § 15395. Acquisition, repair and maintenance of historical
25 property.

26 The county commissioners may acquire by purchase or by gift
27 and repair, supervise, operate and maintain ancient landmarks
28 and other property of historical or antiquarian interest that is
29 listed or eligible to be listed in the National Register of
30 Historic Places or designated as historic by resolution of the

1 county commissioners.

2 § 15395.1. Contributions to museums of fine art or natural
3 history.

4 The county commissioners may appropriate money from county
5 money for the purpose of contributing toward the cost of
6 operating, maintaining or carrying out or furthering the
7 purposes of institutes or museums of fine art or natural history
8 that is:

9 (1) located within the county on public property;

10 (2) established by private grant or bequest;

11 (3) open to the public; and

12 (4) not used for private or corporate profit.

13 SUBCHAPTER P.1

14 LEGAL AID SERVICES

15 Sec.

16 15396. Appropriations for legal aid services.

17 § 15396. Appropriations for legal aid services.

18 The county commissioners may appropriate money for payment to
19 nonprofit legal aid associations or societies or county bar
20 associations that provide legal aid services for indigent
21 persons in civil matters in the county.

22 SUBCHAPTER Q

23 TRANSPORTATION AND TRAFFIC CONTROL DEVICES

24 Sec.

25 15397. Improvement of operation and facilities.

26 15398. Money for traffic control devices.

27 § 15397. Improvement of operation and facilities.

28 The county commissioners may enter into contracts and long
29 range cooperative programs with Federal, State and local
30 governmental agencies, public utilities or authorities for the

1 improvement of transportation operations and facilities within
2 and across county lines. The county commissioners may
3 independently or in cooperation with any other county or
4 municipality appropriate money annually in furtherance of
5 transportation improvements and may also accept on behalf of the
6 county gifts, grants and Federal and State loans in connection
7 to a transportation improvement.

8 § 15398. Money for traffic control devices.

9 The county commissioners may contribute money to any
10 municipal corporation within the county for the erection and
11 maintenance of any traffic signal, as defined under 67 Pa. Code
12 § 212.1. (relating to definitions).

13 SUBCHAPTER R

14 (Reserved)

15 SUBCHAPTER S

16 APPROPRIATIONS FOR RECREATION AND HISTORIC AND
17 MUSEUM PROJECTS OF MUNICIPAL CORPORATIONS,
18 AUTHORITIES AND NONPROFIT ORGANIZATIONS

19 Sec.

20 15399. Appropriations for recreation and historic and museum
21 projects.

22 § 15399. Appropriations for recreation and historic and museum
23 projects.

24 (a) Appropriations.--The county commissioners may
25 appropriate county money for grants to assist municipal
26 corporations and authorities within the county, as well as
27 nonprofit organizations, in the purchase, acquisition,
28 improvement, equipping or landscaping of the following:

29 (1) lands;

30 (2) buildings and facilities, along with the demolition

1 of buildings and facilities;

2 (3) parks, recreation areas, open space projects and
3 other outdoor projects; and

4 (4) historic and museum projects.

5 (b) Definitions.--As used in this section, the term
6 "nonprofit organization" shall mean an entity which is tax
7 exempt under section 501(a) of the Internal Revenue Code of 1986
8 (Public Law 99-514, 26 U.S.C. § 501(a)), as amended, or any
9 successor provisions, not operated for profit and organized to:

10 (1) preserve or conserve open space, natural resources
11 or natural habitats;

12 (2) promote outdoor recreation and the acquisition and
13 development of facilities related thereto; or

14 (3) preserve sites of historical significance.

15 SUBCHAPTER T

16 APPROPRIATIONS TO INSTITUTIONS OF HIGHER
17 LEARNING OR TO NONPROFIT EDUCATIONAL TRUSTS IN
18 COUNTIES OF THE THIRD THROUGH EIGHTH CLASS

19 Sec.

20 15399a. Appropriations to institutions of higher learning or to
21 nonprofit educational trusts.

22 § 15399a. Appropriations to institutions of higher learning or
23 to nonprofit educational trusts.

24 The county commissioners may appropriate county money in
25 amounts as may be deemed necessary to any of the following
26 institutions or trusts located within the county to assist the
27 institution or trust in the financing of the functions specified
28 by the county commissioners:

29 (1) Nonsectarian institutions of higher learning.

30 (2) A nonprofit educational trust created for the

1 purpose of constructing or maintaining facilities for
2 Pennsylvania State System of Higher Education universities
3 and State-related universities, including The Pennsylvania
4 State University, Lincoln University, Temple University and
5 the University of Pittsburgh.

6 SUBCHAPTER U

7 AGREEMENTS WITH FEDERAL GOVERNMENT FOR THE
8 PROMOTION OF HEALTH OR WELFARE

9 Sec.

10 15399b. Federal health and welfare programs.

11 § 15399b. Federal health and welfare programs.

12 (a) Agreements.--

13 (1) The county commissioners may enter into an agreement
14 with the Federal Government, or with any city, borough, town,
15 township or nonprofit corporation or association located or
16 carrying on the functions of the nonprofit corporation or
17 association within the county or serving the residents of the
18 county.

19 (2) The county commissioners may only enter into an
20 agreement under paragraph (1) with a city, borough, town,
21 township, nonprofit corporation or association that has or
22 will contract with the Federal Government or the Commonwealth
23 whereby the Federal Government will provide a portion of the
24 money necessary, payable either to the county or State or
25 directly to the city, borough, town, township, nonprofit
26 corporation or association to provide a program not in
27 conflict with a Federal or State program for the promotion of
28 the health or welfare of the Commonwealth's residents.

29 (b) Donations.--The county may accept gifts or grants of
30 money, property or services from any source, public or private,

1 and may appropriate money as may be necessary to carry out a
2 program under subsection (a).

3 SUBCHAPTER V

4 APPROPRIATIONS FOR RESERVOIRS AND WATER RESOURCES

5 Sec.

6 15399c. Appropriations for reservoirs and water resources.

7 § 15399c. Appropriations for reservoirs and water resources.

8 (a) Facilities.--

9 (1) The county commissioners may borrow, appropriate and
10 expend money for the construction, acquisition by purchase,
11 lease or otherwise, operation and maintenance of dams,
12 reservoirs, wells and other facilities for the utilization of
13 surface, subsurface and groundwater resources and all related
14 structures, appurtenances and equipment necessary for the use
15 of dams, reservoirs, wells and other facilities.

16 (2) The county commissioners may acquire by purchase,
17 lease, gift or the exercise of power of eminent domain, sites
18 for a facility listed under paragraph (1) in accordance with
19 the following:

20 (i) The county commissioners shall obtain a permit
21 from the Department of Environmental Protection whenever
22 a permit is required by law.

23 (ii) The county commissioners may not acquire by the
24 exercise of power of eminent domain the property of a
25 public utility subject to the jurisdiction of the Federal
26 Energy Regulatory Commission or the Pennsylvania Public
27 Utility Commission.

28 (b) Agreements and contracts.--The county commissioners may
29 enter into:

30 (1) agreements for the regulation of withdrawals,

1 diversions and sales of waters from dams, reservoirs, wells
2 and other facilities, subject to the approval of Federal,
3 State or interstate agencies which may have primary
4 jurisdiction over water resources. Dams, wells and reservoirs
5 acquired by purchase, lease or otherwise or constructed by
6 the county commissioners may not be used for the generation
7 of electric energy; and

8 (2) contracts or long-range cooperative programs with
9 Federal, State, interstate and local government agencies or
10 public utilities for the development and use of the county's
11 water resources.

12 (c) Regulation of agreements and contracts.--

13 (1) It shall be lawful for any county to execute
14 agreements and contracts as deemed necessary or advisable
15 with an authority organized by the county to:

16 (i) provide, design, acquire, hold, construct,
17 improve, own, lease, as lessor or lessee, maintain and
18 operate dams, reservoirs, wells and other facilities for
19 the utilization of surface, subsurface and groundwater
20 resources and all necessary related structures,
21 appurtenances and equipment;

22 (ii) grant, convey, lease, transfer, encumber,
23 mortgage and pledge to the authority the dams,
24 reservoirs, wells and related facilities and any
25 improvements and additions; and

26 (iii) assign and pledge to the authority rentals,
27 rates and charges charged and collected by the authority
28 and to assign to the authority the power to collect the
29 the rentals, rates and charges.

30 (2) An agreement, contract, grant, conveyance, lease,

1 assignment, encumbrance, mortgage or pledge under paragraph
2 (1) shall not be construed to prevent the affected county
3 from using tax revenues for the purpose of maintaining,
4 repairing, altering, inspecting or improving the dams,
5 reservoirs, wells and related facilities.

6 (d) Sale of water.--A county may enter into an agreement and
7 contract for the sale of water to a municipality, authority or
8 public utility at a reasonable and uniform rate to be determined
9 exclusively by the county.

10 SUBCHAPTER W

11 TOURIST PROMOTION AGENCIES

12 Sec.

13 15399d. Tourist promotion agencies and appropriations.

14 § 15399d. Tourist promotion agencies and appropriations.

15 (a) Creation.--The county commissioners may create or join
16 with other counties in the creation of a tourist promotion
17 agency, as defined under the act of July 4, 2008 (P.L.621,
18 No.50), known as the Tourism Promotion Act, for the purpose of
19 making studies, surveys and investigations and for planning and
20 carrying out promotional programs and projects designed to
21 stimulate and increase the volume of tourist, visitor and
22 vacation business within the county or counties.

23 (b) Appropriation.--The county commissioners may appropriate
24 annually an amount of money as may be deemed necessary to any
25 tourist promotion agency, as defined under the Tourism Promotion
26 Act, to assist the agencies in carrying out tourism promotional
27 activities.

28 SUBCHAPTER X

29 CRIME DETECTION LABORATORY AND POLICE TRAINING SCHOOL

30 IN COUNTIES OF THE THIRD CLASS

1 Sec.

2 15399e. Crime detection laboratories and police training
3 schools.

4 § 15399e. Crime detection laboratories and police training
5 schools.

6 The county commissioners of a county of the third class may
7 appropriate money and provide for establishing a crime detection
8 laboratory and police training school for the:

9 (1) use of any political subdivision situated within the
10 county; and

11 (2) training of police employed by the political
12 subdivision.

13 SUBCHAPTER Y

14 PARKING FACILITIES

15 Sec.

16 15399f. Parking facilities.

17 § 15399f. Parking facilities.

18 (a) Appropriation.--The county commissioners may appropriate
19 money from the county treasury for purchasing, constructing,
20 maintaining and operating a motor vehicle parking facility to be
21 used as a county facility.

22 (b) Lease.--The county commissioners, or a municipal
23 authority created by the county commissioners, may lease a
24 parking facility, or the land to be used for a parking facility,
25 to a city, borough or township in which the parking facility is
26 located or shall be constructed or a parking authority created
27 by the city, borough or township.

28 (c) Authorization.--The county commissioners may create and
29 appropriate money to a municipal authority under subsection (b).

30 SUBCHAPTER Z

1 REVENUE BONDS FOR INDUSTRIAL DEVELOPMENT PROJECTS

2 Sec.

3 15399g. Issuance of revenue bonds for industrial development
4 projects.

5 § 15399g. Issuance of revenue bonds for industrial development
6 projects.

7 (a) General rule.--

8 (1) The county commissioners may issue revenue bonds of
9 the county under 53 Pa.C.S. Pt. VII Subpt. B (relating to
10 indebtedness and borrowing) to provide sufficient money for
11 and toward the acquisition, construction, reconstruction,
12 extension, equipping or improvement of an industrial
13 development project.

14 (2) A project under paragraph (1) may consist of any
15 building or facility, or combination or part of a building or
16 facility, occupied or utilized by an industrial,
17 manufacturing or research and development enterprise existing
18 or acquired on January 12, 1968, including any buildings,
19 improvements, additions, extensions, replacements,
20 appurtenances, lands, rights in land, water rights,
21 franchises, machinery, equipment, furnishings, landscaping,
22 utilities, railroad spurs and sidings, wharfs, approaches and
23 roadways necessary or desirable in connection or incidental
24 to the building or facility for the purposes of the project.

25 (3) A bond issued under paragraph (1) shall be secured
26 solely by the pledge of the whole or part of the fees, rents,
27 tolls or charges derived from the ownership or operation of
28 the facility or for the use or services of the facility.

29 (b) Lease of project.--An industrial development project
30 financed by the issuance of revenue bonds under this section may

1 be leased by the county in whole or in part to a lessee or
2 lessees for a period of years equal in time to the period of
3 maturity of the bonds so issued.

4 (c) Costs of bond issue.--Included in the cost of the bond
5 issue may be any costs and expenses incident to constructing and
6 financing the facilities and selling and distributing the bonds.

7 (d) Transfer.--The county commissioners may:

8 (1) Sell, lease, lend, grant, convey, transfer or pay
9 over the following, with or without consideration, to any
10 authority created under the act of August 23, 1967 (P.L.251,
11 No.102), known as the Economic Development Financing Law:

12 (i) a project or part of a project; or

13 (ii) any interest in real or personal property or
14 money available for industrial development purposes,
15 including the proceeds of revenue bonds issued for
16 industrial development purposes under subsection (a).

17 (2) Assign, transfer and set over to an authority any
18 project or interest in real or personal property listed under
19 paragraph (1), along with any contract for the project or
20 interest, which may have been awarded for the construction of
21 projects not begun or not completed.

22 (e) Power to enter into contract.--The county commissioners
23 may enter into a contract or agreement with an authority or with
24 a tenant or proposed tenant of an industrial development project
25 and to do all things necessary or proper to effectuate the
26 public purpose of this section.

27 SUBCHAPTER Z.1

28 GRANTS TO NONPROFIT ART CORPORATIONS

29 Sec.

30 15399h. Grants to nonprofit art corporations.

1 § 15399h. Grants to nonprofit art corporations.

2 (a) Authorization.--The county commissioners may make grants
3 annually, not exceeding an amount equal to one mill of the real
4 estate tax to nonprofit art corporations for artistic and
5 cultural activities.

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

9 "Artistic and cultural activities." The term includes the
10 display or production of theater, music, dance, painting,
11 architecture, sculpture, arts and crafts, photography, film,
12 graphic arts and design and creative writing.

13 "Nonprofit art corporation." A local arts council,
14 commission or coordinating agency or any other nonprofit
15 corporation engaged in the production or display of works of
16 art, including the visual, written or performing arts.

17 SUBCHAPTER Z.2

18 COMMISSION ON WOMEN

19 Sec.

20 15399i. Commission on the status of women.

21 § 15399i. Commission on the status of women.

22 The county commissioners may establish a commission on the
23 status of women.

24 SUBCHAPTER Z.3

25 CIVIL SERVICE IN COUNTIES OF THE SECOND CLASS A

26 Sec.

27 15399j. Civil service for certain employees.

28 § 15399j. Civil service for certain employees.

29 The county commissioners of a county of the second class A
30 may establish by ordinance a merit system for the selection,

1 tenure, promotion and discharge of employees involved in any
2 work for which the county receives or is eligible to receive
3 Federal or State grants-in-aid.

4 SUBCHAPTER Z.4

5 INSURING COUNTY AGAINST LOSS OR LIABILITY

6 Sec.

7 15399k. Insurance.

8 § 15399k. Insurance.

9 (a) General rule.--The county commissioners may provide for
10 insurance as they deem appropriate on the real and personal
11 property of the county, including all grounds, buildings and
12 contents, vehicles and information technology.

13 (b) Types of insurance.--In addition to any form of
14 comprehensive, general or umbrella liability insurance, the
15 board of commissioners may acquire insurance against any form of
16 loss or liability, including crime, fire, natural disaster,
17 errors and omissions of officers or employees, vehicle operation
18 and use of information technology.

19 SUBCHAPTER Z.5

20 LOT AND BLOCK SYSTEM IN

21 COUNTIES OF THE SECOND CLASS A

22 Sec.

23 15399l. Lot and block system.

24 15399m. Duties of county officers and employees under lot and
25 block system.

26 § 15399l. Lot and block system.

27 A county of the second class A which, on December 24, 2018,
28 has adopted and maintains a lot and block system for the
29 registration of land titles, for the accumulation of county tax
30 liens and for the enumeration of the parcels of real estate for

1 the assessment of real estate taxes in one or more political
2 subdivisions of the county may continue to operate a lot and
3 block system until the board of commissioners deem appropriate.
4 § 15399m. Duties of county officers and employees under lot and
5 block system.

6 (a) Custody of records.--If a lot and block system under
7 section 153991 (relating to lot and block system) remains in
8 effect, the portion of the system relating to the plats, plat
9 books and the upkeep of the plats and plat books shall remain in
10 the custody of the deed registry office of the county. The
11 portion of the system containing the files, cards, indexes and
12 other records relating to the liening of county taxes shall
13 remain in and be maintained by the office of the controller of
14 the county.

15 (b) Assessments.--

16 (1) The district assessors appointed by the county board
17 of assessment appeals, whose assessments are being made
18 within the municipal subdivisions that have had the lot and
19 block system completed, shall use the lot and block system
20 descriptive numbers in the original books of assessment.

21 (2) The board of assessment appeals shall, within
22 municipal subdivisions covered by a lot and block system,
23 correct any assessment in which the lot and block system
24 descriptive number is absent.

25 (3) The recorder of deeds shall receive and record any
26 deed that refers to a specific parcel of real estate. If the
27 deed does not bear the certification by the custodian of the
28 lot and block system that the descriptive numbers
29 incorporated in the description of the real estate are
30 correct, the recorder of deeds shall obtain the certification

1 from the custodian of the lot and block system before
2 transcribing any deed lacking the certification.

3 (4) The treasurer or tax collector of each city,
4 borough, town, township or school district in which the lot
5 and block system has been completed under the order of court
6 shall place upon each tax bill sent out, and upon each tax
7 receipt issued upon payment, the lot and block system
8 descriptive numbers.

9 (5) The county controller and the treasurer, tax
10 collector or solicitor, as the case may be in a city,
11 borough, township or school district, within which the lot
12 and block system has been completed, shall, at the time of
13 filing liens for unpaid taxes with the prothonotary, set
14 forth on the liens the individual lot and block system
15 descriptive numbers, and the prothonotary may not receive and
16 file a lien unless the descriptive numbers are contained on
17 the lien.

18 (6) For the purposes of the sale of real estate for
19 delinquent taxes, either by the sheriff of the county, the
20 board of commissioners and treasurer of the county or the
21 treasurer of a city, borough, town, township or school
22 district, the lot and block system descriptive numbers are
23 declared to be sufficient description for the:

24 (i) advertising preceding the sale;

25 (ii) oral description read at the sale prior to
26 receiving bids; and

27 (iii) purposes of the description to be inserted in
28 any tax deed to be given to the purchaser at the sale.

29 CHAPTER 155

30 MILITARY AND VETERANS AFFAIRS

1 Subchapter

2 A. Appropriations for Military Purposes

3 B. Interment of Deceased Servicepersons and Surviving
4 Spouses

5 C. Memorial Observances

6 SUBCHAPTER A

7 APPROPRIATIONS FOR MILITARY PURPOSES

8 Sec.

9 15501. Appropriation of money or land for National Guard
10 Armories.

11 15502. Appropriation for maintenance of National Guard.

12 15503. Appropriation to rifle clubs in time of war.

13 § 15501. Appropriation of money or land for National Guard
14 Armories.

15 (a) Conveyance of land.--The county commissioners may convey
16 land to the Commonwealth to assist the State Armory Board in the
17 erection of armories for the use of the Pennsylvania National
18 Guard. The county commissioners may acquire land for this
19 purpose in a lawful manner.

20 (b) Board.--The county commissioners may furnish water,
21 light or fuel, free of cost to the Commonwealth, for use in an
22 armory of the National Guard and may do all things necessary to
23 accomplish this purpose.

24 § 15502. Appropriation for maintenance of National Guard.

25 (a) Authorization.--The county commissioners may make
26 appropriations for the support, maintenance, discipline and
27 training of one or more units of the National Guard. If units
28 are organized as a battalion, regiment or similar organization,
29 the total amount due may be paid to the commanding officer of
30 the battalion, regiment or similar organization.

1 (b) Requirements.--All money appropriated under subsection
2 (a) shall be paid to the order of the commanding officer of the
3 company, battalion, regiment or similar organization if the
4 Adjutant General certifies to the county commissioners that the
5 unit or units have satisfactorily passed the annual inspection
6 provided by law. The money appropriated shall be used and
7 expended solely and exclusively for the support, maintenance,
8 discipline and training of the company, battalion, regiment or
9 similar organization, and the commanding officer shall account
10 by proper vouchers to the county each year for the expenditure
11 of the money appropriated.

12 (c) Subsequent expenditures.--The county commissioners may
13 not make an appropriation under subsection (a) for a subsequent
14 year until the commanding officer has duly and satisfactorily
15 accounted for the expenditure of the previous year.

16 (d) Inspection.--Accounts of expenditures shall be subject
17 to the inspection of the Department of Military and Veterans
18 Affairs and shall be audited by the auditors or the controller
19 in the manner provided by law for the audit of accounts of
20 county money.

21 § 15503. Appropriation to rifle clubs in time of war.

22 (a) Appropriation.--If a state of war exists, the county
23 commissioners may appropriate money to civilian rifle clubs,
24 duly chartered by the National Rifle Association of America, for
25 the:

26 (1) maintenance and rental of rifle ranges;

27 (2) employment of competent instructors and necessary
28 employees; and

29 (3) equipment and uniforms for the members of clubs who
30 volunteer for special military duty in the members'

1 respective counties or answer a call of the Governor.
2 (b) Restriction.--Money may not be appropriated to a club
3 under this section unless practice by the members of the club on
4 a rifle range is with a United States military rifle or arms
5 approved by the Adjutant General.

6 SUBCHAPTER B

7 INTERMENT OF DECEASED SERVICEPERSONS

8 AND SURVIVING SPOUSES

9 Sec.

10 15508. Definitions.

11 15509. Funeral expenses of deceased servicepersons.

12 15510. Interment of spouses of deceased servicepersons.

13 15511. Payment.

14 15512. Flagholders for graves.

15 15513. Memorial benefit.

16 15514. Burial plots.

17 15515. Care of graves and headstones.

18 15516. Determining eligibility for interment benefits.

19 § 15508. Definitions.

20 As used in this subchapter, the following words and phrases
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 "Deceased serviceperson." The term includes:

24 (1) A deceased individual who, at the time of death, was
25 serving, whether or not in a combat zone, in the Army, Navy,
26 Air Force, Marine Corps, Coast Guard or a women's
27 organization officially connected to those forces, during a
28 war or armed conflict in which the United States has been, is
29 now or shall be engaged, or who, at the time of death, was
30 serving in a zone in which a campaign or state or condition

1 of war or armed conflict then existed, in which the United
2 States was, is or shall be a participant. The existence of a
3 campaign or state or condition of war or armed conflict, and
4 the participation of the United States in the conflict as
5 well as the fact that the deceased person served in a zone in
6 which a campaign or state or condition of war or armed
7 conflict existed shall, in each case, be established by the
8 records of the United States Department of Defense.

9 (2) A deceased individual who served at any time during
10 the individual's life and whose separation from service was
11 honorable, whether by discharge or otherwise, or who, at the
12 time of death, was continuing in service after the cessation
13 of the war, armed conflict, campaign or state or condition of
14 war during or in which the person served.

15 (3) A deceased individual who was in active service in
16 the militia of the Commonwealth under a proclamation issued
17 by the Governor during the Civil War and who was not duly
18 mustered into the service of the United States but was
19 honorably discharged or relieved from service.

20 "Legal residence." An actual residence, coupled with the
21 intention that the residence shall be permanent, or a residence
22 presently fixed with no definite intention of changing it or of
23 returning to a former residence at some future period. Legal
24 residence shall be determined by the abode of a person and the
25 person's intention to abandon a former domicile and establish a
26 new one. The legal residence of a deceased serviceperson shall
27 be prima facie in the county in which the person resided at the
28 time of death.

29 § 15509. Funeral expenses of deceased servicepersons.

30 (a) Contributions.--In accordance with subsection (b), each

1 county shall contribute at least \$75 towards the funeral
2 expenses of each deceased serviceperson if application for the
3 contribution is made within one year after the date of the
4 deceased serviceperson's death. For a deceased serviceperson who
5 died while in service, application may be made at any time.

6 (b) Uniform contribution.--All contributions made under this
7 section shall be uniform as to eligible deceased servicepersons
8 within the same calendar year.

9 (c) Payments.--Payments under this section shall be made
10 under the following circumstances:

11 (1) If the deceased serviceperson, at the time of death,
12 had a legal residence in the county to which an application
13 for a contribution under subsection (a) has been made,
14 regardless of if the person died or was interred in the
15 county. Every deceased serviceperson having a legal residence
16 in this Commonwealth at the time of death shall be entitled
17 to the benefits of this section, regardless of where the
18 individual died or where the individual is interred, and the
19 liability shall be on the county where the deceased
20 serviceperson shall have had legal residence at the time of
21 death.

22 (2) If the deceased serviceperson died and was interred
23 in the county to which an application for a contribution
24 under subsection (a) has been made, but, at the time of
25 death, did not have legal residence within this Commonwealth,
26 if the county commissioners in the county in which the
27 individual died are notified in writing by an organization of
28 veterans, and upon investigation finds, that the body is
29 unclaimed by relatives or friends.

30 § 15510. Interment of spouses of deceased servicepersons.

1 (a) General rule.--Upon application and proof, the county
2 shall contribute at least \$75 towards the funeral expenses of a
3 spouse of a deceased serviceperson who, at the time of death,
4 had a legal residence in the county, regardless of if the
5 individual died or is interred in the county.

6 (b) Limitation.--The county may not contribute money toward
7 the funeral expenses of a spouse of a deceased serviceperson who
8 had remarried after the death of the deceased serviceperson.

9 (c) Uniform contribution.--In each case, application for the
10 contribution shall be made within one year after the date of the
11 death of the spouse. All contributions made under this section
12 shall be uniform as to eligible spouses within the same calendar
13 year.

14 § 15511. Payment.

15 (a) Funeral expenses.--The county shall make a payment in
16 the amount authorized or required under section 15509 (relating
17 to funeral expenses of deceased servicepersons) or 15510
18 (relating to interment of spouses of deceased servicepersons)
19 for each deceased serviceperson or spouse of a deceased
20 serviceperson in accordance with this subchapter.

21 (b) Money.--A payment under this subchapter shall be paid
22 out of the money of the county.

23 (c) Payments.--Payments under this subchapter shall be made
24 payable to the applicant if the application shows that the
25 funeral expenses have been paid. Otherwise, payments shall be
26 made to the funeral director performing the services, with
27 notice to the applicant.

28 (d) Applications.--Application for contributions under this
29 subchapter shall be made by a personal representative or spouse
30 of the deceased serviceperson. If no qualified personal

1 representative is available, the application may be made by the
2 next-of-kin of the deceased serviceperson, an individual or a
3 veterans' organization, that shall assume responsibility for the
4 cost of burial. The facts contained in the application shall be
5 sustained by affidavit. An individual who knowingly files an
6 application under this section that is false in any material
7 manner commits a misdemeanor in accordance with 18 Pa.C.S. §
8 4903 (relating to false swearing).

9 (e) Application.--The application shall be:

10 (1) on a form prescribed by the Department of Military
11 and Veterans Affairs and shall verify whether the funeral
12 expenses have been paid; and

13 (2) attached to a certified copy of the death
14 certificate and an affidavit prepared by the funeral director
15 who had charge of the interment, which certifies that the
16 funeral director did render the service.

17 § 15512. Flagholders for graves.

18 (a) Flagholders.--The county commissioners shall, at the
19 county commissioners' discretion, procure appropriate
20 flagholders for the graves of deceased servicepersons and the
21 graves of all other deceased individuals who served in the Army,
22 Navy, Air Force, Marine Corps, Coast Guard or Merchant Marine
23 during World War II or an organization officially connected to
24 those forces and whose separation from service was honorable,
25 whether by discharge or otherwise.

26 (b) Material of flagholder.--A flagholder shall be of
27 bronze, aluminum or other suitable weather-resistant material.

28 (c) Requirement for flagholders.--The county commissioners
29 shall place a flagholder under subsection (a) if the deceased
30 individual:

1 (1) had legal residence in the county, regardless of if
2 the individual died or is interred in the county; or

3 (2) did not have a legal residence within this
4 Commonwealth.

5 (d) Design of flagholders.--

6 (1) If a deceased serviceperson was a veteran of a war
7 or campaign for which the Federal Government issued discharge
8 buttons, the flagholder designated for the grave shall
9 include a facsimile of the discharge button.

10 (2) If a deceased serviceperson was a veteran of the
11 Korean Conflict, the flagholder designated for the grave
12 shall include a circular emblem with the words "Korea, U.S.,
13 1950-1953" in the border and shall incorporate the insignia
14 of the Army, Navy, Marine Corps, Air Force or Coast Guard, as
15 appropriate, in the form approved by the State Veterans'
16 Commission.

17 (e) Memorial certificate.--For a county of the second class
18 A, in lieu of placing a flagholder on the grave, if the next-of-
19 kin of a veteran so requests, a memorial certificate may be
20 issued to the next-of-kin of a deceased serviceperson who, at
21 the time of death, had legal residence in the county, regardless
22 of if the individual died or is interred in the county. The
23 memorial certificate shall indicate the deceased serviceperson's
24 name and designate the war or campaign in which the deceased
25 serviceperson served.

26 § 15513. Memorial benefit.

27 (a) Memorial.--The county commissioners shall provide,
28 either directly or through reimbursement, a memorial designated
29 in subsection (b) on the graves of deceased servicepersons who,
30 at the time of death, had legal residence in the county as well

1 as on the graves of all other deceased servicepersons who served
2 in the Army, Navy, Air Force, Marine Corps, Coast Guard or
3 Merchant Marine during World War II or an organization
4 officially connected to those forces and whose separation from
5 service was honorable, whether by discharge or otherwise.

6 (b) Specifications.--The county commissioners shall provide
7 a concrete or granite base for a headstone provided by the
8 Federal Government, or if lettering only on an existing memorial
9 is desired by the family, the county commissioners shall provide
10 the lettering.

11 (c) Commissioner requirements.--In the event the body of a
12 deceased serviceperson either cannot or will not be returned to
13 the United States, the county commissioners shall provide a
14 memorial benefit in the family plot of the deceased
15 serviceperson. If lettering of an existing memorial is desired
16 by the family, the inscription shall include:

17 (1) the name, rank and organization of the deceased
18 serviceperson;

19 (2) the name of the country, location or manner in which
20 the person lost his or her life; and

21 (3) the cemetery or other interment site where the
22 deceased serviceperson is interred, if any.

23 (d) Expense for benefit.--The expense for a benefit provided
24 under this section shall be paid by the county in which the
25 deceased serviceperson had legal residence at the time of death,
26 regardless of if the individual died or is interred in the
27 county. The expense may not exceed the actual cost of providing
28 the concrete or granite base or lettering. The county
29 commissioners shall pay from the treasury to the party
30 furnishing the benefit.

1 (e) Legal disputes.--In cases of dispute concerning the
2 legal residence of a deceased serviceperson, the county in which
3 a deceased serviceperson is interred shall perform the duties
4 required under this section. Payment may not be made unless the
5 application is approved by the county commissioners before the
6 commencement of the project.

7 (f) Offense.--An individual who intentionally or recklessly
8 destroys, mutilates, removes or defaces a grave marker,
9 headstone or flagholder commits an offense under 18 Pa.C.S. §
10 3903 (relating to grading of theft offenses).
11 § 15514. Burial plots.

12 (a) Authorization.--The county commissioners are authorized
13 to purchase plots of ground in each cemetery or other interment
14 site for the interment of deceased servicepersons whose bodies
15 are entitled to be interred under this subchapter.

16 (b) Costs.--Costs under this section shall be paid by the
17 county commissioners from the county treasury.

18 (c) Limitation.--The purchase price of plots of ground may
19 not be charged against or allotted as part of the cost of
20 interment of deceased servicepersons who may be interred in any
21 of the plots under this subchapter.

22 § 15515. Care of graves and headstones.

23 (a) General rule.--The county commissioners may:

24 (1) ensure that the graves and headstones of all
25 deceased servicepersons and all other veterans who are buried
26 in the county receive proper and fitting care; and

27 (2) employ all necessary assistants to carry out the
28 provisions of this section.

29 (b) Expenses.--The expense of the care of the graves and
30 headstones under subsection (a) may be paid for by the county in

1 which the graves are located, except if suitable care is
2 otherwise provided.

3 (c) Spending of money.--Money appropriated may be expended
4 directly by the board of county commissioners or paid over to
5 the individual, firm, association or corporation owning or
6 controlling a cemetery or other interment site in the county in
7 which a grave is situated.

8 (d) Limitation.--The amount paid to care for a grave each
9 year under this section may not exceed the charge for the annual
10 care and maintenance of similar graves in the same cemetery or,
11 if no fixed charge is established in that cemetery, may not
12 exceed the sum charged in other cemeteries in the same county
13 for similar services.

14 § 15516. Determining eligibility for interment benefits.

15 (a) Proof required.--If application is made for a
16 contribution toward the funeral expenses of a deceased
17 serviceperson or the surviving spouse of a deceased
18 serviceperson or for a memorial benefit under section 15513
19 (relating to memorial benefit), the county commissioners shall,
20 before expending money, require proof of the following:

21 (1) The service of the deceased serviceperson that
22 entitles the individual or the surviving spouse to the
23 benefits under this subchapter. Proof shall be made by the
24 production of:

25 (i) an honorable discharge or other official record
26 showing service during a war in which the United States
27 is or was engaged; or

28 (ii) records of the United States Department of
29 Defense, or copies filed in the Department of Military
30 and Veterans Affairs, showing the existence of a campaign

1 or state or condition of war in which the United States
2 participated and the service of the deceased
3 serviceperson in a zone in which a campaign or state or
4 condition of war existed.

5 (2) The death of the deceased serviceperson.

6 (3) In addition to paragraphs (1) and (2), for the
7 interment of the surviving spouse of a deceased
8 serviceperson, the death of the surviving spouse and the fact
9 that the spouse was married to the deceased serviceperson at
10 the time of the serviceperson's death and that the spouse has
11 not since remarried.

12 (4) Except for individuals who do not have legal
13 residence within this Commonwealth and who are entitled to
14 any of the benefits under this subchapter, the legal
15 residence within the county of the deceased serviceperson or
16 of the surviving spouse of a deceased serviceperson, as the
17 case may be.

18 (b) Documentation required.--Death shall, in all cases, be
19 proven by a death certificate, if procurable, or by one of the
20 following:

21 (1) Affidavit of one or more individuals personally
22 acquainted with the deceased and the fact of the individual's
23 death.

24 (2) Proof of the record of death kept by the attending
25 physician.

26 (3) Proof of the record of interment kept by the funeral
27 director.

28 (4) Records of the church burial association or cemetery
29 company maintaining the graveyard, burial ground, cemetery or
30 other interment site in which the deceased serviceperson was

1 interred.

2 (c) Satisfaction of proof.--If proof required by this
3 subchapter has been furnished to the county commissioners, no
4 further proof of the facts shall be required in order to obtain
5 any other benefit under this subchapter.

6 SUBCHAPTER C

7 MEMORIAL OBSERVANCES

8 Sec.

9 15521. Appropriations to veterans' organizations for expenses
10 of Memorial Day, Veterans' Day, Flag Day and
11 Independence Day.

12 15522. Flags to decorate graves.

13 15523. Compilation of war records.

14 15524. Director of veterans' affairs.

15 § 15521. Appropriations to veterans' organizations for expenses
16 of Memorial Day, Veterans' Day, Flag Day and
17 Independence Day.

18 (a) Appropriations.--The board of commissioners of a county
19 may make appropriations to aid in defraying the expenses of
20 Memorial Day, Veterans' Day, Flag Day and Independence Day to
21 each camp, post, detachment or organization in the county of the
22 following:

23 (1) The United Spanish War Veterans.

24 (2) The American Legion.

25 (3) The Veterans of Foreign Wars.

26 (4) The Veterans of World War I of the USA, Inc.

27 (5) AMVETS.

28 (6) The Society of the Twenty-eighth Division, AEF,
29 Incorporated.

30 (7) Italian American War Veterans of the United States,

1 Incorporated.

2 (8) The Marine Corps League.

3 (9) Each naval association.

4 (10) The Grand Army of the Republic.

5 (11) The Disabled American Veterans.

6 (12) The American Gold Star Mothers.

7 (13) The Sons of Union Veterans of the Civil War, the
8 Daughters of Union Veterans of the Civil War or, in the
9 absence of orders, a duly constituted organization that
10 decorates graves of Union Veterans of the Civil War.

11 (14) Any other nationally chartered veterans'
12 organization or other veterans' organization recognized by
13 the county.

14 (b) Payments.--Payments under this section shall be made to
15 defray actual expenses only. Before any payment is made, the
16 organization receiving the payment shall submit verified
17 accounts of their expenditures.

18 § 15522. Flags to decorate graves.

19 (a) Memorial Day flags.--The board of county commissioners
20 shall provide flags on each Memorial Day with which to decorate
21 the graves of all deceased servicepersons and the graves of all
22 other deceased individuals who served in the Army, Navy, Air
23 Force, Marine Corps, Coast Guard or Merchant Marine during World
24 War II or an organization officially connected to those forces,
25 whose separation from service was honorable and who are interred
26 within the county. Flags provided under this section shall be
27 standard size, colorfast and American-made and shall be
28 purchased at the expense of the county from money in the county
29 treasury.

30 (b) Veterans' organizations.--A county may coordinate with

1 local veterans' organizations to ensure that cemeteries are
2 decorated in compliance with the provisions of this section.
3 Flags required under this section shall be furnished to the
4 various veterans' organizations in numbers required for their
5 respective communities.

6 (c) Appropriations.--Money expended by a county under this
7 section shall be in addition to money appropriated by counties
8 for Memorial Day purposes.

9 (d) Maintenance.--

10 (1) Annually, the authorities in charge of each cemetery
11 are authorized to remove flags as follows:

12 (i) A cemetery may remove flags when flags become
13 unsightly or weatherworn any time on or after the first
14 working day after Veterans' Day. Prior to Veterans' Day,
15 a cemetery may request replacement flags from the county
16 which may be used by the cemetery to replace weatherworn
17 flags, if replacement flags are available.

18 (ii) Notwithstanding subparagraph (i), a cemetery
19 may remove flags as a part of the cemetery's normal
20 course of maintenance not before the first working day
21 after Independence Day, but prior to Veterans' Day
22 provided that the cemetery makes the flags available to
23 family members, veterans' organizations or other
24 community organizations for the purpose of decorating
25 graves in recognition of Veterans' Day.

26 (2) A cemetery may remove flagholders for annual storage
27 upon the authorized removal of flags.

28 (e) Removal of flags by family members.--A family member of
29 an individual whose grave is decorated with a flag by the county
30 for the purpose of Memorial Day may take and keep the flag after

1 the first working day after Veterans' Day.

2 (f) Offense.--Except as otherwise provided in this section,
3 an individual, other than a family member removing the flag from
4 a deceased relative's grave, who removes or causes the removal
5 of flags prior to the first working day after Independence Day
6 commits a summary offense and, upon conviction, shall be
7 sentenced to pay a fine of \$300 and, upon failure to pay a fine,
8 to undergo imprisonment not to exceed 90 days.

9 (g) Exception.--A cemetery or an owner, employee, agent or
10 contractor of a cemetery who removes or causes the removal of a
11 flag, grave marker, headstone, flagholder or other memorial in
12 good faith in the course of maintenance, repair or mitigation of
13 damage may not be subject to subsection (f) or section 15513(f)
14 (relating to memorial benefit).

15 § 15523. Compilation of war records.

16 (a) Records required.--The county commissioners are
17 authorized and directed, at the expense of the county, to
18 compile a record of the interment sites within the county of
19 deceased servicepersons and all other veterans. Records, so far
20 as practicable, shall indicate the:

- 21 (1) name of each deceased serviceperson;
22 (2) service in which the individual was engaged;
23 (3) number of the regiment, company or command in which
24 the individual served;
25 (4) individual's rank and period of service;
26 (5) name and location of the cemetery or other place in
27 which the individual's body is interred; and
28 (6) location of the deceased individual's grave and the
29 character of headstone or other marker, if any, at the grave.

30 (b) Title of record.--The record shall be known as the

1 Veterans' Grave Registration Record of
2 County, and shall be a public record, open to inspection during
3 business hours.

4 (c) Record blanks.--The county commissioners shall ensure
5 that record blanks are prepared, according to forms prescribed
6 by the Department of Military and Veterans Affairs, whereby the
7 information required for the record may be transmitted to the
8 county commissioners upon request.

9 (d) Certificate required.--Every individual, firm,
10 association or corporation, including a municipal corporation,
11 owning or controlling a cemetery or interment site in this
12 Commonwealth which inters bodies of deceased servicepersons
13 shall file with the director of veterans' affairs of the county
14 in which the cemetery is located a certificate, on the record
15 blanks provided by the county commissioners, of the facts
16 required for the record if the facts are within the knowledge of
17 the individual, firm, association or corporation or a designated
18 agent.

19 (e) Offense.--The county commissioners shall ensure that
20 record blanks are distributed to an individual, firm,
21 association or corporation, as the county commissioners deem
22 advisable, with the request that the information required under
23 this section be transmitted to the county. An individual, firm,
24 association or corporation, except municipal corporations, that
25 refuses or neglects to fill out and transmit to the county
26 commissioners the blanks or forms within six months after
27 receipt of the blanks or forms commits a summary offense and,
28 upon conviction, shall be sentenced to pay a fine of \$100.

29 (f) Location of interment sites.--For the purpose of
30 locating the interment sites of individuals who have served in

1 the armed forces of the United States during a war or armed
2 conflict in which the United States was engaged, any veterans'
3 organization listed in section 15521(a) (relating to
4 appropriations to veterans' organizations for expenses of
5 Memorial Day, Veterans' Day, Flag Day and Independence Day) or
6 recognized by the county may, without expense to the county, to
7 collect the required data and prepare and file certificates with
8 the county commissioners, including the information required
9 under this section.

10 (g) Written notice.--Notwithstanding any provision to the
11 contrary, any organization that accepts remains under section
12 506.2 of the act of June 29, 1953 (P.L.304, No.66), known as the
13 Vital Statistics Law of 1953, which allows certain veterans'
14 service organizations to claim the remains of certain deceased
15 veterans, shall give written notice of the location and manner
16 of the final disposition of the remains to the director of
17 veterans' affairs of the county in which the final disposition
18 of the remains is made.
19 § 15524. Director of veterans' affairs.

20 (a) Appointment.--The county commissioners shall appoint an
21 eligible individual under 51 Pa.C.S. § 1731(a) (relating to
22 accreditation) to serve as the county's director of veterans'
23 affairs, who shall receive compensation as fixed by the salary
24 board.

25 (b) Responsibility of director.--A county's director of
26 veterans' affairs shall:

27 (1) Assist all veterans and their families in securing
28 rights relating to their person, property and care of family
29 under any Federal or State laws.

30 (2) Assist the county commissioners in administering the

1 provisions of this subchapter which relate to the interment
2 of deceased servicepersons and their surviving spouses and to
3 furnishing flagholders and placing headstones on graves.

4 (3) Compile and maintain war records and records of
5 interment sites of deceased servicepersons in accordance with
6 the provisions of this subchapter.

7 (4) Perform other duties provided by statute, including
8 the duties required under 51 Pa.C.S. § 1731(c).

9 (c) Compensation.--For services performed under subsection
10 (b), the director of veterans' affairs of a county shall be
11 entitled to expenses incurred and additional compensation. Both
12 expenses and compensation shall be subject to the approval of
13 the salary board.

14 CHAPTER 157

15 PUBLIC HEALTH

16 Subchapter

17 A. General Provisions

18 B. (Reserved)

19 C. County Health Aid to Institutions and Political
20 Subdivisions

21 D. Insect Control

22 E. Care of Dependents and Children

23 F. Training for County Health, Welfare and Probation
24 Personnel

25 G. (Reserved)

26 H. General Hospitals

27 SUBCHAPTER A

28 GENERAL PROVISIONS

29 Sec.

30 15701. Health work.

1 § 15701. Health work.

2 The county commissioners may provide and annually appropriate
3 from money in the county treasury not otherwise appropriated an
4 amount deemed necessary for the protection of the health,
5 cleanliness, convenience, comfort and safety of the people of
6 the county.

7 SUBCHAPTER B

8 (Reserved)

9 SUBCHAPTER C

10 COUNTY HEALTH AID TO INSTITUTIONS

11 AND POLITICAL SUBDIVISIONS

12 Sec.

13 15730. Appropriations to hospitals, health clinics and homes.

14 15731. (Reserved).

15 15732. Aid to municipal corporations for sewage purposes.

16 15733. Aid to municipal corporations for water systems.

17 § 15730. Appropriations to hospitals, health clinics and homes.

18 The county commissioners may make appropriations to support:

19 (1) a hospital, health clinic or comparable facility
20 that is engaged in charitable work and extends treatment and
21 medical attention to residents of the county; and

22 (2) a home or place of detention of dependent,
23 delinquent and neglected children located within the county.

24 § 15731. (Reserved).

25 § 15732. Aid to municipal corporations for sewage purposes.

26 The county commissioners may make appropriations to aid
27 municipal corporations in the construction or maintenance of
28 sewers or wastewater treatment facilities if the project has
29 received all necessary approvals or permits from the Department
30 of Environmental Protection.

1 § 15733. Aid to municipal corporations for water systems.

2 The county commissioners may make appropriations to aid
3 municipal corporations in the construction or maintenance of
4 public water systems if the project has first received all
5 necessary approvals or permits from the Department of
6 Environmental Protection.

7 SUBCHAPTER D

8 INSECT CONTROL

9 Sec.

10 15750. Elimination and abatement of larvae breeding places and
11 liens.

12 15751. Not to affect public water supply.

13 15752. Appropriations.

14 § 15750. Elimination and abatement of larvae breeding places
15 and liens.

16 (a) Authorization.--

17 (1) The county commissioners of counties of the third,
18 fourth, fifth, sixth, seventh and eighth class may eliminate
19 breeding places of mosquitoes on private or public property
20 within the county.

21 (2) The county commissioners may provide for all acts,
22 including entry upon private or public property, to carry out
23 plans which, in the county commissioner's opinion and
24 judgment through consultation with public health or
25 veterinary officials, are deemed to be necessary for the
26 preservation of human or animal health by the elimination of
27 breeding places of mosquitoes or which will tend to
28 exterminate disease-carrying mosquitoes within the county.

29 (b) Public nuisance abatement.--

30 (1) Any water in which mosquito larvae breed is declared

1 a public nuisance and subject to abatement.

2 (2) If a breeding place exists on any lands in the
3 county, other than meadow or marsh lands subject to the ebb
4 and flow of the tide, which breeding place should, in the
5 opinion of the county commissioners, be abated, the county
6 commissioners shall, in writing, order the owner of the lands
7 to abate the public nuisance within a reasonable period and
8 in a manner to be specified in the order.

9 (3) If the owner has failed to comply with an order at
10 the expiration of the period under paragraph (2), or if the
11 owner of the land cannot be ascertained or found, the county
12 commissioners shall abate the public nuisance and may assess
13 all or part of the cost of the abatement against the lands on
14 which the breeding place exists. The county commissioners may
15 file municipal liens for the assessments within the time and
16 in the manner provided by law, to be subject in all respects
17 to the general law providing for the filing and recovery of
18 municipal liens.

19 § 15751. Not to affect public water supply.

20 An order of abatement may not authorize and the county
21 commissioners may not employ any method of extermination by a
22 municipality or a water supply company which affects waters used
23 and useful in the supply of water to the public. Manmade pools
24 which allow mosquito propagation are subject to be targeted
25 first, and strategies shall be supported that minimize
26 environmental impact.

27 § 15752. Appropriations.

28 The county commissioners may appropriate the amount of money
29 necessary for the purpose of carrying out the provisions of this
30 subchapter. The amount appropriated under this section may not

1 exceed one-fourth of one mill on each dollar of the assessed
2 value of taxable real estate in the county in a given year. The
3 amounts appropriated under this section shall be paid out by the
4 county treasurer on the orders of the county commissioners.

5 SUBCHAPTER E

6 CARE OF DEPENDENTS AND CHILDREN

7 Sec.

8 15760. Definitions.

9 15761. County institution districts abolished.

10 15762. Records.

11 15763. Powers and duties.

12 15764. Further powers and duties.

13 15765. Referral by Department of Human Services.

14 15766. Provision for burial.

15 15767. (Reserved).

16 15768. Powers and duties of county commissioners relating to
17 children.

18 15769. Contributions for medical care.

19 15770. Inspections by Department of Human Services.

20 15771. Reports of individuals applying for treatment of
21 disease.

22 15772. Rules and regulations.

23 15773. Providing services without charge prohibited.

24 15774. Payments by county commissioners for assistance.

25 15774.1. Limitation of authority respecting public assistance
26 recipients.

27 15775. (Reserved).

28 15776. (Reserved).

29 15777. (Reserved).

30 § 15760. Definitions.

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

4 "Dependent." An indigent individual requiring public care,
5 including maintenance, medical care, clothing and incidentals,
6 due to physical or mental health needs or disability.

7 "Institution." A hospital, health care clinic or comparable
8 facility.

9 "Institution district." A county institution district
10 managed by the county commissioners.

11 "Public charge." An individual who is unable to maintain the
12 individual and who requires and receives aid from the
13 Commonwealth or from any political subdivision.

14 § 15761. County institution districts abolished.

15 Each county institution district in counties of the fourth,
16 fifth, sixth, seventh and eighth class is abolished. The
17 property, real and personal, of each county institution district
18 existing on July 31, 1963, is transferred to and vested in the
19 county in which the institution district is located. The
20 indebtedness of an institution district, regardless of if
21 current or bonded, incurred in the acquisition of property or
22 erecting improvements, shall become the debt and obligation of
23 the county and shall be paid by the county. All the powers and
24 duties of an institution district, in connection with
25 administering the affairs of the institution district, are
26 transferred to the county in which the institution district is
27 located.

28 § 15762. Records.

29 The county commissioners of each county of the fourth, fifth,
30 sixth, seventh and eighth class shall keep records of the work

1 necessitated by this subchapter as prescribed by the Department
2 of Human Services and shall make reports to the Department of
3 Human Services as the department requires.

4 § 15763. Powers and duties.

5 The county commissioners of counties of the fourth, fifth,
6 sixth, seventh and eighth class shall have the power and their
7 duty shall be to:

8 (1) Erect, equip, maintain, repair, alter and add to
9 institutions for the care of dependents. A plan for the
10 erection or substantial alteration of an institution must be
11 approved as to suitability by the Department of Human
12 Services.

13 (2) Pay the necessary expenses of land and buildings for
14 the care of dependents and farms.

15 § 15764. Further powers and duties.

16 The county commissioners of counties of the fourth, fifth,
17 sixth, seventh and eighth class shall have the power and duty,
18 with funds of the county and according to the rules, regulations
19 and standards established by the Department of Human Services,
20 to:

21 (1) care for any dependent in the county, who is not
22 otherwise cared for;

23 (2) contract with other counties or an individual,
24 association, corporation or other entity for the care of any
25 dependent;

26 (3) contract with any association in this Commonwealth
27 organized to provide a home or employment for individuals
28 with disabilities;

29 (4) pay the cost or part of the cost imposed by law upon
30 county institution districts for patients with mental health

1 needs or intellectual disability;

2 (5) take any other action authorized by law;

3 (6) contract with an individual, association,
4 corporation, institution or governmental agency for the
5 purpose of providing foster home care for individuals over 18
6 years of age. If, in the discretion of the county
7 commissioners, foster home care is advisable, the county
8 commissioners may expend money for a foster home care in
9 addition to any money paid by the Commonwealth or an
10 individual, association, corporation, institution or
11 governmental agency to or for individuals over 18 years of
12 age;

13 (7) require that an individual cared for in an
14 institution shall pay for the cost of the individual's care
15 to the extent of the individual's available resources; and

16 (8) provide or contract with an individual, corporation,
17 institution or governmental agency to provide care and
18 services designed to help dependents remain in or return to
19 community living, outside county institutions.

20 § 15765. Referral by Department of Human Services.

21 The county commissioners of counties of the fourth, fifth,
22 sixth, seventh and eighth class may care for a dependent or
23 other indigent individual in the county who is referred to the
24 county commissioners by the Department of Human Services or by a
25 local board under the supervision of the Department of Human
26 Services.

27 § 15766. Provision for burial.

28 Except as otherwise provided by law, the county commissioners
29 of a county of the fourth, fifth, sixth, seventh and eighth
30 class shall provide for the burial of an individual who dies in

1 the county unless the individual's body is claimed by a relative
2 by blood or marriage, a friend, a fraternal or veterans'
3 organization, a charitable organization or the Department of
4 Health, and is buried at the expense of the relative, friend or
5 organization. Burial may not cost more than \$300.

6 § 15767. (Reserved).

7 § 15768. Powers and duties of county commissioners relating to
8 children.

9 The county commissioners of a county of the fourth, fifth,
10 sixth, seventh or eighth class may, and for the purpose of
11 protecting and promoting the welfare of children and youth,
12 shall, provide child welfare services designed to:

13 (1) keep children in their own homes;

14 (2) prevent neglect, abuse and exploitation;

15 (3) help overcome problems that result in dependency,
16 neglect or delinquency;

17 (4) provide in foster family homes and child-caring
18 institutions adequate substitute care for any child in need
19 of substitute care; and

20 (5) upon the request of the court, provide services and
21 care for children and youth who have been adjudicated
22 dependent, neglected or delinquent.

23 § 15769. Contributions for medical care.

24 The county commissioners of each county of the fourth, fifth,
25 sixth, seventh or eighth class may make annual appropriations
26 from the money of the county for the support of any public
27 institution operated or to any nonprofit corporation organized
28 to give medical care to the dependents and children of the
29 county.

30 § 15770. Inspections by Department of Human Services.

1 The institutions and books, accounts and records of each
2 county pertaining to the county's powers and duties authorized
3 by this subchapter shall, at all times, be open to the
4 inspection of the Department of Human Services and the
5 department's agents.

6 § 15771. Reports of individuals applying for treatment of
7 disease.

8 (a) General rule.--Each county of the fourth, fifth, sixth,
9 seventh and eighth class shall make a record of all personal and
10 statistical particulars related to the inmates in the county's
11 institutions, as directed by the Department of Health, for
12 statistical purposes.

13 (b) Future admissions.--The county shall make a record for
14 all future inmates at the time of the inmate's admission.

15 (c) Requirement.--For a dependent admitted or committed for
16 medical treatment of disease, the physician in charge shall
17 specify in the record the nature of the disease and where, in
18 the physician's opinion, the disease was contracted.

19 (d) Acquisition of information.--The information required by
20 this section shall be obtained from the individual dependent, if
21 it is practicable to do so. If the information cannot be
22 obtained from the dependent, the information shall be secured in
23 as complete a manner as possible from the relatives, friends or
24 other persons acquainted with the facts of the disease.

25 § 15772. Rules and regulations.

26 The county commissioners of each county of the fourth, fifth,
27 sixth, seventh and eighth class shall have power to make rules
28 and regulations, not inconsistent with this part and not
29 inconsistent with the rules and regulations of the Department of
30 Human Services, as may be deemed proper, convenient and

1 necessary for the government of the county's institutions and to
2 properly care for dependents.

3 § 15773. Providing services without charge prohibited.

4 (a) General rule.--Notwithstanding any other provision of
5 law, the county commissioners may not provide without charge
6 items of care or service which an individual is entitled to
7 receive as assistance under the act of June 13, 1967 (P.L.31,
8 No.21), known as the Human Services Code.

9 (b) Construction of section.--This section may not be
10 construed to preclude county commissioners from providing
11 additional forms of assistance not inconsistent with the Human
12 Services Code or the regulations of the Department of Human
13 Services.

14 § 15774. Payments by county commissioners for assistance.

15 (a) General rule.--The county commissioners shall pay
16 monthly to the Department of Human Services the:

17 (1) Amount expended by the department during the
18 preceding month as assistance on behalf of:

19 (i) patients receiving public nursing home care in a
20 county medical institution; and

21 (ii) children in foster family homes and child-
22 caring institutions.

23 (2) Cost of administering the assistance, minus the
24 amount of Federal money properly received by the Department
25 of Human Services on account of expenditures increased or
26 reduced by any amount by which the amount paid for any
27 previous month differed from the amount which should have
28 been paid for the previous month and by the proportionate
29 share of refunds of assistance as provided in the act of June
30 13, 1967 (P.L.31, No.21), known as the Human Services Code.

1 (b) Certification.--The Department of Human Services shall
2 certify to the county commissioners the amount to be paid by the
3 county to the department under subsection (a).

4 § 15774.1. Limitation of authority respecting public assistance
5 recipients.

6 The county commissioners may not exercise supervision or
7 control over the finances or services other than medical or
8 remedial care provided as assistance to or on behalf of
9 dependents who are recipients of assistance under the former act
10 of June 24, 1937, (P.L.2051, No.399), known as the Public
11 Assistance Law.

12 § 15775. (Reserved).

13 § 15776. (Reserved).

14 § 15777. (Reserved).

15 SUBCHAPTER F

16 TRAINING FOR COUNTY HEALTH,

17 WELFARE AND PROBATION PERSONNEL

18 Sec.

19 15780. Attendance at training courses and conferences.

20 § 15780. Attendance at training courses and conferences.

21 (a) General rule.--The county commissioners may approve for
22 county health, human services or probation personnel to attend
23 the following at the county's expense:

24 (1) Appropriate training courses.

25 (2) National or State conferences in the health, welfare
26 or correctional fields.

27 (b) Account of expenses.--Each individual attending a
28 training course or conference shall submit an itemized account
29 of expenses related to the event under section 12346 (relating
30 to associations and organizations concerned with governmental

1 affairs).

2 SUBCHAPTER G

3 (Reserved)

4 SUBCHAPTER H

5 GENERAL HOSPITALS

6 Sec.

7 15799.5. Establishment and creation of municipal authorities.

8 15799.6. Expenses.

9 15799.7. Administration of hospitals.

10 15799.8. Use of hospital.

11 § 15799.5. Establishment and creation of municipal authorities.

12 The county commissioners may acquire, hold, construct,
13 improve, maintain and operate, own and lease, either in the
14 capacity of lessor or lessee, general hospitals within the
15 county for the use, benefit, health, comfort, safety and general
16 welfare of the residents of this Commonwealth and appropriate
17 money from the county treasury for such purposes or may create a
18 municipal authority under the former act of May 2, 1945
19 (P.L.382, No.164), known as the Municipal Authorities Act of
20 1945, and appropriate money to the municipal authority for any
21 of the purposes under this section.

22 § 15799.6. Expenses.

23 All expenses incident to the maintenance and operation of a
24 hospital owned or leased to the county, or otherwise established
25 under section 15799.5 (relating to establishment and creation of
26 municipal authorities), including any lease rentals payable by
27 the county to a municipal authority shall be paid by the county
28 out of county money.

29 § 15799.7. Administration of hospitals.

30 A hospital owned by or leased to the county may be operated

1 by and under the authority of the county commissioners in the
2 same manner that other county buildings and institutions are
3 operated or may be subleased to the governing body of a general
4 hospital within the county for operation by the governing body.
5 § 15799.8. Use of hospital.

6 Each hospital owned by or leased to the county shall be used
7 for the benefit of all residents within the county in which the
8 hospital is located, and all residents within the county shall
9 be entitled to occupancy, nursing, care, treatment and
10 maintenance according to the rules and regulations prescribed by
11 the county commissioners. The county commissioners may exclude
12 from the use of the hospital an individual who willfully
13 violates any rule or regulation adopted for the hospital by the
14 county commissioners. The county commissioners may charge and
15 collect from an individual admitted to the hospital or an
16 individual legally responsible for their maintenance, reasonable
17 compensation for the care, treatment and maintenance of the
18 individual.

19 CHAPTER 159

20 AERONAUTICS AND TRANSPORTATION

21 Subchapter

22 A. Aeronautics

23 B. Second Class A County Transit and Traffic Commission

24 SUBCHAPTER A

25 AERONAUTICS

26 Sec.

27 15900. Definitions.

28 15901. Authority to establish airports.

29 15902. Acquisition of land for aeronautical purposes.

30 15903. Condemnation proceedings and title.

1 15904. Agreements for airport facilities.

2 15905. Joint operation and leasing.

3 15906. Engineering and construction and appropriations.

4 15907. Contracts for construction and repairs.

5 15908. Validation of contracts.

6 15909. Airport appropriation assistance.

7 15909.1. Issuance of revenue bonds for airport facilities in
8 counties.

9 15910. Municipal approval required.

10 § 15900. Definitions.

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

14 "Airport." As defined in 74 Pa.C.S. § 5102 (relating to
15 definitions).

16 § 15901. Authority to establish airports.

17 Subject to the provisions of 74 Pa.C.S. (relating to
18 transportation), a county may establish, construct and provide
19 for airports in accordance with the provisions of this article.

20 § 15902. Acquisition of land for aeronautical purposes.

21 (a) Use of land.--A county may use land within the county
22 and owned by the county, determined by the county commissioners
23 to be necessary for an airport.

24 (b) Appropriation of land.--A county may appropriate for the
25 purposes of an airport lands purchased by the county at any tax
26 sale and not redeemed within the period of redemption, if any,
27 provided by law.

28 (c) Acquisition of land.--A county may acquire by gift,
29 lease, purchase or condemnation proceedings, land lying within
30 its territorial limits or the territorial limits of any

1 adjoining county which, in the judgment of the county
2 commissioners, may be necessary and desirable for the purpose of
3 establishing and maintaining airports or of enlarging airports,
4 but no land shall be acquired in any adjoining county without
5 the assent of the county commissioners of that county.

6 § 15903. Condemnation proceedings and title.

7 (a) Conduct of proceedings.--The proceedings for the
8 condemnation of lands under this chapter and for the assessment
9 of damages for property taken, injured or destroyed shall be
10 conducted in the same manner as provided by law for the
11 condemnation of land or buildings for county purposes in the
12 county in which the land is situated.

13 (b) Acquisition of title.--The title acquired by virtue or
14 any condemnation may be a title in fee simple or any lesser
15 estate, including an easement for aviation or any other purpose.

16 § 15904. Agreements for airport facilities.

17 A county acquiring land for an airport may enter into
18 agreements for the use of all or a part of the land, for
19 adequate consideration, after due public notice to a person
20 desiring to use the same for the purposes of taking off or
21 landing an airplane, for other aviation purposes or for any
22 nonaviation purpose, on terms and subject to conditions and
23 regulations. In counties of the second class A, agreements for
24 nonaviation purposes shall be for terms of less than 50 years
25 and shall only involve land designated in the county's airport
26 master plan not needed for airport purposes within the term of
27 the lease. A county may enter into a contract in the form of a
28 lease providing for the use of airport land or any part thereof
29 by the Federal Government for air mail delivery or other
30 aviation purposes upon nominal rental or without consideration.

1 § 15905. Joint operation and leasing.

2 A county acquiring land for an airport purpose may operate
3 and maintain airport facilities jointly with a municipal
4 corporation or other political subdivision, upon terms and
5 conditions as may be agreed upon between the authorities of the
6 municipal corporation or other political subdivision and the
7 county commissioners, and the joint airport facilities may be
8 operated and leased, as provided under this subchapter, upon the
9 joint action of the authorities involved and the county
10 commissioners.

11 § 15906. Engineering and construction and appropriations.

12 A county acquiring land for airport purposes may, by
13 resolution of the county commissioners, appropriate money for
14 the engineering design, surveys and construction of airport
15 facilities, either individually or in cooperation with Federal,
16 State or other public agencies supplying a portion of the
17 necessary money for the work.

18 § 15907. Contracts for construction and repairs.

19 In establishing, maintaining and operating airport
20 facilities, if construction, repair or purchase of roadways,
21 runways, buildings and facilities, is deemed necessary within or
22 for use within the limits of land acquired for the purpose of
23 establishing, maintaining and operating airport facilities,
24 submission to a court or grand jury of any county is not
25 necessary, but a contract under this chapter shall be entered
26 into as provided for in Chapter 151 (relating to contracts), and
27 for joint establishment, operation and maintenance with any
28 other political subdivision, a contract shall be entered into as
29 provided for the general business of the participating political
30 subdivisions.

1 § 15908. Validation of contracts.

2 A contract executed prior to July 28, 1953, for counties of
3 the second class A, and August 9, 1955, for counties of the
4 third, fourth, fifth, sixth, seventh and eighth class, for
5 construction and repair of roadways, runways, buildings and
6 facilities or the purchase thereof within or for use within the
7 limits of land acquired for the establishment and operation of
8 airdromes or landing fields, without first having obtained the
9 approval of the court of quarter sessions or grand jury of a
10 county and entered into as provided for the general business of
11 the county or other political subdivisions jointly interested,
12 are ratified, confirmed, approved and declared lawful contracts.

13 § 15909. Airport appropriation assistance.

14 The county commissioners may appropriate money to assist a
15 municipal corporation or other political subdivision, or
16 municipality airport authority, within the county or within any
17 adjacent county to acquire, establish, operate and maintain
18 airport facilities.

19 § 15909.1. Issuance of revenue bonds for airport facilities in
20 counties.

21 (a) General rule.--In addition to present methods of
22 financing, the county commissioners of counties of the second
23 class A may issue revenue bonds, under 53 Pa.C.S. Pt. VII Subpt.
24 B (relating to indebtedness and borrowing), for sufficient money
25 for and toward the acquisition, construction, reconstruction,
26 extension or improvement of airport facilities, including
27 airports, terminals, hangars, parking areas and all other
28 facilities, with bonds secured solely by the pledge of the whole
29 or part of the fees, rents, tolls or charges derived from the
30 ownership or operation of the facilities or for the use or

1 service of the same.

2 (b) Lease of airport facilities.--Airport facilities
3 financed by the issuance of revenue bonds under this section may
4 be leased by the county, in whole or in part, to a lessee or
5 lessees for a period of years equal in time to the period of
6 maturity of the issued bonds.

7 (c) Costs.--Included in the cost of the issue may be costs
8 and expenses incident to constructing and financing the
9 facilities and selling and distributing the bonds.

10 (d) Construction.--Nothing in this section shall be
11 construed as modifying or restricting the power of any county of
12 the third, fourth, fifth, sixth, seventh and eighth class to
13 incur debt for the acquisition, construction, reconstruction,
14 extension or improvement of airport facilities, including
15 airports, terminals, hangers, parking areas and all other
16 facilities necessary or appropriate, to the extent the power
17 exists on December 23, 2018.

18 § 15910. Municipal approval required.

19 Federal or State money from the Aviation Restricted Account
20 in the Motor License Fund or any other State money may not be
21 expended for airport operations or airport development in any
22 county of the second class A having a population in excess of
23 675,000 individuals without the approval of the municipality or
24 municipalities in which an airport is situated.

25 SUBCHAPTER B

26 SECOND CLASS A COUNTY TRANSIT AND TRAFFIC COMMISSION

27 Sec.

28 15950. Creation of county transit and traffic commission.

29 15951. Duties of county transit and traffic commission.

30 § 15950. Creation of county transit and traffic commission.

1 (a) Establishment.--The county commissioners of a county of
2 the second class A may establish a county transit and traffic
3 commission under this subchapter.

4 (b) Existing commission.--A county transit and traffic
5 commission existing on December 24, 2018, may continue to exist
6 under this subchapter.

7 (c) Composition.--The county transit and traffic commission
8 shall be composed of nine members in accordance with the
9 following:

10 (1) Each of the nine members shall be residents of the
11 county in accordance with the following:

12 (i) Not more than four of the members shall be
13 residents of cities in the county.

14 (ii) Not more than two of the members shall be
15 regular employees of a publicly financed body.

16 (2) Members shall be individuals experienced in at least
17 one of the following:

18 (i) Engineering.

19 (ii) Commerce.

20 (iii) Finance.

21 (iv) Law.

22 (v) Transportation.

23 (vi) Traffic matters.

24 (3) Each member shall be appointed by the county
25 commissioners.

26 (4) If there is an existing board on December 24, 2018,
27 which has duties substantially similar to those of the
28 commission established under this section, new members shall
29 be appointed upon the expiration of the terms of the existing
30 members.

1 (d) Terms, quorums and vacancies.--

2 (1) Each member shall serve for a term of six years.

3 (2) Five members shall constitute a quorum.

4 (3) An appointment to fill a vacancy shall be only for
5 the unexpired term of the vacancy.

6 (e) Organization.--The commission members may make rules and
7 regulations for the commission's organization and procedure
8 consistent with the resolutions of the county commissioners and
9 the laws of this Commonwealth.

10 (f) Compensation and expenses.--

11 (1) Members shall serve without compensation.

12 (2) The county commissioners may provide for the
13 following expenses, at the county commissioners' discretion,
14 by resolution and appropriation:

15 (i) Employment of a technical staff or other
16 individuals as necessary.

17 (ii) Necessary expenses of the commission.

18 § 15951. Duties of county transit and traffic commission.

19 (a) Duties.--The duties of the county transit and traffic
20 commission shall be to:

21 (1) Investigate transit, traffic and parking conditions
22 in the county, including the volume and characteristics of
23 the movement of public carriers, including street railways,
24 trains, buses and other motor vehicles, throughout the
25 county, with a view of determining advisable means for
26 obtaining adequate, rapid and safe transportation.

27 (2) Fully consider the coordination of existing
28 transportation services.

29 (3) Investigate and study safety measures for
30 individuals and vehicles on highways, streets and

1 thoroughfares in the county.

2 (4) Advise and consult with officials of political
3 subdivisions in the county about the transit, traffic and
4 parking problems.

5 (b) Report.--All minutes, reports and recommendations made
6 by the commission shall be a matter of public record.
7 Periodically, but not less than once a year, the commission
8 shall file with the county commissioners a report, which shall
9 include the results of investigations made by the commission and
10 any recommendations the commission may have to offer.

11 (c) Referral to commission.--The county commissioners shall
12 refer any plan, proposal or resolution affecting public
13 transportation and the safety of the public on public
14 transportation facilities and on highways, bridges and tunnels
15 in the county to the county transit and traffic commission for
16 consideration and recommendation. The county transit and traffic
17 commission shall report to the county commissioners on the plan,
18 proposal or resolution within a reasonable period of time.

19 (d) County planning commission.--

20 (1) In lieu of the creation of a county transit and
21 traffic commission in the county in which a county planning
22 commission has been established, the county commissioners
23 may, by resolution, confer and impose on the county planning
24 commission the additional powers and duties of serving as the
25 county transit and traffic commission, with all the powers
26 and duties conferred by this subchapter upon the county
27 transit and traffic commission. Upon the passage of the
28 resolution by the county commissioners, the terms of office
29 of the existing county transit and traffic commissioners
30 shall terminate, and the commissioners shall deliver all

1 books, papers, records, furnishings and supplies pertaining
2 to their office to the county planning commission.

3 (2) The passage of the resolution by the county
4 commissioners under paragraph (1) may not impair nor affect
5 any act done, or right accruing, accrued or acquired, or
6 liability, duty or obligation incurred, prior to the time the
7 resolution takes effect.

8 CHAPTER 161

9 GROUNDS AND BUILDINGS

10 Subchapter

11 A. General Provisions

12 B. Acquisition, Use, Leasing and Disposing of Real Property
13 for County

14 C. Acquisition, Construction or Alteration of County
15 Buildings

16 D. Policing, Administration and Public Order of Grounds and
17 Buildings

18 E. Special Provisions for Temporary County Buildings and for
19 Rooms in County Buildings

20 E.1. Special Provisions for Temporary County Buildings and
21 for Rooms in County Buildings in Counties of the Second
22 Class A

23 F. Improvement of Streets Along County Buildings and Street
24 Lighting

25 G. Public Accommodations

26 H. Monuments and Memorials

27 I. Public Auditoriums, Public Libraries, Public Memorial
28 Buildings and Monuments

29 J. Homes and Hospitals

30 K. Morgues

1 L. (Reserved)

2 SUBCHAPTER A

3 GENERAL PROVISIONS

4 Sec.

5 16101. Title to real estate vested in county.

6 16101.1. Days and hours of courthouse and offices.

7 16102. Exemption from taxation and attachment.

8 16102.1. Payments in lieu of taxes.

9 16103. (Reserved).

10 16104 Credit of county available for grounds and buildings.

11 § 16101. Title to real estate vested in county.

12 The title to all real property acquired by or for the use of
13 the county shall be vested in the county for the use of the
14 people in the county and for no other use, except as provided in
15 this chapter.

16 § 16101.1. Days and hours of courthouse and offices.

17 The county commissioners shall determine when the county
18 courthouse and all county offices located elsewhere shall be
19 open.

20 § 16102. Exemption from taxation and attachment.

21 Except as provided under section 16106(b) (relating to
22 authority to sell or lease real property) or other law, all
23 property of the county, real or personal, shall be exempt from
24 taxation and from levy and sale by virtue of execution or of any
25 other process.

26 § 16102.1. Payments in lieu of taxes.

27 If real property of the county is not presently being used
28 for the purposes for which it was acquired, the county may make
29 payments in lieu of taxes for the property to political
30 subdivisions in which the property is located.

1 § 16103. (Reserved).

2 § 16104 Credit of county available for grounds and buildings.

3 In the acquisition, construction or alteration of land and
4 buildings for county purposes, the commissioners may issue bonds
5 as provided by law.

6 SUBCHAPTER B

7 ACQUISITION, USE, LEASING AND DISPOSING

8 OF REAL PROPERTY FOR COUNTY

9 Sec.

10 16105. Acquiring and using real property and exceptions.

11 16105.1. Acquiring and developing industrial areas.

12 16106. Authority to sell or lease real property.

13 16106.1. Authority to sell certain property as a single unit.

14 16107. (Reserved).

15 16108. (Reserved).

16 16109. (Reserved).

17 16110. (Reserved).

18 16111. Disposing of county property for other uses and
19 demolition.

20 § 16105. Acquiring and using real property and exceptions.

21 (a) General rule.--The county commissioners may acquire real
22 property by purchase for not more than the fair market value,
23 gift, devise or eminent domain. The county commissioners may
24 acquire, improve and maintain real property at the county seat
25 or in other places as the county commissioners deem necessary
26 for the purposes of a county courthouse, prison and other
27 facilities necessary for county purposes. The fair market value
28 of real property for a purchase valued in excess of \$10,000
29 shall be determined by the county commissioners in consultation
30 with two of the following:

- 1 (1) The county assessor.
2 (2) Licensed real estate brokers.
3 (3) Licensed real estate appraisers doing business
4 within the county.

5 (b) Other uses of property.--The county commissioners may
6 also use real property, as authorized by law, owned by the
7 county and deemed suitable by the county commissioners for the
8 purposes under subsection (a), except property that is bound by
9 contract to another public use.

10 (c) Land for county buildings.--The county commissioners may
11 provide for the grading, filling, draining, gardening and
12 otherwise improving and maintaining of all lands for county
13 buildings, either by contract or by county employees, as the
14 county commissioners deem proper.

15 (d) Application.--This section shall not apply to an
16 acquisition of real property by a county, either by tax sales or
17 by other purchases, that is specifically provided for under
18 another provision of law.

19 § 16105.1. Acquiring and developing industrial areas.

20 (a) General rule.--The county commissioners may purchase,
21 accept by gift or devise real property within the county,
22 including Federal surplus real property, for the purpose of
23 developing the same for industrial use under a local, regional
24 or county plan and to expend money to bring utilities within a
25 county industrial area and to develop an area for industrial
26 sites.

27 (b) Sale or lease of land.--A county may sell, or lease for
28 a term not to exceed 99 years, to an industrial development
29 organization, with or without consideration, lands, easements or
30 rights in land, together with any improvements, buildings or

1 structures on the land owned by the county for the purpose of
2 establishing or enlarging a commercial, industrial or
3 manufacturing enterprise or research and development center
4 within the county. In addition, the following shall apply:

5 (1) The industrial development organization shall be
6 designated in the manner provided by Chapter 23 of the act of
7 June 29, 1996 (P.L.434, No.67), known as the Job Enhancement
8 Act.

9 (2) The county may make an agreement with an industrial
10 development organization for the industrial development of
11 the lands, easements or rights in lands.

12 (3) An instrument of sale, lease or other agreement made
13 under this subsection may contain provisions regulating the
14 uses of lands, buildings and structures for trade, industry,
15 manufacture, research, residence, recreation, water supply,
16 public activities or other purposes.

17 § 16106. Authority to sell or lease real property.

18 (a) General rule.--The county commissioners may sell any
19 estate in real property for not less than the fair market value.
20 If the county commissioners know or have reason to believe that
21 the property to be sold contains oil, gas, coal, stone, timber
22 or other mineral or forest products of commercial value, the
23 knowledge or belief shall be advertised, together with the
24 description of the land, in at least one newspaper of general
25 circulation in the county. In the case that the fair market
26 value of the real property is estimated to be in excess of
27 \$10,000, the fair market value shall be determined by the county
28 commissioners in consultation with two of the following:

29 (1) The county assessor.

30 (2) Certified broker-appraisers.

1 (3) Certified real estate appraisers doing business
2 within the county.

3 (b) Lease of property.--The county commissioners may lease
4 an estate in real property owned by the county or other real
5 property for which the county is the lessee. For a lease of
6 county property, the property, with improvements or additions on
7 or to the property, shall, in the hands of the lessee, be
8 subject to taxation by the county and any other political
9 subdivision in the county in the same manner as other real
10 estate located in the county. The taxes shall be levied and
11 assessed against and paid by the lessee.

12 (c) Exception.--Subsection (a) may not be mandatory if
13 county real property is to be sold to any of the following:

14 (1) A political subdivision, volunteer fire company,
15 volunteer ambulance service or volunteer rescue squad located
16 within the county.

17 (2) A municipal authority under 53 Pa.C.S. Ch. 56
18 (relating to municipal authorities).

19 (3) A nonprofit corporation or limited partnership in
20 which a nonprofit corporation is a general partner and
21 managing agent engaged in community industrial, commercial or
22 affordable housing development or reuse for its exclusive use
23 for industrial, commercial or affordable housing development.
24 This exemption may not apply to property owned and operated
25 by a county or subcontracted or operated on the behalf of a
26 county in order to conduct existing government functions.

27 (4) A person for the exclusive use of the property in an
28 industrial development program.

29 (5) A nonprofit corporation organized as a public
30 library for the exclusive use as a library.

1 (6) A nonprofit medical service corporation for the
2 exclusive use as a site for a medical service facility.

3 (7) A nonprofit housing corporation.

4 (8) The Federal Government.

5 (9) The Commonwealth.

6 (10) An authority under the act of August 23, 1967
7 (P.L.251, No.102), known as the Economic Development
8 Financing Law.

9 (11) A redevelopment authority under the act of May 24,
10 1945 (P.L.991, No.385), known as the Urban Redevelopment Law.

11 (12) A public utility.

12 (13) A nonprofit organization providing community
13 service or development activities.

14 (14) A nonprofit corporation established for the
15 preservation of historical, architectural or aesthetic sites
16 or artifacts.

17 (15) A nonprofit association or nonprofit corporation
18 organized to acquire and maintain real property for the
19 preservation, conservation and stewardship of open space.

20 (16) A council of government, consortium, cooperative or
21 other similar entity created under 53 Pa.C.S. Ch. 23 Subch. A
22 (relating to intergovernmental cooperation).

23 (d) Sale to qualified entity.--If the real property is sold
24 or leased to a qualified entity under subsection (c), the
25 commissioners may elect to accept nominal consideration for the
26 sale as the commissioners deem appropriate. Real property sold
27 under this subsection to an entity under subsection (c), other
28 than a city, borough, town, township, institution district,
29 school district, municipal authority under 53 Pa.C.S. Ch. 56
30 located within the county, the Federal Government or the

1 Commonwealth shall be subject to the condition that when the
2 property is not used for the purposes of the entity the property
3 shall revert to the county.

4 (e) Application.--This section does not apply to leases or
5 sales of county property or other property which are otherwise
6 specifically provided for by law.

7 (f) Transfer of interest in real property.--The
8 commissioners shall provide for the transfer of an interest in
9 real property under this section by deed or by written lease
10 under the seal of the county, as applicable.

11 § 16106.1. Authority to sell certain property as a single unit.

12 Notwithstanding any other provisions of law, if the county
13 commissioners determine that the continued ownership and
14 operation of an institution for the care of dependents is
15 economically unfeasible, the county commissioners may sell the
16 real property belonging to the county and being used for the
17 care of dependents and the contents of personal property used in
18 connection with and incidental to the operation of the
19 institution, as a single unit. The sale of real property and
20 personal property as a single unit shall be deemed a sale of
21 real property only and need only comply with this part relating
22 to the sale of real property.

23 § 16107. (Reserved).

24 § 16108. (Reserved).

25 § 16109. (Reserved).

26 § 16110. (Reserved).

27 § 16111. Disposing of county property for other uses and
28 demolition.

29 (a) General rule.--If the county commissioners find that an
30 existing county building is no longer suitable for its original

1 purpose or if the county has acquired or received an interest in
2 real property which the county commissioners find is not
3 suitable for the use of the county, the county commissioners may
4 do any of the following:

5 (1) Devote the real property to another public purpose.

6 (2) Convey by sale or gift the real property to a public
7 or charitable institution.

8 (3) Convey by sale or gift the real property to a
9 political subdivision within the county.

10 (4) Demolish or relocate the building.

11 (b) Conveyance of real property.--For the purposes of this
12 section, the county commissioners may convey, on behalf of the
13 county, any interest in real property to one or more parties
14 authorized by this section in single or concurrent ownership.

15 (c) Conveyance of personal property.--Notwithstanding
16 Chapter 151 (relating to contracts), the county may convey
17 personal property together with an interest in real property for
18 the purposes of this section.

19 (d) Application.--Nothing in this section shall supersede
20 the procedures or limitations on the disposition of county
21 property imposed by law.

22 SUBCHAPTER C

23 ACQUISITION, CONSTRUCTION OR ALTERATION OF COUNTY BUILDINGS

24 Sec.

25 16115. Authority and procedure for acquiring, constructing or
26 altering county buildings.

27 16116. Right to build on public squares.

28 16117. Separate bids for plumbing, heating, ventilating, air
29 conditioning, electrical work, elevators and
30 escalators.

1 16118. Contract performance security and payment bonds.

2 16119. Compliance with workers' compensation law.

3 16120. (Reserved).

4 § 16115. Authority and procedure for acquiring, constructing or
5 altering county buildings.

6 (a) General rule.--The county commissioners may purchase or
7 accept by gift any building authorized by law deemed suitable
8 and proper by the county commissioners for use as a county
9 building.

10 (b) Construction or alteration.--The county commissioners
11 may provide for the construction or alteration, including
12 enlargement of any county building. If the county commissioners
13 undertake any construction or alteration, the county
14 commissioners shall prepare plans and specifications for the
15 construction or alteration. The county commissioners shall
16 secure bids and provide for the formation of contracts necessary
17 for the construction or alteration according to this act.

18 § 16116. Right to build on public squares.

19 If the courthouse or other building of the county is located
20 upon a public square or common in the city, borough or town then
21 being the county seat, and a new building is authorized and
22 required to be erected, in place of the courthouse or other
23 building, the county commissioners may erect a new building upon
24 any other of the public squares or commons of the city, borough
25 or town, or upon any part thereof.

26 § 16117. Separate bids for plumbing, heating, ventilating, air
27 conditioning, electrical work, elevators and
28 escalators.

29 (a) General rule.--In the preparation of specifications for
30 the erection, construction and alteration of a public building,

1 if the entire cost of the work shall exceed the base amount
2 established under section 15101 (relating to commissioners sole
3 contractors for county generally), the architect, engineer or
4 other person preparing specifications shall prepare the
5 following separate specifications:

6 (1) Plumbing.

7 (2) Heating, ventilating and air conditioning.

8 (3) Electrical work.

9 (4) Elevators and escalators.

10 (5) One complete set of specifications for all work not
11 otherwise specified.

12 (b) Separate bids.--The county commissioners shall receive
13 separate bids upon each of the branches of work under subsection
14 (a) and award the contract to the lowest responsible bidder for
15 each of the branches, including the balance of the work not
16 otherwise specified.

17 (c) Alternative contracting procedure.--Notwithstanding the
18 separate specification of subsection (a), an authority organized
19 under the act of August 23, 1967 (P.L.251, No.102), known as the
20 Economic Development Financing Law, which is engaged to erect,
21 construct or alter a public purpose facility for a county of the
22 second class A may elect to use an alternative contracting
23 procedure as follows:

24 (1) The authority may elect to use an alternative
25 contracting procedure for a project involving selected public
26 purpose facilities. If the authority elects to utilize an
27 alternative contracting procedure, the county commissioners
28 shall adopt a resolution that the use of an alternative
29 contracting procedure is the most efficient, economical and
30 timely method to proceed with a project. Upon adoption of a

1 resolution, the authority shall request written proposals
2 from proposers for a project involving selected public
3 purpose facilities under an alternative contracting method.
4 In a request for proposals, the authority shall include
5 terms, conditions and requirements which the authority deems
6 necessary to protect the authority and the interests of the
7 public.

8 (2) In reviewing and evaluating the proposals for a
9 project involving selected public purpose facilities, the
10 authority shall, in addition to compliance with the terms,
11 conditions and requirements set forth in the request for
12 proposals, consider the following criteria:

13 (i) The cost of the project.

14 (ii) Experience of the proposer.

15 (iii) Adherence to the act of March 3, 1978 (P.L.6,
16 No.3), known as the Steel Products Procurement Act.

17 (iv) Adherence to prevailing wage laws and other
18 work force standards.

19 (v) Commitment to enter into voluntary contracts
20 with disadvantaged business enterprises. After due
21 consideration of proposals under the criteria described
22 in this paragraph, the authority may, upon recommendation
23 of a designee or project end user, select a proposal and
24 award a contract to a responsible proposer under an
25 alternative contracting procedure. The award of a
26 contract for the project need not be awarded to the
27 lowest priced proposer.

28 (3) A contract awarded under this subsection shall be
29 exempt from the act of May 1, 1913 (P.L.155, No.104),
30 referred to as the Separations Act, or from any subsequent

1 enactment or reenactment of substantially similar separate
2 bid specification requirements.

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

6 "Alternative contracting procedure." A procedure under which
7 a proposer would be responsible for all aspects or phases
8 necessary to achieve the development of a parcel of property.
9 The aspects or phases of development may include the planning,
10 design, finance, construction and management of property.

11 "Design/build contract." A construction contract in which
12 the contractor is responsible for both the design and
13 construction of a public structure, building or other public
14 improvement of any kind to any public real property.

15 "Project." The demolition, modification and construction of
16 a building or group of buildings with related facilities
17 formerly owned by a county and previously used as a jail or
18 office facility.

19 "Project end user." The governmental body or entity to use
20 the selected public purpose facility under a contract or lease
21 with the authority.

22 "Proposer." A firm, organization or company or a combination
23 of firms, organizations or companies acting as a partnership,
24 joint venture, consortium or similar joint relationship with
25 sufficient knowledge, expertise and experience in design/build
26 contracts.

27 § 16118. Contract performance security and payment bonds.

28 (a) General rule.--Unless covered under the bonding
29 requirements of the act of December 20, 1967 (P.L.869, No.385),
30 known as the Public Works Contractors' Bond Law of 1967, for

1 construction contracts awarded for amounts between \$25,000 and
2 \$100,000, the successful bidder shall furnish a bond
3 guaranteeing performance of the contract, in an amount as
4 determined by the county commissioners at the time of
5 advertising for bids, which shall be no less than 10% or more
6 than 100% of the amount of the contract, within 30 days after
7 the contract is awarded. If a construction contract is awarded
8 in excess of \$100,000, the following bonds shall be delivered to
9 the county and shall be binding on the parties upon the
10 execution of the contract:

11 (1) A performance bond, executed by a surety company
12 authorized to do business in this Commonwealth and made
13 payable to the county, in an amount determined by the county
14 commissioners at the time of advertising for bids which shall
15 be not less than 50% or more than 100% of the price specified
16 in the contract and conditioned upon the faithful performance
17 of the contract in accordance with the plans, specifications
18 and conditions of the contract.

19 (2) A payment bond, executed by a surety company
20 authorized to do business in this Commonwealth and made
21 payable to the county, in an amount equal to 100% of the
22 price specified in the contract and conditioned upon the
23 prompt payment for all materials furnished or labor supplied
24 or performed in the prosecution of the work. Labor and
25 materials include public utility services and reasonable
26 rentals of equipment for the periods when the equipment is
27 actually used at the site.

28 (b) Bond protection.--A performance bond shall be solely for
29 the protection of the county. A payment bond shall be solely for
30 the protection of claimants supplying labor or materials to the

1 prime contractor to whom the contract was awarded or to any
2 subcontractors in the prosecution of the work provided for in
3 the contract, regardless of if the labor or materials constitute
4 a component part of the construction.

5 (c) Construction.--Nothing in this section shall be
6 construed to limit the authority of the county commissioners to
7 require a performance bond, payment bond or other security in
8 addition to those bonds or in circumstances other than specified
9 in subsection (a).

10 (d) Payment bonds.--Actions on payment bonds shall be in
11 accordance with the following:

12 (1) Subject to paragraph (2), a claimant who has
13 performed labor or furnished material in the prosecution of
14 the work under a contract for which a payment bond has been
15 given under subsection (a) and who has not been paid in full
16 before the expiration of 90 days after the day on which the
17 claimant performed the last of the labor or furnished the
18 last of the materials for which it claims payments may bring
19 an action on the payment bond in its own name, in assumpsit,
20 to recover any amount due it for the labor or material and
21 may prosecute the action to final judgment and have execution
22 on the judgment.

23 (2) A claimant who has a direct contractual relationship
24 with a subcontractor of the prime contractor who gave the
25 payment bond but has no contractual relationship, express or
26 implied, with the prime contractor may bring an action on the
27 payment bond only if the claimant has given written notice to
28 the contractor within 90 days from the date on which the
29 claimant performed the last of the labor or furnished the
30 last of the materials for which it claims payment, stating

1 with substantial accuracy the amount and the name of the
2 person for whom the work was performed or to whom the
3 material was furnished.

4 (3) Notice shall be served by registered mail in an
5 envelope addressed to the contractor at any place where the
6 contractor's office is regularly maintained for the
7 transaction of business or served in any manner in which
8 legal process may be served in the manner provided by law for
9 the service of a summons except that the service need not be
10 made by a public officer.

11 (e) Dollar thresholds.--The dollar thresholds provided under
12 subsection (a) shall be adjusted annually to reflect the annual
13 percentage change in the Composite Construction Cost Index of
14 the United States Department of Commerce occurring in the one-
15 year period ending on December 31 of each year.

16 § 16119. Compliance with workers' compensation law.

17 (a) General rule.--Each contract executed by the county
18 commissioners, which involves the construction or doing of any
19 work involving the employment of labor, shall contain a
20 provision that the contractor shall accept, in so far as the
21 work covered by a contract is concerned, the provisions of the
22 act of June 2, 1915 (P.L.736, No.338), known as the Workers'
23 Compensation Act, and that the contractor will insure
24 contractor's liability under the act or file with the county
25 commissioners a certificate of exemption from insurance from the
26 Department of Labor and Industry.

27 (b) Proof of compliance.--The county commissioners, before
28 signing on behalf of the county a contract requiring in its
29 performance the employment of labor, shall require proof that
30 the contractor with whom the contract is made shall have

1 accepted the Workers' Compensation Act and any reenactments,
2 supplements or amendments to the act, and proof that the
3 contractor has complied with subsection (a).

4 (c) Violation.--A contract executed in violation of the
5 provisions of this section shall be null and void.

6 § 16120. (Reserved).

7 SUBCHAPTER D

8 POLICING, ADMINISTRATION AND PUBLIC ORDER

9 OF GROUNDS AND BUILDINGS

10 Sec.

11 16125. Buildings and grounds.

12 16126. Security and grounds employees.

13 16127. Display of municipal flags on county buildings
14 authorized.

15 16128. (Reserved).

16 16129. (Reserved).

17 § 16125. Buildings and grounds.

18 Except as otherwise provided by law, the county commissioners
19 shall keep and maintain the public buildings of the county in
20 suitable and convenient order and repair and shall keep the
21 grounds about county buildings in proper condition and
22 appearance.

23 § 16126. Security and grounds employees.

24 (a) Security officers.--The county commissioners may appoint
25 one or more security officers to guard and protect the county
26 buildings and to enforce this part and other related laws. The
27 security officers shall have power to arrest on view a person
28 violating this part.

29 (b) Grounds employees.--The county commissioners may employ
30 persons as may be necessary to provide for maintenance and

1 repair of all county buildings and grounds.

2 § 16127. Display of municipal flags on county buildings
3 authorized.

4 It shall be lawful to display the flag of any county, city,
5 borough or other municipality in the Commonwealth or the
6 official POW/MIA flag on the public buildings or grounds of any
7 county.

8 § 16128. (Reserved).

9 § 16129. (Reserved).

10 SUBCHAPTER E

11 SPECIAL PROVISIONS FOR TEMPORARY COUNTY BUILDINGS

12 AND FOR ROOMS IN COUNTY BUILDINGS

13 Sec.

14 16135. (Reserved).

15 16136. (Reserved).

16 16137. Room or building for juvenile offenders awaiting trial.

17 16138. (Reserved).

18 16139. Furnishing rooms for meetings of veterans and other
19 organizations.

20 § 16135. (Reserved).

21 § 16136. (Reserved).

22 § 16137. Room or building for juvenile offenders awaiting
23 trial.

24 The county commissioners of the third, fourth, fifth, sixth,
25 seventh and eighth class shall provide, furnish and heat within
26 the county a separate room or rooms or a suitable building to be
27 used exclusively for the confinement of any and all alleged or
28 adjudicated delinquent children or dependent children as defined
29 in 42 Pa.C.S. § 6302 (relating to definitions) who may be in
30 custody awaiting trial or hearing in the courts of the county,

1 and provide for the maintenance and care of the children while
2 in custody.

3 § 16138. (Reserved).

4 § 16139. Furnishing rooms for meetings of veterans and other
5 organizations.

6 The county commissioners may, upon application, furnish
7 meeting accommodations to any veterans, veterans auxiliary or
8 other civic organization.

9 SUBCHAPTER E.1

10 SPECIAL PROVISIONS FOR TEMPORARY COUNTY BUILDINGS

11 AND FOR ROOMS IN COUNTY BUILDINGS

12 IN COUNTIES OF THE SECOND CLASS A

13 Sec.

14 16139.1. Scope of subchapter.

15 16139.2. Room or building for juvenile offenders awaiting trial.

16 16139.3. Management of houses for detention of juveniles and
17 appointment of board and ex officio members.

18 16139.4. Appointment and compensation of employees.

19 16139.5. Annual report and expenses.

20 16139.6. Appropriation and bond issues.

21 § 16139.1. Scope of subchapter.

22 This subchapter shall apply to counties of the second class

23 A.

24 § 16139.2. Room or building for juvenile offenders awaiting
25 trial.

26 The county commissioners shall provide, furnish and heat
27 within the county a separate room or rooms or a suitable
28 building to be used exclusively for the confinement of alleged
29 or adjudicated delinquent children or dependent children as
30 defined in 42 Pa.C.S. § 6302 (relating to definitions) who are

1 in custody awaiting trial or hearing in the courts of the county
2 and provide for the maintenance and care of the children while
3 in custody.

4 § 16139.3. Management of houses for detention of juveniles and
5 appointment of board and ex officio members.

6 (a) Board of managers.--The management of houses for the
7 detention and reception of juveniles awaiting trial, hearing or
8 judicial investigation under the laws of this Commonwealth shall
9 be in a board of managers consisting of the following members:

10 (1) Three county commissioners.

11 (2) The county controller.

12 (3) Six private citizens to be appointed as follows:

13 (i) Three to be appointed by the president judge of
14 the court of common pleas.

15 (ii) Three to be appointed by the chairperson of the
16 county commissioners.

17 (b) Designees.--The county commissioners and the controller
18 may appoint individuals to act as designees for the purpose of
19 attending meetings of the board, and the designees shall have
20 the right to vote at the meetings.

21 (c) Private citizen members.--The private citizen members of
22 the board may not be officers or employees of the county.

23 (d) Existing boards of managers.--The members of the board
24 of managers existing in the county shall remain as members of
25 the board or boards of managers created in this subchapter until
26 the expiration of the terms to which the members were appointed.
27 Annually thereafter, the members or successors shall be
28 appointed for a term of three years.

29 (e) Vacancies.--Vacancies occurring in the membership of the
30 board shall be filled for the unexpired term by the chairperson

1 of the county commissioners or the president judge of the court
2 of common pleas, depending upon who originally appointed the
3 board member.

4 (f) Compensation.--The members of the board shall serve
5 without compensation.

6 § 16139.4. Appointment and compensation of employees.

7 The board of managers may appoint a superintendent and
8 additional staff members as may be necessary, whose salaries
9 shall be paid by the county. The number and compensation of the
10 employees shall be fixed by the salary board of the county.

11 § 16139.5. Annual report and expenses.

12 On or before November 1, the board of managers shall annually
13 report to the county commissioners the amount of money required
14 for the maintenance of the house or houses of detention. The
15 county commissioners shall make an annual appropriation to the
16 board of managers for the payment of the expenses of
17 administering the house of detention. Expenses incurred in the
18 performance of duties by the board of managers shall be itemized
19 and presented with vouchers to the county commissioners for
20 payment, and a semiannual expense report shall be made to the
21 county commissioners. All expenses in connection with the
22 management and administration of the house of detention shall be
23 paid by the county in the manner provided by law for the payment
24 of county obligations.

25 § 16139.6. Appropriation and bond issues.

26 The county commissioners shall have power and authority for
27 the purpose of housing juveniles to appropriate money from
28 public money or to issue bonds in the manner provided by law for
29 the purchase of lands or erecting, constructing and equipping a
30 building or buildings.

1 SUBCHAPTER F

2 IMPROVEMENT OF STREETS ALONG

3 COUNTY BUILDINGS AND STREET LIGHTING

4 Sec.

5 16145. Joining with municipalities in improving certain streets
6 and highways.

7 16146. Ornamental illumination.

8 § 16145. Joining with municipalities in improving certain
9 streets and highways.

10 (a) General rule.--The county commissioners may join with
11 the governing body of a municipal corporation in the grading,
12 regrading, paving, repaving and improvement of so much of the
13 streets and highways as are in, upon or alongside of the grounds
14 of a county building.

15 (b) Contract with municipalities.--The county commissioners
16 may enter into contract with a municipality to pay a fair
17 proportion of the expense of grading, regrading, paving,
18 repaving and improvement of the streets and highways and may
19 appropriate from the county treasury sufficient money for this
20 purpose. The county commissioners may act with any committee
21 appointed by municipalities to establish grades, determine the
22 kind and quality of paving materials to be used and ratify the
23 contracts entered into by the municipalities in the course of
24 the improvements.

25 (c) Contract specifications.--The selection of grades,
26 paving materials and proportion of expenses to be paid by the
27 county shall be specified by a contract formulated under this
28 section.

29 § 16146. Ornamental illumination.

30 (a) General rule.--The county commissioners may appropriate

1 money to support the installation, maintenance or repair of
2 ornamental illumination of any section of a street that abuts
3 the courthouse or other county building in the county seat.

4 (b) Limitation.--The appropriation by the county
5 commissioners under subsection (a) may not exceed the amount
6 that shall be assessed for ornamental illumination upon owners
7 of an equivalent frontage of property abutting upon the street,
8 measured by the foot front rule.

9 SUBCHAPTER G

10 PUBLIC ACCOMMODATIONS

11 Sec.

12 16150. Appropriations for public accommodations.

13 § 16150. Appropriations for public accommodations.

14 (a) General rule.--The county commissioners may appropriate
15 money to assist a municipality to construct and maintain public
16 restrooms and related facilities.

17 (b) Courthouse rest and waiting rooms.--The county
18 commissioners may provide or cooperate with a municipality or
19 municipal authority to equip and maintain in the courthouse rest
20 or waiting rooms for the public.

21 (c) Lease of ground.--Any part of a ground acquired by a
22 county for the purposes of a courthouse or other county building
23 or facility may be leased by the county to a municipality being
24 the county seat of the county for the purpose of the
25 construction of a public comfort station by the municipality.

26 SUBCHAPTER H

27 MONUMENTS AND MEMORIALS

28 Sec.

29 16155. Monuments, memorials and memorial halls to war veterans.

30 16156. Assistance to private or municipal agencies.

1 16157. (Reserved).
2 16158. (Reserved).
3 16159. Existing buildings.
4 16160. Donations.
5 16161. Maintenance of hall.
6 16162. (Reserved).
7 16163. Board of control.
8 16164. Flagstaff and display of flag.
9 16165. Acquisition of additional land and equipment,
10 furnishings, etc.
11 16166. Tax levy and increase or indebtedness.
12 16167. Preservation, maintenance, repair and completion of
13 public monuments.
14 § 16155. Monuments, memorials and memorial halls to war
15 veterans.
16 The county commissioners may appropriate money for and
17 provide for the erection of monuments, memorials or memorial
18 halls commemorating or honoring the services of any individual
19 who has served in the armed forces of the United States or in
20 any auxiliary organization officially connected with a division
21 of the armed forces of the United States.
22 § 16156. Assistance to private or municipal agencies.
23 The county commissioners may appropriate money to assist any
24 individual, private corporation or municipal corporation in the
25 erection of a monument, memorial or memorial hall authorized
26 under section 16155 (relating to monuments, memorials and
27 memorial halls to war veterans).
28 § 16157. (Reserved).
29 § 16158. (Reserved).
30 § 16159. Existing buildings.

1 The county commissioners may acquire by any lawful means any
2 real property which can be altered and improved so as to be made
3 suitable for a memorial hall.

4 § 16160. Donations.

5 For the purpose of aiding in the acquisition of real property
6 and erection and construction of a memorial hall, voluntary
7 donations and contributions may be accepted by the county
8 commissioners from individuals, associations and organizations.

9 § 16161. Maintenance of hall.

10 A county memorial hall shall be the property of and shall be
11 maintained at the expense of the county.

12 § 16162. (Reserved).

13 § 16163. Board of control.

14 (a) Establishment.--In a county in which the county
15 commissioners have established a memorial hall, the county
16 commissioners shall establish a board of control of the memorial
17 hall and shall establish the powers and duties of the board of
18 control to provide for the operation and maintenance of the
19 memorial hall. The county commissioners shall provide for the
20 members of the board of control to be selected by the veterans
21 organizations which operate in, and have been recognized by, the
22 county.

23 (b) Existing boards of control.--A board of control
24 established prior to December 24, 2018, shall continue according
25 to the provisions of law that applied at the time that the board
26 was established until the county commissioners take an action
27 under subsection (a).

28 § 16164. Flagstaff and display of flag.

29 A flagstaff shall be erected upon any county memorial hall
30 from which the flag of the United States shall be displayed from

1 sunrise to sunset on each day of the year.

2 § 16165. Acquisition of additional land and equipment,
3 furnishings, etc.

4 In a county in which there is a memorial hall in honor of the
5 soldiers, sailors or marines from the county, the county
6 commissioners may acquire additional land adjoining the memorial
7 hall to enhance and preserve the beauty and character of the
8 memorial hall or equip, furnish, decorate and make additions to
9 the memorial hall, or both.

10 § 16166. Tax levy and increase or indebtedness.

11 The county commissioners may levy and collect a tax upon the
12 taxable persons and property within the county or increase the
13 indebtedness of the county according to 53 Pa.C.S. Pt. VII
14 Subpt. B (relating to indebtedness and borrowing) to pay for the
15 following:

16 (1) Erecting a memorial hall, including the purchased or
17 condemned ground upon which the memorial hall is erected.

18 (2) Acquiring additional land or enlarging, equipping,
19 furnishing or decorating of a memorial hall.

20 § 16167. Preservation, maintenance, repair and completion of
21 public monuments.

22 The county commissioners may preserve, maintain and repair
23 any public monument or memorial hall in the county, other than
24 in cemeteries, including the enclosed public ground surrounding
25 the monument, and appropriate money for these purposes. If a
26 public monument referred to in this section has been partially
27 completed, either in construction or payment, the commissioners
28 may appropriate money for the purpose of completion.

29 SUBCHAPTER I

30 PUBLIC AUDITORIUMS, PUBLIC LIBRARIES,

1 PUBLIC MEMORIAL BUILDINGS AND MONUMENTS

2 Sec.

3 16168. Acquiring of property.

4 16169. Rental of auditoriums.

5 16170. (Reserved).

6 § 16168. Acquiring of property.

7 Counties may acquire property according to this chapter for
8 the purpose of erecting public auditoriums, public libraries,
9 public memorial buildings and monuments.

10 § 16169. Rental of auditoriums.

11 Revenue derived from rental of a public auditorium shall
12 first be devoted to the maintenance of the auditorium and any
13 remaining annual balance accruing from rent shall be deposited
14 in the general fund of the county.

15 § 16170. (Reserved).

16 SUBCHAPTER J

17 HOMES AND HOSPITALS

18 Sec.

19 16174. Donations to orphans' or childrens' homes.

20 16175. Management and control of orphans' home.

21 16176. Admission to home.

22 16177. Maintenance of childrens' homes.

23 16178. (Reserved).

24 16179. (Reserved).

25 16180. (Reserved).

26 16181. (Reserved).

27 16182. (Reserved).

28 16183. (Reserved).

29 16184. (Reserved).

30 16185. (Reserved).

1 § 16174. Donations to orphans' or childrens' homes.

2 The county commissioners may receive real or personal
3 property which may be given or granted to the county by any
4 lawful means for the use and purpose of providing a home within
5 the county for the keeping and care of indigent orphans and
6 children who depend on the county for support.

7 § 16175. Management and control of orphans' home.

8 An orphans' home shall be under the management and control of
9 the county commissioners. The county commissioners may appoint a
10 superintendent and assistants as necessary to properly conduct
11 the affairs of the home.

12 § 16176. Admission to home.

13 Indigent orphans and children shall be admitted to an
14 orphans' or childrens' home on order of the county
15 commissioners.

16 § 16177. Maintenance of childrens' homes.

17 If a property has been given or granted to a county for a
18 childrens' home and a home is established, the county may
19 appropriate money for the support and maintenance of orphans and
20 children and for the payment of the salary of the superintendent
21 and assistants.

22 § 16178. (Reserved).

23 § 16179. (Reserved).

24 § 16180. (Reserved).

25 § 16181. (Reserved).

26 § 16182. (Reserved).

27 § 16183. (Reserved).

28 § 16184. (Reserved).

29 § 16185. (Reserved).

30

SUBCHAPTER K

1 MORGUES

2 Sec.

3 16190. Authority to provide and approval.

4 16191. (Reserved).

5 16192. (Reserved).

6 16193. (Reserved).

7 § 16190. Authority to provide and approval.

8 The county commissioners may buy or lease land and construct
9 and maintain on the land, at the expense of the county, a morgue
10 for the reception of all deceased individuals under the care and
11 custody of the coroner.

12 § 16191. (Reserved).

13 § 16192. (Reserved).

14 § 16193. (Reserved).

15 SUBCHAPTER L

16 (Reserved)

17 CHAPTER 163

18 EMINENT DOMAIN AND INJURY TO PROPERTY

19 Sec.

20 16301. Exercise of eminent domain.

21 16302. Restrictions as to certain property.

22 16303. Declaration of intention.

23 16304. Application of 26 Pa.C.S.

24 § 16301. Exercise of eminent domain.

25 A county may enter upon, appropriate, injure or destroy
26 private lands, property or material, or lands previously granted
27 or dedicated to public use that are no longer used for the
28 purpose for which the lands were granted, according to the
29 proceedings set forth in 26 Pa.C.S. (relating to eminent
30 domain), for any purpose conferred upon the county by law.

1 § 16302. Restrictions as to certain property.

2 (a) Prohibition.--Except as provided in subsection (b), land
3 or property used for a cemetery, burying ground or place of
4 public worship may not be taken or appropriated by virtue of a
5 power contained in this chapter.

6 (b) Exception for certain counties.--The prohibition in
7 subsection (a) shall not apply to a county of the second class A
8 in which the land or property is taken or appropriated according
9 to the provisions of the act of May 12, 1887 (P.L.96, No.47),
10 entitled "A supplement to an act, entitled 'An act supplementary
11 to an act relative to burial grounds and cemeteries situated in
12 incorporated boroughs,' approved the nineteenth day of May, one
13 thousand eight hundred and seventy-four, changing the title of
14 said act, and authorizing the court to make orders and decrees
15 required by the act, and to enforce the same by process,
16 approved the thirteenth day of May, eighteen hundred and
17 seventy-six, further empowering courts to direct removal of
18 remains in boroughs, cities, and towns from burial grounds where
19 interments have ceased or have become so neglected as to become
20 a public nuisance, or such remains interfere with the
21 improvements, extensions, and interests of such cities,
22 boroughs, or towns."

23 (c) Railroad property restrictions.--For counties of the
24 third, fourth, fifth, sixth, seventh and eighth class, the
25 right-of-way of a railroad company may not be acquired or
26 occupied without the consent of the company owning or operating
27 or in possession of the property.

28 § 16303. Declaration of intention.

29 A county shall declare its intention to acquire, enter upon,
30 take, use and appropriate any private property or land for any

1 of the purposes authorized by this chapter through a duly
2 enacted ordinance.

3 § 16304. Application of 26 Pa.C.S.

4 Eminent domain proceedings must conform to the provisions of
5 26 Pa.C.S. (relating to eminent domain), including payment of
6 damages and costs.

7 CHAPTER 165

8 RECREATION PLACES

9 Sec.

10 16501. Acquisition of land and buildings for recreation places.

11 16502. Construction, equipment and maintenance and general
12 powers.

13 16503. Fair, park and recreation boards.

14 16504. Officers of board.

15 16505. (Reserved).

16 16506. Indebtedness.

17 16507. Payment of expenses, taxation, annual fairs and State
18 contributions.

19 16508. Park buildings.

20 16509. Use of receipts.

21 16510. Damages, forfeiture of leases and penalties.

22 16511. Employees and police.

23 16512. Duty of police.

24 16513. Property held in trust.

25 16514. (Reserved).

26 16515. (Reserved).

27 16516. (Reserved).

28 16517. Appropriations to political subdivisions for recreation
29 places.

30 § 16501. Acquisition of land and buildings for recreation

1 places.

2 (a) General rule.--The county commissioners may designate
3 and set apart for use as recreation places or for the enlarging
4 or extending of recreation places any lands or buildings owned
5 by the county and not dedicated or devoted to other public use.

6 (b) Extension or enlargement of recreation places.--The
7 county commissioners may acquire lands or buildings, by gift or
8 purchase, or may lease lands for use as recreation places or for
9 the extension or enlargement of recreation places.

10 (c) Private property.--The county commissioners may, in
11 accordance with this part and 26 Pa.C.S. (relating to eminent
12 domain):

13 (1) In counties of the second class A, acquire private
14 property for the purpose of establishing, making, enlarging,
15 extending, operating and maintaining public parks and
16 multiuse recreational trails within the limits of the county.

17 (2) In counties of the third, fourth, fifth, sixth,
18 seventh or eighth class, acquire private property by the
19 power of eminent domain for use as, or the extension or
20 enlargement of, recreation places.

21 (d) Limitation.--The power to acquire lands or buildings, by
22 gift or purchase, may not extend beyond the limits of the
23 particular county, except upon the consent of the adjoining
24 county and municipal corporation which would be affected.

25 (e) Joint exercise of powers.--A county may exercise the
26 powers granted in this part jointly with any political
27 subdivision.

28 § 16502. Construction, equipment and maintenance and general
29 powers.

30 The county commissioners may build, alter, extend, enlarge,

1 manage, supervise, equip, ornament, operate and maintain
2 recreation places and may vest the authority to do so in an
3 existing body or board or in a park board, recreation board or
4 fair board, any of which may be established by the county
5 commissioners for any purpose, function and place as the county
6 commissioners may determine. For the purpose of carrying out
7 this chapter, the county commissioners, or any body or board
8 vested with the authority of the county commissioners, may
9 employ play leaders, recreation directors, supervisors,
10 superintendents or any other officers or employees. The number
11 and salary of the employees, to the extent that the employee's
12 salary is paid from the money of the county, shall be determined
13 by the salary board. All recreation places shall be kept in good
14 order and repair.

15 § 16503. Fair, park and recreation boards.

16 The county commissioners may establish a fair board, park
17 board or recreation board, which shall possess all the powers
18 and be subject to all the responsibilities of the county
19 commissioners in the management, supervision, operation and
20 maintenance of recreation places. A board shall consist of a
21 minimum of five individuals and a maximum of nine individuals.
22 The members of the boards shall be appointed by the county
23 commissioners for a term to extend no longer than five years and
24 the terms of the members shall be staggered so at least one
25 expires annually. Members of the board shall serve without pay.
26 Vacancies in the board occurring otherwise than by expiration of
27 term shall be for the unexpired term and shall be filled in the
28 same manner as original appointments.

29 § 16504. Officers of board.

30 The members of a fair board, park board or recreation board

1 shall elect a chairperson and secretary and select all other
2 necessary officers to serve for a period of one year and may,
3 with the consent and approval of the county commissioners,
4 employ individuals as needed under this chapter. The boards
5 shall have power to adopt rules and regulations for the conduct
6 of all business within their jurisdiction.

7 § 16505. (Reserved).

8 § 16506. Indebtedness.

9 The county commissioners may issue bonds, in accordance with
10 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and
11 borrowing), for the purpose of acquiring lands or buildings for
12 recreation places and for the construction, extension,
13 enlargement, alteration or equipment thereof.

14 § 16507. Payment of expenses, taxation, annual fairs and State
15 contributions.

16 (a) General rule.--Expenses incurred in the operation of
17 recreation places established under this chapter shall be
18 payable from the treasury of the county. The county
19 commissioners may annually appropriate and impose a tax to raise
20 money for any of the purposes authorized in this chapter,
21 including debt service upon bond issues authorized under section
22 16506 (relating to indebtedness). In counties of the second
23 class A, the amount of the tax may not exceed two mills on the
24 dollar of the assessed valuation of taxable property in the
25 county.

26 (b) Annual fair or agricultural exhibition.--The county
27 commissioners or the fair board may provide for and hold an
28 annual fair or agricultural exhibition on county fairgrounds,
29 and may accept aid or contributions from the Commonwealth under
30 any act for the payment of premiums at any fair or exhibition.

1 § 16508. Park buildings.

2 The county commissioners shall have exclusive power to lease
3 all buildings and facilities within the park limits and to
4 collect rent, fees and other consideration.

5 § 16509. Use of receipts.

6 All rents, license charges and fees, all fines, proceeds of
7 sales and profits that are collected, received or realized from
8 recreation places and buildings in any county, shall be paid
9 into the county treasury. Money or property given or bequeathed
10 to the county commissioners upon specified trusts shall be
11 received and receipted for by the county treasurer and held and
12 applied according to the trusts specified.

13 § 16510. Damages, forfeiture of leases and penalties.

14 (a) Liability for violation.--A person violating any rules
15 and regulations adopted for recreation places shall be liable to
16 the full extent of any damage committed by that person, in
17 trespass or other action, and a tenant or licensed party who
18 violates any rule and regulation, or consent to or permit the
19 same to be violated on the premises, shall forfeit the lease or
20 license and may be removed by a vote of the county
21 commissioners. Every lease and license shall contain a clause
22 stating that it shall be cause for forfeiture for a lessee or
23 licensed party to violate or permit or suffer any violation of
24 any rules and regulations.

25 (b) Specific offense.--In counties of the second class A,
26 the violation of any rules or regulations of the county
27 commissioners for the government of public parks shall
28 constitute a summary offense.

29 § 16511. Employees and police.

30 (a) Additional personnel permitted.--For the purpose of

1 performing all necessary duties relating to the establishing,
2 making, enlarging, extending and maintaining public parks,
3 buildings and other county-owned properties and for enforcing
4 the rules and regulations ordained or resolved by the county
5 commissioners or by any body or board of control if no penalty
6 or fine is involved, the county commissioners may employ or
7 appoint and equip proper persons as may be authorized by the
8 salary board, to do all necessary and proper work connected with
9 the requirements of this subsection, including police or guard
10 duty.

11 (b) County park police.--The county commissioners of a
12 county of the third class which is contiguous to a county of the
13 second class may, by ordinance, create or disband a county park
14 police force within the county. If a county park police force is
15 created under this chapter, the county commissioners shall have
16 power to employ the number of officers as may be fixed by the
17 salary board of the county. The compensation of the county park
18 police officers shall be paid by the county.

19 § 16512. Duty of police.

20 (a) Arrest and initial appearance.--The police, county park
21 police or guards appointed to duty in a recreation place,
22 building and other county-owned property may:

23 (1) Arrest, without warrant, an offender against the
24 rules and regulations, ordained or resolved by the county
25 commissioners, that the police, county park police or guards
26 appointed to duty may detect in the commission of an offense.

27 (2) Take the offender before a magisterial district
28 judge having competent jurisdiction.

29 (b) Primary jurisdictional area for county park police.--In
30 the ordinance creating a county park police force, the county

1 commissioners shall designate a primary jurisdictional area
2 where the county park police officers shall have jurisdiction.
3 The primary jurisdictional area shall include only property
4 owned, leased or controlled by the county, by a county municipal
5 authority, county redevelopment authority, county industrial
6 development authority or agency, county airport authority or by
7 a community college of which the county is a local sponsor,
8 whether the property is within or outside the territorial limits
9 of the county. A county road, street or highway may not be
10 designated or considered as a primary jurisdictional area unless
11 it is located within the boundaries of a geographical area
12 otherwise designated by ordinance as a primary jurisdictional
13 area under this section.

14 (c) County park police powers and duties.--County park
15 police shall have the following powers and duties:

16 (1) To enforce good order and protect the grounds and
17 buildings within a primary jurisdictional area.

18 (2) To exclude all disorderly persons from the grounds
19 and buildings within a primary jurisdictional area.

20 (3) To exercise the same powers that may be exercised
21 under authority of law or ordinance by the police of the
22 municipalities in which the primary jurisdictional area is
23 located, including those powers conferred under 42 Pa.C.S.
24 Ch. 89 Subch. D (relating to municipal police jurisdiction).

25 (4) To prevent crime, investigate criminal acts,
26 apprehend, arrest and charge criminal offenders and issue
27 summary citations for acts committed on the grounds and in
28 the buildings of the primary jurisdictional area and take the
29 offender before the proper authority and issue charges
30 against the offender under the laws of this Commonwealth.

1 Except when acting under 42 Pa.C.S. Ch. 89 Subch. D, county
2 park police shall exercise these powers and perform these
3 duties only on the grounds of the primary jurisdictional
4 area.

5 (5) To order off the grounds and out of the buildings
6 within the primary jurisdictional area all vagrants, loafers,
7 trespassers and persons under the influence of liquor and, if
8 necessary, remove them by force and, in case of resistance,
9 transport the offenders to the proper authority.

10 (6) To arrest an individual who damages, mutilates or
11 destroys the trees, plants, shrubbery, turf, grass plots,
12 benches, buildings and structures or commits any other
13 offense on the grounds and in the buildings within the
14 primary jurisdictional area and transport the offender to the
15 proper authority and prefer charges against the offender
16 under the laws of this Commonwealth.

17 (d) Chief and other designations.--The county commissioners
18 shall designate, from the county park police officers, the chief
19 and other ranks or classifications of officers as desired by the
20 county commissioners.

21 § 16513. Property held in trust.

22 (a) Conveyance to county.--If the owner of any real property
23 adapted to the use or purpose of public agriculture fairs or
24 exhibits are willing to convey or devise the real property to
25 the county wherein located, to be held in trust for the citizens
26 and inhabitants of the county, the county commissioners may take
27 title of the real property and hold the real property in trust
28 for the benefit of the residents of the county.

29 (b) Acceptance of contributions.--The county commissioners
30 may receive and accept contributions in buildings or materials

1 for additional improvements on the real property conveyed or
2 devised and held in trust.

3 (c) Lease of real property.--The county commissioners may
4 lease real property acquired under this section to any
5 incorporated agriculture association willing and financially
6 able to manage the premises, on condition that the premises
7 shall be used annually for agriculture fairs and exhibitions
8 without any liability or expense on the part of the county. Upon
9 failure of a lessee to comply with terms of any lease, the
10 county shall retake possession of the leased property.

11 (d) Sale of real property.--If, for a period of five years,
12 public use of the real property as contemplated by the grant or
13 gift to the county is not made, the real property may be sold on
14 petition to the court of common pleas under this part for the
15 sale of county real property.

16 § 16514. (Reserved).

17 § 16515. (Reserved).

18 § 16516. (Reserved).

19 § 16517. Appropriations to political subdivisions for
20 recreation places.

21 The county commissioners in counties of the third, fourth,
22 fifth, sixth, seventh and eighth class may appropriate money
23 from the county treasury to aid municipal corporations in the
24 purchase, construction, operation and maintenance of recreation
25 places.

26 CHAPTER 167

27 BRIDGES, VIADUCTS AND CULVERTS

28 Subchapter

29 A. General Authority and Procedures for Providing Bridges

30 B. Special Authorities and Procedures

1 C. Taking Over or Assisting with Township or Municipal
2 Bridges

3 D. (Reserved)

4 E. Taxation and Borrowing

5 SUBCHAPTER A

6 GENERAL AUTHORITY AND PROCEDURES

7 FOR PROVIDING BRIDGES

8 Sec.

9 16700. Definitions.

10 16701. Authority, definitions and application of chapter.

11 16702. Maintenance and repairs.

12 16703. Acquisition of real property.

13 16704. Plans and surveys for bridges and viaducts.

14 16705. (Reserved).

15 16706. (Reserved).

16 16707. Approval of Federal or State agencies and change in
17 location.

18 16708. (Reserved).

19 16709. (Reserved).

20 16710. (Reserved).

21 16711. Cost sharing.

22 16712. Boundary line bridges.

23 16713. (Reserved).

24 16714. Authorization to purchase.

25 16715. Privately owned bridge.

26 16716. Acceptance of donated bridge.

27 § 16700. Definitions.

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

1 "Bridge." The term includes bridges, viaducts and culverts
2 and all items pertaining to bridges, viaducts and culverts.

3 "Road." The term includes roads, streets, highways, lanes,
4 alleys and all other public thoroughfares.

5 "Streams." The term includes streams, rivers, creeks, ponds,
6 lakes and all other natural waters.

7 § 16701. Authority, definitions and application of chapter.

8 (a) Bridges and viaducts.--The county commissioners may
9 locate, lay out, open, construct, reconstruct, widen,
10 straighten, extend, alter, replace, remove and otherwise provide
11 for bridges and viaducts over streams and other topographical
12 impediments to public traffic, as parts or adjuncts of the roads
13 within the county for vehicles and pedestrians or for
14 pedestrians only, and culverts within the county or partly
15 within and partly without the county, in accordance with this
16 chapter.

17 (b) Application.--This chapter shall apply to necessary
18 approaches, abutments, slopes, walls, embankments, fills, piers
19 and other items pertaining to bridges, viaducts and culverts as
20 to the bridges, viaducts and culverts themselves.

21 (c) Limitation.--The provisions of this chapter may not
22 apply to any matters relating to county bridges, viaducts or
23 culverts to the extent they are covered by the act of June 1,
24 1945 (P.L.1242, No.428), known as the State Highway Law, or of
25 any other law vesting in the Department of Transportation and
26 the various counties of the Commonwealth, rights, powers and
27 duties. The terms of the foregoing limitation shall apply as
28 well for the former act of May 28, 1937 (P.L.1053, No.286),
29 known as the Public Utility Law, and the Public Utility
30 Commission.

1 (d) Entrance during exercise of authority.--Counties of the
2 third, fourth, fifth, sixth, seventh and eighth class may not,
3 in the exercise of any authority or duty conferred in this
4 chapter, enter upon any road or property of any city or borough
5 of or adjacent to the county or act in derogation of the lawful
6 authority of such political subdivision, except with the proper
7 consent of such political subdivision.

8 (e) Obstruction prohibited.--Bridges provided under this
9 chapter may not obstruct any canal or railroad, and nothing in
10 this chapter shall be deemed to release any railroad or other
11 public utility from the requirements of existing law.

12 § 16702. Maintenance and repairs.

13 Every county bridge under this chapter shall be maintained
14 and kept in repair by the county or counties involved except as
15 may be otherwise provided by agreements between or among the
16 county or counties and other political subdivisions or other
17 persons as to the costs of the maintenance and repairs.

18 § 16703. Acquisition of real property.

19 The county commissioners may purchase, in accordance with
20 this part, accept by gift or acquire by the power of eminent
21 domain, real property devoted to private or public use in the
22 manner provided by law.

23 § 16704. Plans and surveys for bridges and viaducts.

24 If the county commissioners provide a bridge or viaduct under
25 this chapter, the county commissioners shall prepare plans and
26 surveys showing the location of the proposed structure, the
27 structures approaches and the property or rights of property
28 affected by the structure, together with any roads in any
29 municipal corporation proposed to be used in connection to the
30 project.

1 § 16705. (Reserved).

2 § 16706. (Reserved).

3 § 16707. Approval of Federal or State agencies and change in
4 location.

5 If a proposed bridge crosses a navigable stream or other
6 public water or the property or right-of-way of any railroad or
7 other public utility requiring the approval of any Federal or
8 State officer, board or body as to the location and construction
9 of the bridge or its approaches, the county shall have authority
10 to construct the bridge in another location and manner as may be
11 necessary to comply with the conditions prescribed by the
12 officer, board or body in granting approval, if the county
13 commissioners deem the proposed bridge necessary for the
14 convenience of the traveling public and accommodates
15 substantially the same traveling public as the bridge would have
16 done if it had been constructed at the location and in the
17 manner originally provided.

18 § 16708. (Reserved).

19 § 16709. (Reserved).

20 § 16710. (Reserved).

21 § 16711. Cost sharing.

22 If a bridge is proposed to be located in a municipality, the
23 county may enter into an agreement with the municipality if the
24 municipality bears a portion of the cost of the location, laying
25 out, opening, construction and maintenance of the bridge or that
26 the municipality provides or maintains the approach to the
27 bridge within the municipality or bears the costs of property
28 damages of the approach. Each agreement shall be entered into in
29 writing and at least one executed copy of the agreement shall be
30 provided to each party. Each bridge shall be a county bridge

1 and, except as otherwise provided, be maintained by the county.
2 Maintenance expenses shall be provided out of county funds
3 authorized for use in the maintenance of county bridges.

4 § 16712. Boundary line bridges.

5 (a) Boundary line bridge.--If a bridge under this chapter is
6 on the boundary line between two counties or within one-fourth
7 of a mile from a boundary line and necessary for the
8 accommodation of the inhabitants of both counties, the county
9 commissioners of the counties shall act jointly in the exercise
10 of all powers conferred upon the county commissioners and in the
11 performance of all duties imposed upon the county commissioners.
12 Except in a county of the second class A, if a petition of
13 residents or taxpayers is required, the petition shall be made
14 by the required number of petitioners in each county in relation
15 to a boundary bridge under this section to the county
16 commissioners of their county. If any other petitions are
17 required, the petitions shall be made to the county
18 commissioners in each of the counties. Each of the county
19 commissioners shall act on petitions and shall communicate
20 approval or disapproval to the other board.

21 (b) Court-appointed viewers or inspectors.--For a county of
22 the second class A that is required to appoint viewers or
23 inspectors, the court of the county shall appoint a full number
24 of viewers or inspectors and order a view in the manner and with
25 like powers, duties and procedure provided for public roads. The
26 total number of viewers or inspectors shall act together in the
27 view or inspection and shall make a joint report and
28 recommendations to each court. Exceptions and appeals to the
29 report of viewers may be filed in the courts of either county,
30 in which case the courts of the two counties sitting together

1 shall hear and determine the matter.

2 (c) Publication of notice.--If publication of notice is
3 required, the publication shall be made in each county. The
4 approval of both boards of commissioners shall be necessary in
5 order to authorize any action requiring approval.

6 (d) Commencement of eminent domain.--If the procedure under
7 Chapter 163 (relating to eminent domain and injury to property)
8 is to be followed, the procedure shall be carried out only in
9 and by the county in which the lands, other property or
10 materials entered upon, taken or damaged are located and the
11 damages shall be paid by the county.

12 (e) Joint county bridge.--Any bridge shall be a joint county
13 bridge. All costs and expenses pertaining to a joint county
14 bridge and the maintenance thereof shall be borne by the two
15 counties, jointly, in proportions agreed on by the county
16 commissioners.

17 (f) Construction and maintenance.--Any authorized bridge
18 shall be erected, constructed, maintained and kept in repair in
19 the manner provided for bridges erected on the line of adjoining
20 counties.

21 (g) Definition.--For the purposes of this section, the term
22 "joint county bridge" shall include a bridge over the boundary
23 line between two counties constructed or proposed to be
24 constructed as part of the laying out, alteration or vacation of
25 roads intended to form a continuous highway from one county to
26 another.

27 § 16713. (Reserved).

28 § 16714. Authorization to purchase.

29 If, in accordance with this chapter, a county is authorized
30 to erect a bridge, the county commissioners may purchase a

1 bridge already erected at a reasonable cost instead of building
2 a new bridge.

3 § 16715. Privately owned bridge.

4 The county commissioners may take charge of or rebuild a
5 bridge suitable for public traffic within the county that was
6 abandoned by the owners.

7 § 16716. Acceptance of donated bridge.

8 (a) County acceptance of bridge as donation.--The county
9 commissioners may accept, take charge of and enter into county
10 records as a county bridge any bridge within the county which
11 has:

12 (1) been built at the expense of a private person or by
13 a public subscription;

14 (2) been opened to free public travel;

15 (3) been used by the public; and

16 (4) become necessary and convenient for the use of the
17 public.

18 (b) Notice.--

19 (1) A county may not accept, take charge of or enter
20 into county records a bridge until the county has received
21 written notice of the desire to give the bridge to the county
22 from one of the following:

23 (i) the individuals who built the bridge;

24 (ii) subscribers to the original subscription on
25 which the money was raised to build the bridge;

26 (iii) the heirs, assigns or duly authorized board of
27 trustees representing the individuals or subscribers
28 included under subparagraph (i) or (ii).

29 (2) If a bridge crosses the boundary line between two
30 counties, the individual or the individual's heirs or the

1 assignees, subscribers or trustees representing the
2 individual shall give notice in writing to the county
3 commissioners of each county of the intention to donate the
4 bridge to the counties jointly.

5 (c) Costs and bond requirement.--All costs shall be paid out
6 of the treasury of the county. The county commissioners may
7 require the owner of said bridge to file, together with their
8 notice, a bond sufficient to secure payment of the costs.

9 SUBCHAPTER B

10 SPECIAL AUTHORITIES AND PROCEDURES

11 Sec.

12 16730. Widening, straightening, altering or changing course of
13 unnavigable streams for protection of county bridges
14 and highways.

15 16731. Providing and maintaining dykes, banks, causeways and
16 sluiceways for protection of bridges and highways.

17 16732. Lighting of county bridges.

18 16733. Temporary substitutes for bridges.

19 16734. Closing, vacating, abandoning and removing county
20 bridges.

21 16735. Contracts for special use of bridge.

22 16736. Contracts with railroad companies.

23 16737. (Reserved).

24 16738. (Reserved).

25 16739. (Reserved).

26 § 16730. Widening, straightening, altering or changing course
27 of unnavigable streams for protection of county
28 bridges and highways.

29 If, in the construction, repair or maintenance of a county
30 bridge or highway, it becomes necessary for the safety of the

1 bridge or highway or economically advisable to widen,
2 straighten, alter, protect or change the course of an
3 unnavigable stream, it shall be lawful for the county to enter
4 upon abutting or adjacent land, and to widen, straighten, alter,
5 protect or change the course of the stream for these purposes,
6 and, in connection with the entry, to take, injure and destroy
7 any necessary land or property in the manner and subject to the
8 restrictions and procedure provided by law.

9 § 16731. Providing and maintaining dykes, banks, causeways and
10 sluiceways for protection of bridges and highways.

11 (a) Authority.--A county, for the purpose of protecting a
12 county bridge or the abutments and approaches of a county bridge
13 and any public highway adjacent to the county bridge from the
14 incursions of the tide floods or waters of any stream, and to
15 prolong the life of any structure, may provide and maintain
16 dykes, banks, causeways and sluiceways over or across any
17 unnavigable stream and may secure a right-of-way for the proper
18 ingress to and egress from the county bridge.

19 (b) Taking.--In connection with the exercise of the
20 authority under subsection (a), the county may take, injure and
21 destroy any necessary land or property in the manner and subject
22 to the restrictions and procedure provided by law.

23 (c) Approval.--A change in an existing stream channel under
24 this subchapter may not be undertaken until it has been approved
25 by the Department of Environmental Protection.

26 § 16732. Lighting of county bridges.

27 If considered necessary for the safety and convenience of the
28 traveling public, the county commissioners may provide a county
29 bridge with lights of any kind and character that the county
30 commissioners shall deem suitable and may contract with any

1 individual or with any municipal or private corporation for the
2 purpose of supplying the necessary light.

3 § 16733. Temporary substitutes for bridges.

4 If a county bridge is destroyed or rendered impassable, the
5 county commissioners may provide at the expense of the county,
6 ferries or other temporary ways as a substitute for the
7 destroyed or impassable bridge, until the bridge has been
8 rebuilt or rendered fit for public travel. If the bridge was
9 maintained at the joint expense of two adjoining counties, the
10 establishment and maintenance of the ferry or temporary way
11 shall be by joint discretionary action of the boards of
12 commissioners of both counties, and the expense shall be paid by
13 the counties in the same proportions as the maintenance of the
14 bridge was paid before it was destroyed or rendered impassable.

15 § 16734. Closing, vacating, abandoning and removing county
16 bridges.

17 If it appears to the county commissioners that any county
18 bridge, including any destroyed or partially destroyed bridge,
19 has become burdensome and is no longer necessary for the
20 accommodation of public travel, the county commissioners may
21 close, vacate, abandon and remove the bridge.

22 § 16735. Contracts for special use of bridge.

23 The county commissioners may enter into a contract or lease
24 with a street railway, telegraph or telephone company or other
25 public utility, or the successors or assigns of a street
26 railway, telegraph or telephone company or other public utility,
27 desiring to use a county bridge and the approaches of the bridge
28 for other than ordinary public foot or vehicular traffic for the
29 concurrent use of the portion of the public bridge and
30 approaches as will not substantially impair or restrict the

1 public use and enjoyment, upon agreed to terms and conditions,
2 and may charge tolls or rentals for that special use. Contracts
3 or leases entered into under this section may not be entered
4 into for a longer period than 20 years nor shall any contract or
5 lease be entered into unless approved by the Pennsylvania Public
6 Utility Commission or become effective except in accordance with
7 the provisions of the former act of May 28, 1937 (P.L.1053,
8 No.286), known as the Public Utility Law.

9 § 16736. Contracts with railroad companies.

10 (a) Contract with railroad.--A railroad company whose tracks
11 or other facilities are located upon a county bridge may
12 contract and agree with the county commissioners for the use,
13 purchase, removal, replacing or exchange of the bridge, or for
14 the compensation to be paid to the county by the company for the
15 use and occupancy of the bridge or parts of the bridge.

16 (b) Debts.--All money due and all obligations incurred by
17 the companies under a contract may be collected and enforced in
18 the same manner as debts of like amount are recovered and
19 similar obligations enforced in the Commonwealth.

20 § 16737. (Reserved).

21 § 16738. (Reserved).

22 § 16739. (Reserved).

23 SUBCHAPTER C

24 TAKING OVER OR ASSISTING WITH

25 TOWNSHIP OR MUNICIPAL BRIDGES

26 Sec.

27 16750. Procedure for taking over bridge by county, aid to
28 political subdivisions in construction and
29 maintenance of bridge.

30 16751. Change of location.

1 16752. Construction of embankments and causeways.
2 16753. Contract for parts of municipal bridges.
3 16753.1. Contributions.
4 16754. Municipal cooperation.
5 16755. Construction of bridge over ravine or valley.
6 16756. Municipal bridge as county bridge.
7 16757. (Reserved).
8 16758. (Reserved).
9 16759. (Reserved).
10 16760. (Reserved).
11 16761. (Reserved).
12 § 16750. Procedure for taking over bridge by county, aid to
13 political subdivisions in construction and
14 maintenance of bridge.
15 (a) Commissioner discretionary acceptance of costs.--If the
16 construction of a new bridge, or of a bridge to replace any
17 existing bridge, over a stream or over or under a railroad, and
18 forming part of any road in any city, borough, town or township,
19 or between any two or more municipal corporations is necessary,
20 and requires more expense than it is reasonable that the
21 municipal corporations, individually or jointly, should bear,
22 and if it shall appear to the county commissioners that such
23 bridge is necessary, the bridge may, at the discretion of the
24 county commissioners, be entered on record as a county bridge.
25 The bridge shall thereupon be erected, maintained and kept in
26 repair in the same manner as other county bridges constructed
27 under Subchapter A (relating to general authority and procedures
28 for providing bridges).
29 (b) Refusal to record bridge.--If the county commissioners
30 refuse to have the bridge entered on record as a county bridge,

1 the county may pay the entire cost or any part of the cost of
2 constructing the bridge including damages. The bridge shall be a
3 municipal bridge to be maintained and kept in repair by the
4 municipal corporation. The county commissioners may furnish the
5 municipal corporation the whole or any part of the money
6 necessary to maintain the municipal bridge.

7 (c) Retention of records.--The county commissioners shall
8 keep a record of all proceedings under this section.

9 (d) Required advertising.--In addition to Chapters 151
10 (relating to contracts) and 161 (relating to grounds and
11 buildings) relating to contracting for services and personal
12 property, if the county commissioners propose to build or repair
13 a bridge upon the line between the two adjoining counties,
14 required advertising shall be done in each county, and a copy of
15 the plans and specifications shall be kept in the county
16 commissioner's office of each county.

17 § 16751. Change of location.

18 In counties of the third, fourth, fifth, sixth, seventh and
19 eighth class, if a bridge is to take the place of an existing
20 bridge, the viewers may change the location of the bridge so
21 that it may be located and built in the most suitable place, or
22 at the least expense, or in the best manner, and, for the change
23 of location of the bridge, the county commissioners shall report
24 what change in the course or bed of the road connected with the
25 bridge will be necessary, and shall also report the vacation of
26 the old or existing bridge, and the vacation of the portion of
27 the road connecting with the bridge as the county commissioners
28 deem proper.

29 § 16752. Construction of embankments and causeways.

30 In counties of the third, fourth, fifth, sixth, seventh and

1 eighth class, in which a stream over which it may be necessary
2 to build a bridge crosses a public road, and the building of the
3 bridge requires the construction of an embankment or causeway
4 leading to either end of such bridge, the erection of which
5 embankment or causeway requires more expense than it is
6 reasonable that one or more adjoining townships should bear, the
7 bridge may, in the discretion of the county commissioners, be
8 entered on record as a county improvement and constructed as
9 county bridges are constructed.

10 § 16753. Contract for parts of municipal bridges.

11 (a) Contract with municipal corporation.--If a municipal
12 corporation may construct a bridge or viaduct over a stream or
13 other place over which the county may build bridges and the
14 municipal corporation may contract with the county and with
15 railroads, street railways and other companies or parties
16 interested for the building and maintenance of the bridge or
17 viaduct and for the payment of any damages caused by the
18 location or building, the county commissioners may contract with
19 the municipal corporation for that part or portion of the bridge
20 which crosses any of the places listed under this subsection,
21 including the abutments and piers. The part shall be maintained
22 as a county bridge.

23 (b) Contracts for partial structures permitted.--In lieu of
24 the contract under subsection (a), the county commissioners may
25 contract for any part or portion of the whole structure equal to
26 or greater than the part or portion which the county might have
27 built.

28 (c) Contract terms.--The contracts under this section may
29 stipulate that the county shall pay a certain portion of the
30 whole contract price or cost of the work, including damages, or

1 may stipulate that the county shall construct or pay for the
2 construction of a certain part of the work, and may otherwise
3 provide for the payment of the damages. The amount to be paid by
4 the county shall be paid directly to the contractor as may be
5 provided by the contract. The agreements may also provide for
6 the maintenance of the viaducts and bridges after their
7 erection.

8 § 16753.1. Contributions.

9 If a bridge or viaduct is built by a municipality and does
10 not cross any place over which the county may construct a bridge
11 but crosses merely railroad or railroads and private property,
12 the county commissioners of counties of the second class A may
13 contract to pay an amount of money, not exceeding 30% of the
14 entire cost of the proposed bridge or viaduct. The bridge or
15 viaduct shall thereafter be maintained as a municipal structure,
16 and the county may not be liable for any part of the cost of
17 maintenance or repair thereof.

18 § 16754. Municipal cooperation.

19 If a bridge or proposed bridge is on the dividing line
20 between two counties which is also the dividing line between one
21 county and a municipality in the other county and the
22 municipality has authority to build or rebuild the bridge or to
23 join with any county therein, the county may join with said
24 municipality in the other county in building or rebuilding the
25 bridge. The cost of the bridge shall be paid in the relevant
26 proportions as shall be agreed upon by the county and
27 municipality that joined.

28 § 16755. Construction of bridge over ravine or valley.

29 If different parts of any municipality or any two
30 municipalities are separated by an intervening valley or ravine,

1 and the county commissioners in which the municipality or
2 municipalities are located decide it is necessary that a public
3 bridge be constructed, the county may contract with the
4 municipality or municipalities for the laying out and
5 construction of the bridge by the municipality or
6 municipalities, and may pay to the municipality or
7 municipalities the portion of the cost as the county
8 commissioners deem reasonable.

9 § 16756. Municipal bridge as county bridge.

10 If a public bridge has been built or maintained by one or
11 more municipal corporations and it appears to the county
12 commissioners that the care, maintenance and responsibility of
13 the bridge is greater than it is reasonable that the municipal
14 corporations should be responsible for, the county commissioners
15 may enter the bridge upon record as a county bridge to be
16 maintained, supervised and controlled by the county free and
17 without charge.

18 § 16757. (Reserved).

19 § 16758. (Reserved).

20 § 16759. (Reserved).

21 § 16760. (Reserved).

22 § 16761. (Reserved).

23 SUBCHAPTER D

24 (Reserved)

25 SUBCHAPTER E

26 TAXATION AND BORROWING

27 Sec.

28 16775. Appropriations and tax levy.

29 16776. Incurring of indebtedness and taxation for debt service.

30 § 16775. Appropriations and tax levy.

1 In the exercise of the powers, authorities and duties
2 provided in this chapter, a county may appropriate and pay out
3 of the county general fund all money necessary for the purposes
4 enumerated in this chapter, and may levy, assess and collect
5 taxes on all real and personal property within the county, and
6 taxable for county purposes, in addition to all other taxes.
7 § 16776. Incurring of indebtedness and taxation for debt
8 service.

9 A county constructing a bridge or making any other capital
10 improvement or major repairs under this chapter may, under a
11 resolution adopted by the county commissioners, incur
12 indebtedness and borrow money under this section. A county may
13 levy and collect on all taxable property in the county, in
14 addition to all other taxes, for the purposes of servicing
15 indebtedness under this section.

16 CHAPTER 169

17 ROADS

18 Subchapter

19 A. Authorization, Construction and Maintenance

20 B. Vacation as County Roads

21 C. Continuous Highways from One County to Another

22 D. County Aid to Municipalities and Townships

23 E. Detours

24 F. Protection of Roads

25 SUBCHAPTER A

26 AUTHORIZATION, CONSTRUCTION AND MAINTENANCE

27 Sec.

28 16901. Definitions.

29 16902. Establishing county roads.

30 16903. Acquisition of rights-of-way of abandoned railroads.

- 1 16904. Joint action by counties.
- 2 16905. (Reserved).
- 3 16906. Maintenance and repair of county roads.
- 4 16907. Annual tax.
- 5 16908. Borrowing money, bond issue and tax levy.
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- 7 16910. Assessment of benefits.
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- 17 16920. Adoption of system of main thoroughfares.
- 18 16921. Improvement of municipal roads.
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21 from parties interested.
- 22 16924. (Reserved).
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- 25 16927. (Reserved).
- 26 16928. (Reserved).
- 27 16929. (Reserved).
- 28 16930. Purchase, location, construction, operation and
29 maintenance authorized.
- 30 16931. Contracts or lease for special use of improvements.

1 16932. Taking street or other property of municipal
2 corporation.

3 16933. (Reserved).

4 16934. (Reserved).

5 16935. (Reserved).

6 16936. (Reserved).

7 16937. (Reserved).

8 16938. (Reserved).

9 16939. (Reserved).

10 16940. (Reserved).

11 16941. (Reserved).

12 16942. (Reserved).

13 16943. (Reserved).

14 16944. (Reserved).

15 16945. (Reserved).

16 § 16901. Definitions.

17 The following words and phrases when used in this chapter
18 shall have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

20 "Bridge." As defined in section 16700 (relating to
21 definitions).

22 "Road." As defined in section 16700.

23 "Streams." As defined in section 16700.

24 § 16902. Establishing county roads.

25 (a) Powers of the county commissioners.--For the purpose of
26 providing public roads, specially constructed, improved and
27 maintained, the county commissioners may:

28 (1) Lay and open a road.

29 (2) Take possession of and exercise control over an
30 existing municipal road or part of a municipal road, or any

1 road decreed by a court to be a county road.

2 (3) Build and maintain roads as county roads within the
3 county limits.

4 (4) Straighten, widen, extend and alter any county road
5 or part of the road laid out, opened or acquired and vacate
6 as much as may become unnecessary and useless.

7 (b) Control of road by commissioners.--Any road taken over
8 or improved shall become a county road and be subject to the
9 control and supervision of the county commissioners. The county
10 shall keep and maintain county roads established under this part
11 and all other county roads in repair, the expense thereof to be
12 paid by the county in the manner provided under this part.

13 § 16903. Acquisition of rights-of-way of abandoned railroads.

14 (a) Commissioners control of rights-of-way.--The county
15 commissioners may take over an abandoned right-of-way or bridge
16 of a railroad company or any part of an abandoned right-of-way
17 or bridge for the purpose of relocating an existing or locating
18 a new county road, and the county commissioners may purchase the
19 abandoned right of way or bridge or part thereof as may be
20 necessary for the relocating or locating of the county road.

21 (b) County road to be laid out.--Whenever an abandoned
22 right-of-way or bridge of a railroad company or any part thereof
23 is purchased under this section, a county road shall be laid
24 out, located thereafter constructed, improved and maintained in
25 accordance with law. Any bridge taken over shall become a county
26 bridge and shall be maintained, rebuilt and repaired
27 accordingly.

28 § 16904. Joint action by counties.

29 (a) Additional powers.--The provisions of this chapter may
30 also be exercised jointly by adjoining counties as to roads

1 extending along and adjacent to county lines and from one
2 adjoining county into another.

3 (b) Procedure and jurisdiction.--The procedure and
4 jurisdiction in each county under subsection (a) shall be the
5 same as to any portion of the road lying within the limits of
6 the county, except that the petition, plans and surveys of the
7 road shall describe and exhibit every portion of the road within
8 the limits of the county and every portion of the road extending
9 along the line of or into an adjoining county. The portions of
10 the road lying within limits of each county shall be treated in
11 all proceedings as one continuous road.

12 § 16905. (Reserved).

13 § 16906. Maintenance and repair of county roads.

14 The county commissioners shall have prepared plans and
15 estimates, as often as required, for the repair and maintenance
16 of all roads which the county is required by law to maintain and
17 repair. Maintenance and repair may be undertaken by contract or
18 through the use of county personnel, supplies and equipment. Any
19 county may also lease any of the equipment of the county to any
20 political subdivision within the county according to any terms
21 and conditions agreed upon.

22 § 16907. Annual tax.

23 The county commissioners may levy, assess and collect annual
24 taxes upon all real and personal property within the county
25 taxable for county purposes to acquire and secure a fund from
26 which to pay all costs, damages and expenses required in the
27 locating, opening, building, improving, widening, straightening,
28 extending, maintaining, repairing or vacating of roads or parts
29 of the road, and to take and use land as may be necessary in
30 constructing and maintaining proper slopes, embankments, fills,

1 culverts, embankment approaches and termini for roads, tunnels,
2 subways and underground roads. The money raised may not be
3 expended for any purpose other than those for which the tax was
4 levied, except for the maintenance, repair, construction and
5 reconstruction of any county bridge or bridges whether or not
6 located on a county road or roads. The taxes shall be at the
7 following rates and retained, respectively, for the following
8 purposes:

9 (1) Not more than two mills on the dollar in the
10 aggregate for any of the following sections:

11 (i) 16902 (relating to establishing county roads).

12 (ii) 16903 (relating to acquisition of rights-of-way
13 of abandoned railroads).

14 (iii) 16904 (relating to joint action by counties).

15 (iv) 16906 (relating to maintenance and repair of
16 county roads).

17 (v) 16908 (relating to borrowing money, bond issue
18 and tax levy).

19 (vi) 16909 (relating to changing part of road upon
20 agreement).

21 (vii) 16910 (relating to assessment of benefits).

22 (viii) 16911 (relating to interest on benefits
23 assessed).

24 (ix) 16912 (relating to liens for benefits
25 assessed).

26 (x) 16913 (relating to sidewalks along county
27 roads).

28 (xi) 16914 (relating to lights along county roads).

29 (2) Not more than two mills on the dollar in the
30 aggregate for any of the following sections:

1 (i) 16920 (relating to adoption of system of main
2 thoroughfares).

3 (ii) 16921 (relating to improvement of municipal
4 roads).

5 (iii) 16922 (relating to plan of system to be
6 followed and variations).

7 (iv) 16923 (relating to improvement of roads not
8 part of system on contribution from parties interested).

9 (3) Not more than two mills on the dollar in the
10 aggregate for any of the following sections:

11 (i) 16930 (relating to purchase, location,
12 construction, operation and maintenance authorized).

13 (ii) 16931 (relating to contracts or lease for
14 special use of improvements).

15 (iii) 16932 (relating to taking street or other
16 property of municipal corporation).

17 § 16908. Borrowing money, bond issue and tax levy.

18 The county commissioners may borrow money and secure
19 indebtedness for the purposes authorized under this chapter, in
20 accordance with 53 Pa.C.S. Pt. VII Subpt. B (relating to
21 indebtedness and borrowing).

22 § 16909. Changing part of road upon agreement.

23 If the county commissioners deem it advisable to construct or
24 alter any part of any road under the supervision of the county
25 commissioners and agree with the property owners affected by the
26 change as to damages, the county commissioners may, upon payment
27 of the damages agreed upon, construct or alter the part of the
28 public road as contemplated in the agreement without the
29 formality of a view. The old location of the road shall be
30 vacated in accordance with this act.

1 § 16910. Assessment of benefits.

2 If, in a county, a road or highway originally located, laid
3 out, constructed, relocated, opened, straightened, widened,
4 extended or altered or any part of the road or highway vacated,
5 the viewers appointed to assess damages in accordance with 26
6 Pa.C.S. (relating to eminent domain), after determining the
7 amount of damages sustained, shall assess the whole or part of
8 the damages as may be represented by benefits upon the
9 properties abutting on and benefited by the improvements. The
10 remaining part of the damages, if any, not assessed against the
11 abutting properties, shall be paid by the county. The total
12 assessments for benefits shall in no case exceed the total
13 damages awarded and agreed upon.

14 § 16911. Interest on benefits assessed.

15 All assessments for benefits shall bear interest at the
16 expiration of 30 days after the assessments have been determined
17 final and fixed and shall be payable to the treasurer of the
18 county.

19 § 16912. Liens for benefits assessed.

20 (a) Filing, revival and collection of liens.--All liens for
21 the assessment of benefits under sections 16910 (relating to
22 assessment of benefits) and 16911 (relating to interest on
23 benefits assessed) shall be filed, revived and collected in
24 accordance with law.

25 (b) Appeal of liens.--Appeals taken may not prevent the
26 filing of liens by any county for any assessment made by virtue
27 of the viewers' report, but upon final determination of the
28 issue, the court may make an order as to any lien filed that
29 shall appear right and proper.

30 § 16913. Sidewalks along county roads.

1 If considered necessary for the safety and accommodation of
2 the public, the county commissioners may locate, construct and
3 maintain sidewalks along county roads. The cost of the
4 construction and maintenance of sidewalks shall be paid by the
5 county.

6 § 16914. Lights along county roads.

7 If considered necessary for the safety and convenience of the
8 traveling public, the county commissioners may supply and equip
9 any county road or parts of the road with lights as deemed
10 necessary. The county commissioners may contract with an
11 individual or municipal or private corporation. The cost of the
12 construction may and the cost of maintenance of all lights shall
13 be paid by the county.

14 § 16915. (Reserved).

15 § 16916. (Reserved).

16 § 16917. (Reserved).

17 § 16918. (Reserved).

18 § 16919. (Reserved).

19 § 16920. Adoption of system of main thoroughfares.

20 (a) System of roads.--The county commissioners may, in the
21 manner provided by this section, cause to be laid out, surveyed
22 and adopted a system of main thoroughfares which the board shall
23 determine the proper roads to be established and specially
24 constructed and improved. In adopting the system under this
25 subsection, the county commissioners shall consider the
26 population and needs of all parts of the county and make an
27 equitable distribution of the roads to be specially constructed,
28 located and improved by the the county. The county commissioners
29 shall develop a plan or plans to be made showing the system of
30 proposed roads, the relation of the proposed roads to existing

1 public roads or roads to be supplied, the names of abutting
2 property owners and also roads which already have been improved
3 by the county. Upon approval of the plan or plans by the county
4 commissioners, at least two county commissioners shall certify
5 and file the plan for public inspection in the office of the
6 county commissioners and record the plan in the office of the
7 recorder of deeds.

8 (b) Requirements.--Subsection (a) shall be carried out in
9 accordance with the following sections:

10 (1) This section.

11 (2) 16921 (relating to improvement of municipal roads).

12 (3) 16922 (relating to plan of system to be followed and
13 variations).

14 (4) 16923 (relating to improvement of roads not part of
15 system on contribution from parties interested).

16 (c) Interference with real property.--The proposed roads
17 under subsection (a) may not be an easement upon private
18 property or in any manner interfere with the use of private
19 property until established as a public road by the action of the
20 court of common pleas.

21 § 16921. Improvement of municipal roads.

22 (a) General rule.--If a system of main thoroughfares had
23 been adopted or if the adoption is being contemplated within two
24 years after the commencement of the improvement, the county
25 commissioners may take exclusive control of and improve any road
26 or section of road located either wholly or in part in any
27 municipal corporation, whether existing by the municipal
28 corporation's authority or laid out in whole or in part by
29 virtue of this act or otherwise.

30 (b) Necessary power.--For the purposes of subsection (a),

1 the county commissioners may originally locate, lay out,
2 establish in whole or in part, relocate, straighten, widen,
3 extend, alter, open, construct and improve roads, or vacate as
4 much of a road rendered unnecessary and useless.

5 (c) Maintenance.--A road established, altered, constructed
6 and improved under this section shall, by ordinance enacted by
7 each municipal corporation through which the road shall pass,
8 become a municipal road, and each respective municipal
9 corporation through or into which the road extends shall
10 maintain and keep the road.

11 § 16922. Plan of system to be followed and variations.

12 (a) General rule.--The county commissioners may:

13 (1) relocate, straighten, widen, extend, alter, open,
14 construct and improve the proposed roads as laid out,
15 surveyed, marked and shown upon the plans of the system;

16 (2) originally locate, lay out, establish, construct and
17 improve roads which substantially supply the system or parts
18 of the system which, although not parts of the system, are
19 deemed by the court to be main thoroughfares of sufficient
20 importance to be improved by the county and added to the
21 plan; and

22 (3) vacate as much of the roads of the system and of
23 roads already established as may be rendered unnecessary by
24 the changes or by an entirely new location.

25 (b) Limitation.--After plans have been adopted and recorded
26 under applicable law, all applications under section 16921
27 (relating to improvement of municipal roads) shall be restricted
28 and shall relate only to the establishing, opening, construction
29 and improvement of the proposed roads of the system or parts of
30 the system and the vacation of roads supplied by the portion

1 opened and improved.

2 § 16923. Improvement of roads not part of system on
3 contribution from parties interested.

4 The county commissioners may originally locate, lay out and
5 establish in whole or in part, relocate, straighten, widen,
6 extend, alter and open, construct and improve roads not parts of
7 the system nor deemed main thoroughfares, upon parties
8 interested in paying or securing to be paid the proportion of
9 the cost of the original construction and improvement as the
10 commissioners may deem just, which may not be less than one-
11 fourth of the cost.

12 § 16924. (Reserved).

13 § 16925. (Reserved).

14 § 16926. (Reserved).

15 § 16927. (Reserved).

16 § 16928. (Reserved).

17 § 16929. (Reserved).

18 § 16930. Purchase, location, construction, operation and
19 maintenance authorized.

20 (a) County purchase of structures.--The county commissioners
21 may, if deemed expedient, provide for the purchase, location,
22 construction, operation and maintenance of roads, tunnels,
23 subways or underground roads within the county, either wholly or
24 partly within the boundaries of any municipal corporation. A
25 road, tunnel, subway or underground road shall be a county road,
26 tunnel, subway or underground road, and the duty of maintaining
27 and keeping the road in repair shall devolve upon the county.
28 All expenses under this section shall be paid by the county as
29 provided under this subchapter.

30 (b) Requirements.--This section shall be carried out in

1 accordance with the following sections:

2 (1) 16931 (relating to contracts or lease for special
3 use of improvements).

4 (2) 16932 (relating to taking street or other property
5 of municipal corporation).

6 § 16931. Contracts or lease for special use of improvements.

7 The county commissioners may make a contract or lease with
8 any street railway or transportation company, its successors and
9 assigns, for the concurrent use of such a portion of the road,
10 tunnel or subway or underground road, as may not substantially
11 impair or restrict the public use and enjoyment, upon agreed
12 upon terms and conditions.

13 § 16932. Taking street or other property of municipal
14 corporation.

15 If the county commissioners deem it necessary or advisable to
16 enter upon or appropriate a road or property of any municipal
17 corporation in the county or to take action affecting the
18 property rights or authority of the municipal corporation for
19 the purpose of constructing or maintaining a road, tunnel,
20 subway or underground road or the improvement of a road, tunnel,
21 subway or underground road which has been or is about to be
22 purchased by the county or otherwise, the consent of the
23 municipal corporation by ordinance shall be obtained before the
24 actual entering in or upon or the appropriation of the road or
25 property. After the entry and appropriation, the county shall be
26 liable and charged with the supervision, control and maintenance
27 of the roads and properties, or as much of the road or property
28 as is taken and used for the purpose of constructing and
29 maintaining the road, tunnel, subway or underground road or the
30 improvement of the road, tunnel, subway or underground road,

1 purchased or to be purchased.

2 § 16933. (Reserved).

3 § 16934. (Reserved).

4 § 16935. (Reserved).

5 § 16936. (Reserved).

6 § 16937. (Reserved).

7 § 16938. (Reserved).

8 § 16939. (Reserved).

9 § 16940. (Reserved).

10 § 16941. (Reserved).

11 § 16942. (Reserved).

12 § 16943. (Reserved).

13 § 16944. (Reserved).

14 § 16945. (Reserved).

15 SUBCHAPTER B

16 VACATION AS COUNTY ROADS

17 Sec.

18 16950. Vacation as county roads.

19 § 16950. Vacation as county roads.

20 Upon petition of the county commissioners, the court of
21 common pleas may vacate as a county road any portion of an
22 abandoned or condemned road or a road purchased by the county or
23 the permanent location or improvement of a road which has been
24 ordered or made under this part or former acts relating to
25 county roads. All portions of the vacated roads shall become
26 roads of the municipal corporation through which the roads pass.
27 Written notice of the contents of the petition and the time when
28 the petition will be presented to the court shall be given by
29 the county commissioners to the governing body of the municipal
30 corporation through which the road passes at least 10 days

1 before the date of presenting the petition. At the time the
2 petition is presented, the court may fix a time for hearing in
3 open court or may refer the matter to an examiner to take
4 testimony and report findings to the court at a time the court
5 directs. At any hearing in open court or before an examiner
6 appointed by the court, all interested parties may appear and be
7 heard. After the hearing, the court may grant the request of the
8 petitioners and make a decree accordingly or make the order in
9 the premises as the court deems right and just if the court
10 finds the conditions of this part have been complied with.
11 Orders of vacation may not be made until the municipal
12 corporation affected has consented by an ordinance or resolution
13 certified to the court.

14 SUBCHAPTER C

15 CONTINUOUS HIGHWAYS FROM ONE COUNTY TO ANOTHER

16 Sec.

17 16953. Laying out, altering and vacating.

18 § 16953. Laying out, altering and vacating.

19 Roads forming or intended to form a continuous highway from
20 one county to another, which cross a river, creek or rivulet
21 forming a boundary line between the counties, may be laid out or
22 altered or vacated in the manner provided for other roads.

23 SUBCHAPTER D

24 COUNTY AID TO MUNICIPALITIES AND TOWNSHIPS

25 Sec.

26 16956. Municipal streets connecting two ends of county road.

27 16957. Municipal streets as terminus of county road.

28 16958. Improvements.

29 16959. Maintenance.

30 16960. Contracts with municipal corporations.

1 16961. (Reserved).

2 16962. (Reserved).

3 16963. Center line highway boundary between city or borough and
4 township.

5 16964. (Reserved).

6 16965. Center line road boundary between city or borough and
7 township in adjoining county.

8 16966. (Reserved).

9 16967. Improvement on order of common pleas.

10 16968. (Reserved).

11 16969. Improvements of roads connecting with State highway.

12 16970. Purchase and rental of road equipment to municipal
13 corporations.

14 § 16956. Municipal streets connecting two ends of county road.

15 If a city or borough intervenes between two ends of a county
16 road and the municipal corporation has failed to properly
17 improve the municipal streets constituting the shortest and most
18 reasonable route through the municipal corporation that will
19 connect the two ends of the county road, the board of
20 commissioners may contract with the governing body of the
21 municipal corporation to improve the shortest and most
22 reasonable route connecting the two ends of the highway.

23 § 16957. Municipal streets as terminus of county road.

24 (a) Contract for improvements.--If a county road terminates
25 at the corporate limits of a city or borough in the same county
26 or in another county and connects with a municipal street which
27 the municipal corporation has failed to properly improve, and
28 the county commissioners in which the municipal corporation is
29 located deem the improvement of the municipal street necessary
30 to make the county road easily accessible to residents or to the

1 traveling public, the county commissioners may contract with the
2 governing body of the municipal corporation to improve municipal
3 streets, including streets connecting a county road with the
4 business districts of the municipal corporation or with a system
5 of improved streets in the municipal corporation or which
6 connect the road with another county road terminating at the
7 limits of the municipal corporation.

8 (b) Contract to connect roads.--The county commissioners may
9 enter into a similar contract as subsection (a) with one or more
10 municipal governing bodies if:

11 (1) several municipal corporations are contiguous to
12 each other;

13 (2) a county road terminates at the corporate limits of
14 any of the municipal corporations;

15 (3) one or more of the municipal corporations have
16 failed to properly improve a municipal street therein; and

17 (4) the county commissioners deem the improvement of the
18 street necessary in order to make the county road easily
19 accessible to residents or to the traveling public.

20 § 16958. Improvements.

21 The board of commissioners may widen, repave or otherwise
22 improve municipal streets if necessary to accomplish any of the
23 purposes of sections 16956 (relating to municipal streets
24 connecting two ends of county road) and 16957 (relating to
25 municipal streets as terminus of county road). If the
26 improvement is made to a municipal street, the county may pay
27 the total cost of the improvement or the cost may be divided
28 between or among the municipal corporations and the county.

29 § 16959. Maintenance.

30 Before a municipal street is improved, the county

1 commissioners and the governing body of the municipal
2 corporation shall agree upon the maintenance of the street. The
3 agreement may provide that:

4 (1) the street shall be kept and maintained in good
5 repair by the municipal corporation and, upon the completion
6 of the improvement, further liability and responsibility of
7 the county shall terminate; or

8 (2) the street shall be kept and maintained in good
9 repair by the county and the share of the municipal
10 corporation shall be paid annually to the county.

11 § 16960. Contracts with municipal corporations.

12 (a) Contract to construct improved road.--The county
13 commissioners may contract with the governing bodies of
14 municipal corporations, separately or jointly, providing that
15 the county commissioners shall construct an improved road in a
16 similar manner as a county road. The expense or cost of
17 construction shall be borne jointly by the municipal
18 corporations and the county in a ratio or proportions as may be
19 agreed on in each contract, notwithstanding if the municipal
20 corporation intervenes between two ends of the county road or if
21 the intersection is the terminus of a county road, State highway
22 or township road.

23 (b) Payments made by the county.--Payment for the
24 construction of roads under this section shall be made by the
25 county, which shall be reimbursed by the municipal corporation
26 in the sums as agreed upon in the contract or contracts.

27 (c) Maintenance and repair of jointly constructed roads.--A
28 road jointly constructed under this section shall be repaired
29 and maintained at the expense of the county. Nothing shall
30 prevent the governing body of a municipal corporation from

1 entering into a contract or contracts with the county for the
2 maintenance of the improved road under terms and conditions as
3 may be mutually satisfactory.

4 § 16961. (Reserved).

5 § 16962. (Reserved).

6 § 16963. Center line highway boundary between city or borough
7 and township.

8 (a) Grading, curbing and macadamizing of roads.--If the
9 center line of any road constitutes the dividing line between
10 any city or borough and a township located in the same county,
11 the county commissioners and the commissioners or supervisors of
12 the township may enter into a contract with the city or borough
13 providing for the grading, curbing and macadamizing or paving of
14 the roadway of the road. The cost shall be borne one-half by the
15 city or borough and one-half by the township and the county in
16 which the township is situated, in equal portions.

17 (b) Supervision for alterations or improvements.--
18 Alterations or improvements under this section shall be
19 constructed and subsequent repairs shall be made, under the
20 supervision of the city or borough, in compliance with
21 applicable laws and in further compliance with plans and
22 specifications to be agreed upon in writing between the city or
23 borough and the board of county commissioners and the governing
24 body of the township. The cost of repairs shall be borne one-
25 half by the city or borough and one-half by the township or by
26 the county and township, in equal portions or other proportion
27 as may be agreed upon by the county and township.

28 § 16964. (Reserved).

29 § 16965. Center line road boundary between city or borough and
30 township in adjoining county.

1 (a) Costs.--If the center line of any road constitutes a
2 dividing line between a township and a city or borough located
3 in an adjacent county, the county commissioners and the
4 commissioners or supervisors of the township may enter into a
5 contract with the city or borough providing for the grading,
6 curbing, macadamizing or paving of the roadway of the road. The
7 cost shall be borne one-half by the city or borough and one-half
8 by the township and the county in which the township is
9 situated, in equal portions.

10 (b) Supervision of city or borough.--Alterations or
11 improvements under this section shall be constructed and
12 subsequent repairs shall be made under the supervision of the
13 city or borough in compliance with applicable law and in further
14 compliance with plans and specifications to be agreed upon in
15 writing between the municipal corporation and the county
16 commissioners and the governing body of the township. The cost
17 of repairs shall be borne one-half by the city or borough and
18 one-half by the township or by the county and township, in equal
19 portions or other proportion as may be agreed upon by the county
20 and township.

21 § 16966. (Reserved).

22 § 16967. Improvement on order of common pleas.

23 (a) Court ordered improvements.--If contracts or agreements
24 under section 16963 (relating to center line highway boundary
25 between city or borough and township) are impossible to enter
26 into or if either the city or borough and the township or the
27 county in which the township is situated, refuses to enter into
28 the contract or agreement, either a municipal corporation or the
29 county may present a petition to the court of common pleas of
30 either county setting forth the facts and circumstances,

1 including:

2 (1) the condition of the road from which the necessity
3 and desirability for the grading, curbing, macadamizing or
4 paving of the roadway appears;

5 (2) the estimated cost; and

6 (3) that the terms of the contract cannot be agreed upon
7 by the municipal corporations or the county or that the
8 municipal corporations or the county refuses to enter into a
9 contract.

10 (b) Petition and service.--The petition under subsection (a)
11 may request that the court, after hearing all the parties
12 concerned, make the court's order or decree defining the nature
13 and character of the improvement reasonably necessary or
14 desirable to be made and requiring the parties to enter into a
15 contract for the making and constructing of the improvement. A
16 copy of the petition, duly certified, shall be served upon the
17 municipal corporations or county concerned, other than the
18 petitioner, with notice of the day fixed by the court for the
19 hearing. Any of the parties served with notice shall be
20 entitled, on or before the date, to file in the court the
21 party's answer to the petition setting forth the party's version
22 of the facts or other matters as may be deemed necessary or
23 proper.

24 (c) Hearing or referral.--The court, upon the date fixed or
25 other time as the court may appoint, shall hear the evidence of
26 the parties or may refer the matter to a master who shall hear
27 the testimony of the parties and report findings, in the same
28 manner and under the same procedure as provided by the rules in
29 equity in similar cases, to the court, which may reject, confirm
30 or modify the findings, and may issue a decree or order

1 directing the making of any alterations or improvements to the
2 roadway as may be deemed reasonably necessary or desirable and
3 provide for the sharing of the cost of the improvements one-half
4 by the municipal corporation and one-half by the county and
5 township, in equal portions.

6 (d) Additional findings.--The following apply:

7 (1) The order or decree under subsection (c) may further
8 provide that the repairs to alterations and improvements
9 subsequently required shall be borne as follows:

10 (i) one-half by the municipal corporation, either
11 borough or city; and

12 (ii) one-half by the county or township in equal
13 portions or other proportions as the court may find to be
14 legal and proper.

15 (2) Upon the finding by the court, the grading, curbing,
16 macadamizing or paving of the roadway shall proceed in
17 accordance with the decree or order of the court in the same
18 manner as if the contract or agreement had been entered into
19 and duly executed.

20 § 16968. (Reserved).

21 § 16969. Improvements of roads connecting with State highway.

22 The county may, singly or jointly with any municipal
23 corporation, appropriate and expend money for the improvement of
24 any road, not more than one mile in length in distance, outside
25 of the limits of a municipal corporation, for the purpose of
26 connecting improved streets in the municipal corporations with a
27 State highway.

28 § 16970. Purchase and rental of road equipment to municipal
29 corporations.

30 The county commissioners may purchase equipment for the

1 preparation of road material and the construction and
2 maintenance of roads as the county commissioners deem necessary
3 and pay for the equipment out of the general funds of the
4 county. Equipment may be rented by the county commissioners to
5 any of the municipal corporations within the county applying for
6 equipment rental, under regulations and at rentals as the county
7 commissioners shall prescribe and fix. All equipment purchased
8 under the provisions of this section shall be operated only by
9 persons employed for that purpose by and under the direct
10 supervision of the county commissioners.

11 SUBCHAPTER E

12 DETOURS

13 Sec.

14 16975. County road detours.

15 16976. Detour over private lands.

16 16977. Fines and damages.

17 § 16975. County road detours.

18 (a) Closure of roads.--Except for an emergency in which the
19 safety of the public would be endangered, a county road may not
20 be closed to vehicular traffic except upon order of the county
21 commissioners and may not be closed for a longer period than is
22 necessary for the purpose for which the order is issued. Except
23 for temporary emergency police measures by which the safety of
24 the public would be endangered if it were not temporarily
25 closed, a county road may not be closed to vehicular traffic if
26 the road has been designated as a detour by the Department of
27 Transportation, unless the written consent of the Department of
28 Transportation has first been obtained or unless the county
29 commissioners having jurisdiction over the road, by resolution,
30 declare the closing necessary for the protection of the public

1 safety.

2 (b) Designation of detour on road closure.--If a county road
3 is closed to vehicular travel, the county commissioners shall
4 immediately designate or lay out a detour on which the county
5 commissioners shall cause to be erected and maintained while the
6 detour is in use legible signs at each public road intersection
7 throughout the entire length of the detour indicating the
8 direction to the main highway. During the period when the detour
9 is in use, the county commissioners shall maintain the detour in
10 safe and passable condition. The county commissioners shall also
11 immediately remove all detour signs when the highway originally
12 closed is opened again for traffic.

13 (c) Repair of road designated as detour.--The county
14 commissioners shall, as soon as possible, repair the road
15 designated as a detour and place the road in a condition at
16 least equal to the road's condition when designated as a detour.
17 § 16976. Detour over private lands.

18 If necessary in the creation of a detour under section 16975
19 (relating to county road detours), the county commissioners
20 responsible for laying out the detour may enter into an
21 agreement with the owners of private lands covering the
22 acquisition of right-of-way privileges over private property for
23 the period when the main highway shall be closed to traffic. In
24 the exercise of the rights conferred by this section, the county
25 commissioners responsible may pay for the necessary maintenance,
26 subsequent repair and land rental out of funds available for the
27 construction and maintenance of the roads in the commissioners
28 charge.

29 § 16977. Fines and damages.

30 (a) Summary offense and exception.--

1 (1) Except as provided under paragraph (2), an
2 individual who shall willfully remove, deface, destroy or
3 disregard any barricade, light, danger sign, detour sign,
4 warning or traffic control device of any character
5 whatsoever, erected or placed under authority of section
6 16975 (relating to county road detours), or who drives on,
7 over or across a road which had been closed by proper
8 authority, commits a summary offense.

9 (2) Individuals who have no outlet due to the closing of
10 a road may drive on, over or across the road, with the
11 consent in writing of and subject to any conditions as may be
12 prescribed by the county commissioners responsible for the
13 closing, or the agents or contractors of the individual,
14 without being subject to the fines imposed by this section.

15 (b) Recovery of damages.--In addition to the fines under
16 subsection (a), the county commissioners responsible for the
17 maintenance of a road which has been closed to vehicular
18 traffic, or the agents or contractors of the county
19 commissioners, may, in an action at law, recover damages from
20 each individual who has damaged a road when the road is closed
21 to vehicular traffic.

22 (c) Fines paid to county treasurer.--All fines collected
23 under the provision of this section shall be paid to the county
24 treasurer for the general use of the county.

25 SUBCHAPTER F

26 PROTECTIONS OF ROADS

27 Sec.

28 16981. (Reserved).

29 16982. (Reserved).

30 16983. (Reserved).

1 16984. (Reserved).

2 16985. Sign destruction penalties.

3 16986. Snow fences.

4 16987. Elimination of dangerous curves and widening of narrow
5 roads.

6 § 16981. (Reserved).

7 § 16982. (Reserved).

8 § 16983. (Reserved).

9 § 16984. (Reserved).

10 § 16985. Sign destruction penalties.

11 (a) General rule.--It shall be unlawful for an individual to
12 willfully destroy, remove, injure or deface any sign or index
13 board erected upon or near any public street, road or bridge by
14 the authorities of any county, or erected, with the consent of
15 such authorities, by any club, association or other organized
16 body, for the direction, guidance or safety of travelers. Each
17 sign affixed to a tree or post in or upon a road, properly
18 erected in a manner that the sign does not interfere with
19 travel, or on a fence, telegraph, telephone, trolley or other
20 pole, with the permission of the owners of the fence or pole, or
21 on private grounds, if consent has been obtained from the owners
22 and tenants, and which are close to roads, shall be within the
23 provisions of this section.

24 (b) Penalties.--An individual who violates the provisions of
25 this section commits a summary offense and, in addition to other
26 fines and penalties provided by law, may be required to provide
27 reimbursement for the value of a sign destroyed.

28 § 16986. Snow fences.

29 (a) Placement.--A county that is responsible for the
30 maintenance of any road may enter upon private property adjacent

1 to the road and place snow fences, at any point as may be
2 necessary to within a limit of 100 feet from the right-of-way
3 line of the road, in order to eliminate snow drifting on the
4 traveled portion.

5 (b) Timeframe.--A snow fence, authorized under this section,
6 may not be placed prior to November 1 nor shall the same remain
7 in place after April 1 of the succeeding year, unless the
8 written consent of the owner of the adjacent property is
9 obtained, agreeing to an extension of time for the removal of
10 the snow fence.

11 (c) Damages.--If the county responsible for the maintenance
12 of the road is not able to enter into an agreement with the
13 owner of adjacent property occupied by the snow fence as to the
14 amount of damages sustained as a result of the fence being
15 placed and removed, the owner may petition the court of the
16 proper county for the appointment of viewers to ascertain the
17 amount of damages incurred. The appointment of viewers and the
18 procedure for viewing shall be governed by and be in accordance
19 with this part, as provided for eminent domain proceedings.
20 Damages, if any, if ascertained, shall be paid by the county
21 responsible for the maintenance of the road, and any money
22 available to the county for the construction and maintenance of
23 roads under the county's supervision shall be available for the
24 payment of damages.

25 § 16987. Elimination of dangerous curves and widening of narrow
26 roads.

27 (a) General rule.--A county may acquire, by purchase or by
28 the right of eminent domain, property and lands situate along or
29 adjacent to any county road as, in the opinion of the county
30 commissioners, may be necessary to eliminate dangerous curves

1 and widen narrow roads, for the better protection and safety to
2 the traveling public.

3 (b) Condemnation.--Upon a purchase or condemnation, the
4 county commissioners having had property and lands condemned may
5 cause to be abated or removed any dangerous curve or curves or
6 widen the narrow road to the extent of the property and land so
7 acquired.

8 (c) Proceedings.--Proceedings for the condemnation of
9 property and lands shall be as under Chapter 163 (relating to
10 eminent domain and injury to property).

11 CHAPTER 171

12 SOUTHWESTERN PENNSYLVANIA REGIONAL RENAISSANCE INITIATIVE

13 Subchapter

14 A. Preliminary Provisions

15 B. Regional Growth Fund

16 C. Regional Renaissance Authority

17 D. Bonds and Funds of Authority

18 E. Additional Sales and Use Taxes

19 F. Increase in Hotel Tax

20 G. Regional Destination Facilities Fund

21 H. Conveyance of David L. Lawrence Convention Center

22 SUBCHAPTER A

23 PRELIMINARY PROVISIONS

24 Sec.

25 17111. Scope of chapter.

26 17112. Findings and declaration of policy.

27 17113. Definitions.

28 § 17111. Scope of chapter.

29 This chapter relates to the southwestern Pennsylvania
30 regional renaissance initiative.

1 § 17112. Findings and declaration of policy.

2 (a) Findings.--The General Assembly finds the following:

3 (1) The health, safety and general welfare of the
4 residents of southwestern Pennsylvania are directly dependent
5 upon the continual encouragement, development, growth and
6 expansion of business, industry, commerce and tourism within
7 that region.

8 (2) Unemployment, the spread of indigence and the heavy
9 burden of public assistance and unemployment compensation in
10 southwestern Pennsylvania can be avoided by the promotion,
11 attraction, stimulation, development and expansion of
12 business, industry, commerce and tourism in that region.

13 (3) Supplemental sources of revenue are needed by
14 municipalities in southwestern Pennsylvania to invest in
15 facilities that will promote economic development and tourism
16 and improve the quality of life of their residents.

17 (4) Supplemental sources of public and private revenue
18 are required to improve and develop the region's existing
19 economy and to develop new civic, convention, sports,
20 cultural, industrial, transportation and other facilities.

21 (5) Local governments in southwestern Pennsylvania lack
22 adequate resources to maintain, improve and modernize the
23 region's civic, convention, sports, cultural, industrial,
24 transportation and other facilities, the continued
25 availability of which is vital to the economic growth and
26 development of southwestern Pennsylvania, to the ability of
27 the region to compete globally for visitors, residents and
28 investment in quality jobs at living wages and to the health,
29 welfare, education and quality of life of the residents of
30 the region.

1 (b) Declaration of policy.--It is declared to be the public
2 policy of the Commonwealth to promote the health, welfare and
3 quality of life of the residents of southwestern Pennsylvania
4 and to enhance economic development and employment in that
5 region by supporting the construction of regional destination
6 facilities and other regional growth projects for the public
7 purpose of promoting, attracting, stimulating, developing and
8 expanding business, industry, commerce and tourism. That purpose
9 is declared to be a public purpose supporting the enactment of
10 all of the provisions of this chapter and for which public money
11 may be spent, taxes may be imposed and private property may be
12 acquired by the exercise of the power of eminent domain.

13 § 17113. Definitions.

14 The following words and phrases when used in this chapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Auditorium authority." The authority created to operate the
18 convention center under the act of July 29, 1953 (P.L.1034,
19 No.270), known as the Public Auditorium Authorities Law.

20 "Authority." The Regional Renaissance Authority established
21 under section 17131 (relating to authority established).

22 "Authority employee." The chairperson and members of the
23 board of the authority, counsel retained by the authority either
24 as an employee or otherwise, the chief administrative officer of
25 the authority and any employee with discretionary powers who may
26 affect the outcome of a decision by the authority in relation to
27 a private corporation or business or any employee who by virtue
28 of the employee's job function could influence the outcome of a
29 decision.

30 "Baseball park." A baseball park to be constructed in the

1 central city, designed for the purpose of playing major league
2 baseball games.

3 "Board." The governing body of the Regional Renaissance
4 Authority.

5 "Bonds." Notes, bonds, refunding notes and bonds, interim
6 certificates, debentures and other evidences of indebtedness or
7 obligations that the authority may issue under this chapter.
8 Bonds may be either tax-exempt bonds, the interest on which is
9 excludable from gross income for Federal income tax purposes or
10 taxable bonds, the interest on which is includable in gross
11 income for Federal income tax purposes.

12 "Central city." A city of the second class located in a
13 county of the second class.

14 "Central county." A county of the second class.

15 "Construction." The term includes site acquisition,
16 demolition and other preparation for and the design, renovation,
17 improvement, expansion, erection, furnishing, fixturing and
18 equipping of the facility or building involved.

19 "Contiguous county." A county, other than a county of the
20 second class, that:

21 (1) has a boundary that touches, even at a single point,
22 a county of the second class;

23 (2) is a county of the fourth, fifth or sixth class and
24 shares common boundaries at more than a single point with two
25 counties described in paragraph (1); or

26 (3) is a county of the sixth class and is located to the
27 south and west of a county described in paragraph (2).

28 "Convention and visitors bureau." The tourist promotion
29 agency located in the central city that receives funds from the
30 hotel tax imposed by section 1970.2 of the act of July 28, 1953

1 (P.L.723, No.230), known as the Second Class County Code.

2 "Convention center." The real property described in section
3 17181(a) (relating to conveyance of convention center), together
4 with the structures, facilities, buildings, fixtures and
5 improvements located thereon, and known as the David L. Lawrence
6 Convention Center.

7 "County account." A special account established within the
8 Regional Growth Fund under section 17121(c) (relating to
9 establishment of Regional Growth Fund).

10 "County growth board." A new or existing entity designated
11 under section 17122(c) (2) (ii) (relating to use of Regional
12 Growth Fund) for the purpose of developing a county growth plan.

13 "County growth plan." A plan for the use of money in a
14 county account that is developed and submitted to the authority
15 in accordance with section 17122(c).

16 "Cultural district." A geographic area within a city of the
17 second class adjacent to the convention center that is not more
18 than one-half square mile in size and that has located within it
19 at least three theaters for the performing arts.

20 "Department." The Department of Revenue of the Commonwealth.

21 "Design commission." The Southwestern Pennsylvania
22 Convention Center Design Commission established under section
23 17162 (relating to Southwestern Pennsylvania Convention Center
24 Design Commission).

25 "Football stadium." A football stadium to be constructed in
26 the central city, designed for the purpose of playing National
27 Football League games.

28 "Governing body." The board of county commissioners or the
29 county executive or other person exercising the functions of the
30 county executive in a county without a board of county

1 commissioners.

2 "Immediate family." A parent, spouse, child, brother,
3 sister, the spouse of a child, brother or sister or the parent
4 of a spouse.

5 "Participating county." A county in which the referendum
6 provided for in section 17154 (relating to referenda levying
7 additional taxes) has been approved by the voters.

8 "Party officer." The following members or officers of any
9 political party:

10 (1) A member of a national committee.

11 (2) A chairman, vice chairman, secretary, treasurer or
12 counsel of a State committee or members of the executive
13 committee of a State committee.

14 (3) A county chairman, vice chairman, counsel, secretary
15 or treasurer of a county committee.

16 (4) A city chairman, vice chairman, counsel, secretary
17 or treasurer of a city committee.

18 "Public employee." An individual employed by the
19 Commonwealth or a political subdivision within the Commonwealth.

20 "Public officer." An individual elected to any public office
21 of Commonwealth government or any political subdivision within
22 the Commonwealth.

23 "Public official." Any elected or appointed official in the
24 executive, legislative or judicial branch of Commonwealth
25 government or any political subdivision within the Commonwealth.

26 The term does not include the following:

27 (1) Members of advisory boards who do not have authority
28 to expend public money other than reimbursement for personal
29 expenses or to otherwise exercise the power of the
30 Commonwealth or any political subdivision within the

1 Commonwealth.

2 (2) Any appointed official who does not receive
3 compensation other than reimbursement for actual expenses.

4 "Regional Destination Facilities Fund." The Regional
5 Destination Facilities Fund established under section 17171
6 (relating to establishment of Regional Destination Facilities
7 Fund).

8 "Regional destination facility." Any of the following:

9 (1) The convention center.

10 (2) The baseball park.

11 (3) The football stadium.

12 (4) Parks, parking facilities and at least two theaters
13 to be constructed in the cultural district.

14 "Regional Growth Fund." The Regional Growth Fund established
15 under section 17121.

16 SUBCHAPTER B

17 REGIONAL GROWTH FUND

18 Sec.

19 17121. Establishment of Regional Growth Fund.

20 17122. Use of Regional Growth Fund.

21 § 17121. Establishment of Regional Growth Fund.

22 (a) Establishment.--The Regional Growth Fund is established.
23 The treasurer of the authority shall be custodian of the
24 Regional Growth Fund which shall be subject to the provisions of
25 law applicable to funds listed in section 302 of the act of
26 April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

27 (b) Credits.--Taxes imposed under Subchapter E (relating to
28 additional sales and use taxes) shall be received by the
29 department and paid to the treasurer of the authority and, along
30 with interest and penalties less any collection costs allowed

1 under Subchapter E and any refunds and credits paid, shall be
2 credited in the manner provided in section 17152(f) (relating to
3 imposition of additional sales and use taxes) to the Regional
4 Growth Fund not less frequently than every two weeks. Any
5 amounts appropriated to the Regional Growth Fund by the General
6 Assembly and any contributions received from any other source
7 shall be credited to the Regional Growth Fund.

8 (c) Special accounts.--A special account shall be
9 established within the Regional Growth Fund for each
10 participating county. All of the taxes, interest and penalties
11 that are collected under section 17152 from a particular county
12 and deposited into the Regional Growth Fund in accordance with
13 section 17152(f) shall be credited to the special account for
14 that county. All of the money in a county account must be spent
15 on projects located in whole or in part within that county
16 unless the governing body of that county authorizes by
17 resolution the use of a portion of the money in its county
18 account for a regional project located outside of the county.

19 (d) Other special accounts.--The authority may also
20 establish other special accounts within the Regional Growth Fund
21 to which shall be credited any amounts appropriated to the
22 Regional Growth Fund by the General Assembly and any
23 contributions received from any other source. Money in such
24 special accounts shall be used for eligible projects in a
25 participating county as determined by the board, subject to any
26 limitations imposed by the source of the money.

27 (e) Restrictions.--All money in the Regional Growth Fund,
28 including money credited under this section, prior year
29 encumbrances and the interest earned on the money in the fund,
30 may not lapse or be transferred to any other fund but shall

1 remain in the Regional Growth Fund and must be used exclusively
2 as provided in this chapter.

3 (f) Earnings.--Pending disbursement, money received on
4 behalf of or deposited into the Regional Growth Fund shall be
5 invested or reinvested in the same manner as money in the
6 custody of the State Treasurer. All earnings received from the
7 investment or reinvestment of the money shall be credited to the
8 Regional Growth Fund and shall be allocated on a proportional
9 basis to each special account within the Regional Growth Fund.

10 § 17122. Use of Regional Growth Fund.

11 (a) General rule.--Subject to the limitations in subsections
12 (b) and (c), money in the Regional Growth Fund shall be used by
13 the authority to fund the capital costs of new or improved
14 economic development projects of the following types:

15 (1) Industrial site development, including site
16 acquisition, preparation and clearance, construction of
17 necessary infrastructure such as water and sewer facilities
18 and construction of buildings for use by businesses.

19 (2) Cultural, recreational, historical and entertainment
20 facilities, including, without limitation, African-American
21 cultural facilities, regional destination facilities and
22 projects in heritage areas.

23 (3) Transportation facilities that will assist in the
24 attraction and retention of jobs in the region, including
25 construction of highways, bridges, transit facilities,
26 airports, ports, rail lines and related facilities.

27 (4) Revolving loan money to assist in the establishment,
28 location and expansion of businesses, including, without
29 limitation, small or minority-owned businesses, in the
30 region.

1 (5) New or improved water or sewer facilities serving
2 residential customers.

3 (b) Limitations.--Expenditures from the Regional Growth Fund
4 for an eligible project shall be subject to the following
5 limitations:

6 (1) The funding provided from the Regional Growth Fund
7 for an eligible project may not exceed 50% of the total cost
8 of the project.

9 (2) No money may be expended from the Regional Growth
10 Fund for operating costs of any project or facility.

11 (3) No more than 20% of the money in a county account
12 may be used for the purpose described in subsection (a)(4).

13 (4) No more than 40% of the money in a county account
14 may be used for the purpose described in subsection (a)(5).

15 (c) Notification.--

16 (1) No later than March 31, 1998, each participating
17 county shall initially notify the board if the county intends
18 to develop and submit a county growth plan, which of the
19 optional methods described in paragraph (2) will be used and
20 what portion of the money in the county account shall be
21 reserved for implementation of the plan. In establishing the
22 long-term budget and capital budget under sections 17135
23 (relating to initial financial plan) and 17136 (relating to
24 capital budgets), the board shall reserve money in each
25 county account in accordance with the notification and shall
26 not approve projects using reserved money unless they are
27 contained in the county growth plan.

28 (2) If a participating county chooses to develop and
29 submit a county growth plan to the authority, the governing
30 body of a participating county shall select one of the

1 following three methods for developing the plan:

2 (i) The redevelopment authority of the county
3 created under the act of May 24, 1945 (P.L.991, No.385),
4 known as the Urban Redevelopment Law, may adopt a county
5 growth plan by resolution and submit it to the authority.
6 The redevelopment authority must hold at least one public
7 hearing regarding the plan or any revision to the plan
8 prior to adopting the plan or revision and submitting it
9 to the authority.

10 (ii) The governing body may create a county growth
11 board or designate an existing public or nonprofit agency
12 to serve as the county growth board. The county growth
13 board must hold at least one public hearing regarding the
14 plan or any revision to the plan prior to adopting the
15 plan or revision and submitting it to the authority.

16 (iii) The governing body may directly adopt a county
17 growth plan by resolution and submit it to the authority.
18 The governing body must hold at least one public hearing
19 regarding the plan or any revision to the plan prior to
20 adopting the plan or revision and submitting it to the
21 authority.

22 (3) The governing body of a participating county that
23 has not previously submitted a county growth plan may elect
24 to submit one at any time by giving the authority notice to
25 that effect. The governing body of a participating county
26 that has submitted a county growth plan may at any time
27 change the method of developing its county growth plan by
28 giving the authority notice to that effect.

29 (4) All expenditures from the Regional Growth Fund for
30 projects contained in a county growth plan must meet the

1 criteria and limitations contained in subsections (a) and
2 (b). The total expenditures that the county growth plan
3 requests from the county account may not exceed the total
4 amount projected to be deposited into the account.

5 (d) Automatic approval.--The authority shall automatically
6 approve funding from a county account for any project in the
7 participating county that meets the eligibility criteria of this
8 section and is contained in a county growth plan, up to the
9 amount of money available in the county account.

10 SUBCHAPTER C

11 REGIONAL RENAISSANCE AUTHORITY

12 Sec.

13 17131. Authority established.

14 17132. Board of authority.

15 17133. Purposes and powers.

16 17134. Fiscal matters.

17 17135. Initial financial plan.

18 17136. Capital budgets.

19 17137. Operating budget.

20 17138. Restrictions upon activities of board members and
21 employees.

22 17139. Exemption from taxation.

23 § 17131. Authority established.

24 (a) General rule.--A body corporate and politic to be known
25 as the Regional Renaissance Authority is established as a
26 special purpose area wide unit of local government under section
27 7 of Article IX of the Constitution of Pennsylvania, exercising
28 powers as a unit of local government under this chapter and
29 having territorial limits that encompass the geographic areas of
30 the participating counties. The exercise by the authority of the

1 powers conferred by this chapter is the performance of an
2 essential public function.

3 (b) Time.--The authority shall be established at the time
4 set forth in section 17154(e) (relating to referenda levying
5 additional taxes). Once established, the authority shall
6 continue in existence perpetually.

7 (c) Sovereign immunity.--The following apply:

8 (1) The authority and its board members, officers and
9 employees shall have sovereign immunity as provided in 1
10 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed;
11 specific waiver).

12 (2) The authority and its board members, officers and
13 employees shall remain immune from suit except as provided by
14 and subject to 42 Pa.C.S. Ch. 85 Subchs. A (relating to
15 general provisions) and B (relating to actions against
16 Commonwealth parties).

17 (3) Notwithstanding 42 Pa.C.S. § 8525 (relating to legal
18 assistance), the authority, through its legal counsel, shall
19 defend actions brought against the authority or its board
20 members, officers and employees when acting within the scope
21 of their official duties.

22 (d) Liability.--Members of the board may not be held
23 personally liable for the bonds or other obligations of the
24 authority, and the rights of creditors shall be solely against
25 the authority.

26 § 17132. Board of authority.

27 (a) General rule.--The powers of the authority shall be
28 exercised by a governing body having full authority to manage
29 the properties and business of the authority and to prescribe,
30 amend and repeal bylaws, rules and regulations governing the

1 manner in which the business of the authority may be conducted
2 and the powers given to the authority may be exercised. All
3 bylaws, rules and regulations and amendments of the bylaws,
4 rules and regulations shall be filed with the secretary of the
5 authority.

6 (b) Appointments.--The members of the board of the authority
7 shall be appointed as follows:

8 (1) The Governor shall appoint three members, not all of
9 whom are members of the same political party and at least one
10 of whom has experience and expertise in convention and
11 tourism promotion programs.

12 (2) The President pro tempore of the Senate shall
13 appoint a member.

14 (3) The Speaker of the House of Representatives shall
15 appoint a member.

16 (4) The Minority Leader of the Senate shall appoint a
17 member.

18 (5) The Minority Leader of the House of Representatives
19 shall appoint a member.

20 (6) The governing body of the central county shall
21 appoint a member to represent that county.

22 (7) The governing body of each other participating
23 county shall appoint a member to represent that county.

24 (8) The mayor of the central city shall appoint a member
25 to represent that city.

26 (c) Members.--

27 (1) The number of members of the board appointed under
28 each of subsection (b) (4), (5), (6) and (7) shall be
29 increased to two if the number of participating counties is
30 greater than five.

1 (2) The persons appointing members of the board under
2 subsection (b) (4), (5), (6), (7) and (8) shall consult with
3 each other to ensure:

4 (i) If there is more than one participating county,
5 that not more than a majority of the members of the board
6 appointed under subsection (b) (4), (5), (6), (7) and (8)
7 are residents of any one participating county.

8 (ii) That the board is reflective, to the extent
9 feasible, of the cultural, racial, ethnic and gender
10 demographic proportions of the participating counties.

11 (d) Appointment lists.--The governing body of each
12 participating county shall only appoint individuals from lists
13 of three or more names submitted by the members of the General
14 Assembly who represent any portion of that county. In developing
15 the lists, the members of the General Assembly shall solicit
16 nominations from public and private economic development
17 agencies within the county and may solicit nominations from
18 other sources. The individuals appointed must have the unanimous
19 approval of all of the members of the governing body in office
20 at the time.

21 (e) Term.--

22 (1) The term of office of a member of the board
23 appointed:

24 (i) under subsection (b) (1), (2) and (3) shall be
25 four years; and

26 (ii) under subsection (b) (4), (5), (6), (7) and (8)
27 shall be five years.

28 (2) The term of office of a member shall begin on the
29 date of appointment. Members may hold office until successors
30 have been appointed and qualified or until death or

1 resignation.

2 (3) An individual may not serve more than two
3 consecutive full terms on the board.

4 (4) An individual appointed to the board when a vacancy
5 occurs during the term of office of a member of the board
6 shall serve for the remainder of the term. A vacancy in the
7 office of a member appointed under subsection (b) (4), (5),
8 (6) and (7) shall be filled for the balance of the term by
9 appointment made by the individual who at the time is the
10 ranking member in the same chamber of the General Assembly
11 and of the same political party as the individual who
12 appointed the vacating member.

13 (f) Officers.--The Governor shall select one of the initial
14 members of the board as the interim chair of the authority and
15 shall, within 10 days of the effective date of the establishment
16 of the authority, set a date, time and place for the initial
17 organizational meeting of the board. The members shall elect a
18 chair, vice chair, secretary, treasurer and other officers. A
19 member may not hold more than one office of the board at any
20 time. Members may serve successive terms as officers of the
21 board.

22 (g) Meetings.--The board shall meet as frequently as it
23 deems appropriate, but at least once a month during the first
24 year that the authority is in existence and thereafter at least
25 once during each quarter of its fiscal year. In addition, a
26 meeting of the board shall be called by the chair if a request
27 for a meeting is submitted to the chair by at least two members
28 of the board. A majority of the members of the board in office
29 shall constitute a quorum for the purpose of conducting the
30 business of the board and for all other purposes. The acts of a

1 majority of the members of the board taken at a meeting of the
2 board at which a quorum is present shall be the acts of the
3 board, except that, for the purposes of making decisions
4 regarding personnel matters, contracts and capital and operating
5 budgets, the affirmative vote of at least six members of the
6 board shall be required.

7 (h) Advisory members.--There shall be nonvoting advisory
8 members of the board with the right to attend and be heard at
9 every meeting of the board who shall be appointed as follows:

10 (1) An advisory member shall be appointed by each of the
11 following:

12 (i) The convention and visitors bureau.

13 (ii) The principal tenant of the baseball park.

14 (iii) The principal tenant of the football stadium.

15 (iv) The private nonprofit corporation with the
16 largest membership supporting the development of the
17 entire cultural district.

18 (v) The private nonprofit corporation with the
19 largest membership supporting the development,
20 preservation and expansion of African-American culture
21 and history in southwestern Pennsylvania.

22 (vi) The labor organization representing the largest
23 number of members of the building trades.

24 (2) In addition to the six advisory members appointed
25 under paragraph (1), the authority may appoint one or more
26 additional advisory members.

27 § 17133. Purposes and powers.

28 (a) Purposes.--The purpose of the authority includes, but is
29 not limited to, the following:

30 (1) Supporting and financing the construction of

1 regional destination facilities.

2 (2) Assuring the efficient and effective operation and
3 development of regional destination facilities.

4 (3) Supporting and financing the construction of other
5 economic development projects.

6 (b) Powers.--Subject to the limitations under subsection
7 (d), the authority is granted all powers necessary or convenient
8 to carry out the authority's purposes, including to:

9 (1) Have continuing succession.

10 (2) Sue and be sued, implead and be impleaded, complain
11 and defend in all courts.

12 (3) Adopt, use and alter at will a corporate seal.

13 (4) Acquire by gift or otherwise, purchase, hold,
14 receive, lease, sublease and use any license, franchise or
15 property, real, personal or mixed, tangible or intangible, or
16 any interest therein, including a regional destination
17 facility or parts of the facility.

18 (5) Sell, transfer or dispose of any property or
19 interest therein for adequate and fair consideration.

20 (6) Acquire, hold, develop, construct, maintain, manage,
21 operate, repair, own, lease or sublease a regional
22 destination facility or parts of the facility and projects
23 funded from the Regional Growth Fund.

24 (7) Make, enter into and award contracts with any person
25 for the development, financing, construction, maintenance,
26 operation and repair of regional destination facilities or
27 parts of the facility and projects funded from the Regional
28 Growth Fund.

29 (8) Conduct financial and performance reviews and audits
30 of regional destination facilities and projects funded from

1 the Regional Growth Fund.

2 (9) Conduct long-term planning necessary for the
3 efficient and effective operation and development of regional
4 destination facilities and projects funded from the Regional
5 Growth Fund.

6 (10) Make bylaws for the regulation of the authority's
7 affairs and promulgate rules, regulations and policies in
8 connection with the performance of the authority's functions
9 and duties.

10 (11) (i) Borrow money for the purpose of paying the
11 costs of any project and to evidence such borrowing in
12 any customary and appropriate fashion.

13 (ii) Make and issue taxable or tax-exempt negotiable
14 bonds of the authority and secure the payment of the
15 bonds or any part of the bonds by pledge or deed of trust
16 of all or any of its revenues, rentals, receipts and
17 contract rights.

18 (iii) Make agreements with the purchasers or holders
19 of the bonds or with other obligees of the authority in
20 connection with any bonds, whether issued or to be
21 issued, as the authority shall deem advisable, which
22 agreements shall constitute contracts with the holders or
23 purchasers.

24 (iv) Obtain credit enhancement or liquidity
25 facilities in connection with any bonds as the authority
26 shall determine to be advantageous.

27 (v) Provide, in general, for the security for the
28 bonds and for the rights of the holders of the bonds.

29 (12) Make, enter into and award contracts and to execute
30 all instruments necessary or convenient for the carrying out

1 of its business.

2 (13) Borrow money and accept grants and to enter into
3 contracts, leases, subleases, licenses or other transactions
4 with any Federal agency, State public body, political
5 subdivision or person.

6 (14) Mortgage, pledge, hypothecate or otherwise encumber
7 any of its property, real, personal or mixed, tangible or
8 intangible, and its revenues or receipts, including any tax
9 revenues or interest the authority may have in any lease or
10 sublease of regional destination facilities or parts of
11 regional destination facilities.

12 (15) Procure insurance containing coverage, including,
13 without limitation, insurance covering the timely payment in
14 full of principal and interest on bonds of the authority, in
15 the amounts and from the insurers the authority may determine
16 to be necessary or desirable for its purposes.

17 (16) Invest authority money.

18 (17) Cooperate with any Federal agency, State public
19 body or political subdivision.

20 (18) Invest money not required for immediate
21 disbursement in reserve or sinking funds.

22 (19) Appoint all officers, agents and employees required
23 for the performance of its duties and fix and determine their
24 qualifications, duties and compensation and to retain or
25 employ other agents or consultants.

26 (20) Enroll authority employees in a retirement system,
27 including an existing retirement system of a participating
28 county or any other governmental entity located within a
29 participating county.

30 (21) Appoint and fix the compensation of chief counsel

1 and assistant counsel, who may not be required to be
2 employees of the authority, to provide it with legal
3 assistance. Notwithstanding 42 Pa.C.S. § 8525 (relating to
4 legal assistance), the authority through its counsel shall
5 defend actions brought against the authority and its officers
6 and employees when acting within the scope of their official
7 duties.

8 (22) Do all acts and things necessary or convenient for
9 the promotion of its purposes and the general welfare of the
10 authority and to carry out the powers granted to the
11 authority under this chapter or any other law.

12 (c) Eminent domain.--The authority, upon making a finding
13 that it is necessary or convenient to acquire any real or
14 personal property in the central city for immediate or future
15 use for purposes related to the construction of regional
16 destination facilities or related developments, may acquire
17 property by the exercise of the power of eminent domain under 26
18 Pa.C.S. (relating to eminent domain), and for those purposes
19 shall have the power of eminent domain. The authority may use
20 its eminent domain power to acquire property already devoted to
21 a public use, except that the power may not be used to acquire
22 property owned or used by the Commonwealth. The board may not
23 exercise the authority's eminent domain power without the
24 approval of the mayor of the central city and the members of the
25 board appointed under section 17122(b)(1) and (3) (relating to
26 board of authority).

27 (d) Operations.--Notwithstanding any purpose of the
28 authority or a general or specific power granted by this chapter
29 or any other law, whether express or implied, the following
30 limitations and conditions shall apply to the operations of the

1 authority:

2 (1) The authority shall have no power to pledge the
3 credit or taxing powers of the Commonwealth or any other
4 government agency, except the credit of the authority, nor
5 shall any of the bonds of the authority be deemed a debt or
6 liability of the Commonwealth or of any other government
7 agency, except as otherwise agreed by the Commonwealth or a
8 government agency.

9 (2) Neither the Commonwealth nor any government agency,
10 except the authority, shall be liable for payment of the
11 principal or maturity value of or interest or premium on any
12 of the bonds of the authority, except as otherwise agreed by
13 the Commonwealth or a government agency.

14 (3) Notwithstanding any provision of this chapter or any
15 other act to the contrary or of any implication that may be
16 drawn from this chapter or any other law, the Commonwealth
17 and all other government agencies, except the authority,
18 shall have no legal or moral obligation for the payment of
19 any expenses or obligations of the authority, including, but
20 not limited to, bond principal and interest, the funding or
21 refunding of any reserve and any administrative or operating
22 expenses whatsoever, except as otherwise agreed to by the
23 Commonwealth or another government agency.

24 (4) Bonds of the authority shall contain a prominent
25 statement of the limitations set forth in this subsection and
26 a further statement to the effect that obligees of the
27 authority shall have no recourse, either legal or moral, to
28 the Commonwealth or to any other government agency for
29 payment of the bonds, except as otherwise agreed to by the
30 Commonwealth or another government agency.

1 (5) The authority may not assume the responsibility of
2 employing personnel directly engaged in the operation of
3 regional destination facilities described in paragraphs (1)
4 and (4) of the definition of "regional destination facility"
5 but may enter into contracts for the operation, maintenance
6 and ongoing improvement of those facilities with public and
7 private organizations that have expertise in operating the
8 type of facility involved.

9 (6) The authority may not operate, maintain or, after
10 the completion of initial construction, design or perform
11 subsequent improvements to the baseball park or football
12 stadium but shall contract for the performance of those
13 functions with the principal tenant of each of those
14 facilities.

15 § 17134. Fiscal matters.

16 (a) Fiscal year.--The fiscal year of the authority shall
17 commence on July 1 of each year and end on June 30 of the next
18 year, except as otherwise provided by the board.

19 (b) Annual report.--The board shall, no later than the start
20 of each fiscal year, prepare a comprehensive annual report of
21 its activities and operations for the previous year, make the
22 report publicly available and conduct public meetings and
23 hearings to receive public comments and recommendations
24 regarding the activities and operations of the board. The board
25 shall forward a copy of the annual report each year to the
26 Governor and the General Assembly.

27 (c) Audit.--The board shall provide for an annual audit of
28 the authority by an independent certified public accounting
29 firm.

30 § 17135. Initial financial plan.

1 (a) Agreements.--Immediately upon the creation of the
2 authority, the board shall commence the negotiation, with public
3 or private entities as it considers appropriate, of agreements
4 relating to the construction of regional destination facilities.
5 Agreements regarding the construction of the baseball park and
6 the football stadium shall provide that those facilities may not
7 be owned by the teams that will be the principal tenants but
8 that the authority shall either own or enter into long-term
9 leases with the owner of the land, building and fixtures for
10 each of those facilities regardless of what public or private
11 entities are responsible for the construction of those
12 facilities. Each agreement regarding a regional destination
13 facility shall provide for:

14 (1) The development of long-term plans for the
15 financing, development and operation of the facility.

16 (2) Performance and financial goals, objectives and
17 standards for the operation of the facility.

18 (3) Assurances that adequate measures will be undertaken
19 to maintain and improve the facility.

20 (4) Assurances that the operating and capital budgeting
21 for the facility will occur in a financially responsible
22 manner.

23 (b) Budgets.--Prior to the start of the first full fiscal
24 year of the authority, the board shall adopt, in addition to the
25 operating and capital budgets required under sections 17136
26 (relating to capital budgets) and 17137 (relating to operating
27 budget), long-term budgets for the Regional Destination
28 Facilities Fund and the Regional Growth Fund. The long-term
29 budget for the Regional Destination Facilities Fund shall
30 estimate the total revenues required to complete the

1 construction of all projects included in a regional destination
2 facility and the amount of revenues to be received by the
3 authority during the first seven calendar years of its
4 existence. At least 90 days before commencement of the second
5 and third full fiscal years of the authority, the board shall
6 update and revise the operating and capital budgets as required
7 under the long-term budget.

8 § 17136. Capital budgets.

9 (a) General rule.--At least 90 days before commencement of
10 the ensuing fiscal year of the authority, recommended capital
11 budgets relating to the Regional Destination Facilities Fund and
12 the Regional Growth Fund shall be prepared and submitted to the
13 board. The capital budgets shall show, in detail, the capital
14 expenditures to be made or incurred in the next fiscal year
15 which are to be financed from each fund. The capital budgets
16 shall be adopted by the board no later than the date of the
17 adoption of its annual operating budget as required under
18 section 17137 (relating to operating budget).

19 (b) Vote.--Except for projects contained in a county growth
20 plan, a majority of the members of the board who are residents
21 of a particular participating county must vote in favor of the
22 inclusion in a capital budget for the Regional Growth Fund of
23 any expenditure relating to a project within that county.
24 Projects contained in a county growth plan shall be approved in
25 accordance with sections 17121 (relating to establishment of
26 Regional Growth Fund) and 17122 (relating to use of Regional
27 Growth Fund).

28 (c) Public hearing.--The board shall conduct an annual
29 public hearing regarding the proposed annual capital budget for
30 the Regional Growth Fund.

1 § 17137. Operating budget.

2 (a) General rule.--At least 90 days before commencement of
3 the ensuing fiscal year of the authority, a recommended
4 operating budget shall be prepared and submitted to the board.
5 The operating budget shall set forth the estimated receipts and
6 revenues of the authority during the next fiscal year. The
7 operating budget for the next fiscal year shall be adopted by
8 the board at least 30 days before the end of the current fiscal
9 year.

10 (b) Expenses.--The money necessary to pay the administrative
11 expenses of the authority during each fiscal year may be drawn
12 from the Regional Destination Facilities Fund and the Regional
13 Growth Fund. Money drawn under this subsection shall be drawn
14 from the funds in proportion to the amount of time and expense
15 involved in administering each fund. The authority shall not use
16 more than 1% of the total revenues from the taxes imposed under
17 Subchapter E (relating to additional sales and use taxes) to pay
18 the administrative expenses of the authority.

19 (c) Public hearing.--The board shall conduct public hearings
20 and meetings regarding its operating budget.

21 § 17138. Restrictions upon activities of board members and
22 employees.

23 (a) General rule.--A member of the board or an employee of
24 the authority may not, concurrent with the service of the member
25 or employee with the authority, be a party officer, public
26 officer, public official, public employee or a member of the
27 immediate family of a party officer, public officer or public
28 official. This section may not apply to members of the board
29 appointed under section 17132(b)(4), (5), (6), (7) and (8)
30 (relating to board of authority).

1 (b) Applicability.--The provisions of the act of October 4,
2 1978 (P.L.883, No.170), referred to as the Public Official and
3 Employee Ethics Law, and the act of July 19, 1957 (P.L.1017,
4 No.451), known as the State Adverse Interest Act, are made
5 specifically applicable to board members, officers and employees
6 of the authority. For the purposes of application of the
7 referenced acts, employees of the authority shall be regarded as
8 public employees of the Commonwealth, and officers or board
9 members of the authority shall be regarded as public officials
10 of the Commonwealth, regardless of if the employees receive
11 compensation. The authority shall also be subject to 65 Pa.C.S.
12 (relating to public officers) and the act of February 14, 2008
13 (P.L.6, No.3), known as the Right-to-Know Law, relating to the
14 inspection and copying of public records.
15 § 17139. Exemption from taxation.

16 The effectuation of the authorized purpose of the authority
17 shall be exclusively for the benefit of the residents of this
18 Commonwealth, the increase of commerce and prosperity and the
19 improvement of health and living conditions. The authority may
20 not be required to pay taxes or assessments upon any property
21 acquired or used by the authority for the purposes under this
22 section, and the bonds issued by the authority and the interest
23 and income related to the bonds shall be free from State and
24 local taxation.

25 SUBCHAPTER D

26 BONDS AND FUNDS OF AUTHORITY

27 Sec.

28 17141. Bonds.

29 17142. Governmental immunity.

30 17143. Money of authority.

1 17144. Transfer of money.

2 § 17141. Bonds.

3 The authority may issue bonds, sell bonds, use net proceeds
4 of bond sales, refund bonds, adopt pledges, mortgages,
5 covenants, indentures and trusts, exercise remedies and confer
6 additional remedies upon persons holding bonds in the same
7 manner as provided in 64 Pa.C.S. Ch. 60 (relating to
8 Pennsylvania Convention Center Authority).

9 § 17142. Governmental immunity.

10 Except as provided by and subject to 42 Pa.C.S. Ch. 85
11 Subchs. A (relating to general provisions) and C (relating to
12 actions against local parties), the authority and its officers,
13 officials and employees shall have governmental immunity.

14 § 17143. Money of authority.

15 All money of the authority shall be paid to the treasurer of
16 the authority and invested in the same manner as provided in 64
17 Pa.C.S. § 6012 (relating to moneys of authority).

18 § 17144. Transfer of money.

19 (a) General rule.--

20 (1) The central city, the central county or a contiguous
21 county, regardless of if the county is a participating
22 county, and any special-purpose areawide unit of local
23 government located or operating, in whole or in part, in any
24 county may make grants from current and future revenues to
25 the authority and to assist in defraying the costs of
26 managing, operating, maintaining, financing and servicing the
27 debt of regional destination facilities or parts of regional
28 destination facilities, to enter into long-term agreements
29 providing for payment of the costs and to enter into long-
30 term leases or subleases as lessee or sublessee of all or

1 part of a regional destination facility.

2 (2) The city or county may issue general obligation
3 bonds for the purpose of obtaining money for the acquisition
4 or improvement of regional destination facilities or parts of
5 regional destination facilities.

6 (b) Contributions.--The Commonwealth may contribute to the
7 capital costs of constructing regional destination facilities by
8 the issuance of Commonwealth bonds and notes under Article XIX-B
9 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax
10 Reform Code of 1971. A project undertaken by the authority is
11 deemed to be a redevelopment assistance project under which
12 capital money of the Commonwealth may be expended under the act
13 of May 20, 1949 (P.L.1633, No.493), known as the Housing and
14 Redevelopment Assistance Law, and, notwithstanding provisions of
15 the Housing and Redevelopment Assistance Law, the Department of
16 Community and Economic Development may make capital grants
17 directly to the authority.

18 SUBCHAPTER E

19 ADDITIONAL SALES AND USE TAXES

20 Sec.

21 17151. Construction of subchapter.

22 17152. Imposition of additional sales and use taxes.

23 17153. Situs.

24 17154. Referenda levying additional taxes.

25 17155. Licenses.

26 17156. Rules and regulations.

27 17157. Collection costs.

28 § 17151. Construction of subchapter.

29 The tax imposed under this subchapter shall be in addition to
30 any tax imposed by the Commonwealth under Article II of the act

1 of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of
2 1971. Except for the differing situs provisions in section 17153
3 (relating to situs), the provisions of Article II of the Tax
4 Reform Code of 1971 shall apply to the tax.

5 § 17152. Imposition of additional sales and use taxes.

6 (a) Tax.--A county shall levy, assess and collect a tax on
7 the purchase price upon each separate sale at retail of tangible
8 personal property or services, as defined in Article II of the
9 act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code
10 of 1971, within the boundaries of the participating county in
11 which the electorate has approved the referendum provided under
12 section 17154 (relating to referenda levying additional taxes).
13 The tax shall be collected by the vendor from the purchaser and
14 shall be paid over to the Commonwealth for deposit in the
15 Regional Destination Facilities Fund and the Regional Growth
16 Fund as provided in subsection (f).

17 (b) Use tax.--In each participating county in which the
18 electorate approves the referendum levying the tax authorized
19 under subsection (a), a tax shall be levied, assessed and
20 collected upon the use within the county of the purchase price
21 of tangible personal property purchased at retail and on
22 services purchased at retail as defined in Article II of the Tax
23 Reform Code of 1971. The tax shall be paid to the Commonwealth
24 by the individual who makes the use for deposit in the Regional
25 Destination Facilities Fund and the Regional Growth Fund as
26 provided in subsection (f). The use tax imposed under this
27 subsection may not be paid to the Commonwealth by an individual
28 who has paid the tax imposed under subsection (a) or who has
29 paid the tax imposed by this subsection to the vendor with
30 respect to the use.

1 (c) Rate of tax.--The taxes authorized under subsections (a)
2 and (b) shall be imposed at the rate of 0.5% and shall be
3 uniform, upon the same class of subjects and within the
4 territorial limits of the participating counties.

5 (d) Seven-year period.--The taxes imposed under subsections
6 (a) and (b) shall be collected only on sales or uses occurring
7 during the seven-year period from July 1, 1998, through June 30,
8 2005.

9 (e) Computation.--The taxes imposed under subsections (a)
10 and (b) shall be computed in the manner set forth in section
11 503(e) of the act of June 5, 1991 (P.L.9, No.6), known as the
12 Pennsylvania Intergovernmental Cooperation Authority Act for
13 Cities of the First Class.

14 (f) Disbursements.--The taxes imposed under subsections (a)
15 and (b) and any interest and penalties on the taxes shall be
16 received by the department and paid by the State Treasurer as
17 follows:

18 (1) Seventy-five percent of the taxes, interest and
19 penalties collected in the central county shall be paid to
20 the Regional Destination Facilities Fund and 25% to the
21 Regional Growth Fund.

22 (2) Twenty-five percent of the taxes, interest and
23 penalties collected in each contiguous county that is a
24 participating county shall be paid to the Regional
25 Destination Facilities Fund and 75% to the Regional Growth
26 Fund.

27 (g) Levying of the tax.--The governing body of a county in
28 which the electorate has approved a referendum levying the taxes
29 provided for in this subchapter may not be required to adopt an
30 ordinance levying the tax. Upon approval of the referendum

1 provided under section 17154, taxes approved by referendum under
2 this subchapter shall be deemed levied by the governing board
3 under this subchapter.

4 § 17153. Situs.

5 The situs of sales at retail or uses, including leases, of
6 motor vehicles, aircraft, motorcraft and utility services shall
7 be determined in the manner specified by section 504 of the act
8 of June 5, 1991 (P.L.9, No.6), known as the Pennsylvania
9 Intergovernmental Cooperation Authority Act for Cities of the
10 First Class.

11 § 17154. Referenda levying additional taxes.

12 (a) Ballot.--The county board of elections of the central
13 county and each contiguous county shall cause to be printed on
14 the official ballot and ballot labels at the municipal election
15 in November 1997 a referendum to determine the will of the
16 electorate within the county with respect to levying the
17 additional sales and use taxes under this subchapter.

18 (b) Question in central county.--The question as printed on
19 the official ballot and ballot labels in the central county
20 shall be in the following form:

21 REGIONAL RENAISSANCE INITIATIVE

22 Do you favor supporting job creation projects in this
23 county by temporarily increasing the sales tax by 0.5%
24 for seven years, with 75% of the revenues used to fund
25 not more than 1/2 the cost of expanding the Lawrence
26 Convention Center, and constructing facilities in the
27 cultural district, a baseball park and a football
28 stadium; and with the remaining 25% of the revenues used
29 for other economic development projects in Allegheny
30 County?

1 (c) Question in contiguous counties.--The question as
2 printed on the official ballot and ballot labels in the
3 contiguous counties shall be in the following form:

4 REGIONAL RENAISSANCE INITIATIVE

5 Do you favor supporting job creation projects in this
6 county by temporarily increasing the sales tax by 0.5%
7 for seven years, with 75% of the revenues used for
8 economic development, transportation and tourism projects
9 in (name) County; and with 25% of the revenues used to
10 fund not more than 1/2 the cost of expanding the Lawrence
11 Convention Center and constructing facilities in the
12 cultural district, a baseball park and a football stadium
13 in Pittsburgh?

14 (d) Advertisement.--The referenda required under this
15 section shall be advertised and conducted in accordance with the
16 act of June 3, 1937 (P.L.1333, No.320), known as the
17 Pennsylvania Election Code.

18 (e) Approval.--Except as provided in subsections (f), (g)
19 and (h), upon certification that the referendum under subsection
20 (a) has been approved in any county, the authority shall be
21 established as under section 17131 (relating to authority
22 established).

23 (f) Partial approval.--If the referendum provided for in
24 this section is not approved by the voters in the central county
25 but is approved by the voters in at least one contiguous county:

26 (1) The Regional Destination Facilities Fund may not be
27 established and all taxes collected by participating counties
28 under section 17152 (relating to imposition of additional
29 sales and use taxes) shall be deposited into the Regional
30 Growth Fund.

1 (2) Members of the board may not be appointed under
2 section 17132(b) (1) and (3) (relating to board of authority).

3 (g) Nonparticipation.--If the referendum under this section
4 is approved by the voters in at least one county but is not
5 approved by the voters in a particular contiguous county, the
6 defeat of the referendum in that contiguous county may not
7 affect the establishment of the authority or the operation of
8 the provisions of this chapter, except that the additional taxes
9 provided for in section 17152 may not be collected in the
10 contiguous county and the contiguous county shall not be a
11 participating county.

12 (h) Defeated referenda.--If the referenda under this section
13 are defeated in the central county and all of the contiguous
14 counties, this subchapter and Subchapters G (relating to
15 Regional Destination Facilities Fund) and H (relating to
16 conveyance of David L. Lawrence Convention Center) shall be of
17 no further force and effect.

18 (i) Hotel tax.--If the referendum under this section is
19 approved by the voters in the central county, the increase in
20 the hotel tax in the central county provided for in section
21 17161 (relating to increase in rate of hotel tax in central
22 county) shall be reduced to 1.5% during the period that the
23 taxes imposed by section 17152 are collected in the central
24 county.

25 § 17155. Licenses.

26 A license for the collection of the taxes imposed under this
27 subchapter shall be issued in the same manner as is provided for
28 in section 505 of the act of June 5, 1991 (P.L.9, No.6), known
29 as the Pennsylvania Intergovernmental Cooperation Authority Act
30 for Cities of the First Class.

1 § 17156. Rules and regulations.

2 Rules and regulations shall be applicable to the taxes
3 imposed under this subchapter in the same manner as is provided
4 for in section 506(1) and (2) of the act of June 5, 1991 (P.L.9,
5 No.6), known as the Pennsylvania Intergovernmental Cooperation
6 Authority Act for Cities of the First Class.

7 § 17157. Collection costs.

8 (a) General rule.--The department may retain a sum equal to
9 the reasonable and necessary costs of collection and shall
10 inform the authority in writing monthly of the sum retained and
11 the costs of collection reimbursed. To provide a timely forecast
12 and assure consideration of the sum retained, the department
13 shall estimate the costs of collection for the next succeeding
14 fiscal year and provide the estimate, with all supporting
15 detail, to the authority. When the annual operating budget for
16 the department is submitted to the General Assembly, the
17 department shall submit to the chairperson and minority
18 chairperson of the Appropriations Committee of the Senate and
19 the chairperson and minority chairperson of the Appropriations
20 Committee of the House of Representatives the actual sums
21 retained for costs of collection in the preceding fiscal year,
22 together with all supporting details.

23 (b) Definition.--As used in this section, the term "costs of
24 collection" may not include any charge for overhead or capital
25 costs.

26 SUBCHAPTER F

27 INCREASE IN HOTEL TAX

28 Sec.

29 17161. Increase in rate of hotel tax in central county.

30 17162. Southwestern Pennsylvania Convention Center Design

1 Commission.

2 17163. Restrictions of design commission members and employees.

3 17164. Design of convention center.

4 § 17161. Increase in rate of hotel tax in central county.

5 (a) General rule.--The rate of the tax imposed under section
6 1970.2 of the act of July 28, 1953 (P.L.723, No.230), known as
7 the Second Class County Code, shall be increased by 2% to a rate
8 of 7%, subject to adjustment under section 17154(i) (relating to
9 referenda levying additional taxes), for the period provided in
10 subsection (c). Following the end of the period provided in
11 subsection (c), the tax shall be collected at the rate in effect
12 immediately prior to June 18, 1997.

13 (b) Definitions.--Terms used in this section that are not
14 otherwise defined in this part but are defined in section 1970.2
15 of the Second Class County Code shall have the meanings ascribed
16 to them in that section of that act.

17 (c) Tax rate increase.--The increased tax rate required
18 under this section shall apply to and be collected only on
19 rentals of a room or rooms to accommodate transients that occur
20 during the period from September 1, 1997, through the earliest
21 of:

22 (1) February 28, 1999, if the auditorium authority has
23 not, in the period between June 18, 1997, and February 28,
24 1999, issued any bonds that are secured by the increased tax
25 revenues to be collected under this subchapter and are for
26 the purpose of financing the costs of any of the activities
27 described in subsection (d);

28 (2) the date on which all bonds issued by the auditorium
29 authority that are secured by the increased tax revenues to
30 be collected under this subchapter and are for the purpose of

1 financing construction of the convention center have been
2 retired in full; or

3 (3) August 31, 2027.

4 (d) Distribution of revenues.--The incremental additional
5 revenues received from the tax increase under this section shall
6 be distributed as follows:

7 (1) One-third of the additional tax revenues collected
8 by hotels located within a municipality other than the
9 central city that at the time receives revenues under section
10 1970.2(b.1)(2) of the Second Class County Code shall be
11 returned to that municipality and otherwise handled in the
12 same fashion as if the incremental additional revenues
13 returned to the municipality under this paragraph were part
14 of the base revenues disbursed to it under that section.

15 (2) All other incremental additional revenues shall be
16 deposited by the treasurer of the central county with the
17 treasurer of the auditorium authority, who shall deposit the
18 revenue in a special fund to be used solely for:

19 (i) Project design and property acquisition in
20 connection with construction of a convention center until
21 the cost of the project design and property acquisition
22 have been completely paid or full funding has been
23 committed.

24 (ii) Following completion of the project design and
25 property acquisition under subparagraph (i), the costs of
26 constructing the convention center.

27 (e) Approval.--Money may not be disbursed under subsection
28 (d)(2)(i) for project design purposes without the approval of
29 the design commission established under section 17162 (relating
30 to Southwestern Pennsylvania Convention Center Design

1 Commission).

2 § 17162. Southwestern Pennsylvania Convention Center Design
3 Commission.

4 (a) General rule.--A body corporate and politic to be known
5 as the Southwestern Pennsylvania Convention Center Design
6 Commission is established as a special-purpose government
7 instrumentality exercising the powers conferred by this chapter.
8 The exercise by the design commission of the powers conferred by
9 this chapter is declared to be the performance of an essential
10 public function.

11 (b) Establishment.--The design commission shall be
12 established on June 18, 1997. Once established, the design
13 commission shall continue in existence until the renovations,
14 improvements and expansion of a convention center have been
15 completed.

16 (c) Sovereign immunity.--The following apply:

17 (1) The members, employees and staff of the design
18 commission shall have sovereign immunity as provided in 1
19 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed;
20 specific waiver).

21 (2) The members, employees and staff of the design
22 commission shall remain immune from suit except as provided
23 by and subject to the provisions of 42 Pa.C.S. Ch. 85 Subchs.
24 A (relating to general provisions) and B (relating to actions
25 against Commonwealth parties).

26 (3) Notwithstanding the provisions of 42 Pa.C.S. § 8525
27 (relating to legal assistance), the design commission through
28 its legal counsel shall defend actions brought against the
29 design commission or its members, officers and employees if
30 acting within the scope of their official duties.

1 (d) Membership.--The design commission shall be composed of
2 the following 15 members:

3 (1) One member appointed by the mayor of the central
4 city.

5 (2) One member appointed by the city council of the
6 central city.

7 (3) Two members appointed by the governing body of the
8 central county.

9 (4) One member appointed by the Governor.

10 (5) One member appointed by the regional planning
11 commission established under 53 Pa.C.S. § 2344 (relating to
12 establishment and organization of regional planning
13 commission) of which the central county is a member.

14 (6) Two members appointed by the Governor who have been
15 nominated by the governing board of the largest private trade
16 or industry association formed to represent the owners of
17 hotels located in the central county only.

18 (7) Two members appointed by the Governor who have been
19 nominated by the governing board of the largest private trade
20 or industry association formed to represent the owners of
21 restaurants located in the central county only.

22 (8) Four members appointed by the governing board of the
23 convention and visitors bureau.

24 (9) The chair of the auditorium authority.

25 (e) Term.--The term of office of the members of the design
26 commission shall be coincident with the term of existence of the
27 design commission.

28 (f) Qualifications.--The members appointed under subsection
29 (d)(8) shall have the following qualifications:

30 (1) One member shall have experience and expertise in

1 planning and marketing national meetings and conventions.

2 (2) One member shall have experience and expertise in
3 planning and marketing consumer shows.

4 (3) One member shall have experience and expertise in
5 marketing convention centers.

6 (4) One member shall have experience and expertise in
7 providing support services for conventions and shows.

8 (g) Election of officers.--The members of the design
9 commission shall elect from members of the commission a chair,
10 secretary and other officers as the commission determines. Each
11 officer shall serve for a term of two years and until a
12 successor is elected and qualified or until death or
13 resignation. A member may not hold more than one office of the
14 design commission at any time. Members may serve successive
15 terms as officers of the design commission.

16 (h) Meetings.--The design commission shall meet as
17 frequently as it deems appropriate, but at least once a month
18 during the first year that it is in existence and thereafter at
19 least once during each calendar quarter. In addition, a meeting
20 of the design commission shall be called by the chair if a
21 request for a meeting is submitted to the chair by at least two
22 members of the design commission. A majority of the members of
23 the design commission in office shall constitute a quorum for
24 the purpose of conducting the business of the design commission
25 and for all other purposes. The acts of a majority of the
26 members of the design commission taken at a meeting at which a
27 quorum is present shall be the acts of the design commission.

28 (i) Powers.--The design commission is granted all powers
29 necessary or convenient to carry out the commission's purpose
30 under this chapter.

1 (j) Reimbursement of expenses.--The members of the design
2 commission shall serve without compensation but shall be
3 entitled to reimbursement of reasonable expenses incurred while
4 participating in the business of the design commission. Expense
5 reimbursements, as well as all costs associated with conducting
6 the business of the design commission, shall be paid by the
7 auditorium authority out of the special fund established under
8 section 17161(d) (relating to increase in rate of hotel tax in
9 central county).

10 § 17163. Restrictions of design commission members and
11 employees.

12 (a) General rule.--A member or employee of the design
13 commission may not, concurrent with the service of the member or
14 employee with the design commission, be a party officer, public
15 officer, public official, public employee or a member of the
16 immediate family of a party officer, public officer or public
17 official.

18 (b) Application of acts.--65 Pa.C.S. Ch. 11 (relating to
19 ethics standards and financial disclosure) and the act of July
20 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest
21 Act, are made specifically applicable to members and employees
22 of the design commission. For the purposes of application of the
23 acts, employees of the design commission shall be regarded as
24 public employees of the Commonwealth, and members of the design
25 commission shall be regarded as public officials of the
26 Commonwealth, regardless of if the members or employees receive
27 compensation. The design commission shall also be subject to 65
28 Pa.C.S. Ch. 7 (relating to open meetings) and the act of
29 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.
30 § 17164. Design of convention center.

1 (a) Contracts.--Contracts for the design and planning of the
2 renovations, improvements and expansion of the convention center
3 that are to be funded in whole or in part under this chapter may
4 not be let without the approval of the design commission. The
5 power of the design commission to approve contracts under this
6 subsection shall include all aspects of the contracts,
7 including, without limitation, the identity of the architects,
8 engineers, surveyors and other persons who are parties to the
9 contracts and the terms of the contracts.

10 (b) Approval.--Capital projects for construction of the
11 convention center may not be undertaken unless and until the
12 schematic design and the preliminary design development
13 documents have been approved by the design commission. The
14 design and construction of the convention center may be divided
15 into stages or phases for which schematic design and preliminary
16 design development documents may be approved separately by the
17 design commission and may be undertaken as if each stage or
18 phase were a separate capital project. Further design approval
19 shall not be required if the construction documents are
20 consistent with the design set forth in the schematic and
21 preliminary design development documents.

22 SUBCHAPTER G

23 REGIONAL DESTINATION FACILITIES FUND

24 Sec.

25 17171. Establishment of Regional Destination Facilities Fund.

26 17172. Use of Regional Destination Facilities Fund.

27 § 17171. Establishment of Regional Destination Facilities Fund.

28 (a) Fund established.--Subject to section 17154(f)(1)
29 (relating to referenda levying additional taxes), the Regional
30 Destination Facilities Fund is established. The treasurer of the

1 authority shall be custodian of the Regional Destination
2 Facilities Fund, which shall be subject to the provisions of law
3 applicable to funds listed in section 302 of the act of April 9,
4 1929 (P.L.343, No.176), known as The Fiscal Code.

5 (b) Source of fund money.--Taxes imposed under Subchapter E
6 (relating to additional sales and use taxes) shall be received
7 by the department and paid to the treasurer of the authority
8 and, along with interest and penalties less any collection costs
9 allowed under Subchapter E and any refunds and credits paid,
10 shall be credited in the manner provided in section 17152(f)
11 (relating to imposition of additional sales and use taxes) to
12 the Regional Destination Facilities Fund not less frequently
13 than every two weeks. Amounts appropriated to the fund by the
14 General Assembly and any contributions received from any other
15 source shall be credited to the Regional Destination Facilities
16 Fund.

17 (c) Limitation on use of fund money.--All money in the
18 Regional Destination Facilities Fund, including money credited
19 under this section, prior year encumbrances and interest earned
20 on money in the fund, shall not lapse or be transferred to any
21 other fund, except as provided in section 17172(c) (relating to
22 use of Regional Destination Facilities Fund), but shall remain
23 in the Regional Destination Facilities Fund and must be used
24 exclusively as provided in this chapter.

25 (d) Interest earnings.--Pending disbursement, money received
26 on behalf of or deposited into the Regional Destination
27 Facilities Fund shall be invested or reinvested in the same
28 manner as is money in the custody of the State Treasurer. All
29 earnings received from the investment or reinvestment of the
30 money shall be credited to the Regional Destination Facilities

1 Fund.

2 § 17172. Use of Regional Destination Facilities Fund.

3 (a) Allocations.--Each long-term budget required by section
4 17135(b) (relating to initial financial plan) shall provide that
5 the total expenditure of money in the Regional Destination
6 Facilities Fund which has already been made plus the
7 expenditures provided for in the long-term budget are allocated
8 to ensure that the total amount ultimately expected to be
9 deposited in the fund is allocated as follows:

10 (1) Except for the portion of the Regional Destination
11 Facilities Fund used to defray the operating expenses of the
12 authority as provided in section 17137(b) (relating to
13 operating budget), all of the money in the fund shall be used
14 to fund the construction of regional destination facilities
15 and related developments. Not less than 85% shall be used for
16 the construction of the regional destination facilities, with
17 the remaining 15% available for the construction of related
18 developments, such as parking facilities for a baseball park
19 and football stadium.

20 (2) Subject to paragraphs (3), (4), (5) and (6), the
21 total amount of the fund shall be allocated in the manner
22 most likely, in the judgment of the authority, to permit the
23 completion of the construction of all of the regional
24 destination facilities.

25 (3) Not less than 30% nor more than 40% shall be spent
26 on construction of the convention center, but in no event
27 shall the money provided from the fund represent more than
28 50% of the cost of that project.

29 (4) Not less than 28% nor more than 32% shall be spent
30 on construction of the baseball park, but in no event shall

1 the money provided from the fund represent more than 50% of
2 the cost of that project.

3 (5) Not less than 28% nor more than 32% shall be spent
4 on construction of the football stadium, but in no event
5 shall the money provided from the fund represent more than
6 50% of the cost of that project.

7 (6) Not less than 5% nor more than 10% shall be spent on
8 construction of the projects described in paragraph (4) of
9 the definition of "regional destination facility," but in no
10 event shall the money provided from the fund represent more
11 than 50% of the individual cost of any of those projects.

12 (b) Baseball park and football stadium costs.--The authority
13 shall ensure that a portion of the cost of constructing the
14 baseball park and the football stadium shall be paid for from
15 private funding sources. The cost of retiring the bonds issued
16 by the authority organized under the act of July 29, 1953
17 (P.L.1034, No.270), known as the Public Auditorium Authorities
18 Law, and known as the Stadium Authority of The City of
19 Pittsburgh that are outstanding at the time that the stadium
20 owned by the Stadium Authority of The City of Pittsburgh is used
21 neither for professional baseball games nor for professional
22 football games and the cost of demolishing the stadium may be
23 treated as eligible for funding from the Regional Destination
24 Facilities Fund, but none of those costs may be funded under
25 subsection (a)(3) or (6).

26 (c) Transfer to Regional Growth Fund.--Any money in the
27 Regional Destination Facilities Fund that cannot be disbursed as
28 a result of limitations under subsection (a) shall be
29 transferred on July 1, 2005, to the Regional Growth Fund.

30 SUBCHAPTER H

1 CONVEYANCE OF DAVID L. LAWRENCE CONVENTION CENTER

2 Sec.

3 17181. Conveyance of convention center.

4 § 17181. Conveyance of convention center.

5 (a) Authorization.--The Department of General Services, with
6 the approval of the Governor, is authorized and directed on
7 behalf of the Commonwealth to grant and convey to the authority,
8 for a consideration of \$1, as soon as practicable after the
9 approval in the central county of the referendum required by
10 section 17154 (relating to referenda levying additional taxes),
11 the tract of land, with the structures, facilities, buildings,
12 fixtures and improvements erected on the tract, situate in the
13 City of Pittsburgh, Allegheny County, Pennsylvania, and known as
14 the David L. Lawrence Convention Center. The conveyance shall
15 include any property adjacent to the convention center that is
16 acquired by the Commonwealth prior to the date of the conveyance
17 and any options to acquire the adjacent property held by the
18 Commonwealth on the date of the conveyance.

19 (b) Easements.--The following apply:

20 (1) The conveyance of the convention center shall be
21 made under and subject to:

22 (i) all easements, servitudes and rights of others,
23 including streets, roadways and rights of a telephone,
24 telegraph, water, electric, sewer, gas or pipeline
25 company; and

26 (ii) any interest, estates or tenancies vested in
27 third persons, whether or not appearing of record, for
28 any portion of the land or improvements erected thereon.

29 (2) The authority shall be bound by the terms of any
30 labor contracts relating to the convention center that are in

1 effect at the time of its conveyance to the authority.

2 (c) Deed of conveyance.--The deed of conveyance shall be
3 approved as provided by law and shall be executed by the
4 Secretary of General Services in the name of the Commonwealth.

5 (d) Costs and fees.--Costs and fees incidental to the
6 conveyance of the convention center shall be borne by the
7 grantee.

8 (e) Construction.--The conveyance of the convention center
9 under this section shall not affect the availability of the
10 revenues from the hotel tax authorized in section 1970.2 of the
11 act of July 28, 1953 (P.L.723, No.230), known as the Second
12 Class County Code, to fund the operational and maintenance
13 expenditures of the convention center.

14 CHAPTER 173

15 THIRD CLASS COUNTY CONVENTION CENTER AUTHORITIES

16 Subchapter

17 A. Third Class County Convention Center Authorities

18 B. Third Class County Convention Center Authorities,

19 Alternative Provisions

20 SUBCHAPTER A

21 THIRD CLASS COUNTY CONVENTION CENTER AUTHORITIES

22 Sec.

23 17301. Scope of subchapter.

24 17302. Findings, declaration of policy and scope.

25 17303. Definitions.

26 17304. Authority creation.

27 17305. Purposes and powers in general.

28 17306. Capital and operating budgets.

29 17307. Authorization to issue bonds.

30 17308. Provisions of bonds, trusts, indentures and mortgages.

1 17309. Remedies of obligee of authority.
2 17310. Additional remedies conferrable by authority.
3 17311. Governing board.
4 17312. Sovereign immunity.
5 17313. Money of authority.
6 17314. Transfer of existing facilities or money, making of
7 annual grants and lease payments to authority.
8 17315. Award of contracts.
9 17316. Interests of public officers, public employees and party
10 officers.
11 17317. Acquisition of lands.
12 17318. Use and operation of convention center.
13 17319. Limitation of powers.
14 17320. Exemption from taxation.
15 17321. Lease by authorities.
16 17322. Cooperation.
17 17323. Hotel room rental tax.
18 § 17301. Scope of subchapter.
19 This subchapter relates to third class county convention
20 center authorities.
21 § 17302. Findings, declaration of policy and scope.
22 (a) Findings.--The General Assembly finds as follows:
23 (1) The health, safety and general welfare of the people
24 of this Commonwealth are directly dependent upon the
25 continual encouragement, development, growth and expansion of
26 business, industry, commerce and tourism within this
27 Commonwealth.
28 (2) Unemployment, the spread of indigency and the heavy
29 burden of public assistance and unemployment compensation can
30 be avoided by the promotion, attraction, stimulation,

1 development and expansion of business, industry, commerce and
2 tourism in this Commonwealth.

3 (3) Development of convention centers is appropriate
4 within the redevelopment assistance eligible area of a third
5 class county and that the attraction of business to this
6 Commonwealth as a result of the development is an important
7 factor in the continual encouragement, promotion, attraction,
8 stimulation, development, growth and expansion of business,
9 industry, commerce and tourism within the county seat, the
10 surrounding counties and this Commonwealth as a whole.

11 (4) The purpose of a convention center should be the
12 promotion, attraction, stimulation, development and expansion
13 of business, industry, commerce and tourism in the county
14 seat, the surrounding counties and this Commonwealth as a
15 whole.

16 (5) The development of a convention center will provide
17 benefits to the hotel industry throughout the entire area of
18 the county in which the convention center is developed.

19 (6) The development of a convention center will also
20 provide benefits to the restaurant and entertainment
21 industries throughout the entire county in which the
22 convention center is located, to all other businesses and
23 individuals benefited by the attraction of major conventions
24 and tourists, to other individual businesses whose livelihood
25 is dependent on major conventions and tourists and to the
26 general public.

27 (7) The need for and promotion of the type of facility
28 which will provide significant benefits to the general public
29 will require the expenditure of public money and it is
30 appropriate to authorize a county to impose and collect a tax

1 applicable within the entire territorial limits of the county
2 to facilitate the development of a convention facility and
3 the promotion of tourism within the county.

4 (8) To promote the development of convention centers
5 within this Commonwealth, it is necessary to provide
6 additional and flexible means of developing, constructing,
7 designing, managing, financing and operating convention
8 centers.

9 (9) An important aspect of the development of convention
10 centers should be the removal and redevelopment of blighted
11 areas.

12 (b) Declaration.--It is declared to be the policy of the
13 Commonwealth to promote the health, safety, employment, business
14 opportunities and general welfare of the people of this
15 Commonwealth by providing for the creation of third class county
16 convention center authorities, which shall exist and operate as
17 public instrumentalities of the Commonwealth for the public
18 purpose of promoting, attracting, stimulating, developing and
19 expanding business, industry, commerce and tourism in this
20 Commonwealth. This purpose is declared to be a public purpose
21 supporting the enactment of all provisions of this subchapter
22 for which public money may be spent and taxes may be imposed.

23 (c) Scope of subchapter.--

24 (1) This subchapter shall not apply to a county which
25 has an existing convention center owned, leased or operated
26 by an existing authority or the Commonwealth, which covers an
27 area of more than 40,000 square feet.

28 (2) This subchapter shall not apply to a county which is
29 served, together with one or more other counties, by a joint
30 planning commission.

1 (3) No provision of this subchapter other than section
2 17323 (relating to hotel room rental tax) shall apply to an
3 existing authority.

4 § 17303. Definitions.

5 The following words and phrases when used in this subchapter
6 shall have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 "Authority." An agency and public instrumentality of the
9 Commonwealth and a body politic and corporate created under this
10 subchapter.

11 "Board." The governing body of an authority.

12 "Bonds." Notes, bonds, refunding notes and bonds, interim
13 certificates, debentures and other evidence of indebtedness or
14 obligations which an authority may issue under this subchapter.

15 "Construction." The acquisition, design, erection,
16 extension, renovation, rehabilitation, conversion, furnishing,
17 fixturing, equipping, enlargement or substantial repair of a
18 convention center, or part of a convention center, and
19 activities substantially related to the acquisition, design,
20 erection, extension, renovation, rehabilitation, conversion,
21 furnishing, fixturing, equipping, enlargement or substantial
22 repair of a convention center or part of a convention center.

23 "Convention center." Includes:

24 (1) Any land, improvement, structure, building, or part
25 of a land, improvement, structure or building, or property
26 interest in any land, improvement, structure, building, or
27 part of a land, improvement, structure or building, whether
28 owned by or leased by or to or otherwise acquired by an
29 authority, appropriate for any of the following:

30 (i) Large public assemblies.

1 (ii) The holding of conventions, conferences, trade
2 exhibitions and other business, social, cultural,
3 scientific and public interest events.

4 (2) All facilities, furniture, fixtures and equipment
5 necessary or incident to any property or property interest
6 under paragraph (1), including meeting rooms, dining rooms,
7 kitchens, ballrooms, reception areas, registration and
8 prefunction areas, truck loading areas, including access
9 thereto, accessways, common areas, lobbies, offices and areas
10 appurtenant to any of the preceding, together referred to as
11 the main convention area.

12 (3) Other buildings, structures or facilities for use in
13 conjunction with the main convention area, including
14 provision for off-street parking, retail areas and other
15 improvements related to the convention center owned by or
16 leased by or to an authority for the purpose of producing
17 revenues to assist in defraying the costs or expenses of the
18 convention center.

19 "Cost of a project." All or any part of the cost of
20 construction, acquisition, alteration, enlargement, furnishing,
21 fixturing and equipping, reconstruction and rehabilitation of a
22 convention center project. The term includes:

23 (1) The cost of all lands, structures, real or personal
24 property, rights, rights-of-way, roads, franchises, easements
25 and interests acquired or used for or in connection with a
26 project.

27 (2) The cost of demolishing or removing buildings or
28 structures on land acquired, including the cost of acquiring
29 lands to which the buildings or structures may be moved or
30 located.

1 (3) The cost of all utility lines, structures or
2 equipment.

3 (4) The charges, interest prior to, during and for a
4 period of six months after completion of construction and
5 acquisition.

6 (5) Provisions for reserves for principal and interest
7 and for extensions, enlargements, additions and improvements.

8 (6) The cost of architectural, engineering, financial
9 and legal services, plans, specifications, studies, surveys,
10 estimates of cost and revenues.

11 (7) Expenses necessary or incident to determining the
12 feasibility or practicability of constructing the project.

13 (8) Other capital cost or expense as may be necessary or
14 incident to the construction, development and acquisition of
15 the project, the financing of construction, development and
16 acquisition and the placing of the project in operation,
17 including, without limitation, a proper allowance for
18 contingencies and the provision of reasonable initial working
19 capital for operating the project.

20 "County." A county of the third class or a county which was
21 a county of the third class at the time the county took action
22 to create an authority under this subchapter.

23 "Existing authority." An authority incorporated by a county
24 of the third class prior to November 1, 1994, under the former
25 act of May 2, 1945 (P.L.382, No.164), known as the Municipality
26 Authorities Act of 1945, for the principal purpose of owning or
27 operating a convention center.

28 "Federal Government." The United States, the President of
29 the United States and any department or corporation, agency or
30 instrumentality created, designated or established by the United

1 States.

2 "Obligee." A bondholder or a trustee for a bondholder party
3 to a contract with an authority.

4 "Project." A site, building, structure, equipment,
5 furnishing and other facilities or undertaking in respect of a
6 convention center which an authority may acquire, construct,
7 improve, install, maintain or operate under the provisions of
8 this subchapter.

9 "Redevelopment assistance eligible area." An area determined
10 by the Department of Community and Economic Development to be
11 eligible as a site for a facility receiving a grant under the
12 Redevelopment Assistance Capital Program.

13 "State public body." The Commonwealth and its executive,
14 administrative and independent agencies, departments, officers,
15 boards, authorities, commissions and instrumentalities.

16 "Substantial completion." Construction that is sufficiently
17 completed in accordance with contract documents and certified by
18 the convention center authority's architect or engineer, as
19 modified by change orders so that the main convention area can
20 be used, occupied or operated for its intended use. In no event
21 shall a project be certified as substantially complete until at
22 least 90% of the work on the main convention area is completed.

23 § 17304. Authority creation.

24 The governing bodies of a third class county and the
25 political subdivision constituting the county seat or the county
26 acting alone may create a body corporate and politic to be named
27 the County Convention Center Authority to be created
28 as a public authority and government instrumentality to have
29 continuing succession until its existence shall be terminated by
30 law. If the convention center to be constructed by an authority

1 created under this subchapter shall be located within the
2 jurisdictional limits of the county seat of the county, the
3 authority shall be a joint authority of the county and the
4 county seat. If the convention center shall be located outside
5 the jurisdictional limits of the county seat of the county, the
6 authority may be created solely by the county. The exercise by
7 the authority of the powers conferred by this subchapter is an
8 essential public function.

9 § 17305. Purposes and powers in general.

10 (a) Purposes.--An authority created under this subchapter
11 shall be a public body, corporate and politic, exercising public
12 powers of the Commonwealth as an agency and instrumentality and
13 shall be for the purpose, without limitation, by itself or by
14 agreement in cooperation with others, of acquiring, holding,
15 developing, designing, constructing, improving, maintaining,
16 managing, operating, financing, furnishing, fixturing,
17 equipping, repairing, leasing or subleasing, either in the
18 capacity of lessor or lessee or sublessor or sublessee, and
19 owning a convention center, or parts of a convention center.

20 (b) Powers.--The authority is granted all powers necessary
21 or convenient for the carrying out of the purposes in subsection
22 (a), including the right and power to:

23 (1) Have continuing succession.

24 (2) Sue and be sued, implead and be impleaded, complain
25 and defend in all courts.

26 (3) Adopt, use and alter at will a corporate seal.

27 (4) Acquire by gift or otherwise, purchase, hold,
28 receive, lease, sublease and use a license, franchise or
29 property, real, personal or mixed, tangible or intangible, or
30 any interest in a license, franchise or property, including a

1 convention center or part of a convention center.

2 (5) Sell, transfer or dispose of property or an interest
3 in property with adequate and fair consideration.

4 (6) Acquire, hold, develop, design, construct, improve,
5 maintain, manage, operate, furnish, fix, equip, repair, own,
6 lease or sublease a convention center, or part of a
7 convention center.

8 (6.1) Make, enter into and award contracts with any
9 person, association, partnership or corporation for the
10 development, design, financing, construction, improvement,
11 maintenance, operation, management, furnishing, fixturing,
12 equipping and repairing of a convention center or part of a
13 convention center.

14 (7) Make bylaws for the management and regulation of its
15 affairs and issue rules, regulations and policies in
16 connection with the performance of the authority's functions
17 and duties.

18 (8) Appoint officers, agents, employees and servants, to
19 prescribe duties and to fix compensation.

20 (9) Fix, alter, charge and collect rentals, admissions,
21 license fees and other charges.

22 (10) Do the following:

23 (i) Borrow money for the purpose of paying the costs
24 of a project and to evidence the same.

25 (ii) Make and issue negotiable bonds of the
26 authority.

27 (iii) Secure payment of the bonds, or any part of
28 the payment, by pledge or deed of trust of all or any of
29 its revenues, including any hotel room rental tax,
30 rentals, receipts and contract rights.

1 (iv) Make agreements with the purchasers or holders
2 of the bonds or with other obligees of the authority in
3 connection with the bonds, whether issued or to be
4 issued, as the authority shall deem advisable, which
5 agreements shall constitute contracts with the holders or
6 purchasers.

7 (v) Obtain credit enhancement or liquidity
8 facilities in connection with the bonds as the authority
9 shall determine to be advantageous.

10 (vi) Provide for the security of the bonds and the
11 rights of the bondholders.

12 (11) Make, enter into and award contracts and to execute
13 all instruments necessary or convenient for the carrying out
14 of its business.

15 (12) Borrow money and accept grants and to enter into
16 contracts, leases, subleases, licenses or other transactions
17 with any Federal agency, State public body, political
18 subdivision, person, association, partnership or corporation.

19 (13) Pledge, hypothecate or otherwise encumber its
20 property, real, personal or mixed, tangible or intangible,
21 and its revenues or receipts, including, but not limited to,
22 any interest the authority may have in a lease or sublease of
23 a convention center or part of a convention center.

24 (14) Procure insurance containing coverages, including
25 insurance covering the timely payment in full of principal of
26 and interest on bonds of the authority, in amounts and from
27 insurers, as the authority may determine to be necessary or
28 desirable for its purposes.

29 (15) Invest money of the authority.

30 (16) Cooperate with any Federal agency, State public

1 body or political subdivision.

2 (17) Invest money held in reserve or sinking funds or
3 money not required for immediate disbursements as authorized
4 by section 17313(d) (relating to money of authority).

5 (18) Appoint all officers, agents and employees required
6 for the performance of its duties and fix and determine their
7 qualifications, duties and compensation and retain or employ
8 other agents or consultants, including architects, auditors,
9 engineers, private legal counsel and private consultants, on
10 a contract basis or otherwise for rendering professional or
11 technical services and advice.

12 (19) Enroll authority employees in an existing
13 retirement system of the State, county, city or other
14 governmental entity.

15 (20) Appoint and fix the compensation of chief counsel
16 and assistant counsel to provide the authority with legal
17 assistance, and the authority through counsel shall defend
18 actions brought against the authority and officers and
19 employees of the authority when acting within the scope of
20 their official duties.

21 (21) Maintain an office in the county seat.

22 (22) Appoint an executive director who shall:

23 (i) be the chief executive officer of the authority;

24 (ii) devote full time during business hours to the
25 duties of the office; and

26 (iii) receive compensation as the board shall
27 determine.

28 (23) Do all acts and things necessary or convenient for
29 the promotion of authority purposes and the general welfare
30 of the authority and to carry out the powers granted to the

1 authority by this subchapter or by any other act.

2 (c) Limitations.--

3 (1) The authority shall have no power to pledge the
4 credit or taxing powers of a State public body, a political
5 subdivision or the county.

6 (2) Authority obligations may not be deemed obligations
7 of any State public body, a political subdivision or the
8 county.

9 (3) A State public body, a political subdivision or the
10 county shall not be liable for the payment of principal or
11 interest on obligations of the authority.

12 (4) The authority shall have no power of eminent domain.

13 (d) Affirmative action.--The authority shall develop and
14 implement an affirmative action plan to assure that all persons
15 are accorded equality of opportunity in employment and
16 contracting by the authority and authority contractors,
17 subcontractors, assignees, lessees, agents, vendors and
18 suppliers.

19 § 17306. Capital and operating budgets.

20 (a) Capital budget.--At least 90 days before the commencing
21 of the ensuing fiscal year of the authority, a recommended
22 capital budget shall be prepared and submitted to the board. The
23 capital budget shall show in detail the capital expenditures to
24 be made or incurred in the next fiscal year and financed from
25 money subject to control or appropriation by the board. For each
26 separate purpose, project, facility or other property, the
27 amount and the source of the money that has been spent,
28 encumbered or is intended to be spent or encumbered during the
29 fiscal year shall be shown. No later than the date of the
30 adoption of the annual operating budget, the board shall by a

1 majority vote of its members adopt a capital budget.

2 (b) Operating budget.--At least 90 days before the
3 commencing of the ensuing fiscal year of the authority, a
4 recommended operating budget shall be prepared and submitted to
5 the board. The operating budget shall be prepared with the aid
6 of the governing bodies of the county and county seat. In the
7 event that the operating budget is not in a form and detail
8 satisfactory to a governing body, the governing body may require
9 that the operating budget be redrafted and resubmitted, and the
10 governing body shall not be considered to be in receipt of the
11 operating budget or any amendments unless the form and detail is
12 to the governing body's satisfaction. The operating budget shall
13 set forth the estimated receipts and revenues of the authority
14 during the next fiscal year. The board shall, at least 30 days
15 before the end of the fiscal year, adopt by a majority vote of
16 its members an operating budget for the next fiscal year.
17 § 17307. Authorization to issue bonds.

18 (a) Authorization.--

19 (1) The authority may authorize the issuance of bonds by
20 resolution of the board. A resolution authorizing the
21 issuance of bonds must specify all of the following:

22 (i) Series.

23 (ii) Date of maturity not exceeding 40 years from
24 date of issue.

25 (iii) Interest rate, as determined by the board as
26 necessary to issue and sell the authorized bonds.

27 (iv) Denomination.

28 (v) Form, either coupon or fully registered without
29 coupons.

30 (vi) Registration, exchangeability and

1 interchangeability privileges.

2 (vii) Medium of payment and place of payment.

3 (viii) Terms of redemption.

4 (ix) Priorities in the revenue or receipts of the
5 authority.

6 (2) The bonds shall be signed by or shall bear the
7 facsimile signatures of officers the authority determines,
8 and coupon bonds shall have attached to them interest coupons
9 bearing the facsimile signature of the treasurer of the
10 authority, and all bonds shall be authenticated by an
11 authenticating agent, fiscal agent or trustee, as may be
12 prescribed in a resolution of the board. The bonds may be
13 issued and delivered regardless of whether one or more of the
14 officers who signed the bonds or the treasurer who, by
15 facsimile, signed the coupon are not officers at the time the
16 bonds are delivered.

17 (b) Sale of bonds.--The bonds may be sold at public sale or
18 private negotiated sale for the price or prices and at the rate
19 of interest as the authority determines. Pending the preparation
20 of the definitive bonds, interim receipts may be issued to the
21 purchaser or purchasers of the bonds and may contain terms and
22 conditions as the authority determines.

23 (c) Negotiability.--The bonds shall have the qualities of
24 negotiable instruments under 13 Pa.C.S. (relating to commercial
25 code).

26 (d) Use of net proceeds.--The net proceeds of the issue of
27 bonds or notes may be used to pay the costs of the project or to
28 reimburse costs initially paid by a State public body, the
29 county, another political subdivision, an agency, an
30 organization or an individual.

1 (e) Refunding authorized.--

2 (1) Subject to the provisions of the outstanding bonds,
3 notes or other obligations and subject to the provisions of
4 this subchapter, the authority shall have the right and power
5 to refund outstanding debt, in whole or in part, at any time
6 and shall have the right and power to refund outstanding
7 notes with bonds or bonds with notes.

8 (2) As used in this subsection, the term "refund" and
9 its variations means the issuance and sale of obligations the
10 proceeds of which are used or are to be used for the payment
11 or redemption of outstanding obligations upon or prior to
12 maturity.

13 § 17308. Provisions of bonds, trusts, indentures and mortgages.

14 In connection with the issuance of bonds or the incurring of
15 obligations under leases and in order to secure the payment of
16 the bonds and obligations, the authority, in addition to its
17 other powers, shall have the power to:

18 (1) Pledge all or part of the gross or net revenues to
19 which the authority's right then exists or may come into
20 existence.

21 (2) Mortgage all or part of the authority's real or
22 personal property.

23 (3) Covenant the following:

24 (i) Against pledging all or part of the authority's
25 revenues or against mortgaging all or part of the
26 authority's real or personal property or permitting or
27 suffering a lien on the revenues or property.

28 (ii) With respect to limitations on the authority's
29 right to sell, lease or otherwise dispose of real
30 property.

1 (iii) Other or additional debts or obligations
2 incurred by the authority.

3 (4) Do the following:

4 (i) Covenant as to the bonds to be issued and as to
5 the issuance of the bonds, in escrow or otherwise, and as
6 to the use and disposition of the proceeds.

7 (ii) Provide for the replacement of lost, destroyed
8 or mutilated bonds.

9 (iii) Covenant against extending the time for the
10 payment of its bonds or interest.

11 (iv) Redeem the bonds and to covenant for and
12 provide the terms and conditions for redemption.

13 (5) Do the following:

14 (i) Covenant as to the amount and the use and
15 disposition of revenues to be raised each year or other
16 period of time by the authority.

17 (ii) Create or authorize the creation of special
18 funds for debt service or other purposes.

19 (iii) Covenant as to the use and disposition of the
20 money held in the funds for debt service or other
21 purposes.

22 (6) Prescribe the procedure, if any, by which the terms
23 of a contract with bondholders may be amended or abrogated,
24 the amount of bonds, to which bondholders must consent, and
25 the manner in which consent may be given.

26 (7) Do the following:

27 (i) Covenant as to the use of its real or personal
28 property.

29 (ii) Warrant its title.

30 (iii) Covenant as to the maintenance and replacement

1 of its real and personal property, the insurance to be
2 carried on the property and the use and disposition of
3 insurance money.

4 (8) Do the following:

5 (i) Covenant as to the rights, liabilities, powers
6 and duties arising upon the breach by it of any covenant,
7 condition or obligation.

8 (ii) Covenant and prescribe in the event of default
9 as to terms and conditions upon which authority bonds or
10 obligations are due before maturity and as to the terms
11 and conditions upon which a declaration and its
12 consequences may be waived.

13 (9) Do the following:

14 (i) Vest in a trustee or bondholders or any
15 proportion of the bondholders the right to enforce the
16 payment of the bonds or any covenants securing or
17 relating to the bonds and vest in a trustee the right in
18 the event of a default by the authority to take
19 possession and use, operate and manage any real property
20 and collect the rents and revenues that arise from the
21 real property and to dispose of the money collected in
22 accordance with the agreement of the authority with the
23 trustee.

24 (ii) Provide for the powers and duties of a trustee
25 and limit the trustee's liabilities.

26 (iii) Provide the terms and conditions upon which
27 the trustee or bondholders or any proportion of
28 bondholders may enforce covenants or rights securing or
29 relating to the bonds.

30 (10) Obtain letters of credit and bond insurance.

1 (11) Exercise all, any part or combination of the powers
2 granted in this section.

3 (12) Make covenants other than and in addition to the
4 covenants expressly authorized in this section.

5 (13) Make covenants and perform acts necessary,
6 convenient or desirable in order to secure the authority's
7 bonds or, in the absolute discretion of the authority, that
8 will accomplish the purpose of this subchapter by making the
9 bonds more marketable even if the covenants or acts may not
10 be specifically enumerated in this section.

11 § 17309. Remedies of obligee of authority.

12 An obligee of the authority shall have the right, in addition
13 to all other rights which may be conferred on the obligee,
14 subject only to contractual restrictions binding upon the
15 obligee:

16 (1) By mandamus, suit, action or proceeding at law or in
17 equity, to compel the authority and authority members,
18 officers, agents or employees to perform each term, provision
19 and covenant contained in any bond or contract of the
20 authority with or for the benefit of the obligee and require
21 the carrying out of any or all covenants and agreements of
22 the authority and the fulfillment of all duties imposed upon
23 the authority by this subchapter.

24 (2) By proceeding in equity, to obtain an injunction
25 against any acts or things which may be unlawful or the
26 violation of any of the rights of the obligee.

27 § 17310. Additional remedies conferrable by authority.

28 (a) Default.--The authority shall have power by resolution,
29 trust, indenture or mortgage to confer upon an obligee holding
30 or representing a specified percentage of bonds the right, in

1 addition to all rights that may otherwise be conferred, upon the
2 happening of an event of default as defined in the resolution or
3 instrument, by suit, action or proceeding in a court of
4 competent jurisdiction:

5 (1) to obtain the appointment of a receiver of any real
6 property or leasehold interest of the authority and of the
7 rents and profits from the real property or leasehold
8 interest. If a receiver is appointed, the receiver may enter
9 and take possession of the real property or any leasehold
10 interest, operate the property of leasehold interest and
11 collect and receive all revenues or other income arising from
12 the operation and shall keep the money in a separate account
13 and apply the money in accordance with the obligations of the
14 authority as the court shall direct; or

15 (2) to require the authority and authority members to
16 account as if it and they were the trustees of an express
17 trust.

18 (b) Authority of receiver.--Nothing in this subchapter shall
19 authorize a receiver appointed under this subchapter for the
20 purpose of operating and maintaining facilities of the authority
21 to sell, assign, mortgage or otherwise dispose of the assets of
22 the authority. It is the intention of this subchapter to limit
23 the powers of the receiver to the operation and maintenance of
24 the facilities of the authority as the court directs, and the
25 following apply:

26 (1) Receivers may not sell, assign, mortgage or
27 otherwise dispose of any assets of the authority.

28 (2) Bondholders, trustees and other obligees do not have
29 the right in any suit, action or proceeding, at law or in
30 equity, to compel a receiver to sell, assign, mortgage or

1 otherwise dispose of any assets of the authority.

2 (3) A court may not direct a receiver to sell, assign,
3 mortgage or otherwise dispose of any assets of the authority.

4 § 17311. Governing board.

5 (a) Appointment.--The power of the authority shall be
6 exercised by a governing board. The following apply:

7 (1) The governing body of the county seat of the county
8 in which the convention center is located shall appoint three
9 members. The terms of the first three members appointed shall
10 be allocated between them for a two-year, three-year and
11 four-year term, respectively.

12 (2) The governing body of the county in which the
13 convention center is located shall appoint three members. The
14 terms of the first three members appointed shall be allocated
15 between them for a two-year, three-year and four-year term,
16 respectively.

17 (3) The two governing bodies shall alternate in the
18 appointment of the seventh board member. The governing body
19 of the county shall make the first appointment of the seventh
20 board member, whose term shall be four years.

21 (b) Terms.--Except as otherwise provided, members shall
22 serve a four-year term from the date of appointment and until
23 successors have been appointed and qualified. Subject to
24 subsection (a), if a vacancy occurs by means of the death,
25 disqualification, resignation or removal of a member, the
26 appointing authority shall appoint a successor to fill the
27 unexpired term.

28 (c) Compensation.--Subject to an aggregate per annum
29 limitation and other rules and regulations as the board
30 determines, a member shall receive \$100 per board meeting.

1 (d) Organization.--

2 (1) The members of the board shall select from the
3 members a chairperson and other officers as the board may
4 determine.

5 (2) Except as otherwise provided, all actions of the
6 board shall be taken by a vote of at least four members of
7 the board, which shall constitute a majority, unless the
8 bylaws of the authority provide for a majority vote by a
9 present quorum in the absence of a full board.

10 (3) The board shall have full authority to manage the
11 properties and business of the authority and to prescribe,
12 amend and repeal bylaws, rules and regulations governing the
13 manner in which the business of the authority may be
14 conducted and the powers granted to it may be exercised and
15 embodied.

16 (4) Notwithstanding any other law, court decision,
17 precedent or practice to the contrary, actions by or on
18 behalf of the board shall not be taken by an officer of the
19 board except upon the approval of the board.

20 (5) As used in this subsection, the term "actions by or
21 on behalf of the board" means any action of the board,
22 including:

23 (i) the hiring, appointment, removal, transfer,
24 promotion or demotion of officers and employees;

25 (ii) the retention, use or remuneration of advisors,
26 counsel, auditors, architects, engineers or consultants;

27 (iii) the initiation of legal action;

28 (iv) the making of contracts, leases, agreements,
29 bonds, notes or covenants;

30 (v) the approval of requisitions, purchase orders,

1 investments and reinvestments; and

2 (vi) the adoption, amendment, revision or rescission
3 of rules and regulations, orders or other directives.

4 (e) Nonliability of members.--Members of the board may not
5 be held personally liable for the bonds or other obligations of
6 the authority, and the rights of creditors shall be solely
7 against the authority. The authority, itself or by contract,
8 shall defend board members, and the authority shall indemnify
9 and hold harmless board members, regardless of whether currently
10 serving as an authority member, against and from personal
11 liabilities, actions, causes of action and claims made against
12 the authority for actions performed within the scope of duties
13 as board members.

14 § 17312. Sovereign immunity.

15 The following apply:

16 (1) The authority created under this subchapter and its
17 officers, officials and employees shall have sovereign and
18 official immunity, as provided in 1 Pa.C.S. § 2310 (relating
19 to sovereign immunity reaffirmed; specific waiver).

20 (2) The authority shall remain immune from suit except
21 as provided by and subject to 42 Pa.C.S. §§ 8501 (relating to
22 definitions), 8502 (relating to enforcement proceedings),
23 8521 (relating to sovereign immunity generally), 8522
24 (relating to exceptions to sovereign immunity), 8523
25 (relating to venue and process), 8524 (relating to defenses),
26 8525 (relating to legal assistance), 8526 (relating to
27 counterclaim by the Commonwealth), 8527 (relating to
28 indemnity relating to inmate health care) and 8528 (relating
29 to limitations on damages).

30 (3) Notwithstanding 42 Pa.C.S. § 8525, the authority

1 shall defend actions brought against the authority and the
2 authority's officers and employees if acting within the scope
3 of their official duties.

4 § 17313. Money of authority.

5 (a) Payment to treasurer.--All money of the authority shall
6 be paid to the treasurer of the authority.

7 (b) Investment of money.--The board shall invest authority
8 money consistent with sound business practice.

9 (c) Investment program.--The board shall provide for an
10 investment program subject to restrictions contained in this
11 subchapter, any other applicable statute and rules or
12 regulations adopted by the board.

13 (d) Authorized types of investments.--Authorized types of
14 investments for authority money shall be:

15 (1) Direct obligations of or obligations guaranteed by
16 the United States.

17 (2) A bond, debenture, note, participation certificate
18 or other similar obligation issued by any one or combination
19 of the following agencies:

20 (i) Government National Mortgage Corporation.

21 (ii) Federal Land Banks.

22 (iii) Federal Home Loan Banks.

23 (iv) Federal Intermediate Credit Banks.

24 (v) Banks for Cooperatives.

25 (vi) Tennessee Valley Authority.

26 (vii) United States Postal Service.

27 (viii) Farmers Home Administration.

28 (ix) Student Loan Marketing Association.

29 (x) Export-Import Bank of the United States.

30 (3) A bond, debenture, note, participation certificate

1 or other similar obligation issued by the Federal National
2 Mortgage Corporation to the extent the obligations are
3 guaranteed by the Government National Mortgage Corporation or
4 issued by another Federal agency and backed by the full faith
5 and credit of the United States.

6 (4) Deposits in interest-bearing time or demand deposits
7 or certificates of deposit fully insured by the Federal
8 Deposit Insurance Corporation or its successors or the
9 Federal Savings and Loan Insurance Corporation or its
10 successors or fully secured by any of the obligations
11 described in paragraphs (1), (2) and (3) to the extent not so
12 insured.

13 (5) Repurchase agreements relating to, or investment
14 agreements secured by or providing for the acquisition of
15 and, if applicable, the resale of, obligations described in
16 paragraphs (1), (2), (3) and (4) or obligations of the
17 Federal Home Loan Mortgage Corporation or the Federal
18 National Mortgage Association with:

19 (i) banks or trust companies, which may include a
20 banking entity or depository;

21 (ii) brokers or broker-dealers registered under the
22 Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C.
23 §§ 78a-78jj) acceptable to the authority; or

24 (iii) insurance companies rated A+ or better by
25 Best's and having a net capital and surplus of at least
26 \$25,000,000 or certificates of deposit with banks or
27 trust companies fully secured as to principal and accrued
28 interest by obligations described in paragraphs (1), (2),
29 (3) and (4) deposited with or subject to the control of
30 the authority.

1 (6) Money market deposit accounts of banks or trust
2 companies having a net capital and surplus of at least
3 \$25,000,000, which may include a banking entity or
4 depository.

5 (7) The description of authorized investments under
6 paragraphs (5) and (6) shall be met only if the agreements
7 referenced in paragraph (5) or (6) provide for the repayment
8 of the principal amount invested at an amount not less than
9 that invested. If security is required under paragraph (4),
10 (5) or (6), the security shall be deposited with the
11 treasurer of the authority or be held by a trustee or agent
12 satisfactory to the authority. Money of the authority shall
13 be paid out on the warrant or other order of the chairperson
14 of the authority or other person as the authority may
15 authorize to execute warrants or orders.

16 (e) Annual report and audit.--An authority created under
17 this subchapter shall file an annual report with the Department
18 of Community and Economic Development, with the county and with
19 the political subdivision constituting the county seat, which
20 shall make provisions for the accounting of revenues and
21 expenses. Authority books, accounts and records shall be audited
22 annually in accordance with generally accepted auditing
23 standards by an independent auditor who shall be a certified
24 public accountant, and a copy of the audit report shall be
25 attached to and be made a part of the annual report. A concise
26 financial statement shall be published annually in a newspaper
27 of general circulation in the county in which the authority is
28 located.

29 (f) Power of inspection.--The Attorney General, the Auditor
30 General, the Secretary of the Budget, the chairperson and

1 minority chairperson of the Appropriations Committee of the
2 Senate and the chairperson and minority chairperson of the
3 Appropriations Committee of the House of Representatives shall
4 have the right to examine the books, accounts and records of the
5 authority.

6 § 17314. Transfer of existing facilities or money, making of
7 annual grants and lease payments to authority.

8 (a) Authority to transfer.--

9 (1) A State public body or political subdivision may
10 sell, lease or sublease from or to, lend, grant, convey or
11 otherwise transfer or pay over to the authority, with or
12 without consideration, any of the following:

13 (i) A convention center or part of a convention
14 center.

15 (ii) An interest in property, real, personal or
16 mixed, tangible or intangible.

17 (iii) Any money available, needed or obligated for
18 development, acquisition, design, maintenance,
19 management, operation, financing, leasing or subleasing,
20 construction or improvement purposes, including the
21 proceeds of bonds issued before or after November 3,
22 1999, for construction or improvement of a convention
23 center or part of a convention center.

24 (2) Property, money, a convention center or part of a
25 convention center received by the authority may be used for
26 any lawful purpose of the authority.

27 (3) Nothing in this subchapter or in any other law shall
28 be deemed to make an authority or person a State-supported or
29 State-aided institution under any law of this Commonwealth.

30 (b) Grants authorized.--

1 (1) Subject to paragraph (2), the governing bodies of
2 the county and county seat are authorized to:

3 (i) Make grants from current revenues to the
4 authority.

5 (ii) Assist in defraying the costs of management,
6 operation, maintenance, financing and debt service of a
7 convention center or part of a convention center.

8 (iii) Enter into long-term agreements providing for
9 payments under subparagraph (i) or (ii).

10 (iv) Enter into long-term leases or subleases as
11 lessee or sublessee of all or part of a convention
12 center.

13 (2) Obligations of the county and county seat to make
14 grants, lease or sublease payments to an authority shall not,
15 even if based on debt obligations of an authority, constitute
16 debts of the county and county seat within the meaning of any
17 constitutional or statutory provision and shall be payable
18 only to the extent that current revenues of the county and
19 county seat are available.

20 (3) The county and county seat may issue general
21 obligation bonds for the purpose of obtaining money for local
22 contributions pertaining to a convention center or part of a
23 convention center.

24 (c) Capital costs.--The Commonwealth may contribute to the
25 capital costs of constructing a convention center by the
26 issuance of Commonwealth bonds and notes under Article XIX-B of
27 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform
28 Code of 1971, or under Chapter 3 of the act of February 9, 1999
29 (P.L.1, No.1), known as the Capital Facilities Debt Enabling
30 Act. A convention center project undertaken by the authority is

1 deemed to be a redevelopment assistance project for which
2 capital funds of the Commonwealth may be expended under the
3 provisions of the act of May 20, 1949 (P.L.1633, No.493), known
4 as the Housing and Redevelopment Assistance Law, and,
5 notwithstanding any provisions of the Housing and Redevelopment
6 Assistance Law, the Department of Community and Economic
7 Development may make capital grants directly to the authority in
8 furtherance of this subchapter.

9 § 17315. Award of contracts.

10 (a) General rule.--All construction, reconstruction, repairs
11 or work of any nature made by an authority in which the entire
12 cost, value or amount of the construction, reconstruction,
13 repairs or work, including labor and materials, shall exceed
14 \$10,000, except construction, reconstruction, repairs or work
15 done by employees of the authority or by labor supplied under
16 agreement with a Federal agency, State public body or political
17 subdivision, with supplies and materials purchased as provided
18 under this section, shall be done only under contract or
19 contracts to be entered into by the authority with the lowest
20 responsible bidder upon proper terms after due public notice has
21 been given asking for competitive bids as provided under this
22 section and in accordance with the following:

23 (1) The authority shall have the right to reject any or
24 all bids or select a single item from any bid.

25 (2) Contracts may not be entered into for construction
26 or improvement or repair of a project or portion of a project
27 unless the contractor provides sufficient surety or sureties
28 approved by the authority in an amount fixed by the authority
29 for the performance of the contract.

30 (3) All contracts shall provide that the person or

1 corporation entering into the contract with the authority pay
2 for all materials furnished and services rendered for the
3 performance of the contract and that a person or corporation
4 furnishing materials or rendering services may maintain an
5 action to recover for the same against the obligor in the
6 undertaking as though the person or corporation was named in
7 the contract if the action is brought within one year after
8 the time the cause of action accrued.

9 (4) Nothing in this section shall be construed to limit
10 the power of the authority to construct, repair or improve a
11 project or portion of a project or an addition, betterment or
12 extension to a project directly by the officers and employees
13 of the authority.

14 (5) The authority shall award the construction of a
15 convention center according to the provisions of the act of
16 May 1, 1913 (P.L.155, No.104), referred to as the Separations
17 Act, and shall be subject to 62 Pa.C.S. Pt. I (relating to
18 Commonwealth procurement code).

19 (6) Nothing in this section or any other law shall
20 require the authority to competitively bid architectural
21 design, engineering or other professional services required
22 by the authority.

23 (b) Purchasing of supplies and materials.--All supplies and
24 materials which cost \$10,000 or more to be acquired directly by
25 the authority shall be purchased only after due advertisement.
26 The authority shall accept the lowest bid or bids from a
27 responsible bidder, kind, quality and material being equal, but
28 the authority shall have the right to reject any bid or select a
29 single item from a bid. The provisions as to bidding shall not
30 apply to the purchase of unique supplies and materials or

1 supplies and materials which cannot be obtained in the open
2 market.

3 (c) Construction.--Nothing in this section or in any other
4 law shall preclude the board with the approval of five members
5 from negotiating contracts for management, operation, concession
6 services, licensing or leasing of a convention center or any
7 part of a convention center. The authority may not award a
8 contract to a manager, operator, concessionaire, licensee,
9 lessee or lessor which exceeds three years in duration unless
10 five members of the board approve the awarding of a contract for
11 a greater period of time.

12 (d) Local regulation.--The authority and authority
13 contractors, subcontractors, assignees, lessees, agents, vendors
14 and suppliers are not subject to county or county seat laws,
15 ordinances, rules or regulations relating to limits or
16 preferences with regard to employment, contracting or
17 procurement in the construction and operation of the convention
18 center.

19 (e) Applicability of other acts.--The authority shall be
20 subject to the act of August 15, 1961 (P.L.987, No.442), known
21 as the Pennsylvania Prevailing Wage Act, the act of March 3,
22 1978 (P.L.6, No.3), known as the Steel Products Procurement Act,
23 and 62 Pa.C.S. Ch. 37 Subch. B (relating to motor vehicles).

24 (f) Definitions.--As used in this section, the following
25 words and phrases shall have the meanings given to them in this
26 subsection unless the context clearly indicates otherwise:

27 "Advertisement." A public notice.

28 "Public notice." A notice published at least 10 days before
29 the award of a contract in a newspaper of general circulation
30 published in the county, which may be waived if the authority

1 determines an emergency exists and supplies and materials must
2 be immediately purchased by the authority.

3 § 17316. Interests of public officers, public employees and
4 party officers.

5 (a) Management level employees.--

6 (1) A party officer, public officer, public official or
7 public employee may not be employed as a management-level
8 authority employee.

9 (2) A person convicted of an infamous crime may not be
10 employed as a management-level employee by the authority.

11 (b) Other laws applicable.--

12 (1) The provisions of the act of July 19, 1957
13 (P.L.1017, No.451), known as the State Adverse Interest Act,
14 and 65 Pa.C.S. Ch. 11 (relating to ethics standards and
15 financial disclosure) are made specifically applicable to
16 board members, officers and employees of the authority. For
17 the purposes of application of these acts, employees of the
18 authority shall be regarded as public employees of the
19 Commonwealth, and officers and board members of the authority
20 shall be regarded as public officials of the Commonwealth,
21 regardless of whether the employee, officer or board member
22 receive compensation.

23 (2) The authority is subject to the act of February 14,
24 2008 (P.L.6, No.3), known as the Right-to-Know Law, and 65
25 Pa.C.S. Ch. 7 (relating to open meetings).

26 (c) Conflicts of interest.--Notwithstanding the provisions
27 of subsection (b), the following prohibitions shall apply:

28 (1) A management-level employee or other employee of the
29 authority may not use the employee's position with the
30 authority or confidential information received through the

1 employee's position with the authority to obtain financial
2 gain other than compensation provided by law for the
3 employee, a member of the employee's immediate family or a
4 business with which the employee is associated. For purposes
5 of this paragraph, the term "business with which the employee
6 is associated" shall mean a business in which the employee or
7 a member of the employee's immediate family is a director,
8 officer, owner, employee or stockholder.

9 (2) A person may not offer or give to a management-level
10 employee or other employee of the authority or a member of
11 the employee's immediate family or a business with which the
12 employee is associated, and management-level employees or
13 other employees of the board may not solicit or accept,
14 anything of value, including a gift, loan, political
15 contribution, reward or promise of future employment, based
16 on an understanding that the vote, official action or
17 judgment of the employee would be influenced thereby. For
18 purposes of this paragraph, the term "business with which the
19 employee is associated" shall mean a business in which the
20 person or a member of the person's immediate family is a
21 director, officer, owner, employee or stockholder.

22 (3) A management-level employee or other employee of the
23 authority or a member of the employee's immediate family or a
24 business in which the employee or a member of the employee's
25 immediate family is a director, officer, owner or stockholder
26 exceeding 5% of the equity at fair market value of the
27 business may not enter into a contract valued at \$500 or more
28 to provide goods or services to the authority unless the
29 contract has been awarded to the lowest responsible bidder
30 through an open and public process, including prior public

1 notice and subsequent public disclosure of all proposals
2 considered and contracts awarded.

3 (4) A former management-level employee or other former
4 employee of the authority may not represent a person, with or
5 without compensation, on any matter before the authority with
6 which the employee has been associated for one year after the
7 employee leaves employment with the authority.

8 (5) An individual who is a State, county seat or county
9 public officer or public official or a party officer, a
10 member of the immediate family of the individual or a
11 business with which the individual or immediate family member
12 is associated shall not have a financial interest in a
13 contract valued at \$500 or more to provide goods or services
14 to the authority either during the time the individual holds
15 the office or for two years after the individual terminates
16 the office unless the contract is executed under paragraph
17 (3). For purposes of this paragraph:

18 (i) The term "financial interest" does not include
19 employment by, association with or ownership of a
20 business association unless the public officer, public
21 official, party officer or immediate family member owns
22 shares of stock in the corporation in an amount in excess
23 of 5% of the total issue of the stock of the corporation
24 or has an ownership interest in a noncorporate business
25 association in an amount in excess of 5% of the total
26 ownership of the noncorporate business association.

27 (ii) The term "business with which the individual or
28 immediate family member is associated" shall mean a
29 business in which the person or a member of the person's
30 immediate family is a director, officer, owner, employee

1 or holder of stock.

2 (6) An employee of the authority or an advisor or
3 consultant to the county seat, the county or the State who
4 has recommended to the authority which the employee serves
5 either entering into a contract relating to a convention
6 center authority or a course of action of which entering into
7 the contract is an express or implied part may not have an
8 adverse interest in the contract.

9 (7) A management-level employee or other employee of the
10 authority, the county seat, the county or the State may not
11 influence or attempt to influence the making of or supervise
12 or in any manner deal with a contract with the authority in
13 which the employee has an adverse interest.

14 (8) A management-level employee or other employee of the
15 authority may not have an adverse interest in a contract with
16 the authority.

17 (9) An individual having an adverse interest in a
18 contract with the authority may not become a management-level
19 employee or other employee of the authority until the adverse
20 interest is wholly divested.

21 (10) A management-level employee or other employee of
22 the Commonwealth, authority, county seat, or county, except
23 in the performance of the employee's duties for the
24 authority, may not, directly or indirectly, represent a
25 person upon a matter pending before the authority for
26 remuneration.

27 (d) Penalties.--

28 (1) An individual who violates this section shall be
29 immediately terminated from employment with the authority by
30 the appropriate individual having the power to terminate and

1 shall be liable to the authority to reimburse the authority
2 for all compensation received by the employee from the
3 authority while employed in violation of subsection (a).

4 (2) An individual who violates subsection (c) (1) or (2)
5 commits a felony and, upon conviction, shall be sentenced to
6 pay a fine of not more than \$10,000 or to imprisonment for
7 not more than five years, or both.

8 (3) An individual who violates subsection (c) (3), (4),
9 (5), (6), (7), (8), (9) or (10) commits a misdemeanor and,
10 upon conviction, shall be sentenced to pay a fine of not more
11 than \$1,000 or to imprisonment for not more than one year, or
12 both.

13 (4) An individual who obtains financial gain from
14 violating subsection (c), in addition to any other penalty
15 provided by law, shall pay into the accounts of the authority
16 a sum of money equal to three times the financial gain
17 resulting from the violation.

18 (5) An individual who violates subsection (c) shall be
19 barred for a period of five years from engaging in any
20 business or contract with the authority, the county seat, the
21 county, the Commonwealth and all political subdivisions of
22 the Commonwealth.

23 (6) An employee of the county seat, the county or the
24 Commonwealth or any political subdivision of the Commonwealth
25 or a public officer or public official who violates
26 subsection (c) must automatically forfeit the office or
27 employment the employee, officer or official holds.

28 (7) The penalties and sanctions provided by this section
29 shall supersede any similar penalties and sanctions provided
30 by 65 Pa.C.S. Ch. 11 and the State Adverse Interest Act.

1 (e) Definitions.--As used in this section, the following
2 words and phrases shall have the meanings given to them in this
3 subsection unless the context clearly indicates otherwise:

4 "Business." A corporation, partnership, sole proprietorship,
5 firm, enterprise, franchise, association, organization, self-
6 employed individual, holding company, joint-stock company,
7 receivership, trust or any legal entity organized for profit or
8 as a not-for-profit corporation or organization.

9 "Immediate family." A parent, spouse, child, brother, sister
10 or like relative-in-law.

11 "Infamous crime." A violation and conviction for an offense
12 which would disqualify an individual from holding public office
13 pursuant to section 6 of Article II of the Constitution of
14 Pennsylvania or a conviction for a violation of this section, 18
15 Pa.C.S. § 4113 (relating to misapplication of entrusted property
16 and property of government or financial institutions) or 18
17 Pa.C.S. Ch. 47 (relating to bribery and corrupt influence), 49
18 (relating to falsification and intimidation), 51 (relating to
19 obstructing governmental operations) or 53 (relating to abuse of
20 office) or any other violation of the laws of this Commonwealth
21 for which an individual has been convicted within the preceding
22 10 years and which is classified as a felony, and similar
23 violations of the laws of another state or the Federal
24 Government.

25 "Management-level authority employee." The chairperson and
26 members of the board, counsel employed by the authority, the
27 executive director of the authority and authority employees with
28 discretionary powers which may affect the outcome of the
29 authority's decision in relation to a private corporation or
30 business or employees who, by virtue of the employee's job

1 function, have the ability to influence the outcome of the
2 decision.

3 "Party officer." Any of following members or officers of a
4 political party:

5 (1) A member of a national committee.

6 (2) A chairperson, vice chairperson, secretary,
7 treasurer or counsel of a State committee or member of the
8 executive committee of a State committee.

9 (3) A city chairperson or vice chairperson or counsel,
10 secretary or treasurer of a city committee.

11 (4) A county chairperson or vice chairperson or counsel,
12 secretary or treasurer of a county committee.

13 "Person." A business, individual, corporation, union,
14 association, firm, partnership, committee, club or other
15 organization or group of persons.

16 "Public employee." As follows:

17 (1) The term includes an individual employed by the
18 Commonwealth or a political subdivision of the Commonwealth
19 who is responsible for taking or recommending official action
20 of a nonministerial nature with regard to:

21 (i) contracting or procurement;

22 (ii) administering or monitoring grants or
23 subsidies;

24 (iii) planning or zoning;

25 (iv) inspecting, licensing, regulating or auditing
26 any person; or

27 (v) any other official action which has an economic
28 impact of greater than a de minimis nature on the
29 interest of any person.

30 (2) The term does not include individuals who are

1 employed by the Commonwealth or a political subdivision of
2 the Commonwealth in teaching, as distinguished from
3 administrative duties.

4 "Public officer." An individual elected to any public office
5 of the Commonwealth or a political subdivision of the
6 Commonwealth.

7 "Public official." An elected or appointed official in the
8 executive, legislative or judicial branch of the Commonwealth or
9 a political subdivision of the Commonwealth. The term does not
10 include any of the following:

11 (1) Members of advisory boards who have no authority to
12 expend public money other than reimbursement for personal
13 expense or to otherwise exercise the power of the
14 Commonwealth or a political subdivision of the Commonwealth.

15 (2) An appointed official who receives no compensation
16 other than reimbursement for actual expenses.

17 § 17317. Acquisition of lands.

18 The authority shall have the power to acquire by purchase
19 either the fee or a right, title, interest or easement, or any
20 combination, in land within the county or county seat as the
21 authority may deem necessary for the purpose mentioned in this
22 subchapter, except that a convention center constructed pursuant
23 to the terms of this subchapter must be located in a
24 redevelopment assistance eligible area.

25 § 17318. Use and operation of convention center.

26 The use and operation of the convention center, including all
27 parts of a convention center, and the operation of the business
28 of the authority shall be subject to the rules and regulations
29 adopted by the authority. The authority is not authorized to
30 take any action which may impair the security of the obligees of

1 the authority or violate any agreements with the obligees or for
2 the benefit of the obligees or violate any contracts, leases or
3 other agreements awarded, made or entered into by the authority.
4 § 17319. Limitation of powers.

5 (a) Commonwealth pledge.--

6 (1) The Commonwealth pledges to and agrees with any
7 person, the county, county seat, political subdivision or
8 Federal agency subscribing to or acquiring the bonds issued
9 by the authority for the construction or improvement of a
10 convention center or part of a convention center that the
11 Commonwealth will not limit or alter the rights vested in the
12 authority in any manner inconsistent with the obligations to
13 the bondholders until all bonds issued, together with the
14 interest, are fully paid and discharged.

15 (2) The Commonwealth further pledges to and agrees with
16 any Federal agency that in the event that the Federal agency
17 constructs or contributes money to construct or improve a
18 convention center or part of a convention center that the
19 Commonwealth will not alter or limit the rights and powers of
20 the authority in any manner which would be inconsistent with
21 the due performance of any agreements between the authority
22 and the Federal agency.

23 (b) Additional Commonwealth pledge.--The Commonwealth
24 pledges to and agrees with any person that as owner leases or
25 subleases a convention center or part of a convention center to
26 or from an authority created under this subchapter that the
27 Commonwealth will not limit or alter the rights and powers
28 vested in the authority or otherwise created under this
29 subchapter in any manner which impairs the obligations of the
30 authority until all obligations of the authority under the lease

1 or sublease are fully met and discharged.

2 § 17320. Exemption from taxation.

3 The effectuation of the authorized purposes of an authority
4 shall be in all respects for the benefit of the residents of
5 this Commonwealth, for the increase of commerce and prosperity
6 and for the improvement of health and living conditions. Since
7 an authority, as a public instrumentality of the Commonwealth,
8 performs essential governmental functions in effectuating these
9 purposes, the authority shall not be required to pay any taxes
10 or assessments upon a convention center, or part of a convention
11 center, or property acquired or used or permitted to be used by
12 them for these purposes. The bonds issued by an authority, their
13 transfer and the income from the bonds, including any profits
14 made on the sale of the bonds, shall be free from State and
15 local taxation within this Commonwealth. This exemption may not
16 extend to gift, estate, succession or inheritance taxes or any
17 other taxes not levied directly on the bonds, the transfer or
18 the income from the bond, or the realization of profits on the
19 sale of the bonds.

20 § 17321. Lease by authorities.

21 A convention center or part of a convention center may be
22 leased or subleased by the authority to and from the county or
23 county seat, and the county or county seat may enter into leases
24 or subleases, or both, for this purpose. A lease or sublease may
25 be made for a specified or unlimited time and on terms and
26 conditions as may be approved by the county or county seat and
27 agreed to by the authority in conformity with the authority's
28 contracts with the holders of any bonds.

29 § 17322. Cooperation.

30 (a) General rule.--The following shall apply:

1 (1) For the purpose of aiding and cooperating with the
2 authority and in the planning, acquisition, clearance,
3 relocation, development, design, construction,
4 rehabilitation, leasing, subleasing, alteration, expansion,
5 financing, improvement, management or operation of a
6 convention center or part of a convention center, any State
7 public body or political subdivision or the county or county
8 seat may, upon terms, with or without consideration:

9 (i) Dedicate, sell, convey, lease or otherwise
10 transfer property or any interest therein, real, personal
11 or mixed, tangible or intangible, to the authority.

12 (ii) Cause parking, recreational or community
13 facilities or any other works, which it is otherwise
14 empowered to undertake, to be furnished in or adjacent to
15 any area selected for a convention center or part of a
16 convention center.

17 (iii) Furnish, dedicate, close, pave, install,
18 grade, regrade, plan or replan streets, roads, roadways,
19 alleys, sidewalks or other places which it is otherwise
20 empowered to do.

21 (iv) Enter into agreements, extending over any
22 period, with the authority or with the Federal Government
23 pertaining to an action to be taken by a State public
24 body under this section.

25 (v) Aid and cooperate in the development,
26 acquisition, design, construction, improvement,
27 maintenance, management, operation, furnishing,
28 fixturing, equipping, repairing, financing, owning,
29 leasing and subleasing of a convention center or part of
30 a convention center.

1 (vi) In connection with public improvements made by
2 a State public body, political subdivision, county or the
3 county seat, in exercising the powers granted, incur the
4 entire expense.

5 (2) The Secretary of General Services is authorized,
6 with the approval of the Governor and Attorney General, to
7 execute and deliver, on behalf of the Commonwealth,
8 conveyances, deeds and leases authorized under this
9 subchapter.

10 (b) Contract.--In connection with a convention center or
11 part of a convention center, the county or county seat may
12 contract with the authority or the Federal Government with
13 respect to sums which the authority or the Federal Government
14 may agree to pay during any year or period of years to the
15 county or county seat for the improvements, services and
16 facilities to be provided by it for the benefit of the
17 authority, convention center or part of a convention center, or
18 the persons occupying the area. The absence of a contract for
19 these payments shall not relieve the county or county seat from
20 the duty to furnish for the benefit of the authority, convention
21 center or part of a convention center, or the persons occupying
22 the area, customary improvements and services and facilities as
23 the county or county seat usually furnishes without a service
24 fee.

25 (c) Agent.--The Commonwealth, county or county seat may, by
26 written agreement, designate the authority as its agent within
27 the authority's field of operation to perform any specified
28 activity or to administer any specified program which the
29 Commonwealth, county or county seat is authorized by law to do,
30 except that any activity or program shall be in furtherance of

1 the public purposes specified in this chapter. The activities
2 may include development, acquisition, design, construction,
3 improvement, maintenance, leasing, management or operation of a
4 convention center.

5 (d) Powers.--The powers conferred by this section shall be
6 in addition and supplemental to the powers conferred by any
7 other law.

8 § 17323. Hotel room rental tax.

9 (a) Imposition.--The county in which a convention center is
10 located may impose an excise tax on the consideration received
11 by each operator of a hotel within the market area from each
12 transaction of renting a room or rooms to accommodate
13 transients. The tax shall be collected by the operator from the
14 patron of the room and paid over to the county under subsection
15 (e) and shall be known as the Hotel Room Rental Tax.

16 (b) Rate.--The rate of tax imposed under this section by the
17 county in which the convention center is located may not exceed
18 5%.

19 (c) Deposit.--Eighty percent of revenues received from taxes
20 imposed under this section shall be annually deposited in the
21 special fund required under subsection (d) for the use of the
22 authority for convention center purposes. Twenty percent of the
23 revenues received from taxes imposed under this section shall be
24 deposited within 30 days of collection into the tourist
25 promotion agency fund required under subsection (d) until
26 disbursed as provided below.

27 (d) Collection.--The following shall apply:

28 (1) The treasurer of each county electing to impose the
29 tax authorized under this section is directed to collect the
30 tax and:

1 (i) to deposit 80% of the revenues received from the
2 tax in special funds established for purposes in this
3 section; and

4 (ii) to deposit 20% of the revenues received by the
5 tax in the tourist promotion agency fund until disbursed
6 under subsection (g).

7 (2) Interest on money deposited in the funds shall
8 accrue proportionately to the respective funds as provided in
9 this section. The treasurer may establish rules and
10 regulations concerning the collection of the tax, which
11 collection shall occur not more than monthly nor less than
12 quarterly.

13 (e) Expenditures.--Expenditures from the fund established
14 under subsection (d) for the authority shall be used by the
15 authority for the following purposes:

16 (1) Projected annual debt service or lease payments of
17 the convention center authority.

18 (2) Costs associated with financing, constructing,
19 improving, maintaining, furnishing, fixturing and equipping
20 the convention center.

21 (3) Costs associated with the development of the
22 convention center, including design, engineering and
23 feasibility costs.

24 (4) Costs associated with the operation and management
25 of the convention center.

26 (5) Costs associated with promoting, marketing and
27 encouraging the use of the convention center.

28 (6) General purposes of the convention center.

29 (f) Security.--If and to the extent that the authority
30 pledges its share of the proceeds of the tax authorized by this

1 section as security for the payment of bonds issued by the
2 authority for convention center purposes, the Commonwealth
3 pledges to and agrees with any person, firm or corporation
4 subscribing to or acquiring bonds to be issued by the authority
5 for convention center purposes that the Commonwealth will not,
6 nor will it authorize a county to, reduce the rate of tax
7 imposed for convention center purposes until all bonds secured
8 by the pledge of the authority, together with interest, are
9 fully met and discharged.

10 (g) Tourist promotion agency.--

11 (1) If default has not occurred or is continuing with
12 respect to any bonds, notes or other indebtedness of an
13 authority incurred to finance the construction of a
14 convention center, revenues received from the tax deposited
15 into the tourist promotion agency fund required under
16 subsection (d) shall be disbursed by each county to the
17 tourist promotion agency within 10 days of receipt.

18 (2) The county shall have no obligation to invest any
19 money deposited into the tourist promotion agency fund.

20 (h) Tax year.--Each tax year for any tax imposed under this
21 section shall run concurrently with the county's fiscal year.

22 (i) Report.--An audited report on the income and
23 expenditures incurred by a tourist promotion agency receiving
24 revenue from the tax authorized under this section shall be
25 submitted annually by the tourist promotion agency to the county
26 commissioners.

27 (j) Expiration.--The tax levied under this section shall
28 expire when all bonds issued by a county under this subdivision
29 have been fully met and discharged.

30 (k) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection unless the context clearly indicates otherwise:

3 "Consideration." Receipts, fees, charges, rentals, leases,
4 cash, credits, property of any kind or nature or other payment
5 received by operators in exchange for or in consideration of the
6 use or occupancy by a transient of a room or rooms in a hotel
7 for a temporary period.

8 "Convention center."

9 (1) Any land, improvement, structure, building or
10 property interest, whether owned by or leased by or to or
11 otherwise acquired by an existing authority, appropriate for
12 any of the following:

13 (i) Large public assemblies.

14 (ii) Holding of conventions, conferences, trade
15 exhibitions and other business.

16 (iii) Social, cultural, scientific and public
17 interest events.

18 (2) All facilities, furniture, fixtures and equipment
19 necessary or incident to any item listed in paragraph (1),
20 including meeting rooms, dining rooms, kitchens, ballrooms,
21 reception areas, registration and prefunction areas, truck
22 loading areas, including access, accessways, common areas,
23 lobbies, offices and areas appurtenant to any of the
24 preceding, together referred to as the main convention area,
25 and also including other buildings, structures or facilities
26 for use in conjunction with the foregoing, including, but not
27 limited to, provision for off-street parking, retail areas
28 and other improvements related to the center owned by or
29 leased by or to an existing authority for the purpose of
30 producing revenues to assist in defraying the costs or

1 expenses of the convention center.

2 "Hotel." As follows:

3 (1) A hotel, motel, inn, guesthouse or other building
4 located within the market area which holds itself out by any
5 means, including advertising, license, registration with an
6 innkeeper's group, convention listing association, travel
7 publication or similar association or with a government
8 agency, as being available to provide overnight lodging or
9 use of facility space for consideration to persons seeking
10 temporary accommodation. The term includes:

11 (i) A place which advertises to the general public
12 or a segment of the general public that it will provide
13 beds, sanitary facilities or other space for a temporary
14 period to members of the general public.

15 (ii) A place recognized as a hostelry, provided that
16 portions of a facility which are devoted to persons who
17 have established permanent residence shall not be
18 included in this definition.

19 (2) The term does not include a bed and breakfast
20 homestead or inn as defined in 3 Pa.C.S. § 5702 (relating to
21 definitions).

22 "Market area." As follows:

23 (1) With respect to a county in which there is more than
24 one city of the third class, the entire county.

25 (2) With respect to a county in which there is only one
26 city of the third class, one of the following:

27 (i) The city and the area within the county which is
28 not more than 15 miles from the site of the convention
29 center.

30 (ii) The city and the area within the county which,

1 as determined by the board of county commissioners
2 imposing the tax, derives a material benefit from the
3 existence of the convention center within the county. The
4 owner of a hotel affected by a determination by the board
5 under this subparagraph may challenge the determination
6 by filing a petition in the court of common pleas in the
7 judicial district in which the determination was made.

8 "Occupancy." The use or possession, or the right to the use
9 or possession, by an individual other than a permanent resident
10 of a room in a hotel for any purpose or the right to the use or
11 possession of the furnishings or to the services accompanying
12 the use and possession of the room.

13 "Operator." Any individual, partnership, nonprofit or
14 profit-making association or corporation or other person or
15 group of persons that maintain, operate, manage, own, have
16 custody of or otherwise possess the right to rent or lease
17 overnight accommodations in a hotel to the public for
18 consideration.

19 "Patron." An individual who pays the consideration for the
20 occupancy of a room or rooms in a hotel.

21 "Permanent resident." An individual who has occupied or has
22 the right to occupy a room or rooms in a hotel as a patron or
23 otherwise for a period exceeding 30 consecutive days.

24 "Room." A space in a hotel set aside for use and occupancy
25 by patrons, or otherwise, for consideration, having at least one
26 bed or other sleeping accommodations provided therein.

27 "Temporary." A period of time not exceeding 30 consecutive
28 days.

29 "Tourist promotion agency." The agency designated by the
30 governing body of a county or county seat in which the

1 convention center is located to be eligible for grants from the
2 Department of Community and Economic Development under the act
3 of July 4, 2008 (P.L.621, No.50), known as the Tourism Promotion
4 Act.

5 "Transaction." The activity involving the obtaining by a
6 transient or patron of the use or occupancy of a hotel room from
7 which consideration emanates to the operator under an express or
8 an implied contract.

9 "Transient." An individual who obtains an accommodation in
10 any hotel by means of registering at the facility for the
11 temporary occupancy of a room for the personal use of that
12 individual by paying to the operator of the facility a fee.

13 SUBCHAPTER B

14 THIRD CLASS COUNTY CONVENTION CENTER AUTHORITIES,

15 ALTERNATIVE PROVISIONS

16 Sec.

17 17331. Scope of subchapter.

18 17332. Findings, declaration of policy and scope.

19 17333. Definitions.

20 17334. Authority creation.

21 17335. Purpose and powers of authorities.

22 17336. Capital and operating budgets.

23 17337. Authority to issue bonds.

24 17338. Provisions of bonds, trusts, indentures and mortgages.

25 17339. Remedies of obligee of authority.

26 17340. Additional remedies conferrable by authority.

27 17341. Governing board.

28 17342. Sovereign immunity.

29 17343. Money of authority.

30 17344. Transfer of existing facilities or money and making of

1 annual grants and lease payments to authority.
2 17345. Award of contracts.
3 17346. Interests of public officers, public employees and party
4 officers.
5 17347. Use and operation of convention center facilities.
6 17348. Limitation of powers.
7 17349. Exemption from taxation.
8 17350. Lease by authorities.
9 17351. Cooperation.
10 17352. Hotel room rental tax.
11 17353. Construction.
12 § 17331. Scope of subchapter.

13 This subchapter relates to third class county convention
14 center authorities, alternative provisions.

15 § 17332. Findings, declaration of policy and scope.

16 (a) Findings.--It is determined and declared that:

17 (1) The health, safety and general welfare of the people
18 of this Commonwealth are directly dependent upon the
19 continual encouragement, development, growth and expansion of
20 business, industry, commerce and tourism within this
21 Commonwealth.

22 (2) Unemployment, the spread of indigence and the heavy
23 burden of public assistance and unemployment compensation can
24 be avoided by the promotion, attraction, stimulation,
25 development and expansion of business, industry, commerce and
26 tourism in this Commonwealth.

27 (3) Development of convention centers is appropriate
28 within a third class county and the attraction of business to
29 this Commonwealth as a result of such development is an
30 important factor in the continual encouragement, promotion,

1 attraction, stimulation, development, growth and expansion of
2 business, industry, commerce and tourism within the county
3 seat, the surrounding municipalities and this Commonwealth as
4 a whole.

5 (4) The purpose of a convention center should be the
6 promotion, attraction, stimulation, development and expansion
7 of business, industry, commerce and tourism in the county
8 seat, the surrounding municipalities and this Commonwealth as
9 a whole.

10 (5) The development of a convention center will provide
11 benefits to the hotel industry throughout the entire area of
12 the county in which the center is developed.

13 (6) The development of a convention center will also
14 provide benefits to the restaurant and entertainment
15 industries throughout the entire county in which the center
16 is located, to all other businesses and individuals benefited
17 by the attraction of major conventions and tourists, to other
18 individual businesses whose livelihood is dependent on major
19 conventions and tourists and to the general public.

20 (7) The need for and promotion of the type of facility
21 which will provide significant benefits to the general public
22 will require the expenditure of public money and that it is
23 therefore appropriate to authorize a county to impose and
24 collect a tax applicable within the entire territorial limits
25 of the county to facilitate the development of a convention
26 facility and the promotion of tourism within the county.

27 (8) To promote the development of convention centers
28 within this Commonwealth, it is necessary to provide
29 additional and flexible means of developing, constructing,
30 designing, managing, financing and operating convention

1 centers.

2 (9) An important aspect of the development of convention
3 centers should be the removal and redevelopment of blighted
4 areas.

5 (b) Declaration of policy.--It is declared to be the policy
6 of the Commonwealth to promote the health, safety, employment,
7 business opportunities and general welfare of the people of this
8 Commonwealth by providing for the creation of third class county
9 convention center authorities which exist and operate as public
10 instrumentalities of the Commonwealth for the public purpose of
11 promoting, attracting, stimulating, developing and expanding
12 business, industry, commerce and tourism in this Commonwealth.
13 The purpose is declared to be a public purpose supporting the
14 enactment of this subchapter for which public money may be spent
15 and taxes may be imposed.

16 (c) Scope.--

17 (1) This subchapter shall apply to counties of the third
18 class.

19 (2) This subchapter may not apply to:

20 (i) A county which has created, either individually
21 or jointly with its county seat, a third class county
22 convention center authority under this subchapter or the
23 former act of December 27, 1994 (P.L.1375, No.162), known
24 as the Third Class County Convention Center Authority
25 Act, prior to January 1, 2000.

26 (ii) A county which is served, together with one or
27 more other counties, by a joint planning commission.

28 (d) Option.--The following shall apply:

29 (1) A county which has created, either individually or
30 jointly with its county seat, a third class county convention

1 center authority under Subchapter A after January 1, 2000,
2 may opt to have the authority treated as having been
3 organized under the provisions of this subchapter. The option
4 shall be exercised by the adoption of a resolution by the
5 governing body of the county. The exercise of the option
6 under this paragraph may not be revoked.

7 (2) If an authority is organized under paragraph (1),
8 the following transitional provisions shall apply to the
9 authority, the county, the county seat, State public bodies
10 and political subdivisions:

11 (i) all acts of the authority shall be considered
12 granted under the authority of this subchapter,
13 regardless of whether the acts were taken prior to or
14 after December 18, 2000;

15 (ii) all acts of the county and, if applicable, the
16 county seat in organizing the authority shall be
17 considered granted under the authority of this
18 subchapter, regardless of whether the acts were taken
19 prior to or after December 18, 2000;

20 (iii) all acts of the county taken or purported to
21 be taken under the authority of Subchapter A, including
22 the enactment of a hotel room rental tax, shall be
23 considered granted under the authority of this
24 subchapter, regardless of whether the acts were taken
25 prior to or after December 18, 2000; and

26 (v) all acts with respect to the authority of a
27 State public body or a political subdivision taken or
28 purported to be taken under the authority of Subchapter
29 A, including the transfer of existing convention center
30 facilities to the authority and the funding of a

1 convention center project as a redevelopment assistance
2 project by the Commonwealth, shall be considered granted
3 under the authority of this subchapter, regardless of
4 whether the acts were taken prior to or after December
5 18, 2000.

6 (3) If an authority is organized under paragraph (1),
7 all acts taken or purported to be taken by the county, the
8 county seat, the authority and State public body or any
9 political subdivision under the authority of Subchapter A are
10 ratified and affirmed in their entirety, regardless of
11 whether the acts were taken prior to or after December 18,
12 2000.

13 (4) If an authority is organized under paragraph (1),
14 the members of the board of the authority shall continue in
15 office and shall be treated as if they had been appointed
16 under this subchapter.

17 § 17333. Definitions.

18 The following words and phrases when used in this subchapter
19 shall have the meanings given to them in this section unless the
20 context clearly indicates otherwise:

21 "Authority." An agency and public instrumentality of the
22 Commonwealth and a body politic and corporate created under this
23 subchapter.

24 "Board." The governing body of an authority.

25 "Bonds." Notes, bonds, refunding notes and bonds, interim
26 certificates, debentures and other evidence of indebtedness or
27 obligations which the authority may issue.

28 "Construct." The acquisition, design, erection, extension,
29 renovation, rehabilitation, conversion, furnishing, fixturing,
30 equipping, enlargement or substantial repair of a convention

1 center or part of a convention center and activities
2 substantially related to the acquisition, design, erection,
3 extension, renovation, rehabilitation, conversion, furnishing,
4 fixturing, equipping, enlargement or substantial repair of a
5 convention center or part of a convention center.

6 "Convention center." The following:

7 (1) Any land, improvement, structure or building or
8 property interest, whether owned or acquired by or leased by
9 or to an authority, appropriate for any of the following:

10 (i) Large public assemblies.

11 (ii) Holding of conventions, conferences, trade
12 exhibitions and other business.

13 (iii) Social, cultural, scientific, sports,
14 recreational, artistic and public interest events.

15 (iv) Performances and exhibitions.

16 (2) Facilities, furniture, fixtures and equipment
17 necessary or incident to an item listed under paragraph (1),
18 including, but not limited to:

19 (i) hotels, including meeting rooms, dining rooms,
20 kitchens, ballrooms, reception areas, registration and
21 prefunction areas, locker rooms, practice areas and
22 equipment, training areas and equipment and truck loading
23 areas, including access to the truck loading areas;

24 (ii) accessways, including tunnels, overhead
25 walkways, escalators, elevators and other connections to
26 nearby or adjoining buildings or facilities, regardless
27 of whether the buildings or facilities constitute
28 convention center facilities or are owned or controlled
29 by the authority;

30 (iii) common areas, lobbies, offices and areas

1 appurtenant to any of the items listed under this
2 paragraph; and

3 (iv) other land, buildings, structures or facilities
4 for use or planned for use in conjunction with the items
5 listed under this paragraph, including, but not limited
6 to, landscaping, buffer areas, off-street parking, retail
7 areas and other improvements related to a convention
8 center facility owned by or leased by of to an authority,
9 regardless of whether the improvements are for the
10 purpose of producing revenues to assist in defraying the
11 costs or expenses of the convention center facility.

12 "Cost of a project." The following:

13 (1) All or any part of the cost of construction,
14 acquisition, alteration, enlargement, furnishing, fixturing
15 and equipping, reconstruction and rehabilitation of a
16 convention center project.

17 (2) An item listed under paragraph (1) shall include the
18 cost of:

19 (i) all lands, structures, real or personal
20 property, rights, rights-of-way, roads, franchises,
21 easements and interests acquired or used for or in
22 connection with a project;

23 (ii) demolishing or removing buildings or structures
24 on land acquired, including the cost of acquiring lands
25 to which the buildings or structures may be moved or
26 located;

27 (iii) all utility lines;

28 (iv) structures or equipment;

29 (v) charges and interest prior to, during and after
30 completion of construction and acquisition;

1 (vi) provisions for reserves for principal and
2 interest and for extensions, enlargements, additions and
3 improvements;

4 (vii) architectural, engineering, financial and
5 legal services;

6 (viii) plans, specifications, studies, surveys,
7 estimates of cost and revenues;

8 (ix) expenses necessary or incident to determining
9 the feasibility or practicability of constructing the
10 project;

11 (x) other capital cost or expense as may be
12 necessary or incident to the construction, development
13 and acquisition of the project; and

14 (xi) the financing of construction, development and
15 acquisition and the placing of the project in operation,
16 including, without limitation, a proper allowance for
17 contingencies and the provision of reasonable initial
18 working capital for operating the project.

19 "County." A county of the third class or a county which was
20 a county of the third class at the time the county took action
21 to create an authority under this subchapter.

22 "Obligee." A bondholder or a trustee for a bondholder party
23 to a contract with the authority.

24 "Political subdivision." A governmental body other than
25 State public body or a Federal agency. The term includes a
26 county, city, borough, township, school district, municipal
27 authority, transit authority, parking authority or other
28 authority of any type.

29 "Project." A site, building, structure, equipment,
30 furnishing and other facilities or undertaking in respect of a

1 convention center facility which the authority may acquire,
2 construct, improve, install, maintain or operate under the
3 provisions of this subchapter.

4 "State public body." The Commonwealth and its executive,
5 administrative and independent agencies, departments, officers,
6 boards, authorities, commissions and instrumentalities.

7 "Substantial completion." Construction that is sufficiently
8 completed in accordance with contract documents and certified by
9 the convention center authority's architect or engineer, as
10 modified by change orders so that any project being constructed
11 by the convention center authority can be used, occupied or
12 operated for its intended use. In no event shall a project be
13 certified as substantially complete until at least 90% of the
14 work on the project area is completed.

15 § 17334. Authority creation.

16 (a) General rule.--The following shall apply:

17 (1) The governing bodies of a third class county and the
18 political subdivision constituting the county seat or the
19 county acting alone may create a body corporate and politic
20 to be named the County Convention Center Authority to
21 be created as a public authority and government
22 instrumentality to have continuing succession until its
23 existence shall be terminated by law.

24 (2) If any part of the convention center facilities
25 constructed by an authority created under this subchapter
26 shall be located within the jurisdictional limits of the
27 county seat of the county, the authority shall be a joint
28 authority of the county and the county seat. If the
29 convention center facilities of an authority are located
30 entirely outside the jurisdictional limits of the county seat

1 of the county, the authority may be created solely by the
2 county.

3 (3) The exercise by the authority of the powers
4 conferred by this subchapter is declared to be an essential
5 public function.

6 (b) Adoption.--An authority shall be created by an
7 ordinance, or equivalent enactment, adopted by the county or,
8 for a joint authority, ordinances, or equivalent enactments,
9 adopted by the county and the county seat providing that an
10 authority is created under this subchapter and specifying the
11 articles of incorporation of the authority. The articles of
12 incorporation shall be filed by the county with the Secretary of
13 the Commonwealth, who shall issue a certificate of incorporation
14 to the authority. The authority shall be deemed to come into
15 existence on the later of the following dates:

16 (1) the date on which the ordinance is enacted, or, for
17 a joint authority, on the date that the second ordinance is
18 enacted; or

19 (2) a later date as may be specified in the articles of
20 incorporation.

21 (c) Amendment.--Articles of incorporation of an authority
22 may only be amended in the manner specified above for the
23 adoption of articles of incorporation and may not:

24 (1) impair the rights or security of any creditors of
25 the authority or any party contracting with the authority; or

26 (2) be inconsistent with the provisions of this
27 subchapter.

28 § 17335. Purpose and powers of authorities.

29 (a) Purposes.--An authority created under this subchapter
30 shall be a public body, corporate and politic, exercising public

1 powers of the Commonwealth as an agency and instrumentality and
2 shall be for the purpose by itself or by agreement in
3 cooperation with others, of acquiring, holding, developing,
4 designing, constructing, improving, maintaining, managing,
5 operating, financing, furnishing, fixturing, equipping,
6 repairing, leasing or subleasing, either in the capacity of
7 lessor or lessee or sublessor or sublessee, and owning
8 convention centers or parts of convention centers. The
9 convention centers shall not be required to comprise a single,
10 integrated complex but may be located at one or more locations
11 within the county and may function independently of one another.

12 (b) Powers.--The authority is granted all powers necessary
13 or convenient for carrying out the purposes in subsection (a),
14 including, without limiting the generality of the foregoing, the
15 right and power to:

16 (1) Have continuing succession.

17 (2) Sue and be sued, implead and be impleaded, complain
18 and defend in all courts.

19 (3) Adopt, use and alter at will a corporate seal.

20 (4) Acquire by gift or otherwise, purchase, hold,
21 receive, lease, sublease and use a license, franchise or
22 property, real, personal or mixed, tangible or intangible, or
23 any interest therein, including convention center facilities,
24 or parts thereof, and to assume any obligations associated
25 therewith, including leases, concession agreements,
26 indebtedness and other contractual obligations which the
27 authority deems necessary to accomplish the purpose of this
28 subchapter.

29 (5) Sell, transfer or dispose of property or an interest
30 in the property with adequate and fair consideration.

1 (6) Acquire, hold, develop, design, construct, improve,
2 maintain, manage, operate, furnish, fixture, equip, repair,
3 own, lease or sublease convention centers, or parts of
4 convention centers, and to make, enter into and award
5 contracts with any person, association, partnership or
6 corporation for the development, design, financing,
7 construction, improvement, maintenance, operation,
8 management, furnishing, fixturing, equipping and repair of
9 convention centers or parts of convention centers.

10 (7) Make bylaws for the management and regulation of
11 authority affairs and issue rules, regulations and policies
12 in connection with the performance of its functions and
13 duties.

14 (8) Appoint officers, agents, employees and servants, to
15 prescribe their duties and to fix compensation.

16 (9) Fix, alter, charge and collect rentals, admissions,
17 license fees and other charges.

18 (10) Do the following:

19 (i) Borrow money for the purpose of paying the costs
20 of a project and to evidence the same.

21 (ii) Make and issue negotiable bonds of the
22 authority.

23 (iii) Secure payment of the bonds or any part of a
24 bond, by pledge or deed of trust of authority revenues,
25 including any hotel room rental tax, rentals, receipts
26 and contract rights.

27 (iv) Make agreements with the purchasers or holders
28 of the bonds or with other obligees of the authority in
29 connection with the bonds, whether issued or to be
30 issued, as the authority shall deem advisable, which

1 agreements shall constitute contracts with the holders or
2 purchasers.

3 (v) Obtain credit enhancement or liquidity
4 facilities in connection with the bonds as the authority
5 determines advantageous.

6 (vi) In general, provide for the security of the
7 bonds and the rights of the bondholders.

8 (11) Make, enter into and award contracts and to execute
9 all instruments necessary or convenient for the carrying out
10 of its business.

11 (12) Borrow money and accept grants and to enter into
12 contracts, leases, subleases, licenses or other transactions
13 with a Federal agency, State public body, political
14 subdivision, person, association, partnership or corporation.

15 (13) Pledge, hypothecate or otherwise encumber authority
16 property, real, personal or mixed, tangible or intangible,
17 and its revenues or receipts, including interest the
18 authority may have in a lease or sublease of convention
19 centers or parts of convention centers.

20 (14) Procure insurance containing coverages, including,
21 insurance covering the timely payment in full of principal of
22 and interest on bonds of the authority, in amounts and from
23 insurers as the authority determines necessary or desirable.

24 (15) Invest authority money.

25 (16) Cooperate with a Federal agency, State public body
26 or political subdivision.

27 (17) Invest money held in reserve or sinking funds or
28 money not required for immediate disbursements as authorized
29 by section 17343(d) (relating to money of authority).

30 (18) Appoint all officers, agents and employees required

1 for the performance of its duties and compensation and retain
2 or employ other agents or consultants, including architects,
3 auditors, engineers, private legal counsel and private
4 consultants, on a contract basis or otherwise for rendering
5 professional or technical services and advice.

6 (19) Enroll authority employees in an existing
7 retirement system of the State, county, city or other
8 governmental entity.

9 (20) Appoint and fix the compensation of chief counsel
10 and assistant counsel to provide the authority with legal
11 assistance, and the authority, through counsel, shall defend
12 actions brought against the authority and authority officers
13 and employees if acting within the scope of official duties.

14 (21) Maintain an office in the county seat.

15 (22) Appoint an executive director, who shall:

16 (i) be the chief executive officer of the authority;

17 (ii) devote his or her full time during business
18 hours to the duties of the office; and

19 (iii) receive compensation as the board shall
20 determine.

21 (23) Make grants to the county in accordance with the
22 provisions of subsection (e).

23 (24) Do all acts and things necessary or convenient for
24 the promotion of its purposes and the general welfare of the
25 authority and to carry out the powers granted to the
26 authority by this subchapter or any other act.

27 (c) Prohibitions.--The following apply:

28 (1) The authority shall have no power to pledge the
29 credit or taxing powers of a State public body, a political
30 subdivision or the county, nor shall authority obligations be

1 deemed obligations of any State public body, a political
2 subdivision or the county and a State public body, a
3 political subdivision or the county shall not be liable for
4 the payment of principal or interest on such obligations.

5 (2) The authority shall have no power of eminent domain.

6 (d) Affirmative action plan.--The authority shall develop
7 and implement an affirmative action plan to assure that all
8 individuals are accorded equality of opportunity in employment
9 and contracting by the authority and authority contractors,
10 subcontractors, assignees, lessees, agents, vendors and
11 suppliers.

12 (e) Grants.--The following apply:

13 (1) The authority shall have the power to make grants to
14 the county for the financial support of regional assets
15 located within the county. Grants made under this subsection
16 shall be included in the capital budget adopted by the
17 authority under section 17336(a) (relating to capital and
18 operating budgets) and may only be made if the authority
19 finds, by resolution adopted by a majority vote of authority
20 members, that the making of such grants shall not adversely
21 affect the short-term or long-term capital, operational or
22 financial needs of the authority or otherwise impair the
23 ability of the authority to meet any contractual or legal
24 obligations of the authority, including obligations owed to
25 bondholders issued by the authority. Grants made under the
26 authority of this paragraph:

27 (i) may not obligate money of the authority beyond a
28 single fiscal year of the authority;

29 (ii) shall be payable to the county in a single lump
30 sum or in installments during the fiscal year in

1 question, as determined by the authority; and

2 (iii) may be rescinded or reduced by the authority
3 if the authority, prior to payment of the grant,
4 determines that the current or projected financial needs
5 of the authority require reduction or rescission of the
6 grant.

7 (2) Grants received by the county from the authority
8 under paragraph (1) shall be deposited into a segregated
9 account identified as the regional asset fund. The regional
10 asset fund shall be used by the county solely for the purpose
11 of making grants of financial support to regional assets
12 located within the county in accordance with and subject to
13 the limitations of this subsection. Money deposited into the
14 regional asset fund shall be invested only in those types of
15 investments in which a county of the third class may invest
16 general money of the county under applicable law. Earnings on
17 the investments shall become a part of the regional asset
18 fund and may not be used for purposes other than those
19 permitted under this subsection. The county shall not be
20 required to disburse all of the money in the regional asset
21 fund during a particular fiscal year but may accumulate money
22 within the regional asset fund if the county determines that
23 the accumulation of the money, in whole or in part, is
24 appropriate for the effective and efficient long-term funding
25 of regional assets.

26 (3) The county shall have the authority to make grants
27 of financial support for regional assets from the regional
28 asset fund established under paragraph (2). Grants made by
29 the county from the regional asset fund shall be subject to
30 all of the following terms, conditions and limitations:

1 (i) grants may only be made to:

2 (A) political subdivisions located within the
3 county; and

4 (B) organizations which have been determined by
5 the Internal Revenue Service to be organizations
6 described in section 501(c)(3) of the Internal
7 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
8 501(c)(3)) or any successor provision of law;

9 (ii) grants may only be made for the purpose of
10 supporting a specific regional asset located within the
11 county and which is owned by the grantee or for which the
12 grantee has operational and financial responsibility;

13 (iii) grants may only be made pursuant to written
14 grant agreements and executed by authorized officers of
15 the county and the grantee, specifying the terms and
16 conditions of the grant;

17 (iv) the grant agreement shall describe, with
18 specificity, the purpose for which the grant is being
19 made;

20 (v) the grant agreement shall set forth other terms
21 and conditions as the county may prescribe, including
22 requirements with respect to matching funds and continued
23 financial support of the grantee for the regional asset
24 with respect to which the grant is being made; and

25 (vi) no grant may obligate money from the regional
26 asset fund beyond a single 12-month period.

27 (4) For purposes of this subsection, the term "regional
28 asset" means a civic, recreational, sports or cultural
29 facility, including zoos, museums and performing arts
30 facilities, function or activity which is owned or provided

1 by a political subdivision or section 501(c)(3) of the
2 Internal Revenue Code of 1986 organization, or with respect
3 to which a political subdivision or section 501(c)(3) of the
4 Internal Revenue Code of 1986 organization has operational
5 and financial responsibility. Notwithstanding the foregoing,
6 the following may not be considered regional assets:

7 (i) a health care facility;

8 (ii) an institution which predominantly provides
9 elementary, secondary or higher education or other
10 training;

11 (iii) a Federal or State park;

12 (iv) an airport or public transportation system or
13 facility;

14 (v) a library;

15 (vi) a paid or volunteer public safety organization
16 and facility;

17 (vii) an authority created under this subchapter,
18 and any facilities owned or operated by such an
19 authority; or

20 (viii) an asset which fails to serve a significant
21 number of individuals who are not residents of the city,
22 borough or township within which the asset is located.

23 (5) The county shall have the authority to prescribe
24 reasonable rules, regulations and procedures for:

25 (i) the administration of the regional asset fund
26 and the segregated account in which the regional asset
27 fund is deposited;

28 (ii) the making of grants from the regional asset
29 fund; and

30 (iii) the administration of grants made from the

1 regional asset money.

2 (f) Naming or designation revenue.--Net revenues received
3 from the sale of rights for the naming or designation of a
4 convention center or part of a convention center shall be
5 allocated as follows:

6 (1) Fifty percent of revenues shall be distributed to
7 the county for deposit into a segregated account identified
8 as the regional asset fund, to be utilized as provided in
9 subsection (e) (3).

10 (2) Fifty percent of revenues shall be retained by the
11 convention center authority established under this
12 subchapter.

13 (g) Application.--Subsection (f) may not apply to a sale of
14 rights occurring prior to the enactment of this subchapter.
15 Revenues from the sale of naming rights for items of a de
16 minimis nature, including the sale of plaques, individualized
17 bricks or furniture, may not be subject to allocation under this
18 section.

19 § 17336. Capital and operating budgets.

20 (a) Capital budget.--At least 90 days before the commencing
21 of the ensuing fiscal year of the authority, a recommended
22 capital budget shall be prepared and submitted to the board. The
23 capital budget shall show in detail the capital expenditures to
24 be made or incurred in the next fiscal year which are to be
25 financed from money subject to control or appropriation by the
26 board. For each separate purpose, project, facility or other
27 property, the amount and the source of the money that has been
28 spent, encumbered or is intended to be spent or encumbered
29 during the fiscal year shall be shown. No later than the date of
30 the adoption of the annual operating budget, the board shall by

1 a majority vote of its members adopt a capital budget.

2 (b) Operating budget.--At least 90 days before the
3 commencing of the ensuing fiscal year of the authority, a
4 recommended operating budget shall be prepared and submitted to
5 the board. The operating budget shall be prepared with the aid
6 of the governing bodies of the county and county seat. In the
7 event that the operating budget is not in form and detail
8 satisfactory to the governing body, the governing body may
9 require that the operating budget be redrafted and resubmitted,
10 and the governing body shall not be considered to be in receipt
11 of the operating budget or any amendments unless the form and
12 detail is to the governing body's satisfaction. The operating
13 budget shall set forth the estimated receipts and revenues of
14 the authority during the next fiscal year. The board shall, at
15 least 30 days before the end of the fiscal year, adopt by a
16 majority vote of its members an operating budget for the next
17 fiscal year.

18 § 17337. Authority to issue bonds.

19 (a) Bonds generally.--The bonds of an authority created
20 under this subchapter and authorized to be issued:

21 (1) Shall be authorized by resolution of the board of
22 the authority and shall be of a series, bear a date, mature
23 at a time not exceeding 40 years from the respective date,
24 bear interest at a rate as shall be determined by the board
25 as necessary to issue and sell the authorized bonds, be in
26 denominations, be in a form, either coupon or fully
27 registered without coupons, carry registration,
28 exchangeability and interchangeability privileges, be payable
29 in a medium of payment and at a place, be subject to terms of
30 redemption and be entitled to priorities in the revenues or

1 receipts of the authority as the resolution may provide.

2 (2) Shall be signed by or shall bear the facsimile
3 signatures of officers as the authority shall determine, and
4 coupon bonds shall have interest coupons bearing the
5 facsimile signature of the treasurer of the authority
6 attached to the bond, and all bonds shall be authenticated by
7 an authenticating agent, fiscal agent or trustee, as may be
8 prescribed in the resolution.

9 (3) May be issued and delivered regardless of whether
10 one or more of the officers who signed the bonds or the
11 treasurer who, by facsimile, signed the coupon are not
12 officers when the bonds are delivered.

13 (b) Sale.--The bonds may be sold at public sale or private
14 negotiated sale for a price or prices and at a rate of interest
15 as the authority determines. Pending the preparation of the
16 definitive bonds, interim receipts may be issued to the
17 purchaser or purchasers of the bonds and may contain terms and
18 conditions as the authority may determine.

19 (c) Negotiable instrument.--The bonds shall have the
20 qualities of negotiable instruments under 13 Pa.C.S. (relating
21 to commercial code).

22 (d) Proceeds.--The net proceeds of the issuance of bonds or
23 notes may be used to pay the costs of a project or to reimburse
24 costs initially paid by a State public body, the county, another
25 political subdivision, an agency, an organization or an
26 individual.

27 (e) Refund.--The following apply:

28 (1) Subject to the provisions of the outstanding bonds,
29 notes or other obligations and subject to the provisions of
30 this subchapter, the authority shall have the right and power

1 to refund outstanding debt, in whole or in part, at any time
2 and shall have the right and power to refund outstanding
3 notes with bonds or bonds with notes.

4 (2) As used in this subsection, the term "refund" means
5 the issuance and sale of obligations the proceeds of which
6 are used or are to be used for the payment or redemption of
7 outstanding obligations upon or prior to maturity.

8 § 17338. Provisions of bonds, trusts, indentures and mortgages.

9 In connection with the issuance of bonds or the incurring of
10 obligations under leases and in order to secure the payment of
11 such bonds and obligations, the authority, in addition to other
12 powers, shall have the power to:

13 (1) Pledge all or part of the gross or net revenues of
14 the authority to which its right exists or may thereafter
15 exist.

16 (2) Mortgage all or part of authority real or personal
17 property owned or acquired.

18 (3) Do the following:

19 (i) Covenant against pledging all or part of the
20 authority's revenues or against mortgaging all or part of
21 authority real or personal property to which the right or
22 title exists or may thereafter exist or against
23 permitting or suffering a lien on the revenues or
24 property.

25 (ii) Covenant with respect to limitations on the
26 authority's right to sell, lease or otherwise dispose of
27 real property.

28 (iii) Covenant as to what other or additional debts
29 or obligations may be incurred by it.

30 (4) Do the following:

1 (i) Covenant as to the bonds to be issued and as to
2 the issuance of the bonds, in escrow or otherwise, and as
3 to the use and disposition of the proceeds.

4 (ii) Provide for the replacement of lost, destroyed
5 or mutilated bonds.

6 (iii) Covenant against extending the time for the
7 payment of authority bonds or interest.

8 (iv) Redeem the bonds and to covenant for and
9 provide the terms and conditions for bond redemption.

10 (5) Do the following:

11 (i) Covenant as to the amount and the use and
12 disposition of revenues to be raised each year or other
13 period of time by the authority.

14 (ii) Create or authorize the creation of special
15 funds for debt service or other purposes.

16 (iii) Covenant as to the use and disposition of the
17 money held in funds under subparagraph (ii).

18 (6) Prescribe the procedure, if any, by which the terms
19 of a contract with bondholders may be amended or abrogated,
20 the amount of bonds, with the consent of the bondholders, and
21 the manner in which consent may be given.

22 (7) Do the following:

23 (i) Covenant as to the use of the authority's real
24 or personal property.

25 (ii) Warrant title of the property.

26 (iii) Covenant as to the maintenance and replacement
27 of its real and personal property, the insurance to be
28 carried on the property and the use and disposition of
29 insurance money.

30 (8) Do the following:

1 (i) Covenant as to the rights, liabilities, powers
2 and duties arising upon the breach by the authority of
3 any covenant, condition or obligation.

4 (ii) Covenant and prescribe in the event of default
5 as to terms and conditions upon which the authority's
6 bonds or obligations shall become or may be declared due
7 before maturity and as to the terms and conditions upon
8 which the declaration and the authority's consequences
9 may be waived.

10 (9) Do the following:

11 (i) Vest in a trustee or the bondholders the right
12 to enforce the payment of the bonds or any covenants
13 securing or relating to the bonds.

14 (ii) Vest in a trustee the right in the event of a
15 default by the authority to take possession and use,
16 operate and manage any real property and to collect the
17 rents and revenues arising from the property and to
18 dispose of the money in accordance with the agreement of
19 the authority with the trustee.

20 (iii) Provide for the powers and duties of a trustee
21 and to limit the trustee's liabilities.

22 (iv) Provide the terms and conditions upon which the
23 trustee or the bondholders may enforce covenants or
24 rights securing or relating to the bonds.

25 (10) Obtain letters of credit and bond insurance.

26 (11) Do the following:

27 (i) Exercise all or any part or combination of the
28 powers granted in this section.

29 (ii) Make covenants and perform acts necessary,
30 convenient or desirable to secure bonds or, in the

1 absolute discretion of the authority, to accomplish the
2 purposes of this subchapter by making the bonds more
3 marketable regardless of whether the covenants or acts
4 are specifically enumerated under this section.

5 § 17339. Remedies of obligee of authority.

6 An obligee of the authority shall have the right, in addition
7 to all other rights which may be conferred on the obligee,
8 subject only to any contractual restrictions binding upon the
9 obligee:

10 (1) By mandamus, suit, action or proceeding at law or in
11 equity, to compel the authority and authority members,
12 officers, agents or employees to perform each and every term,
13 provision and covenant contained in any bond or contract of
14 the authority with or for the benefit of the obligee and to
15 require the carrying out of covenants and agreements of the
16 authority and the fulfillment of all duties imposed upon the
17 authority by this subchapter.

18 (2) By proceeding in equity, to obtain an injunction
19 against any acts or things which may be unlawful or the
20 violation of any of the rights of the obligee.

21 § 17340. Additional remedies conferrable by authority.

22 (a) General rule.--The authority shall have power by
23 resolution, trust, indenture or mortgage to confer upon any
24 obligees holding or representing a specified percentage of bonds
25 the right, in addition to all rights that may otherwise be
26 conferred, upon the happening of an event of default as defined
27 in the resolution or instrument, by suit, action or proceeding
28 in a court of competent jurisdiction to:

29 (1) obtain the appointment of a receiver of any real
30 property or leasehold interest of the authority and of the

1 rents and profits from the property. If a receiver is
2 appointed, the receiver may enter and take possession of the
3 real property or any leasehold interest, operate the real
4 property or leasehold interest and collect and receive all
5 revenues or other income arising from the operation and shall
6 keep the money in a separate account and apply the same in
7 accordance with the obligations of the authority as the court
8 shall direct; or

9 (2) require the authority and its members to account as
10 if the authority and authority members were the trustees of
11 an express trust.

12 (b) Prohibition.--For the purpose of operating and
13 maintaining facilities of the authority, nothing in this
14 subchapter shall authorize a receiver appointed under this
15 subchapter to sell, assign, mortgage or otherwise dispose of
16 authority assets. It is the intention of this subchapter to
17 limit the powers of the receiver to the operation and
18 maintenance of the facilities of the authority as the court
19 directs, and the following apply:

20 (1) Receivers may not sell, assign, mortgage or
21 otherwise dispose of any assets of the authority.

22 (2) Bondholders, trustees and other obligees do not have
23 the right in any suit, action or proceeding, at law or in
24 equity, to compel a receiver to sell, assign, mortgage or
25 otherwise dispose of any assets of the authority.

26 (3) A court may not direct a receiver to sell, assign,
27 mortgage or otherwise dispose of any assets of the authority.

28 § 17341. Governing board.

29 (a) Composition.--The power of the authority shall be
30 exercised by a governing board composed of eleven members

1 appointed as follows:

2 (1) The mayor or, if there is no mayor, the governing
3 body of the municipality in which a convention center is
4 located shall appoint two members. Subject to subsection (b),
5 the terms of the first two members appointed shall be for a
6 two-year and four-year term, respectively. In all cases, the
7 beginning of the term shall be January 1 of the year of
8 appointment, subject to subsection (b).

9 (2) The county council or, if there is no county
10 council, the governing body of the county in which a
11 convention center is located shall appoint seven members.
12 Subject to subsection (b), the beginning of the term shall be
13 January 1 of the year of appointment. The terms of the first
14 seven members appointed shall be allocated as follows:

15 (i) One one-year term.

16 (ii) Two two-year terms.

17 (iii) Two three-year terms.

18 (iv) Two four-year terms.

19 (3) Two members shall be appointed by the Governor with
20 the advice and consent of a majority of the members of the
21 Senate.

22 (b) Terms.--Except as otherwise provided and subject to
23 subsection (a), members shall serve a four-year term from the
24 date of appointment and until their successors have been
25 appointed and qualified. If a vacancy occurs by death,
26 disqualification, resignation or removal of a member, the
27 appointing authority shall appoint a successor to fill the
28 unexpired term.

29 (c) Compensation.--The members of the board may not be
30 compensated for service on the board or for any other position

1 in which the members may serve the authority. The authority may
2 reimburse members for reasonable and necessary out-of-pocket
3 expenses incurred by members in carrying out the business of the
4 authority.

5 (d) Powers and duties.--

6 (1) The following shall apply:

7 (i) The members of the board shall select a
8 chairperson and other officers as the board determines
9 from among the members.

10 (ii) Except as otherwise provided, all actions of
11 the board shall be taken by a vote of at least six
12 members of the board, which shall constitute a majority
13 of the board, unless the bylaws of the authority provide
14 for a majority vote by a present quorum of not less than
15 six members in the absence of a full board.

16 (iii) The board shall have full authority to manage
17 the properties and business of the authority and to
18 prescribe, amend and repeal bylaws, rules and regulations
19 governing the manner in which the business of the
20 authority may be conducted and the powers granted to the
21 authority may be exercised and embodied. Notwithstanding
22 any other law, court decision, precedent or practice to
23 the contrary, no actions by or on behalf of the board
24 shall be taken by an officer of the board or the
25 authority except upon the approval or prior authorization
26 of the board.

27 (iv) As used in this subsection, the term "actions
28 by or on behalf of the board" means any action of the
29 board, including the hiring, appointment, removal,
30 transfer, promotion or demotion of any officers and

1 employees, the retention, use or remuneration of
2 advisors, counsel, auditors, architects, engineers or
3 consultants, the initiation of legal action, the making
4 of contracts, leases, agreements, bonds, notes or
5 covenants, the approval of requisitions, purchase orders,
6 investments and reinvestments, and the adoption,
7 amendment, revision or rescission of rules and
8 regulations, orders or other directives.

9 (2) The board shall appoint an executive director, who
10 shall act as the chief executive officer of the authority.
11 The executive director shall not be a member of the board.
12 Notwithstanding the provisions of paragraph (1), the board
13 may, by bylaw or by resolution, delegate to the executive
14 director the authority and power to carry out the day-to-day
15 operations of the authority and to exercise those powers
16 which are normal, customary and necessary to perform the
17 duties of a chief executive officer.

18 (3) The board may appoint an assistant and other
19 officers, including assistant secretaries and assistant
20 treasurers, as the board determines to be appropriate to
21 carry out the business of the authority. Assistant
22 secretaries and assistant treasurers may be members of the
23 board.

24 (4) The board may appoint one or more deputy executive
25 directors who, to the extent authorized by the board, may
26 exercise the duties and powers of the executive director in
27 the executive director's absence or incapacity or in the
28 event of a vacancy in the office of executive director.

29 (e) Liability.--Members of the board may not be held
30 personally liable for the bonds or other obligations of the

1 authority, and the rights of creditors shall be solely against
2 the authority. The authority shall defend board members, and the
3 authority shall indemnify and hold harmless board members,
4 whether currently serving as a member of the authority, against
5 and from personal liabilities, actions, causes of action and
6 claims made against them for actions performed within the scope
7 of board member duties.

8 § 17342. Sovereign immunity.

9 The following apply:

10 (1) An authority created under this subchapter and the
11 authority's officers, officials and employees shall have
12 sovereign and official immunity, as provided under 1 Pa.C.S.
13 § 2310 (relating to sovereign immunity reaffirmed; specific
14 waiver).

15 (2) An authority created under this subchapter and the
16 authority's officers, officials and employees shall remain
17 immune from suit except as provided by and subject to 42
18 Pa.C.S. §§ 8501 (relating to definitions), 8502 (relating to
19 enforcement proceedings), 8521 (relating to sovereign
20 immunity generally), 8522 (relating to exceptions to
21 sovereign immunity), 8523 (relating to venue and process),
22 8524 (relating to defenses), 8525 (relating to legal
23 assistance), 8526 (relating to counterclaim by the
24 Commonwealth), 8527 (relating to indemnity relating to inmate
25 health care) and 8528 (relating to limitations on damages).

26 (3) Notwithstanding 42 Pa.C.S. § 8525, the authority,
27 through the authority's counsel, shall defend actions brought
28 against the authority and the authority's officers and
29 employees when acting within the scope of the officers and
30 employees' official duties.

1 § 17343. Money of authority.

2 (a) Payment of money.--All money of the authority shall be
3 paid to the treasurer of the authority or other officer or
4 officers of the authority as the authority may designate.

5 (b) Duty of board.--The board shall invest authority money
6 consistent with sound business practice.

7 (c) Investment program.--The board shall provide for an
8 investment program subject to restrictions contained in this
9 subchapter, in any other applicable statute and in rules and
10 regulations adopted by the board.

11 (d) Authorized investments.--The following shall apply:

12 (1) Authorized types of investments for authority money
13 shall be:

14 (i) Direct obligations of or obligations guaranteed
15 by the United States.

16 (ii) A bond, debenture, note, participation
17 certificate or other similar obligation issued by any one
18 or combination of the following agencies:

19 (A) Government National Mortgage Corporation.

20 (B) Federal Land Banks.

21 (C) Federal Home Loan Banks.

22 (D) Federal Intermediate Credit Banks.

23 (E) Banks for Cooperatives.

24 (F) Tennessee Valley Authority.

25 (G) United States Postal Service.

26 (H) Farmers Home Administration.

27 (I) Student Loan Marketing Association.

28 (J) Export-Import Bank of the United States.

29 (iii) A bond, debenture, note, participation
30 certificate or other similar obligation issued by the

1 Federal National Mortgage Corporation to the extent the
2 obligations are guaranteed by the Government National
3 Mortgage Corporation or issued by another Federal agency
4 and backed by the full faith and credit of the United
5 States.

6 (iv) Deposits in interest-bearing time deposits,
7 demand deposits or certificates of deposit fully insured
8 by the Federal Deposit Insurance Corporation or its
9 successors or the Federal Savings and Loan Insurance
10 Corporation or its successors or fully secured by any of
11 the obligations described in this paragraph to the extent
12 not so insured.

13 (v) Repurchase agreements relating to, or investment
14 agreements secured by or providing for the acquisition of
15 and, if applicable, resale of, obligations described in
16 subparagraphs (i), (ii), (iii) and (iv) or obligations of
17 the Federal Home Loan Mortgage Corporation or the Federal
18 National Mortgage Association with:

19 (I) banks or trust companies, which may include
20 a banking entity or depository;

21 (II) brokers or broker-dealers registered under
22 the Securities Exchange Act of 1934 (48 Stat. 881, 15
23 U.S.C. §§ 78a-78jj) acceptable to the authority; or

24 (III) insurance companies rated A+ or better by
25 Best's and having a net capital and surplus of at
26 least \$25,000,000 or certificates of deposit with
27 banks or trust companies fully secured as to
28 principal and accrued interest by obligations
29 described in subparagraphs (i), (ii), (iii) and (iv)
30 deposited with or subject to the control of the

1 authority.

2 (vi) Money market deposit accounts of banks or trust
3 companies having a net capital and surplus of at least
4 \$25,000,000, which may include a banking entity or
5 depository.

6 (2) The description of authorized investments as set
7 forth in paragraph (1) (v) and (vi) shall be met only if the
8 agreements referenced provide for the repayment of the
9 principal amount invested at an amount not less than the
10 amount invested. If a security is required as set forth in
11 paragraph (1) (iv), (v) and (vi), the security shall be
12 deposited with the treasurer of the authority or be held by a
13 trustee or agent satisfactory to the authority. Money of the
14 authority shall be paid out on the warrant or other order of
15 the chairperson of the authority or of other individuals as
16 the authority may authorize to execute warrants or orders.

17 (e) Reports.--The following shall apply:

18 (1) An authority created under this subchapter shall
19 file an annual report with the Department of Community and
20 Economic Development and with the county and political
21 subdivision constituting the county seat, which shall make
22 provisions for the accounting of revenues and expenses.
23 Authority books, accounts and records shall be audited
24 annually in accordance with generally accepted auditing
25 standards by an independent auditor who shall be a certified
26 public accountant, and a copy of the audit report shall be
27 attached to and be made a part of the annual report. A
28 concise financial statement shall be published annually in a
29 newspaper of general circulation in the county in which the
30 authority is located.

1 (2) An authority created under this subchapter shall,
2 upon request by the county or the political subdivision
3 constituting the county seat, file a report with the
4 requesting entity listing the names of authority employees
5 and the amount of compensation received by each employee, the
6 names of authority independent contractors and the amount of
7 remuneration received by the employees and the names of any
8 providers of professional services and the value of the
9 contracts for professional services.

10 (f) Right of examination.--The Attorney General, Auditor
11 General, Secretary of the Budget, the chairperson and minority
12 chairperson of the Appropriations Committee of the Senate and
13 the chairperson and minority chairperson of the Appropriations
14 Committee of the House of Representatives shall have the right
15 to examine the books, accounts and records of the authority.
16 § 17344. Transfer of existing facilities or money and making of
17 annual grants and lease payments to authority.

18 (a) Transfer.--

19 (1) A State public body or political subdivision may
20 sell, lease or sublease from or to, lend, grant, convey or
21 otherwise transfer or pay over to the authority, with or
22 without consideration, a convention center or part of a
23 convention center, or an interest in property, real, personal
24 or mixed, tangible or intangible, or any money available,
25 needed or obligated for development, acquisition, design,
26 maintenance, management, operation, financing, leasing or
27 subleasing, construction or improvement purposes, including
28 the proceeds of bonds issued for construction or improvement
29 of a convention center or part of a convention center.

30 (2) Property, money, a convention center or part of a

1 convention center received by the authority may be used for
2 any lawful purpose of the authority. Nothing in this
3 subchapter or any other law shall be deemed to make an
4 authority or person a State-supported or State-aided
5 institution under the laws of this Commonwealth.

6 (b) Grants.--

7 (1) Subject to paragraph (2), the governing bodies of
8 the county and county seat may:

9 (i) Make grants from current revenues to the
10 authority.

11 (ii) Assist in defraying the costs of management,
12 operation, maintenance, financing and debt service of
13 convention center facilities, or parts of facilities.

14 (iii) Enter into long-term agreements providing for
15 the payment of the grants and assistance under
16 subparagraphs (i) and (ii).

17 (iv) Enter into long-term leases or subleases as
18 lessee or sublessee of convention centers or parts of
19 convention centers.

20 (2) Obligations of the county and county seat to make
21 grants, lease or sublease payments to an authority may not,
22 even if based on debt obligations of an authority, constitute
23 debts of the county and county seat within the meaning of any
24 constitutional or statutory provision and shall be payable
25 only to the extent that current revenues of the county and
26 county seat are available.

27 (3) The county and county seat may issue general
28 obligation bonds for the purpose of obtaining money for local
29 contributions pertaining to convention centers or parts of
30 convention centers.

1 (c) Bonds.--The Commonwealth may contribute to the capital
2 costs of constructing a convention center by the issuance of
3 Commonwealth bonds and notes under Chapter 3 of the act of
4 February 9, 1999 (P.L.1, No.1), known as the Capital Facilities
5 Debt Enabling Act. A convention center project undertaken by the
6 authority is deemed to be a redevelopment assistance project for
7 which capital money of the Commonwealth may be expended under
8 the act of May 20, 1949 (P.L.1633, No.493), known as the Housing
9 and Redevelopment Assistance Law, and, notwithstanding any
10 provisions of the Housing and Redevelopment Assistance Law, the
11 Department of Community and Economic Development may make
12 capital grants directly to the authority in furtherance of this
13 subchapter.

14 § 17345. Award of contracts.

15 (a) Bids.--

16 (1) All construction, reconstruction, repairs or work of
17 any nature made by the authority in which the entire cost,
18 value or amount exceeds \$10,000 shall be approved only under
19 contract.

20 (2) For a contract under paragraph (1), the authority
21 shall:

22 (i) provide public notice to solicit competitive
23 bids as provided under this section; and

24 (ii) enter into the contract with the lowest
25 responsible bidder.

26 (3) The authority shall have the right to reject any bid
27 or select a single item from any bid in accordance with
28 paragraph (2).

29 (b) Contracts.--

30 (1) Subsection (a) shall not apply to construction,

1 reconstruction, repairs or work done by employees of the
2 authority or by labor supplied under agreement with a Federal
3 agency, State public body or political subdivision.

4 (2) No contract shall be entered into under subsection
5 (a) for construction, improvement or repair of a project
6 unless the contractor provides sufficient surety approved by
7 the authority in an amount fixed by the authority for the
8 performance of the contract.

9 (3) All contracts entered into under subsection (a)
10 shall provide that the individual or corporation entering
11 into the contract with the authority pay for all materials
12 furnished and services rendered for the performance of the
13 contract and that an individual or corporation furnishing
14 materials or rendering services may maintain an action to
15 recover against its obligor providing materials or services
16 within one year.

17 (4) Nothing in this section shall be construed to limit
18 the power of the authority to construct, repair or improve a
19 project or portion of a project or any addition, betterment
20 or extension of a project directly by the officers and
21 employees of the authority.

22 (5) The authority shall award the construction of a
23 convention center according to the provisions of the act of
24 May 1, 1913 (P.L.155, No.104), entitled "An act regulating
25 the letting of certain contracts for the erection,
26 construction, and alteration of public buildings," and shall
27 be subject to 62 Pa.C.S. Pt. I (relating to Commonwealth
28 Procurement Code).

29 (6) Nothing in this section or other law of this
30 Commonwealth shall require the authority to competitively bid

1 architectural design, engineering or other professional
2 services required by the authority.

3 (c) Notice.--The authority shall provide due public notice
4 to receive bids for contracts for supplies and materials costing
5 \$10,000 or more.

6 (d) Accepted bid.--The authority shall accept the lowest bid
7 from a responsible bidder when kind, quality and material is
8 equal, and the following apply:

9 (1) The authority shall have the right to reject any bid
10 or select a single item from a bid.

11 (2) This subsection shall not apply to the purchase of
12 unique supplies and materials or supplies and materials which
13 cannot be obtained in the open market.

14 (e) Convention center facilities.--The board, upon the
15 approval of six members, may negotiate contracts for management,
16 operation, concession services, licensing or leasing of
17 convention center facilities, or any part. The authority shall
18 not award a contract to a manager, operator, concessionaire,
19 licensee, lessee or lessor that exceeds three years in duration
20 unless six members of the board approve the awarding of a
21 contract for a greater period of time. The authority and the
22 authority's contractors, subcontractors, assignees, lessees,
23 agents, vendors and suppliers shall not be subject to county or
24 county seat laws, ordinances, rules or regulations relating to
25 limits or preferences with regard to employment, contracting or
26 procurement in the construction and operation of convention
27 center facilities.

28 (f) Governing law.--The authority shall be subject to the
29 act of August 15, 1961 (P.L.987, No.442), known as the
30 Pennsylvania Prevailing Wage Act, the act of March 3, 1978

1 (P.L.6, No.3), known as the Steel Products Procurement Act, and
2 62 Pa.C.S. Ch. 37 Subch. B (relating to motor vehicles).

3 (g) Definitions.--As used in this section, the following
4 words and phrases shall have the meanings given to them in this
5 subsection unless the context clearly indicates otherwise:

6 "Advertisement or public notice." A notice published at
7 least 10 days before the award of a contract in a newspaper of
8 general circulation published in the county. The notice may be
9 waived if the authority determines an emergency exists and
10 supplies and materials must be immediately purchased by the
11 authority.

12 § 17346. Interests of public officers, public employees and
13 party officers.

14 (a) Employment.--Party officers, public officers, public
15 officials, public employees or individuals convicted of an
16 infamous crime may not be employed as a management-level
17 authority employee.

18 (b) Public employees.--The act of July 19, 1957 (P.L.1017,
19 No.451), known as the State Adverse Interest Act, and 65 Pa.C.S.
20 Ch. 11 (relating to ethics standards and financial disclosure)
21 apply to board members, officers and employees of the authority
22 and the following apply:

23 (1) For the purposes of application of these acts and
24 regardless of compensation, the employees of the authority
25 shall be regarded as public employees and officers or board
26 members of the authority shall be regarded as public
27 officials.

28 (2) The authority shall be subject to the act of
29 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know
30 Law, and to 65 Pa.C.S. Ch. 7 (relating to open meetings).

1 (c) Prohibitions.--Notwithstanding subsection (c), the
2 following prohibitions shall apply to the authority created
3 under this subchapter:

4 (1) A management-level employee or other employee of the
5 authority may not use the employee's position or confidential
6 information received through the employee's position to
7 obtain financial gain other than compensation provided by law
8 for the employee, a member of the employee's immediate family
9 or a personal business.

10 (2) A management-level employee or other employee of the
11 board or a member of the employee's immediate family or a
12 personal business may not solicit or accept anything of
13 value, including a gift, loan, political contribution, reward
14 or promise of future employment, based on an understanding
15 that the vote, official action or judgment of the employee
16 would be influenced.

17 (3) A management-level employee or other employee of the
18 board or a member of the employee's immediate family or a
19 business in which the person or a member of the person's
20 immediate family is a director, officer, owner or holder of
21 stock exceeding 5% of the equity at fair market value of the
22 business may not enter into a contract valued at \$500 or more
23 to provide goods or services to the authority unless the
24 contract has been awarded to the lowest responsible bidder
25 through an open and public process, including prior public
26 notice and subsequent public disclosure of all proposals
27 considered and contracts awarded.

28 (4) A former management-level employee or other former
29 employee of the board may not represent a person, with or
30 without compensation, on any matter before the authority with

1 which a former management-level employee or other former
2 employee of the board has been associated for one year after
3 separation from the authority.

4 (5) (i) An individual who is a State, county seat or
5 county public officer or public official or party officer
6 or a member of the individual's immediate family or the
7 individual's personal business may not have a financial
8 interest in a contract valued at \$500 or more to provide
9 goods or services to the authority either during the time
10 the individual holds the office or for two years after
11 termination unless the contract is executed under
12 paragraph (3).

13 (ii) For purposes of this paragraph, the term
14 "financial interest" does not include employment by,
15 association with or ownership of a business association
16 unless the public officer, public official, party officer
17 or immediate family member owns shares of stock in the
18 corporation or has an ownership interest in a
19 noncorporate business association in an amount in excess
20 of 5% of the total ownership of the noncorporate business
21 association.

22 (6) A management-level employee, other employee of the
23 board, an advisor or consultant to the county seat, the
24 county or the State, having recommended to the authority
25 either making a contract relating to a convention center
26 authority or a course of action of which the making of the
27 contract is an express or implied part, may not, at any time
28 after making the recommendation, possess an adverse interest
29 in the contract.

30 (7) A management-level employee or other employee may

1 not have an adverse interest in a contract with an authority.

2 The following shall apply:

3 (i) A management-level employee or other employee of
4 the authority, the county seat, the county or the state
5 may not influence or attempt to influence the making of
6 or supervise or in any manner deal with a contract with
7 the authority in which the employee has an adverse
8 interest.

9 (ii) A person having an adverse interest in a
10 contract with the authority may not become a management-
11 level employee or other employee of the authority until
12 the adverse interest has been wholly divested.

13 (8) A management-level employee or other employee of the
14 authority, the county seat, the county or the State, except
15 in the performance of his duties as an employee, may not for
16 remuneration, directly or indirectly, represent a person in a
17 matter pending before the authority.

18 (d) Penalties.--An individual who violates this section
19 shall have the individual's employment by the authority
20 immediately terminated by the appropriate person having the
21 power to terminate and shall be liable to the authority to
22 reimburse the authority for all compensation received by the
23 employee from the authority while employed in violation of
24 subsection (b). The following shall apply:

25 (1) An individual who violates subsection (c)(1) or (2)
26 commits a felony and, upon conviction, shall be sentenced to
27 pay a fine of not more than \$10,000 or to imprisonment for
28 not more than five years, or both.

29 (2) An individual who violates subsection (c)(3), (4),
30 (5), (6), (7) or (8) commits a misdemeanor and, upon

1 conviction, shall be sentenced to pay a fine of not more than
2 \$1,000 or to imprisonment for not more than one year, or
3 both.

4 (3) An individual who obtains financial gain from
5 violating subsection (c), in addition to any other penalty
6 provided by law, shall pay into the accounts of the authority
7 a sum of money equal to three times the financial gain
8 resulting from the violation.

9 (4) An individual who violates subsection (c) shall be
10 barred for a period of five years from engaging in any
11 business or contract with the authority, the county seat, the
12 county, the State and all political subdivisions.

13 (5) An employee of the county seat, county, State or any
14 political subdivision or a public officer or public official
15 who violates subsection (c) shall automatically forfeit the
16 office or employment.

17 (6) The penalties and sanctions under this section shall
18 supersede any similar penalties and sanctions provided by 65
19 Pa.C.S. Ch. 11 and the State Adverse Interest Act.

20 (e) Definitions.--The following words and phrases shall have
21 the meanings given to them in this section unless the context
22 clearly indicates otherwise:

23 "Business." A corporation, partnership, sole proprietorship,
24 firm, enterprise, franchise, association, organization, self-
25 employed individual, holding company, joint-stock company,
26 receivership, trust or any legal entity organized for profit or
27 as a not-for-profit corporation or organization.

28 "Immediate family." A parent, spouse, child, brother, sister
29 or like relative-in-law.

30 "Infamous crime." A violation and conviction for an offense

1 which would disqualify an individual from holding public office
2 under section 6 of Article II of the Constitution of
3 Pennsylvania or a conviction for a violation of this section, 18
4 Pa.C.S. § 4113 (relating to misapplication of entrusted property
5 and property of government or financial institutions) or 18
6 Pa.C.S. Ch. 47 (relating to bribery and corrupt influence), 49
7 (relating to falsification and intimidation), 51 (relating to
8 obstructing governmental operations) or 53 (relating to abuse of
9 office) or any other violation of the laws of this Commonwealth
10 for which an individual has been convicted within the preceding
11 10 years and which is classified as a felony, and similar
12 violations of the laws of the Federal Government or another
13 state.

14 "Management-level authority employee." The chairperson and
15 members of the board of the authority, counsel employed by the
16 authority, the executive director of the authority and any
17 authority employee with discretionary powers which may affect
18 the outcome of the authority's decision in relation to a private
19 corporation or business or any employee who by virtue of the
20 employee's job function could influence the outcome of the
21 decision.

22 "Party officer." The following members or officers of a
23 political party:

24 (1) a member of a national committee;

25 (2) a chairperson, vice chairperson, secretary,
26 treasurer or counsel of a State committee or member of the
27 executive committee of a State committee;

28 (3) a city chairperson or vice chairperson or counsel,
29 secretary or treasurer of a city committee; or

30 (4) a county chairperson or vice chairperson or counsel,

1 secretary or treasurer of a county committee.

2 "Person." A business, individual, corporation, union,
3 association, firm, partnership, committee, club or other
4 organization or group of persons.

5 "Public employee."

6 (1) An individual employed by the Commonwealth or a
7 political subdivision who is responsible for taking or
8 recommending official action of a nonministerial nature with
9 regard to:

10 (i) contracting or procurement;

11 (ii) administering or monitoring grants or
12 subsidies;

13 (iii) planning or zoning;

14 (iv) inspecting, licensing, regulating or auditing
15 any person; or

16 (v) any official action which has an economic impact
17 of greater than a de minimis nature on the interest of
18 any person.

19 (2) The term does not include individuals who are
20 independent contractors or persons that are employed by the
21 state or a political subdivision in teaching, as
22 distinguished from administrative duties.

23 "Public officer." An individual elected to any public office
24 of the Commonwealth or a political subdivision.

25 "Public official."

26 (1) An elected or appointed official in the executive,
27 legislative or judicial branch of the State or a political
28 subdivision.

29 (2) The term does not include members of advisory boards
30 that have no authority to expend public money other than

1 reimbursement for personal expenses or to otherwise exercise
2 the power of the State or a political subdivision.

3 (3) The term does not include an appointed official who
4 receives no compensation other than reimbursement for actual
5 expenses.

6 § 17347. Use and operation of convention center facilities.

7 (a) General rule.--The use and operation of a convention
8 center and the operation of the business of the authority shall
9 be subject to the rules and regulations adopted by the
10 authority.

11 (b) Limitation.--The authority may not impair the security
12 of the obligees of the authority, violate any agreements with
13 the obligees or for the obligee's benefit or violate any
14 contracts, leases or other agreements awarded, made or entered
15 into by the authority.

16 § 17348. Limitation of powers.

17 (a) Bonds.--The Commonwealth pledges to and agrees with any:

18 (1) person, county, county seat, political subdivision
19 or Federal agency subscribing to or acquiring the bonds to be
20 issued by the authority for the construction or improvement
21 of a convention center that the Commonwealth will not limit
22 or alter the rights vested in the authority under law in any
23 manner inconsistent with the obligations to the bondholders
24 until all bonds issued, together with the interest, are fully
25 paid and discharged; and

26 (2) Federal agency that in the event that a Federal
27 agency shall construct or contribute money for the
28 construction or improvement of a convention center that the
29 Commonwealth shall not alter or limit the rights and powers
30 of the authority in any manner which would be inconsistent

1 with the due performance of any agreements between the
2 authority and the Federal agency.

3 (b) Leases.--The Commonwealth pledges to and agrees with any
4 person that, as owner, leases or subleases a convention center
5 to or from an authority created pursuant to this subdivision
6 that the Commonwealth will not limit or alter the rights and
7 powers vested in the authority or otherwise created by this
8 subdivision in any manner which impairs the obligations of the
9 authority until all obligations of the authority under the lease
10 or sublease are fully met and discharged.

11 § 17349. Exemption from taxation.

12 (a) Purpose of exemption.--The authorized purposes of
13 authorities created under this subdivision shall in all respects
14 be for the benefit of the residents of this Commonwealth, for
15 the increase of commerce and prosperity and for the improvement
16 of health and living conditions.

17 (b) Authority exempt.--An authority, as public
18 instrumentality of the Commonwealth and performing essential
19 governmental functions in effectuating these purposes, is exempt
20 from the payment of any taxes or assessments upon a convention
21 center or a part of a convention center, or property acquired or
22 used or permitted to be used by a convention center for these
23 purposes.

24 (c) Bonds exempt.--Bonds issued by an authority, transfer of
25 the bonds and the income from the bonds, including any profits
26 made on the sale of the bonds, shall be exempt from State and
27 local taxation within this Commonwealth.

28 (d) Limitation--The exemptions under subsections (b) and (c)
29 shall not extend to gift, estate, succession or inheritance
30 taxes or any other taxes not levied directly on the bonds, the

1 transfer or the income of bonds from or the realization of
2 profits on the sale of the bonds.

3 § 17350. Lease by authorities.

4 A convention center may be leased or subleased by the
5 authority to and from the county or county seat, and the county
6 or county seat is empowered to enter into leases, subleases, or
7 both, for this purpose. A lease or sublease may be made for a
8 specified or unlimited time and on any terms and conditions
9 approved by the county or county seat and agreed to by the
10 authority in conformity with its contracts with the bondholders.

11 § 17351. Cooperation.

12 (a) Rights given authority.--For the purpose of aiding and
13 cooperating with the authority and in the planning, acquisition,
14 clearance, relocation, development, design, construction,
15 rehabilitation, leasing, subleasing, alteration, expansion,
16 financing, improvement, management or operation of a convention
17 center, any public body or political subdivision of the
18 Commonwealth or the county or county seat may, with or without
19 consideration:

20 (1) Dedicate, sell, convey, lease or otherwise transfer
21 property or any interest, real, personal or mixed, tangible
22 or intangible, to the authority.

23 (2) Cause parking, recreational or community facilities
24 or any other works, which the political body or political
25 subdivision is otherwise empowered to undertake, to be
26 furnished in or adjacent to any area selected for a
27 convention center or part of a convention center.

28 (3) Furnish, dedicate, close, pave, install, grade,
29 regrade, plan or replan streets, roads, roadways, alleys,
30 sidewalks or other places which the political body or

1 political subdivision is empowered to act.

2 (4) Enter into agreements, extending over any period,
3 with the Federal Government or the authority with respect to
4 action by a State public body pursuant to the powers granted
5 by this section.

6 (5) Incur the entire expense in connection with public
7 improvements made by a State public body, political
8 subdivision, county or the county seat, in exercising the
9 powers granted under this section.

10 (6) Aid and cooperate in the development, acquisition,
11 design, construction, improvement, maintenance, management,
12 operation, furnishing, fixturing, equipping, repairing,
13 financing, owning, leasing and subleasing of a convention
14 center or part of a convention center.

15 (b) Power of Secretary of General Services.--The Secretary
16 of General Services is authorized, with the approval of the
17 Governor and Attorney General, to execute and deliver, on behalf
18 of the Commonwealth, conveyances, deeds and leases authorized
19 under this subchapter.

20 (c) Payments.--

21 (1) In connection with a convention center, the county
22 or county seat may contract with the authority or the Federal
23 Government with respect to sums which the Federal Government
24 or the authority may agree to pay during any year or period
25 of years to the county or county seat for the improvements,
26 services and facilities to be provided by the county or
27 county seat for the benefit of the authority, convention
28 center facility or the persons occupying the area.

29 (2) The absence of a contract for payments under
30 paragraph (1) does not relieve the county or county seat from

1 the duty to furnish for the benefit of the authority,
2 convention center or the persons occupying the area,
3 customary improvements and services and facilities as the
4 county or county seat usually furnish without a service fee.

5 (d) Agency.--The Commonwealth, county or county seat may, by
6 written agreement, designate the authority as an agent within
7 the authority's field of operation to perform any specified
8 activity or to administer any specified program which the
9 Commonwealth, county or county seat is authorized by law to do
10 if these activities or programs are in furtherance of the public
11 purposes specified in this subchapter. Activities include
12 development, acquisition, design, construction, improvement,
13 maintenance, leasing, management or operation of a convention
14 center or part of a convention center.

15 (e) Supplemental powers.--Powers granted under this section
16 shall be in addition and supplemental to the powers conferred by
17 any other law.

18 § 17352. Hotel room rental tax.

19 (a) Imposition.--The county in which the authority's
20 convention centers are located or will be located may impose an
21 excise tax on the consideration received by each operator of a
22 hotel within the market area from each transaction of renting a
23 room or rooms to accommodate transients.

24 (b) Collection.--The tax shall be collected by the operator
25 from the patron of the room and paid over to the county and
26 shall be known as the Hotel Room Rental Tax.

27 (c) Rate.--The rate of tax imposed under this section by the
28 county in which the authority's convention centers are located
29 may not exceed 7%.

30 (d) Distribution of revenue.--Subject to the deduction of

1 the administrative fee authorized by subsection (o), the
2 revenues shall be distributed as follows:

3 (1) The revenues from the special funds required under
4 subsection (e) attributable to the levy of the first 5% of
5 the tax shall be distributed as follows:

6 (i) Eighty percent shall be deposited within two
7 working days into the special fund required under
8 subsection (e) for the use of the authority.

9 (ii) Twenty percent shall be deposited within two
10 working days into the tourist promotion agency fund
11 required under subsection (e) until disbursed under
12 subsection (j).

13 (2) The revenues from the special fund attributable to
14 the levy of the remaining 2% of the tax shall be deposited
15 into the tourist promotion agency fund required under
16 subsection (e) until disbursed under subsection (j).

17 (e) Duty of treasurer.--The treasurer of each county
18 electing to impose the tax authorized under this section shall
19 collect the tax and, subject to the deduction of the
20 administrative fee authorized by subsection (o):

21 (1) deposit 80% of the revenues attributable to the levy
22 of the first 5% of the tax in a special fund established for
23 the purposes set forth in this section;

24 (2) deposit 20% of the revenues attributable to the levy
25 of the first 5% of the tax in the tourist promotion agency
26 fund until disbursed under subsection (j); and

27 (3) deposit the revenues attributable to the levy of the
28 remaining 2% of the tax in the tourist promotion agency fund
29 until disbursed under subsection (j).

30 (f) Deposit of interest.--Interest on money deposited into

1 the funds shall accrue proportionately as provided under
2 subsection (e).

3 (g) Rules and regulations.--The treasurer may establish
4 rules and regulations concerning the collection of the tax,
5 which may not occur more than monthly nor less than quarterly.

6 (h) Special fund.--The authority shall have the right to
7 draw upon the special fund established under subsection (e) (1)
8 for the authority. Expenditures from the special fund shall be
9 used by the authority for the following purposes:

10 (1) Projected annual debt service or lease payments of
11 the convention center authority.

12 (2) Costs associated with financing, constructing,
13 expanding, improving, maintaining, furnishing, fixturing and
14 equipping convention centers.

15 (3) Costs associated with the development of convention
16 centers, including design, engineering and feasibility costs.

17 (4) Costs associated with the operation and management
18 of convention centers.

19 (5) Costs associated with promoting, marketing and
20 otherwise encouraging use of the convention centers.

21 (6) General purposes of the authority.

22 (7) Grants authorized under section 17335(e) (relating
23 to purpose and powers of authorities).

24 (i) Security.--If and to the extent that the authority
25 pledges the authority's share of the proceeds of the tax
26 authorized by this section as security for the payment of bonds
27 issued by the authority for convention centers, the following
28 shall apply:

29 (1) The Commonwealth pledges to and agrees with any
30 person, firm or corporation subscribing to or acquiring bonds

1 to be issued by the authority for convention center purposes
2 that the Commonwealth will not, nor will the Commonwealth
3 authorize a county to, reduce the rate of tax imposed for
4 convention centers until all bonds secured by the pledge of
5 the authority, together with interest, are fully met and
6 discharged.

7 (2) The county may not reduce the rate of tax imposed
8 for convention centers until all bonds secured by the pledge
9 of the authority, together with interest, are fully met and
10 discharged.

11 (j) Disbursement of money.--Revenues received from the tax
12 deposited into the tourist promotion agency fund required under
13 subsection (f) shall be disbursed by each county to the tourist
14 promotion agency within 10 days of receipt of the revenues.

15 (k) Fiscal year.--Each tax year for any tax imposed under
16 this section shall run concurrently with the county's fiscal
17 year.

18 (l) Audit.--An audited report on the income and expenditures
19 incurred by a tourist promotion agency receiving revenues from
20 the tax authorized under this section shall be submitted
21 annually by the tourist promotion agency to the county
22 commissioners.

23 (m) Penalty.--Notwithstanding any provision of law to the
24 contrary, in counties of the third class having a population
25 under the 1990 Federal decennial census in excess of 415,000
26 residents but less than 500,000 residents, a penalty of 1.5% per
27 month shall be imposed for failure to timely remit the tax
28 authorized by this section.

29 (n) Lien.--In addition to other remedies available for
30 collection of debts, the county may also file a lien upon the

1 hotel in the name of and for the use of the county as provided
2 by law for municipal claims.

3 (o) Administrative fee.--For purposes of defraying the costs
4 of collecting the tax imposed under this section and otherwise
5 performing the county's obligations under this subchapter, the
6 county may deduct and retain an administrative fee from the
7 taxes collected under this subsection. The administrative fee
8 shall be established by the county but may not exceed in any tax
9 year the lesser of:

10 (1) 2% of all taxes collected hereunder; or

11 (2) \$40,000, which amount shall be adjusted biannually,
12 beginning two years after the date of enactment, by the
13 percentage growth in the Consumer Price Index for All Urban
14 Consumers as determined by the United States Department of
15 Labor.

16 (p) Regulations.--The county shall have the authority to
17 prescribe rules and regulations as the county determines are
18 appropriate to administer the provisions of this section.

19 (q) Definitions.--As used in this section, the following
20 words and phrases shall have the meanings given to them in this
21 subsection:

22 "Consideration." Receipts, fees, charges, rentals, leases,
23 cash, credits, property of any kind or nature or other payment
24 received by operators in exchange for or in consideration of the
25 use or occupancy by a transient of a room or rooms in a hotel
26 for a temporary period.

27 "Convention center or convention center facility." Any land,
28 improvement, structure, building, or part thereof, or property
29 interest, whether owned by or leased by or to or otherwise
30 acquired by an authority, appropriate for any of the following:

1 large public assemblies, the holding of conventions,
2 conferences, trade exhibitions and other business, social,
3 cultural, scientific, sports, recreational, artistic and public
4 interest events, performances and exhibitions, and all
5 facilities, furniture, fixtures and equipment necessary or
6 incident thereto, including hotels, meeting rooms, dining rooms,
7 kitchens, ballrooms, reception areas, registration and
8 prefunction areas, locker rooms, practice areas and equipment,
9 training areas and equipment, truck loading areas, including
10 access, accessways, including, but not limited to, tunnels,
11 overhead walkways, escalators, elevators and other connections
12 to nearby or adjoining buildings or facilities, regardless of
13 whether the buildings or facilities constitute convention
14 centers or are owned or controlled by the authority, common
15 areas, lobbies, offices and areas appurtenant to any of the
16 preceding, and also including other land, buildings, structures
17 or facilities for use or planned for use in conjunction with the
18 foregoing, including landscaping, buffer areas, off-street
19 parking, retail areas and other improvements related to a
20 convention center owned by or leased by or to an authority,
21 regardless of whether the improvements are for the purpose of
22 producing revenues to assist in defraying the costs or expenses
23 of a convention center.

24 "Hotel." A hotel, motel, inn, guesthouse or other building
25 or complex of buildings located within the market area which
26 holds itself out by any means, including advertising, license,
27 registration with an innkeeper's group, convention listing
28 association, travel publication or similar association or with a
29 government agency, as being available to provide overnight
30 lodging or use of facility space for consideration to persons

1 seeking temporary accommodation and the following shall apply:

2 (1) The term includes:

3 (i) A place which advertises to the general public
4 or a segment of the general public that it will provide
5 beds, sanitary facilities or other space for a temporary
6 period to members of the general public.

7 (ii) A place recognized as a hostelry.

8 (2) The term does not include portions of a facility
9 which are devoted to individuals who have established
10 permanent residence.

11 (3) The term does not include a bed and breakfast
12 homestead or inn as defined in the act of May 23, 1945
13 (P.L.926, No.369), referred to as the Public Eating and
14 Drinking Place Law.

15 "Market area." With respect to a county in which there is
16 more than one city of the third class, the entire county. With
17 respect to a county in which there is only one city of the third
18 class, one of the following, as selected by the governing body
19 of the county:

20 (1) That city and the area within the county which is
21 not more than 15 miles from the city limits of the county
22 seat.

23 (2) That city and the area within the county which, as
24 determined by the governing body of the county imposing the
25 tax, derives a material benefit from the existence of the
26 convention center within the county. The owner of a hotel
27 affected by a determination by the governing body under this
28 subparagraph may challenge the determination by filing a
29 petition in the court of common pleas in the judicial
30 district in which the determination was made.

1 "Occupancy." The use or possession or the right to the use
2 or possession by a person other than a permanent resident of a
3 room in a hotel for any purpose or the right to the use or
4 possession of the furnishings or to the services accompanying
5 the use and possession of the room.

6 "Operator." Any individual, partnership, nonprofit or
7 profit-making association or corporation or other person or
8 group of persons that maintain, operate, manage, own, have
9 custody of or otherwise possess the right to rent or lease
10 overnight accommodations in a hotel to the public for
11 consideration.

12 "Patron." An individual who pays the consideration for the
13 occupancy of a room or rooms in a hotel.

14 "Permanent resident." An individual who has occupied or has
15 the right to occupy a room or rooms in a hotel as a patron or
16 otherwise for a period exceeding 30 consecutive days.

17 "Room." A space in a hotel set aside for use and occupancy
18 by patrons, or otherwise, for consideration, having at least one
19 bed or other sleeping accommodations provided therein.

20 "Temporary." A period of time not exceeding 30 consecutive
21 days.

22 "Tourist promotion agency." The agency designated by the
23 governing body of a county or county seat in which the
24 convention centers are located to be eligible for grants from
25 the Department of Community and Economic Development under the
26 act of July 4, 2008 (P.L.621, No.50), known as the Tourism
27 Promotion Act.

28 "Transaction." The activity involving the obtaining by a
29 transient or patron of the use or occupancy of a hotel room from
30 which consideration emanates to the operator under an express or

1 an implied contract.

2 "Transient." An individual who obtains an accommodation in
3 any hotel for the individual by means of registering at the
4 facility for the temporary occupancy of a room for the personal
5 use of that individual by paying to the operator of the facility
6 a fee in consideration for the accommodation.

7 "Treasurer." The elected treasurer of the county or, if
8 there is no elected treasurer, another official or agent of the
9 county as may be designated by the county to collect and account
10 for the tax authorized by this section.

11 § 17353. Construction.

12 Nothing in this subchapter shall be construed to limit any
13 action taken under Subchapter A.

14 CHAPTER 175

15 HOTEL TAX

16 Sec.

17 17501. Authorization of hotel tax.

18 17502. Authorization of five percent hotel tax for a county of
19 the third class.

20 17503. (Reserved).

21 17504. Authorization of five percent hotel tax for a county of
22 the fifth class.

23 17505. Hotel room rental tax in certain third class counties.

24 17506. (Reserved).

25 17507. Hotel room rental tax in third through eighth class
26 counties.

27 17508. Certification of recognized tourist promotion agencies.

28 17509. Hotel room rental tax in second class and second class A
29 counties.

30 § 17501. Authorization of hotel tax.

1 (a) Imposition.--The county commissioners of any county of
2 the third class having a second class A city located therein may
3 impose a hotel tax not to exceed 7% of the consideration
4 received by each operator of a hotel within the county from each
5 transaction of renting a room or rooms to transients. The tax
6 shall be collected by the operator from the patron of the room
7 or rooms and paid over to the county as herein provided.

8 (b) Records.--The county commissioners may by ordinance
9 impose requirements for keeping of records, the filing of tax
10 returns and the time and manner of collection and payment of
11 tax. The county commissioners may also impose by ordinance
12 penalties and interest for failure to comply with recordkeeping,
13 filing, collection and payment requirements.

14 (c) Collection.--The treasurer of each county that imposes
15 the tax authorized under this section shall collect the tax and
16 deposit the revenues received from the tax in a special fund
17 established for that purpose. The disposition of the revenues
18 from the special fund shall be as follows: a minimum of 40% of
19 all revenues received per annum shall be distributed to the TPA,
20 which shall use them for the appropriate and reasonable
21 operational, marketing and promotional expenses of the TPA.
22 Other tax revenues received and amounting to not more than 60%
23 of total annual revenues shall be distributed to the county,
24 which shall use them for reasonable expenses associated with
25 collection and enforcement of the tax; for county-owned tourist
26 and recreational facilities, sports facilities or visitor
27 centers; for other tourism-related activities as determined by
28 the county commissioners; or for other expenditures, debts or
29 liabilities related to tourism or recreational facilities
30 incurred by municipal authorities as determined by the county

1 commissioners.

2 (d) Concurrent tax years.--The tax year for a tax imposed
3 under this section shall run concurrently with the calendar
4 year.

5 (e) Audit.--An audited report on the income and expenditures
6 incurred by a tourist promotion agency receiving any revenues
7 from the tax authorized under this section shall be submitted
8 annually by the tourist promotion agency to the county
9 commissioners.

10 (f) Definitions.--As used in this section, the following
11 words and phrases shall have the meanings given to them in this
12 subsection:

13 "Consideration." Receipts, fees, charges, rentals, leases,
14 cash, credits, property of any kind or nature, or other payment
15 received by operators in exchange for or in consideration of the
16 use or occupancy by a transient of a room or rooms in a hotel
17 for any temporary period.

18 "Hotel." A hotel, motel, inn, guest house or other structure
19 which holds itself out by any means, including advertising,
20 license, registration with an innkeepers' group, convention
21 listing association, travel publication or similar association
22 or with a government agency, as being available to provide
23 overnight lodging or use of facility space for consideration to
24 persons seeking temporary accommodation; any place which
25 advertises to the public at large or any segment thereof that it
26 will provide beds, sanitary facilities or other space for a
27 temporary period to members of the public at large; or any place
28 recognized as a hostelry. The term does not include any portion
29 of a facility that is devoted to persons who have an established
30 permanent residence or a college or university student residence

1 hall.

2 "Occupancy." The use or possession or the right to the use
3 or possession by any person other than a permanent resident of
4 any room in a hotel for any purpose or the right to the use or
5 possession of the furnishings or to the services accompanying
6 the use and possession of the room.

7 "Operator." An individual, partnership, nonprofit or profit-
8 making association or corporation or other person or group of
9 persons who maintain, operate, manage, own, have custody of or
10 otherwise possess the right to rent or lease overnight
11 accommodations in a hotel to the public for consideration.

12 "Patron." A person who pays the consideration for the
13 occupancy of a room or rooms in a hotel.

14 "Permanent resident." A person who has occupied or has the
15 right to occupancy of a room or rooms in a hotel as a patron or
16 otherwise for a period exceeding 30 consecutive days.

17 "Room." A space in a hotel set aside for use and occupancy
18 by patrons, or otherwise, for consideration, having at least one
19 bed or other sleeping accommodation in a room or group of rooms.

20 "Tourist Promotion Agency (TPA)." An organization, agency or
21 corporation designated to be such by the board of commissioners
22 of the county in which the tax is imposed. The TPA shall be duly
23 established, designated and recognized as the county's TPA in
24 accordance with and pursuant to the act of July 4, 2008
25 (P.L.621, No.50), known as the Tourism Promotion Act.

26 "Transaction." The activity involving the obtaining by a
27 transient or patron of the use or occupancy of a hotel room from
28 which consideration is payable to the operator under an express
29 or an implied contract.

30 "Transient." An individual who obtains accommodation in a

1 hotel by means of registering at the facility for the temporary
2 occupancy of a room for the personal use of the individual by
3 paying a fee to the operator.

4 § 17502. Authorization of five percent hotel tax for a county
5 of the third class.

6 (a) Imposition.--The county commissioners of any county of
7 the third class having a population under the 1990 Federal
8 Decennial Census in excess of 237,000 residents, but less than
9 240,000 residents, may impose a hotel tax not to exceed 5% of
10 the consideration received by each operator of a hotel within
11 the county from each transaction of renting a room or rooms to
12 transients. The tax shall be collected by the operator from the
13 patron of the room or rooms and paid over to the county as
14 herein provided.

15 (b) Records.--The county commissioners may by ordinance
16 impose requirements for keeping of records, the filing of tax
17 returns and the time and manner of collection and payment of
18 tax. The county commissioners may also impose by ordinance
19 penalties and interest for failure to comply with recordkeeping,
20 filing, collection and payment requirements.

21 (c) Disposition of first two percent of tax revenue.--The
22 county commissioners of each county shall designate the entity
23 or agency responsible to collect and to enforce the collection
24 of the tax on their behalf. All revenues received from the tax
25 shall be deposited into a special fund, which is to be
26 established by the county's treasurer. The disposition of the
27 revenues from the special fund attributable to the levy of the
28 first 2% of the tax shall be as follows:

29 (1) 20% of all revenues received per annum shall be
30 distributed by the treasurer to a city of the third class in

1 the county of the third class imposing the tax for the
2 appropriate and reasonable marketing and promotional expenses
3 of promoting tourism in the city of a third class and the
4 costs associated with the renovation, rehabilitation,
5 extension, furnishing, equipping, substantial repair or
6 construction of a tourism-related facility located within the
7 city of the third class, including for payment of the debt
8 service on bonds issued for such projects;

9 (2) 10% of all revenues received per annum shall be
10 distributed by the treasurer to the county commissioners who
11 may accept the funds which may be used for tourism and
12 regional promotion purposes to be determined by the county
13 commissioners, or, if the county commissioners elect not to
14 accept the funds, the funds shall be distributed by the
15 treasurer to the TPA for the appropriate and reasonable
16 marketing and promotional expenses of the TPA in promoting
17 tourism in the county of the third class imposing the tax,
18 excluding promotion of a city of the third class receiving
19 revenues under clause (1); and

20 (3) 70% of all revenue received per annum shall be
21 distributed by the treasurer to qualified authorities located
22 within the county of the third class imposing the tax for
23 payment of the debt service on bonds issued for the
24 construction of a county regional sports facility having a
25 seating capacity of two and one-half thousand to fourteen
26 thousand seats, which is owned, in whole or in part, or
27 leased by the applicable authority, and which is located
28 within the county of the third class imposing the tax. The
29 following are qualified authorities for purposes of this
30 clause:

1 (i) an authority incorporated pursuant to the former
2 act of May 2, 1945 (P.L.382, No.164), known as the
3 Municipality Authorities Act of 1945;

4 (ii) an industrial or commercial development
5 authority incorporated pursuant to the act of August 23,
6 1967 (P.L.251, No.102), known as the Economic Development
7 Financing Law; and

8 (iii) a redevelopment authority incorporated
9 pursuant to the act of May 24, 1945 (P.L.991, No.385),
10 known as the Urban Redevelopment Law.

11 (d) Disposition of the third one percent of the tax
12 revenue.--The disposition of the revenues from the special fund
13 attributable to the levy of the third percent of the tax, if
14 levied, shall be distributed at the discretion of the county
15 commissioners and used solely for tourism and regional promotion
16 purposes.

17 (e) Disposition of remaining two percent of tax revenue.--
18 The disposition of the revenues from the special fund
19 attributable to the levy of the remaining 2% of the tax shall be
20 distributed by the treasurer as follows:

21 (1) 50% shall be distributed to the TPA for the
22 appropriate and reasonable marketing and promotional expenses
23 for promoting tourism in the county imposing the tax; and

24 (2) 50% shall be distributed as follows:

25 (i) 75% to an authority incorporated pursuant to the
26 former "Municipality Authorities Act of 1945" located
27 within the county of the third class currently imposing a
28 tax for payment of the debt service on bonds issued for
29 the construction of a county regional sports facility
30 having a seating capacity of two and one-half thousand to

1 fourteen thousand seats, which is owned, in whole or in
2 part, or leased by the applicable authority, and which is
3 located within the county of the third class imposing the
4 tax. Such authority shall use the tax distribution
5 identified in this section for the improvement, support,
6 rehabilitation, revitalization, construction, fit-out and
7 reconstruction of one or more tourism or tourism
8 infrastructure-related facilities, including, but not
9 limited to, the payment of debt service on bonds related
10 thereto.

11 (ii) 25% shall be distributed to the TPA for the
12 appropriate and reasonable marketing and promotional
13 expenses of promoting tourism in a city of the third
14 class located within the county of the third class
15 imposing the tax, and the same shall be used in
16 accordance with a plan approved by the TPA.

17 (f) Collection and deposit.--The treasurer of each county
18 electing to impose the tax authorized under this section shall
19 collect the tax from the entity or agency designated by the
20 county commissioners to collect and to enforce the collection of
21 the tax and shall deposit the revenues received from the tax in
22 a special fund established for that purpose.

23 (g) Concurrent tax years.--The tax year for a tax imposed
24 under this section shall run concurrently with the calendar
25 year.

26 (h) Audit.--An audited report on the income and expenditures
27 incurred by a tourist promotion agency receiving any revenues
28 from the tax authorized under this section shall be submitted
29 annually by the tourist promotion agency to the county
30 commissioners.

1 (i) Definitions.--As used in this section, the following
2 words and phrases shall have the meanings given to them in this
3 subsection:

4 "Consideration." Receipts, fees, charges, rentals, leases,
5 cash, credits, property of any kind or nature or other payment
6 received by operators in exchange for or in consideration of the
7 use or occupancy by a transient of a room or rooms in a hotel
8 for any temporary period.

9 "Debt service on bonds." Any cost related to the issuance,
10 refinancing, refunding or payment or any other costs associated
11 with the issuance and maintenance of bonds or notes by an
12 authority or a city of the third class.

13 "Hotel." A hotel, motel, inn, guest house or other structure
14 which holds itself out by any means, including advertising,
15 license, registration with an innkeepers' group, convention
16 listing association, travel publication or similar association
17 or with a government agency, as being available to provide
18 overnight lodging or use of facility space for consideration to
19 persons seeking temporary accommodation; any place which
20 advertises to the public at large or any segment thereof that it
21 will provide beds, sanitary facilities or other space for a
22 temporary period to members of the public at large; or any place
23 recognized as a hostelry. The term does not include any portion
24 of a facility that is devoted to persons who have an established
25 permanent residence or a college or university student residence
26 hall.

27 "Occupancy." The use or possession or the right to the use
28 or possession by any person other than a permanent resident of
29 any room in a hotel for any purpose or the right to the use or
30 possession of the furnishings or to the services accompanying

1 the use and possession of the room.

2 "Operator." An individual, partnership, nonprofit or profit-
3 making association or corporation, or other person or group of
4 persons who maintains, operates, manages, owns, has custody of
5 or otherwise possesses the right to rent or lease overnight
6 accommodations in a hotel to the public for consideration.

7 "Patron." A person who pays the consideration for the
8 occupancy of a room or rooms in a hotel.

9 "Permanent resident." A person who has occupied or has the
10 right to occupancy of a room or rooms in a hotel as a patron or
11 otherwise for a period exceeding 30 consecutive days.

12 "Room." A space in a hotel set aside for use and occupancy
13 by patrons, or otherwise, for consideration, having at least one
14 bed or other sleeping accommodation in a room or group of rooms.

15 "Tourist Promotion Agency (TPA)." An organization, agency or
16 corporation designated to be such by the board of commissioners
17 of the county in which the tax is imposed. The TPA shall be duly
18 established, designated and recognized as the county's TPA in
19 accordance with and pursuant to the act of April 28, 1961
20 (P.L.111, No.50), known as the Tourist Promotion Law.

21 "Transaction." The activity involving the obtaining by a
22 transient or patron of the use or occupancy of a hotel room from
23 which consideration is payable to the operator under an express
24 or an implied contract.

25 "Transient." An individual who obtains accommodation in a
26 hotel by means of registering at the facility for the temporary
27 occupancy of a room for the personal use of the individual by
28 paying a fee to the operator.

29 § 17503. (Reserved).

30 § 17504. Authorization of five percent hotel tax for a county

1 of the fifth class.

2 (a) Imposition.--The county commissioners of any county of
3 the fifth class having a population under the 2010 Federal
4 Decennial Census in excess of 101,000 residents, but less than
5 102,000 residents, may impose a hotel tax not to exceed 5% of
6 the consideration received by each operator of a hotel within
7 the county from each transaction of renting a room or rooms to
8 transients. The tax shall be collected by the operator from the
9 patron of the room or rooms and paid over to the county as
10 herein provided.

11 (b) Records and penalty.--The provisions of subsection (c)
12 notwithstanding, county commissioners may by ordinance impose
13 requirements for keeping of records, the filing of tax returns
14 and the time and manner of collection and payment of tax. The
15 county commissioners may also impose by ordinance penalties and
16 interest for failure to comply with recordkeeping, filing,
17 collection and payment requirements.

18 (c) Audit.--Each operator of a hotel within a county that
19 imposes the tax authorized under this section shall submit to an
20 audit of hotel tax revenue. The audit shall be conducted by the
21 county commissioners and shall consist, at a minimum, of
22 determining the total amount of consideration received by the
23 operator from transactions of renting a room or rooms to
24 transients during the period being audited and the total amount
25 of hotel tax revenue collected. The county commissioners or
26 their duly authorized agents shall conduct at least one audit
27 annually and shall bear the costs of the audit.

28 (d) Collection, deposit and disposition of tax revenue.--The
29 treasurer of each county that imposes the tax authorized under
30 this section shall collect the tax and deposit the revenues

1 received from the tax in a special fund established for that
2 purpose. Subject to the deduction of the administrative fee
3 authorized by subsection (h), the disposition of the revenues
4 from the TPA hotel tax fund shall be as follows:

5 (1) Seventy-five percent of all revenues received per
6 annum shall be used by the county's recognized TPA for the
7 promotion, advertising and marketing of tourism and special
8 events and for administrative costs.

9 (2) Twenty-five percent of all revenues received per
10 annum shall be distributed as follows:

11 (i) Fifty percent shall be used by the county
12 commissioners for the purposes of economic development
13 and historic preservation.

14 (ii) Fifty percent shall be used by the county
15 commissioners for grants to municipalities that:

16 (A) have a municipal police department employing
17 at least two full-time police officers assigned to
18 law enforcement duties who work a minimum of 200 days
19 per year; or

20 (B) are a member of a regional police department
21 that provides full-time police services to the
22 municipality pursuant to an agreement or contract.

23 (iii) Municipalities receiving grants under
24 subclause (ii) must meet or have met the eligibility
25 requirements under subclause (ii) (A) or (B) for a minimum
26 of two years prior to receiving the grant.

27 (e) Grants.--Grants under subsection (d) (2) (ii) shall be
28 distributed to municipalities in proportion to the number of
29 hotel rooms within the municipality as a percentage of the total
30 number of hotel rooms in municipalities with police departments

1 under subsection (d) (2) (ii) as compiled by the recognized TPA
2 and certified by the county commissioners. Grants shall be used
3 for police and law enforcement purposes. Any portion of a grant
4 not used for police and law enforcement purposes shall be
5 returned to the county for the purposes of subsection (d) (2) (i).

6 (f) Concurrent tax years.--The tax year for a tax imposed
7 under this section shall run concurrently with the calendar
8 year.

9 (g) Audit.--An audited report on the income and expenditures
10 incurred by a tourist promotion agency receiving any revenues
11 from the tax authorized under this section shall be submitted
12 annually by the tourist promotion agency to the county
13 commissioners.

14 (h) Administrative fee.--The county may deduct and retain an
15 administrative fee from the taxes collected under this section.
16 The administrative fee established by the county may not exceed
17 in any tax year the lesser of:

18 (1) 4.5% of all taxes collected under this section; or

19 (2) \$95,000, which amount shall be adjusted biannually,
20 beginning two years after July 12, 2012, by the percentage
21 growth in the Consumer Price Index for All Urban Consumers.

22 (i) Uses of revenue.--Revenue collected from the fee imposed
23 under subsection (h) shall be used for the following purposes:

24 (1) Defraying the costs associated with the collection
25 and administration of the tax.

26 (2) Defraying the costs of the review required under
27 subsection (c).

28 (j) Definitions.--As used in this section, the following
29 words and phrases shall have the meanings given to them in this
30 subsection:

1 "Consideration." Receipts, fees, charges, rentals, leases,
2 cash, credits, property of any kind or nature, or other payment
3 received by operators in exchange for or in consideration of the
4 use or occupancy by a transient of a room or rooms in a hotel
5 for any temporary period.

6 "Hotel." A hotel, motel, inn, guest house or other structure
7 which holds itself out by any means, including advertising,
8 license, registration with an innkeepers' group, convention
9 listing association, travel publication or similar association
10 or with a government agency, as being available to provide
11 overnight lodging or use of facility space for consideration to
12 persons seeking temporary accommodation; any place which
13 advertises to the public at large or any segment thereof that it
14 will provide beds, sanitary facilities or other space for a
15 temporary period to members of the public at large; or any place
16 recognized as a hostelry. The term does not include any portion
17 of a facility that is devoted to persons who have an established
18 permanent residence or a college or university student residence
19 hall.

20 "Occupancy." The use or possession or the right to the use
21 or possession by any person other than a permanent resident of
22 any room in a hotel for any purpose or the right to the use or
23 possession of the furnishings or to the services accompanying
24 the use and possession of the room.

25 "Operator." An individual, partnership, nonprofit or profit-
26 making association or corporation or other person or group of
27 persons who maintain, operate, manage, own, have custody of or
28 otherwise possess the right to rent or lease overnight
29 accommodations in a hotel to the public for consideration.

30 "Patron." A person who pays the consideration for the

1 occupancy of a room or rooms in a hotel.

2 "Permanent resident." A person who has occupied or has the
3 right to occupancy of a room or rooms in a hotel as a patron or
4 otherwise for a period exceeding 30 consecutive days.

5 "Room." A space in a hotel set aside for use and occupancy
6 by patrons, or otherwise, for consideration, having at least one
7 bed or other sleeping accommodation in a room or group of rooms.

8 "Tourist Promotion Agency (TPA)." An organization, agency or
9 corporation designated to be such by the board of commissioners
10 as of January 1, 2000, of the county in which the tax is
11 imposed. The TPA shall be duly established, designated and
12 recognized as the county's TPA in accordance with and pursuant
13 to the act of July 4, 2008 (P.L.621, No.50), known as the
14 Tourism Promotion Act.

15 "Transaction." The activity involving the obtaining by a
16 transient or patron of the use or occupancy of a hotel room from
17 which consideration is payable to the operator under an express
18 or an implied contract.

19 "Transient." An individual who obtains accommodation in a
20 hotel by means of registering at the facility for the temporary
21 occupancy of a room for the personal use of the individual by
22 paying a fee to the operator.

23 § 17505. Hotel room rental tax in certain third class counties.

24 (a) Imposition.--A county may, by ordinance, impose a tax
25 which shall be known as the hotel room rental tax on the
26 consideration received by each operator of a hotel within the
27 county from each transaction of renting a room or rooms to
28 accommodate temporary residents. The tax shall be collected by
29 the operator from the patron of the room and paid over to the
30 county where the hotel is located as provided under this

1 section.

2 (b) Rate of tax.--The tax imposed under subsection (a) shall
3 be equal to 4% of the consideration received from each
4 transaction of renting a room or rooms to accommodate temporary,
5 not permanent, residents.

6 (c) Collection.--The tax shall be collected by the operator
7 from the patron and paid over to the county where the hotel is
8 located. The county executive of each county is hereby
9 authorized to establish rules and regulations governing the
10 collection of the tax, which collection shall not occur more
11 often than monthly and not less than quarterly.

12 (d) Distribution of tax revenue.--Money received under
13 subsection (c) and interest accrued shall be distributed by the
14 fiscal officer of each county as follows:

15 (1) Each county shall within 10 days of receipt transmit
16 68.75% of the money collected in that county to the regional
17 tourist promotion agency which serves more than one county
18 and which is designated by the governing body of the county
19 to be eligible for grants from the Department of Community
20 and Economic Development pursuant to the act of April 28,
21 1961 (P.L.111, No.50), known as the Tourist Promotion Law.

22 (2) Each county shall retain 18.75% of the money
23 collected in that county for the further development of
24 tourism facilities and for community development initiatives
25 within that county that enhance regional tourism.

26 (3) Each county shall retain 12.5% of the money
27 collected in that county for the further development of
28 facilities and for marketing purposes within that county to
29 enhance regional tourism.

30 (e) Definitions.--The following words and phrases when used

1 in this section shall have the meanings given to them in this
2 subsection unless the context clearly indicates otherwise:

3 "Consideration." Receipts, fees, charges, rentals, leases,
4 cash, credits, property of any kind or nature or other payment
5 received by operators in exchange for or in consideration of the
6 use or occupancy by a transient of a room or rooms in a hotel
7 for a temporary period.

8 "County." Any county which is, on June 22, 2000, a county of
9 the third class having a population under the 1990 Federal
10 Decennial Census in excess of 290,000 residents but less than
11 295,000 residents or a county of the third class having a
12 population under the 1990 Federal Decennial Census in excess of
13 245,000 residents but less than 250,000 residents.

14 "Hotel." A hotel, motel, inn, guesthouse or other structure
15 which holds itself out by any means, including advertising,
16 license, registration with an innkeepers' group, convention
17 listing association, travel publication or similar association
18 or with a government agency, as being available to provide
19 overnight lodging for consideration to persons seeking temporary
20 accommodation; any place which advertises to the public at large
21 or any segment thereof that it will provide beds, sanitary
22 facilities or other space for a temporary period to members of
23 the public at large; or any place recognized as a hostelry. The
24 term does not include any portion of a facility that is devoted
25 to persons who have an established permanent residence or a
26 college or university student residence hall or any private
27 campground or any cabins, public campgrounds or other facilities
28 located on State land.

29 "Joint planning commissions." A commission established by
30 ordinance or membership of two or more municipalities to

1 encourage planning for future development and to coordinate
2 planning with neighboring municipalities, counties and other
3 government agencies in accordance with Article XI of the act of
4 July 31, 1968 (P.L.805, No.247), known as the Pennsylvania
5 Municipalities Planning Code.

6 "Operator." Any individual, partnership, nonprofit or
7 profit-making association or corporation or other person or
8 group of persons who maintain, operate, manage, own, have
9 custody of or otherwise possess the right to rent or lease
10 overnight accommodations in a building to the public for
11 consideration.

12 "Patron." Any person who pays the consideration for the
13 occupancy of a room or rooms in a hotel.

14 "Permanent resident." Any person who has occupied or has the
15 right to occupy a room or rooms in a hotel as a patron or
16 otherwise for a period exceeding 30 consecutive days.

17 "Room." A space in a building set aside for use and
18 occupancy by patrons, or otherwise, for consideration, having at
19 least one bed or other sleeping accommodations provided.

20 "Temporary resident." Any person who has occupied or has the
21 right to occupy a room or rooms in a hotel as a patron or
22 otherwise for a period of time not exceeding 30 consecutive
23 days.

24 "Transaction." The activity involving the obtaining by a
25 transient or patron of the use or occupancy of a hotel room from
26 which consideration emanates to the operator under an expressed
27 or implied contract.

28 "Transient." Any person who obtains an accommodation in any
29 hotel for himself by means of registering at the facility for
30 the temporary occupancy of a room for the personal use of that

1 individual by paying to the operator of the facility a fee in
2 consideration therefor.

3 § 17506. (Reserved).

4 § 17507. Hotel room rental tax in third through eighth class
5 counties.

6 (a) Imposition.--A county may, by ordinance, impose a tax
7 which shall be known as the hotel room rental tax on the
8 consideration received by each operator of a hotel within the
9 county from each transaction of renting a room or rooms to
10 accommodate transients. The tax shall be collected by the
11 operator from the patron of the room and paid over to the county
12 where the hotel is located as provided under this section.

13 (b) Limitation on tax rate.--The rate of tax imposed under
14 this section shall not exceed 5%.

15 (c) Collection, deposit and distribution.--The treasurer of
16 each county electing to impose the tax authorized under this
17 section shall collect the tax and deposit the revenues received
18 from the tax in a special fund established for that purpose.
19 Subsequent to the deduction for administrative costs established
20 in subsection (i), the county shall distribute to the recognized
21 tourist promotion agency all revenues received from the tax not
22 later than 60 days after receipt of the tax revenues.

23 (d) Use of tax revenue.--The revenues from the special fund
24 shall be used by the recognized tourist promotion agency for any
25 of the following purposes:

26 (1) Marketing the area served by the agency as a leisure
27 travel destination.

28 (2) Marketing the area served by the agency as a
29 business, convention or meeting travel destination.

30 (3) Using all appropriate marketing tools to accomplish

1 these purposes, including, but not limited to, advertising,
2 publicity, publications, direct marketing, sales, technology
3 and participation in industry trade shows that attract
4 tourists or travelers to the area served by the agency.

5 (4) Programs, expenditures or grants that are directly
6 and substantially related to tourism or a business,
7 convention or meeting travel destination within the county,
8 augment and do not compete with private sector tourism or
9 travel efforts and improve and expand the county as a
10 destination market as deemed necessary by the recognized
11 tourist promotion agency. The following shall apply to grants
12 awarded under this paragraph:

13 (i) Grants require a cash or in-kind local match of
14 at least 25%.

15 (ii) Grants may not be used for signage that
16 promotes a specific private entity on the situs of that
17 entity, except where the signage also carries the logo of
18 a recognized tourist promotion agency.

19 (5) Any other tourism or travel marketing or promotion
20 program, expenditure or project that does not compete with
21 private sector tourism or travel efforts as deemed necessary
22 by the recognized tourist promotion agency.

23 (e) Concurrent tax years.--Each taxable year for any tax
24 imposed under this section shall run concurrently with the
25 county's fiscal year.

26 (f) Audit.--An audited report or financial statement, as
27 determined by the county in consultation with the recognized
28 tourist promotion agency, on the income and expenditures
29 incurred by a recognized tourist promotion agency receiving any
30 revenues from the tax authorized under this section shall be

1 submitted annually by the recognized tourist promotion agency to
2 the county commissioners.

3 (g) Sanction.--The following shall apply:

4 (1) If a recognized tourist promotion agency fails to
5 submit an annual audit report or financial statement required
6 under subsection (f) within 90 days of the end of the
7 recognized tourist promotion agency's fiscal year, the
8 corresponding county may withhold tax revenues collected and
9 deposited in a special fund under this section until the
10 required annual audit report or financial statement is
11 submitted to the county.

12 (2) In the event the county does not take action under
13 paragraph (1) within 120 days of the end of the recognized
14 tourist promotion agency's fiscal year, the Secretary of
15 Community and Economic Development may require the county to
16 withhold tax revenues collected and deposited in a special
17 fund under this section until the required annual audit
18 report or financial statement is submitted to the county and
19 the Department of Community and Economic Development.

20 (h) Conflict of interest.--Any board member, director,
21 officer or employe of a recognized tourist promotion agency
22 shall disclose to the recognized tourist promotion agency the
23 nature of any conflict of interest or financial interest and
24 recuse himself or herself from any action taken on behalf of the
25 recognized tourist promotion agency which may result in a
26 private pecuniary benefit to the individual, a member of the
27 individual's immediate family or a business with which the
28 individual or a member of the individual's immediate family is
29 associated.

30 (i) Administrative costs.--For the purposes of defraying the

1 costs associated with the collection of the tax imposed under
2 this section and otherwise performing its obligations under this
3 section, the county may deduct and retain an administrative fee
4 from the taxes collected under this section. The administrative
5 fee shall be established by the county but shall not exceed 4%
6 of the taxes collected in any taxable year.

7 (j) Penalty.--A penalty of 1.5% per month shall be imposed
8 upon the operator of a hotel for failure to timely collect and
9 remit the tax authorized by this section. In addition to other
10 remedies available for collection of debts, the county may file
11 a lien upon the hotel in the name of the county and for the use
12 of the county as provided by law.

13 (k) Definitions.--The following words and phrases when used
14 in this section shall have the meanings given to them in this
15 subsection unless the context clearly indicates otherwise:

16 "Bed and breakfast" or "homestead." A public accommodation
17 consisting of a private residence, which contains 10 or fewer
18 bedrooms, used for providing overnight accommodations to the
19 public and in which breakfast is the only meal served and is
20 included in the charge for the room.

21 "Cabin." A permanent structure with beds and running water
22 that is located on a campground on State land or private
23 property and is available to provide overnight lodging for
24 consideration to persons seeking temporary accommodations. The
25 term does not include a yurt or walled tent.

26 "Conflict of interest." Use by a board member, director,
27 officer or employe of a recognized tourist promotion agency of
28 the authority of his or her office or employment or any
29 confidential information received through his or her capacity in
30 relation to a recognized tourist promotion agency for the

1 private pecuniary benefit of himself or herself, a member of his
2 or her immediate family or a business with which he or she or a
3 member of his or her immediate family is associated. The term
4 does not include an action having a de minimis economic impact
5 or which affects to the same degree a class consisting of the
6 general public or a subclass consisting of an industry,
7 occupation or other group which includes a board member,
8 director, officer or employe, a member of his or her immediate
9 family or business with which he or she or a member of his or
10 her immediate family is associated.

11 "Consideration." Receipts, fees, charges, rentals, leases,
12 cash, credits, property of any kind or nature or other payment
13 received by operators in exchange for or in consideration of the
14 use or occupancy by a transient of a room or rooms in a hotel
15 for a temporary period.

16 "County." Any county of the third through eighth class that
17 was authorized to levy a hotel occupancy or room rental tax
18 under the former sections 1770.2 or 1770.6 of the County Code.

19 "Hotel." A hotel, motel, inn, guesthouse, rooming house, bed
20 and breakfast, homestead or other structure which holds itself
21 out by any means, including advertising, license, registration
22 with an innkeepers' group, convention listing association,
23 travel publication or similar association or with a government
24 agency, as being available to provide overnight lodging for
25 consideration to persons seeking temporary accommodation; any
26 place which advertises to the public at large or any segment
27 thereof that it will provide beds, sanitary facilities or other
28 space for a temporary period to members of the public at large;
29 any place recognized as a hostelry or any cabin. The term does
30 not include any of the following:

1 (1) A charitable institution.

2 (2) A portion of a facility that is devoted to persons
3 who have an established permanent residence.

4 (3) A college or university student residence hall
5 currently occupied by students enrolled in a degree program.

6 (4) An educational or religious institution camp for
7 children, including a camp registered under the act of
8 November 10, 1959 (P.L.1400, No.497), entitled "An act
9 providing for the annual registration of organized camps for
10 children, youth and adults; defining the duties of the
11 Department of Health of the Commonwealth of Pennsylvania; and
12 prescribing penalties."

13 (5) A hospital.

14 (6) A nursing home.

15 (7) Part of a campground that is not a cabin.

16 "Immediate family." A spouse, parent, brother, sister or
17 child.

18 "Marketing." An action by a recognized tourism promotion
19 agency that includes, but is not limited to, promoting and
20 encouraging visitors to visit a specific county, counties or
21 geographic region.

22 "Occupancy." The use or possession or the right to the use
23 or possession by any person other than a permanent resident of
24 any room in a hotel for any purpose or the right to the use or
25 possession of the furnishings or to the services accompanying
26 the use and possession of the room.

27 "Operator." Any individual, partnership, nonprofit or
28 profit-making association or corporation or other person or
29 group of persons who maintain, operate, manage, own, have
30 custody of or otherwise possess the right to rent or lease

1 overnight accommodations in a building to the public for
2 consideration.

3 "Patron." Any person who pays the consideration for the
4 occupancy of a room or rooms in a hotel.

5 "Permanent resident." A person who has occupied or has the
6 right to occupancy of a room or rooms in a hotel as a patron or
7 otherwise for a period exceeding 30 consecutive days.

8 "Recognized tourist promotion agency." The nonprofit
9 corporation, organization, association or agency which is
10 engaged in planning and promoting programs designed to stimulate
11 and increase the volume of tourist, visitor and vacation
12 business within a county and certified by the county as of April
13 20, 2016, or under section 17508 (relating to certification of
14 recognized tourist promotion agencies).

15 "Room." A space in a building set aside for use and
16 occupancy by patrons or otherwise, for consideration, having at
17 least one bed or other sleeping accommodations provided.

18 "Transaction." The activity involving the obtaining by a
19 transient or patron of the use or occupancy of a hotel room from
20 which consideration emanates to the operator under an expressed
21 or implied contract.

22 "Transient." An individual who obtains accommodation in a
23 hotel by means of registering at the facility for the temporary
24 occupancy of a room for the personal use of the individual by
25 paying a fee to the operator.

26 § 17508. Certification of recognized tourist promotion
27 agencies.

28 (a) Authorization.--A county may certify a nonprofit
29 corporation, organization, association or agency to serve as the
30 county's recognized tourist promotion agency. The county may not

1 have more than one recognized tourist promotion agency.

2 (b) Procedure for certification.--The following shall apply:

3 (1) A county must certify a recognized tourist promotion
4 agency under subsection (a) by proper resolution of the
5 governing body of the county, concurred in by resolution of
6 the governing bodies of cities, boroughs, towns or townships
7 within the county which have an aggregate of more than 50% of
8 the total population of the county as determined by the most
9 recently completed Federal decennial census.

10 (2) A recognized tourist promotion agency shall operate
11 until that agency has dissolved as an entity, withdrawn its
12 certification or has been decertified by the county under
13 subsection (c).

14 (c) Decertification.--The following shall apply:

15 (1) Notwithstanding any other provision of law, a county
16 may decertify a recognized tourist promotion agency by proper
17 resolution of the governing body of a county, concurred in by
18 resolution of the governing bodies of cities, boroughs, towns
19 or townships within the county which have an aggregate of
20 more than 65% of the total population of the county as
21 determined by the most recently completed Federal decennial
22 census.

23 (2) The county shall hold at least one public hearing on
24 decertification no less than seven days before a meeting to
25 adopt a resolution under this subsection.

26 (3) This subsection shall apply to recognized tourist
27 promotion agencies, regardless of the date on which they were
28 recognized under the act of July 4, 2008 (P.L.621, No.50),
29 known as the Tourism Promotion Act, or certified by the
30 county under this section or former section 177.11 of the

1 County Code.
2 § 17509. Hotel room rental tax in second class and second class
3 A counties.

4 (a) Imposition of excise tax.--The following shall apply:

5 (1) The county commissioners in each county of the
6 second class are authorized to impose an excise tax at 5% on
7 the consideration received by each operator of a hotel within
8 the county from each transaction of renting a room or rooms
9 to accommodate transients.

10 (2) The county commissioners in each county of the
11 second class A are authorized to impose an excise tax not to
12 exceed 5% on the consideration received by each operator of a
13 hotel within the county from each transaction of renting a
14 room or rooms to accommodate transients.

15 (3) The tax shall be collected by the operator from the
16 patron of the room and paid over to the county as provided in
17 this section.

18 (b) Collection, deposit and distribution for county of the
19 second class.--The treasurer of each county of the second class
20 electing to impose the tax authorized under this section is
21 directed to collect the tax and to deposit the revenue received
22 from the tax in a special fund. The revenues shall be
23 distributed by the county commissioners as follows:

24 (1) Except as set forth in clause (5), two-fifths of the
25 revenue received by the county from the excise tax shall be
26 distributed to a tourist promotion agency pursuant to section
27 2199.14 of the act of July 28, 1953 (P.L.723, No.230), known
28 as the Second Class County Code.

29 (2) Except as set forth in clause (5), one-third of the
30 tax collected by hotels within a municipality where a

1 convention center or exhibition hall is located, less the
2 cost of collecting the tax, shall, at the request of that
3 municipality, be returned to that municipality for deposit in
4 that municipality's special fund established solely for
5 purposes of paying for promotional programs implemented by a
6 nonprofit organization which are designed to stimulate and
7 increase the volume of conventions and visitors within the
8 municipality or as provided in clause (7), subject to the
9 following requirements:

10 (i) An audited report on the income and expenditures
11 incurred by the municipality receiving funds from the
12 excise tax on hotel room rentals shall be made annually
13 to county.

14 (ii) The members of the board of directors or other
15 governing body of the nonprofit organization utilized by
16 the municipality to provide the promotional programs
17 shall be appointed by the governing body of the
18 municipality.

19 (3) Except as set forth in clause (5), a 5% fee shall be
20 paid to the county for collecting the tax.

21 (4) Except as set forth in clause (5), all remaining
22 revenue from the tax received by the county, after paying the
23 amounts set forth in clauses (1), (2) and (3), shall be used
24 for operational and maintenance expenditures of the
25 convention center or exhibition hall as provided in
26 subsection (d) and for regional tourist promotion activities.

27 (5) Subject to clause (6), if bonds are issued by the
28 public authority to provide permanent financing or
29 refinancing of the expansion of and capital improvements to
30 the convention center or exhibition hall, the revenue

1 received from the tax and deposited in the special fund shall
2 not be distributed as set forth in clauses (1) through (4)
3 but shall be distributed by the county commissioners in the
4 order of priority as follows:

5 (i) First, to the payment of all amounts set forth
6 in clause (2).

7 (ii) Second:

8 (A) to the trustee for the bonds in accordance
9 with the provisions of the indenture pursuant to
10 which the bonds are issued, to be used for the
11 payment of debt service on the bonds; and

12 (B) to the payment of all amounts set forth in
13 clause (3):

14 (I) in full; or

15 (II) if the revenues are insufficient to
16 make the payment in full, pro rata.

17 (iii) Third, to the payment of all amounts set forth
18 in clause (1).

19 (iv) Fourth, as set forth in clause (4).

20 (6) Clause (5) shall not apply to bonds issued
21 subsequent to the permanent financing for purposes of
22 completion or subsequent expansions or capital improvements.

23 (7) If a convention center or exhibition hall
24 discontinues operation in a municipality in which a
25 convention center or exhibition hall is located, the
26 municipality shall continue to collect and receive the tax,
27 which shall be deposited by the municipality and used for the
28 purposes as provided in clause (2).

29 (c) Collection and deposit for county of second class A.--
30 The treasurer of each county of the second class A electing to

1 impose the tax authorized under this section is directed to
2 collect the tax and to deposit the revenue in a special fund
3 established solely for purposes of travel and tourism promotion
4 and advertising related to travel and tourism promotion. The
5 treasurer is authorized to establish rules and regulations
6 concerning the collection of the tax.

7 (d) Limitation on use of fund for counties of the second
8 class.--The following shall apply:

9 (1) In counties of the second class, expenditures from
10 the fund established under subsection (b) shall be used for
11 all purposes which a public authority may determine to be
12 reasonably necessary to the support, operation and
13 maintenance of a convention center or exhibition hall,
14 including the following:

15 (i) Advertising and publicizing tourist attractions
16 in the area served by the recognized tourist promotion
17 agency.

18 (ii) Promoting and otherwise encouraging the use of
19 the facilities in the area served by the recognized
20 tourist promotion agency by the public as a whole.

21 (iii) Promoting and attracting conventions,
22 exhibitions and other functions to utilize facilities in
23 the area served by the recognized tourist promotion
24 agency.

25 (iv) Precompletion advertising and publicizing of
26 any convention center or exhibition hall.

27 (v) Promoting and attracting conventions,
28 exhibitions and other functions to utilize the convention
29 center or exhibition hall.

30 (vi) Promoting and otherwise encouraging the use of

1 the premises by the public as a whole or any segment of
2 the public.

3 (vii) Operating, furnishing and otherwise
4 maintaining and equipping the premises and realty
5 appurtenant to the premises.

6 (viii) Furnishing and equipping the building and
7 grounds.

8 (2) It is the intention of this subsection that the
9 receipts from any tax imposed under this section after
10 payment of the distributions under subsection (b) (1), (2),
11 (3), (4) and (5) be used in the county to offset the entire
12 operating deficit, if any, of any convention center or
13 exhibition hall including equally, shares of any cooperating
14 political subdivision or agency of government incurred
15 pursuant to any agreement. The operating deficit shall be
16 determined by the public authority which is the designated
17 operating agency of the convention center or exhibition hall.

18 (e) Limitation on use of fund for counties of second class

19 A.--The following shall apply:

20 (1) In counties of the second class A, expenditures from
21 the fund established under subsection (c) shall be annually
22 appropriated by the county commissioners for tourist
23 promotion activities, to be executed by the recognized
24 tourist promotion agency for the following:

25 (i) Marketing the area served by the recognized
26 tourist promotion agency as a leisure travel destination.

27 (ii) Marketing the area served by the recognized
28 tourist promotion agency as a convention, business or
29 meeting travel destination.

30 (iii) Marketing the area served by the recognized

1 tourist promotion agency to the public as a whole for use
2 of its tourist and convention facilities.

3 (iv) Using all appropriate marketing tools to
4 accomplish these purposes, including advertising,
5 publicity, publications, direct marketing, sales,
6 technology and participation in industry trade shows that
7 attract tourists or travelers to the area served by the
8 recognized tourist promotion agency.

9 (v) Programs, expenditures or grants that directly
10 and substantially relate to tourism or a business,
11 convention or meeting travel destination within a county
12 of the second class A, that augment and do not compete
13 with private sector tourism or travel efforts and that
14 improve and expand a county of the second class A as a
15 destination market as deemed necessary by the recognized
16 tourist promotion agency. The following shall apply to
17 grants awarded under this subclause:

18 (A) Grants shall have a cash or in-kind local
19 match of at least 25%.

20 (B) Grants may not be used for signage that
21 promotes a specific private entity on the situs of
22 the entity, except where the signage carries the logo
23 of a recognized tourist promotion agency.

24 (vi) Any other tourism or travel marketing or
25 promotion program, expenditure or project that does not
26 compete with private sector tourism or travel efforts as
27 deemed necessary by the recognized tourist promotion
28 agency.

29 (2) For the purposes of defraying the costs associated
30 with the collection of the tax imposed under this section and

1 otherwise performing their obligations under this section,
2 the county commissioners of a county of the second class A
3 may deduct and retain an administrative fee from the taxes
4 collected under this section. The administrative fee shall be
5 established by the county of the second class A and shall not
6 exceed 4% of the taxes collected in any taxable year.

7 (3) As determined by a county of the second class A in
8 consultation with the recognized tourist promotion agency, an
9 audited report or financial statement of the income and
10 expenditures incurred by a recognized tourist promotion
11 agency receiving revenue from the tax authorized under this
12 section shall be submitted annually by the recognized tourist
13 promotion agency to the county commissioners.

14 (4) A penalty of 1.5% per month shall be imposed upon
15 the operator of a hotel in a county of the second class A for
16 failure to timely collect and remit the tax authorized by
17 this section. In addition to other remedies available for
18 collection of debts, a county of the second class A may file
19 a lien upon the hotel in the name of the county and for the
20 use of the county as provided by law.

21 (f) Duration of section.--The following shall apply:

22 (1) The provisions of this section relating to counties
23 of the second class shall remain in force from year to year.
24 The following apply:

25 (i) Revenue in excess of amounts needed to pay the
26 distributions under subsection (b.1) (1), (2), (2.1), (3)
27 and (4) and to offset operating deficits under
28 subsections (b.1) (3) and (d) shall be determined by the
29 public authority and may be accumulated.

30 (ii) At the discretion of the cooperating political

1 subdivisions and the public authority, any revenue may be
2 used to:

3 (A) provide part or all of an annual payment to
4 be paid by a county or a political subdivision under
5 an agreement with a public authority created under
6 the act of July 29, 1953 (P.L.1034, No.270), known as
7 the Public Auditorium Authorities Law, which has been
8 designated as the operating agency for a convention
9 center or exhibition hall; or

10 (B) effect necessary expansion or further
11 capital improvements.

12 (2) The provisions of this section relating to counties
13 of the second class A shall remain in force and effect for
14 three years from February 14, 1986, and may be continued
15 thereafter by ordinance or resolution of the county
16 commissioners of the respective counties.

17 (g) Concurrent tax years.--Each taxable year for a tax
18 imposed under this section shall run concurrently with the
19 calendar year.

20 (h) Definitions.--The following words and phrases when used
21 in this section shall have the meanings given to them in this
22 subsection unless the context clearly indicates otherwise:

23 "Cabin." A permanent structure with beds and running water
24 that is located on a campground on State land or private
25 property and is available to provide overnight lodging for
26 consideration to persons seeking temporary accommodations. The
27 term does not include a yurt or walled tent.

28 "Consideration." Receipts, fees, charges, rentals, leases,
29 cash, credits, property or other payment received by operators
30 in exchange for or in consideration of the use or occupancy by a

1 transient of a room in a hotel for a temporary period.

2 "Convention center or exhibition hall." A building or series
3 of buildings:

4 (1) at least one of which contains a minimum of 75,000
5 gross square feet of exhibition space for shows and
6 conventions;

7 (2) which are not used for the retail sale of
8 merchandise or part of any shopping center, mall or other
9 retail center; and

10 (3) a major function of which is to house meetings,
11 exhibitions, shows, conventions, assemblies, convocations and
12 similar gatherings. The term includes land appurtenant to the
13 building or buildings.

14 "Cooperating political subdivision or agency of government."
15 A city or public authority located in a county:

16 (1) within the boundaries of which a convention center
17 or exhibition hall is planned or constructed; and

18 (2) which shares with the county duties, obligations or
19 privileges with respect to that convention center.

20 "Hotel." A hotel, motel, inn, guesthouse, rooming house, bed
21 and breakfast, homestead or other structure which holds itself
22 out by any means, including advertising, license, registration
23 with an innkeepers' group, convention listing association,
24 travel publication or similar association or with a government
25 agency, as being available to provide overnight lodging for
26 consideration to persons seeking temporary accommodation; any
27 place which advertises to the public at large or any segment
28 thereof that it will provide beds, sanitary facilities or other
29 space for a temporary period to members of the public at large;
30 any place recognized as a hostelry or any cabin. The term does

1 not include any of the following:

2 (1) A charitable institution.

3 (2) A portion of a facility that is devoted to persons
4 who have an established permanent residence.

5 (3) A college or university student residence hall
6 currently occupied by students enrolled in a degree program.

7 (4) An educational or religious institution camp for
8 children, including a camp registered under the act of
9 November 10, 1959 (P.L.1400, No.497), entitled "An act
10 providing for the annual registration of organized camps for
11 children, youth and adults; defining the duties of the
12 Department of Health of the Commonwealth of Pennsylvania; and
13 prescribing penalties."

14 (5) A hospital.

15 (6) A nursing home.

16 (7) Part of a campground that is not a cabin.

17 "Municipality." Notwithstanding 53 Pa.C.S. § 8401 (relating
18 to definitions), a township or borough or a home rule
19 municipality which was formerly a township or borough.

20 "Occupancy." The use or possession or the right to the use
21 or possession by any person other than a permanent resident of a
22 room in a hotel for any purpose or the right to the use or
23 possession of the furnishings or to the services accompanying
24 the use and possession of the room.

25 "Operating deficit." The excess of expenses over receipts
26 from the operation and management of a convention center or
27 exhibition hall.

28 "Operator." Any individual, partnership, nonprofit or
29 profit-making association or corporation or other person or
30 group of persons that maintain, operate, manage, own, have

1 custody of or otherwise possess the right to rent or lease
2 overnight accommodations in a hotel to the public for
3 consideration.

4 "Patron." A person that pays the consideration for the
5 occupancy of a room in a hotel.

6 "Permanent resident." An individual who has occupied or has
7 the right to occupancy of a room in a hotel as a patron or
8 otherwise for a period exceeding 30 consecutive days.

9 "Recognized tourist promotion agency." The nonprofit
10 corporation, organization, association or agency which is
11 engaged in planning and promoting programs designed to stimulate
12 and increase the volume of tourist, visitor and vacation
13 business within a county and certified by the county pursuant to
14 the act of July 4, 2008 (P.L.621, No.50), known as the Tourism
15 Promotion Act.

16 "Regional tourist promotion activities." Services,
17 activities, facilities and events, which result in a significant
18 number of nonresidents visiting a county of the second class for
19 recreational, cultural or educational purposes.

20 "Room." A space in a hotel set aside for use and occupancy
21 by patrons, or otherwise, for consideration, having at least one
22 bed or other sleeping accommodation.

23 "Substantial completion." Construction which is sufficiently
24 completed in accordance with contract documents and certified by
25 the convention center authority's architect or engineer, as
26 modified by change orders so that:

27 (1) the main convention area can be used, occupied or
28 operated for its intended use; and

29 (2) at least 90% of the work on the main convention or
30 exhibition area is complete.

1 "Temporary." A period of time not exceeding 30 consecutive
2 days.

3 "Transaction." The activity involving the obtaining by a
4 transient or patron of the use or occupancy of a hotel room from
5 which consideration emanates to the operator under an express or
6 an implied contract.

7 "Transient." An individual who obtains accommodation in any
8 hotel for himself by means of registering at the facility for
9 the temporary occupancy of any room for the personal use of that
10 individual by paying to the operator of the facility a fee in
11 consideration for the accommodation.

12 Section 5. Repeals are as follows:

13 (1) The General Assembly declares that the repeal under
14 paragraph (2) is necessary to effectuate the amendment or
15 addition of 16 Pa.C.S. Pts. I, II, III and IV.

16 (2) The act of August 9, 1955 (P.L.323, No.130), known
17 as The County Code, is repealed.

18 (3) The General Assembly declares that the repeals under
19 paragraph (4) are necessary to effectuate the addition of
20 section 311(e).

21 (4) Sections 210 and 211 of the act of July 28, 1953
22 (P.L.723, No.230), known as the Second Class County Code, are
23 repealed.

24 Section 6. The amendment or addition of 16 Pa.C.S. Pts. I,
25 II, III and IV is a continuation of the act of August 9, 1955
26 (P.L.323, No.130), known as The County Code. The following
27 apply:

28 (1) Except as otherwise provided in 16 Pa.C.S. Pts. I,
29 II, III and IV, all activities initiated under The County
30 Code shall continue and remain in full force and effect and

1 may be completed under 16 Pa.C.S. Pts. I, II, III or IV.
2 Orders, regulations, rules and decisions which were made
3 under The County Code and which are in effect on the
4 effective date of section 5(2) of this act shall remain in
5 full force and effect until revoked, vacated or modified
6 under 16 Pa.C.S. Pts. I, II, III and IV. Contracts,
7 obligations and collective bargaining agreements entered into
8 under The County Code are not affected nor impaired by the
9 repeal of The County Code.

10 (2) Except as provided in paragraph (3), any difference
11 in language between 16 Pa.C.S. Pts. I, II, III and IV and The
12 County Code is intended only to conform to the style of the
13 Pennsylvania Consolidated Statutes and is not intended to
14 change or affect the legislative intent, judicial
15 construction or administration and implementation of The
16 County Code.

17 (3) Paragraph (2) shall not apply to the following:

18 (i) The addition of 16 Pa.C.S. § 12305(d).

19 (ii) The addition of 16 Pa.C.S. § ~~14930(b)(4)~~ <--

20 14931(B)(2). <--

21 (iii) The addition of 16 Pa.C.S. § 15102(1).

22 (iv) The addition of 16 Pa.C.S. § 15351.

23 Section 7. This act shall take effect in 60 days.