

COUNTY CODE, THE
Act of Aug. 9, 1955, P.L. 323, No. 130
 AN ACT

Cl. 16

Relating to counties of the first, third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto; relating to imposition of excise taxes by counties, including authorizing imposition of an excise tax on the rental of motor vehicles by counties of the first class; and providing for regional renaissance initiatives. (Title amended June 25, 1999, P.L.182, No.25)

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

ARTICLE I
PRELIMINARY PROVISIONS

Section 101. Short Title.--This act shall be known and may be cited as "The County Code." The provisions of this act shall become effective January one, one thousand nine hundred fifty-six.

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

(b) Except where otherwise specifically limited, this act applies to all counties of the third, fourth, fifth, sixth,

seventh and eighth classes.

(102 amended July 14, 2005, P.L.312, No.57)

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

(1) The Municipal Borrowing Law, approved June twenty-five, one thousand nine hundred forty-one (Pamphlet Laws 159).

(2) The Pennsylvania Election Code, approved June three, one thousand nine hundred thirty-seven (Pamphlet Laws 1333).

(3) ((3) repealed Sep. 19, 1961, P.L.1495, No.638)

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

(5) The Municipal Unclaimed Moneys Act, approved May seventeen, one thousand nine hundred forty-nine (Pamphlet Laws 1403).

(6) Any law relating to the collection of municipal and tax claims.

(7) Except as provided under subdivision (e) of Article XVII, any law relating to the assessment and valuation of property and persons for taxation. ((7) amended Nov. 9, 2006, P.L.1350, No.142)

(8) Any law relating to the giving of county consent to public utility corporations.

(9) Any law relating to State highways.

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

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

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

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

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

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

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

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

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

(19) Any temporary law.

(20) Any amendment or supplement of any of the laws referred

to in this section.

(21) The Public Utility Law, approved May twenty-eight, one thousand nine hundred thirty-seven (Pamphlet Laws 1053).

Compiler's Note: Act 142 of 2006 amended section 103(7) of the County Code. Section 6 of Act 142 provides that the amendment is to apply retroactively to real property assessments for taxes levied and collected for fiscal periods of political subdivisions beginning on or after January 1, 2005, and section 4 prohibits the amendment from being interpreted either as authorizing, ratifying, or affirming any assessment of signs or sign structures as real property, or as creating an implication that The General County Assessment Law, the act of May 22, 1933 (P.L.853, No.155), should not be applied uniformly.

Section 104. Saving Clause.--(a) The provisions of this act, as far as they are the same as those of existing laws, shall be construed as a continuation of such laws, and not as new enactments. The repeal by this act of any provisions of law, shall not revive any law heretofore repealed or superseded, nor affect the existence or class of any county heretofore created. The provisions of this act shall not affect any act done, liability incurred, or right accrued or vested, nor affect any suit or prosecution, pending or to be instituted, to enforce any right or penalty, or punish any offense under the authority of such repealed laws.

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

(c) All acts and parts of acts of Assembly relating to counties, or to particular classes of counties, in force at the time of the adoption of this act, and not repealed hereby, shall remain in force in the same manner and with the same effect as prior to the adoption of this act.

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

Section 106. Construction of References.--Whenever in this act reference is made to any act by title, or name, such reference shall also apply to and include any codifications

wherein the provisions of the act referred to are substantially reenacted or to reenactments, revisions or amendments of the act.

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

Section 108. Legislation According to Class.--The affairs of counties are herein and shall hereafter be legislated for and regulated by general laws, applicable to all counties, or to particular classes, as herein fixed and appointed. All laws adopted by the General Assembly for one or more of the classes herein fixed and appointed shall be deemed to be general laws.

Section 109. Proceedings for Recovery of Penalties.--Unless herein otherwise specifically provided, in every case in which any pecuniary penalty or forfeiture is imposed by this act, the proceeding for the recovery of the same shall be by indictment in the court of quarter sessions, or by civil action as debts of equivalent amount are by law recoverable. Aldermen or justices of the peace shall not have jurisdiction of any suit or action for the recovery of any penalty imposed by this act for official misconduct. Such suit or action, when brought in the court of common pleas, shall have preference for trial over all other actions.

Section 110. Publication of Legal Notices.--Whenever, under the provisions of this act, advertisement, notice or publication is required to be published in one newspaper, such publication shall be made in a newspaper of general circulation as defined by the act, approved May sixteen, one thousand nine hundred twenty-nine (Pamphlet Laws 1784), known as the "Newspaper Advertising Act," printed in the county, unless the matter in connection with which the advertising is being done affects only a political subdivision, in which case such advertisement shall be published in a newspaper printed in such political subdivision, if there is such a newspaper and, if not, then in a newspaper circulating generally in such political subdivision. If such notice is required to be published in more than one newspaper, it shall be published in at least one newspaper of general circulation, defined as aforesaid, printed, if there be such a newspaper, or circulating generally, as above provided in the county. When such notice relates to any proceeding or matter in any court, or the holding of an election for the increase of indebtedness, or the issue and sale of bonds to be paid by taxation, such notice shall also be published in the legal

newspaper, if any, designated by the rules of court of the proper county for the publication of legal notices and advertisement, unless such publication be dispensed with by special order of court. All ordinances, auditors' reports, controllers' reports, or advertisements, inviting proposals for public contracts and for bids for materials and supplies, shall be published only in newspapers of general circulation, as hereinbefore defined.

ARTICLE II
NAMES AND CORPORATE POWERS
CLASSIFICATION OF COUNTIES

(a) Division of the State into Counties;
Corporate Powers

Section 201. Enumeration of Counties.--The State shall be divided into the following sixty-seven named counties, as now established by law: Philadelphia, Bucks, Chester, Lancaster, York, Cumberland, Berks, Northampton, Bedford, Northumberland, Westmoreland, Washington, Fayette, Franklin, Montgomery, Dauphin, Luzerne, Huntingdon, Allegheny, Mifflin, Delaware, Lycoming, Somerset, Greene, Wayne, Adams, Centre, Beaver, Butler, Mercer, Crawford, Erie, Warren, Venango, Armstrong, Indiana, Jefferson, McKean, Clearfield, Potter, Tioga, Cambria, Bradford, Susquehanna, Schuylkill, Lehigh, Lebanon, Columbia, Union, Pike, Perry, Juniata, Monroe, Clarion, Clinton, Wyoming, Carbon, Elk, Blair, Sullivan, Forest, Lawrence, Fulton, Montour, Snyder, Cameron and Lackawanna.

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

- (1) Have succession perpetually by its corporate name.
- (2) Sue and be sued and complain and defend in all proper courts by the name of the county of
- (3) Purchase, acquire by gift or otherwise, hold, lease, let and convey such real and personal property as shall be deemed to be for the best interests of the county.
- (4) Make contracts for carrying into execution the laws relating to counties and for all lawful purposes.
- (5) Have and use a seal which shall be in the custody of the commissioners thereof. The official acts of the commissioners shall be authenticated therewith. The commissioners may prescribe the form of such seal.
- (6) To make appropriations for any purpose authorized by this or any other act of the General Assembly.

(202 amended Jun. 30, 1969, P.L.113, No.45)

Section 203. Vesting of Corporate Power.--The corporate power of each county shall be vested in a board of county commissioners.

(b) Classification

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

- (1) First Class Counties, those having a population of 1,500,000 inhabitants and over.
- (2) Second Class Counties, those having a population of 800,000 and more but less than 1,500,000 inhabitants.
 - (2.1) Second Class A Counties, those having a population of 500,000 and more but less than 800,000 inhabitants.
- (3) Third Class Counties, those having a population of 210,000 and more but less than 500,000 inhabitants.
- (4) Fourth Class Counties, those having a population of 145,000 and more but less than 210,000 inhabitants.
- (5) Fifth Class Counties, those having a population of 95,000 and more but less than 145,000 inhabitants.
- (6) Sixth Class Counties, those having a population of 45,000 and more but less than 95,000 inhabitants and those having a population of 35,000 and more but less than 45,000 inhabitants which by ordinance or resolution of the Board of County Commissioners elect to be a county of the sixth class.
- (7) Seventh Class Counties, those having a population of 20,000 or more but less than 45,000 inhabitants and those having a population of 35,000 and more but less than 45,000 inhabitants which have not elected to be a county of the sixth class.
- (8) Eighth Class Counties, those having a population of less than 20,000 inhabitants.

(210 amended Dec. 17, 2001, P.L.919, No.107)

Compiler's Note: Section 7 of Act 107 of 2001, which amended section 210, provided that any county whose classification upon the effective date of section 7 would be advanced from its classification during the preceding decade as a result of the amendment of section 210 shall retain the classification of the county existing during the preceding decade unless the Board of County Commissioners of the county elects by ordinance or resolution to advance its classification. Section 8 of Act 107 provided that prior to January 1, 2002, the Governor shall notify, in accordance with section 211(b), the board of county commissioners of the amendment of section 210 and of the effect of that amendment.

Section 211. Ascertainment, Certification and Effect of Change of Class.--(a) The classification of counties shall be ascertained and fixed according to their population by reference

from time to time to the decennial United States census as hereinafter provided, deducting therefrom the number of persons residing on any lands that have been ceded to the United States.

(b) Whenever it shall appear by any such census that any county has attained a population entitling it to an advance in classification, or whenever it shall appear by the last two preceding censuses that a county has heretofore or hereafter decreased in population so as to recede in classification, as herein prescribed, it shall be the duty of the Governor, under the great seal of this Commonwealth, to certify that fact accordingly, to the board of county commissioners on or before the first day of October of the year succeeding that in which the census was taken or as soon thereafter as may be, which certificate shall be forwarded by the commissioners to the recorder of deeds and be recorded in his office.

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

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

(211 amended Aug. 22, 1961, P.L.1048, No.478)

Compiler's Note: Section 8 of Act 107 of 2001, which amended section 210, provided that prior to January 1, 2002, the Governor shall notify, in accordance with section 211(b), the board of county commissioners of the amendment and of the effect of that amendment.

ARTICLE III

FIXING AND RELOCATING LINES AND BOUNDARIES

Section 301. Petition to Superior Court.--(a) The boundary

line between any two or more adjoining counties may be determined, surveyed, relocated or marked in the manner provided by this article. ((a) repealed in part Apr. 28, 1978, P.L.202, No.53)

(b) Such a proceeding shall be instituted on petition of any taxpayer, the county commissioners or the corporate authorities of any political subdivision of any of the counties involved.

Compiler's Note: Section 3 of Act 223 of 1970 provided that section 301 is repealed insofar as it vests jurisdiction and powers in the Superior Court and such jurisdiction and powers are vested by Act 223 in the Commonwealth Court.

Section 302. Superior Court to Designate Neutral Court; Appointment of Commission.--(a) The court, upon the filing of such petition, shall designate a court of a county not affected by the question and not adjoining any of the counties involved to act in the proceeding. The court so designated shall sit in its home county. ((a) repealed in part Apr. 28, 1978, P.L.202, No.53)

(b) If it appears to the court so designated that the county line, or any part thereof, shall be surveyed or marked, it shall appoint a commission, composed of three surveyors or professional engineers in civil engineering, to act for the court as hereinafter provided.

Compiler's Note: Section 2 of Act 53 of 1978 provided that upon petition the Commonwealth Court shall designate the court having jurisdiction under section 302. All actions by or against a county shall be conducted by the board of commissioners.

Compiler's Note: Section 3 of Act 223 of 1970 provided that section 302 is repealed insofar as it vests jurisdiction and powers in the Superior Court and such jurisdiction and powers are vested by Act 223 in the Commonwealth Court.

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

(b) The commission may employ such assistants as the court shall allow, at a compensation to be fixed by the court, and such assistants shall be reimbursed the actual necessary expenses incurred by them respectively while employed by such

commission.

(c) All costs, including the necessary expenses of advertising the meeting of the commissioners as hereinafter provided, and in procuring and setting the monuments needful to mark in a permanent manner such county line, the expenses of the commission and its assistants and all other expenses necessarily incurred, shall be paid by the interested counties jointly, in equal parts, or by any party or parties to the proceeding as the court may direct, upon presentation of properly itemized bills, duly verified by affidavit of the person claiming payment or some one on his behalf.

Section 304. Oath; Organization and Duties.--(a) The members of the commission shall take and subscribe an oath to perform their duties impartially and with fidelity.

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

Compiler's Note: Section 3(3) of Act 76 of 2008 provided that all acts and parts of acts are repealed insofar as they are inconsistent with Act 76. Section 1 of Act 76 amended 53 Pa.C.S. Ch. 11 (relating to general provisions) by adding section 1141 (relating to form of oaths of office), which provides the form of oaths of office for elected or appointed officials of municipalities.

Section 305. Authority to Fix New County Line.--(a) When the commission has ascertained, located and determined said line, if it appears to it that the existing county line, from any cause whatever, has become inconvenient for any purpose, or improper, difficult to ascertain, or not related to the natural or other land marks, the commission shall report these facts, or any of them, to the court of quarter sessions having appointed the commission, with a recommendation that a new county line be established in whole or in part.

(b) Thereupon, if said court shall be of opinion that it is to the interest and advantage of the respective counties that a new county line be established, they may direct said commission

to fix and determine a new county line and to mark the same with suitable monuments of a permanent character.

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

Section 306. Report of Commission; Approval by Court; Certification of Line.--(a) The commission, or a majority thereof, shall make a report, in writing, and attach thereto a map or draft showing the courses and distances of the line ascertained and designated by them as the existing county line, or where they may have been directed to fix and determine a new county line, such map or draft, in lieu thereof, shall show the courses and distances of new county line. In either case, the map or draft shall also show the lands through which said line passes and the buildings in close proximity thereto, together with the roads and streams crossed by or near to such line.

(b) The report and map, signed by the members of the commission or a majority of them, shall be filed in the court of quarter sessions having been given jurisdiction, and if approved by such court, shall be ordered recorded in the records thereof. A copy of the report and approval shall be certified by the clerk of the court to the clerk of the court of quarter sessions of each county affected, where it shall be recorded in the records. The line so ascertained, surveyed and fixed and so marked shall thenceforth be the boundary line between the counties.

(c) The clerk of the court of quarter sessions, having determined the matter, shall certify the approval of the court on two copies of the report and map filed in this office and, within thirty days, transmit a copy by mail to the Secretary of Internal Affairs, to be by him deposited in his department, and another to the Department of Highways.

ARTICLE IV COUNTY OFFICERS

(a) General Provisions

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

- (1) Three county commissioners.
- (2) Three auditors or, in all counties where the office of auditor has heretofore been or shall hereafter be abolished, one controller.
- (3) One treasurer.
- (4) One coroner.
- (5) One recorder of deeds.

(6) One prothonotary.

(7) One clerk of the court of quarter sessions and of the court of oyer and terminer.

(8) One clerk of the orphans' court.

(9) One register of wills.

(10) One sheriff.

(11) One district attorney.

(12) Two jury commissioners.

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

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

(d) The office of jury commissioner may be abolished by referendum at the option of each county which on the effective date of this subsection is a county of the third class having a population under the 1990 Federal decennial census in excess of 237,000 residents, but less than 240,000 residents, or a population under the 1990 Federal decennial census in excess of 337,000 residents, but less than 341,000 residents, whenever electors equal to at least five per centum of the highest vote cast for any office in the county at the last preceding general election shall file a petition with the county board of elections, or the governing body of the county adopts, by a majority vote, a resolution to place such a question on the ballot and a copy of the resolution is filed with the county board of elections for a referendum on the question of abolishing the office of jury commissioner. Proceedings under this subsection shall be in accordance with the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code." Upon approval of the referendum the office of jury commissioner shall expire at the completion of the current jury commissioners' terms of office. The

referendum shall not take place in any year in which the office of jury commissioners is on the ballot.

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

(401 amended May 9, 2002, P.L.301, No.41)

Compiler's Note: Section 2 of Act 41 of 2002, which amended section 401, provided that Act 41 shall apply to jury commissioners holding office on or after the effective date of Act 41.

Compiler's Note: Section 5 of Act 79 of 1998, which added section 401(d), provided that, if the conditions placed on "county" in section 401(d) are found to be an unconstitutional classification, then section 401(d) is nonseverable and void.

Section 402. Incompatible Offices.--(a) No elected county officer or county solicitor shall, at the same time, serve as a member of the legislative body of any city, borough, town or township of any class, nor as treasurer or tax collector of any city, borough, incorporated town or township, nor as school director of any school district, nor as a member of any board of health. ((a) amended June 19, 1963, P.L.150, No.95)

(b) No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall, at the same time, hold or exercise any county office in this State to which a salary, fee or perquisites are attached. This section shall not apply to United States Reserve Officers or enlisted personnel not called into active duty. ((b) amended Oct. 4, 1978, P.L.964, No.190)

Section 403. Oath of Office.--(a) In addition to any oath or affirmation required by any other act of Assembly, all county officers, their deputies, assistants and clerks, shall, before entering on the duties of their respective offices or employments, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of this Commonwealth; and that I will discharge the duties of my office (or employment) with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election (or

appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office (or employment) other than the compensation allowed by law".

(b) The foregoing oath shall be administered by some person authorized to administer oaths, and shall be filed in the office of the prothonotary of the county in which the same is taken. Any person refusing to take said oath or affirmation shall forfeit his office. Any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and shall be subject to such penalties as are provided therefor in the act, approved June twenty-four, one thousand nine hundred thirty-nine (Pamphlet Laws 872), known as The Penal Code, and be forever disqualified from holding any office of trust or profit within this Commonwealth.

Compiler's Note: Section 3(3) of Act 76 of 2008 provided that all acts and parts of acts are repealed insofar as they are inconsistent with Act 76. Section 1 of Act 76 amended 53 Pa.C.S. Ch. 11 (relating to general provisions) by adding section 1141 (relating to form of oaths of office), which provides the form of oaths of office for elected or appointed officials of municipalities.

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

(403.1 added May 7, 1956, P.L.1539, No.510)

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

Section 405. Location of Offices, Records and Papers.--(a) The commissioners, auditors, controller, treasurer, sheriff, recorder of deeds, prothonotary, clerk of courts of quarter sessions and oyer and terminer, clerk of orphans' court,

register of wills, recorder of deeds and district attorney shall keep their respective offices, and all public records and papers belonging thereto, at the county seat, and in such buildings as may be erected or appropriated for such purpose. The county commissioners shall have the power to keep and maintain records and to contract with persons, for storage, retrieval, and transmission of county records within or outside the county except that no records shall be stored outside the county seat without the approval of the president judge and the officer in charge of the office to which the records belong. Public records stored outside of the county seat shall be made accessible to the general public at the county seat by means of an electronic telecopying system or facility which will permit the retrieval of the records or exact copies thereof within three business days.

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

(b) The county commissioners shall furnish each of such officers with an office in the county building, court house or other building at the county seat.

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

(405 amended Oct. 17, 1974, P.L.750, No.252)

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

(b) In case any officer shall refuse to permit the inspection of any fiscal record or document the taxpayer may, by petition to the court of common pleas of the county, set forth his reasons for desiring to make such inspection, and, if the court deems such reasons proper, it shall order the officer to permit the inspection to be made.

Section 407. Officers to Secure Funds, Records, Books, Et Cetera, from Predecessors.--(a) Any person, elected or appointed, and duly commissioned to any county office, shall demand and receive all records, books, drafts, plans, papers, seals or other official things, including all public funds held in such office, and not otherwise provided for by the act,

approved May seventeen, one thousand nine hundred forty-nine (Pamphlet Laws 1403), known as the Municipal Unclaimed Moneys Act, belonging to such office from the person or persons who held the office immediately before his election or appointment, or from any other person or persons holding or possessing them.

(b) Any person detaining from such a county office any records, books, drafts, plans, papers, seals or other official things, including public funds, as herein provided, belonging to such office after reasonable demand therefor, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to undergo imprisonment until the delivery of any such official things found to be in his possession or control to the proper officer, or until sooner discharged by order of the court, and to pay a fine not exceeding five hundred dollars (\$500), to be paid to the use of the county.

Section 408. Deputies to Act in Certain Cases.--(a) Whenever any county officer is authorized or required to appoint a deputy or deputies, such deputy or principal deputy, where there are more than one, shall, during the necessary or temporary absence of his principal, perform all duties of such principal, and also, in case of a vacancy or as provided in section 401(b), until a successor is qualified. While fulfilling these duties, in the case of a vacancy, the deputy shall receive the salary provided by law for the principal or the salary provided for the deputy, whichever is greater. ((a) amended Dec. 7, 1990, P.L.633, No.163)

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

Section 409. Vacancies Not Otherwise Provided For.--In case of a vacancy, happening by death, resignation or otherwise, in any county office created by the Constitution or laws of this Commonwealth, and where no other provision is made by the Constitution, or by the provisions of this act, to fill the vacancy, it shall be the duty of the Governor to appoint a suitable person to fill such office, who shall continue therein and discharge the duties thereof until the first Monday in January following the next municipal election occurring not less than ninety days after the occurrence of the vacancy, or for the balance of the unexpired term, whichever period is shorter. If there is a municipal election occurring not less than ninety days after the occurrence of the vacancy, other than the one at which the office ordinarily is filled, then the office shall be filled at that election for the balance of the unexpired term. Such appointee shall be confirmed by the Senate if in session.

(409 amended Dec. 18, 1984, P.L.1065, No.211)

Compiler's Note: Section 4 of Act 231 of 2002 provided that section 409 is repealed insofar as it relates to the consent required by the Senate to appointments by the Governor. Act 231 also added section 207.1(d)(5.1) to the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, relating to the Governor's filling vacancies in certain elected offices, including elected county row offices, with the advice and consent of a majority of the Senate, and requiring that the person appointed be of the same political party as was the person who vacated the office on the date that the person vacating the office took the oath of office.

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

(b) All county officers shall also furnish to the Department of Community Affairs such information as may be requested by it. ((b) amended Oct. 5, 1967, P.L.342, No.147)

Compiler's Note: The Department of Community Affairs, referred to in subsec. (b), was abolished by Act 58 of 1996 and its functions were transferred to the Department of Community and Economic Development.

Section 411. Penalty for Neglect or Refusal to Perform Duties.--If any county officer neglects or refuses to perform any duty imposed on him by the provisions of this act, or by the provisions of any other act of Assembly, or by any rule of court, or other provision of law, he shall, for each such neglect or refusal, be guilty of a misdemeanor, and, on conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500).

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

Section 413. Qualifications of Elected County Officers.--No

person shall be elected to any county office, except the office of district attorney otherwise provided for by this act, unless he shall be at least eighteen years of age, a citizen of the United States and a resident of the county, and shall have resided within the county for one year next preceding his election.

(413 amended Jun. 16, 1972, P.L.468, No.149)

Section 414. Mileage of County Officials and Employes.--All county officials and employes may, when authorized by the county commissioners, be reimbursed at the rate of twelve cents (12¢) per mile for the use of their personal vehicle when discharging their official duties or performing a duty imposed upon them unless provisions of law require the payment of a higher rate.

(414 added May 31, 1974, P.L.308, No.98)

(b) Official Bonds

Section 420. Official Bonds; Requirements.--Each of the following officers, before entering upon his official duties, whether he is elected, appointed or appointed to fill a vacancy, shall give and acknowledge a bond to the county:

- (1) Each county commissioner;
- (2) The chief clerk of the county commissioners;
- (3) The controller;
- (4) The county treasurer;
- (5) The prothonotary;
- (6) The sheriff;
- (7) The coroner;
- (8) The clerk of courts;
- (9) The clerk of the orphans' court; and
- (10) The recorder of deeds.

Every such official bond shall be, joint and several, with one or more corporate sureties which shall be surety companies authorized to do business in this Commonwealth and duly licensed by the Insurance Commissioner of the Commonwealth. Counties may purchase insurance for their elected and appointed officials in lieu of fidelity bonds provided that the insurance policy covers the same events of loss and insures the county against the same misconduct as a fidelity bond in compliance with this article.

(420 amended June 29, 2002, P.L.677, No.103)

Section 421. General Conditions; Commissioners; Treasurer.--

(a) Each official bond shall be conditioned upon the faithful discharge by the county officer, his deputies, clerks, assistants and appointees of all trusts confided in him by virtue of his office, upon the faithful execution of all duties required of him by virtue of his office, upon the just and faithful accounting or payment over, according to law, of all moneys and all balances thereof paid to, received or held by him by virtue of his office and upon the delivery to his successor

or successors in office of all books, papers, documents or other official things held in right of his office.

(b) The bonds of the county commissioners shall be further conditioned upon the faithful and legal appropriation of county and other moneys in the county treasury, upon checks and orders given by them or subject to their control.

(c) The bond of the county treasurer shall be further conditioned upon a just account of all moneys that may come into his hands on behalf of any political subdivision within the county or on behalf of any person, and for the payment to his successor of any balances of such moneys remaining in his hands.

Section 422. Obligees Suits on Bonds.--(a) Each official bond shall be taken in the name of the county, and shall be for the use of the county and the Commonwealth and for the use of such other person or persons for whom money shall be collected or received, or as his or her interest shall otherwise appear, in case of a breach of any of the conditions thereof by the acts or neglect of the principal on the bond.

(b) The county, the Commonwealth or any other person may sue upon the said bond in its or his own name for its or his own use. Acts of Assembly pertaining to actions and limitations of actions upon official bonds given to the Commonwealth shall apply to the bonds provided for in this subdivision just as if they were given to the Commonwealth, except as otherwise specifically provided herein.

Section 423. Approval, Substitution or Addition of Surety.--

(a) Each official bond shall contain the name or names of the surety company or companies bound thereon, and shall be subject to the approval of the court of common pleas which court may require such proofs as to it appear necessary or proper in connection with such bonds.

(b) The court may, at any time, upon cause shown and due notice to the county officer and his surety or sureties, require or allow the substitution or the addition of a surety company acceptable to the court for the purpose of making the bond sufficient in amount, as required by law, without releasing the surety or sureties first approved from any accrued liability or previous action on such bond.

Section 424. Single Bond for Combined Offices.--In counties wherein any of the aforementioned county offices are combined, a single bond covering all such offices shall suffice for the officer thereof, if the court of common pleas approves.

Section 425. Custodians of Official Bonds.--The county controller shall be custodian of all official bonds, except that of his own office which shall be held by the county commissioners. In counties not having a controller, the commissioners shall be custodian of all bonds, except their own

and that of their chief clerk, which the prothonotary shall hold.

Section 426. Acknowledgment, Evidence.--Official bonds shall be acknowledged before the recorder of deeds, except that the latter officer shall acknowledge his bond before the prothonotary. A copy of any official bond, certified as true and correct by the proper officer custodian thereof, shall be competent evidence thereof in any judicial proceeding.

Section 427. Amounts of Official Bonds; Exclusive Provisions.--(a) Except as otherwise specifically provided by law, the amounts of official bonds shall be determined by the county commissioners.

(b) Except as otherwise specifically provided by law, this subdivision shall be deemed to contain the exclusive provisions for official bonds of county officers.

(c) The provisions of this subdivision shall not apply to bonds required to be given to the Commonwealth by county officers acting as agents of the Commonwealth.

Section 428. Premiums of Official Bonds.--The premiums of all official bonds, including the bond of the register of wills, shall be paid by the county out of the county treasury.

Section 429. Bonds of Deputies and Other Appointees of County Officers.--The deputies and other appointees in each county office, who are required to receive, account for, or hold any money by virtue of their office or employment, shall give and acknowledge a single bond covering all such deputies and appointees payable to the officer in whose office they are employed.

Every such bond shall be, joint and several, with one or more corporate sureties which shall be surety companies authorized to do business in this Commonwealth and duly licensed by the Insurance Commissioner of the Commonwealth. Counties may purchase insurance for deputies and other appointees of county officers in lieu of fidelity bonds provided that the insurance policy covers the same events of loss and insures the county against the same misconduct as a fidelity bond in compliance with this article.

Each such bond shall be conditioned for the faithful accounting and payment, according to law, of all money received by each deputy and appointee bonded, and shall be taken in the name of the county officer in whose office they are employed, and shall be for the use of that officer, the county and of the Commonwealth, and for the use of such other party or parties for whom he shall collect or receive money as the interest of each shall appear in case of a breach of the conditions thereof. Each such bond shall be placed in the custody of the controller, except those covering employes in the office of the controller,

which shall be filed in the office of the county commissioners.

(429 amended June 29, 2002, P.L.677, No.103)

Section 430. Determination of Bonds of Deputies and Other Appointees.--Bonds required to be given by the deputies and other appointees of county officers shall be paid for by the county and the amounts thereof shall be designated by the salary board. The salary board shall determine each position for which the requirement of a bond may be justified as aforesaid, and shall designate the amount thereof. The salary board shall, in each case, be constituted the same as if it were fixing the salary of the deputy or appointee concerned.

Section 431. Insurance to Protect Against Robbery, Burglary and Larceny; Liability Insurance.--(a) Each county officer or employe who as part of his official duties handles money or has money in his possession at any time shall, in addition to any bond required by law, be covered by or furnish to the county adequate insurance indemnifying against the loss of such money through robbery, burglary and larceny. The cost of such insurance shall be paid by the county and the amount of the insurance shall be fixed by the commissioners.

(b) ((b) repealed Nov. 26, 1978, P.L.1399, No.330)

(431 amended Jul. 18, 1974, P.L.479, No.172)

Section 432. Bond of Register of Wills.--(a) The register of wills, before entering upon the duties of his office, shall, with one corporate surety or two individual sureties on a form prepared and supplied by the Secretary of the Commonwealth, give a joint and several bond to the Commonwealth of Pennsylvania in the sum set forth for the class of county for which he is an officer as follows:

| | |
|-------------------------------|-----------|
| Third class counties, | \$25,000. |
| Fourth class counties, | 20,000. |
| Fifth class counties, | 15,000. |
| Sixth class counties, | 10,000. |
| Seventh class counties, | 7,500. |
| Eighth class counties, | 5,000. |

(b) The condition of the bond shall be that the register of wills shall faithfully execute the duties of his office and well and truly account for and pay, according to law, all moneys received by him for the use of the Commonwealth, or for the use of others by virtue of his office, and to deliver up the books, seals, records, writings and other official things belonging to his office whole, safe and undefaced to his successor in office.

(c) Such bond shall be for the use of all persons concerned and for the relief of all who may be aggrieved by the acts or neglect of such register.

(d) Such bond shall be submitted to the Secretary of the Commonwealth for approval and, when he approves the same, he

shall forward the bond, together with the commission of the register, to the recorder of deeds of the proper county, and so notify the register who shall cause the bond to be recorded in the office of the recorder of deeds. After recording the bond the recorder of deeds shall deliver to the register, his commission, and forward the bond to the Secretary of the Commonwealth for filing.

(e) The bond required by this section shall be the official bond of the register of wills in lieu of the official bonds required by this subdivision for other county officers.

Section 433. Form of Bond of Sheriff.--The form of the bond to be given by the sheriff and his sureties shall be as follows, to wit: "Know all men by these presents, that we (A. B., C. D. and E. F.) are held firmly bound unto the County of in the sum of dollars to be paid to the said County, or to the Commonwealth, for the uses, intents and purposes declared and appointed by law, to which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents, sealed with our seals, dated day of Anno Domini

The conditions of the above obligation are such that, if the said (A. B.) shall and do, without delay, according to law, well and truly serve and execute all writs and process of the Commonwealth of Pennsylvania to him directed, and shall and do, from time to time, upon request to him for that purpose made, well and truly pay or cause to be paid to the several suitors and parties interested in the execution of such writs or process, their lawful attorney, factors, agents or assigns, all and every sum and sums of money to them respectively belonging, which shall come to his hands, and shall and do, from time to time and at all times during his continuance in the said office, well and faithfully execute and perform all and every of the trusts and duties to the said office appertaining, then this obligation to be void, or else to be and remain in full force and virtue".

Section 434. Amount of Bond of Sheriff and of Coroner.--(a) The amount of the official bond of the sheriff shall be as follows:

- Third class counties, \$60,000.
- Fourth class counties, 60,000.
- Fifth class counties, 30,000.
- Sixth class counties, 20,000.
- Seventh class counties, 15,000.
- Eighth class counties, 10,000.

(b) the amount of the official bond of the coroner, in each

class of county, shall be one-fourth of the amount herein set out for the bond of the sheriff in such class of county.

Section 435. Amount of Bond of County Commissioner.--The amount of the official bond of each county commissioner shall be as follows:

| | |
|-------------------------------|----------|
| Third class counties, | \$7,500. |
| Fourth class counties, | 5,000. |
| Fifth class counties, | 4,000. |
| Sixth class counties, | 2,500. |
| Seventh class counties, | 2,000. |
| Eighth class counties, | 2,000. |

Section 436. Amount of Bond of Recorder of Deeds.--The amount of the official bond of the recorder of deeds shall be as follows:

| | |
|-------------------------------|-----------|
| Third class counties, | \$15,000. |
| Fourth class counties, | 10,000. |
| Fifth class counties, | 10,000. |
| Sixth class counties, | 5,000. |
| Seventh class counties, | 5,000. |
| Eighth class counties, | 5,000. |

Section 437. Amount of Bond of Controller.--The amount of the official bond of the county controller in all counties shall be twenty thousand dollars (\$20,000).

(c) State Associations

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

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

(2) The county controllers.

(3) The sheriffs.

(4) The district attorneys.

(5) The probation officers.

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

(7) The prothonotaries and clerks of courts of quarter sessions.

(8) The county treasurers.

(9) The recorders of deeds.

(10) The directors of veterans' affairs.

(11) The coroners.

(12) Jury commissioners.

(13) The county auditors.

(14) The public defenders.

(440 amended Sept. 28, 1978, P.L.800, No.154)

Section 441. Purpose; Annual Meetings.--(a) The purpose of

the respective State associations shall be to discuss and resolve the various questions arising in the discharge of the duties and functions of the respective officers, and to provide uniform, efficient and economical methods of administering the affairs of the counties pertaining to their offices.

(b) In order to achieve such purposes by cooperation, coordination and full exchange of information, each State association is authorized to hold an annual meeting at such time and place within the Commonwealth as it may designate.

(c) The association of county controllers, county auditors and the association of county treasurers, may meet in joint session with the association of county commissioners, solicitors and chief clerks, if such associations mutually so agree, but in any case each association shall have a separate session on at least two days of the annual meeting. ((c) amended Sep. 1, 1967, P.L.289, No.120)

Section 442. Deputies and Solicitors May Attend Annual Meetings.--The deputy controller, the deputy sheriff, the deputy register of wills, the deputy clerk of orphans' court, the deputy treasurer, the deputy prothonotary, the deputy clerk of the courts of quarter sessions, the first assistant district attorney, one assistant public defender and the deputy recorder of deeds and the chief deputy coroner, with the approval of his principal, and the solicitor for each officer, may attend the annual meetings of his respective associations either together with the controller, sheriff, register of wills, treasurer, prothonotary, clerk of the courts of quarter sessions, district attorney, public defender, recorder of deeds or coroner as the case may be or in his place.

(442 amended Sept. 28, 1978, P.L.800, No.154)

Section 443. Expenses of Attending Members to be Paid by County; Time Limit on Meetings.--(a) The actual expenses of all authorized elected county officers attending the annual meetings of their associations shall be paid by the several counties out of the general county fund. Each of these officers, except the county commissioners, shall be reimbursed for actual expenses not to exceed one hundred seventy-five dollars (\$175) per day for the number of days specified in subsection (b) of this section, together with mileage going to and returning from such meeting and the registration fee. The sum of one hundred seventy-five dollars (\$175) per day as set forth in this subsection shall be adjusted annually by the annual increase in the cost of living as determined annually by the United States Department of Labor.

(a.1) The actual expenses of all authorized nonelected county officers and employes attending the annual meetings of their associations may be paid by the several counties out of

the county general fund. Each of these officers may be reimbursed for actual expenses in an amount not to exceed one hundred seventy-five dollars (\$175) per day for the number of days specified in subsection (b) of this section, together with mileage going to and returning from such meetings and the registration fee. The sum of one hundred seventy-five dollars (\$175) per day shall be adjusted annually as set forth in subsection (a) of this section.

(a.2) Every delegate attending the annual meeting shall submit to the county an itemized account of expenses incurred at the meeting. The county may authorize employes to be compensated at their regular employe rate during their attendance at the annual meeting. The actual expenses for elected officers shall, and for nonelected officers may, be paid for the number of days specified in subsection (b). In addition, elected county officers shall receive, and nonelected county officers and employes may receive, actual expenses not to exceed one hundred seventy-five dollars (\$175) per day for each day not in excess of two in going to and returning from such meeting. The sum of one hundred seventy-five dollars (\$175) per day shall be adjusted annually as set forth above.

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

(443 amended Apr. 2, 2002, P.L.209, No.18)

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

(b) In the case of county commissioners, county solicitor and county clerk, county controllers, county auditors, sheriffs, register of wills, clerks of orphans' courts, county treasurers, recorders of deeds, prothonotaries, clerks of courts, public defenders, district attorneys, jury commissioners and coroners, the portion of the annual expenses charged to each county of the third and fourth class shall not exceed six hundred dollars (\$600), to each county of the fifth and sixth class, five hundred dollars (\$500), to each county of the seventh and eighth class, four hundred dollars (\$400), and in the case of the directors of veterans' affairs the portion charged to each county shall not exceed one hundred dollars (\$100), and in the

case of the probation officers an annual membership subscription not exceeding ten dollars (\$10) per member shall be paid by the county, and shall be in lieu of the expenses hereinbefore in this section provided for other county officers.

(444 amended Apr. 2, 2002, P.L.209, No.18)

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

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

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

(445 amended Dec. 21, 1988, P.L.1414, No.172)

Section 446. Associations and Organizations Concerned with Governmental Affairs.--The county commissioners of any county may, by resolution, join associations and organizations concerned with county or governmental affairs, other than the Pennsylvania State Association of County Commissioners, may pay dues to such associations and organizations and may send delegates to meetings or conventions of such associations and organizations and pay the necessary expenses incident to their attendance at such meetings or conventions.

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

Every person attending any convention, meeting or study or training session referred to in this act shall submit to the controller, or to the county commissioners in counties having no controller, an itemized account of his expenses thereat, including traveling expenses or mileage, which the county commissioners may have agreed to pay.

(446 added Sep. 2, 1965, P.L.482, No.244)

(d) Removal of County Officers

Section 450. Removal of County Officers and Appointees.--(a)

The county commissioners, the sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, treasurers, auditors or controllers, clerks of the courts, district attorneys and any other officers of the several counties, whether elected or duly appointed to fill a vacancy, shall be removable from office only by impeachment, or by the Governor for reasonable cause after due notice and full hearing on the advice of two-thirds of the Senate, or upon conviction of misbehavior in office, or of any infamous crime in accordance with the Constitution of this Commonwealth, but their title to office may be tried by proceedings of quo warranto as provided by law. ((a) amended Nov. 26, 1968, P.L.1099, No.341)

(b) Appointees to county offices or positions other than to elected offices shall subject to removal at the pleasure of the appointing power, except as otherwise expressly provided by law, and they shall also be removed on conviction of misbehavior in office or of any infamous crime.

(e) Conduct of Official Business

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

(b) Nothing contained in this section shall prevent the county commissioners or any such board, commission or authority from holding executive sessions from which the public is excluded, but no final official action shall be taken as to any proposed or existing resolution, ordinance, rule or regulation, or part thereof, at such an executive session.

ARTICLE V

COUNTY COMMISSIONERS AND CHIEF CLERKS

(a) Commissioners

Section 501. Election; Vacancies.--(a) Three county commissioners shall be elected in each county in the year one thousand nine hundred and fifty-five, and every fourth year thereafter. In the election of commissioners, each qualified elector shall vote for no more than two persons. The three persons having the highest number of votes shall be elected.

(b) Any casual vacancy in the office of county commissioners shall be filled, for the balance of the unexpired term, by the court of common pleas of the county in which such vacancy shall occur by the appointment of a registered elector of the county who was a member of the same political party as the commissioner whose place is to be filled at the time the commissioner was elected.

Section 502. Organization.--The county commissioners shall

meet on the first Monday of January, in the year one thousand nine hundred and fifty-six, and on the first Monday of January every fourth year thereafter, in the office provided for them at the county seat for the purpose of organization. If the first Monday is a legal holiday, the meeting shall be held the first day following.

(502 amended Apr. 4, 1957, P.L.33, No.22)

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

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

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

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

Section 505. Certified Copies of Proceedings to be Evidence.--Copies of the proceedings of the commissioners, and of all records in their possession, certified by their chief clerk under the county seal, shall be admitted in evidence in any of the courts of this Commonwealth.

Section 506. Power to Administer Oaths.--The commissioners shall respectively have power to administer oaths and affirmations in all cases arising in the performance of the duties of their office.

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

Section 508. Office Furniture, Stationery, Etc.--(a) The county commissioners, at the cost of the county, shall purchase and provide the office furniture, equipment and supplies, blank books, blanks, dockets, books for records, stationery, postage, fuel, light and janitor and telephone service, required for each of the county officers whose offices are located in the county

buildings or at such other places at the county seat as may be designated by the commissioners, and all supplies used by the public in connection with such offices.

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

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

Section 509. Ordinances and Resolutions.--(a) The board of commissioners may adopt resolutions and ordinances prescribing the manner in which powers of the county shall be carried out and generally regulating the affairs of the county.

(b) All such proposed ordinances, unless otherwise provided by law, shall be published at least once in one newspaper of general circulation in the county not more than sixty days nor less than seven days prior to passage. Public notices of any proposed ordinance shall include either the full text thereof or the title and a brief summary prepared by the county solicitor setting forth all the provisions in reasonable detail and a reference to a place within the county where copies of the proposed ordinance may be examined. If the full text is not included a copy thereof shall be supplied to a newspaper of general circulation in the county at the time the public notice is published. If the full text is not included an attested copy thereof shall be filed in the county law library. In the event substantial amendments are made in the proposed ordinance or resolution, upon enactment, the commissioners shall within ten days re-advertise in one newspaper of general circulation in the county, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments. Such ordinances shall not become effective until recorded in the ordinance book of the county. In any case in which maps, plans or drawings of any kind are adopted as part of an ordinance, the commissioners may, instead of publishing the same as part of the ordinance, refer in publishing the ordinance to the place where such maps, plans or drawings are on file and may be examined.

((b) amended July 9, 1976, P.L.532, No.128)

(c) The board of county commissioners may also prescribe fines and penalties not exceeding one thousand dollars (\$1,000)

for a violation of a building, housing, property maintenance, health, fire or public safety code or ordinance and for water, air and noise pollution violations, and not exceeding six hundred dollars (\$600) for a violation of any other county ordinance, which fines and penalties may be collected by suit, brought in the name of the county, in like manner as debts of like amount may be sued for. ((c) amended Mar. 2, 1988, P.L.107, No.21)

(d) Any person violating any of the ordinances adopted by the board of county commissioners pursuant to this section shall, upon conviction thereof at a summary proceeding, be sentenced to pay such fine as may be prescribed in such ordinances by the county commissioners but not in excess of one thousand dollars (\$1,000), to be paid to the use of the county, with costs of prosecution, or to be imprisoned for not more than ten days, or both. ((d) amended Mar. 2, 1988, P.L.107, No.21)

Section 510. Take Money and Property by Gift, Etc.--(510 repealed June 29, 2002, P.L.677, No.103)

Section 511. Provide for Temporary Investments.--(511 repealed Dec. 13, 1982, P.L.1131, No.258)

Section 512. Creation of Capital Reserve Fund for Anticipated Capital Expenditures.--(512 repealed June 29, 2002, P.L.677, No.103)

Section 513. Operating Reserve Fund.--(513 repealed June 29, 2002, P.L.677, No.103)

(b) Chief Clerk of County Commissioners

Section 520. Chief Clerk.--The county commissioners shall appoint a chief clerk.

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

(b) He shall have general power to administer oaths and affirmations, pertaining to the business of the office of the county commissioners.

ARTICLE VI CONTROLLER

Section 601. Election and Term; Seal.--(a) At the municipal election immediately preceding the expiration of the term of the controller now in office, and quadrennially thereafter, the qualified electors of each county of the third, fourth and fifth classes, and of every other county where the office of controller has been or may hereafter be established, including counties in which the office was established by general law, or

otherwise, while such counties were in a higher classification, shall elect one citizen of the county, who shall serve as controller for the term of four years from the first Monday of January following his election, or until his successor shall be qualified, if he so long shall behave himself well.

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

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

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

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

Section 603. Deputy Controller and Clerks.--(a) The controller in counties of the third, fourth and fifth classes shall appoint a deputy controller and clerks, and in counties of the sixth, seventh and eighth classes may appoint a deputy controller and clerks, and each controller may authorize one or more of the clerks employed in his office to administer to all persons oaths and affirmations, pertaining to the business of the office, with the same force and effect as if administered by the controller or deputy controller.

(b) The controller may appoint a second deputy controller, who shall possess and discharge all the rights, powers and duties of the principal deputy controller during his necessary or temporary absence.

(603 amended Nov. 21, 1990, P.L.559, No.140)

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

Section 605. Establishment of Office of Controller in Counties of the Sixth, Seventh and Eighth Classes.--(a) The office of controller may be established in any county of the sixth, seventh or eighth class by the affirmative vote of a majority of the electors of the county voting on the question submitted, as herein provided, at the general election in which

the auditors are in the third year of their term.

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

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

(605 amended June 25, 2001, P.L.666, No.57)

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

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

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

ARTICLE VII AUDITORS

Section 701. Election and Vacancies.--(a) In each county where the office of controller has not been established, three county auditors shall be elected in the year one thousand nine hundred fifty-five, and every fourth year thereafter. In the election of auditors, each qualified elector shall vote for no more than two persons. The three persons having the highest number of votes shall be elected.

(b) Any casual vacancy in the office of county auditors shall be filled, for the balance of the unexpired term, by the court of common pleas of the county, by the appointment of an elector who voted for the auditor whose place is to be filled.

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

(b) No person holding the office of county auditor shall at the same time hold or be employed in any office of the county, the county institution district, any school district, any board of health or any municipality authority of which the county is a member.

Section 703. Meetings; Quorum.--The auditors shall assemble at the county seat on the first Monday of January in each year, and begin their audit of the fiscal affairs of the county for the fiscal year immediately preceding, and thereafter, at such times as they may find necessary for the completion of their audit before the first day of the following July. They may, upon petition to the court of common pleas, have such additional time for the completion of their report as the court shall allow. Any two auditors when duly convened shall be a quorum for the purpose of transacting any business.

(703 amended July 2, 2007, P.L.71, No.22)

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

ARTICLE VIII TREASURER

Section 801. County Treasurer; Eligibility.--No judge, clerk or prothonotary of any court, register of wills, recorder of deeds, county commissioner, or county controller shall be eligible to serve as county treasurer during their continuance in office.

(801 amended Nov. 26, 1968, P.L.1102, No.342)

Section 802. Bond in Favor of Commonwealth.--Each county treasurer shall, before entering upon the duties of his office, give bond with sufficient security, to be approved of by at least two of the judges, if there is more than one judge of the court of quarter sessions in the county, and in such penalty as the said judges shall deem sufficient, conditioned for the faithful discharge of all duties enjoined upon him by law in behalf of the Commonwealth, and for the payment according to law of all moneys received by him for the use of the Commonwealth, which bond shall be taken by and acknowledged before the recorder of deeds of the same county, and recorded in his office, and the original bond shall be forthwith transmitted to the Auditor General. The cost of the bond, its acknowledgment

and recording, shall be borne by the Commonwealth.

Copies of the record of such bond, duly certified by the recorder of deeds for the time being, shall be good evidence in any action brought against such treasurer or his sureties on such bond, according to its form and effect, in the same manner as the original would be if produced and offered in evidence.

Section 803. Removal from Office for Failure to Transmit Bond to Auditor General.--If any county treasurer shall fail to transmit to the Auditor General, within one month after his election or appointment, the bond required by the preceding section, he shall be deemed to have forfeited his right to the office; if he has entered upon the duties thereof, he shall be ousted in an action of quo warranto in the name of the Commonwealth upon the relation of the Attorney General, or of the district attorney of the county if the latter is so directed by the county commissioners.

Section 804. When Auditor General to Deliver Up Bond of Treasurer.--The bond and obligation of the county treasurer shall be held by the Auditor General for one year after the settlement of his accounts with the Commonwealth and, thereafter, if the Auditor General and State Treasurer are fully satisfied that the county treasurer has settled his accounts and paid all sums due the Commonwealth, said bond and obligation shall upon request be delivered to any person entitled to the same.

Section 805. Misapplication of Funds Collected for Specific Purposes.--Whenever any moneys are collected by law in any county for any special purpose, and paid into the hands of the treasurer of such county, it shall be unlawful for such treasurer to apply such moneys, or any part thereof, to any other purpose than that for which such moneys were collected. Every such misapplication shall be a misdemeanor, upon conviction thereof such treasurer shall be punished by a fine of not less than the amount so misapplied, or by imprisonment for not less than three months nor more than one year, or both.

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

Section 806.1. Second Deputy Treasurer.--The county treasurer may appoint a second deputy treasurer, who shall possess and discharge all the rights, powers and duties of the principal deputy treasurer during his necessary or temporary absence.

(806.1 added July 13, 1987, P.L.316, No.57)

Section 807. Solicitor to County Treasurer in Third, Fourth, Fifth, Sixth, Seventh and Eighth Class Counties.--In counties of

the third, fourth, fifth, sixth, seventh and eighth classes, the county treasurer is authorized to appoint one person, learned in the law, as his solicitor. The solicitor shall advise upon all legal matters that may be submitted to him and shall conduct any litigation when requested so to do by the treasurer.

(807 amended Jun. 7, 1961, P.L.245, No.141)

ARTICLE IX
COUNTY SOLICITOR

Section 901. Appointment; Qualifications.--The county commissioners shall appoint a county solicitor, who shall be an attorney-at-law admitted to practice in the courts of this Commonwealth. He shall, before entering upon the duties of his office, file with the county commissioners an agreement to pay all fees, attorney's fees, and commissions received from every source as county solicitor into the county treasury.

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

(902 amended Jun. 7, 1961, P.L.245, No.141)

Section 903. Employes in Third Class Counties.--In counties of the third class, the county solicitor may, with the consent of the county commissioners, employ a stenographer as an assistant in his office.

Section 904. Assistant County Solicitors.--The county commissioners may appoint one or more assistant county solicitors, and special counsel who shall be attorneys at law admitted to practice in the courts of this Commonwealth. Each assistant and special counsel shall perform such duties in connection with the legal affairs of the county as may be assigned to him by the county commissioners or the county solicitor.

(904 amended Nov. 29, 2006, P.L.1448, No.158)

ARTICLE X
ENGINEER

(Hdg. amended Nov. 26, 1968, P.L.1099, No.341)

Section 1001. County Engineer; Appointment; Term.--The county commissioners of any county may appoint a professional engineer in civil engineering, who shall be styled the county engineer. Such engineer shall serve at the pleasure of the commissioners.

(1001 amended Nov. 26, 1968, P.L.1099, No.341)

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

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

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

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

(1002 amended Nov. 26, 1968, P.L.1099, No.341)

Compiler's Note: The act of Nov. 26, 1968, P.L.1099, No.341 eliminated what had been section 1001 and renumbered sections 1002 and 1003 to read sections 1001 and 1002 respectively; thus, there is no section 1003.

ARTICLE XI

BOARD OF VIEWERS

(Art. XI repealed Apr. 28, 1978, P.L.202, No.53)

Section 1101. Number of Members; Qualifications.--(1101 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1102. Qualifications.--(1102 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1103. Appointment of members; Vacancies; Rules and Regulations.--(1103 repealed Apr. 28, 1978 P.L.202, No.53)

Section 1104. Term of Office; Removal.--(1104 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1105. Power to Administer Oaths.--(1105 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1106. Clerks and Stenographers.--(1106 repealed Apr. 28, 1978, P.L.202, No.53)

ARTICLE XII

SHERIFF AND CORONER

(a) Sheriff

Section 1201. Unfinished Business of Outgoing Sheriff.--(a) It shall be the duty of every outgoing sheriff, to deliver all unfinished and unexecuted writs and process whatsoever to his successor whose duty it shall be to receive and execute the same as if said writs and process had been originally issued and directed to him, and to carry out and complete all other official duties of his predecessor.

(b) Whenever any real estate shall be sold under any execution by a sheriff who shall, in any lawful manner, be succeeded in office before any deed shall be executed and

acknowledged by him in due form of law for such real estate, his successor in office shall have the same power and be under the same duty to execute and acknowledge a deed for such real estate to the purchaser thereof as the sheriff selling such real estate under execution if he were still in office, which deed so executed shall be as effectual in law as if the title had been completed by the former sheriff.

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

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

Section 1203. Chief Deputy; Compensation.--The sheriff of each county shall appoint, by commission duly recorded in the office for recording deeds, a chief deputy, whose appointment shall be revocable by the sheriff at pleasure on recording in said office a signed revocation thereof. The chief deputy, during his continuance in office, shall have full power and authority to perform any duty incumbent upon such sheriff, with like effect in law as if such official act had been done by the sheriff in person, regardless of the ability or temporary disability of such sheriff to act, while such sheriff continues in office. Nothing in this section shall operate to relieve such sheriff or his sureties from liability upon their official bond.

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

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

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

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

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

(2) That he is a citizen of the United States, and eighteen years of age or over. ((2) amended Jun. 16, 1972, P.L.468, No.149)

(3) ((3) deleted Feb. 10, 1976, P.L.6, No.3)

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

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

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

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

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

Section 1210. Private Services, Gifts and Payments, Contracts, Prohibited.--(a) No sheriff, deputy sheriff, detective or other county police officer whatsoever, shall perform, directly or indirectly, any official services or

official duties for any person, association or corporation, or receive, directly or indirectly, any compensation, gifts or gratuities from any person, association or corporation during the period of his official services. Nothing herein contained shall prohibit such officers from serving writs and other legal process as authorized by law. Any compensation payable to any such officer for official duties and services shall be paid only out of the proper county, or other public funds, to the amount and in the manner prescribed by law. Gifts, donations, and gratuities of any nature whatsoever made by any person, association or corporation to the county or to any official or agent thereof, shall not constitute public funds within the meaning of this section.

(b) No county, or any official or agent thereof, shall accept as a gratuity, gift or donation any arms, ammunition, military supplies, tear gas or equipment, or supplies or articles of a similar character from, nor shall any such gratuity, gift or donation be made by any person, association or corporation.

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

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

(1210 amended June 28, 2002, P.L.470, No.77)

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

Section 1212. Construction.--Nothing contained in sections 1206 or 1210 of this act, shall be construed to prohibit the appointment, employment or compensation by any county in the manner expressly provided by law of--(1) night watchmen, (2) railroad police, (3) bank police, (4) payroll police, (5)

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

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

(1213 amended Jun. 7, 1961, P.L.245, No.141)

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

(1214 amended May 3, 1968, P.L.115, No.59)

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

(b) Coroner

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

(1231 amended Jun. 27, 1973, P.L.72, No.31)

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

Section 1233. Removal of Bodies to Morgue.--Whenever the

body of any deceased person who is unidentified or which body is unclaimed by proper persons has been found within the county, it shall be removed to the county morgue or to a private morgue serving in lieu thereof. The coroner shall, if he deems it necessary, cause any such body to be properly embalmed or prepared for preservation for such length of time as he may think proper. Any such body shall be examined or inspected only by such persons as the coroner authorizes in writing, or who are admitted in his presence. No such body shall be removed from any such morgue except upon the certificate of the coroner.

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

(1234 amended Nov. 29, 1990, P.L.602, No.152)

Section 1235. Unclaimed Property of Deceased; Sales.--(a) The coroner shall safely keep in his charge all personal effects and property which appear to have been on or about the person at the time of his death, or being found on any decedent whose body is received at the county morgue or at any other morgue serving in lieu thereof, and all such effects and property which are delivered to him according to law. The coroner shall hold such property for one year, unless sooner claimed by legal representatives of the deceased, or otherwise duly and lawfully claimed or disposed of.

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

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

Section 1236. Private Morgue May be Used.--In any county where a county morgue is not maintained, the coroner may cause any body which he is authorized to admit to a county morgue to

be removed to a private morgue within the county, and, for the use thereof, the owner shall be paid a sum to be established by the salary board, to be paid in the same manner as fees of coroner's jurors are paid.

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

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

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

(1236.1 added Nov. 29, 1990, P.L.602, No.152)

Section 1237. Coroner's Investigations.--(a) The coroner having a view of the body shall investigate the facts and circumstances concerning deaths which appear to have happened within the county, regardless where the cause thereof may have occurred, for the purpose of determining whether or not an autopsy should be conducted or an inquest thereof should be had, in the following cases:

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

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

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

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

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

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

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

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

(9) deaths of persons whose bodies are to be cremated, buried at sea or otherwise disposed of so as to be thereafter unavailable for examination;

(10) sudden infant death syndrome; and

(11) stillbirths.

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

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

(1237 amended Nov. 29, 1990, P.L.602, No.152)

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

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

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

(1238 amended Nov. 29, 1990, P.L.602, No.152)

Section 1239. Sudden Deaths Defined.--The coroner shall regard any death as sudden if it occurs without prior medical attendance by a person who may lawfully execute a certificate of death in this Commonwealth, or if, within twenty-four hours of death, the decedent was discharged from such medical attendance or a change of such medical attendance had occurred, or if any

such medical attendance began within twenty-four hours of death and the medical attendant refuses or is unable to certify the cause of death. Medical attendance includes hospitalization.

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

(1239 amended Nov. 29, 1990, P.L.602, No.152)

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

(1240 amended Nov. 29, 1990, P.L.602, No.152)

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

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

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

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

(1244 amended May 9, 1961, P.L.197, No.98)

Section 1245. Power of Subpoena and Attachment.--The coroner shall have power to issue subpoenas to obtain the attendance of any person whom it may be necessary to examine as a witness at any inquest, and to compel attendance by attachment in like

manner and to the same extent as any court of common pleas of this Commonwealth may or can do in cases pending before them, and also to compel in like manner the production of all papers and other things relative to such inquest. Such subpoena and attachment shall be served and executed by the sheriff or by the coroner himself or his deputy, as the case may require.

(1245 amended Nov. 29, 1990, P.L.602, No.152)

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

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

(1245.1 added Nov. 29, 1990, P.L.602, No.152)

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

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

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

Section 1249. Chief Deputy Sheriff to Act as Sheriff in Case of Vacancy.--If any sheriff shall be legally removed from his office or shall die or resign before expiration of the term for which he was commissioned, the chief deputy sheriff shall execute the office of sheriff and perform all things thereunto appertaining, and receive and retain for his own use the compensation provided by law for sheriffs, until another sheriff

is commissioned and notice thereof is given to such chief deputy sheriff.

(1249 amended May 3, 1968, P.L.115, No.59)

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

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

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

(1252 added Dec. 6, 1972, P.L.1421, No.309)

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

(1253 added Nov. 29, 1990, P.L.602, No.152)

(c) Provisions Relating to Sheriffs and Coroners

Section 1260. Not to Exercise Office Until Commission Granted and Recorded; Penalty.--No person elected or appointed to the office of sheriff or coroner shall execute any of the duties of such office before a commission shall have been duly granted to him by the Governor and left for record, under a penalty of imprisonment for a term not exceeding six months, at the discretion of the court of quarter sessions. Such person shall nevertheless be liable to any person injured by any acts done by him under color of such office.

Section 1261. Recognizance of Sheriffs and Coroners.--(1261 repealed Oct. 2, 1959, P.L.1005, No.417)

Section 1262. Sale of Real Estate Bound by Lien.--(1262 repealed Oct. 2, 1959, P.L.1005, No.417)

Section 1263. Limitation of Action; Satisfaction of Recognizance.--(1263 repealed Oct. 2, 1959, P.L.1005, No.417 and Apr. 28, 1978, P.L.202, No.53)

ARTICLE XIII
PROTHONOTARY, CLERKS OF COURTS, CLERK OF
ORPHANS' COURT, REGISTER OF WILLS,
RECORDER OF DEEDS

Section 1301. Election of Prothonotaries, Clerks of Courts, Clerks of Orphans' Court, Register of Wills, Recorder of Deeds.--At the municipal election preceding the expiration of the term of office of any prothonotary, clerk of the court of quarter sessions, clerk of the court of oyer and terminer, register of wills, clerk of the orphans' court or recorder of deeds of any county and quadrennially thereafter, the electors of such county shall elect a person to fill such office from the first Monday of January next succeeding such election, for a term of four years and until his successor is elected and qualified. Where, under the provisions of this act or other law, it is provided that two or more of said offices shall be held by the same person, only one person shall be elected to hold such office.

Section 1302. How Offices to Be Held.--(a) In counties of the third and fourth classes, one person shall hold the office of prothonotary, one person the office of clerk of the court of oyer and terminer and quarter sessions, one person the offices of register of wills and clerk of the orphans' court, and one person the office of recorder of deeds.

(b) In counties of the fifth class, one person shall hold the offices of prothonotary and clerk of the court of oyer and terminer and quarter sessions, one person the offices of register of wills and clerk of the orphans' court, and one person the office of recorder of deeds, unless local law applying to such counties shall otherwise provide.

(c) In counties of the sixth and seventh classes, one person shall hold the offices of prothonotary and clerk of the court of oyer and terminer and quarter sessions, and one person the offices of register of wills, recorder of deeds and clerk of the orphans' court, unless local laws applying to such counties shall otherwise provide.

(d) In counties of the eighth class, one person shall hold the offices of prothonotary, clerk of the court of oyer and terminer and general quarter sessions, clerk of the orphans' court, register of wills and recorder of deeds, unless local laws applying to such counties shall otherwise provide.

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

law.

(f) Any county in which the offices provided for herein are not now held as hereinbefore provided, and which desires to provide for the holding of two or more of said county offices by the same person, may, at any time hereafter, accept the provisions of this section in whole or in part, and provide for the holding of its county offices, or any of them, in the manner provided in this section for the class of counties to which it belongs.

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

Section 1303. Counties of Forty Thousand Inhabitants Created Separate Judicial Districts.--(a) In each county containing forty thousand inhabitants, which has been created as a separate and independent judicial district as provided by the Constitution, upon acceptance of the provisions of this section, there shall be elected one person to fill the office of prothonotary, one person to fill the office of the clerk of the courts of quarter sessions and oyer and terminer, one person to fill the office of register of wills and clerk of the orphans' court, and one person to fill the office of recorder of deeds, at the expiration of the terms of the persons then filling and exercising such offices in such counties.

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

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

Section 1304. Incompatible Offices.--(1304 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1305. Appointment of First Deputies.--The recorder of deeds shall appoint one first deputy to act in the case of the death or resignation of his principal, or when the office

shall become vacant from other causes. The register of wills shall appoint a deputy or deputies as provided by law.

(1305 repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 1306. Power of Prothonotaries, Clerks, Deputies and Assistants to Administer Oaths and Affirmations.--(1306 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1307. Second Deputy Prothonotary.--(1307 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1307.1. Funds on Deposit; Interest.--(1307.1 repealed Nov. 21, 1973, P.L.337, No.113 and Apr. 28, 1978, P.L.202, No.53)

Section 1308. Solicitor to Prothonotary in Third, Fourth, Fifth, Sixth, Seventh and Eighth Class Counties.--(1308 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1309. Prothonotary to File and Keep Advance Copies of Law.--(1309 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1310. Assistant Clerks of Orphans' Court in Counties Having a Separate Orphans' Court.--(1310 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1311. Solicitor to Register in Counties of the Third, Fourth, Fifth, Sixth, Seventh and Eighth Classes.--In all counties of the third, fourth, fifth, sixth, seventh and eighth classes, the register of wills is authorized to appoint one person, learned in the law, as his solicitor. Said solicitor shall advise upon all legal matters that may be submitted to him, and shall conduct any litigation when requested so to do by the register of wills.

(1311 amended Jun. 7, 1961, P.L.245, No.141)

Section 1312. Second Deputy Recorder.--The recorder of deeds may appoint a second deputy recorder of deeds, who shall possess and discharge all the rights, powers and duties of the principal deputy recorder of deeds during his necessary or temporary absence.

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

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

(1314 amended Jun. 7, 1961, P.L.245, No.141)

Section 1315. Solicitors to Clerk of Courts of Quarter Sessions and Oyer and Terminer in Counties of the Third, Fourth, Fifth, Sixth, Seventh and Eighth Classes.--(1315 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1316. Solicitors to Clerks of Orphans' Courts in Counties of the Third, Fourth, Fifth, Sixth, Seventh and Eighth Classes.--(1316 repealed Apr. 28, 1978, P.L.202, No.53)

ARTICLE XIV
DISTRICT ATTORNEY, ASSISTANTS
AND DETECTIVES

(a) District Attorney

Section 1401. District Attorney; Qualifications;

Eligibility; Compensation.--(a) The district attorney shall be a resident of the county, at least twenty-five years of age, and a citizen of the United States, shall have been admitted to practice as an attorney before the Supreme Court of this Commonwealth for at least one year prior to taking the oath of office and shall have resided in the county for which he is elected or appointed for one year next preceding his election or appointment.

(b) ((b) deleted by amendment)

(c) ((c) deleted by amendment)

(d) ((d) deleted by amendment)

(e) ((e) deleted by amendment)

(f) No district attorney shall be eligible for a seat in the Legislature or to any other office under the laws and Constitution of the Commonwealth, excepting an office or commission in the militia of the Commonwealth, during his continuance in office.

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

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

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

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

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

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

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

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

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

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

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

(1) Each part-time district attorney holding office on the effective date of this subsection whose term expires January 7, 2008, shall become full time on January 2, 2006, if, after exercising due diligence in conducting an assessment of the best interests of public safety and the administration of criminal justice in the county, the part-time district attorney provides written notice to the chairman of the county commissioners, the Secretary of Revenue and the State Treasurer, no sooner than December 1, 2005, and no later than December 30, 2005, of the part-time district attorney's choice to serve as a full-time district attorney. Where a part-time district attorney holding office on the effective date of this act does not provide such notice, the office of district attorney shall remain part time for the remainder of the current term of office.

(2) A person who has been elected to the office of district attorney in a county where the district attorney is part time and whose term commences on January 2, 2006, shall, upon taking the oath of office, be a full-time district attorney if, after exercising due diligence in conducting an assessment of the best interests of public safety and the administration of criminal

justice in the county, the district attorney-elect has provided written notice to the chairman of the county commissioners, the Secretary of Revenue and the State Treasurer no sooner than December 1, 2005, and no later than December 30, 2005, of the district attorney-elect's choice to serve as a full-time district attorney. Where the district attorney-elect does not provide such notice, the office of district attorney shall remain part time for the entire term of office commencing January 2, 2006.

(3) A person seeking election or re-election as district attorney in a county where the office of district attorney is a part-time position after January 2, 2006, shall, upon election and taking the oath of office, become a full-time district attorney if, prior to the deadline for filing nomination petitions or papers, the person has provided written notice to the chairman of the county commissioners, the Secretary of Revenue and the State Treasurer of the person's choice to serve as a full-time district attorney. Where the person does not provide such notice, the office of district attorney shall remain part time for the entire term of office.

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

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

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

(l) A part-time district attorney may have an outside practice and shall be compensated, notwithstanding the provisions of any other statutes, as follows: In counties of the third or fourth class, the salary shall be sixty per cent of the annual salary payable to the judge of the court of common pleas

of the judicial district of the county; in a county of the fifth or sixth class, the salary shall be fifty per cent of the annual salary payable to the judge of the court of common pleas of the judicial district of the county; and in a county of the seventh or eighth class, the salary shall be forty per cent of the annual salary payable to the judge of the court of common pleas of the judicial district of the county.

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

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

(o) A district attorney shall be subject to the Rules of Professional Conduct and the canons of ethics as applied to judges in the courts of common pleas of this Commonwealth insofar as such canons apply to salaries, full-time duties and conflicts of interest. Any complaint by a citizen of the county that a full-time district attorney may be in violation of this section shall be made to the Disciplinary Board of the Supreme Court of Pennsylvania. If any substantive basis is found, the board shall proceed forthwith in the manner prescribed by the rules of the Supreme Court and make such recommendation for disciplinary action as it deems advisable, provided, however, that if the Supreme Court deems the violation so grave as to warrant removal from office, the prothonotary of the Supreme Court shall transmit its findings to the Speaker of the House of Representatives for such action as the House of Representatives deems appropriate under Article VI of the Constitution of Pennsylvania.

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

(1401 amended July 14, 2005, P.L.312, No.57)

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

(b) ((b) repealed Apr. 28, 1978, P.L.202, No.53)

(1402 amended Jul. 5, 1957, P.L.484, No.275 and suspended in part R.C.P.322)

Section 1403. Expenses Incurred by District Attorney.--All necessary expenses incurred by the district attorney or his assistants or any officer directed by him in the investigation of crime and the apprehension and prosecution of persons charged with or suspected of the commission of crime, upon approval thereof by the district attorney and the court, shall be paid by the county from the general funds of the county. In any case where a defendant is convicted and sentenced to pay the costs of prosecution and trial, the expenses of the district attorney in connection with such prosecution shall be considered a part of the costs of the case and be paid by the defendant.

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

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

(1404 amended Dec. 17, 2001, P.L.919, No.107)

Section 1405. Misconduct of District Attorney.--(a) If any district attorney shall wilfully and corruptly demand, take or receive any other fee or reward than such as is prescribed by law for any official duties required by law to be executed by him in any criminal proceeding, or if such district attorney shall be guilty of wilful and gross negligence in the execution of the duties of his office, he shall be guilty of a misdemeanor in office, and, on conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars and to undergo imprisonment not exceeding one year, and his office shall be declared vacant.

(b) Upon complaint in writing, verified by oath or affirmation of the party aggrieved, made to the court in which any district attorney shall prosecute the pleas of the Commonwealth, charging such district attorney with wilful and gross negligence in the execution of the duties of his office,

the court shall cause notice of such complaint to be given to the district attorney and of the time fixed by the court for the hearing of the same. If upon such hearing the court shall be of opinion that there is probable cause for the complaint, they shall hand over or commit the district attorney to answer the same in due course of law. If the court shall be of opinion that there is no probable cause for such complaint, they shall dismiss the same, with reasonable costs to be assessed by the court.

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

Section 1407. Law Books for District Attorney.--The county commissioners may purchase, for the use of the office of the district attorney, out of the funds of the county, such law books as may be selected by the district attorney, and approved by the president judge of the court.

Section 1408. Police Radio in Third Class Counties.--The district attorney of any county of the third class may, with the consent and approval of the county commissioners, at the expense of the county, purchase and maintain a short wave police radio receiving and transmitting set and the necessary equipment therefor, to be installed and used in the office provided for the district attorney.

Section 1409. When Private Counsel May Prosecute.--If any district attorney shall neglect or refuse to prosecute in due form of law any criminal charge regularly returned to him or to the court of the proper county, or if at any stage of the proceedings the district attorney of the proper county and the private counsel employed by the prosecutor shall differ as to the manner of conducting the trial, the prosecutor may present his petition to the court of the proper county, setting forth the character of the complaint, and verify the same by affidavit. If the court shall be of the opinion that it is a proper case for a criminal proceeding or prosecution, it may direct any private counsel employed by such prosecutor to conduct the entire proceeding, and where an indictment is

necessary, to verify the same by his own signature, as fully as the same could be done by the district attorney.

(b) Assistant, Special, Deputy and Acting District Attorneys, Stenographers and Clerks

Section 1420. Assistant, Special Assistant and Deputy Assistant District Attorneys; Number; Compensation.--(a) The district attorney may appoint such number of assistants, special assistants or deputy assistants, learned in the law, to assist him in the discharge of his duties, as is fixed by the salary board of the county. The salary board shall fix the salary of such assistants, special assistants and deputy assistants.

(b) The district attorney may appoint temporary assistants, temporary special assistants or temporary deputy assistants, learned in the law, to assist him in the discharge of his duties, as provided by contract or other personnel agreement with the county or the district attorney. Any attorney-at-law, including a deputy Attorney General or an attorney employed by the Commonwealth, may be appointed under this subsection.

(c) An allegation of a violation of this section shall be timely raised prior to the participation of the prosecutor in question. The exclusive remedy for a violation of this section shall be removal by quo warranto of the prosecutor from the appointment that is in violation of this section.

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

(1420 amended June 18, 1998, P.L.515, No.72)

Section 1421. Designation of First Assistant; Powers and Duties.--In all cases where more than one assistant district attorney is appointed, the district attorney shall designate one of such assistants as his first assistant. Such first assistant or the assistant district attorney where only one is appointed shall, in the absence of the district attorney from the jurisdiction or during his disability to perform the duties of his office through sickness or other cause, be vested with all the duties, powers and privileges given by law to the district attorney, and generally, at such time, be empowered to do and perform all things in connection with his office which the district attorney may by law be entitled to do or perform. In case of any such incapacity of the district attorney or his first assistant, or both, any or all of such duties, powers and privileges may be done by such other assistant district attorneys, if any, as may be designated by the district attorney.

Section 1422. Special Assistants.--(1422 deleted by amendment June 18, 1998, P.L.515, No.72)

Section 1423. Appointment of a Deputy for One Term of Court.--(1423 deleted by amendment June 18, 1998, P.L.515, No.72)

Section 1424. Court May Appoint a District Attorney for the Time Being.--It shall be the duty of the court of quarter sessions of any county to appoint a district attorney for the time being, in all cases where the district attorney and his assistants shall be absent from the court. Such person so appointed shall perform all the duties of the office until the regular district attorney or one of his assistants shall appear in person to perform the same, and shall be paid such compensation by the county as may be fixed by the court.

Section 1425. Indictment and Cost Clerk in Counties of the Fourth Class.--The district attorney of any county of the fourth class, in addition to other assistants authorized in this subdivision, may appoint an assistant, learned in the law, who shall be designated as indictment and cost clerk, to assist the district attorney in the discharge of his duties.

Section 1426. Stenographers and Clerks.--The salary board in any county may provide for the appointment by the district attorney of such clerks and stenographers in his office as may be deemed necessary for the proper dispatch of business.

(c) County Detectives

Section 1440. Appointment; Duties and Compensation of County Detectives.--(a) In counties of the third and fourth classes, the district attorney may appoint one chief county detective, one assistant county detective and such other county detectives as the salary board may authorize.

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

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

(d) County detectives shall be general police officers and shall have the powers conferred on constables by the laws of this Commonwealth, so far as they relate to criminal law and procedures.

(e) County detectives of every grade and rank, in addition to their annual salary, shall be allowed their expenses actually and necessarily incurred in the performance of their duties. Such

salaries and expenses shall be paid by the county as provided by law. No county detective shall be entitled to any fee whatsoever.

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

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

ARTICLE XV JURY COMMISSIONERS

(Art. XV repealed Apr. 28, 1978, P.L.202, No.53)

Section 1501. Jury Commissioners Eligible for Re-election.--(1501 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1502. Bipartisan Jury Commission Required.--(1502 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1503. Oath of Elected Jury Commissioners.--(1503 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1504. Filling of Vacancy.--(1504 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1505. Clerk; Office Facilities; Expenses.--(1505 repealed Apr. 28, 1978, P.L.202, No.53)

ARTICLE XV.1 SALARIES OF COUNTY OFFICERS

(XV.1 added Jan. 25, 1966 (1965), P.L.1556, No.544)

Compiler's Note: The provisions of Article XV.1 are supplied and impliedly repealed where irreconcilable by the act of Nov. 1, 1971, P.L.495, No.113 which sets the salaries for county officers in counties of the second through eighth classes. This act has been reenacted and amended by act of Oct. 7, 1976, P.L.1101, No.223, and further amended by act of Nov. 1, 1979, P.L.246, No.82; act of Sept. 26, 1981, P.L.278, No.93; act of July 7, 1983, P.L.40, No.21; and act of Dec. 18, 1984, P.L.1067, No.212. For additional provisions on the salary for full-time district attorney, see section 1401 of the County Code.

Section 1550. Counties of the Third Class.--The annual salaries of the following county officers of counties of the

third class shall be as follows:

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

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

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

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

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

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

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

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

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

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

The district attorney, thirteen thousand five hundred dollars (\$13,500).

(1550 amended Nov. 26, 1968, P.L.1099, No.341)

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

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

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

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

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

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

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

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

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

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

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

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

The county controller, where such office exists, or may be

created, eleven thousand one hundred sixty dollars (\$11,160).

(1551 added Jan. 25, 1966 (1965), P.L.1556, No.544)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1552 added Jan. 25, 1966 (1965), P.L.1556, No.544)

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

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

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

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

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

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

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

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

The register of wills, seven thousand two hundred dollars

(\$7,200).

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

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

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

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

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

The county auditors shall each receive twenty dollars (\$20) for each six hours of work in the discharge of their duties, together with ten cents (10¢) per mile circular from and to their homes once each and every day so employed. (Par. amended Jul, 31, 1968, P.L.938, No.286)

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

(1553 amended Oct. 11, 1967, P.L.433, No.196)

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

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

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

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

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

The county auditors shall receive twenty dollars (\$20) for

each six hours of work in the discharge of their duties, together with ten cents (10¢) per mile circular from and to their homes, once, each and every day so employed. (Par. amended Jul. 31, 1968, P.L.938, No.286)

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

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

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

(1554 amended Oct. 11, 1967, P.L.431, No.195)

Section 1555. Counties of the Eighth Class.--The annual

salaries of the following county officers of counties of the eighth class shall be as follows:

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

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

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

The county auditors shall each receive twenty dollars (\$20) for each six hours of work in the discharge of their duties, together with ten cents (10¢) per mile circular from and to their homes, once, each and every day so employed. (Par. amended Jul. 31, 1968, P.L.938, No.286)

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

The prothonotary or clerks of the several courts of common pleas, quarter sessions of the peace, oyer and terminer, and orphans' courts, the register of wills, and the recorder of deeds, shall keep, or cause to be kept, a fair and accurate account of all fees received for services performed by them or any person employed by them in their respective offices; and shall also, on the first Monday of January of each year, furnish a copy of said account, upon oath or affirmation, to the auditor appointed by the court to settle the accounts of county officers; and shall also pay to the county treasurer, for the use of the county, after deducting all necessary clerk hire and office expenses, fifty per centum on the amount of any excess over and above the sum of seven thousand two hundred dollars (\$7,200), which shall be found by the said auditor, appointed by the court to settle the accounts of county officers, to have been received by any officer in any one year: Provided, That if two or more of said offices shall be held by one person, the said auditor shall add together the fees received in the offices so held, and shall charge the same percentage on the aggregate amount of fees received by such person holding more than one of said offices. A copy of the report of the said auditor, when completed, shall be presented by him to the court of common pleas of the county, and filed among the records of said court;

which said report shall thereafter have all the force and effect of, and be subject to the same procedure as applies to, the report of the county auditors.

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

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

(1555 added Jan. 25, 1966 (1965), P.L.1556, No.544)

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

(1556 added Dec. 22, 2000, P.L.1019, No.142)

ARTICLE XVI

FEEES OF SALARIED COUNTY OFFICERS; SALARY BOARDS; PAYMENT OF SOLICITORS APPOINTED BY COUNTY OFFICERS

(Hdg. amended Aug. 18, 1967, P.L.244, No.95)

(a) Fees of Salaried County Officers

Section 1601. Fees of Salaried County Officers to Belong to County.--All fees limited and appointed by law to be received by any county officer, either elected or appointed, or which they shall legally be authorized, required or entitled to charge or receive, shall belong to the county in the following circumstances: (1) fees of every such officer in counties containing over one hundred and fifty thousand inhabitants and, (2) in counties containing one hundred and fifty thousand or less inhabitants, fees of every officer for whom a salary is fixed by law. The provisions of this subdivision shall apply to all fees belonging to the county and to all officers

hereinbefore designated. Each of the said officers shall exact, collect and receive all such fees to and for the use of his respective county, except such taxes and fees as are levied by the Commonwealth, which shall be to and for the use of the Commonwealth. None of said officers shall receive for his own use or for any use or purpose whatever, except for the use of the proper county or for the Commonwealth, as the case may be, any fees for any official services whatsoever, except where the statute expressly designates the officer as agent of the Commonwealth and authorizes him to retain a part of such moneys for his own use.

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

(b) At the times designated by resolution of the county commissioners but not later than the first Monday of each month, each of said officers shall pay to treasurer of the proper county all fees so received for each designated period. Duplicate receipts therefor shall be taken, one of which he shall deposit with the county controller, or the chief clerk where the office of controller does not exist. On the first Monday of each month, each of said officers shall deposit with the county controller, or where the office of controller does not exist, with the county auditor a transcript, in detail, of his system of accounts for the preceding month. He shall make oath or affirmation before the county controller or the county auditors where the office of controller does not exist that the transcript contains a true and correct list of all the fees received, earned or chargeable upon the county for services rendered in his office, either by himself, deputies or clerks, during the preceding month that said fees were severally charged and collected at regular rates, and that he has not received and is not to receive from any person or persons whatsoever, for any official services or duty, any other fees than those so entered on said transcript.

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

(d) Where fees are paid to one office which are for services

rendered or to be rendered by another, the officer receiving the same shall specify the same on his account book and on his transcript as of the office to which they properly belong.

(1602 amended Jun. 27, 1974, P.L.401, No.138)

Section 1603. Penalty for Receiving Gratuities or Percentages.--If any of the officers included in this subdivision shall receive or stipulate to receive from any deputy or clerk or from any person or persons awarded any contract for advertising or any other contract any sum or sums of money as percentage on the salaries of said deputy or clerk or on the amounts or profits of said contract, or any sum or sums of money whatsoever as compensation for making any of the said appointments or contracts, or shall neglect to render the accounts or to pay over the money received for fees as required by this subdivision, or shall wilfully neglect to make any proper entry in the book or books required to be kept, or shall wilfully neglect to charge for any official services the fees allowed by law, or shall take to his own use any such fees, or fail to comply with any of the provisions of this subdivision, or neglect to discharge any of the duties herein imposed, the same shall be deemed a misdemeanor in office, and, in addition to the other penalties for such offenses, he shall, upon conviction thereof, refund the said sum or sums of money thus unlawfully received, and shall be deemed incapable of holding the said office.

Section 1604. False Swearing to County Accounts, Bills or Transcripts.--Any officer included in this subdivision or any other person who shall wilfully swear or affirm falsely as to the accuracy of any account, transcript or bill required in this subdivision, or in making any affidavit in reference thereto, shall be deemed guilty of perjury, and, upon conviction thereof, shall be liable to the punishment prescribed by law for perjury; and any person who shall procure any other person to swear or affirm falsely in verifying any such account, transcript or bill, or in making any affidavit in reference thereto, shall be deemed guilty of subornation of perjury, and, upon conviction thereof, shall be liable to the punishment prescribed by law for that offense.

Section 1605. Officers Subject to This Subdivision to be Paid Salaries.--All county officers to which this subdivision applies, whether elected by the people or appointed according to law, and their several deputies and clerks, shall be paid for their services by fixed and specific salaries, which shall be a charge upon the treasury of the county to which each shall respectively belong, to the extent, except as provided in section one thousand six hundred eight, of the fees collected and paid in by each officer respectively, or earned, where fees

are chargeable upon the county treasury, and said salaries shall be paid weekly, bi-weekly, semi-monthly or monthly during the month in which the services were rendered, at the discretion of the county commissioners of the county. No voucher check shall be drawn for the payment of any said officer, his deputies or clerks who shall not have filed the receipt and transcript for that month provided for in this subdivision.

(1605 amended Dec. 5, 1969, P.L.329, No.139)

Section 1606. Salaries Payable from Fees.--(1606 repealed Jun. 27, 1974, P.L.401, No.138)

Section 1607. Monthly Returns to be Made of Taxes and Fees Due the Commonwealth.--(a) At the same time that monthly returns are made, as required by section one thousand six hundred two of this act, of the fees received by said officers to and for the use of their respective counties for the preceding month, each of said officers shall make a separate return, to the Department of Revenue, of all taxes or fees collected or earned for the Commonwealth by him, if any. The amounts so returned by any of said officers, as received by him for the Commonwealth, shall be separately paid by him into the State Treasury through the Department of Revenue, quarterly, on the first Mondays of April, July, October and January, for which he shall take duplicate receipts.

(b) All commissions on the collection of any such taxes and fees for the Commonwealth shall be deemed and taken as part of the regular fees of the officer collecting the same and shall be accounted for accordingly.

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

Section 1608. Payment of Certain Officers.--The county solicitor, county jailer, county commissioners, county controller, county surveyor or engineer, county detectives, county treasurer, interpreter of courts, district attorney and his assistants, and in counties of the sixth, seventh and eighth classes all county officers for whom a salary is fixed by law and the deputies, clerks and employes of their respective offices, shall severally be paid weekly, bi-weekly, semi-monthly, or monthly, at the discretion of the county commissioners of the county. They shall be paid the full amount allowed them by law, but all fees and emoluments whatsoever that may accrue to any of them by virtue of his office shall be paid by him to the county treasurer directed by law, and all other officers shall be paid the amounts assigned them by law in accordance with the provisions of this subdivision.

(1608 amended Nov. 26, 1968, P.L.1099, No.341 and Dec. 5,

1969, P.L.329, No.139)

Section 1609. Salaries in Lieu of Fees.--Except to the extent this section may be inconsistent with the provisions of any other express provision of this act, the salaries fixed and provided by law for county officers shall be in lieu of all or any moneys, fees, perquisites, or mileage expenses, and other allowances received or allowed to any such officer, and all such moneys, fees, perquisites, or mileage expenses, and other allowances, not governed by the aforesaid exceptions, shall belong to the county and shall be paid into the county treasury, except where required to be paid to the Commonwealth in the manner provided by this subdivision for fees.

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

(b) Salary Boards

Section 1620. Salaries and Compensation.--The salaries and compensation of county officers shall be as now or hereafter fixed by law. The salaries and compensation of all appointed officers and employes who are paid from the county treasury shall be fixed by the salary board created by this act for such purposes: Provided, however, That with respect to representation proceedings before the Pennsylvania Labor Relations Board or collective bargaining negotiations involving any or all employes paid from the county treasury, the board of county commissioners shall have the sole power and responsibility to represent judges of the court of common pleas, the county and all elected or appointed county officers having any employment powers over the affected employes. The exercise of such responsibilities by the county commissioners shall in no way affect the hiring, discharging and supervising rights and obligations with respect to such employes as may be vested in the judges or other county officers.

(1620 amended Jun. 29, 1976, P.L.460, No.115)

Section 1621. Fees.--All county officers shall continue to charge and collect the fees, mileage and emoluments of office for their own use or for the use of the county, as provided by law, and where required by law, such fees, mileage and emoluments shall be paid to the county treasurer as and when required, and if no time of so paying be fixed as to any such fees, mileage or emoluments, then on or before the tenth day of each month.

Section 1622. Salary Boards Created.--There is hereby created in each county a salary board, which shall consist of the three individual members of the board of county commissioners and the county controller in counties where there is a controller, or the county treasurer in counties where there is no controller. The chairman of the board of county commissioners shall be chairman of the salary board. The board shall meet and organize on the first Monday of January of each year.

Section 1623. Number and Compensation of Officers, Deputies, Assistants, Clerks and Employes.--The board, subject to limitations imposed by law, shall fix the compensation of all appointed county officers, and the number and compensation of all deputies, assistants, clerks and other persons whose compensation is paid out of the county treasury (except employes of county officers who are paid by fees and not by salary), and of all court criers, tipstaves and other court employes, and of all officers, clerks, stenographers and employes appointed by the judges of any court and who are paid from the county treasury. Thereupon the number and compensation of all such officers, deputies, assistants, clerks and persons, whether fixed by statute or by any other method, are hereby repealed. In the event that any salary board shall fail to fix the number or compensation of any such officers, deputies, assistants, clerks or other employes as required by this section, the number and compensation shall continue, as fixed by or pursuant to law, on the effective date of this act, with like effect as though the same had been so fixed by the board, but the salary board shall have power to fix any such number or compensation at a later time and with like effect.

Section 1624. Revisions of Salary Schedules.--At each annual meeting, the board shall revise the salary schedule so far as it shall deem such action necessary. From time to time between annual meetings, whenever required by any judge, county officer or executive head of any separate board, commission or division, the number or compensation of whose deputies, assistants, clerks and employes is sought to be fixed, the board shall meet and consider and shall fix and determine the same. All salaries fixed under the provisions of this act shall be paid out of the county treasury in the manner provided by law.

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

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

(c) Whenever the board shall consider the number or salaries of the officers or employes appointed by any judge of any court, such judge shall sit as a member of the board, as long as any matter affecting any of his appointees is under consideration and no longer.

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

(c) Payment of Solicitors Appointed by County Officers
(c) added Aug. 18, 1967, P.L.244, No.95)

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

(1630 amended June 28, 2002, P.L.470, No.77)

ARTICLE XVII FISCAL AFFAIRS

(a) Fiscal Policy and Systems

Section 1701. Functions of County Commissioners.--The county commissioners shall be the responsible managers and administrators of the fiscal affairs of their respective counties in accordance with the provisions of this act and other applicable law.

Compiler's Note: The act of April 13, 1972 (P.L.184, No.62), referred to as the Home Rule Charter and Optional Plans Law, referred to in subsecs. (a.1) and (b.1), was repealed by the act of December 19, 1996 (P.L.1158, No.177). The subject matter is now contained in 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and optional plan government).

Section 1701.1. Billing and Collection of Third, Fourth, Fifth, Sixth, Seventh and Eighth Class County Taxes.--(a) The county commissioners of each county of the third, fourth, fifth, sixth, seventh and eighth class may, by resolution, provide for the billing and collecting by the county treasurer of all county and county institution district taxes levied within a third class city by the authorities empowered to levy such taxes.

(a.1) The county commissioners of each county of the third,

fourth, fifth, sixth, seventh and eighth class may, by resolution, provide for the billing and collection of all county taxes in municipalities existing or organized under the act of April 13, 1972 (P.L.184, No.62), known as the "Home Rule Charter and Optional Plans Law," that have eliminated the elective office of tax collector, by the authorities empowered to levy such taxes.

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

(b.1) In counties of the third, fourth, fifth, sixth, seventh and eighth class in which the county commissioners provide, by resolution, for the billing and collection of all county taxes levied in municipalities existing and organized under the "Home Rule Charter and Optional Plans Law," that have eliminated the elective office of tax collector, the county commissioners shall have the power and authority, by resolution, to vest in the county treasurer the duties and responsibilities of billing and collecting county taxes.

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

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

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

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

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

(d) The compensation of personnel and other expenses of billing and collecting county and institution district taxes pursuant to this section shall be paid out of the general fund in the county treasury. The compensation and number of such employes other than the county treasurer shall be governed by the provisions of this act relating to the county salary board. If the county treasurer is designated as the collector of the county and county institution district taxes he shall not receive added compensation for performing such functions.

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

(1701.1 amended June 29, 2002, P.L.677, No.103)

Compiler's Note: The act of April 13, 1972 (P.L.184, No.62), referred to as the Home Rule Charter and Optional Plans Law, referred to in subsecs. (a.1) and (b.1), was repealed by the act of December 19, 1996 (P.L.1158, No.177). The subject matter is now contained in 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and optional plan government).

Section 1702. Functions of the Controller.--(a) Subject to the power and duty of the county commissioners to manage and administer the fiscal affairs of the county, the controller shall supervise the fiscal affairs of the county including the accounts and official acts relating thereto of all officers or other persons who shall collect, receive, hold or disburse the public assets of the county. The discretionary powers of the controller shall not be applicable to the management of the fiscal policies of the county commissioners, or to matters not involving the accounts and transactions of officers or other persons of the county . The controller may only refuse to authorize any fiscal transaction which is, by law, subject to his supervision or control where it appears that such transaction is not authorized by law, or has not been undertaken according to law, or has not received approval according to law, or as to which he desires upon reasonable grounds to investigate for or has already discovered any fraud, flagrant abuse of public office or any criminal act or neglect of any officer or other person of the county relating to their public accounts and

transactions. He may at any time require from any such officers or other persons, in writing, an account of all assets which may have come into their control. Immediately, on the discovery of any default or delinquency, he shall report the same to the commissioners and to the district attorney of the county for such prosecution as may be warranted, and shall take immediate measures to secure the public assets.

(b) Pursuant to subsection (a), the county commissioners may, for the purpose of meeting Federal or State requirements, contract with or employ an independent certified public accountant or public accountant for the purpose of preparing or conducting a report or audit of the fiscal affairs of the county, independent of and/or in addition to, that conducted by the county controller or auditors. Such contracts shall be discussed with the controller prior to execution, and the controller shall be afforded an opportunity to comment.

(1702 amended June 29, 2002, P.L.677, No.103)

Section 1703. Accounts of Officers.--The controller shall furnish the commissioners of the county, whenever required by them, a detailed account of any officer or other person having in his possession or under his control funds belonging to the county, and shall, during regular office hours, give information respecting any of said accounts to any taxpayer of the county demanding the same.

He shall have power and authority to require each and every county officer to make a quarterly statement with respect to moneys in his possession or control as a county officer, showing the amount of cash on hand and the amount deposited in banks, banking institutions and trust companies, together with the names of such institutions. He shall have power to examine every such account of a county officer in any bank, banking institution or trust company, to verify the accuracy of the statement of such county officer. It shall be the duty of every such bank, banking institution or trust company, its officers and agents, to furnish full information to the controller in relation to the account of such county officer. No bank, banking institution or trust company, its officers or agents, shall be subject to prosecution under other laws of this Commonwealth for disclosing any such information with respect to any account of a county officer.

Section 1704. Custody of Documents.--The controller shall have the custody of all title deeds to real estate owned by the county, and of all contracts entered into by or on behalf of the county, and of all books, documents and papers relating to its financial affairs, and of all bonds and other obligations issued by said county, when paid. Such bonds and other obligations, when so paid, shall be distinctly cancelled by the controller

and carefully and regularly filed, a register of which cancellation shall be kept by him in a book to be provided for that purpose.

(1704 amended June 29, 2002, P.L.677, No.103)

Section 1705. Books of Fiscal Affairs.--The controller shall keep a full and regular set of books which support financial statements in accordance with generally accepted accounting principles of all the fiscal operations of the county, embracing as many accounts, under appropriate titles, as may be necessary to meet Federal and State reporting requirements and to show distinctly and separately all the property of the county, its revenue and expenditures, and all debts and accounts due by the county officers or others, and the amount raised from each source of revenue, and the expenditures in detail, and classified by reference to the objects thereof. He shall prescribe and administer the form and manner of keeping the official books and papers in connection with the fiscal affairs of the county. Where the controller prescribes a change in the form and manner of keeping the official books and papers, any costs necessary for implementation shall be subject to the approval of the county commissioners. In counties without a controller, the requirements of this section shall be fulfilled by the office of the county commissioners.

(1705 amended June 29, 2002, P.L.677, No.103)

Section 1706. Investment of Funds.--(a) The county commissioners (or any individual other than the commissioners who serves in an elective county office, as to such moneys not otherwise required by law to be invested that his office is required to collect, administer or disburse) shall invest such moneys consistent with sound business practice, subject, however, to the exercise of that degree of judgment, skill and care under the circumstances then prevailing which persons of prudence, discretion and intelligence, who are familiar with such matters, exercise in the management of their own affairs not in regard to speculation, but in regard to the permanent disposition of the funds, considering the probable income to be derived therefrom as well as the probable safety of their capital.

(b) The commissioners shall provide for an investment program, including temporary investments, subject to restrictions contained in this act and in any other applicable statute and any rules and regulations adopted by the commissioners. Other elective officials authorized to make investments under subsection (a) shall make investments in conformity with the commissioners investment program.

(c) Authorized types of investments for such moneys shall be:

(1) United States Treasury bills.

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

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

(4) Obligations of the United States of America or any of its agencies or instrumentalities backed by the full faith and credit of the United States of America, the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the Commonwealth, or of any political subdivision of the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the political subdivision.

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

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

(7) Certificates of deposit purchased from institutions having their principal place of business outside the

Commonwealth and insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or the National Credit Union Share Insurance Fund to the extent that such accounts are so insured, and, for any amounts above the insured maximum, provided that approved collateral as provided by law therefore shall be pledged by the depository. Certificates of deposit purchased from commercial banks shall be limited to an amount equal to twenty per centum of a bank's total capital and surplus. Certificates of deposit purchased from savings and loan associations or savings banks shall be limited to an amount equal to twenty per centum of an institution's assets minus liabilities.

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

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

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

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

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

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

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

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

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

(e) In making investments of county funds, the commissioners (or other elected officials when authorized as provided in

subsection (a)) shall have authority:

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

(2) To combine moneys from more than one fund under county control for the purchase of a single investment, provided that each of the funds combined for the purpose shall be accounted for separately in all respects and that the earnings from the investment are separately and individually computed and recorded and credited to the accounts from which the investment was purchased.

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

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

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

((e) amended Nov. 29, 2004, P.L.1275, No.155)

(1706 amended Dec. 13, 1982, P.L.1131, No.258)

(b) Accounts, Audits and Reports by Controller
or Auditors

Section 1720. Controller's Settlement of Accounts; Report to Common Pleas; Publications; Financial Report to Department of Community and Economic Development.--The controller shall, at the end of each fiscal year, complete the audit, settlement and adjustment of the accounts of all county officers. He shall, before the first day of July in every year, make a report, verified by oath or affirmation, to the Court of Common Pleas of said county, of all receipts and expenditures of the county for the preceding year, in detail, and classified by reference to the object thereof, together with a full statement of the

financial conditions of the county. A concise summary of this report shall thereupon be published one time in such newspapers published in said county as the controller may direct, but the aggregate cost thereof shall not exceed fifteen hundred dollars (\$1500) in any one year in any county, to be paid for out of the county treasury. Such report may also be published in printed pamphlets at the cost of the county, the number and cost of such pamphlets to be determined by the controller and the county commissioners. The controller shall also, before the first day of July, make an annual report to the Department of Community and Economic Development of the financial condition of the county, on forms furnished by the Secretary of Community and Economic Development, and subject to the penalties provided in section one thousand seven hundred twenty-one of this act for auditors refusing or neglecting to make similar reports. Within the summary of the auditor's or controller's report, there shall be a notice to the public that the entire text of the report shall be available for public inspection during regular business hours in the office of the auditor or controller.

(1720 amended Nov. 9, 2006, P.L.1350, No.142)

Section 1721. Audit of Accounts by Auditors; Report to Common Pleas; Publications; Financial Report to Department of Community and Economic Development.--(a) The auditors shall audit, settle and adjust the accounts of all county officers of the county, and make an annual report thereof, on or before the first day of the following July, to the court of common pleas, unless upon due cause shown the court shall grant an extension of time therefor. Said report shall be in detail, showing distinctly and separately all receipts and expenditures of the several offices, and all debts and accounts due, and the amount raised from each source of revenue, and the expenditures in detail and classified by reference to the object thereof, together with a full statement of the financial conditions of the county, and a statement of the balance due from or to such county officers.

(b) The auditor's report shall be prepared and within ten days after being filed in the court of common pleas, a concise summary thereof shall be published, once, in at least two newspapers published in said county; or if not more than one newspaper is published in the county, then in such newspaper; or if there be no newspaper published in the county, then in one newspaper of general circulation in said county. The expense of the publication of said summary shall be paid by the county. Within the summary of the auditor's or controller's report, there shall be a notice to the public that the entire text of the report shall be available for public inspection during regular business hours in the office of the auditor or

controller.

(c) The county auditors shall also make an annual report of the financial condition of the county to the Department of Community and Economic Development, which report shall be signed by a majority of the auditors, and duly verified by the oath or affirmation of one of the auditors. The report shall be presented on a form furnished by the Secretary of Community and Economic Development, and shall be filed on or before the first day of the following July.

(d) Any auditors refusing or wilfully neglecting to file the report required by this section shall, upon conviction thereof, in a summary proceeding brought at the instance of the Department of Community and Economic Development, be sentenced to pay a fine of five dollars (\$5) for each day's delay beyond said first day of July, and costs. All fines recovered shall be for the use of the Commonwealth.

(1721 amended July 2, 2007, P.L.71, No.22)

Compiler's Note: Section 301(a)(16) of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that all other powers and duties delegated to the Department of Community Affairs not otherwise expressly transferred elsewhere by Act 58 and currently performed by the Department of Community Affairs under section 1720 are transferred to the Department of Community and Economic Development. The Secretary of Community Affairs, referred to in this section, was abolished by Act 58 of 1996 and the functions were transferred to the Secretary of Community and Economic Development.

Section 1722. Audit of the Accounts of Parole and Probation Officers and of Appropriations to National Guard Units.--It shall be the duty of the controller or county auditors to audit, settle and adjust the accounts of every parole and probation officer, appointed by the court pursuant to law, who shall receive from any person or persons moneys paid under any order, sentence or judgment of any court, and to report the results of such audits to the court which shall have appointed such officer. The controller or county auditors shall likewise audit, settle and adjust the accounts of any moneys appropriated by the county to units of the National Guard.

Section 1722.1. Audit of Accounts of Minor Judiciary.--The controller or county auditors shall annually audit the accounts of every alderman, magistrate or district justice within the county and report the results of such audits to the county

commissioners, the Auditor General and to the governing body of each political subdivision which is entitled or has a right to receive any moneys or funds collected by any such alderman, magistrate or district justice.

(1722.1 amended Apr. 8, 1982, P.L.255, No.76)

Section 1723. Accounts and Audits of Moneys Collected for Taxing Units Within the County; Payments.--All taxes, penalties, fines and costs collected by the county treasurer and belonging to any city, borough, township, incorporated town, school district or institution district shall be entered and carried in the books of the county in the same manner as county moneys, shall be audited in like manner, and when paid to the taxing district entitled thereto, as provided by law, such payments shall be made on voucher checks in the same manner as payments are made of county moneys.

Section 1724. Audit of Accounts of Commonwealth Moneys.--It shall also be the duty of the controller or auditors to audit, settle and adjust the accounts of the treasurer of the county with the State Treasury, and of each of such other officers in the county receiving money for the use of the Commonwealth, as may be referred to them by the Auditor General or the Department of Revenue, and to make a separate report thereof to the court of common pleas, together with a statement of the balances due from or to such treasurer or other officer. A certified copy of such report shall be transmitted to the Auditor General or Department of Revenue, as the case may be, within ten days after the same is prepared.

Section 1724.1. Audit of Miscellaneous Accounts.--For the purposes of this act relating to the auditing of accounts and the purchasing of insurance, money held by any county official in escrow shall be deemed the same as county funds or public money.

(1724.1 added May 24, 1965, P.L.62, No.49)

Section 1725. Power of Subpoena and Attachment.--The controller or auditors shall have power to issue subpoenas to obtain the attendance of the officers whose accounts they are required to adjust, their executors and administrators, and of any person whom it may be necessary to examine as witnesses, and to compel their attendance by attachment, in like manner and to the same extent as any court of common pleas of this State may or can do in cases pending before them, and also to compel in like manner the production of all books, vouchers and papers relative to such accounts. Such subpoena and attachment shall be served and executed by the sheriff or coroner of the county, as the case may require.

Section 1726. Power to Administer Oaths.--The controller or auditors shall have power to administer oaths and affirmations

to all persons brought or appearing before them, whether accountants, witnesses or otherwise, and all persons swearing or affirming falsely on such examination shall be guilty of perjury.

Section 1727. Refusal to Submit to Examination.--If any person appearing before the controller or auditors for examination shall refuse to take oath or affirmation, or after having been sworn or affirmed shall refuse to make answer to such questions as shall be put to him by the controller or auditors touching the public accounts or the official conduct of any public officers, he shall be guilty of a misdemeanor.

(1727 amended June 29, 2002, P.L.677, No.103)

Section 1728. Witness Fees.--Witnesses attending before the controller or auditors shall receive the same allowance as is received by witnesses attending before the courts of this Commonwealth. Such allowance shall be paid out of the county treasury, and where final judgment is given against any officer whose accounts are settled by the controller or auditor, shall be included in the costs assessed against such officer.

Section 1729. Settlement of Accounts on Extraneous Proof.--If any person in possession of books, vouchers or papers relative to public accounts before the controller or auditors shall refuse to produce the same, or if any officer whose accounts are to be settled and adjusted by the controller or auditors shall refuse to attend or submit to examination, the auditors or controller shall proceed, by the examination of witnesses and other evidence, to ascertain and settle, as near as may be, the amount of public money received by such officer and its application to public purposes or otherwise.

Section 1730. Filing Reports.--(a) The reports of the controller or auditors shall be filed among the records of the court of common pleas of the county.

(b) The amount of any balance or shortage, or of any expenditure of a kind, or made in a manner, prohibited or not authorized by statute, which causes a financial loss to the county shall be a surcharge against any officer against whom such balance or shortage shall appear, or who by vote, act or neglect, has permitted or approved such expenditure, but no elected or appointed official of a county shall be surcharged for any act, error or omission in excess of the actual financial loss sustained by the county, and any surcharge shall take into consideration as its basis the results of such act, error or omission and the results had the procedure been strictly according to law. The provisions hereof limiting the amount of any surcharge shall not apply to cases involving fraud or collusion on the part of officers, nor to any penalty enuring to the benefit or payable to the Commonwealth.

(1730 amended Dec. 17, 1986, P.L.1683, No.196)

Section 1731. Appeals from Reports.--An appeal may be taken from such reports to the court of common pleas, either by the Commonwealth, the county or the officer. Such appeal may also be taken by ten or more taxpayers in behalf of the county, in the manner and subject to the restrictions provided by article twenty-eight of this act.

Such appeal shall be entered by the Commonwealth within four months, and by the county and the officer within sixty days after the filing of the report. Upon appeal to the court of common pleas, the controller or auditors shall be required to establish the validity of the surcharge and shall establish the loss sustained to the county. If the surcharge is upheld on appeal to the court of common pleas, the officer so surcharged shall immediately pay the costs and money due to the county.

(1731 amended Dec. 17, 1986, P.L.1683, No.196)

Section 1732. Form of Issue on Appeals.--The courts of common pleas shall direct the form in which the issues shall be entered in all appeals from the reports of the county controller or auditors. Such issues shall be tried by a jury, or may be submitted to reference and arbitration in the manner and subject to the proceedings provided by law.

Section 1733. Allowance of Counsel Fees.--When an appeal is taken from the county auditors' reports or the controller's reports and such appeal results favorably to the appellants in such a manner that money is recovered for any county, the court hearing such appeal shall make an order to pay a counsel fee which it deems just and reasonable to the counsel representing such appeal out of the funds so recovered.

Section 1734. Payment of Costs on Appeal.--(1734 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1735. Appeals to the Superior or Supreme Court.--(1735 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1736. Execution.--(1736 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1737. Fines and Forfeited Recognizances.--(1737 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1738. Repayment of Money Collected on Forfeited Recognizances.--(1738 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1739. Exoneration of Clerk of Courts or County Commissioners.--(1739 repealed Apr. 28, 1978, P.L.202, No.53)

(c) Disbursals of County Moneys

Section 1750. Claims Against County.--The controller or the county commissioners in counties having no controller shall scrutinize, audit and decide on all bills, claims and demands whatsoever against the county, except such as are otherwise provided for in this subdivision. All persons having such claims

shall first present the same to the controller or to the county commissioners and, if required, make oath or affirmation before him or them to the correctness thereof. The controller or the commissioners, as the case may be, may, if he or they deem it necessary, require evidence, by oath or affirmation, of the claimant and otherwise that the claim is legally due and that the supplies or services for which payment is claimed have been furnished or performed under legal authority. He or they may inquire or ascertain whether any officer or agent of the county is interested in the contract under which any claim may arise, or has received or is to receive any commission, consideration or gratuity relating thereto, or whether there has been any evasion of the provisions of this act by making two or more contracts for small amounts which should have been in one. If he or they shall find that there has been any evasion, or that any such officer or agent is so interested, he or they shall refuse to approve the claim.

(1750 amended June 29, 2002, P.L.677, No.103)

Section 1751. Procedure for Approval.--The controller shall date, upon receipt, all bills, claims and demands presented to him, which he approves and only for such as he approves, and shall forward the bills, claims or demands along with checks therefor to the county commissioners for their approval or, if already approved by the commissioners, for their signatures as provided in this section. If the county commissioners approve payment of a bill, claim or demand, at least two commissioners shall sign the check as properly drawn upon the county treasury. In such cases facsimiles of their signatures may be used. The bill, claim or demand shall be returned to the controller for filing in his office and the check shall be forwarded to the county treasurer. The county treasurer shall sign the check as his draft upon the county treasury, but he shall not sign any check not already signed, as herein provided, by the commissioners and the controller. Every check issued shall include reference to its corresponding bill, claim or demand as well as the number or numbers which may be put upon it by the county treasurer. If the county commissioners refuse to approve any bill, claim or demand, they shall return the same together with the check involved to the controller for filing in his office. In counties not having a controller, the county commissioners shall approve each transaction and the check shall be drawn by their chief clerk who shall keep files of the bills, claims or demands involved. At least two commissioners shall sign the checks either personally or by facsimile, and they shall be forwarded, together with a check register or similar description of the corresponding bill, claim or demand providing a clear description of the nature and purpose of the

expenditure, to the county treasurer for his signature. In all cases the cancelled checks or official bank record thereof, shall be filed in the office of the county treasurer, but he shall transmit, at such times as the controller shall establish, a list of all checks paid from the county treasury and not previously transmitted, along with appropriate identification. The county treasurer and the controller in those counties having a controller are authorized to use a facsimile signature on any check which they are required to sign. Nothing in this section shall preclude the receipt or transfer of funds to or from the county, or payment of a bill, claim or demand, by electronic fund transfer, provided that adequate and recognized fiscal and procedural controls, together with proper system security, are in place.

(1751 amended June 29, 2002, P.L.677, No.103)

Section 1752. Claims Not Approved by Controller.--If the controller does not approve a claim, bill or demand presented to him, he shall within thirty days forward it to the county commissioners together with his notice that he has disapproved the claim, bill or demand or is unable to approve the same and his reasons therefor. The county commissioners shall consider the claim, bill or demand and, if they consider that it should be paid by the county, they shall so notify the controller. If the controller thereafter continues to refuse his approval no payment shall be made thereon by the county except pursuant to an order of court upon a proper issue thereto directing the controller to approve payment.

(1752 amended June 29, 2002, P.L.677, No.103)

Section 1753. Reports to Commissioners.--The controller shall report to the commissioners monthly or oftener, if required by them, the amount of outstanding checks registered and the amount of money in the treasury or the amount of any particular unencumbered appropriation items involved.

(1753 amended June 29, 2002, P.L.677, No.103)

Section 1754. Fees of Witnesses and Jurors.--Fees of jurors and witnesses shall be ascertained by the courts of the county entered upon the records thereof and duly certified by their respective clerks to the commissioners being first sworn to or affirmed before the controller or the chief clerk of the commissioners as the case may be. The commissioners, then, may draw checks therefor without approval of the controller. The certificates shall be filed with the controller or the commissioners where there is no controller after the checks are issued.

(1754 amended June 29, 2002, P.L.677, No.103)

(d) County Treasury and County Depositories

Section 1760. Receipts and Accounts of Money Due County.--

The county treasurer shall receive and receipt for all moneys due or accruing to the county. He shall keep proper accounts of all moneys received and disbursed. His books shall be, at all times during office hours, open to the inspection of the controller and the commissioners, or any of them in counties having no controller. He shall issue receipts, at least in triplicate, for all moneys received for the county, and shall transmit the duplicate or triplicate thereof daily to the controller, or to the county commissioners in counties having no controller. Said receipts shall be serially numbered, shall indicate the amount of money received, from whom, on what account and the date. He shall likewise keep daily records of all disbursements from the county treasury, and shall forward daily records thereof to the controller, or the commissioners as the case may be. The controller, or the chief clerk of the commissioners where there is no controller, shall have the right to a certified daily or monthly deposit slip from the county depository or depositories, without prejudice to the said depositories, of all moneys deposited in the name of the county by the treasurer. In counties having no controller, the treasurer shall render, at least quarterly and oftener, if required, a statement of all moneys received and disbursed since his last statement, showing the balance remaining in his accounts and the names of the collectors having arrearages in taxes with the amounts thereof. He shall state his accounts at the end of each fiscal year, which statement shall be examined by the commissioners and delivered by them to the auditors for settlement.

(1760 amended June 29, 2002, P.L.677, No.103)

Section 1761. Moneys Paid for the Redemption of Unseated Land Sold for Taxes.--The treasurer shall pay over to his successor in office all moneys paid to him for the redemption of unseated land sold for taxes, which have not been called for by the purchasers at treasurer's sale or their legal representatives during the continuance in office of such treasurer. The county controller or auditor shall charge the moneys so received to said treasurer, in the same manner that other money received by him is charged, and the same shall be paid to said purchasers, or their legal representatives when called for, by orders drawn by the commissioners of the county upon the treasurer as in other cases.

Section 1762. Depositories.--(a) The county commissioners together with the county treasurer shall, from time to time, designate, by resolution, a depository or depositories for all county funds to be deposited. Such depository or depositories shall be banks, banking institutions or trust companies, located in the Commonwealth.

(b) Depositories so designated shall, upon receipt of notice of their selection as a depository of county funds, furnish a bond to secure payment of deposits and any interest to the county, secured by a surety company, or by the depositing in escrow of securities to be approved by the county commissioners. The parties may, by agreement, provide for substitution of securities so held in escrow, the securities in every case to be approved by the commissioners. Such bonds shall be in a sum to be fixed by resolution of the county commissioners. The depository shall not be required to furnish a bond or deposit securities in escrow to secure payment of deposits and interest insured by the Federal Deposit Insurance Corporation.

(c) The county treasurer shall, upon the designation of such depository or depositories, immediately, transfer thereto all county funds to be deposited, and shall, thereafter, keep such deposits solely in such depository or depositories in the name of the county. Withdrawals from such depository shall be only drawn by the treasurer, upon properly authorized checks or by other commercially accepted methods of electronic funds transfer which have been specifically approved by the board of commissioners.

(d) Neither county commissioners nor treasurer complying with the provisions of this section, nor their surety or sureties, shall be chargeable with losses of county funds caused by the failure or negligence of such depository or depositories.

(1762 amended Dec. 13, 1982, P.L.1131, No.258)

Section 1763. Meeting; Number of Depositories.--(1763 repealed Feb. 10, 1956, P.L.1039, No.329)

Section 1764. Designation and Qualification of Depositories.--(1764 repealed Feb. 10, 1956, P.L.1039, No.329)

(e) County Taxation, Borrowing and Transfer of Funds

Section 1770. Tax Levies.--No tax shall be levied on personal property taxable for county purposes where the rate of taxation thereon is fixed by law other than at the rate so fixed. The county commissioners shall fix, by resolution, the rate of taxation for each year. No tax for general county purposes in counties of the third, fourth, fifth, sixth, seventh and eighth classes, exclusive of the requirements for the payment of rentals to any municipal authority, shall in any one year exceed the rate of twenty-five mills on every dollar of the adjusted valuation, unless the county commissioners by majority action shall, upon due cause shown by resolution, petition the court of common pleas, in which case the court may order a rate of not more than five mills additional to be levied: Provided, however, That the rate of taxation for payment of interest and principal on any indebtedness incurred pursuant to the act of July 12, 1972 (P.L.781, No.185), known as the "Local Government

Unit Debt Act," or any prior or subsequent act governing the incurrence of indebtedness of the county shall be unlimited. Tax for payment of rentals to any municipal authority shall not exceed the rate of ten mills on every dollar of the adjusted valuation and shall be in addition to the twenty-five mill limitation for general county purposes. In fixing the rate of taxation, the county commissioners, if the rate is fixed in mills, shall also include in the resolution a statement expressing the rate of taxation in dollars and cents on each one hundred dollars of assessed valuation of taxable property.

The rate of taxation fixed for any occupation tax levied by a county of the fourth, fifth, sixth, seventh or eighth class shall not in any one year exceed twenty mills. The county commissioners may, by resolution, abolish the levy and collection of occupation taxes for county purposes.

The county commissioners of counties of the fourth, fifth, sixth, seventh and eighth classes may levy and collect an annual per capita tax on persons for county purposes.

Any county of the fourth, fifth, sixth, seventh or eighth class which shall become a county of the third class may collect for a period of four years after such status has been certified a per capita tax from any person not in any one year to exceed a total of five dollars (\$5) for county purposes.

No tax shall be levied and collected for county purposes on offices and posts of profits, or on professions, trades and occupations at the same time during which a per capita tax on persons is levied and collected for county purposes.

Any per capita taxes levied upon and collected from any person shall not in any one year exceed a total of five dollars (\$5) for county and institution district purposes.

Any county may, by ordinance or resolution, exempt any person whose total income from all sources is less than ten thousand dollars (\$10,000) per annum from any per capita tax levied under this act.

(1770 amended Nov. 23, 1994, P.L.640, No.98)

Section 1770.1. Additions and Revisions to Duplicates.-- Whenever in any county there is any construction of a building or buildings not otherwise exempt as a dwelling after January first of any year, and such building is not included in the tax duplicate of the county, the authority responsible for assessments in the county shall, upon the request of the board of county commissioners, cause to be inspected and reassessed, subject to the right of appeal and adjustment provided by the act of Assembly under which assessments are made, all taxable property in the county to which major improvements have been made after January first, and to give notice of such reassessments within ten days to the authority responsible for

assessments, the county commissioners and the property owner. Such property shall then be added to the duplicate and shall be taxable for county purposes at the reassessed valuation for that proportionate part of the fiscal year of the county remaining after the property was improved. Any improvement made during the month shall be computed as having been made on the first of the month. A certified copy of the additions or revisions to the duplicate shall be furnished by the board of county commissioners to the proper tax collector for the county and, within ten days thereafter, the tax collector shall notify the owner of the property of the taxes due the county.

Whenever an assessment is made for a portion of a year as above provided, the same shall be added to the duplicate of the following or succeeding year unless the value of the improvements has already been included in said duplicate.

(1770.1 amended Jul. 22, 1970, P.L.547, No.187)

Section 1770.2. Authorization of Excise Tax.--(a) The county commissioners of any county which has a recognized tourist promotion agency designated to act within the county may impose an excise tax not to exceed three per centum of the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to transients. The tax shall be collected by the operator from the patron of the room or rooms and paid over to the county as herein provided.

(b) The county commissioners may by ordinance impose requirements for keeping of records, the filing of tax returns and the time and manner of collection and payment of tax. The county commissioners may also impose by ordinance penalties and interest for failure to comply with recordkeeping, filing, collection and payment requirements.

(c) The treasurer of each county electing to impose the tax authorized under this section shall collect the tax and deposit the revenues received from the tax in a special fund established for that purpose. After deducting from the fund any direct or indirect costs attributable to collection of the tax, the county shall distribute to the recognized tourist promotion agency designated to act within the county all revenues received from the tax not later than sixty days after receipt of the tax revenues. The revenues from the special fund shall be used by the recognized tourist promotion agency for any or all of the following purposes:

- (1) Convention promotion.
- (2) Marketing the area served by the agency as a leisure travel destination.
- (3) Marketing the area served by the agency as a business travel destination.

(4) Using all appropriate marketing tools to accomplish these purposes, including, but not limited to, advertising, publicity, publications, direct marketing, direct sales and participation in industry trade shows.

(5) Projects or programs that are directly and substantially related to tourism within the county, augment and do not unduly compete with private sector tourism efforts and improve and expand the county as a destination market.

(6) Any other tourism marketing or promotion program deemed necessary by the recognized tourist promotion agency.

((c) amended July 5, 2005, P.L.38, No.12)

(d) The tax year for a tax imposed under this section shall run concurrently with the calendar year.

(e) An audited report on the income and expenditures incurred by a recognized tourist promotion agency receiving any revenues from the tax authorized under this section shall be submitted annually by the recognized tourist promotion agency to the county commissioners.

(e.1) Notwithstanding any other provision of subsection (b) or any other provision of law to the contrary, in counties of the third class having a population under the 1990 Federal Decennial Census in excess of 415,000 residents but less than 500,000 residents, a penalty of one and one-half per centum per month shall be imposed for failure to timely remit the tax authorized by this section. In addition to other remedies available for collection of debts, the county may also file a lien upon the hotel in the name of and for the use of the county as provided by law for municipal claims. ((e.1) added July 5, 2005, P.L.38, No.12)

(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Consideration." Receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature, or other payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for any temporary period.

"County." Any county which is on the effective date of this act a county of the third class having a population under the 1990 Federal Decennial Census in excess of 337,000 residents, but less than 341,000 residents, or a county of the third class having a population under the 1990 Federal Decennial Census in excess of 374,000 residents, but less than 380,000 residents, or a county of the third class having a population under the 1990 Federal Decennial Census in excess of 415,000 residents, but less than 500,000 residents, or a county of the fourth class having a population under the 1990 Federal Decennial Census in excess of 159,000 residents, but less than 175,000 residents, or

a county of the fifth class having a population under the 1990 Federal Decennial Census in excess of 123,000 residents, or a county of the fifth class having a population under the 1990 Federal Decennial Census in excess of 117,000 residents, but less than 121,050 residents, or a county of the sixth class having a population under the 1990 Federal Decennial Census in excess of 87,000 residents.

"Hotel." A hotel, motel, inn, guest house or other structure which holds itself out by any means, including advertising, license, registration with an innkeepers' group, convention listing association, travel publication or similar association or with a government agency, as being available to provide overnight lodging or use of facility space for consideration to persons seeking temporary accommodation; any place which advertises to the public at large or any segment thereof that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large; or any place recognized as a hostelry. The term does not include any portion of a facility that is devoted to persons who have an established permanent residence or a college or university student residence hall or any private campground, or any cabins, public campgrounds or other facilities located on State land.

"Occupancy." The use or possession or the right to the use or possession by any person other than a permanent resident of any room in a hotel for any purpose or the right to the use or possession of the furnishings or to the services accompanying the use and possession of the room.

"Operator." An individual, partnership, nonprofit or profit-making association or corporation or other person or group of persons who maintain, operate, manage, own, have custody of or otherwise possess the right to rent or lease overnight accommodations in a hotel to the public for consideration.

"Patron." A person who pays the consideration for the occupancy of a room or rooms in a hotel.

"Permanent resident." A person who has occupied or has the right to occupancy of a room or rooms in a hotel as a patron or otherwise for a period exceeding thirty consecutive days.

"Recognized tourist promotion agency." The nonprofit corporation, organization, association or agency which is engaged in planning and promoting programs designed to stimulate and increase the volume of tourist, visitor and vacation business within counties served by the agency as that term is defined in the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law."

"Room." A space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodation in a room or group of rooms.

"Transaction." The activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration is payable to the operator under an express or an implied contract.

"Transient." An individual who obtains accommodation in a hotel by means of registering at the facility for the temporary occupancy of a room for the personal use of the individual by paying a fee to the operator.

(1770.2 amended Dec. 22, 2000, P.L.1019, No.142)

Section 1770.3. Appointment of Auxiliary Board of Assessment Appeals.--(a) In conjunction with a countywide revision of assessments involving either a change in the established predetermined ratio or revaluing the properties and applying the predetermined ratio, the county commissioners of a county of the fourth, fifth, sixth, seventh or eighth class may, notwithstanding any other provision of law to the contrary, create up to four temporary auxiliary appeal boards, each to be known as an auxiliary appeal board. The county commissioners shall establish the term of existence for an auxiliary appeal board, not to exceed eighteen months. An auxiliary appeal board shall be composed of three members who shall be appointed by the county commissioners to serve for the time that the auxiliary appeal board is in existence. Members of an auxiliary appeal board shall be competent and qualified residents of the county. Vacancies on an auxiliary appeal board shall be filled by appointment by the county commissioners for the duration of the auxiliary appeal board's existence. Any salary of members of an auxiliary appeal board shall be fixed by the salary board of the county. The authority of an auxiliary appeal board shall be limited to hearing and determining appeals from assessments in accordance with applicable provisions of law. After one or more auxiliary appeal boards have been established in accordance with this section, additional auxiliary appeal boards may be established only in conjunction with a succeeding countywide revision of assessments.

(b) Subject to the approval of the county commissioners, the authority in the county responsible for assessment appeals may adopt, amend, alter and rescind rules and regulations for the administration of and the conduct of business and proceedings for itself and for auxiliary appeal boards. The rules and regulations may require a witness providing testimony at a hearing relative to any aspect of the value of the real estate which is the subject of the assessment or reassessment appeal to disclose under oath whether any compensation paid for the testimony is contingent on the result obtained. The rules and regulations shall be in writing and shall be a public record open to examination, inspection and copying in accordance with

the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

(c) For the purpose of this section, an "auxiliary appeal board" shall mean an auxiliary board of assessment appeals in counties of the fourth, fifth, sixth, seventh or eighth class created in accordance with this section.

(1770.3 added June 18, 1997, P.L.179, No.18)

Section 1770.4. Authorization of Hotel Tax.--(a) The county commissioners of any county of the third class having a second class A city located therein may impose a hotel tax not to exceed four per centum of the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to transients. The tax shall be collected by the operator from the patron of the room or rooms and paid over to the county as herein provided.

(b) The county commissioners may by ordinance impose requirements for keeping of records, the filing of tax returns and the time and manner of collection and payment of tax. The county commissioners may also impose by ordinance penalties and interest for failure to comply with recordkeeping, filing, collection and payment requirements.

(c) The county commissioners of each county shall designate the entity or agency responsible to collect and to enforce the collection of the tax on their behalf. All revenues received from the tax shall be deposited into a special fund which is to be established by the county's legally sanctioned and duly designated Tourist Promotion Agency (TPA). The disposition of the revenues from the TPA hotel tax fund shall be as follows: a minimum of twenty per centum of all revenues received per annum shall be used by the TPA for the appropriate and reasonable operational, marketing and promotional expenses of the TPA. Other tax revenues received and amounting to not more than eighty per centum of total annual revenues shall be used for reasonable expenses associated with collection and enforcement of the tax; for county-owned tourist and recreational facilities, sports facilities or visitor centers; or for other tourism-related activities as determined by the county commissioners.

(d) The treasurer of each county electing to impose the tax authorized under this section shall collect the tax and deposit the revenues received from the tax in a special fund established for that purpose. The revenues from the special fund shall be used for county-owned tourist and recreational facilities, sports facilities, visitors center or use of any county-municipal authority as determined by the county commissioners.

(e) The tax year for a tax imposed under this section shall run concurrently with the calendar year.

(e.1) An audited report on the income and expenditures incurred by a tourist promotion agency receiving any revenues from the tax authorized under this section shall be submitted annually by the tourist promotion agency to the county commissioners. ((e.1) added July 5, 2005, P.L.38, No.12)

(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Consideration." Receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature, or other payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for any temporary period.

"Hotel." A hotel, motel, inn, guest house or other structure which holds itself out by any means, including advertising, license, registration with an innkeepers' group, convention listing association, travel publication or similar association or with a government agency, as being available to provide overnight lodging or use of facility space for consideration to persons seeking temporary accommodation; any place which advertises to the public at large or any segment thereof that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large; or any place recognized as a hostelry. The term does not include any portion of a facility that is devoted to persons who have an established permanent residence or a college or university student residence hall.

"Occupancy." The use or possession or the right to the use or possession by any person other than a permanent resident of any room in a hotel for any purpose or the right to the use or possession of the furnishings or to the services accompanying the use and possession of the room.

"Operator." An individual, partnership, nonprofit or profit-making association or corporation or other person or group of persons who maintain, operate, manage, own, have custody of or otherwise possess the right to rent or lease overnight accommodations in a hotel to the public for consideration.

"Patron." A person who pays the consideration for the occupancy of a room or rooms in a hotel.

"Permanent resident." A person who has occupied or has the right to occupancy of a room or rooms in a hotel as a patron or otherwise for a period exceeding thirty consecutive days. (Def. amended Feb. 18, 1998, P.L.156, No.23)

"Room." A space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodation in a room or group of rooms.

"Tourist Promotion Agency (TPA)." An organization, agency or corporation designated to be such by the board of commissioners

of the county in which the tax is imposed. The TPA shall be duly established, designated and recognized as the county's TPA in accordance with and pursuant to the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law."

"Transaction." The activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration is payable to the operator under an express or an implied contract.

"Transient." An individual who obtains accommodation in a hotel by means of registering at the facility for the temporary occupancy of a room for the personal use of the individual by paying a fee to the operator.

(1770.4 added June 18, 1997, P.L.179, No.18)

Section 1770.5. Authorization of Five Per Centum Hotel Tax.--(a) The county commissioners of any county of the third class having a population under the 1990 Federal Decennial Census in excess of 237,000 residents, but less than 240,000 residents, may impose a hotel tax not to exceed five per centum of the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to transients. The tax shall be collected by the operator from the patron of the room or rooms and paid over to the county as herein provided.

(b) The county commissioners may by ordinance impose requirements for keeping of records, the filing of tax returns and the time and manner of collection and payment of tax. The county commissioners may also impose by ordinance penalties and interest for failure to comply with recordkeeping, filing, collection and payment requirements.

(c) The county commissioners of each county shall designate the entity or agency responsible to collect and to enforce the collection of the tax on their behalf. All revenues received from the tax shall be deposited into a special fund, which is to be established by the county's treasurer. The disposition of the revenues from the special fund attributable to the levy of the first two per centum of the tax shall be as follows:

(1) twenty per centum of all revenues received per annum shall be distributed by the treasurer to a city of the third class in the county of the third class imposing the tax for the appropriate and reasonable marketing and promotional expenses of promoting tourism in the city of a third class and the costs associated with the renovation, rehabilitation, extension, furnishing, equipping, substantial repair or construction of a tourism-related facility located within the city of the third class, including for payment of the debt service on bonds issued for such projects;

(2) ten per centum of all revenues received per annum shall

be distributed by the treasurer to the county commissioners who may accept the funds which may be used for tourism and regional promotion purposes to be determined by the county commissioners, or, if the county commissioners elect not to accept the funds, the funds shall be distributed by the treasurer to the TPA for the appropriate and reasonable marketing and promotional expenses of the TPA in promoting tourism in the county of the third class imposing the tax, excluding promotion of a city of the third class receiving revenues under clause (1); and

(3) seventy per centum of all revenue received per annum shall be distributed by the treasurer to qualified authorities located within the county of the third class imposing the tax for payment of the debt service on bonds issued for the construction of the county regional sports facility having a seating capacity of ten thousand to fourteen thousand seats, which is owned, in whole or in part, or leased by the applicable authority, and which is located within the county of the third class imposing the tax. The following are qualified authorities for purposes of this clause:

(i) an authority incorporated pursuant to the former act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945";

(ii) an industrial or commercial development authority incorporated pursuant to the act of August 23, 1967 (P.L.251, No.102), known as the "Economic Development Financing Law"; and

(iii) a redevelopment authority incorporated pursuant to the act of May 24, 1945 (P.L.991, No.385), known as the "Urban Redevelopment Law."

(c.1) The disposition of the revenues from the special fund attributable to the levy of the third per centum of the tax, if levied, shall be distributed at the discretion of the county commissioners and used solely for tourism and regional promotion purposes.

(c.2) The disposition of the revenues from the special fund attributable to the levy of the remaining two per centum of the tax shall be distributed by the treasurer as follows:

(1) fifty per centum shall be distributed to the TPA for the appropriate and reasonable marketing and promotional expenses for promoting tourism in the county imposing the tax; and

(2) fifty per centum shall be distributed as follows:

(i) Seventy-five per centum to an authority incorporated pursuant to the former "Municipality Authorities Act of 1945" located within the county of the third class currently imposing a tax for payment of the debt service on bonds issued for the construction of the county regional sports facility having a seating capacity of ten thousand to fourteen thousand seats, which is owned, in whole or in part, or leased by the applicable

authority, and which is located within the county of the third class imposing the tax. Such authority shall use the tax distribution identified in this section for the improvement, support, rehabilitation, revitalization, construction, fit-out and reconstruction of one or more tourism or tourism infrastructure-related facilities, including, but not limited to, the payment of debt service on bonds related thereto.

(ii) Twenty-five per centum shall be distributed to the TPA for the appropriate and reasonable marketing and promotional expenses of promoting tourism in a city of the third class located within the county of the third class imposing the tax, and the same shall be used in accordance with a plan approved by the TPA.

(d) The treasurer of each county electing to impose the tax authorized under this section shall collect the tax from the entity or agency designated by the county commissioners to collect and to enforce the collection of the tax and shall deposit the revenues received from the tax in a special fund established for that purpose.

(e) The tax year for a tax imposed under this section shall run concurrently with the calendar year.

(e.1) An audited report on the income and expenditures incurred by a tourist promotion agency receiving any revenues from the tax authorized under this section shall be submitted annually by the tourist promotion agency to the county commissioners.

(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Consideration." Receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature or other payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for any temporary period.

"Debt service on bonds." Any cost related to the issuance, refinancing, refunding or payment or any other costs associated with the issuance and maintenance of bonds or notes by an authority or a city of the third class.

"Hotel." A hotel, motel, inn, guest house or other structure which holds itself out by any means, including advertising, license, registration with an innkeepers' group, convention listing association, travel publication or similar association or with a government agency, as being available to provide overnight lodging or use of facility space for consideration to persons seeking temporary accommodation; any place which advertises to the public at large or any segment thereof that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large; or any place

recognized as a hostelry. The term does not include any portion of a facility that is devoted to persons who have an established permanent residence or a college or university student residence hall.

"Occupancy." The use or possession or the right to the use or possession by any person other than a permanent resident of any room in a hotel for any purpose or the right to the use or possession of the furnishings or to the services accompanying the use and possession of the room.

"Operator." An individual, partnership, nonprofit or profit-making association or corporation, or other person or group of persons who maintains, operates, manages, owns, has custody of or otherwise possesses the right to rent or lease overnight accommodations in a hotel to the public for consideration.

"Patron." A person who pays the consideration for the occupancy of a room or rooms in a hotel.

"Permanent resident." A person who has occupied or has the right to occupancy of a room or rooms in a hotel as a patron or otherwise for a period exceeding thirty consecutive days.

"Room." A space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodation in a room or group of rooms.

"Tourist Promotion Agency (TPA)." An organization, agency or corporation designated to be such by the board of commissioners of the county in which the tax is imposed. The TPA shall be duly established, designated and recognized as the county's TPA in accordance with and pursuant to the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law."

"Transaction." The activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration is payable to the operator under an express or an implied contract.

"Transient." An individual who obtains accommodation in a hotel by means of registering at the facility for the temporary occupancy of a room for the personal use of the individual by paying a fee to the operator.

(1770.5 amended Dec. 18, 2007, P.L.465, No.72)

Section 1770.6. Authorization of Hotel Tax.--(a) Except as provided for in section 1770.7, the county commissioners of any county may impose an excise tax on the consideration received by each operator of a hotel, as defined by this section, from each transaction of renting a room or rooms to accommodate transients. If levied, the tax shall be collected by the operator from the patron of the room and paid over to the county and shall be known as the hotel room rental tax.

(b) The rate of the tax imposed under this section shall not exceed three per centum.

(c) The treasurer of each county electing to impose the tax authorized under this section shall collect the tax and deposit the revenues received from the tax in a special fund established for that purpose. Subsequent to the deduction for administrative costs established in subsection (e), the county shall distribute to the recognized tourist promotion agency all revenues received from the tax not later than sixty days after receipt of the tax revenues. The revenues from the special fund shall be used by the recognized tourist promotion agency for any or all of the following purposes:

(1) Convention promotion.

(2) Marketing the area served by the agency as a leisure travel destination.

(3) Marketing the area served by the agency as a business travel destination.

(4) Using all appropriate marketing tools to accomplish these purposes, including, but not limited to, advertising, publicity, publications, direct marketing, direct sales and participation in industry trade shows.

(5) Projects or programs that are directly and substantially related to tourism within the county, augment and do not unduly compete with private sector tourism efforts and improve and expand the county as a destination market.

(6) Any other tourism marketing or promotion program deemed necessary by the recognized tourist promotion agency.

((c) amended July 5, 2005, P.L.38, No.12)

(d) Each tax year for any tax imposed hereunder shall run concurrently with the county's fiscal year.

(d.1) An audited report on the income and expenditures incurred by a recognized tourist promotion agency receiving any revenues from the tax authorized under this section shall be submitted annually by the recognized tourist promotion agency to the county commissioners. ((d.1) added July 5, 2005, P.L.38, No.12)

(e) For the purposes of defraying the costs associated with the collection of the tax imposed hereunder and otherwise performing its obligations under this section, the county is hereby authorized to deduct and retain an administrative fee from the taxes collected hereunder. Such administrative fee shall be established by the county but shall not exceed in any tax year the lesser of:

(1) two per centum of all taxes collected hereunder; or

(2) forty thousand dollars (\$40,000), which amount shall be adjusted biannually, beginning two years after the date of enactment, by the percentage growth in the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor.

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

"Bed and breakfast" or "homestead." A public accommodation consisting of a private residence, which contains ten or fewer bedrooms, used for providing overnight accommodations to the public and in which breakfast is the only meal served and is included in the charge for the room.

"Consideration." Receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature or other payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for any temporary period.

"County." Any county of the third class through the eighth class which on the effective date of this section does not have the authority to levy a hotel occupancy or room rental tax.

"Hotel." A hotel, motel, bed and breakfast, homestead, inn, guest house or other structure which holds itself out by any means, including advertising, license, registration with an innkeepers' group, convention listing association, travel publication or similar association or with a government agency, as being available to provide overnight lodging or use of facility space for consideration to persons seeking temporary accommodation; any place which advertises to the public at large or any segment thereof that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large; or any place recognized as a hostelry. The term does not include any portion of a facility that is devoted to persons who have an established permanent residence or a college or university student residence hall or any private campground or any cabins, public campgrounds or other facilities located on State land.

"Occupancy." The use or possession or the right to the use or possession by any person other than a permanent resident of any room in a hotel for any purpose or the right to the use or possession of the furnishings or to the services accompanying the use and possession of the room.

"Operator." An individual, partnership, nonprofit or profit-making association or corporation or other person or group of persons who maintain, operate, manage, own, have custody of or otherwise possess the right to rent or lease overnight accommodations in a hotel to the public for consideration.

"Patron." A person who pays the consideration for the occupancy of a room or rooms in a hotel.

"Permanent resident." A person who has occupied or has the right to occupancy of a room or rooms in a hotel as a patron or otherwise for a period exceeding thirty consecutive days. (Def.

amended July 5, 2005, P.L.38, No.12)

"Recognized tourist promotion agency." The nonprofit corporation, organization, association or agency which is engaged in planning and promoting programs designed to stimulate and increase the volume of tourist, visitor and vacation business within counties served by the agency as that term is defined in the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law."

"Room." A space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodation in a room or group of rooms.

"Transaction." The activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration is payable to the operator under an express or an implied contract.

"Transient." An individual who obtains accommodation in a hotel by means of registering at the facility for the temporary occupancy of a room for the personal use of the individual by paying a fee to the operator.

"Treasurer." The elected treasurer of the county or, if there is no elected treasurer of the county, such other official or agent of the county as may be designated by the county to collect and account for the tax authorized by this section.

(1770.6 added Dec. 22, 2000, P.L.1019, No.142)

Section 1770.7. Authorization of Three Per Centum Hotel Tax.--(a) The county commissioners of any county of the sixth class having a population under the 1990 Federal Decennial Census in excess of 78,250 residents, but less than 79,000 residents, may impose a hotel tax not to exceed three per centum of the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to transients. The tax shall be collected by the operator from the patron of the room or rooms and paid over to the county as herein provided.

(b) The county commissioners may by ordinance impose requirements for keeping of records, the filing of tax returns and the time and manner of collection and payment of tax. The county commissioners may also impose by ordinance penalties and interest for failure to comply with recordkeeping, filing, collection and payment requirements.

(c) The county commissioners of each county shall designate the entity or agency responsible to collect and to enforce the collection of the tax on their behalf. All revenues received from the tax shall be deposited into a special fund which is to be established by the county's legally sanctioned and duly designated Tourist Promotion Agency (TPA). The disposition of the revenues from the TPA hotel tax fund shall be as follows:

seventy-five per centum of all revenues received per annum shall be used by the TPA for the promotion, advertising and marketing of tourism and special events and for administrative costs. Twenty-five per centum of all revenues received per annum shall be used by the county commissioners for the purpose of economic development, historic preservation and grants to local municipalities having police departments. Any fees for administering the collection and distribution of the tax shall be negotiated by the TPA and the county commissioners.

(d) The treasurer of each county electing to impose the tax authorized under this section shall collect the tax and deposit the revenues received from the tax in a special fund established for that purpose.

(e) The tax year for a tax imposed under this section shall run concurrently with the calendar year.

(e.1) An audited report on the income and expenditures incurred by a tourist promotion agency receiving any revenues from the tax authorized under this section shall be submitted annually by the tourist promotion agency to the county commissioners. ((e.1) added July 5, 2005, P.L.38, No.12)

(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Consideration." Receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature, or other payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for any temporary period.

"Hotel." A hotel, motel, inn, guest house or other structure which holds itself out by any means, including advertising, license, registration with an innkeepers' group, convention listing association, travel publication or similar association or with a government agency, as being available to provide overnight lodging or use of facility space for consideration to persons seeking temporary accommodation; any place which advertises to the public at large or any segment thereof that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large; or any place recognized as a hostelry. The term does not include any portion of a facility that is devoted to persons who have an established permanent residence or a college or university student residence hall.

"Occupancy." The use or possession or the right to the use or possession by any person other than a permanent resident of any room in a hotel for any purpose or the right to the use or possession of the furnishings or to the services accompanying the use and possession of the room.

"Operator." An individual, partnership, nonprofit or profit-

making association or corporation or other person or group of persons who maintain, operate, manage, own, have custody of or otherwise possess the right to rent or lease overnight accommodations in a hotel to the public for consideration.

"Patron." A person who pays the consideration for the occupancy of a room or rooms in a hotel.

"Permanent resident." A person who has occupied or has the right to occupancy of a room or rooms in a hotel as a patron or otherwise for a period exceeding thirty consecutive days.

"Room." A space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodation in a room or group of rooms.

"Tourist Promotion Agency (TPA)." An organization, agency or corporation designated to be such by the board of commissioners as of January 1, 2000, of the county in which the tax is imposed. The TPA shall be duly established, designated and recognized as the county's TPA in accordance with and pursuant to the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law."

"Transaction." The activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration is payable to the operator under an express or an implied contract.

"Transient." An individual who obtains accommodation in a hotel by means of registering at the facility for the temporary occupancy of a room for the personal use of the individual by paying a fee to the operator.

(1770.7 added Dec. 22, 2000, P.L.1019, No.142)

Section 1770.8. Hotel Room Rental Tax in Certain Third Class Counties.--(a) A county may, by ordinance, impose a tax which shall be known as the hotel room rental tax on the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to accommodate temporary residents. The tax shall be collected by the operator from the patron of the room and paid over to the county where the hotel is located as provided under this section.

(b) The tax imposed under subsection (a) shall be equal to four per centum of the consideration received from each transaction of renting a room or rooms to accommodate temporary, not permanent, residents.

(c) The tax shall be collected by the operator from the patron and paid over to the county where the hotel is located. The county executive of each county is hereby authorized to establish rules and regulations governing the collection of the tax, which collection shall not occur more often than monthly and not less than quarterly.

(d) Money received under subsection (c) and interest accrued

shall be distributed by the fiscal officer of each county as follows:

(1) Each county shall within ten days of receipt transmit sixty-eight and three-quarters per centum of the money collected in that county to the regional tourist promotion agency which serves more than one county and which is designated by the governing body of the county to be eligible for grants from the Department of Community and Economic Development pursuant to the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law."

(2) Each county shall retain eighteen and three-quarters per centum of the money collected in that county for the further development of tourism facilities and for community development initiatives within that county that enhance regional tourism.

(3) Each county shall retain twelve and one-half per centum of the money collected in that county for the further development of facilities and for marketing purposes within that county to enhance regional tourism.

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

"Consideration." Receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature or other payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for a temporary period.

"County." Any county which is, on June 22, 2000, a county of the third class having a population under the 1990 Federal Decennial Census in excess of 290,000 residents but less than 295,000 residents or a county of the third class having a population under the 1990 Federal Decennial Census in excess of 245,000 residents but less than 250,000 residents.

"Hotel." A hotel, motel, inn, guesthouse or other structure which holds itself out by any means, including advertising, license, registration with an innkeepers' group, convention listing association, travel publication or similar association or with a government agency, as being available to provide overnight lodging for consideration to persons seeking temporary accommodation; any place which advertises to the public at large or any segment thereof that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large; or any place recognized as a hostelry. The term does not include any portion of a facility that is devoted to persons who have an established permanent residence or a college or university student residence hall or any private campground or any cabins, public campgrounds or other facilities located on State land.

"Joint planning commissions." A commission established by ordinance or membership of two or more municipalities to encourage planning for future development and to coordinate planning with neighboring municipalities, counties and other government agencies in accordance with Article XI of the act of July 31, 1968 (P.L.805, No.247), known as the "Pennsylvania Municipalities Planning Code."

"Operator." Any individual, partnership, nonprofit or profit-making association or corporation or other person or group of persons who maintain, operate, manage, own, have custody of or otherwise possess the right to rent or lease overnight accommodations in a building to the public for consideration.

"Patron." Any person who pays the consideration for the occupancy of a room or rooms in a hotel.

"Permanent resident." Any person who has occupied or has the right to occupy a room or rooms in a hotel as a patron or otherwise for a period exceeding thirty consecutive days.

"Room." A space in a building set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodations provided.

"Temporary resident." Any person who has occupied or has the right to occupy a room or rooms in a hotel as a patron or otherwise for a period of time not exceeding thirty consecutive days.

"Transaction." The activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration emanates to the operator under an expressed or implied contract.

"Transient." Any person who obtains an accommodation in any hotel for himself by means of registering at the facility for the temporary occupancy of a room for the personal use of that individual by paying to the operator of the facility a fee in consideration therefor.

(1770.8 added July 5, 2005, P.L.38, No.12)

Section 1770.9. Assessment of Signs and Sign Structures.--No sign or sign structure primarily used to support or display a sign shall be assessed as real property by a county for purposes of the taxation of real property by the county or a political subdivision located within the county, or by a municipality located within the county authorized to assess real property for purposes of taxation, regardless of whether the sign or sign structure has become affixed to the real estate.

(1770.9 added Nov. 9, 2006, P.L.1350, No.142)

Compiler's Note: Section 1770.9 was added to the County Code by Act 142 of 2006. Section 6 of Act 142 provides that

the section is to apply retroactively to real property assessments for taxes levied and collected for fiscal periods of political subdivisions beginning on or after January 1, 2005, and section 4 prohibits the amendment from being interpreted either as authorizing, ratifying, or affirming any assessment of signs or sign structures as real property, or as creating an implication that The General County Assessment Law, the act of May 22, 1933 (P.L.853, No.155), should not be applied uniformly.

Section 1771. Temporary Loans.--Whenever the funds of a county have been exhausted, the county commissioners may borrow, on the credit of the county, money in anticipation of taxes to be collected for the current fiscal year, and issue a certificate of indebtedness payable on a certain date, not exceeding one year from the date of issue.

Section 1772. Transfer of Certain Moneys into General Fund of County.--The commissioners may transfer and cover into the general fund of the county any money placed to the credit of any city, borough or township, where the same has been paid into the county treasury upon any duplicate for taxes and has remained during a period of ten years uncalled for by the authorities of the city, borough or township to whose credit it may have been placed, and the right to said money is not at the time of such transfer a matter of litigation or dispute.

(f) Budgets

Section 1780. Fiscal Year and Passage of Budgets.--The fiscal year of each county shall begin on the first day of January.

Section 1781. Preparation of Proposed Annual Budget.--(a) The commissioners, at least ninety days prior to adopting the budget, shall begin the preparation of the proposed budget for the succeeding fiscal year.

(b) At the request of the commissioners, but in no case less than sixty days prior to adoption of the budget by the commissioners, the controller shall transmit to the commissioners a comparative statement of revenues for the current and the immediately preceding fiscal year, and a comparative statement of expenditures, including interest due and to fall due on all lawful interest bearing debts of the county for the same years. In counties where the controller is a participant in the development of the budget, the controller shall also include balances projected for the close of the current fiscal year.

(c) The controller's statement shall also indicate the amounts of all appropriation requests, submitted to the controller or to the commissioners and supplied by them to the controller, from the several county offices and agencies,

including estimates of expenditures contemplated by the commissioners as forwarded by them to the controller.

(d) Said statements shall be in such form and detail as the commissioners direct. With this information as a guide, the commissioners shall, within a reasonable time, begin the preparation of a proposed budget for the succeeding fiscal year.

(e) In counties not having a controller, the commissioners shall prepare the statements hereinbefore required.

(1781 amended June 29, 2002, P.L.677, No.103)

Section 1782. Adoption of Budget; Publication of Proposed Budget and Notice of Final Action Date.--(a) The proposed budget shall be prepared and adopted not later than December thirty-first, and notice thereof shall be published, and the proposed budget shall be made available for public inspection for at least twenty days prior to the date set for adopting the budget. The date set for final action on the budget shall likewise be made a matter of public notice for at least ten days prior thereto.

(b) Should it appear upon any revision of the proposed budget, after it has been published, that the estimated expenditures in the adopted budget would be increased more than ten per centum in the aggregate or more than twenty-five per centum in any function over the proposed budget as made available for public inspection, such revised budget shall not be adopted with any such increases therein, unless it be again made available for public inspection, and for protest of such increases, for a period of at least ten days after notice to that effect is published as hereinbefore provided.

(1782 amended Dec. 14, 1967, P.L.831, No.357)

Section 1782.1. Amending Budget; Notice.--During the month of January next following any municipal election the commissioners of any county may amend the budget and the levy and tax rate to conform with its amended budget. A period of ten days' public inspection at the office of the chief clerk of the proposed amended budget, after notice by the chief clerk to that effect is published once in a newspaper as provided in section 110 of this act, shall intervene between the proposed amended budget and the adoption thereof. Any amended budget must be adopted by county commissioners on or before the fifteenth day of February.

No such proposed amended budget shall be revised upward in excess of ten per centum in the aggregate thereof or as to an individual function in excess of twenty-five per centum of the amount of such individual function in the proposed amended budget.

(1782.1 amended June 29, 2002, P.L.677, No.103)

Section 1782.2. Delivery of Tax Duplicates.--(a) The county

commissioners shall within thirty days after the adoption of the budget make out and deliver the duplicates of taxes assessed to the respective tax collectors together with their warrant for the collection of the same.

(b) Notwithstanding the provisions of subsection (a), the county commissioners shall have the option to make out and deliver the duplicates of taxes assessed to the respective tax collectors together with their warrant for collection of the same no later than the final date for a school district to make out and deliver the duplicates for school real estate taxes under section 682 of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949." The option authorized by this subsection may be exercised only if the county commissioners find that exercise of the option will result in cost savings compared to proceeding under the deadline imposed by subsection (a) and they adopt a resolution that refers to the finding.

(1782.2 amended Dec. 22, 2000, P.L.1019, No.142)

Section 1782.3. Amending Budget, Levy and Tax Rate; Revising Tax Duplicates; Filing.--At any time prior to the time tax duplicates are sent by the county in any year, the commissioners of any county may amend the budget and the levy and tax rate and revise the tax duplicate to conform with its amended budget when such county shall receive unanticipated revenues which may be expended during such county's fiscal year where such unanticipated revenues may enable the commissioners of such county to reduce the levy and tax rate to conform with its amended budget.

(1782.3 amended Dec. 17, 2001, P.L.919, No.107)

Section 1783. Annual Budget Appropriations and Tax Rate.--The budget shall reflect as nearly as possible the estimated revenues and expenditures for the year for which it is prepared. The commissioners shall, upon adopting the budget, adopt the appropriation measures required to put it into effect, and shall fix such rate of taxation upon the valuation of the property taxable for county purposes as will, together with all other estimated revenues of the county, excluding operating, capital and other reserve funds, raise a sufficient sum to meet the said expenditures.

(1783 amended June 29, 2002, P.L.677, No.103)

Section 1784. Supplemental Appropriations; Transfers of Funds; Appropriation Limits.--The commissioners may at any time, by resolution, make supplemental appropriations for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not otherwise appropriated, including the proceeds of any borrowing now or hereafter authorized by law. The commissioners may authorize the transfer of any

unencumbered balance of any appropriation item or any portion thereof. During the last fifteen days of any fiscal year, they may authorize the transfer of any unencumbered balance, or any portion thereof, from any county fund to any fund of the institution district, and to reappropriate such moneys to the institution district. No work shall be hired to be done, no materials purchased, no contracts made, and no order issued for the payment of any moneys by the county commissioners, which will cause the sums appropriated to be exceeded.

Section 1784.1. Take Money and Property by Gift, Etc.--The county commissioners may take by gift, grant, devise or bequest any money or property, real, personal or mixed, for the benefit of the county.

(1784.1 added June 29, 2002, P.L.677, No.103)

Section 1784.2. Capital Reserve Fund for Anticipated Capital Expenditures.--(a) The county commissioners shall have the power to create and maintain a separate capital reserve fund for anticipated legal capital expenditures. The money in the fund shall be used from time to time for the construction, purchase or replacement of or addition to county buildings, equipment, machinery, motor vehicles or other capital assets of the county and for no other purpose.

(b) The county commissioners may annually appropriate moneys from the general county funds, not to exceed ten per centum of the county operating budget, to be paid into the capital reserve fund or place in the fund any moneys received from the sale, lease or other disposition of any county property or from any other source unless received or acquired for a particular purpose. The fund shall be controlled, invested, reinvested and administered and the moneys therein and income from such moneys expended for any of the purposes for which the fund is created, in such manner as may be determined by the county commissioners. The money in the fund, when invested, shall be invested in a manner consistent with the provisions of section 1706 relating to the investment of county funds generally. This subsection shall not be construed to limit the powers of the county to the use of moneys in the capital reserve fund in making lawful capital expenditures.

(1784.2 added June 29, 2002, P.L.677, No.103)

Section 1784.3. Operating Reserve Fund.--(a) The county commissioners shall have the power to create and maintain a separate operating reserve fund in order to minimize future revenue shortfalls and deficits, provide greater continuity and predictability in the funding of vital government services, minimize the need to increase taxes to balance the budget in times of fiscal distress, provide the capacity to undertake long-range financial planning and develop fiscal resources to

meet long-term needs.

(b) The county commissioners may annually make appropriations from the general county fund to the operating reserve fund, but no appropriation shall be made to the operating reserve fund if the effect of the appropriation would cause the fund to exceed ten per centum of the estimated revenues of the county's general fund in the current fiscal year.

(c) The commissioners may at any time, by resolution, make appropriations from the operating reserve fund for the following purposes only:

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

(2) to counterbalance potential budget deficits resulting from shortfalls in anticipated revenues or program receipts from whatever source; or

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

(d) The operating reserve fund shall be invested, reinvested and administered in a manner consistent with the provisions of section 1706.

(1784.3 added June 29, 2002, P.L.677, No.103)

Section 1785. Committee to Prepare Uniform Forms.--(a) The report forms specified in the foregoing sections of this article shall be prepared by a committee consisting of three representatives from the County Commissioners Association of Pennsylvania, three representatives from the Pennsylvania State Association of County Controllers, three representatives from the Pennsylvania State Association of County Auditors, one certified public accountant, one member of the Senate and one member of the House of Representatives of the General Assembly, who shall be members of the Local Government Commission, designated by the chairman of said commission, and the Secretary of Community and Economic Development or his agent who shall be a person trained in the field of municipal finance.

(b) Except for the certified public accountant, who shall be appointed by the Governor, such representatives shall be appointed by the president of each said organization. In the case of representatives of the county commissioners, one shall be appointed from a county of either the third or fourth class, one from a county of either the fifth or sixth class, and one from a county of either the seventh or eighth class. The president of each said organization shall supply to the

Department of Community and Economic Development the names and addresses of such representatives immediately upon their appointment. Said representatives shall serve without compensation, but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee.

(c) The committee shall meet at the call of the Secretary of Community and Economic Development or his agent, who shall serve as chairman of the committee. The Secretary of Community and Economic Development may call meetings of the committee, and shall do so at the request of the secretary of either of said associations, but in every case there shall be at least two weeks' notice to each member of the committee of any such meeting.

(d) In preparing the uniform forms for annual reports, the committee shall give careful consideration to the differing legal requirements and needs of the counties of the several classes, producing, if necessary, separate forms for certain classes of counties or groups of classes.

(e) It shall be the duty of the Secretary of Community and Economic Development or his agent to see to it that the forms required by this section are prepared in cooperation with said committee. Should said committee for any reason fail to furnish such cooperation, the Secretary of Community and Economic Development or his agent shall complete the preparation of the forms. After their preparation, he shall issue said forms and distribute them annually, as needed, to the commissioners, controller or auditors of each county.

(f) It shall be the duty of the Secretary of Community and Economic Development to include within the report forms specified in this article the changes necessitated by the provisions of this act in regard to property, powers, duties and obligations of institution districts transferred to counties and the committee established by this section shall not be responsible therefor.

(g) It shall be the duty of the Secretary of Community and Economic Development to convene the committee to assist counties in developing appropriate accounting and fiscal practices in compliance with generally accepted accounting principles.

(1785 amended June 29, 2002, P.L677, No.103)

(g) Sinking Fund Commission

Section 1790. Membership.--In each county there shall be a sinking fund commission, composed of the commissioners, the controller, or auditors in counties not having a controller, and treasurer.

Section 1791. Management of Sinking Funds.--The sinking fund commission shall annually apply all interest received on sinking

fund deposits, and all interest received on bonds held in the sinking fund, and all other income, if any, from the sinking fund, for the purpose of reducing the amount of money required to be paid by the county for sinking fund purposes for the ensuing year, unless such income is necessary for the purpose of having adequate funds on hand to pay the bonds of such county as they mature and become payable. The income so applied, and the amount required to be paid by the county for sinking fund purposes, shall annually equal the full amount required to be paid for sinking fund purposes to the several sinking funds.

The commission shall have the power, whenever it deems it necessary and for the best interest of the several sinking funds, to sell any bonds held by it other than those of the county itself.

Section 1792. Bonds of County Held by Commission.--All bonds of the county held by the sinking fund commission shall be stamped in a conspicuous manner to show that they have been purchased for this purpose. They shall never be reissued or sold. The sinking fund commission shall not require the county to pay interest on any of its bonds held by the commission, unless the commission deems the payment thereof necessary for the purpose of having adequate funds on hand to pay the bonds of said county as they mature and become payable. All bonds of the county held by the commission shall be cancelled immediately upon their maturity.

Section 1793. Paying Off and Cancelling of County Bonds; Priority; Sale of County Bonds in Certain Cases.--In order to facilitate the extinguishment of the county debt, the county bonds purchased by the commission from time to time shall be paid off and cancelled according to the priority of their maturity. The commission may, at its discretion, withhold the purchase of such maturing county bonds, until after those purchased from a later issue of county bonds shall be paid off and cancelled. In such an event, if it appears that there will not be sufficient funds in the hands of the commission to meet the payment of such earlier maturing bonds, the same shall then be sold by said commission at not less than par.

Section 1794. Investment in New County Bonds.--(1794 repealed Dec. 13, 1982, P.L.1131, No.258)

Section 1795. Investment of Sinking Fund Moneys.--The commission shall have power to make investment of county sinking funds as authorized by the act of July 12, 1972 (P.L.781, No.185), known as the "Local Government Unit Debt Act", and liquidate any such investment, in whole or in part, by disposing of securities or withdrawing funds on deposit. Any action taken to make or to liquidate any investment shall be made by the commission.

(1795 amended Dec. 13, 1982, P.L.1131, No.258)

ARTICLE XVIII
CONTRACTS

Section 1801. Commissioners Sole Contractors for County.--

(a) The county commissioners shall contract for and purchase all services referred to in section five hundred eight and personal property for county officers and agencies. All contracts and purchases not in excess of ten thousand dollars (\$10,000) shall be by note or memorandum, in writing, signed by the county commissioners, or their designee. A copy of all such notes and memorandums and all written contracts shall be filed in the office of the controller, if any, and, if not, then with the chief clerk of the commissioners.

(b) Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts that exceed four thousand dollars (\$4,000) but are less than the amount requiring advertisement and competitive bidding or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years.

(c) The commissioners shall, where possible, anticipate the needs of the various officers, agencies and operations of the county and endeavor to purchase in wholesale quantities, where practicable and where savings could be achieved thereby. The commissioners may make contracts and purchases for all purposes expressly or impliedly authorized by law.

(1801 amended Dec. 22, 2000, P.L.1019, No.142)

Section 1802. Contract Procedures; Terms and Bonds; Advertising for Bids.--(a) All contracts for services and personal property where the amount thereof exceeds the sum of ten thousand dollars (\$10,000), shall be written and shall, except as otherwise hereinafter specified, be made by advertising for bids.

(b) Contracts or purchases in excess of ten thousand dollars (\$10,000), except those hereinafter mentioned and except as provided by the act of October 27, 1979 (P.L.241, No.78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter

into contracts for the purchase of goods and the sale of real and personal property where no bids are received," shall not be made except with and from the lowest responsible and responsive bidder submitting a bid in conformity with the specifications approved by the board of commissioners for the contract or purchase, after due notice in one newspaper of general circulation, published or circulating in the county, at least two times at intervals of not less than three days where daily newspapers of general circulation are employed for such publication, or in case weekly newspapers are employed then the notice shall be published once a week for two successive weeks. The first advertisement shall be published not less than ten days prior to the date fixed for the opening of bids. The requirements of this subsection need not be followed in cases of emergency, but in such cases the actual emergency shall be declared and stated by resolution of the commissioners.

(c) All bids shall be received by the controller, or if there be no controller, then by the chief clerk of the county commissioners, in sealed envelopes. Bids shall be opened publicly at a time and place specified in the advertisement for bids, in the presence of the controller, or chief clerk as the case may be, by the commissioners or their designee. The controller, or the chief clerk as the case may be, shall keep a record of all such bids and awards, and the controller shall certify no checks for contracts not made agreeably thereto.

(d) The amount or price of the contract shall, in all cases whether of straight sale price, conditional sale, lease, lease purchase or otherwise, be the entire amount which the county pays to the successful bidder, or his assigns, less the value of personal property transferred from the county to the bidder, or his assigns, at any time during the duration of the contract, in order to obtain the services or property, or both, and shall not be construed to mean only the amount which is paid to acquire title, or to receive any other particular benefit or benefits of the whole bargain. The value of personal property transferred to the bidder or his assigns upon execution of the contract shall be specified in the bid. The method of determining the value of personal property transferred to the bidder or his assigns at a time during the duration of the contract shall be specified in the bid and shall be determined using generally accepted valuation methods.

(e) The acceptance of bids by advertising required herein shall be made by the commissioners and shall only be made by public announcement at the meeting at which bids are opened, or at a subsequent meeting, the time and place of which shall be publicly announced when bids are so opened. If for any reason the award is not made at either of the above meetings, the same

business may be transacted at any subsequent meeting, the time and place of which shall have been announced at the previous meeting held for such award. The contract shall be awarded, or all bids shall be rejected, within thirty days of the opening of the bids, except for bids subject to 62 Pa.C.S. (relating to procurement). Thirty-day extensions of the date for the award may be made by the mutual written consent of the commissioners and any bidder who wishes to remain under consideration for award. The commissioners shall excuse from consideration any bidder not wishing to agree to a request for extension of the date for the award and shall release such bidder from any bid bond or similar bid security furnished under subsection (f). All contracts shall be filed with the controller, or with the chief clerk as the case may be, immediately after their execution.

(f) The commissioners may require that any bids advertised be accompanied by cash, by a certified check, cashier's check, bank good faith check or other irrevocable letter of credit in a reasonable amount drawn upon a bank authorized to do business in this Commonwealth or by a bond with corporate surety in a reasonable amount. Whenever it is required that a bid be accompanied by cash, certified check, cashier's check, bank good faith check or other irrevocable letter of credit or bond, no bid shall be considered unless so accompanied. In the event any bidder shall, upon award of the contract to him, fail to comply with the requirements hereinafter stated as to security guaranteeing the performance of the contract, the security furnished under this subsection shall be forfeited to the county as liquidated damages.

(g) The successful bidder, when a formal bid is required herein, may be required to furnish a bond or irrevocable letter of credit or other security in an amount sufficient to the commissioners guaranteeing performance of the contract within thirty days after the contract has been awarded, unless the commissioners shall prescribe a shorter period. The successful bidder for a contract which involves the construction, erection, installation, completion, alteration, repair of or addition to any public work or improvement of any kind shall furnish security as provided in section 2318 of this act. Performance security for services and contracts for labor and materials delivered on a periodic basis, including, but not limited to, food service contracts, home health services and janitorial services and supplies, may be computed on the expected average value for one or more months at the discretion of the commissioners. Upon failure to furnish such security within the time fixed, the previous awards shall be void. Deliveries, performances and guarantees may be required in all cases of expenditures, including the exceptions herein.

(h) The contracts or purchases made by the commissioners which shall not require advertising, bidding or price quotations, as hereinbefore provided, are as follows:

(1) Those for maintenance, repairs or replacements for water, electric light, or other public works of the county where they do not constitute new additions, extensions or enlargements of existing facilities and equipment. Security may be required by the commissioners as in other cases for work done.

(2) Those made for improvements, repairs and maintenance of any kind, made or provided by the county through its own employes. This shall not apply to construction materials used in a street improvement.

(3) Those where particular types, models or pieces of new equipment, articles, apparatus, appliances, vehicles or parts thereof, are desired by the commissioners, which are patented and manufactured or copyrighted products.

(4) Those involving any policies of insurance or surety company bonds, those made for public utility service and electricity, natural gas or telecommunication services, provided that, in the case of utilities not under tariff with the Pennsylvania Public Utility Commission, contracts made without advertising and bidding shall be made only after receiving written or telephonic price quotations in accordance with the procedures specified in section 1801(b) of this article.

(5) Those involving services of members of the medical or legal profession, registered architects, engineers, certified public accountants or other personal services involving professional expertise.

(6) Those involving contracts entered into by nonprofit cooperative hospital service associations for hospitals and nursing homes which are part of the institutional district or which are owned by the county, operated by the county or affiliated with the county by the purchasing of, or participating in contracts for, materials, supplies and equipment.

(7) Those made with any public body, including, but not limited to, the sale, lease or loan of any supplies or materials to the county by a public body, provided that the price thereof shall not be in excess of that fixed by the public body. The requirements of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation) shall not apply when a county purchases cooperatively with another public body which has entered into a contract for supplies or materials. As used in this paragraph, "public body" shall mean any of the following:

- (i) the Federal Government;
- (ii) the Commonwealth of Pennsylvania;
- (iii) any other state;

(iv) a political subdivision, local or municipal authority or other similar local entity of the Commonwealth or any other state; or

(v) an agency of the Federal Government, the Commonwealth or any other state.

(8) Those exclusively involving construction management services.

(9) Those involving computer software.

(i) Notwithstanding the provisions of this article to the contrary, the county commissioners shall have authority to enter into contracts for equipment and services related to technology and information systems on the basis of best value procurement. Contracts under best value procurement shall be made only after the county has solicited proposals based on performance and outcome specifications developed by the county and describing at minimum the objectives to be met by the system, the tasks to be performed by the system, the users of the system, system security issues, the time frame for system implementation, potential operating technologies, compatibility with existing systems, training and maintenance and shall indicate the process by which the contract shall be awarded. Best value procurement shall not require a sealed bid process and shall permit the commissioners to negotiate the terms of the agreement with any responsive and responsible vendor.

(j) Every contract subject to this article shall comply, as applicable, with the provisions of the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act," the act of October 28, 1983 (P.L.176, No.45), known as the "Antibid-Rigging Act," the act of December 20, 1967 (P.L.869, No.385), known as the "Public Works Contractors' Bond Law of 1967," the act of August 15, 1961 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage Act," the act of November 26, 1978 (P.L.1309, No.317), known as the "Public Works Contract Regulation Law," the act of February 17, 1994 (P.L.73, No.7), known as the "Contractor and Subcontractor Payment Act," the act of January 23, 1974 (P.L.9, No.4), referred to as the Public Contract Bid Withdrawal Law, and the act of April 4, 1984 (P.L.193, No.40), known as the "Motor Vehicle Procurement Act." (1802 amended Dec. 22, 2000, P.L.1019, No.142)

Section 1803. Evasion of Advertising Requirements.--(a) No commissioner or commissioners shall evade the provisions of section one thousand eight hundred two of this act, as to advertising for bids or purchasing or contracting for services and personal properties piece-meal, for the purpose of obtaining prices under ten thousand dollars (\$10,000) upon transactions which should in the exercise of reasonable discretion and prudence be conducted as one transaction amounting to more than

ten thousand dollars (\$10,000). This provision is intended to make unlawful the practice of evading advertising requirements by making a series of purchases or contracts each for less than the advertising requirement price, or by making several simultaneous purchases or contracts each below said price, when in either case the transaction involved should have been made as one transaction for one price. Any county commissioners who so vote in violation of this provision and who know that the transaction upon which they so vote is or ought to be a part of a larger transaction and that it is being divided in order to evade the requirements as to advertising for bids shall be, jointly and severally, subject to surcharge for any loss sustained. Wherever it shall appear that a commissioner may have voted in violation of this section, but the purchase or contract on which he so voted was not approved by the board of county commissioners, this section shall be inapplicable.

(b) Any county commissioner who votes to unlawfully evade the provisions of section one thousand eight hundred two of this act and who knows that the transaction upon which he so votes is or ought to be a part of a larger transaction and that it is being divided in order to evade the requirements as to advertising for bids commits a misdemeanor of the third degree for each contract entered into as a direct result of that vote. This penalty shall be in addition to any surcharge which may be assessed pursuant to subsection (a).

(1803 amended July 10, 1990, P.L.379, No.89)

Section 1804. Contracts for One Hundred Dollars (\$100) to Seven Hundred Fifty Dollars (\$750); Written Bids; Destruction of Files.--(1804 repealed Aug. 25, 1967, P.L.279, No.114)

Section 1805. Sales of Personal Property and Surplus Farm Products.--(a) No personal property of the county and no surplus farm products of counties of the fourth, fifth, sixth, seventh or eighth classes shall be disposed of by sale or otherwise, except upon resolution of the commissioners. When the commissioners approve a sale of such property or in counties of the fourth, fifth, sixth, seventh or eighth classes of farm products, they shall estimate the sale value of the entire lot to be disposed of, and, if the estimate be less than one thousand dollars (\$1,000), they shall require notice of the proposed sale to be posted, for at least ten days, in a prominent place in the court house, describing and itemizing the property to be sold, and directing that bids may be made thereon at the office of the chief clerk of the commissioners. Thereafter, the commissioners may sell such property in whole or in part for the best price or prices obtainable.

(b) If the commissioners estimate the sale value of the personal property or of such surplus farm products to be sold at

one thousand dollars (\$1,000) or more, the entire lot shall be advertised for sale, once, in at least one newspaper of general circulation in the county, and sale of the property so advertised shall be made to the highest and best bidder. The bids shall not be opened until at least ten days after the said advertisement. The commissioners may sell any such property at auction, but the provisions as to notice contained in this section shall be likewise observed as to the holding of auction sales. The provisions of this section shall not be mandatory where county property is to be traded-in or exchanged for new personal property. The provisions of this section shall not apply to sale of personal property with real property as a single unit pursuant to section 2306.1.

(1805 amended Dec. 22, 2000, P.L.1019, No.142)

Section 1806. County Officers Not to Be Interested in Contracts.--Restrictions on the involvement of elected and appointed county officers in any county contract shall be as prescribed in 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure).

(1806 amended Dec. 22, 2000, P.L.1019, No.142)

Section 1807. Application of Contract Provisions.--The provisions of this article shall apply to all the contractual powers of the county commissioners contained in this act, or other laws insofar as they are not inconsistent therewith, and the mention of powers of contract outside this article shall not be construed as being in disregard of the applicable provisions of this article in relation thereto.

ARTICLE XIX

SPECIAL POWERS AND DUTIES OF COUNTIES

(a) Appropriations for Military Purposes

Section 1901. Appropriation of Money or Land for National Guard Armories.--(a) The board of commissioners may, either independently or in connection with any other county, or with any city, town, borough, or township, provide and appropriate moneys, or convey land to the Commonwealth of Pennsylvania, to assist the Armory Board of the State of Pennsylvania in the erection, wherever deemed most advantageous by the Armory Board, of armories for the use of the National Guard of Pennsylvania. The board of commissioners may acquire land for such purpose, either by purchase, at tax sale, by gift, by the right of eminent domain, or otherwise.

(b) The board of commissioners may also furnish water, light, or fuel, either or all free of cost to the Commonwealth of Pennsylvania, for use in any armory of the National Guard and may do all things necessary to accomplish such purpose.

Section 1902. Appropriation for Maintenance of National

Guard.--(a) The board of commissioners may appropriate, annually, from any moneys in the county treasury, not otherwise appropriated, a sum not exceeding seven hundred and fifty dollars (\$750) for the support and maintenance, discipline and training, of any dismounted company or similar unit of the National Guard, and a sum not to exceed fifteen hundred dollars (\$1500) for the support and maintenance, discipline and training, of any mounted or motorized troop or similar unit of the National Guard. Where such units are organized as a battalion, regiment or similar organization, the total amount due may be paid to the commanding officer of the battalion, regiment or similar organization.

(b) Any moneys so appropriated shall be paid by voucher check of the commissioners, drawn to the order of the commanding officer of such company, battalion, regiment or similar organization, only when it shall be certified to the commissioners by the Adjutant General of the State that such unit or units have satisfactorily passed the annual inspection provided by law. The moneys so appropriated shall be used and expended solely and exclusively for the support and maintenance, discipline and training, of the said company, battalion, regiment or similar organization, and the commanding officer shall account, by proper vouchers to the said county each year, for the expenditure of the money so appropriated, and no appropriation shall be made for any subsequent year, until the expenditure of the previous year is duly and satisfactorily accounted for.

(c) The accounts of such expenditures shall be subject to the inspection of the Department of Military Affairs, and shall be audited by the auditors, or the controller as the case may be, in the manner provided by law for the audit of accounts of county moneys.

Section 1903. Appropriation to Rifle-Clubs in Time of War.--

(a) At any time a state of war exists, the board of commissioners may appropriate money to civilian rifle clubs, duly chartered by the National Rifle Association of the United States of America, for the maintenance and rental of rifle-ranges, the employment of competent instructors and necessary employes, and for the equipment and uniforms for the members of such clubs, who volunteer for special military duty in their respective counties, or answer any call of the Governor of the Commonwealth.

(b) No moneys shall be appropriated to any such club, unless practice on such rifle-range by the members of the club shall be with the United States Military rifle or arms approved by the State Adjutant General.

(b) Burial of Deceased Service Persons

and Surviving Spouses

(Hdg. amended Oct. 4, 1978, P.L.964, No.190)

Section 1908. Definitions.--(a) The term deceased service person, as used in this subsection, shall mean and include:

(1) Any deceased person who, at the time of his or her death, was serving (whether or not in a combat zone) in the Army, Navy, Air Force, Marine Corps, Coast Guard, or any women's organization officially connected therewith, during any war or armed conflict in which the United States has been, is now or shall hereafter be engaged, or who, at the time of his or her death, was serving in a zone where a campaign or state or condition of war or armed conflict then existed, in which the United States was, is or shall be a participant. The existence of a campaign or state or condition of war or armed conflict, and the participation of the United States therein, as well as the fact that the deceased person served in a zone where such campaign or state or condition of war or armed conflict existed, shall, in each case, be established by the records of the Department of Defense of the Federal Government; or

(2) Any deceased person, who had so served at any time during his or her life, and whose separation from such service was honorable, whether by discharge or otherwise, or who at the time of his or her death was continuing in such service after the cessation of the war, armed conflict, campaign or state or condition of war during or in which he or she served; or

(3) Any deceased person who was in active service in the militia of the State of Pennsylvania under and in pursuance of any proclamation issued by the Governor during the Civil War, who was not duly mustered into the service of the United States, but was honorably discharged or relieved from such service.

(b) The term "legal residence" as used in this subsection, shall be construed as synonymous with "domicile" and is hereby defined as actual residence, coupled with intention that it shall be permanent, or a residence presently fixed with no definite intention of changing it, or of returning to a former residence at some future period. Legal residence is to be determined by abode of person and his or her intention to abandon his or her former domicile and establish a new one. The legal residence of a deceased service person shall be prima facia in the county where he or she made his or her abode at the time of his or her death.

(1908 amended Jan. 31, 1956, 1955 P.L.976, No.303)

Section 1909. Funeral Expenses of Deceased Service Persons.--(a) Any county is hereby authorized and directed to contribute the sum of seventy-five dollars (\$75) and may contribute an additional sum of twenty-five dollars (\$25) towards the funeral expenses of each deceased service person in

the cases enumerated below, where in each case application therefor is made within one year after the date of his or her death. In the case of any deceased service person who died while in the service, application need not be made within one year after the date of his or her death, but may be made at any time thereafter. ((a) amended Nov. 5, 1971, P.L.510, No.120)

(b) Payments shall be made under the following circumstances:

(1) Where the deceased service person at the time of his or her death had his or her legal residence in the county, whether or not he or she died in the county, and whether or not he or she was buried in the county. It is hereby declared to be the intent of the General Assembly that every deceased service person having a legal residence in this Commonwealth at the time of his or her death shall be entitled to the benefits of this section, regardless of where he or she may have died or where he or she may be buried, and that the liability therefor shall be on the county, where the deceased service person shall have had his or her legal residence at the time of his or her death.

(2) Where the deceased service person died and was buried in the county, but at the time of his or her death did not have legal residence within this Commonwealth, if the county commissioners of the county where he or she died are notified in writing by any organization of veterans that the body is unclaimed by relatives or friends, and upon investigation shall find such condition to exist.

(3) Where a deceased service person has died while a member of the Pennsylvania Soldiers' and Sailors' Home at Erie, Pennsylvania, and such home incurs all funeral expenses and buries the soldier in a cemetery in the City of Erie, Pennsylvania, or the home furnishes clothing, casket and shipping case, and ships the body to the county from which he was admitted to the home, the county from which he was admitted shall reimburse and pay to the Pennsylvania Soldiers' and Sailors' Home the amount of seventy-five dollars (\$75) or so much thereof as was actually expended by the home.

Section 1910. Burial of Spouses of Deceased Service Persons.--Upon due application and proof, the county is hereby authorized and directed to contribute the sum of seventy-five dollars (\$75) and may contribute an additional sum of twenty-five dollars (\$25) from the county funds towards the funeral expenses of any spouse of any deceased service person, who at the time of his or her death had a legal residence in the county, whether or not he or she died in the county and whether or not he or she was buried in the county. The county shall not contribute any moneys toward the funeral expenses of any spouse of a deceased service person who had remarried after the death

of such deceased service person, nor unless application for the payment of such moneys shall be made within one year after the date of the death of such spouse.

(1910 amended Dec. 21, 1973, P.L.423, No.147)

Section 1911. Payment.--(a) It shall be the duty of the county to cause a voucher check to be drawn upon the treasury of their county in the sum of seventy-five dollars (\$75), or one hundred dollars (\$100) if the additional sum of twenty-five dollars (\$25) is authorized, for each body buried in accordance with the provisions of this subdivision, to be paid out of the funds of the county, and such checks shall be made payable to the applicant or applicants if the application shows that the funeral expenses have been paid, otherwise to the undertaker performing the services with notice to the applicant.

(b) Application for such contribution shall be made by the personal representative of such deceased service person or deceased service person's spouse, if there be such personal representative, and if no such personal representative has qualified then by any next of kin, individual, or veterans' organization, who or which assumes responsibility for the cost of burial of the body. The application shall be sustained by affidavit as to the facts.

(c) The application shall be on forms prescribed by the Department of Military Affairs and shall set forth whether or not the funeral expenses have been paid. The application shall have attached thereto a certified copy of the death certificate and a certification by the undertaker, who had charge of the burial of the body, and to the effect that the undertaker did render such service. ((c) amended Oct. 4, 1978, P.L.1012, No.218)

(1911 amended Dec. 21, 1973, P.L.423, No.147)

Section 1912. Notification of County Commissioners.--The coroners and all other public officers, agents and servants and all officers, agents and servants of any county, city, township, borough, district or other municipality, or of any prison, morgue, hospital, home or other public institution, having the control or custody of the body of the deceased service person whose body is entitled to be buried under the provisions of this subdivision, shall, immediately upon the death or arrival of the body of such deceased service person, notify the county commissioners of the county wherein such death occurred, or wherein such deceased service person shall have had his legal residence.

Section 1913. Markers for Graves; Headstones.--(a) The county commissioners of each county shall, from time to time as they consider expedient, procure appropriate markers for the graves of deceased service persons and the graves of all other

deceased persons who served in the Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant Marine during World War II or any organization officially connected therewith and whose separation from such service was honorable, whether by discharge or otherwise. Such markers shall be of cast bronze, aluminum or a suitable substitute material. ((a) amended June 11, 2008, P.L.171, No.22)

(b) The county commissioners shall procure bronze, aluminum or suitable substitute material markers from some manufacturer or manufacturers, engaged in the manufacturing of the same, and in the contract for the furnishing thereof, the manufacturer furnishing the bronze markers shall warrant that the same are made of the following metals, and in the following proportions: copper, eighty-five per centum; tin, five per centum; zinc, five per centum; and lead, five per centum. ((b) amended June 11, 2008, P.L.171, No.22)

(c) The manufacturer shall be liable to the county to an amount equal to the sum paid to him by the county for the markers, if the above proportions of metals are not contained in the markers.

(d) Nothing, except actual fraud on the part of the county commissioners, shall render them liable for any amount if it is established that the markers are not composed of the metals in the proportions above recited.

(e) No officer, trustee, association, corporation or person in control of any cemetery, or a public burying ground, shall have the right to question the composition of such bronze markers, or to require that any of them be chemically analyzed before being placed in the cemetery, or under any circumstances to refuse to permit the erection thereof in the cemetery, or public burying ground, or to charge for making the foundations for the same more than is charged for making similar foundations of the same proportion. Any person who violates any of the provisions of this subsection shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each offense.

(f) The county commissioners of each county are hereby authorized and directed to place a marker upon the grave of each deceased service person and the graves of all other deceased persons who served in the Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant Marine during World War II or any organization officially connected therewith and whose separation from such service was honorable, whether by discharge or otherwise, who, at the time of his or her death, had his or her legal residence in the county, whether or not he or she died in the county, and whether or not he or she was buried in the

county, and upon the grave of each deceased service person buried in the county, who at the time of his or her death did not have a legal residence within this Commonwealth. When such deceased service person shall have been a veteran of any war or campaign for which the Government of the United States issued discharge buttons, the markers designated for their graves shall include a facsimile of said discharge button. When such markers are upright flag holders they shall consist of cast bronze or any other weather resistant material. When such deceased service person shall have been a veteran of the Korean Conflict, the markers designated for their graves shall include a circular emblem with the words "Korea, U.S., 1950-1953" in the border thereof, and shall incorporate the insignia of the Army, Navy, Marine Corps, Air Force, and Coast Guard, in the form approved by the State Veterans' Commission. ((f) amended June 11, 2008, P.L.171, No.22)

(g) It shall be the duty of the county commissioners of each county, upon or at any time subsequent to the death of any deceased service person and the graves of all other deceased persons who served in the Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant Marine during World War II or any organization officially connected therewith and whose separation from such service was honorable, whether by discharge or otherwise, who, at the time of his or her death, had his or her legal residence in the county, on application as hereinafter provided, to cause a headstone or bronze memorial tablet to be placed at the head of or on the grave of each such deceased service person. ((g) amended June 11, 2008, P.L.171, No.22)

(h) Each headstone shall contain his or her name and the rank and organization to which he or she belonged or in which he or she served, in letters raised or cut in at least three-sixteenth of an inch deep. The headstone shall be of either marble or granite, and shall be placed or set in a concrete base at least three feet deep, or if a headstone has been provided for such grave by the United States Government, the county commissioners shall provide the concrete base therefor, or if lettering only on an existing memorial is desired by the family, the county commissioners shall provide such lettering.

(i) In the event the body of any deceased service person either cannot or will not be returned to the United States of America, it shall be the duty of the county commissioners to cause a headstone to be placed in the family plot of such deceased service person. Said headstone shall have inscribed thereon, (1) the name, rank and organization of such deceased service person, (2) the name of the country, location or manner in which such person lost his or her life, and (3) the cemetery or location in which the body, if buried, was finally laid to

rest. Application therefor shall in each case be made on forms prescribed by the Department of Military Affairs and may be made by any relative of the deceased service person, or by a friend if there is no objection by the nearest relative. Each application must be approved by an organization of veterans of any war in which the United States has been, is now or shall hereafter be engaged.

(j) The expense in each case shall be borne by the county in which the deceased service person had his or her legal residence at the time of his or her death, whether or not he or she died in the county, and whether or not he or she was buried in the county. The expense shall not exceed the sum of one hundred dollars (\$100) for each headstone or concrete base or lettering or bronze memorial tablet and the county commissioners of each county, acting under this section, shall cause to be drawn a voucher check on the treasury of the county for the payment of said expense in favor of the party or parties furnishing such headstone or concrete base or lettering or bronze memorial tablet. ((j) amended Jan. 26, 1968, P.L.51, No.11)

(k) In cases of dispute concerning the legal residence of a deceased service person, the county in which a deceased service person is buried shall perform the duties hereinbefore set forth. No such payment or payments shall be made, unless the application therefor shall be approved before the commencement of the project by the county commissioners.

(l) Any person who shall wilfully, maliciously, or carelessly destroy, mutilate, remove or deface any grave marker, headstone or flag holder, placed or erected under the provisions of this section, shall be guilty of the grade of offense in relation to the dollar amount of the theft or damage done in accordance with 18 Pa.C.S. § 3903 (relating to grading of theft offenses). ((l) amended Oct. 21, 1983, P.L.168, No.41)

Section 1914. Burial Plots.--The county commissioners of the several counties are hereby authorized to purchase plots of ground, in any cemetery or burial ground in their respective counties, for the interment of deceased service persons whose bodies are entitled to be buried under the provisions of this subdivision, and to cause to be drawn a voucher check upon their county treasury for the payment of the same. The purchase price of said plots of ground shall not be charged against or allotted as part of the cost of burial of such deceased service persons who may be buried in any of said plots under the provisions of this subdivision.

Section 1915. Care of Graves and Markers.--The county commissioners of each county shall, at all times, see that the graves and tombstones of all deceased service persons who are buried in such county, receive proper and fitting care, and may

employ all necessary assistants to carry out the provisions of this section. The expense of the care of such graves and tombstones shall be borne by the county where said graves are located, except where suitable care is otherwise provided. Money so appropriated may be expended directly by the county commissioners, or paid over to the person, firm, association or corporation owning or controlling any cemetery or burial place in the county where any such grave is situated. The sum so paid over in any year shall not exceed for each grave the charge for the annual care and maintenance of like graves in the same cemetery, or, if no such fixed charge is established in that cemetery, it shall not exceed the sum charged in other cemeteries in the same county for like service.

Section 1916. Proof of Service, Et Cetera.--(a) In each case, where application is made for a contribution toward the funeral expenses of a deceased service person, or the surviving spouse of a deceased service person, or for a headstone or concrete base or lettering or bronze memorial tablet, the county commissioners shall, before expending any money therefor, require proof of the following facts:

(1) The service of the deceased service person which entitles him or his surviving spouse to the benefits of this subdivision. Such proof shall be by the production of an honorable discharge or other official record showing service during any war in which the United States is or was engaged, or by the records of the Department of Defense of the Federal Government, or by copies thereof filed in the Department of Military Affairs showing the existence of a campaign or state or condition of war, the participation of the United States therein, and the service of the deceased service person in a zone where such campaign or state or condition of war existed.

(2) The death of the deceased service person.

(3) In the case of the burial of the surviving spouse of a deceased service person, the death of such surviving spouse, and the fact that the spouse was married to the deceased service person at the time of his death, and that the spouse has not since remarried. The proof required by clauses one and two of this subsection shall also be required in such cases.

(4) Except in cases where persons not having a legal residence within this Commonwealth are entitled to any of the benefits of this subdivision, the legal residence within the county of the deceased service person, or of the surviving spouse of a deceased service person, as the case may be.

((a) amended Oct. 4, 1978, P.L.964, No.190)

(b) Death shall in all cases be proved by death certificate where the same is procurable, otherwise by affidavit of one or more persons personally acquainted with the deceased, and the

fact of his or her death, or by proof of the record of death kept by the attending physician, or by proof of the record of burial kept by the undertaker by whom he or she was buried, or by the church burial association or cemetery company maintaining the graveyard, burial ground or cemetery in which he or she was buried.

(c) Where any proof required by this subdivision has been furnished to the county commissioners, no further proof of the same facts shall be required in order to obtain any other benefit under the provisions of this subdivision.

(c) Memorial Observances

Section 1921. Appropriations to Veterans' Organizations for Expenses of Memorial Day, Veterans' Day, Flag Day and Independence Day.--(Hdg. amended Nov. 3, 1999, P.L.461, No.42)

(a) The board of commissioners may appropriate, annually, to each camp of the United Spanish War Veterans, and to each post of the American Legion, and to each post of the Veterans of Foreign Wars, and to each post of the Veterans of World War I of the U. S. A., Inc., and to each post of the American War Veterans of World War II (AMVETS), and to each post of the Society of the Twenty-eighth Division, AEF, Incorporated, and to each post of the Italian American War Veterans of the United States, Incorporated, and to each detachment of the Marine Corps League, and to each Naval Association, and to each post of the Grand Army of the Republic, and to each post of the Disabled American Veterans of the World War, and to each organization of American Gold Star Mothers, and to each organization of ex-service persons incorporated under the act of April twenty-nine, one thousand eight hundred seventy-four (Pamphlet Laws 73), and the supplements thereto, in the county, any sum budgeted to aid in defraying the expenses of Memorial Day, Veterans' Day, Flag Day and Independence Day. ((a) amended Nov. 3, 1999, P.L.461, No.42)

(b) Where the Grand Army of the Republic has ceased to exist or to function, such appropriation may be made to the Sons of Union Veterans of the Civil War or, in the absence of such order, to a duly constituted organization which conducts the decorating of graves of Union Veterans of the Civil War.

(c) Such payments shall be made to defray actual expenses only. Before any payment is made, the organization receiving the same shall submit verified accounts of their expenditures.

(1921 amended June 7, 1961, P.L.255, No.150)

Section 1922. Flags to Decorate Graves.--(a) It shall be the duty of the county commissioners to provide flags on each Memorial Day with which to decorate the graves of all deceased service persons and the graves of all other deceased persons who served in the Army, Navy, Air Force, Marine Corps, Coast Guard,

Merchant Marine during World War II or any organization officially connected therewith and whose separation from such service was honorable, whether by discharge or otherwise, buried within the county. The flags to be used for such purposes shall be of one standard size, colorfast and American made, and shall be purchased at the expense of the county from moneys in the county treasury. ((a) amended June 11, 2008, P.L.171, No.22)

(b) Such flags shall be furnished to the various veterans' organizations in such numbers as they shall require for their respective communities.

(c) The moneys expended by any county under the provisions of this section shall be in addition to moneys appropriated by counties for Memorial Day purposes.

(d) The authorities in charge of any cemetery are authorized to remove such flags when the same become unsightly or weatherworn at any time not before the first working day after Independence Day of each year.

(e) Any authority or person in charge of any cemetery who shall remove or cause the removal of the flags prior to the first working day after Independence Day shall be guilty of a summary offense and, upon conviction thereof, shall be sentenced to pay a fine in the amount of three hundred dollars (\$300) and, upon failure to pay such fine, to undergo imprisonment not to exceed ninety days.

(1922 amended June 12, 1986, P.L.253, No.66)

Section 1923. Compilation of War Records; Director of Veterans' Affairs.--(a) The county commissioners of each county are hereby authorized and directed, at the expense of the county, to compile a record of the burial places within such county of deceased service persons. Such record, so far as practicable, shall indicate the name of each such person, the service in which he or she was engaged, the number of the regiment or company or command, the rank and period of service, the name and location of the cemetery or other place in which his or her body is interred, the location of the grave in such cemetery or other place, and the character of headstone or other marker, if any, at such grave. Such record shall be known as the Veterans' Grave Registration Record of

..... County, and shall be a public record, open to inspection during business hours.

(b) The county commissioners of each county shall cause record blanks to be prepared, according to forms prescribed by the Department of Military Affairs, whereby the information required for such record may be transmitted to them.

(c) Every person, firm, association, or corporation, including a municipal corporation, owning or controlling any cemetery or burial place within the Commonwealth, in which are

interred the bodies of deceased service persons, shall file with the county commissioners of the county in which such cemetery is located a certificate, on the record blanks provided by said county commissioners, of the facts required for such record, as far as the same are within the knowledge of such person, firm, association, corporation, or the agents thereof.

(d) The county commissioners shall cause record blanks to be distributed to such persons, firms, associations, and corporations as they deem advisable, with the request that such information be transmitted to them. Any such person, firm, association or corporation, except municipal corporations, upon receipt of such blanks or forms, who shall refuse or neglect to fill out and transmit to the county commissioners such blanks or forms within six months after receipt of same, upon conviction thereof in a summary proceeding, shall be sentenced to pay a fine of one hundred dollars (\$100).

(e) For the purpose of locating the burial places of persons who have served in the military or naval service or other branches of the combative forces of the United States during any war or armed conflict in which the United States was engaged, the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, the Disabled American Veterans, the Veterans of World War I of the U. S. A., Inc., the American Veterans of World War II (AMVETS), the Marine Corps League, and the Italian American War Veterans of the United States, Incorporated, through their local camps, posts and branches in this Commonwealth, are authorized, without expense to the county, to collect the required data and prepare and file with the county commissioners certificates embodying the information provided for in this section. ((e) amended June 6, 1963, P.L.90, No.63)

(f) For the purpose of carrying into effect the provisions of this section, the county commissioners shall appoint a director of veterans affairs, who shall receive such compensation as the salary board may fix.

(g) It shall also be the duty of the director of veterans affairs to:

(1) Assist the county commissioners in administering the provisions of this subdivision which relate to the burial of deceased service persons and their surviving spouses and to furnishing markers and placing headstones on their graves. ((1) amended Oct. 4, 1978, P.L.964, No.190)

(2) Assist war veterans and their families in securing their rights as such in matters relating to their person, property and care of family, under any of the laws of this Commonwealth and of the United States, and for such services the director of veterans affairs shall be entitled to his expenses incurred

therein and additional compensation. Both expenses and compensation shall be subject to the approval of the salary board.

(3) Assist the county commissioners in transmitting records of burial places of deceased service persons to the Department of Military Affairs of the Commonwealth, for the use of the Deputy Adjutant General in charge of Veteran Affairs, and otherwise assist the commissioners in cooperating with the said deputy.

(d) County Histories

Section 1928. County History.--The county commissioners of any county, either independently or in connection with any other municipality or municipalities within their county or any society or organization, may appropriate money for the compilation of a county war history or any general history or historical account related to the history records and government of the county, and for the publication and distribution of the same.

Section 1929. Payment to Historical Societies.--The board of commissioners may pay, out of the county funds not otherwise appropriated, a sum of money to a county historical society or to county historical societies to assist in paying the running expenses. Where a society is comprised of residents of more than one county, the commissioners of the respective counties may jointly pay the sum in such proportion as they shall agree.

No appropriation shall be renewed until vouchers have been filed with the commissioners showing that the appropriation for any prior year has been expended for the purpose herein designated.

(1929 amended Nov. 3, 1999, P.L.461, No.42)

Section 1930. Qualification of Society.--In order to entitle any historical society to the said appropriation, the following conditions shall have been first complied with. It shall have been organized at least two years, incorporated by the proper authority, and have an active membership of one hundred or more persons, each of whom shall have paid into the treasury of said society a membership fee of at least two dollars (\$2) for the support of the same. It shall hold at least two public meetings yearly, whereat papers shall be read or discussions held on historic subjects. It shall have established a museum wherein shall be deposited curios and other objects of interest, and books, documents and papers relating to the history of the county or Commonwealth. It shall have adopted a constitution and code of by-laws and elected proper officers to conduct its business.

Section 1931. Restoration and Preservation of Historic Sites.--The board of commissioners are hereby authorized to make

appropriations out of county funds to any nonprofit corporation organized for the purpose of restoring and preserving historic sites which are within the county: Provided, however, That such sites shall have been designated by the Pennsylvania Historical and Museum Commission as a monument worthy of restoration and preservation: And provided further, That local historical societies, associations or interested citizens shall have made substantial contributions toward such restoration and preservation.

(1931 added Aug. 14, 1963, P.L.838, No.406)

(e) Animal and Plant Husbandry

Section 1935. Appropriations to Societies for Prevention of Cruelty to Animals.--The board of commissioners may appropriate moneys toward the maintenance of any organization or society, incorporated under the laws of this Commonwealth, for the prevention of cruelty to animals and which, for a period of at least two years prior to the making of such appropriation, shall have been engaged in carrying out the purposes of its incorporation, in whole or in part, within said county.

Section 1936. Cooperative Extension Work in Agriculture and Home Economics.--The board of commissioners may make appropriations annually for agricultural and home economics extension work, in cooperation with the Pennsylvania State University in encouraging improved methods of farm management and home economics and giving practical instruction and demonstrations in agriculture, for the purpose of improving and developing the agricultural resources of the county. An educational program will be conducted to include the body of scientific knowledge in agriculture, family living, and resource development and to encourage application of the same. The money so appropriated shall be expended according to rules and regulations prescribed or approved by the board of commissioners. The board of commissioners may also, where practicable and desirable, provide offices in the county court house for headquarters for such cooperative work.

(1936 amended Aug. 17, 1967, P.L.241, No.92)

Section 1937. Agricultural or Horticultural Societies.--The county commissioners are hereby authorized to make appropriations annually out of the current revenues of the county to any incorporated agricultural or horticultural society or association located within the county. The total amount of any such appropriation in any one county shall not exceed fifteen hundred dollars (\$1500) in any one year. Where more than one such society or association is located in the county, the amount appropriated may be distributed and divided among said societies and associations in such proportions and such amount as the board of commissioners, in its discretion, may determine.

The county commissioners are hereby authorized to make additional appropriations annually out of the current revenues of the county to any incorporated agricultural or horticultural society or association regardless of where the same is located within the Commonwealth. Such appropriations may be made in the amount of three hundred dollars (\$300) or more, but the total amount of such additional appropriations shall not exceed fifteen hundred dollars (\$1500) in any one year.

(1937 amended May 15, 1963, P.L.40, No.36)

Section 1938. Suppression of Animal and Plant Disease.--The board of commissioners is hereby authorized to make appropriations from county funds for the purpose of controlling and suppressing dangerous infectious disease of livestock and poultry and dangerous plant diseases and insect pests and diseases to honeybees, in cooperation with the Department of Agriculture of Pennsylvania.

For the purpose of carrying out the provisions of this section, the board of county commissioners may enter into agreements with the Pennsylvania Department of Agriculture concerning terms, rules, regulations and practices for conducting the work.

Section 1939. County Fair Associations.--The county commissioners may appropriate, annually, out of current revenues, to any incorporated nonprofit agriculture association or any nonprofit county fair association located within the county, for the repair and maintenance of the real estate, buildings and structures within the county used, annually, by the association for county agriculture fairs and exhibitions, whether or not the real estate is owned by the county and leased to the association. The total amount of any such appropriation shall not exceed five thousand dollars (\$5000) in any one year, and where more than one such association is located in the county, the amount appropriated may be divided among them in such proportions and amounts as the county commissioners may determine.

(1939 added Jul. 8, 1957, P.L.549, No.304)

(f) Communications

Section 1943. Appropriations for Radio Broadcasting Station.--The board of commissioners of any county may make an appropriation for the purpose of assisting any naval reserve unit or amateur radio league in maintaining, equipping and operating a short wave radio broadcasting station or cable television community access stations geared to public access, educational access or governmental access, which shall be available for public use in the event of emergency or disaster.

(1943 amended June 18, 1998, P.L.619, No.79)

Section 1944. Appropriations for Police, Fire and other

Public Safety Radio and Telecommunications Networks.--The board of commissioners of any county may make appropriations for the erection, operation and maintenance of a county police radio, fire and other public safety radio and telecommunications networks.

(1944 added Apr. 15, 1965, P.L.9, No.8)

(g) Prevention and Control of Floods

Section 1947. Prevention and Control of Floods.--(a) The board of commissioners may borrow, appropriate and expend money, and may acquire by purchase or dedication or by the power of eminent domain real property, or any interest therein, for the purpose of cleansing, regulating, improving and controlling rivers, streams and other bodies of water and storm water drainage systems lying within the boundaries of the county, either in whole or in part, for the prevention and control of floods. They may make contracts and expenditures for the cleansing, maintaining, regulation, improvement and control of such waters and drainage systems and for the prevention and control of floods by storage or retaining reservoirs, or otherwise, in parts of such waters beyond the limits of the county or of the Commonwealth, when, in their judgment, such expenditures may be necessary and for the benefit of the county.

((a) amended Jan. 26, 1972, P.L.12, No.4)

(b) The commissioners may also make appropriations and expenditures for the purpose of investigating and examining or for assisting in the investigation and examination of the condition of such waters, within or without the bounds of the county or of the Commonwealth, for the purpose of facilitating the ends aforesaid.

(c) The commissioners may enter into such arrangements and agreements with the Secretary of Defense or other public authorities empowered to act in the premises under any law of the United States or of this or any other State, as may be necessary and proper for such purposes, with a view to harmonious and efficient action and proportionate contribution as nearly as may be arrived at or be practicable.

(d) In exercising the powers herein conferred, the county commissioners may, in their discretion, subject to the limitation of the Constitution, issue interest bearing bonds of the county in accordance with the provisions of the Municipal Borrowing Law.

(g.1) Disaster Emergency Aid to Municipalities

((g.1) added Feb. 18, 1998, P.L.156, No.23)

Section 1948. Emergency Appropriation to Municipal Corporations.--(a) The board of county commissioners of any county may appropriate money from the county's operating reserve fund, created and maintained in accordance with section 513, for

the purpose of assisting municipal corporations within the county with any cleanup, maintenance, repair and improvements undertaken as a result of damage incurred or a dangerous condition caused by either a disaster emergency within the county declared by the Governor or a local emergency declared by the governing body of a municipal corporation within the county.

(b) As used in this section:

"Disaster emergency" shall have the meaning ascribed to the term in 35 Pa.C.S. § 7102 (relating to definitions).

"Local emergency" shall have the meaning ascribed to the term in 35 Pa.C.S. § 7102 (relating to definitions).

(1948 added Feb. 18, 1998, P.L.156, No.23)

(h) Aid to Fire Fighting Departments
and Companies

Section 1951. Counties of Seventh and Eighth Classes; Appropriations to Borough Fire Departments and Volunteer Fire Companies.--The board of county commissioners of any county of the seventh or eighth class may appropriate annually, except as hereinafter provided, a sum not in excess of six hundred dollars (\$600), to the fire department of any borough in the county or to any volunteer fire company located within a borough in said county which actually give fire protection to approximately all parts of the county, or may appropriate up to one-half of such amount to each of two such departments or two such companies or one such department and one such company when each gives fire protection to approximately one-half of the entire county. All moneys appropriated to any such fire department or fire company shall be used for the purchase, maintenance and repair of fire fighting equipment. This section shall not authorize the appropriation of any money to any fire department or fire company which receives contributions or appropriations from any township in the county.

Section 1952. Establishment of Fire Training Schools.--The county commissioners of any county may appropriate annually funds to lawfully organized or incorporated county or regional firemen's associations to establish, equip, maintain and operate and may themselves establish, equip, maintain, and operate fire training schools or centers for the purpose of giving instruction and practical training in the prevention, control and fighting of fire and related fire department emergencies to the members of paid fire departments and volunteer fire companies in any city, borough, town or township within such county.

Whenever a firemen's association is comprised of residents of two or more counties or contemplates operation of a regional school in two or more counties, the county commissioners of each county may appropriate funds to the association.

(1952 amended Mar. 2, 1970, P.L.76, No.34)

(h.1) Fire Marshal and Assistant Fire Marshals

((h.1) added May 12, 1965, P.L.62, No.48)

Section 1953. Appointment.-- The county commissioners of any county may appoint a fire marshal and assistant fire marshals deemed necessary to perform such duties relating to the prevention and control of fire as the county commissioners shall deem to be in the best interests of the county. Any fire marshal or assistant fire marshals so appointed shall not be assigned duties which will conflict with fire marshals or municipal fire marshals or powers relating to the control of fires conferred by law upon the Pennsylvania State Police. Compensation for the fire marshal and assistant fire marshals shall be set by the county salary board.

(1953 amended Jul. 17, 1970, P.L.491, No.170)

(i) Utilities

Section 1955. Drilling Gas Wells and Laying Gas Lines.--(a) The board of commissioners of counties, situated in regions wherein natural gas is known to be obtainable, may contract for the drilling of gas wells upon any lands owned by the county for the purpose of furnishing gas for light and fuel to the county buildings and for other purposes. For that purpose, they may also contract for the laying of gas lines equipped with such modern appliances and machinery as may be necessary.

(b) All such contracts, including contracts for the building of rigs or derricks and the purchase of machinery, shall be made by the county commissioners in the manner provided for in Article XX of this act.

Section 1956. Contracts for Relocation, Change or Elevation of Railroads.--Subject to the provisions of the Public Utility Law, the board of commissioners may enter into contracts with any railroad companies whereby the said railroad companies may relocate, change or elevate their railroads within the county in such manner as, in the judgment of the board, may be best adapted to secure the safety of lives and property and promote the interest of the county. For such purpose, the board shall have power to do all acts that may be necessary and proper to effectually carry out such contracts.

(j) Law Libraries

Section 1962. Law Library Committee.--(1962 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1963. Appropriations.--(1963 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1964. Fines and Forfeitures Applied to Law Libraries.--(1964 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1965. President Judge May Appoint Librarian.--(1965 repealed Apr. 28, 1978, P.L.202, No.53)

(k) Rewards and Bounties

Section 1971. Rewards for Detection or Apprehension of Criminals.--The board of commissioners, when they deem the same expedient, may offer such reward, in addition to that authorized by law, as in their judgment the nature of the case requires, for the detection or apprehension of any person charged with or perpetrating any felony or misdemeanor, or aiding or abetting the same. Upon the conviction of such person, the county commissioners may pay such reward out of the county treasury, but in no case shall the owner of any stolen property be entitled to any of the reward for the detection or apprehension of the person guilty of the larceny. In cases of misdemeanor, the county commissioners must have the approval of the president judge of the court of common pleas of the county before offering or paying such reward.

Section 1972. Bounties for Destruction of Rattlesnakes, Copperhead Snakes and Porcupines.--The board of commissioners of any county of the sixth, seventh or eighth class may provide for the payment of rewards or bounties for the killing within the county of rattlesnakes and copperhead snakes, not more than one dollar (\$1) for each, and for the killing of porcupines, not more than fifty cents (50¢) each. They may make appropriations for such purposes.

(l) Garbage and Refuse Disposal

Section 1975. Garbage and Refuse Disposal in County Plants.--The county commissioners of any county shall have the power to operate garbage and refuse disposal plants or facilities, and incinerating furnaces, and to enter into agreements or contracts with any person, corporation or political subdivision for the disposal of garbage and refuse in such facilities, erected and maintained by the county, as provided in Article XXIII of this act, and to charge and receive fees for such service.

(m) County and County Aided Institutions

Section 1980. Board of Visitors for Charitable Reform and Penal Institutions.--(a) The court of common pleas in each county shall, annually, appoint three reputable citizens of the county, on or before the first Tuesday of January, to serve as a board of visitors for that year. Two of the members of said board shall be of the majority party in the county and one shall be of the minority party, all of which shall be determined from the registration lists of the county. Vacancies upon the board shall be filled by the said court in like manner. The members of the board shall serve without compensation, but shall be paid such sum or sums for actual and necessary expenses as may be approved by the board of commissioners of the county.

(b) The board of visitors of each county shall visit at

least three times a year all county hospitals, detention homes, children's homes, jails and like institutions of the county, or any agency of the county, or in counties of the third class of the institution district of the county, and all similar institutions and other charitable institutions to which the county appropriates money. Such visits shall be unannounced, and shall be made either by all of the members of the board or by a lesser number acting for the board. The board shall inspect the premises involved, and shall be entitled to full access thereto and to interview any of the inmates thereof, and shall inspect and ascertain all matters pertaining to the welfare and proper conduct of such institutions and, particularly, the treatment received by the inmates. The board shall make an annual report to the court of common pleas, upon a date fixed by the court, regarding all such things and such other matters as may be referred to them by the court regarding such institutions, and the board may also report to the said court, from time to time, as the board shall see fit. A copy of such reports shall be submitted by the board to the proper authorities for such institutions. ((b) amended Jul. 31, 1963, P.L.372, No.200)

(n) Appropriations to Industrial Development
Agencies and Tourist Promotion Agencies

((n) amended Aug. 13, 1963, P.L.669, No.348)

Section 1985. Appropriations to Industrial Development Agencies by Counties.--The board of commissioners of any county may appropriate, annually, such amounts as may be deemed necessary to any "industrial development agency," as defined in the act of May 31, 1956 (P.L.1911), known as the "Industrial Development Assistance Law," to assist such agencies in the financing of their operational costs for the purposes of making studies, surveys and investigations, the compilation of data and statistics and in the carrying out of planning and promotional programs.

(1985 added Jul. 3, 1957, P.L.474, No.267)

Section 1986. Appropriations to Tourist Promotion Agencies.--The board of commissioners may appropriate, annually, such amount of money but not in excess of thirty-five cents (35¢) for each resident of the county, as determined by the last census, which may be deemed necessary to any "tourist promotion agency" as defined in the act of April 28, 1961 (P.L.111), known as the "Tourist Promotion Law," to assist such agencies in carrying out tourist promotional activities.

(1986 amended July 9, 1987, P.L.241, No.44)

(o) Surplus Foods and Food Stamp Program

((o) amended Dec. 1, 1965, P.L.978, No.358)

Section 1990. Appropriations for Handling, Storage and Distribution of Surplus Foods.--The board of commissioners of

any county to which this act applies may appropriate from county funds, or in counties of the third class from county institution district funds, moneys for the handling, storage and distribution of surplus foods obtained either through a local, State or Federal agency.

All appropriations of moneys heretofore made by the board of commissioners of any county out of county funds, or county institution district funds, for the handling, storage and distribution of surplus foods obtained either through a local, State or Federal agency are hereby validated.

(1990 amended Jul. 31, 1963, P.L.372, No.200)

Section 1991. Food Stamp Program.--The board of commissioners of any county to which this act applies may by resolution adopt the food stamp program. Upon adoption of the program the county shall appropriate money and shall pay, quarterly from county funds, the amounts certified to the county as being the obligations to the Department of Public Welfare for thirty percent of the amount expended by the department for administration of the food stamp program for the county during the fiscal year 1965-1966, for forty percent of the amount expended during the fiscal year 1966-1967 and for fifty percent of the amount expended during the fiscal year 1967-1968 and thereafter.

(1991 added Dec. 1, 1965, P.L.978, No.358)

(p) Historical Property

((p) added Nov. 10, 1959, P.L.1402, No.499)

Section 1995. Acquisition, Repair and Maintenance of Historical Property.--The board of commissioners may acquire by purchase or by gift and repair, supervise, operate and maintain ancient landmarks and other property of historical or antiquarian interest, which is either listed in the catalogue of historical sites and buildings in Pennsylvania issued by the Joint State Government Commission, or approved for acquisition by the Pennsylvania Historical and Museum Commission as having historical significance.

(1995 added Nov. 10, 1959, P.L.1402, No.499)

(q) Transportation

((q) added Sep. 20, 1961, P.L.1536, No.654)

Section 1997. Improvement of Operation and Facilities.--The board of commissioners may enter into contracts and long range cooperative programs with Federal, State and local governmental agencies or public utilities for the improvement of transportation operations and facilities within and across county lines. The board of commissioners may independently or in cooperation with any other county or municipality appropriate moneys annually in furtherance of such transportation improvements and, in connection therewith, may also accept on

behalf of the county gifts, grants and Federal loans.

(1997 added Sep. 20, 1961, P.L.1536, No.654)

(r) Public Defenders

((r) repealed Dec. 2, 1968, P.L.1144, No.358)

Section 1998. Appropriations for Public Defenders.--(1998 repealed Dec. 2, 1968, P.L.1144, No.358)

(s) Appropriations for Recreation and Historic and Museum Projects of Boroughs and Townships

((s) added May 3, 1965, P.L.37, No.31)

Section 1999. Appropriations for Grants to Aid Certain Recreation Projects.--The board of commissioners of any county may appropriate from county funds moneys for grants to assist boroughs or townships within the county in the purchase or acquisition of lands or buildings, or both, for parks, recreation areas, open space projects and other such outdoor projects and for historic or museum projects.

(1999 added May 3, 1965, P.L.37, No.31)

(t) Appropriations to Institutions of Higher Learning or to Nonprofit Educational Trusts

((t) added May 12, 1965, P.L.60, No.47)

Section 1999a. Appropriations to Institutions of Higher Learning or to Nonprofit Educational Trusts.--The board of commissioners of any county may appropriate from time to time moneys from county funds in such amounts as may be deemed necessary to any nonsectarian institution of higher learning within such county or to any nonprofit educational trust created for the purpose of constructing or maintaining facilities for State Colleges or the Pennsylvania State University within such county to assist the institution or trust in the financing of the functions specified by the board of commissioners.

(1999a added May 12, 1965, P.L.60, No.47)

(u) Agreements with Federal Government for the Promotion of Health or Welfare

((u) added Jul. 29, 1965, P.L.258, No.150)

Section 1999b. Federal Health and Welfare Programs.--Any county may, through the commissioners, enter into agreements with the Federal government, or with any city, borough, town, township, nonprofit corporation or association located or carrying on its functions within such county or serving the residents of such county and which city, borough, town, township, nonprofit corporation or association has or is about to contract with the Federal government or with any agency of State government whereby the Federal government will provide a portion of the funds necessary, payable either to the county or State government or directly to the city, borough, town, township, nonprofit corporation or association for any program not in conflict with an existing or hereafter established state

program offered by the Federal government for the promotion of the health or welfare of its citizens, including but not limited to the young, the poor and the aged, and in the furtherance of said programs may comply with conditions, rules or regulations attached by the Federal or State governments.

The county may accept gifts or grants of money, property or services from any source, public or private, and may appropriate such funds as may be necessary to carry out said programs.

(1999b amended June 23, 1978, P.L.524, No.87)

(v) Appropriations for Reservoirs and Water Resources

((v) added Oct. 21, 1965, P.L.644, No.318)

Section 1999c. Appropriations for Reservoirs and Water Resources.--(a) The board of commissioners may borrow, appropriate and expend money for the construction, acquisition by purchase, lease or otherwise, operation and maintenance of dams, reservoirs, wells and other facilities for the utilization of surface, subsurface, and ground water resources and all related structures, appurtenances and equipment necessary for the use of said dams, reservoirs, wells and other facilities, and may acquire by purchase, lease, gift, or the exercise of power of eminent domain, sites for the same: Provided, That the board of commissioners shall obtain a permit from the Department of Environmental Resources whenever such permit is required by law: And provided further, That the board of commissioners shall not acquire by the exercise of power of eminent domain the property of a public utility subject to the jurisdiction of Pennsylvania Public Utility Commission or Federal Power Commission.

(b) The board of commissioners may enter into agreements for the regulation of withdrawals and diversions of waters from said dams, reservoirs, wells and other facilities, and the sale of the same, subject to approval of State, Federal or interstate agencies which may have primary jurisdiction over water resources. Dams, wells and reservoirs acquired by purchase, lease or otherwise, or constructed by the commissioners may be for the sole purpose of water supply or in conjunction with any other purposes, except the generation of electric energy.

(c) The board of commissioners may enter into contracts or long-range cooperative programs with State, Federal, interstate and local government agencies or public utilities for the development and use of the county's water resources.

(d) It shall be lawful for any county to execute such agreements and contracts as it may deem necessary or advisable with an authority organized by such county to provide, design, acquire, hold, construct, improve, own, lease, as lessor or lessee, maintain and operate dams, reservoirs, wells and other facilities for the utilization of surface, subsurface and ground

water resources and all related structures, appurtenances and equipment necessary for the use of the same; also to grant, convey, lease, transfer, encumber, mortgage and pledge to such authority, its dams, reservoirs, wells and related facilities and any improvements and additions thereto; to assign and pledge to such authority rentals, rates and charges charged and collected by it for the use thereof and to assign to such authority its power to collect the same. No such agreement, contract, grant, conveyance, lease, assignment, encumbrance, mortgage or pledge shall be construed to prevent the affected county from thereafter using its tax revenues for the purpose of maintaining, repairing, altering, inspecting or improving such dams, reservoirs, wells and related facilities.

Every such agreement, contract, grant, conveyance, lease, transfer, assignment, encumbrance, mortgage and pledge heretofore made to or with any authority organized by any county is hereby ratified, confirmed and made valid and the same shall be and remain lawful, valid and enforceable according to its terms.

(e) Any county may enter into an agreement and contract for the sale of water to any other county, city, borough, incorporated town, township, authority or public utility at reasonable and uniform rates to be determined exclusively by it.

(1999c amended Jul. 29, 1971, P.L.248, No.60)

Compiler's Note: The Department of Environmental Resources, referred to in subsec. (a), was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

(w) Tourist Promotion Agencies

((w) added Oct. 21, 1965, P.L.646, No.319)

Section 1999d. Tourist Promotion Agencies; Appropriations.-- The board of commissioners of any county may create or may join with other counties in the creation of a tourist promotion agency for the purpose of making studies, surveys and investigations and for planning and carrying out promotional programs and projects designed to stimulate and increase the volume of tourist, visitor and vacation business within such county or counties and may appropriate funds for such purposes.

(1999d added Oct. 21, 1965, P.L.646, No.319)

(x) Crime Detection Laboratory and Police Training School

((x) added Dec. 8, 1965, P.L.1054, No.402)

Section 1999e. Crime Detection Laboratories and Police Training Schools.--The board of commissioners of any county of the third class may appropriate money and provide for establishing a crime detection laboratory and police training

school for the use of any political subdivisions situated within such county, and the training of police employed by such political subdivisions.

(1999e added Dec. 8, 1965, P.L.1054, No.402)

(y) Parking Facilities

((y) added Dec. 7, 1965, P.L.1048, No.396)

Section 1999f. Parking Facilities.--The board of commissioners of any county may appropriate moneys from the county treasury for the purpose of purchasing, constructing, maintaining and operating as a county facility a motor vehicle parking facility, or may create a municipal authority and appropriate moneys to such authority for such purpose, and the county commissioners, or the municipal authority created for such purpose, may lease to any city, borough or township wherein the parking facility is or shall be constructed, or to a parking authority created by the city, borough or township, the land to be used for a parking facility, or a parking facility, for the use, benefit, health, safety and general welfare of the citizens of the Commonwealth. The county, at the discretion of the commissioners, may establish or designate parking areas exclusively reserved for parking by handicapped individuals and may post signs indicating such restriction.

(1999 f amended Oct. 5, 1979, P.L.196, No.65)

(z) Non-debt Revenue Bonds for Industrial Development Projects

((z) added Jan. 12, 1968, P.L.4, No.3)

Section 1999g. Issuance of Non-Debt Revenue Bonds for Industrial Development Projects.--The board of commissioners of any county is empowered to issue non-debt revenue bonds of the county pursuant to provisions of the act of June 25, 1941 (P.L.159). known as the "Municipal Borrowing Law," and its amendments, to provide sufficient moneys for and toward the acquisition, construction, reconstruction, extension, equipping or improvement of an industrial development project or projects, consisting of any building or facility or combination or part thereof occupied or utilized by an industrial, manufacturing, or research and development enterprise now existing or hereafter acquired, including any or all buildings, improvements, additions, extensions, replacements, appurtenances, lands, rights in land, water rights, franchises, machinery, equipment, furnishings, landscaping, utilities, railroad spurs and sidings, wharfs, approaches and roadways necessary or desirable in connection therewith or incidental thereto, said bonds to be secured solely by the pledge of the whole or part of the fees, rents, tolls or charges derived from the ownership or operation of such facilities or for the use or services of the same.

Said industrial development project or projects financed by the issuance of non-debt revenue bonds as in this section

provided may be leased by the county in whole or in part to a lessee or lessees for a period of years equal in time to the period of maturity of the bonds so issued.

Included in the cost of the issue may be any costs and expenses incident to constructing and financing the facilities and selling and distributing the bonds.

The board of commissioners in further empowered to sell, lease, lend, grant, convey, transfer or pay over to any authority created pursuant to the act of August 23, 1967 (Act No. 102), known as the "Industrial Development Authority Law," with or without consideration, any project or any part or parts thereof, or any interest in real or personal property or any funds available for industrial development purposes, including the proceeds of non-debt revenue bonds hereafter issued pursuant hereto, for industrial development purposes, and to assign, transfer and set over to any such authority and contracts which may have been awarded for the construction of projects not begun or, if begun, not completed.

The board of commissioners are further empowered to enter into any and all contracts or agreements with any such authority and/or with any tenant or proposed tenant of any industrial development project and to do any or all things necessary or proper to effectuate the public purpose of this section.

(1999g added Jan. 12, 1968, P.L.4, No.3)

(z.1) Grants to Nonprofit Art Corporations

((z.1) added Nov. 1, 1979, P.L.452, No.89)

Section 1999h. Grants to Nonprofit Art Corporations.--The board of commissioners of any county is empowered to make grants annually, not exceeding an amount equal to one mill of the real estate tax to nonprofit art corporations for the conduct of their artistic and cultural activities. For the purposes of this section nonprofit art corporation shall mean a local arts council, commission or coordinating agency, or any other nonprofit corporation engaged in the production or display of works of art, including the visual, written or performing arts. Artistic and cultural activities shall include the display or production of theater, music, dance, painting, architecture, sculpture, arts and crafts, photography, film, graphic arts and design and creative writing.

(1999h added Nov. 1, 1979, P.L.452, No.89)

(z.2) Commission on Women

((z.2) added June 25, 1999, P.L.181, No.25)

Section 1999i. Commission on the Status of Women.--The board of commissioners in any county may establish a commission on the status of women.

(1999i added June 25, 1999, P.L.182, No.25)

ARTICLE XX

PLANNING, ZONING AND TRAFFIC

(XX repealed Jul. 31, 1968, P.L.805, No.247)

(a) County and Regional Planning Commissions

Section 2001. Creation and Powers of County Planning Commissions.--(2001 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2002. Submission of Resolutions for Certain Improvements; Reports.--(2002 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2003. Appearance in Proceedings.--(2003 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2004. Plans of Subdivisions; Jurisdiction; Scope of Subdivisions; Regulations; Procedure; Penalties.--(2004 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2005. Maps of County.--(2005 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2006. Recommendations to County Commissioners and Others.--(2006 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2007. Cooperation Between Commission and Political Subdivisions.--(2007 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2008. Local Authorities to Submit Plans to County Planning Commission.--(2008 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2009. Creation of Regional Planning Commission.--(2009 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2010. Regional Planning Commission to Make Master Plan.--(2010 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2011. Delegated Powers of Regional Planning Commission.--(2011 repealed Jul. 31, 1968, P.L.805, No.247)

(b) County Zoning

Section 2020. Grant of Power.--(2020 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2021. Zoning Commission.--(2021 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2022. Assistance from State Agencies; Personnel.--(2022 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2023. Preparation of Zoning Plan.--(2023 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2024. Zoning Ordinance.--(2024 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2025. Method of Procedure.--(2025 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2026. Purposes of Zoning Regulations.--(2026 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2027. Amendments.--(2027 repealed Jul. 31, 1968,

P.L.805, No.247)

Section 2028. Cooperation Between Counties.--(2028 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2029. The Board of Adjustment.--(2029 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2030. Appeals to the Board of Adjustment.--(2030 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2031. Court Review.--(2031 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2032. Violations; Enforcement and Remedies.--(2032 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2033. Nonconforming Uses.--(2033 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2034. List of Nonconforming Uses.--(2034 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2035. Filing.--(2035 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2036. Finances.--(2036 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2037. Conflict With Other Laws.--(2037 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2038. Subdivision Not to Apply to Certain Buildings of Public Utility Corporations.--(2038 repealed Jul. 31, 1968, P.L.805, No.247)

Section 2039. Definitions.--(2039 repealed Jul. 31, 1968, P.L.805, No.247)

ARTICLE XXI PUBLIC HEALTH

(a) General Provisions

Section 2101. Health Work.--The board of county commissioners may provide and annually appropriate from any moneys in the county treasury not otherwise appropriated such sum or sums as they deem necessary for the protection of the health, cleanliness, convenience, comfort and safety of the people of the county.

(b) County and Joint County Hospitals

Section 2110. Expenses of Maintenance, Care and Treatment.--All expenses incident to the maintenance and operation of any county or joint county contagious disease hospitals, and of buildings, wings and units at general hospitals, erected and equipped for such diseases, under the provisions of this act, shall be paid by the county, or by the counties so joining, out of county funds in accordance with the agreement made between or among the participating counties, or between or among the county and any municipalities within the county, in the case of joint county hospitals, or of buildings, wings and units at general

hospitals jointly agreed upon by counties under the provisions of this act. The county, or each county in the case of joint arrangements, shall separately be liable to pay the cost of the care and treatment of its indigent patients and those unable to pay the entire cost of care and treatment in such contagious disease hospitals, and in buildings, wings and units at general hospitals, and for such purposes any county, or the counties so joining, shall have power to appropriate county funds.

Section 2111. Administration of County and Joint County Hospitals.--After any county hospital for contagious diseases is erected and equipped and ready for occupancy, it shall be operated by and under the authority of the county commissioners of the county in the same manner that other county buildings and institutions are operated, and in the case of joint county hospitals, the operation shall be in the manner provided in the agreement between the counties. All county or joint county contagious disease hospitals heretofore erected and constructed shall hereafter be maintained and operated in the manner provided by this subdivision.

Section 2112. Removal of Contagious Cases to Hospital.--In any county having a hospital for the care and treatment of contagious diseases, any lawfully authorized health authorities of or within the county may remove cases of contagious disease to such hospital for treatment and isolation, whenever proper quarantine measures cannot otherwise be enforced.

Section 2113. Advisory Board for County Hospital for Tuberculosis.--(a) If a majority of the electors voting upon the question submitted to them, pursuant to the provisions of this act, at an election, shall be in favor of the establishment of a hospital by the county for treatment of persons afflicted with tuberculosis, the court of common pleas of the county shall immediately appoint an advisory board of five members, all of whom shall be electors of the county and one of whom shall be a licensed physician. The members of said board shall be appointed, one for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years and one for a term of one year or until their successors are appointed and have qualified. All appointments at the expiration of any term shall be for a term of five years.

(b) The board shall meet monthly and at such other times as it may be deemed necessary. The board shall visit and inspect and keep in close touch with the management and operation of said hospital, and shall, from time to time, make such recommendations and suggestions to the county commissioners for changes or improvements in said management and operation as may be deemed advisable. It shall also make an annual report to the county commissioners concerning the management and operation of

said hospital.

(c) The county commissioners shall, at the expense of the county, provide a meeting place for said board, and furnish all supplies and materials necessary to carry on its work.

(d) The members of the board shall not receive any compensation for their services, but shall be allowed all actual and necessary expenses, incurred in the discharge of their duties, which shall be paid by the county.

Section 2114. Employees' Salaries in County Hospital for Tuberculosis.--The county commissioners may, after consultation with the advisory board, employ a superintendent and such physicians, nurses and other employes as may be necessary to properly conduct and manage such hospital and the salary board shall fix their compensation. All such salaries shall be paid by the county treasurer in the usual manner.

Section 2115. Management.--The county commissioners shall have power, after consulting with the advisory board, to make general rules and regulations for the management of the county hospital for tuberculosis, and shall have power to do all acts deemed necessary to promote the usefulness of the hospital in the prevention of tuberculosis.

Section 2116. Use of Hospital.--Every hospital established under the provisions of this act for the treatment of tuberculosis shall be used for the benefit of all inhabitants afflicted with tuberculosis resident within the county in which the hospital is located, and all such persons shall be entitled to occupancy, nursing, care, treatment and maintenance according to the rules and regulations prescribed by the county commissioners. The county commissioners may exclude from the use of the hospital any person who wilfully violates any rule or regulation adopted for the hospital by said county commissioners. The county commissioners may charge and collect, from persons admitted to the hospital or persons legally responsible for their maintenance, reasonable compensation for the care, treatment and maintenance of such persons, but free treatment shall be given to all such persons who are, after reasonable investigation, found to be unable to pay.

Section 2117. Patients from Other Counties; Donations.--(a) The county commissioners may admit patients to the county hospital for tuberculosis who are resident within any other county of the Commonwealth, provided such other county agrees to reimburse the county in which the hospital is located for all charges in connection with the admission, maintenance, care and treatment of such patients, and not paid by the patients themselves. Authority is hereby conferred upon all counties in the Commonwealth to pay to any other county in which such hospital is located reasonable charges for patients cared for by

said hospital resident in the county paying such charges.

(b) All money received from the care and maintenance of patients or from gifts or donations shall be paid into the county treasury and shall be used only for the maintenance of such hospitals. County commissioners are authorized and empowered to receive contributions, donations, property and trust funds for the erection and maintenance of such hospitals as provided in this act.

Section 2118. Appropriations; Tax Levy.--The advisory board for county hospitals for tuberculosis herein provided for shall, by September thirtieth of each year, furnish to the county commissioners and the county controller, if any, a schedule of expenses deemed necessary for the maintenance and operation of the hospital for the ensuing year. The county commissioners shall, after considering the schedule submitted by the advisory board, annually make appropriations deemed by them sufficient to properly manage and operate said hospital. The county commissioners shall levy a special tax sufficient to produce the moneys appropriated to said hospital, which tax shall be collected in the same manner as other county taxes and shall be paid into the county treasury. All payments from the county treasury shall be made by voucher checks in the usual manner.

Section 2119. Hospitals for Tuberculosis Established Under Other Laws.--In any county where any hospital for tuberculosis has been begun or erected under the provisions of any act of Assembly heretofore repealed, such proceedings and hospital may be completed and the said hospital may thereafter be managed and operated in accordance with the provisions of this act.

(c) County Health Aid to Institutions
and Political Subdivisions

Section 2130. Appropriations to Hospitals, Tuberculosis Sanitaria and Homes.--The board of commissioners may appropriate moneys for the support of any hospital located within or without the limits of such county which is engaged in charitable work and extends treatment and medical attention to residents of such county, and may also appropriate moneys for the support of any home or place of detention of dependent, delinquent and neglected children located within the county, and may also appropriate moneys for the support of any sanitarium for the treatment of persons afflicted with tuberculosis located within the Commonwealth of Pennsylvania, which sanitarium is engaged in charitable work and extends treatment and medical attention to residents of such county.

Section 2131. Appropriation to Society Maintaining Tuberculosis Sanitarium for Indigent.--The board of commissioners may appropriate to any duly incorporated society, chartered to maintain a sanitarium for the treatment therein of

persons suffering from tuberculosis, so much money as may be necessary for the maintenance of indigent persons, residents of the county, who may be inmates of such sanitarium and under treatment for tuberculosis. Said appropriation shall not exceed for each indigent inmate the sum of ten dollars (\$10) per week, payable every three months at the end of the period. The board of commissioners shall at all times have free access to such sanitarium for inspection of its management and for the ascertainment of the number of indigent persons receiving treatment therein.

Section 2132. Aid to Boroughs and Townships for Sewage Purposes.--The board of county commissioners may appropriate moneys from the county treasury to aid cities of the third class, boroughs, incorporated towns or townships in the construction or maintenance of sewers or sewage treatment works, where such sewers and treatment works have been first approved by the Sanitary Water Board of the State Department of Health in the manner provided by law.

(d) Insect Control

Section 2150. Secretary of Agriculture to Cooperate; Elimination and Abatement of Larvae Breeding Places; Liens.--(a) The Secretary of Agriculture of the Commonwealth is hereby authorized and empowered to cooperate with and assist the county commissioners of any county in the effective carrying out the provisions of this subdivision. He may authorize a deputy to meet with the commissioners as his representative. The necessary expenses actually incurred by the secretary and his deputy, in compliance with this section, shall be allowed and paid by the Commonwealth as a part of the expenses of the Department of Agriculture. He shall furnish the said commissioners with such surveys, maps, information and advice as they may require for the prosecution of their work or as in his opinion will be of advantage in connection therewith.

(b) The county commissioners shall have power to eliminate all breeding places of mosquitoes, on private or public property, within the county and to do and perform all acts, including entry upon private or public property, and to carry out all plans which, in their opinion and judgment, may be necessary or proper for the elimination of breeding places of mosquitoes, or which will tend to exterminate mosquitoes within said county.

(c) Any water, in which mosquito larvae breed, is hereby declared a public nuisance and subject to abatement as such. Whenever any such breeding place exists on any lands in the county, other than meadow or marsh lands subject to the ebb and flow of the tide, which breeding place should, in the opinion of the commissioners, be abated they shall, in writing, order the

owner or owners of such lands to abate the same within a reasonable period, and in a manner, to be specified in such order. If, at the expiration of such period, such order has not been complied with, or if the owner or owners of such lands cannot be ascertained or found, the commissioners shall, at once, abate said nuisance and may assess all or part of the cost of such abatement against the lands on which such breeding place exists. They may file municipal liens for said assessments within the time and in the manner provided by law, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

Section 2151. Not to Affect Public Water Supply.--No order of abatement shall authorize, nor shall the county commissioners employ, any method of extermination which shall in anywise effect waters used and useful in the supply of water to the public, whether by a municipality or a water supply company.

Section 2152. Appropriations; Report to Secretary of Agriculture.--(a) The county commissioners may appropriate the amount of money necessary for the purpose of carrying out the provisions of this subdivision. In no year shall the amount, so appropriated, exceed one-fourth of one mill on each dollar of the assessed value of taxable real estate in the county. The sums, so appropriated, or so much thereof as may be required, shall be paid out, from time to time, by the county treasurer on the orders of the county commissioners.

(b) It shall be the duty of the county commissioners annually, on or before the first day of February of each year, to submit to the Secretary of Agriculture a report setting forth the amount of moneys expended during the previous year, if any, the methods employed, the work accomplished and any other information which in its judgment may be pertinent.

(e) Care of Dependents and Children

((e) added Sep. 19, 1961, P.L.1495, No.638)

Section 2160. Definitions.--As used in this subdivision, unless the context otherwise indicates:

"Institution district" means a county institution district managed by the commissioners of the county.

"Dependent" means an indigent person requiring public care, including maintenance, medical care, clothing and incidentals, because of physical or mental infirmity.

"Institution" means an infirmary, poorhouse, almshouse, hospital or sanitarium managed by the commissioners of the county.

"Public charge" means a person who is unable to maintain himself and who requires and receives aid from the Commonwealth or from any political subdivision thereof.

(2160 amended Aug. 13, 1963, P.L.673, No.353)

Section 2161. County Institution Districts Abolished.--All county institution districts in counties of the fourth, fifth, sixth, seventh and eighth classes are hereby abolished. The property, real and personal, of each such existing county institution district on the effective date of these amendments is hereby transferred to and vested in the county wherein the institution district is located. All indebtedness of any institution district, whether current or bonded, incurred in the acquisition of any of such property, and in erecting improvements thereon, shall become the debt and obligation of such county and shall be paid by it. All the powers and duties of the institution districts, in connection with administering their affairs, are hereby transferred to the counties in which such institution districts are located.

(2161 amended Jul. 31, 1963, P.L.372, No.200)

Section 2162. Records.--The commissioners of each county of the fourth, fifth, sixth, seventh and eighth class shall keep records of the work necessitated by this subdivision as prescribed by the Department of Public Welfare, and shall from time to time, make such reports to such department as it shall require.

(2162 amended Jul. 31, 1963, P.L.372, No.200)

Section 2163. Powers and Duties.--The county commissioners of counties of the fourth, fifth, sixth, seventh and eighth classes shall have the power and their duty shall be:

(1) To erect, equip, maintain, repair, alter and add to institutions for the care of dependents, and to equip, maintain, cultivate and improve farms, using their produce for the support of dependents, or if a surplus of farm products should exist, the commissioners may sell the surplus pursuant to section 1805 of this act. Any plan for the erection or substantial alteration of an institution must be approved as to suitability by the Department of Public Welfare.

(2) To pay the necessary expenses of land and buildings for the care of dependents and farms.

(2163 amended Apr. 29, 1982, P.L.359, No.100)

Section 2164. Further Powers and Duties.--The county commissioners of counties of the fourth, fifth, sixth, seventh and eighth classes shall have the power and it shall be their duty, with funds of the county, according to rules, regulations and standards established by the Department of Public Welfare: (Par. amended July 31, 1963, P.L.372, No.200)

(1) To care for any dependent having a settlement in the county, who is not otherwise cared for: Provided, however, That no applicant for public nursing home care under the medical assistance for aged provisions of the "Public Assistance Law," who resides in Pennsylvania, shall be rendered ineligible for

such care by lack of settlement in the county. ((1) amended Aug. 13, 1963, P.L.673, No.353)

(2) To contract with other counties, any institution district, or any individual, association, corporation or other entity for the care of any dependent. ((2) amended July 3, 1985, P.L.135, No.37)

(3) To contract with any association in Pennsylvania organized to provide a home or employment for deaf and dumb or blind persons having a settlement in the county, or to care for any dependent having a settlement in the county, who is deaf and dumb or blind or to help him through employment.

(4) To pay the cost or part of the cost with respect to mental or other patients imposed by law upon county institution districts.

(5) To take any other action authorized by law.

(6) To contract with any individual, association, corporation, institution or governmental agency for the purpose of providing foster home care for persons over eighteen years of age. If, in the discretion of the county commissioners, such foster home care is advisable, the county commissioners may expend funds for such foster home care in addition to any funds paid by the Commonwealth or any individual, association, corporation, institution or governmental agency to or for such persons over eighteen years of age. ((6) amended July 22, 1965, P.L.229, No.127)

(7) To require that any person cared for in an institution as defined herein shall pay for the cost of his care to the extent of his available resources.

(8) To provide or to contract with any individual, corporation, institution or governmental agency to provide care and services designed to help dependents remain in or return to community living, outside county institutions. ((8) added July 22, 1965, P.L.229, No.127)

(2164 added Sept. 19, 1961, P.L.1495, No.638)

Section 2165. Care of Persons Referred by Department of Public Welfare.--The county commissioners of counties of the fourth, fifth, sixth, seventh and eighth classes shall have power to care for any dependent or other indigent person in the county who is referred to them by the Department of Public Welfare or by a local board under its supervision, pending the determination of such person's legal settlement.

(2165 amended Jul. 31, 1963, P.L.372, No.200)

Section 2166. Provision for Burial of Dependents and Other Persons.--Except as otherwise provided by law, the county commissioners of counties of the fourth, fifth, sixth, seventh and eighth classes shall provide for the burial of any person who dies in the county unless his body is claimed by a relative

by blood or marriage, or by a friend, or by his fraternal or veterans' organization, or by a charitable organization, or by the Anatomical Board of the State of Pennsylvania, and is buried at the expense of such relative, friend or organization. No such burial shall cost more than three hundred dollars (\$300).

(2166 amended Dec. 22, 1965, P.L.1162, No.456)

Section 2167. Treatment of Persons in Danger of Hydrophobia.--The county commissioners of counties of the fourth, fifth, sixth, seventh and eighth classes shall provide, with approved medical care and proper attendance (including the so-called Pasteur treatment, where prescribed), all indigent persons settled within their district who may be assumed to be in danger of suffering from hydrophobia or rabies by reason of having been bitten by an animal believed to have been suffering from the disease, and to order payment of the expenses so incurred out of the funds of the county for the care of dependents.

(2167 amended Jul. 31, 1963, P.L.372, No.200)

Section 2168. Powers and Duties of County Commissioners as to Children.--The county commissioners of any county of the fourth, fifth, sixth, seventh or eighth class shall have the power and for the purpose of protecting and promoting the welfare of children and youth, it shall be their duty to provide those child welfare services designed to keep children in their own homes, prevent neglect, abuse and exploitation, help overcome problems that result in dependency, neglect or delinquency, to provide in foster family homes and child caring institutions adequate substitute care for any child in need of such care and upon the request of the court, to provide such services and care for children and youth who have been adjudicated dependent, neglected or delinquent.

No child under the age of sixteen years shall, unless he is mentally or physically handicapped and no other care is available for him, be admitted to, or maintained in, an institution conducted by the county commissioners of fourth, fifth, sixth, seventh or eighth class counties other than a hospital or sanitarium.

(2168 amended Dec. 1, 1965, P.L.1004, No.371)

Section 2169. Contributions for Medical Care.--The commissioners of each county of the fourth, fifth, sixth, seventh or eighth class shall have the power to make annual appropriations from the funds of the county for the support of any public institution operated, or to any nonprofit corporation organized, to give medical care to the dependents and children of the county without discrimination as to membership in any organization or as to race or sect.

(2169 amended Jul. 31, 1963, P.L.372, No.200)

Section 2170. Inspections by Department of Public Welfare.--The institutions and books, accounts and records of each county pertaining to its powers and duties authorized by this subdivision shall, at all times, be open to the inspection of the Department of Public Welfare and its agents.

(2170 added Sep. 19, 1961, P.L.1495, No.638)

Section 2171. Reports of Persons Applying for Treatment of Disease.--Each county of the fourth, fifth, sixth, seventh and eighth class shall make a record of all of the personal and statistical particulars relative to the inmates in their institutions, as directed by the Department of Health, for statistical purposes, and thereafter such record shall be by them made for all future inmates at the time of their admission. In case of dependents admitted or committed for medical treatment of disease, the physician in charge shall specify for entry in the record the nature of the disease and where, in his opinion, it was contracted. The personal particulars and information required by this section shall be obtained from the individual dependent himself, if it is practicable to do so, and when they cannot be so obtained, they shall be secured in as complete a manner as possible from the relatives, friends or other persons acquainted with the facts.

(2171 amended Jul. 31, 1963, P.L.372, No.200)

Section 2172. Rules and Regulations.--The county commissioners of each county of the fourth, fifth, sixth, seventh and eighth class shall have power to make such rules and regulations, not inconsistent with this act and not inconsistent with the rules and regulations of the Department of Public Welfare, as may be deemed proper, convenient and necessary for the government of its institutions and to properly care for dependents.

(2172 amended Jul. 31, 1963, P.L.372, No.200)

Section 2173. Providing Certain Services Without Charge Prohibited.--Notwithstanding any other provisions of law, no county commissioners shall provide without charge any items of care or service which an individual is entitled to receive as assistance under the "Public Assistance Law," but this section shall not be construed to preclude county commissioners from supplementing such public assistance.

(2173 added Sep. 19, 1961, P.L.1495, No.638)

Section 2174. Payments by County Commissioners for Assistance.--The county commissioners shall pay monthly to the Department of Public Welfare, as such county commissioners payment for assistance, the amount expended by the department during the preceding month as assistance on behalf of patients receiving public nursing home care in a county medical institution, and on behalf of children in foster family homes

and child-caring institutions, plus the cost of administering such assistance, minus the amount of Federal funds properly received or to be received by the Department of Public Welfare on account of such expenditures increased or reduced, as the case may be, by any amount by which the sum paid for any previous month differed from the amount which should have been paid for such previous month and by the proportionate share of refunds of such assistance as provided in the "Public Assistance Law." The Department of Public Welfare shall certify to the county commissioners the amount to be paid by them to the department.

(2174 amended Dec. 1, 1965, P.L.1004, No.371)

Section 2174.1. Limitation of Authority Respecting Public Assistance Recipients.--The county commissioners shall not exercise supervision or control over the finances or services other than medical or remedial care provided as assistance to or on behalf of dependents who are recipients of assistance under the "Public Assistance Law."

(2174.1 added Sep. 19, 1961, P.L.1495, No.638)

Section 2175. Settlement.--For the purposes of this subdivision:

(1) A person is first settled in the county of birth unless the child's parents or the custodial parent if the parents do not live together or other legal guardian if neither parent has custody of the child has an established settlement elsewhere, in which case the first settlement of such person is in the county of his or her custodian. If the child resides with both parents and they have different settlements the settlement of the child shall be the same as that of the parent whose settlement coincides with the family residence. If neither parent's settlement coincides with the family residence, the child's settlement shall be in the place of the child's birth.

(2) ((2) deleted Oct. 4, 1978, P.L.964, No.190)

(3) The settlement of a person in a county continues until a new one is acquired in this Commonwealth or elsewhere. A settlement is lost only by acquiring a new one, except that a person who has settlement in this Commonwealth, and who is residing in another state, shall be deemed to have lost settlement in this Commonwealth if a person from such other state, in like circumstances, could have acquired settlement in this Commonwealth by residence in this Commonwealth, as hereinafter provided; and except that a person having settlement in this Commonwealth, who has been absent therefrom and who has been residing in another state, shall be deemed to have lost settlement in this Commonwealth if a resident of such other state, who is residing in this Commonwealth, would lose settlement in such other state as a result of absence therefrom

for a period of equal duration or for a period of lesser duration.

(4) Except as hereinafter otherwise provided, every adult and every emancipated minor, whether married or single, may acquire a new settlement in any county of this Commonwealth or in the Commonwealth by coming bona fide to establish a permanent abode therein and continuing to reside therein for one whole year, if such person or minor is of sufficient mental ability to make a bargain, and is not or does not become a public charge during such year.

(5) ((5) repealed Oct. 4, 1978, P.L.909, No.173 and deleted Oct. 4, 1978, P.L.964, No.190)

(6) A minor cannot be emancipated before age sixteen, and becomes emancipated absolutely at age eighteen, if then of sufficient mental ability to make a bargain. After age sixteen and before age eighteen, a minor of sufficient mental ability to make a bargain may become emancipated by his own acts or the acts of the parent, stepfather or stepmother having had the custody. When a person is emancipated, he or she is capable of establishing a new settlement.

(7) A minor who is so mentally deficient as to be unable to make a bargain cannot be emancipated after age sixteen, and such a person does not become emancipated at age eighteen and so long thereafter, as the mental condition continues. The settlement of such a person shall at all times during mental disability be ascertained as provided in clauses (8) and (9) of this section for the settlement of minors not emancipated.

(8) Before emancipation, the settlement of a minor is and remains that of the natural parents or custodial parent, should the natural parents not live together, or of any other legal guardian, or if the parents live together and have different settlements, that of the natural parent whose settlement coincides with the family residence, except that if the parents live together with the child and have different settlements neither of which coincides with the family residence, the settlement of a minor before emancipation shall be and remain in the place of the child's birth.

(9) ((9) deleted Oct. 4, 1978, P.L.964, No.190)

(10) If a person has no known settlement in this Commonwealth and cannot for any reason whatever be removed into the state or country where settled, he shall have a quasi-settlement in the county where he or she becomes a public charge, which county shall, if he be a dependent, be liable for his or her support, otherwise such liability shall be upon the Commonwealth.

(11) If a person becomes a public charge in a county other than the one in which settled, such county, if he be a

dependent, otherwise the Commonwealth, shall be liable for support until the county, state or country of settlement is discovered, and removal to such county, state or country takes place. Any county of settlement shall be liable to the county in which the person became a dependent for the cost of care advanced and the expenses of removal.

(2175 amended Oct. 4, 1978, P.L.964, No.190)

Section 2176. Removal to County of Settlement.--In case any person does not have a settlement in the county of the fourth, fifth, sixth, seventh or eighth class wherein he has become, or is likely to become, a dependent, it shall be the duty of the county commissioners to notify the county commissioners of the county of his settlement of the facts. If the county commissioners, so notified, refuse or neglect to receive him or to make arrangements for his proper care and to pay the amount advanced, the county commissioners during such care may apply to the court of quarter sessions of their county, or to any judge thereof, by petition, asking for a citation to the county commissioners, so refusing or neglecting, requiring them to appear before such court at a time specified therein, and to show cause why an order should not issue for the removal of such dependent into their county. The court shall proceed to hear and determine the cause upon its merits, and its decree shall be final, unless an appeal therefrom be taken within thirty days.

The citation accompanied by a copy of the petition shall be served by the sheriff of the county, who may, for that purpose, deputize the sheriff of the cited county, upon one or more of the county commissioners named therein, or, with the approval of the court, service may be had by sending such copy by registered mail. The service of mailing shall be at least ten days before the day fixed for such hearing. Upon the hearing and argument before the court, it shall be lawful for either of the parties to the issue to except to any decision of the court upon any point of evidence or law, which exception shall be noted by the court and filed of record as in civil cases. An appeal to an appellate court may be taken by either party from the judgment or decree of the court.

(2176 amended Jul. 31, 1963, P.L.372, No.200)

Section 2177. Liability for Costs.--In case an order of removal is granted by any court of quarter sessions, the court, in the same order, shall require the county of settlement to pay the petitioners the cost of the proceedings, the expense of removal, and the proper charges for the care of the dependent, from the date of the notice first above provided for, all of which expense, cost, and charges shall be ascertained and allowed by the court. If an order of removal is refused, the cost of the proceeding shall be paid by the county petitioning

therefor.

The court of quarter sessions shall have full and complete authority and jurisdiction to enforce by appropriate methods its orders or directions made in such proceeding.

(2177 added Sep. 19, 1961, P.L.1495, No.638)

(f) Training for County Health, Welfare
and Probation Personnel

((f) added Aug. 9, 1963, P.L.626, No.334)

Section 2180. Attendance at Training Courses and Conferences.--The commissioners of any county may approve attendance at county expense by county health, welfare or probation personnel at appropriate training courses or at state or national conferences in the health, welfare or correctional fields. Such expenses may include maintenance fees, if any, and transportation or mileage, if use of personal automobile is authorized.

(2180 added Aug. 9, 1963, P.L.626, No.334)

(g) Boards of Health in Counties of the Third Class

(1) Board of Health

((g) added Nov. 18, 1968, P.L.1058, No.323)

Section 2185. Board of Health Jurisdiction Incompatibility.--Each county of the third class may, by ordinance, create a board of health as herein provided. The jurisdiction of every such board of health shall extend to all parts of the country in which created: Provided, That whenever there is a board of health in any city, borough or township of the county, the rules and regulations of any such board of health shall supersede any rules and regulations of the county board in any particular matter where such rules and regulations are more stringent. The board of health shall have five members appointed by the board of county commissioners, who shall serve without compensation. Except as otherwise herein provided, membership on the board of health shall be incompatible with every other county office.

(2185 added Nov. 18, 1968, P.L.1058, No.323)

Section 2186. Qualifications; Term; Removal.--The members of the board of health shall be residents of the county, except in the case of physicians who shall have their main office in the county. At least two members shall be reputable physicians of not less than two years experience in the practice of their profession. Upon the creation of the board, the board of county commissioners shall designate for one appointee a term of one year, for another a term of two years, and so on up to five; thereafter, one member of the board shall be appointed annually to serve for a term of five years from the first Monday of April succeeding his appointment. The board of county commissioners, after due notice and hearing, may remove members of the board

for official misconduct or neglect of duty. All vacancies shall be filled for the unexpired term.

(2186 added Nov. 18, 1968, P.L.1058, No.323)

Section 2187. Oath of Office; Organization; Secretary.--Each member of the board of health shall take the oath of office prescribed in section 403 of this act. The board shall organize annually at its regular meeting date in January. The board shall elect a president annually from among the members and shall appoint a secretary who is not a board member. The secretary shall take the aforesaid oath and shall give a fidelity bond with corporate surety to the county in such amount as the board of county commissioners requires. The secretary shall receive such salary as the board of county commissioners shall approve.

(2187 added Nov. 18, 1968, P.L.1058, No.323)

Compiler's Note: Section 3(3) of Act 76 of 2008 provided that all acts and parts of acts are repealed insofar as they are inconsistent with Act 76. Section 1 of Act 76 amended 53 Pa.C.S. Ch. 11 (relating to general provisions) by adding section 1141 (relating to form of oaths of office), which provides the form of oaths of office for elected or appointed officials of municipalities.

Section 2188. Duties of Secretary.--The secretary of the board shall perform such duties as shall be assigned to him by the board of health or the health officer.

(2188 added Nov. 18, 1968, P.L.1058, No.323)

Section 2189. Health Officer; Qualifications; Oath and Bond.--The board shall appoint as a health officer a person with experience and training in public health work in accordance with rules and regulations of the Advisory Health Board of the State Department of Health, and who shall not enter upon his duties until he has been certified for the office of health officer by the State Department of Health. The health officer shall take the oath required of members of the board, and shall give bond with corporate surety approved by the board of county commissioners to the county for the faithful performance of his duties. The amount of the bond shall be fixed by the board of county commissioners. The health officer shall be the agent of the board of health.

(2189 added Nov. 18, 1968, P.L.1058, No.323)

Compiler's Note: Section 3(3) of Act 76 of 2008 provided that all acts and parts of acts are repealed insofar as they are inconsistent with Act 76. Section 1 of Act 76 amended 53 Pa.C.S. Ch. 11 (relating to general provisions) by adding section 1141 (relating to form of

oaths of office), which provides the form of oaths of office for elected or appointed officials of municipalities.

Section 2190. Duties of Health Officer.--It shall be the duty of the health officer to attend all stated and special meetings of the board of health and to be available for the prompt performance of his official duties at all times. He shall quarantine places of communicable diseases in accordance with law and with the rules and regulations of the State Department of Health or of the board of health. He shall execute all laws and rules or regulations for the disinfection of quarantined places. He shall serve written notice on teachers and persons in charge of public, parochial, Sunday and other schools, requiring the exclusion from school of children who are suffering from, or who reside with persons who are suffering from, communicable diseases, and shall make sanitary inspections, and shall execute the orders of the board of health and all other laws, rules and regulations and orders pertaining to his office. He shall, in the performance of his duties, have the power and authority of a peace officer.

(2190 added Nov. 18, 1968, P.L.1058, No.323)

Section 2191. Duties of Board of Health.--The board of health shall enforce the health laws of the Commonwealth and the rules and regulations of the State Department of Health pertaining thereto. The board shall enforce those orders of the State Department of Health for which the State Department of Health reimburses the county for its costs pertaining thereto. The board shall undertake to prevent or diminish the introduction or further spread of infectious or contagious diseases, and otherwise to protect and increase the public health by regulating communication with places of infection or contagion, by isolating carriers of infection or contagion or persons who have been exposed to any infectious or contagious disease, by abating or removing all nuisances which the board shall deem prejudicial to the public health, and by enforcing the vaccination laws; and the boards shall make all such rules and regulations as to it appear proper for the preservation or improvement of the public health, consistent with this article and the laws of the Commonwealth. The board shall transmit to the State Department of Health all of its reports and publications and such other information regarding public health in the county as may be requested by the department.

(2191 added Nov. 18, 1968, P.L.1058, No.323)

Section 2192. Powers of Board of Health.--The board of health shall have authority:

(1) To employ agents and employes at such rates or salaries as the salary board shall approve.

(2) To establish and staff emergency hospitals, with the consent of the board of county commissioners, in case of the prevalence or threat of any contagious or infectious disease or other serious peril to public health, and to provide for and regulate the management of such hospitals.

(3) To enter upon any premises whatsoever within county as a body or by committee or by its agents or employes, which premises are suspected of infectious or contagious disease or of any other nuisance prejudicial to the public health, or of the danger of them, for the purpose of examining the premises or of preventing, confining or abating public nuisances.

(4) To conduct investigations and to hold public hearings in the performance of its duties and powers, wherein the president and secretary of the board shall have full power to administer oaths and affirmations but shall receive no fee therefor. For such purposes, the board of health may require the attendance of witnesses and their books and papers.

(5) To establish a force of sanitarians for the enforcement of its rules and regulations, wherever in the opinion of the board the public health of the county requires. To fix the number of such police and the duration of their service and to have the exclusive control and direction of them.

(6) To publish and enforce its rules and regulations.

(7) To provide for or cooperate in providing for general and gratuitous vaccination, disinfection and other public health control programs, and likewise to make available medical relief in such ways as in its opinion will benefit the public health.

(8) To certify to the board of county commissioners expenditures in excess of the board of county commissioner's appropriations therefor, necessarily incurred by the board by reason of an epidemic, or upon approval of the board of county commissioners for any other immediate and serious peril to public health. The board of county commissioners shall thereupon appropriate sufficient money to meet such additional expenditures.

(9) To prevent, abate or remove conditions found by it to be detrimental to the public health as public nuisances, or to declare and certify to the board of county commissioners such conditions and the premises or ways or places harboring them to be public nuisances.

(10) To prescribe regulations for the erection or operation of bone boiling establishments or of repositories of dead animals in the county, and in accordance therewith, to permit or refuse to permit such erections or operations within the county. Any person who shall erect or operate any such establishment or repository in the county without the permission of the board of health, or in violation of its regulations pertaining thereto,

shall forfeit and pay to the county the sum of three hundred dollars (\$300) for every such offense, and the like amount for each months's continuance thereof, to be collected by an action before any alderman or justice of the peace, and shall also be subject to indictment for the common law offense of creating and maintaining a nuisance. Nothing herein shall limit the remedies of injunction or abatement as to any such establishment.

(11) To determine whether or not the keeping or slaughtering of stock animals or fowls in or about any dwelling or part thereof, or in the yard, lot or adjoining property of any such building within the county or parts thereof, is or may become detrimental to the public health. The board of county commissioners may prohibit any such keeping or slaughtering which the board certifies to it as detrimental, or the board may issue permits in accordance with regulations adopted by it for the keeping of such animals or fowls within the county or parts thereof. No such permit shall extend beyond the calendar year within which it was issued, and the fee for each permit shall be fixed by the board of health upon approval of the county commissioners.

(12) To make provisions for the compilation of vital statistics, maternal and child care, health education, control of chronic diseases, or needed laboratory services.

(2192 added Nov. 18, 1968, P.L.1058, No.323)

Section 2193. Effect of Rules and Regulations.--The rules and regulations of the board of health shall be subject to prior approval of the board of county commissioners and when printed and advertised by the board of county commissioners as required by this act in section 110, shall have the force of ordinances of the county, and all penalties, fines or imprisonment prescribed therein for violations thereof, together with the expenses necessarily incurred in carrying the rules and regulations into effect and the costs of proceedings incident thereto, shall be recoverable for the use of the county.

(2193 added Nov. 18, 1968, P.L.1058, No.323)

Section 2193.1. Prohibition of Political Activity.--No person appointed to any position or employed by a county board of health shall be a member of or delegate or alternate to any political convention, nor shall he participate at any such convention, except in the performance of his official duty or as a visitor, nor shall he serve as a member of any committee of any political party, or take an active part in political management or in political campaigns, or use his office or position to influence political movements or to influence the political action of any officer or employe in the classified service, nor shall he circulate or seek signatures to any nominations or other petition required by any primary or

election law, nor shall he seek or accept election, nomination or appointment as an officer of a political club or organization, or serve as a member of a committee of any such club or organization, nor shall he in any manner participate in or interfere with the conduct of any election or the preparation therefor at the polling place or with the election officers while counting the votes or returning the election material to the place provided by law for that purpose, save only for the purpose of making and depositing his own ballot as speedily as it reasonably can be done, nor shall he be within the polling place or within fifty feet thereof, except for the purpose of carrying out official duties and of ordinary travel or residence during the period of time beginning with one hour preceding the opening of the polls for holding such election and ending with the time when the election officers shall have finished counting the votes and have left the polling place for the purpose of depositing the election material in the place provided by law for that purpose, excepting only police officers, who may temporarily approach or enter the polling place in order to make any arrest permitted by law or for the purpose of preserving order and in each case remain only long enough to accomplish the duties aforesaid after which the said officers shall at once withdraw: Provided, however, That the rights of any individual as a citizen are not impaired hereby, and the prerogative to attend meetings, to hear or see any candidate or nominee, nor to express one's individual opinion privately, shall remain inviolate.

(2193.1 added Nov. 18, 1968, P.L.1058, No.323)

Section 2193.2. Prohibition of Assessments.--No person shall orally or by written or printed communication, directly or indirectly, demand, solicit, collect or receive or be in any manner concerned in demanding, soliciting, collecting or receiving any money or valuable thing or any assessment, subscription or contribution, whether voluntary or involuntary, from any officer or employe of a county board of health for any political purpose whatever. No officer or employe of a county board of health shall orally or by written or printed communication, directly or indirectly, demand, solicit, collect or receive or be in any manner concerned in demanding, soliciting, collecting or receiving any money or valuable thing for any political purpose whatever. No person in the service of the county shall remove, suspend, furlough, demote or promote or in any manner change the official status or compensation of any officer or employe of a county board of health or promise or threaten to do so for withholding or neglecting to make any contribution of money or service or other valuable thing for any political purpose. No person shall take part in preparing any

political assessment, subscription or contribution with the intent that the same shall be sent or presented to or collected from any officer or employe of a county board of health, and no person shall knowingly send or present, directly or indirectly, in person or by letter, any political assessment, subscription or contribution to, or request its payment by, any officer or employe of a county board of health.

(2193.2 added Nov. 18, 1968, P.L.1058, No.323)

Section 2194. Fees and Penalties.--All fees and penalties collected or received by the board or any officer thereof in his official capacity shall be paid monthly to the county treasurer for the use of the county.

(2194 added Nov. 18, 1968, P.L.1058, No.323)

Section 2195. Proceedings of Board to be Public.--The proceedings of the board shall be public and its journal or proceedings shall be opened to the inspection of any taxpayer.

(2195 added Nov. 18, 1968, P.L.1058, No.323)

Section 2195.1. Employes of Boards of Health.--The recruiting, selection, tenure, removal and working conditions of all personnel employed by any board of health shall conform to standards of personnel administration formulated by the board of health and reviewed and approved first by the county commissioners and finally by the State Department of Health, except that the State Department of Health shall exercise no authority with respect to the selection, compensation and removal of any individual employed in accordance with such standards, other than the approval of the qualifications of the county health director by the State Secretary of Health.

(2195.1 added Nov. 18, 1968, P.L.1058, No.323)

Section 2195.2. Program Controls.--Should the State Secretary of Health find any of the activities of the board of health to be incompatible with the rules, regulations, or programs of the State Department of Health, he shall so advise the county commissioners and the board of health which shall take steps to remove such incompatibility. Should conditions exist which constitute a menace to the health of the people of the county, the State Secretary of Health may, after giving notice which is reasonable under the particular circumstances, take charge of the county board of health during the existence of such menace of which remedial action has not been taken by the board of health.

(2195.2 added Nov. 18, 1968, P.L.1058, No.323)

(2) Abatement of Public Nuisances

Section 2196. Definition.--Any condition or usage whatsoever in or about the buildings, structures or land, or the streets or private ways and places, or elsewhere within the county of the third class, whether public or private, which the board of

health shall find to be detrimental to the public health is hereby declared to be a public nuisance. Whenever in this subdivision the words "public nuisance" or "nuisance" are used they shall be deemed to mean a nuisance detrimental to the public health, unless a different meaning is specified. The powers of investigation and entering upon premises vested in the board of health and its agents and employes pursuant to its orders shall be available for the determination of public nuisances.

(2196 added Nov. 18, 1968, P.L.1058, No.323)

Section 2197. Procedure for the Abatement of Public Nuisances.--Whenever the board of health shall determine, after such examination, investigation or hearing as shall suffice to inform its judgment, that a public nuisance exists or is about to exist, it may order the nuisance to be removed, abated, suspended, altered, or otherwise prevented or avoided. Notice of such order, bearing the official title of the board and the number of days for compliance therewith and the alternative remedy of the board in case of non-compliance, shall be served upon the person, if any, whom the board deems responsible therefor or concerned therein, and upon the owner or abutting owner of the land, premises or other places whereon such nuisance is or is about to be, if any. In case no such party or parties can be discovered by the board, the order shall be served by posting a copy or copies thereof conspicuously upon the premises for a period of at least ten days.

(2197 added Nov. 18, 1968, P.L.1058, No.323)

Section 2198. Contents of Notice.--The notice of the board's order shall clearly specify:

(1) The place and manner of the nuisance or anticipated nuisance as determined by the board;

(2) The nature or condition thereof;

(3) The board's order with respect to the nuisance or anticipated nuisance;

(4) The names of the persons found by the board to be responsible therefor or concerned therewith and the name of the owner, if any, of the land or premises involved;

(5) The date of the board's order and the number of days therefrom allowed for compliance with it;

(6) The alternative remedy of the board in case of non-compliance;

(7) Notice that the persons affected thereby may apply, within the time set for compliance with the order, to the board for a hearing, and may request such stay of execution or modification or rescission of the said order as they shall believe just and proper;

(8) The signature of the president of the board, attested by

the secretary.

(2198 added Nov. 18, 1968, P.L.1058, No.323)

Section 2199. Hearing; Disposition.--If any person affected thereby shall apply for a hearing within the time provided, the board shall promptly notify all interested parties of the time and place of the hearing. The board shall enter upon its minutes such facts and proofs as it may receive, and its proceedings on such hearing and thereafter may rescind, modify or reaffirm its order and require execution of the original or of a new or modified order, as it shall determine and direct. The persons affected shall be notified of the board's final order, and may appeal therefrom, which appeal may operate as a supersedeas if the court, upon proper cause shown, so orders, and provided the appellants post bond, approved by the court, for the use of the county, with sufficient surety to cover all the expense and cost of executing the board's order.

(2199 added Nov. 18, 1968, P.L.1058, No.323 and repealed in part Dec. 20, 1982, P.L.1409, No.326)

Section 2199.1. Abatement of Public Nuisances by Board of Health or County.--In any case where the persons ordered by the board of health to abate or prevent a public nuisance or anticipated public nuisance refuse or neglect to do so within the time specified in the original or any subsequent order of the board, then, unless the said order shall have been suspended by appeal to the court and proper bond posted, the board may direct its health officer and employes to execute the said order; or if the execution of the said order requires the grading, paving or repaving of private alleys or any similar work upon any property whatsoever within the county or any other work or service that may best be performed or contracted for by the agencies and employes of the county itself, then the board shall certify its order to the board of county commissioners and the board of county commissioners shall thereupon proceed to cause the execution of the order. In any case where the board of health or the board of county commissioners thus abates or prevents or causes the abatement or prevention of a public nuisance, the cost and expense of such work, services and materials shall be charged to the persons affected in their proper proportions; and upon non-payment of such charges, the county may file a lien therefor upon the affected premises in the name of and for the use of the county, as provided by law for municipal claims, in addition to the other remedies available for the collection of debts due the county. The lien shall attach as of the time the work was commenced, which shall be fixed by the certificate of the health officer or of the county engineer filed with the chief clerk of the county commissioners.

(2199.1 added Nov. 18, 1968, P.L.1058, No.323)

(3) Penalties

Section 2199.2. Penalties.--Any person violating any provision of this subdivision or any order of the board of health made under the authority of this subdivision, or of any law or ordinance therein referred to or authorized, or who shall obstruct or interfere with any person in the execution of any order of said board, or wilfully and illegally omit to obey any such order, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding one hundred dollars (\$100) or undergo imprisonment not exceeding ninety days, or both.

(2199.2 added Nov. 18, 1968, P.L.1058, No.323)

(h) General Hospitals

((h) added May 22, 1972, P.L.305, No.81)

Section 2199.5. Establishment; Creation of Municipal Authorities.--The board of commissioners of any county may acquire, hold, construct, improve, maintain and operate, own and lease, either in the capacity of lessor or lessee, general hospitals within the county for the use, benefit, health, comfort, safety and general welfare of the people of the Commonwealth and appropriate moneys from the county treasury for such purposes, or may create a municipal authority pursuant to the Municipality Authorities Act of 1945 and appropriate moneys to such authority for any of such purposes.

(2199.5 added May 22, 1972, P.L.305, No.81)

Section 2199.6. Expenses.--All expenses incident to the maintenance and operation of any hospital under the provisions of this subdivision (h) including any lease rentals payable by the county to a municipal authority shall be paid by the county out of county funds.

(2199.6 added May 22, 1972, P.L.305, No.81)

Section 2199.7. Administration of Hospitals.--Any hospitals owned by or leased to the county under this subdivision (h) may be operated by and under the authority of the county commissioners of the county in the same manner that other county buildings and institutions are operated or may be subleased to the governing body of any general hospital within the county for operation by such governing body.

(2199.7 added May 22, 1972, P.L.305, No.81)

Section 2199.8. Use of Hospital.--Every hospital owned by or leased to the county under the provisions of this subdivision (h) shall be used for the benefit of all inhabitants resident within the county in which the hospital is located, and all such persons shall be entitled to occupance, nursing, care, treatment and maintenance according to the rules and regulations prescribed by the county commissioners. The county commissioners

may exclude from the use of the hospital any person who wilfully violates any rule or regulation adopted for the hospital by said county commissioners. The county commissioners may charge and collect from persons admitted to the hospital or persons legally responsible for their maintenance, reasonable compensation for the care, treatment and maintenance of such persons.

(2199.8 added May 22, 1972, P.L.305, No.81)

ARTICLE XXII

AERONAUTICS

Section 2201. Authority to Establish Airports.--Subject to the provisions of The Aeronautical Code, any county shall have the right and authority to establish, construct and provide for air navigation facilities in accordance with the provisions of this article.

Section 2202. Counties May Hold or Acquire Lands for Aeronautical Purposes.--(a) Any county may use for the purpose of any air navigation facilities any land within the county and owned by the county when the county commissioners determine such land necessary for such purposes.

(b) Any county may appropriate for the purposes of any air navigation facilities, any lands purchased by it at any tax sale and not redeemed within the period of redemption, if any, provided by law.

(c) Any county may acquire by gift, lease, purchase or condemnation proceedings, any land lying within its territorial limits or the territorial limits of any adjoining county which, in the judgment of the county commissioners, may be necessary and desirable for the purpose of establishing and maintaining air navigation facilities or of enlarging them, but no such land shall be so acquired in any adjoining county without the assent of the county commissioners thereof.

Section 2203. Condemnation Proceedings; Title.--The proceedings for the condemnation of lands under the provisions of this article and for the assessment of damages for property taken, injured or destroyed shall be conducted in the same manner as now provided by law for the condemnation of land or buildings for county purposes in the county in which the land is situated.

The title acquired by virtue or any such condemnation shall be a title in fee simple.

Section 2204. Leases for Aeronautical Purposes.--Any county acquiring land for any aeronautical purposes may lease the same or part thereof for an adequate consideration, after due public notice to any individual or corporation desiring to use the same for the purposes of taking off or landing an airplane, or for other aeronautical purposes, on such terms and subject to such

conditions and regulations as may be provided. Any such county may enter into a contract in the form of a lease providing for the use of said land or any part thereof by the Government of the United States for air mail delivery or other aeronautical purposes upon nominal rental or without consideration.

Section 2205. Joint Operation; Leasing.--Any county acquiring land for any aviation purpose may operate and maintain such air navigation facilities jointly with any city, county, borough, town or township or other political subdivision, upon such terms and conditions as may be agreed upon between the authorities thereof and the county commissioners of the county, and such joint facilities may be leased, as hereinbefore provided, upon the joint action of the authorities involved and the county commissioners.

Section 2206. Engineering and Construction; Appropriations.--Any county acquiring any land for any aeronautical purposes may, by resolution of the board of commissioners, appropriate such funds as are necessary for the engineering design, surveys and construction of such facilities, either wholly by themselves or in cooperation with State, Federal or other public agencies supplying a portion of the necessary funds for said work.

Section 2207. Contracts for Construction and Repairs.--In establishing, maintaining and operating air navigation facilities where construction and repair of roadways, runways, buildings and facilities, or the purchase thereof, are deemed necessary within or for use within the limits of land acquired for such purpose, there shall be no necessity for submission thereof to the court of quarter sessions or grand jury of any county, but contracts therefor shall be entered into as provided for the general business of the county, and in the case of joint establishment, operation and maintenance with any other political subdivision, contracts relating thereto shall be entered into as provided for the general business of any of such participating political subdivisions.

Section 2208. Validation of Contracts.--Any contracts heretofore entered into for construction and repair of roadways, runways, buildings and facilities or the purchase thereof within or for use within the limits of land acquired for the establishment and operation of airdromes or landing fields, without first having obtained the approval of the court of quarter sessions or grand jury of any county and entered into as provided for the general business of the county or other political subdivisions jointly interested, are hereby ratified, confirmed, approved and declared lawful contracts.

Section 2209. Appropriating Money to Assist Political Subdivisions and Municipality Authorities for Airports.--The

county commissioners of any county may appropriate moneys to assist any city, borough, town, township or other political subdivision, or municipality airport authority, within such county or within any adjacent county to acquire, establish, operate and maintain any and all air navigation facilities.

(2209 amended Apr. 28, 1961, P.L.153, No.74)

Section 2210. Municipal Approval Required.--No Federal or State money from the Aviation Restricted Revenue Account in the Motor License Fund or any other State money may be expended for airport operations or airport development in any county of the second class A having a population in excess of 675,000 persons without the approval of the municipality or municipalities wherein such airport is situated.

(2210 added June 18, 1998 P.L.619, No.79)

ARTICLE XXIII
GROUNDS AND BUILDINGS

(a) General Provisions

Section 2301. Title to Real Estate Vested in County.--The title to all court houses, jails, prisons and workhouses, together with the lots of land thereunto belonging or appertaining, and all other real property acquired or that may hereafter be acquired by or for the use of the county, shall be vested in the county for the use of the people thereof and for no other use except as hereinafter provided.

(2301 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2301.1. Days and Hours of Court House and Offices.--The county commissioners shall determine when the county court house and all county offices located elsewhere shall be open.

(2301.1 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2302. Exemption from Taxation and Attachment.--All property of the county, real or personal, shall be exempt from taxation and from levy and sale by virtue of execution or of any other process.

Section 2302.1. Payments in Lieu of Taxes.--Where real property of the county is not presently being used for the purposes for which it was acquired, (as in the case of long-range acquisition programs for parks, dams and the like), the county may make payments in lieu of taxes for such property to local governments in which the property is located.

(2302.1 added Jul. 31, 1968, P.L.928, No.279)

Section 2303. Insuring Buildings and Contents.--The county commissioners may provide insurance against fire and extended coverage, against public liability and such other forms of insurance, including insurance against burglary, as shall seem proper to them for county lands, buildings and farms and the contents, real and personal, thereof.

(2303 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2304. Credit of County Available for Grounds and Buildings.--In the acquisition, construction or alteration, as the case may be, of land and buildings for county purposes, the commissioners may issue bonds of the county to meet the costs thereof, except as any other system of financing shall be expressly provided by law for any particular county buildings.

(2304 amended Dec. 22, 2000, P.L.1019, No.142)

(b) Acquisition, Use, Leasing and Disposing
of Real Property for County

Section 2305. Acquiring and Using Real Property;

Exceptions.--(a) The county commissioners may purchase for not more than the fair market value, take by gift, devise or by the power of eminent domain, in accordance with the provisions of this act, such real property at the county seat or in such other places as they deem necessary for the purposes of a county courthouse, county jail, prison, workhouse, detention house or other county building, or in the alteration, including enlargement, of an existing county building. The fair market value of real property in the case of a purchase valued in excess of ten thousand dollars (\$10,000) shall be determined by the county commissioners in consultation with two of the following: the county assessor, licensed real estate brokers, or licensed real estate appraisers doing business within the county.

(b) The county commissioners may also use any real property at the county seat or elsewhere, as authorized by law, owned by the county, and deemed suitable by them for the purposes aforesaid, except such property as is bound by contract to another public use.

(c) The county commissioners may provide for the grading, filling, draining, gardening and otherwise improving and maintaining of all lands for county buildings, either by contract or by county employes, as they deem proper.

(d) To the extent that any of the matters provided for herein are otherwise specifically provided for by law, with regard to any particular acquisitions of real property by counties, either by tax sales or by other purchases, this section shall not apply to such matters.

(2305 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2305.1. Acquiring and Developing Industrial Areas.--The county commissioners may purchase, take by gift or devise real property within the county including Federal surplus real property, for the purpose of developing the same for industrial use under a local, regional or county plan and to expend funds to bring utilities within such county industrial area and to develop such area for industrial sites. The land so purchased

may be developed as stated and may be sold only to a local industrial development corporation.

(2305.1 amended Apr. 29, 1982, P.L.359, No.100)

Section 2306. Authority to Sell or Lease Real Property.--(a) The board of commissioners may sell for not less than the fair market value or lease, either as lessor or lessee, any real property belonging to the county or to others where the county is lessee. If the commissioners know or have reason to believe that the property to be sold contains oil, gas, coal, stone, timber or other mineral or forest products of commercial value, such knowledge or belief shall be advertised together with the description of the land in at least two newspapers, in said county, of general circulation, once a week for three consecutive weeks. The fair market value of real property in the case of a sale valued in excess of ten thousand dollars (\$10,000) shall be determined by the county commissioners in consultation with two of the following: the county assessor, certified broker-appraisers or certified real estate appraisers doing business within the county. In the case of any lease of county property hereunder, such property, with any and all improvements or additions thereon or thereto, shall, in the hands of the lessee, be subject to taxation by such county and any other political subdivision therein, in the same manner as other real estate located in the county. Such taxes shall be levied and assessed against and paid by the lessee. This section shall not apply to leases or sales of county property or other property which are otherwise specifically provided for by law.

(b) The provisions of subsection (a) shall not be mandatory where county real property is to be sold to any of the following:

(1) A city, borough, town, township, institution district, school district, volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the county.

(2) A municipal authority pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945."

(3) A nonprofit corporation or limited partnership in which a nonprofit corporation is a general partner and managing agent engaged in community industrial, commercial or affordable housing development or reuse for its exclusive use for industrial, commercial or affordable housing development. This exemption shall not apply to property owned and operated by a county or subcontracted or operated on the behalf of a county in order to conduct existing government functions.

(4) A person for his exclusive use in an industrial development program.

(5) A nonprofit corporation organized as a public library

for its exclusive use as a library.

(6) A nonprofit medical service corporation for its exclusive use as a site for a medical service facility.

(7) A nonprofit housing corporation for its exclusive use for housing for the elderly or for low-income housing.

(8) The Federal Government.

(9) The Commonwealth.

(10) An authority pursuant to the act of August 23, 1967 (P.L.251, No.102), known as the "Economic Development Financing Law."

(11) A redevelopment authority pursuant to the act of May 24, 1945 (P.L.991, No.385), known as the "Urban Redevelopment Law."

When the real property is to be sold or leased to a qualified entity under this subsection, the board of commissioners may elect to accept such nominal consideration for such sale as it shall deem appropriate. Real property sold pursuant to this subsection to any entity under this subsection, other than a city, borough, town, township, institution district, school district, municipal authority pursuant to the "Municipality Authorities Act of 1945," located within the county, the Federal Government or the Commonwealth shall be subject to the condition that when the property is not used for the purposes of the entity the property shall revert to the county.

(2306 amended June 25, 2001, P.L.666, No.57)

Compiler's Note: The act of May 2, 1945 (P.L.382, No.164), referred to as the Municipality Authorities Act of 1945, referred to in subsec. (b), was repealed by the act of June 19, 2001 (P.L.287, No.22). The subject matter is now contained in 53 Pa.C.S. Ch. 56 (relating to municipal authorities).

Section 2306.1. Authority to Sell Certain Real Property and Personal Property as a Single Unit.--Notwithstanding any other provisions of law, whenever the county commissioners of a county determine that the continued ownership and operation of an institution for the care of dependents is economically unfeasible, the county commissioners may sell the real property belonging to the county and being used for such purposes, together with all of the contents of personal property used in connection with and incidental to the operation of the institution, as a single unit. Any such sale of real property and personal property as a single unit shall be deemed a sale of real property only and need only comply with the provisions of this act relating to the sale of real property.

(2306.1 added July 3, 1985, P.L.135, No.37)

Section 2307. Conveyance and Lease of Real Estate.--The board of commissioners shall make and acknowledge a deed or

lease of any real estate belonging to the county, which they are authorized to sell or lease, under their hands and seals as commissioners with the seal of the county attached and the same shall be a good and lawful conveyance in fee simple or lease.

Section 2308. Conveyances to General State Authority.--Any county may grant, assign and convey to the General State Authority, with or without consideration, any lands, easements or rights in lands, together with any improvements, buildings or structures therein or thereon, now owned by such county or hereafter acquired by it, needed or convenient as a site for a county court house, or may lease to the Authority for a term, not exceeding ninety-nine years, at a nominal or such other rental as may be determined, any or all such lands, easements or rights in lands, together with any improvements, structures or buildings therein or thereon.

Section 2309. Leasing from General State Authority.--Any county may enter into contracts with the General State Authority to lease as lessee from the Authority, any county court house or any improvement thereto and the furnishings and equipment thereof constructed by the Authority, for a term not exceeding thirty years, at such rental or rentals as may be determined by the Authority. Upon the completion of such county court house or improvements and the furnishings and equipment thereof, the county may lease the same as lessee from the Authority for a term not exceeding thirty years, at such rental or rentals as may be determined by the Authority.

Section 2310. Acquisition of Lands for Conveyance to General State Authority.--Any county may acquire lands or interests in lands by purchase, gift or condemnation which may be required to carry out the purposes of the two sections immediately preceding.

Section 2311. Disposing of County Property for Other Uses; Demolition.--Whenever any new county building is constructed to replace a county building no longer suitable for the purposes of its use, or whenever the county has or acquires, incident to purchase at tax sale or to any other acquisition of land authorized by law, any building, title and interest to which is in the county, and any such replaced or acquired building is deemed no longer suitable or not suitable for use as a county building or for use as an auxiliary to any county building, the county commissioners may devote said replaced or acquired building to such other public use or purpose as shall be found suitable and proper, including a war memorial. They may convey all or a part of the title and interest of the county in such building, with or without the land or a part of the land upon which it is situate, either by sale or by gift, to any public or charitable institutions or to any political subdivisions singly,

in common, or jointly, within the county.

The county commissioners may remove any such building from one location to another within the county, for the purpose of enabling its use as a county building by virtue of its relocation. The commissioners may cause any such building to be demolished and removed from land of the county, if of no use to the county.

(2311 amended Dec. 22, 2000, P.L.1019, No.142)

(c) Acquisition, Construction or Alteration
of County Buildings

Section 2315. Authority and Procedure for Acquiring, Constructing or Altering County Buildings; Exceptions.--(a) The county commissioners may purchase or take by gift any building at the county seat or elsewhere as authorized by law deemed suitable and proper by them for use as a county building. ((a) amended Apr. 29, 1982, P.L.359, No.100)

(b) The county commissioners may provide, in accordance with this section, for the construction or alteration, including enlargement of a county court house, county jail, prison, workhouse, detention house and such other county buildings, as may be required or authorized by law. Such construction or alteration shall be done at the county seat or elsewhere as authorized by law. Whenever the county commissioners undertake any such construction or alteration, they shall cause to be prepared plans and specifications therefor. The county commissioners may secure bids for the contract or contracts involved in the construction or alteration in accordance with this act. Any such contract or contracts shall be made as provided by this act. ((b) amended Apr. 29, 1982, P.L.359, No.100)

(c) Except where another procedure is provided by law with regard to such construction or alteration of any particular county building, the provisions of this section shall be followed for all such purposes.

Section 2316. Right to Build on Public Squares.--Whenever the court house, jail or other building of the county is located upon a public square or common in the city, borough or town then being the county seat, and a new building is authorized and required to be erected, in place of such court house, jail or other building, the board of county commissioners may erect such new building upon any other of the public squares or commons of said city, borough or town, or upon any part thereof.

(2316 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2317. Separate Bids for Plumbing, Heating, Ventilating, Electrical Work, Elevators and Moving Stairs.--In the preparation of specifications for the erection, construction and alteration of any public building, when the entire cost of

such work shall exceed ten thousand dollars (\$10,000) the architect, engineer or other person preparing such specifications shall prepare only the following separate specifications: (1) plumbing, (2) heating, (3) ventilating, (4) electrical work, (5) elevators and moving stairs, and (6) one complete set of specifications for all the other work to be done in such erection, construction and alteration. The board of commissioners shall receive separate bids upon each of the said branches of work and award the contract for the same to the lowest responsible bidder for each of said branches, including the balance of the work in addition to the plumbing, heating, ventilating and electrical work, and elevators and moving stairs. Where it is desired to install an air conditioning unit, the heating and ventilating so involved may be regarded as one branch of work having only one set of specifications, and bids may be received and a contract awarded thereon, as hereinbefore provided.

(2317 amended July 10, 1990, P.L.379, No.89)

Section 2318. Contract Performance Security and Payment Bonds.--(a) Unless covered under the bonding requirements of the act of December 20, 1967 (P.L.869, No.385), known as the "Public Works Contractors' Bond Law of 1967," for construction contracts awarded for amounts between twenty-five thousand dollars (\$25,000) and one hundred thousand dollars (\$100,000), the successful bidder shall furnish a bond guaranteeing performance of the contract, in an amount as determined by the commissioners at the time of advertising for bids which shall be not less than ten per centum nor more than one hundred per centum of the amount of the contract, within thirty days after the contract is awarded. When a construction contract is awarded in excess of one hundred thousand dollars (\$100,000), the following bonds shall be delivered to the county and shall be binding on the parties upon the execution of the contract:

(1) A performance bond, executed by a surety company authorized to do business in this Commonwealth and made payable to the county, in an amount as determined by the commissioners at the time of advertising for bids which shall be not less than fifty per centum nor more than one hundred per centum of the price specified in the contract and conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract.

(2) A payment bond, executed by a surety company authorized to do business in this Commonwealth and made payable to the county, in an amount equal to one hundred per centum of the price specified in the contract and conditioned upon the prompt payment for all materials furnished or labor supplied or performed in the prosecution of the work. Labor or materials

include public utility services and reasonable rentals of equipment for the periods when the equipment is actually used at the site.

(b) A performance bond shall be solely for the protection of the county. A payment bond shall be solely for the protection of claimants supplying labor or materials to the prime contractor to whom the contract was awarded or to any of its subcontractors in the prosecution of the work provided for in the contract, whether or not the labor or materials constitute a component part of the construction.

(c) Nothing in this section shall be construed to limit the authority of the commissioners to require a performance bond, payment bond or other security in addition to those bonds or in circumstances other than specified in subsection (a).

(d) Actions on payment bonds shall be pursuant to the following:

(1) Subject to clause (2), any claimant who has performed labor or furnished material in the prosecution of the work provided for in any contract for which a payment bond has been given under subsection (a) and who has not been paid in full before the expiration of ninety days after the day on which the claimant performed the last of the labor or furnished the last of the materials for which it claims payments may bring an action on the payment bond in its own name, in assumpsit, to recover any amount due it for the labor or material and may prosecute the action to final judgment and have execution on the judgment.

(2) Any claimant who has a direct contractual relationship with any subcontractor of the prime contractor who gave the payment bond but has no contractual relationship, express or implied, with the prime contractor may bring an action on the payment bond only if it has given written notice to the contractor within ninety days from the date on which the claimant performed the last of the labor or furnished the last of the materials for which it claims payment, stating with substantial accuracy the amount and the name of the person for whom the work was performed or to whom the material was furnished.

(3) Notice shall be served by registered mail in an envelope addressed to the contractor at any place where its office is regularly maintained for the transaction of business or served in any manner in which legal process may be served in the manner provided by law for the service of a summons except that the service need not be made by a public officer.

(e) The dollar thresholds set forth in subsection (a) shall be adjusted annually to reflect the annual percentage change in the Composite Construction Cost Index of the United States

Department of Commerce occurring in the one-year period ending on December 31 of each year.

(Previous 2318 deleted by amendment and current 2318 added Dec. 22, 2000, P.L.1019, No.142)

Compiler's Note: Section 10 of Act 385 of 1967 provided that Act 130 is repealed insofar as it is inconsistent with Act 385.

Section 2319. Compliance with Workers' Compensation Law.--

(a) All contracts executed by the board of commissioners, which shall involve the construction or doing of any work involving the employment of labor, shall contain a provision that the contractor shall accept, in so far as the work covered by any such contract is concerned, the provisions of the Workers' Compensation Act and any reenactments, supplements or amendments thereto, and that the said contractor will insure his liability thereunder or file with the board of commissioners a certificate of exemption from insurance from the Department of Labor and Industry of the Commonwealth.

(b) The board of commissioners, before signing on behalf of the county any contract requiring in its performance the employment of labor, shall require proof that the said contractor with whom the contract is made shall have accepted the Workers' Compensation Act and any reenactments, supplements or amendments thereto, and proof that the said contractor has insured his liability thereunder in accordance with the terms of said act or that the contractor has had issued to him a certificate of exemption from insurance from the Department of Labor and Industry.

(c) Any contract executed in violation of the provisions of this section shall be null and void.

(2319 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2320. Restrictions on Letting Contracts to Architects and Engineers.--(2320 deleted by amendment Dec. 22, 2000, P.L.1019, No.142)

(d) Policing, Administration and Public
Order of Grounds and Buildings

Section 2325. Buildings and Grounds to be Kept in Order and Repair.--The board of commissioners shall keep and maintain the public buildings of the county in suitable and convenient order and repair and shall keep the grounds about county buildings in proper condition and appearance. The provisions of this subdivision shall not apply to particular county buildings which are otherwise expressly provided for by law.

Section 2326. Watchman and Employes.--The board of commissioners may appoint one or more officers or watchmen to guard and protect the county buildings and to enforce the

provisions of this act and other laws relating thereto. Such officers or watchmen shall have power to arrest on view any person violating the same.

The board of commissioners shall employ all janitors, firemen, engineers, mechanics, laborers and caretakers of all county buildings and grounds.

Section 2327. Display of Municipal Flags on County Buildings Authorized.--It shall be lawful to display the flag of any county, city, borough or other municipality in the Commonwealth or the official POW/MIA flag on the public buildings or grounds of any county.

(2327 amended July 10, 1990, P.L.379, No.89)

Section 2328. Special Provisions Relating to County Jails, Prisons, Workhouses and Detention Houses.--(2328 deleted by amendment Dec. 22, 2000, P.L.1019, No.142)

Compiler's Note: Section 9(b) of Act 173 of 1978 provided that section 2328 is repealed insofar as it is inconsistent with 1 Pa.C.S. § 2301(d) (relating to equality of rights based on sex)..

Section 2329. Disorderly Conduct in and About Court Houses and Jails Prohibited.--It is unlawful for any person to cause any outcry or disorder, or be guilty of any indecent or unbecoming conduct tending to disturb the peace and good order in the county court house, jail, or other county buildings, or to willfully or carelessly defile, deface or injure the floors, walls or any other portion of said buildings, or fences, or railings surrounding the same, or the carpets, furniture, or other articles or things used in or about said buildings, belonging to the county. Any person violating any of the provisions of this section commits a summary offense and shall make restitution for damages arising therefrom.

(2329 amended Dec. 22, 2000, P.L.1019, No.142)

(e) Special Provisions for Temporary County Buildings and for Rooms in County Buildings

Section 2335. Temporary Court House.--(2335 repealed Apr. 28, 1978, P.L.202, No.53)

Section 2336. Separate Rooms for Women Jurors.--(2336 repealed Apr. 28, 1978, P.L.202, No.53)

Section 2337. Room or Building for Juvenile Offenders Waiting Trial.--The board of commissioners shall provide, furnish and heat, within the county, a separate room or rooms, or a suitable building, to be used exclusively for the confinement of any and all children under the age of sixteen years, who may be in custody awaiting trial or hearing in the courts of the county, and provide for the maintenance and care of such children while in custody.

Section 2338. Rooms for Justices and Judges.--(2338 repealed Apr. 28, 1978, P.L.202, No.53)

Section 2339. Furnishing Rooms for Meetings of Veterans of Certain Wars and Other Organizations.--The Board of Commissioners may, in their discretion, upon application therefor, furnish to each organization composed of veterans of any foreign war, sons of veterans and to ladies' auxiliaries of each such organization and to the American Gold Star Mothers, Inc., a room or rooms in any public building of such county, sufficient for the meeting of each of such organizations at least once each month.

(2339 amended Dec. 22, 2000, P.L.1019, No.142)

(f) Improvement of Streets Along County Buildings; Street Lighting

Section 2345. Joining with Municipalities in Improving Certain Streets and Highways.--(a) The board of commissioners of counties now erecting or which may hereafter erect public buildings in any municipality may join with the proper authorities of such municipality in the grading, regrading, paving, repaving and improvement of so much of the streets and highways as are in, upon or alongside of the grounds upon which said public buildings stand.

(b) The commissioners may enter into contract with any such municipalities for the payment of a just proportion of the expense of said grading, regrading, paving, repaving and improvement of said streets and highways, and may appropriate from the county treasury sufficient funds for this purpose. They may act with any committee or committees which may be appointed by such municipalities to establish grades, determine the kind and quality of paving materials to be used, and ratify the contracts entered into by said municipalities in the course of said improvements.

(c) No obligation shall rest upon the county for any proportion of the expenses of such improvements until the selection of grades and paving materials and the acceptance of bids by said municipalities shall have been ratified by the board of commissioners.

(2345 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2346. Ornamental Illumination.--(a) Whenever the court house, jail, workhouse or other public building of a county abuts upon the street of a city or borough which is the county seat and which shall provide for the ornamental illumination of that section of the street whereon the county building abuts, the county commissioners of such county may appropriate moneys from the county funds towards the installation of such ornamental illumination.

(b) The appropriation by the county commissioners of a

county for such purpose shall not exceed the amount that shall be assessed for such ornamental illumination upon owners of an equivalent frontage of property abutting upon said street, measured by the foot front rule.

(g) Comfort Stations

Section 2350. Appropriations for Comfort Stations.--(a) The board of county commissioners may appropriate moneys to assist any municipality to construct and maintain comfort stations within the boundaries of the county.

(b) The county commissioners, in cooperation with the municipal authorities of the municipality wherein the court house lies, may provide, and equip and maintain in the court house rest or waiting rooms for the public, and provide attendants therefor. The cost of providing such rooms and of maintaining the same, including salaries, and all incidental expenses, shall be paid by the county and by the municipality, as they shall agree, for all which purposes the county commissioners and said authorities may, respectively, appropriate moneys.

(c) Any part of any ground acquired by any county for the purposes of a court house, jail or workhouse may be leased by such county to any municipality being the county seat of such county, for the purpose of the construction thereon of a public comfort station by such municipality.

(2350 amended Dec. 22, 2000, P.L.1019, No.142)

(h) Monuments and Memorials

Section 2355. Monuments and Memorials to War Veterans.--The board of commissioners may appropriate money for, and provide for, the erection of monuments or memorials, commemorating the services of any person who has served in the armed forces of the United States or in any women's organization officially connected therewith during any part of any war in which the United States has been or may hereafter be engaged.

(2355 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2356. Assistance to Private or Municipal Agencies.--The board of commissioners may, in order to prevent duplication, appropriate money to assist any individual, private corporation, city, borough, town or township, in the erection of any monument or memorial for said soldiers, sailors and marines.

(2356 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2357. Erection or Completion of Monuments and Memorials on Petition to Court.--Upon the petition of at least fifty citizens of the county, to the court of quarter sessions, for the erection or completion and maintenance at the county seat of a memorial, monument, or memorial hall in honor of the soldiers, sailors or marines of such county who served in any war in which the United States has been or may hereafter be

engaged, the court may lay the same before the grand jury. If approved by two successive grand juries and the court, and, in the case of a memorial hall by the electors of the county, the board of commissioners may erect such memorial, monument, or memorial hall, or complete any of them partly erected but not completed, and maintain at the county seat a suitable monument or memorial in honor of said soldiers, sailors and marines.

Section 2358. Election on Memorial Hall Purchase or Condemnation of Site.--(a) When the petition provided for in the preceding section has been approved by two successive grand juries and the court of quarter sessions, the board of commissioners shall submit the question of the erection of a memorial hall to the electors of the county, at the next election, and, if a majority of the votes cast on the question of the erection of a memorial hall shall be in favor of the same, the board of commissioners shall erect, at the county seat, a memorial hall and, acquire, by purchase, donation, or by condemnation, under the right of eminent domain the necessary site and erect and maintain thereon a suitable and proper memorial hall or building, in memory of the soldiers, sailors and marines of any such wars.

(b) In case said election shall result adversely, and a second petition shall be presented, the same shall be laid before two successive grand juries, and, if approved, then, it shall be the duty of the county commissioners to again in like manner submit the question to vote, at the next general or municipal election, and, if the result shall be favorable, then it shall be the duty of the county commissioners to erect such hall, at such place in the county as shall have been designated upon the ballot or ballot label in the question submitted to the electors.

(c) All proceedings for the condemnation of any property under the provisions of this section shall be in the manner and subject to the restrictions and procedure provided in this act.

Section 2359. Existing Building May Be Used.--If any such site has a hall or building already erected thereon, which can be altered and improved so as to be made suitable for such memorial hall, the board of commissioners may acquire such site, in the manner aforesaid, for the purpose of a memorial hall.

Section 2360. Donations.--For the purpose of aiding in paying the purchase money and price for the site, and erection and construction of such memorial hall, voluntary donations and contributions may be accepted by the board of commissioners from individuals, associations and organizations.

Section 2361. Maintenance of Hall.--Such memorial hall shall be and remain the property of and shall be maintained at the expense of the county.

Section 2362. Plan of Hall; Special Rooms to be Provided.--

(a) Such memorial hall shall be in honor of the soldiers, sailors and marines from said county, who served in the Army and Navy of the United States in any war in which the United States has been or may hereafter be engaged. Such memorial halls shall each contain one large assembly room, or auditorium for public meetings of the soldiers, sailors and marines of such county, which may be used also for other public meetings and patriotic gatherings by the consent of the board of control herein provided for.

(b) Such memorial hall shall also contain rooms for meetings of organizations of veterans of all wars in which the United States has or may be engaged, and also rooms for meetings of ladies' auxiliaries of posts, encampments, camps and organizations for which rooms for meetings may be contained in the memorial hall, and also rooms for such committees of public defense and welfare as may be created by the Commonwealth, or as may be approved by the board of control hereinafter provided for.

(c) Such memorial halls shall also provide room for the display and preservation of relics and trophies of all wars in which the United States has been or may be engaged, photographs, paintings and portraits, busts and statues of the soldiers, sailors and marines of the said counties, and mural tablets upon which shall be inscribed the names of such soldiers, sailors and marines. Such memorial halls shall also contain waiting and rest rooms with lavatories attached.

(2362 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2363. Board of Control.--(a) A board of control is hereby created, which shall have charge of all matters relating to such memorial hall and shall have the care thereof. The board shall be composed of one member chosen by members of the Veterans of Foreign Wars, one member chosen by members of the American Legion, one member chosen by the American War Veterans of World War II (AMVETS), one member chosen by the Italian American War Veterans of the United States, Incorporated, one member chosen by the Disabled American Veterans, and one member chosen by the Military Order of the Purple Heart. The judges of the court of common pleas and the board of commissioners shall be ex-officio members of the board of control. The selected members of the board shall serve one year, when their successors shall be selected. Vacancies occurring shall be filled by the board for the unexpired term of the member whose death, resignation or removal caused the vacancy.

(b) This section shall not apply to any county in which there has been created by existing law a similar board of control, and any references to the board of control in this

subdivision shall be inapplicable in so far as they are inconsistent with the provisions of such law.

(2363 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2364. Flagstaff to be Erected; Display of Flag.--A suitable flagstaff shall be erected upon said memorial hall, from which shall be displayed the flag of the United States from sunrise to sunset on each and every day of the year.

Section 2365. Acquisition of Additional Land; Equipment, Furnishings, Etc.--In any county in which there has been or may hereafter be erected a memorial hall in honor of the soldiers, sailors or marines from such county, who served in any war in which the United States has been or may be hereafter engaged, upon petition of at least fifty citizens to the court of quarter sessions, setting forth that it is necessary or desirable to acquire additional land adjoining that upon which said memorial hall is erected, to enhance and preserve the beauty and character of said memorial hall, and the object had in its erection, or that it is necessary or desirable to equip, furnish, decorate and make additions to said memorial hall, or both, the court shall lay said petition before the grand jury then or next sitting for their approval. If said petition shall be approved by said grand jury, it shall be certified back to the court. If no exceptions thereto are filed within ten days from the date upon which said petition was certified back to the court, or if exceptions are filed and are dismissed, the court shall confirm said petition absolutely, and thereupon the court may make an order authorizing the board of commissioners to acquire, by purchase, gift or condemnation, such additional land, or to equip, furnish, decorate and make additions to said memorial hall, or both.

Section 2366. Tax Levy; Increase or Indebtedness.--The board of commissioners may provide the funds with which to pay for the ground purchased or condemned, and the erection thereon of a memorial hall, or the acquiring of additional land, or for the enlarging, equipping, furnishing and decorating of said memorial hall, by the levying and collecting of a tax upon the taxable persons and property within said county, and by increasing the indebtedness of said county according to law and by issuing and selling bonds.

(2366 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2367. Preservation, Maintenance, Repair and Completion of Public Monuments.--The board of commissioners may preserve, maintain and repair any public monument in the county, other than in cemeteries, including the enclosed public ground surrounding the monument, and appropriate moneys for such purposes. In any case where any public monument referred to in this section has been partially completed, either in

construction or payment, the board of commissioners may appropriate money for the purpose of such completion.

(i) Public Auditoriums, Public Libraries,
Public Memorial Buildings and Monuments

Section 2368. Acquiring of Property.--(a) Counties shall have power to take, by gift, purchase, by the issuance of bonds or otherwise, or acquire through condemnation proceedings, property for the purpose of erecting thereon public auditoriums, public libraries, public memorial buildings and monuments.

All proceedings for the condemnation of any property, under the provisions of this section, shall be in the manner and subject to the restrictions and procedure provided by law.

(b) Counties may appropriate money from the public funds or by issuance of bonds for the erection on said property taken, purchased or acquired through condemnation proceedings, public auditoriums, public libraries, public memorial buildings and monuments. They may appropriate moneys for the operation and maintenance of such public auditoriums, public libraries, memorial buildings and monuments.

(2368 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2369. Rental of Auditoriums.--Counties, in case of public auditoriums, may charge a rental for the use of said auditoriums. All moneys derived from rental of said auditorium shall first be devoted to the maintenance of said auditorium, and any annual balance accruing therefrom shall be turned over to the county funds for the general uses and purposes of said county.

Section 2370. Consent of City or Borough.--(2370 deleted by amendment Dec. 22, 2000, P.L.1019, No.142)

(j) Homes and Hospitals

Section 2374. Donations to Orphans' or Childrens' Homes.--The board of commissioners may receive, from time to time, donations, gifts, legacies, endowments, devises, and conveyance or conveyances of property, real or personal, that may be given or granted for the use and purpose of providing a home within the county for the keeping and care of indigent orphans and children dependent upon the public of such county for support.

Section 2375. Management and Control of Orphans' Home.--Any such orphans' home shall be under the management and control of the board of commissioners of the county, and they are hereby authorized to appoint a superintendent, and such assistants as may be necessary, to properly conduct the affairs of such home.

Section 2376. Admission to Home.--Indigent orphans and children shall be admitted to any such home on order of the board of commissioners.

Section 2377. Maintenance of Childrens' Homes.--When any property has been given or granted to any such county for a

childrens' home and a home is duly established, the county may thereafter appropriate from the county funds moneys for the support and maintenance of such orphans and children, and for the payment of the salary of the superintendent and his assistants.

Section 2378. Contagious Disease Hospitals or Units.--(a) Whenever in the opinion of the board of commissioners of any county or the boards of commissioners of two or more counties, a hospital for the care and treatment of contagious diseases appears to be necessary or advisable, the board of commissioners of the county or the boards of commissioners of two or more counties jointly may, either erect, construct, equip and maintain such a hospital on the grounds of the county institution district of any of the counties adjoining, or may purchase a suitable site for such purpose in some other locality.

(b) In lieu of erecting and constructing a separate contagious disease hospital, the board of commissioners of a county or the boards of commissioners of two or more counties jointly may enter into an agreement with a general non-sectarian nonprofit hospital or hospitals within the county or within any of such counties or any adjoining county, and may appropriate county moneys to such hospital or hospitals for the erection, construction and equipment of a building or wing or unit for the care, isolation and treatment of contagious disease cases. In any such contagious disease hospital, or building, wing or unit, provisions shall be made for the care and treatment of indigent persons and of persons who are able to pay for their care and treatment in whole or in part.

(c) The county commissioners may in like manner join in establishing, maintaining, equipping and operating a contagious disease hospital with any municipality within the county.

Section 2379. Plans and Specifications; Approval; Construction.--Plans and specifications for any county or joint county hospital, or building, wing or unit at a general hospital, shall be prepared by the board or boards of commissioners or at their instance, or by the general hospital with which an agreement has been made, as the case may be, which plans and specifications must be submitted to the Secretary of Health of the Commonwealth. The cost of the preparation of such plans shall be paid by the county or counties so joining. Upon the approval of said plans and specifications by the Secretary of Health of the Commonwealth, any county or joint county contagious disease hospital may be constructed and equipped in the same manner that any other county buildings are constructed and equipped, and in the case of a building, wing or unit at a general hospital, the same shall be constructed and equipped by

the authorities in charge of the general hospital as may be provided in the agreement with the county or counties joining. In either event, the expense and cost of such erection, construction and equipment, and the cost of the site, if any, shall be paid by the board or boards of commissioners out of county funds.

Section 2380. County Agreements for Joint Contagious Disease Hospitals, Buildings, Wings and Units.--Whenever the county commissioners of two or more counties or the county commissioners and the corporate authorities of any municipalities within the county decide that a hospital or a building, wing or unit at a general hospital for the care and treatment of contagious diseases is necessary, they shall enter into an agreement for such purposes and therein provide how and in what proportions each county shall bear the expenses incident to the construction, operation and maintenance of the joint hospital, building, wing or unit for contagious diseases.

Section 2381. County Hospital for Tuberculosis.--Whenever a number of citizens residents of a county, equal to the number of votes cast at the last municipal election, shall petition the county commissioners for the establishment of a county hospital for the treatment of persons afflicted with tuberculosis, the county commissioners shall, at the next municipal election, submit to the voters of the county the question whether or not the county shall establish such a hospital. Such question shall be submitted, and the vote on such question shall be counted, returned and computed in the manner prescribed by the Pennsylvania Election Code.

Section 2382. Power to Acquire Site.--If a majority of the electors voting upon such question at such election shall vote in favor of the establishment of such a hospital, the county commissioners shall acquire a site for such hospital, either by purchase, gift or condemnation. In case such site shall be acquired by condemnation, the procedure for the assessment of damages for the property taken shall be as prescribed by law.

Section 2383. Site and Plans Approval.--If a majority of the electors voting upon such question at such election shall be in favor of the establishment of the hospital, the county commissioners shall, after consultation with the advisory board created by the provisions of this act, select a site for such hospital and shall have plans and specifications prepared for such hospital, but no such hospital shall be erected until such plans and specifications, and the site therefor, have been first approved by the Secretary of Health.

Section 2384. Construction and Equipment.--Any such hospital shall be constructed by contract or contracts let by the county commissioners to the lowest responsible and best bidder, in

accordance with the provisions of this act, and when so constructed, the hospital shall be equipped by the county commissioners at the cost of the county in the same manner as other county buildings are equipped.

Section 2385. Increase of Indebtedness.--The county commissioners of every county establishing a hospital for tuberculosis, as provided for in this act, may incur or increase the indebtedness of the county, in accordance with the Municipal Borrowing Law, to an amount sufficient to pay the cost of acquiring a site and of erecting, constructing and equipping the said hospital. The county commissioners shall levy an annual tax in an amount necessary to pay interest and sinking fund charges upon such bonds.

(k) Morgues

Section 2390. Authority to Provide; Approval.--The county commissioners of each county may buy or lease land and construct and maintain thereon, at the expense of the county, a morgue for the reception and care of the bodies of all unclaimed deceased persons upon whom it may be necessary to hold a coroner's inquest and such other bodies as the coroner of the county may, by written order, direct to be received therein. The location of such morgue shall be determined by the county commissioners, subject to the approval of the coroner of the county.

(2390 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2391. Rules and Regulations; Employes.--The coroner of each county having a morgue shall make general rules and regulations for its government and control, and shall appoint suitable persons not exceeding three in number to have charge of the same. The number and salary of such employes shall be fixed by the salary board.

Section 2392. Ambulance.--The county commissioners may purchase and maintain an ambulance or other proper vehicle for the removal of bodies to and from said morgue, and for the burial of unknown, unclaimed bodies, and the costs thereof shall be paid from the funds of the county.

Section 2393. Private Morgues.--Where no county morgue is maintained, the coroner may remove bodies coming within his jurisdiction to a private morgue within the county, the cost thereof to be paid from the funds of the county according to rates established by the salary board thereof.

(l) Garbage and Refuse Disposal

Plants and Incinerators

Section 2396. Land and Buildings for Garbage and Refuse Disposal.--Any county may acquire by gift, lease, purchase by current revenues, borrowing or incurring indebtedness, or eminent domain, real property within said county for the purpose of erecting thereon garbage and refuse disposal facilities, and

shall have power to erect and maintain suitable buildings for such facilities and for incinerating furnaces to be operated by the county, as provided in Article XIX of this act. In every case of taking private property by eminent domain, the county shall acquire the entire title, either in fee or otherwise, held by the owner or owners of the property or of any interest therein.

(m) Tax for Capital Costs Retirement
((m) added June 25, 1999, P.L.182, No.25)

Section 2398. Authorization of Vehicle Rental Tax by Counties of the First Class.--(a) Notwithstanding any provision of this act or any law to the contrary, each county of the first class is hereby authorized to impose an excise tax on the rental of a rental vehicle in that county. If the county is coterminous with a city of the first class, imposition of the tax in that county, if any, shall be by that city. The tax may be imposed on any person renting a rental vehicle at a rate of up to two per centum of the purchase price of the rental. For purposes of this section, the situs of the rental of the vehicle is the place where the renter takes possession of the rental vehicle.

(b) All of the proceeds of the vehicle rental tax shall be dedicated solely to the payment of the costs of capital projects, which costs may include, without limitation, lease payments or service agreements with authorities for capital projects and debt service on bonds issued for capital projects. The Commonwealth does hereby pledge to and agree with any person, firm or corporation subscribing to or acquiring bonds issued by the county, city or an authority to finance a capital project for which the tax was dedicated that the Commonwealth itself will not repeal this authorization or reduce the rate of tax authorized under this section until all such bonds, together with the interest thereon, have been paid or provision for such payment shall have been made, nor shall a county or city of the first class imposing such tax and dedicating such tax as provided in this section be permitted to repeal such tax or to reduce the rate of such tax or to revoke such dedication until all of such bonds, together with interest thereon, shall have been paid or provision for such payment shall have been made. Payments by a county or a city of the first class under any lease or service agreement as hereinabove described shall not constitute debt of the Commonwealth or of a county or city of the first class.

(c) The vehicle rental tax shall be collected by each vehicle rental company in the county or city imposing the tax. The tax shall be collected at the time the rental vehicle is

rented by that vehicle rental company and shall be remitted by the vehicle rental company to the county or city that imposed the tax in accordance with rules and regulations established by the county or city or the tax collection agencies of that county or city for collection and remittance of the tax. Any person required to collect or pay over any tax authorized by this section and who fails to collect or pay over any such tax shall be liable for the full amount of such tax, including any interest or penalties which may be imposed by a county or city of the first class.

(d) The county or city and its tax collection agencies are authorized to promulgate and enforce rules and regulations not inconsistent with the provisions of this section relating to any matter or thing pertaining to the collection, administration and enforcement of the provisions of this section.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Rental vehicle" shall mean a private passenger motor vehicle designed to transport fifteen or fewer passengers or a truck, trailer or semitrailer used in the transportation of property other than commercial freight, that is rented without a driver, is part of a fleet of five or more rental vehicles that are used for that purpose and owned or leased by the same person or entity and is rented for a period of twenty-nine or fewer consecutive days.

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

(2398 added June 25, 1999, P.L.182, No.25)

(n) Third Class County Convention Center Authorities
(n) added Nov. 3, 1999, P.L.461, No.42)

Compiler's Note: Section 5 of Act 42 of 1999, which added Subdivision (n), provided that the General Assembly declares that intention of the addition of Article XXIII, Subdivision (n) of Act 130 is to consolidate and clarify existing law. The addition of the subdivision shall not be construed to change existing law.

Section 2399.1. Short Title.--This subdivision shall be known and may be cited as the "Third Class County Convention Center Authority Act."

(2399.1 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.2. Findings, Declaration of Policy and Scope.--

(a) It is hereby determined and declared as a matter of legislative finding:

(1) That the health, safety and general welfare of the

people of this Commonwealth are directly dependent upon the continual encouragement, development, growth and expansion of business, industry, commerce and tourism within this Commonwealth.

(2) That unemployment, the spread of indigency and the heavy burden of public assistance and unemployment compensation can be avoided by the promotion, attraction, stimulation, development and expansion of business, industry, commerce and tourism in this Commonwealth.

(3) That development of convention centers is appropriate within the redevelopment assistance eligible area of a third class county and that the attraction of business to this Commonwealth as a result of such development is an important factor in the continual encouragement, promotion, attraction, stimulation, development, growth and expansion of business, industry, commerce and tourism within the county seat, the surrounding counties and this Commonwealth as a whole.

(4) That the purpose of a convention center should be the promotion, attraction, stimulation, development and expansion of business, industry, commerce and tourism in the county seat, the surrounding counties and this Commonwealth as a whole.

(5) That the development of a convention center will provide benefits to the hotel industry throughout the entire area of the county where the center is developed.

(6) That the development of a convention center will also provide benefits to the restaurant and entertainment industries throughout the entire county where the center is located, to all other businesses and individuals benefited by the attraction of major conventions and tourists, to other individual businesses whose livelihood is dependent on major conventions and tourists and to the general public.

(7) That the need for and promotion of the type of facility which will provide significant benefits to the general public will require the expenditure of public money and that it is therefore appropriate to authorize a county to impose and collect a tax applicable within the entire territorial limits of the county to facilitate the development of a convention facility and the promotion of tourism within the county.

(8) That, to promote the development of convention centers within this Commonwealth, it is necessary to provide additional and flexible means of developing, constructing, designing, managing, financing and operating convention centers.

(9) That an important aspect of the development of convention centers should be the removal and redevelopment of blighted areas.

(b) It is hereby declared to be the policy of the Commonwealth to promote the health, safety, employment, business

opportunities and general welfare of the people of this Commonwealth by providing for the creation of third class county convention center authorities which shall exist and operate as public instrumentalities of the Commonwealth for the public purpose of promoting, attracting, stimulating, developing and expanding business, industry, commerce and tourism in this Commonwealth. This purpose is hereby declared to be a public purpose supporting the enactment of all provisions of this subdivision for which public money may be spent and taxes may be imposed.

(c) (1) This subdivision shall not apply to a county which has an existing convention center owned by, leased by or operated by an existing authority or the Commonwealth which covers an area of more than forty thousand square feet.

(2) This subdivision shall not apply to a county which is served, together with one or more other counties, by a joint planning commission.

(3) No provision of this subdivision other than section 2399.23 shall apply to an existing authority.

(2399.2 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.3. Definitions.--The following words and phrases when used in this subdivision shall have the meanings given to them in this section unless the context clearly indicates otherwise or unless there is a specific definition in another section:

"Authority" or "Third Class County Convention Center Authority" shall mean an agency and public instrumentality of the Commonwealth and a body politic and corporate created pursuant to this subdivision.

"Board" shall mean the governing body of an authority.

"Bonds" shall mean notes, bonds, refunding notes and bonds, interim certificates, debentures and other evidence of indebtedness or obligations which an authority is authorized to issue pursuant to this subdivision.

"Construct," "to construct" or "construction" shall mean the acquisition, design, erection, extension, renovation, rehabilitation, conversion, furnishing, fixturing, equipping, enlargement or substantial repair of a convention center, or part thereof, and activities substantially related to the acquisition, design, erection, extension, renovation, rehabilitation, conversion, furnishing, fixturing, equipping, enlargement or substantial repair of a convention center, or part thereof.

"Convention center" shall mean any land, improvement, structure, building, or part thereof, or property interest therein, whether owned by or leased by or to or otherwise acquired by an authority, appropriate for any of the following:

large public assemblies, the holding of conventions, conferences, trade exhibitions and other business, social, cultural, scientific and public interest events, and all facilities, furniture, fixtures and equipment necessary or incident thereto, including meeting rooms, dining rooms, kitchens, ballrooms, reception areas, registration and prefunction areas, truck loading areas, including access thereto, accessways, common areas, lobbies, offices and areas appurtenant to any of the preceding, together referred to as the main convention area, and also including other buildings, structures or facilities for use in conjunction with the foregoing, including, but not limited to, provision for off-street parking, retail areas and other improvements related to the center owned by or leased by or to an authority for the purpose of producing revenues to assist in defraying the costs or expenses of the convention center.

"Cost of a project" shall mean all or any part of the cost of construction, acquisition, alteration, enlargement, furnishing, fixturing and equipping, reconstruction and rehabilitation of a convention center project, including, without limitation, the cost of all lands, structures, real or personal property, rights, rights-of-way, roads, franchises, easements and interests acquired or used for or in connection with a project, the cost of demolishing or removing buildings or structures on land so acquired, including the cost of acquiring lands to which the buildings or structures may be moved or located, the cost of all utility lines, structures or equipment, the charges, interest prior to, during and for a period of six months after completion of construction and acquisition, provisions for reserves for principal and interest and for extensions, enlargements, additions and improvements, cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and revenues, expenses necessary or incident to determining the feasibility or practicability of constructing the project and such other capital cost or expense as may be necessary or incident to the construction, development and acquisition of the project, the financing of construction, development and acquisition and the placing of the project in operation, including, without limitation, a proper allowance for contingencies and the provision of reasonable initial working capital for operating the project.

"County" shall mean a county of the third class.

"Existing authority" shall mean an authority incorporated by a county of the third class prior to November 1, 1994, pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945," for the principal

purpose of owning or operating a convention center.

"Federal agency" or "Federal Government" shall mean the United States, the President of the United States and any department or corporation, agency or instrumentality heretofore or hereafter created, designated or established by the United States.

"Obligee of the authority" or "obligee" shall mean a bondholder or a trustee for a bondholder when a party to a contract with an authority.

"Project" shall mean a site, building, structure, equipment, furnishing and other facilities or undertaking in respect of a convention center which an authority is authorized to acquire, construct, improve, install, maintain or operate under the provisions of this subdivision.

"Redevelopment assistance eligible area" shall mean an area determined by the Department of Community and Economic Development to be eligible as a site for a facility receiving a grant under the Redevelopment Assistance Capital Program of the Commonwealth.

"State public body" shall mean the Commonwealth and its executive, administrative and independent agencies, departments, officers, boards, authorities, commissions and instrumentalities.

"Substantial completion" shall mean construction that is sufficiently completed in accordance with contract documents and certified by the convention center authority's architect or engineer, as modified by change orders so that the main convention area can be used, occupied or operated for its intended use. In no event shall a project be certified as substantially complete until at least ninety per centum of the work on the main convention area is completed.

(2399.3 added Nov. 3, 1999, P.L. 461, No.42)

Section 2399.4. Authority Creation.--The governing bodies of a third class county and the political subdivision constituting the county seat or the county acting alone may create a body corporate and politic to be named the County Convention Center Authority to be created as a public authority and government instrumentality to have continuing succession until its existence shall be terminated by law. If the convention center to be constructed by an authority created under this subdivision shall be located within the jurisdictional limits of the county seat of the county, the authority shall be a joint authority of the county and the county seat. If the convention center shall be located outside the jurisdictional limits of the county seat of the county, the authority may be created solely by the county. The exercise by the authority of the powers conferred by this subdivision is

hereby declared to be and shall for all purposes be deemed and held to be the performance of an essential public function.

(2399.4 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.5. Purposes and Powers; General.--(a) An authority created under this subdivision shall be a public body, corporate and politic, exercising public powers of the Commonwealth as an agency and instrumentality and shall be for the purpose, without limitation, by itself or by agreement in cooperation with others, of acquiring, holding, developing, designing, constructing, improving, maintaining, managing, operating, financing, furnishing, fixturing, equipping, repairing, leasing or subleasing, either in the capacity of lessor or lessee or sublessor or sublessee, and owning a convention center, or parts thereof.

(b) The authority is granted all powers necessary or convenient for the carrying out of the purposes in subsection (a), including, without limiting the generality of the foregoing, the following rights and powers:

(1) To have continuing succession.

(2) To sue and be sued, implead and be impleaded, complain and defend in all courts.

(3) To adopt, use and alter at will a corporate seal.

(4) To acquire by gift or otherwise, purchase, hold, receive, lease, sublease and use a license, franchise or property, real, personal or mixed, tangible or intangible, or any interest therein, including a convention center, or parts thereof.

(5) To sell, transfer or dispose of property or an interest therein with adequate and fair consideration.

(6) To acquire, hold, develop, design, construct, improve, maintain, manage, operate, furnish, fixture, equip, repair, own, lease or sublease a convention center, or parts thereof, and to make, enter into and award contracts with any person, association, partnership or corporation for the development, design, financing, construction, improvement, maintenance, operation, management, furnishing, fixturing, equipping and repairing of a convention center, or parts thereof.

(7) To make bylaws for the management and regulation of its affairs and issue rules, regulations and policies in connection with the performance of its functions and duties.

(8) To appoint officers, agents, employes and servants, to prescribe their duties and to fix their compensation.

(9) To fix, alter, charge and collect rentals, admissions, license fees and other charges.

(10) To borrow money for the purpose of paying the costs of a project and to evidence the same; make and issue negotiable bonds of the authority; secure payment of the bonds, or any part

thereof, by pledge or deed of trust of all or any of its revenues (including any hotel room rental tax), rentals, receipts and contract rights; make such agreements with the purchasers or holders of the bonds or with other obligees of the authority in connection with the bonds, whether issued or to be issued, as the authority shall deem advisable, which agreements shall constitute contracts with the holders or purchasers; obtain such credit enhancement or liquidity facilities in connection with the bonds as the authority shall determine to be advantageous; and, in general, provide for the security of the bonds and the rights of the bondholders.

(11) To make, enter into and award contracts of every name and nature and to execute all instruments necessary or convenient for the carrying out of its business.

(12) To borrow money and accept grants and to enter into contracts, leases, subleases, licenses or other transactions with any Federal agency, State public body, political subdivision, person, association, partnership or corporation.

(13) To pledge, hypothecate or otherwise encumber its property, real, personal or mixed, tangible or intangible, and its revenues or receipts, including, but not limited to, any interest the authority may have in a lease or sublease of a convention center, or parts thereof.

(14) To procure such insurance containing such coverages, including, without limitation, insurance covering the timely payment in full of principal of and interest on bonds of the authority, in such amounts, from such insurers, as the authority may determine to be necessary or desirable for its purposes.

(15) To invest its money.

(16) To cooperate with any Federal agency, State public body or political subdivision.

(17) To invest funds held in reserve or sinking funds or funds not required for immediate disbursements as authorized by section 2399.13(d).

(18) To appoint all officers, agents and employes required for the performance of its duties and fix and determine their qualifications, duties and compensation and retain or employ other agents or consultants, including, but not limited to, architects, auditors, engineers, private legal counsel and private consultants, on a contract basis or otherwise for rendering professional or technical services and advice.

(19) To enroll its employes in an existing retirement system of the State, county, city or other governmental entity.

(20) To appoint and fix the compensation of chief counsel and such assistant counsel to provide it with legal assistance, and the authority through its counsel shall defend actions brought against the authority and its officers and employes when

acting within the scope of their official duties.

(21) To maintain an office in the county seat.

(22) To appoint an executive director who shall be the chief executive officer of the authority, who shall devote his full time during business hours to the duties of his office and who shall receive compensation as the board shall determine.

(23) To do all acts and things necessary or convenient for the promotion of its purposes and the general welfare of the authority and to carry out the powers granted to it by this subdivision or by any other act.

(c) (1) The authority shall have no power to pledge the credit or taxing powers of a State public body, a political subdivision or the county, nor shall its obligations be deemed obligations of any State public body, a political subdivision or the county, nor shall any State public body, a political subdivision or the county be liable for the payment of principal or interest on such obligations.

(2) The authority shall have no power of eminent domain.

(d) The authority shall develop and implement an affirmative action plan to assure that all persons are accorded equality of opportunity in employment and contracting by the authority, its contractors, subcontractors, assignees, lessees, agents, vendors and suppliers.

(2399.5 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.6. Capital and Operating Budgets.--(a) At least ninety days before the commencing of the ensuing fiscal year of the authority, the board shall cause to be prepared and submitted to it a recommended capital budget. The capital budget shall show in detail the capital expenditures to be made or incurred in the next fiscal year which are to be financed from funds subject to control or appropriation by the board. For each separate purpose, project, facility or other property, there shall be shown the amount and the source of the money that has been spent, encumbered or is intended to be spent or encumbered during the fiscal year. No later than the date of the adoption of the annual operating budget, the board shall by a majority vote of its members adopt a capital budget.

(b) At least ninety days before the commencing of the ensuing fiscal year of the authority, the board shall cause to be prepared and submitted to it a recommended operating budget. The operating budget shall be prepared with the aid of the governing bodies of the county and county seat. In the event that the operating budget is not in form and detail satisfactory to the governing body, they may require that the operating budget be redrafted and resubmitted, and the governing body shall not be considered to be in receipt of the operating budget or any amendments unless the form and detail is to the governing

body's satisfaction. The operating budget should set forth the estimated receipts and revenues of the authority during the next fiscal year. The board shall, at least thirty days before the end of the fiscal year, adopt by a majority vote of its members an operating budget for the next fiscal year.

(2399.6 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.7. Purposes and Powers; Bonds.--(a) The bonds of an authority created under this subdivision and authorized to be issued shall be authorized by resolution of the board of the authority and shall be of such series, bear such date or dates, mature at such time or times not exceeding forty years from their respective dates, bear interest at such rate or rates as shall be determined by the board as necessary to issue and sell the authorized bonds, be in such denominations, be in such form, either coupon or fully registered without coupons, carry such registration, exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities in the revenues or receipts of the authority as the resolution or resolutions may provide. The bonds shall be signed by or shall bear the facsimile signatures of such officers as the authority shall determine, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the authority, and all bonds shall be authenticated by an authenticating agent, fiscal agent or trustee, all as may be prescribed in such resolution or resolutions. The bonds may be issued and delivered notwithstanding that one or more of the officers signing the bonds or the treasurer whose facsimile signature shall be upon the coupon shall have ceased to be such officer or officers at the time when the bonds shall actually be delivered.

(b) The bonds may be sold at public sale or private negotiated sale for such price or prices and at such rate of interest as the authority shall determine. Pending the preparation of the definitive bonds, interim receipts may be issued to the purchaser or purchasers of the bonds and may contain such terms and conditions as the authority may determine.

(c) The bonds shall have the qualities of negotiable instruments under 13 Pa.C.S. (relating to commercial code).

(d) The net proceeds of the issue of bonds or notes may be used to pay the costs of the project or to reimburse costs initially paid by a State public body, the county, another political subdivision, an agency, an organization or a person.

(e) (1) Subject to the provisions of the outstanding bonds, notes or other obligations and subject to the provisions of this subdivision, the authority shall have the right and power to

refund outstanding debt, in whole or in part, at any time and shall have the right and power to refund outstanding notes with bonds or bonds with notes.

(2) As used in this subsection, the term "refund" and its variations means the issuance and sale of obligations the proceeds of which are used or are to be used for the payment or redemption of outstanding obligations upon or prior to maturity.

(2399.7 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.8. Provisions of Bonds, Trusts, Indentures and Mortgages.--In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds and obligations, the authority, in addition to its other powers, shall have the power to:

(1) Pledge all or part of its gross or net revenues to which its right then exists or may thereafter come into existence.

(2) Mortgage all or part of its real or personal property then owned or thereafter acquired.

(3) Covenant against pledging all or part of its revenues or against mortgaging all or part of its real or personal property to which its right or title exists or may thereafter come into existence or against permitting or suffering a lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of its real property; and to covenant as to what other or additional debts or obligations may be incurred by it.

(4) Covenant as to the bonds to be issued and as to the issuance of the bonds, in escrow or otherwise, and as to the use and disposition of the proceeds; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest; and to redeem the bonds and to covenant for and provide the terms and conditions for their redemption.

(5) Covenant as to the amount and the use and disposition of revenues to be raised each year or other period of time by the authority; to create or to authorize the creation of special funds for debt service or other purposes; and to covenant as to the use and disposition of the moneys held in such funds.

(6) Prescribe the procedure, if any, by which the terms of a contract with bondholders may be amended or abrogated, the amount of bonds, the holders of which must consent thereto and the manner in which consent may be given.

(7) Covenant as to the use of its real or personal property; to warrant its title; and to covenant as to the maintenance and replacement of its real and personal property, the insurance to be carried on the property and the use and disposition of insurance moneys.

(8) Covenant as to the rights, liabilities, powers and

duties arising upon the breach by it of any covenant, condition or obligation; and to covenant and prescribe in the event of default as to terms and conditions upon which its bonds or obligations shall become or may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be waived.

(9) Vest in a trustee or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in a trustee the right in the event of a default by the authority to take possession and use, operate and manage any real property and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the authority with the trustee; to provide for the powers and duties of a trustee and to limit the trustee's liabilities; and to provide the terms and conditions upon which the trustee or the holders of bonds or any proportion of them may enforce covenants or rights securing or relating to the bonds.

(10) Obtain letters of credit and bond insurance.

(11) Exercise all or any part or combination of the powers granted in this section; to make covenants other than and in addition to the covenants expressly authorized in this section and to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds or, in the absolute discretion of the authority, as will tend to accomplish the purposes of this subdivision by making the bonds more marketable notwithstanding that such covenants, acts or things may not be specifically enumerated in this section.

(2399.8 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.9. Remedies of Obligee of Authority.--An obligee of the authority shall have the right, in addition to all other rights which may be conferred on the obligee, subject only to any contractual restrictions binding upon the obligee:

(1) By mandamus, suit, action or proceeding at law or in equity, to compel the authority and its members, officers, agents or employes to perform each and every term, provision and covenant contained in any bond or contract of the authority with or for the benefit of the obligee and to require the carrying out of any or all such covenants and agreements of the authority and the fulfillment of all duties imposed upon the authority by this subdivision.

(2) By proceeding in equity, to obtain an injunction against any acts or things which may be unlawful or the violation of any of the rights of the obligee.

(2399.9 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.10. Additional Remedies Conferrable by

Authority.--(a) The authority shall have power by its resolution, trust, indenture or mortgage to confer upon any obligees holding or representing a specified percentage of bonds the right, in addition to all rights that may otherwise be conferred, upon the happening of an event of default as defined in the resolution or instrument, by suit, action or proceeding in a court of competent jurisdiction:

(1) to obtain the appointment of a receiver of any real property or leasehold interest of the authority and of the rents and profits therefrom. If a receiver be appointed, he may enter and take possession of the real property or any leasehold interest, operate the same and collect and receive all revenues or other income thereafter arising therefrom and shall keep the money in a separate account and apply the same in accordance with the obligations of the authority as the court shall direct; or

(2) to require the authority and its members to account as if it and they were the trustees of an express trust.

(b) Nothing in this subdivision shall authorize a receiver appointed pursuant to this subdivision for the purpose of operating and maintaining any facilities of the authority to sell, assign, mortgage or otherwise dispose of any of the assets of whatever kind or character belonging to the authority. It is the intention of this subdivision to limit the powers of the receiver to the operation and maintenance of the facilities of the authority as the court shall direct, and no holder or holders of bonds of the authority nor any trustee or other obligee shall ever have the right in any suit, action or proceeding, at law or in equity, to compel a receiver, nor shall any receiver ever be authorized or court be empowered to direct the receiver, to sell, assign, mortgage or otherwise dispose of any assets of whatever kind or character belonging to the authority.

(2399.10 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.11. Governing Board.--(a) The power of the authority shall be exercised by a governing board composed of the following members:

(1) The governing body of the county seat in which the convention center is located shall appoint three members. The term of office of these members shall be four years. The terms of the first three members appointed shall be allocated between them for a two-year, three-year and four-year term, respectively.

(2) The governing body of the county in which the convention center is located shall appoint three members. The term of office of these members shall be four years. The terms of the first three members appointed shall be allocated between them

for a two-year, three-year and four-year term, respectively.

(3) The two governing bodies shall alternate in the appointment of the seventh board member. The governing body of the county shall make the first appointment of the seventh board member, whose term shall be for four years.

((4) deleted by amendment)

((a) amended Nov. 30, 2004, P.L.1661, No.209)

(b) Except as otherwise provided, members shall serve a four-year term from the date of their appointment and until their successors have been appointed and qualified. If a vacancy shall occur by means of the death, disqualification, resignation or removal of a member, subject to the provisions of subsection (a), the appointing authority shall appoint a successor to fill the unexpired term.

(c) Subject to such aggregate per annum limitation and other rules and regulations as the board shall determine, a member shall receive one hundred dollars (\$100) per board meeting.

(d) The members of the board shall select from among themselves a chairman and such other officers as the board may determine. Except as otherwise provided, all actions of the board shall be taken by a vote of at least four members of the board, which shall constitute a majority of the board, unless the bylaws of the authority shall provide for a majority vote by a present quorum in the absence of a full board. The board shall have full authority to manage the properties and business of the authority and to prescribe, amend and repeal bylaws, rules and regulations governing the manner in which the business of the authority may be conducted and the powers granted to it may be exercised and embodied. Notwithstanding any other law, court decision, precedent or practice to the contrary, no actions by or on behalf of the board shall be taken by an officer of the board except upon the approval of the board. As used in this subsection, the term "actions by or on behalf of the board" means any action whatsoever of the board, including, but not limited to, the hiring, appointment, removal, transfer, promotion or demotion of any officers and employes, the retention, use or remuneration of advisors, counsel, auditors, architects, engineers or consultants, the initiation of legal action, the making of contracts, leases, agreements, bonds, notes or covenants, the approval of requisitions, purchase orders, investments and reinvestments and the adoption, amendment, revision or rescission of rules and regulations, orders or other directives.

(e) Members of the board shall not be liable personally on the bonds or other obligations of the authority, and the rights of creditors shall be solely against the authority. The authority, itself or by contract, shall defend board members,

and the authority shall indemnify and hold harmless board members, whether currently serving as a member of the authority or not, against and from any and all personal liabilities, actions, causes of action and claims made against them for whatever actions they perform within the scope of their duties as board members.

(2399.11 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.12. Sovereign Immunity.--It is hereby declared to be the intent of the General Assembly that the authority created pursuant to this subdivision and its officers, officials and employes shall enjoy sovereign and official immunity, as provided in 1 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed; specific waiver) and remain immune from suit except as provided by and subject to the provisions of 42 Pa.C.S. §§ 8501 (relating to definitions) through 8528 (relating to limitations on damages). Notwithstanding the provisions of 42 Pa.C.S. § 8525 (relating to legal assistance), the authority through its counsel shall defend actions brought against the authority and its officers and employes when acting within the scope of their official duties.

(2399.12 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.13. Moneys of Authority.--(a) All moneys of the authority, from whatever source derived, shall be paid to the treasurer of the authority.

(b) The board shall invest authority funds consistent with sound business practice.

(c) The board shall provide for an investment program subject to restrictions contained in this subdivision and in any other applicable statute and in rules or regulations adopted by the board.

(d) Authorized types of investments for authority funds shall be:

(1) Direct obligations of or obligations guaranteed by the United States.

(2) A bond, debenture, note, participation certificate or other similar obligation issued by any one or combination of the following agencies: Government National Mortgage Corporation, Federal Land Banks, Federal Home Loan Banks, Federal Intermediate Credit Banks, Banks for Cooperatives, Tennessee Valley Authority, United States Postal Service, Farmers Home Administration, Student Loan Marketing Association and Export-Import Bank of the United States.

(3) A bond, debenture, note, participation certificate or other similar obligation issued by the Federal National Mortgage Corporation to the extent such obligations are guaranteed by the Government National Mortgage Corporation or issued by another Federal agency and backed by the full faith and credit of the

United States.

(4) Deposits in interest-bearing time or demand deposits or certificates of deposit fully insured by the Federal Deposit Insurance Corporation or its successors or the Federal Savings and Loan Insurance Corporation or its successors or fully secured by any of the obligations described above to the extent not so insured.

(5) Repurchase agreements relating to, or investment agreements secured by or providing for the acquisition of and, if applicable, resale of, obligations described in clauses (1) through (4) or obligations of the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association with:

(i) banks or trust companies, which may include a banking entity or depository;

(ii) brokers or broker-dealers registered under the Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C. §§ 78a-78jj) acceptable to the authority; or

(iii) insurance companies rated A+ or better by Best's and having a net capital and surplus of at least twenty-five million dollars (\$25,000,000) or certificates of deposit with banks or trust companies fully secured as to principal and accrued interest by obligations described in clauses (1) through (4) deposited with or subject to the control of the authority.

(6) Money market deposit accounts of banks or trust companies having a net capital and surplus of at least twenty-five million dollars (\$25,000,000), which may include a banking entity or depository.

(7) The description of authorized investments as set forth in clauses (5) and (6) shall be met only if the agreements referenced therein provide for the repayment of the principal amount invested at an amount not less than that so invested. Whenever security is required as set forth in clauses (4) through (6), the security shall be deposited with the treasurer of the authority or be held by a trustee or agent satisfactory to the authority. Moneys of the authority shall be paid out on the warrant or other order of the chairman of the authority or of such other person or persons as the authority may authorize to execute warrants or orders.

(e) An authority created under this subdivision shall file an annual report with the Department of Community and Economic Development and with the county and political subdivision constituting the county seat, which shall make provisions for the accounting of revenues and expenses. The authority shall have its books, accounts and records audited annually in accordance with generally accepted auditing standards by an independent auditor who shall be a certified public accountant, and a copy of his audit report shall be attached to and be made

a part of the annual report. A concise financial statement shall be published annually in a newspaper of general circulation in the county where the authority is located.

(f) The Attorney General, Auditor General, Secretary of the Budget and the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and the minority chairman of the Appropriations Committee of the House of Representatives shall have the right to examine the books, accounts and records of the authority.

(2399.13 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.14. Transfer of Existing Facilities or Funds; Making of Annual Grants and Lease Payments to Authority.--(a) A State public body or political subdivision may and is hereby authorized to sell, lease or sublease from or to, lend, grant, convey or otherwise transfer or pay over to the authority, with or without consideration, a convention center, or parts thereof, or an interest in property, real, personal or mixed, tangible or intangible, or any funds available, needed or obligated for development, acquisition, design, maintenance, management, operation, financing, leasing or subleasing, construction or improvement purposes, including the proceeds of bonds previously or hereafter issued for construction or improvement of a convention center, or parts thereof. Property, funds or a convention center, or parts thereof, received by the authority may be used for any lawful purpose of the authority. Nothing in this subdivision nor in any other law shall be deemed to make an authority or person a State-supported or State-aided institution under any law of this Commonwealth.

(b) The governing bodies of the county and county seat may and are hereby authorized to make grants from current revenues to the authority and to assist in defraying the costs of management, operation, maintenance, financing and debt service of a convention center, or parts thereof, and to enter into long-term agreements providing for the payment of the same and to enter into long-term leases or subleases as lessee or sublessee of all or part of a convention center, provided that obligations of the county and county seat to make grants, lease or sublease payments to an authority shall not, even if based on debt obligations of an authority, constitute debts of the county and county seat within the meaning of any constitutional or statutory provision and shall be payable only to the extent that current revenues of the county and county seat are available. The county and county seat may issue general obligation bonds for the purpose of obtaining funds for local contributions pertaining to convention centers, or parts thereof.

(c) The Commonwealth may contribute to the capital costs of constructing a convention center by the issuance of Commonwealth

bonds and notes pursuant to Article XVI-B of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code," or pursuant to Chapter 3 of the act of February 9, 1999 (P.L.1, No.1), known as the "Capital Facilities Debt Enabling Act." A convention center project undertaken by the authority is hereby deemed to be a redevelopment assistance project for which capital funds of the Commonwealth may be expended pursuant to the provisions of the act of May 20, 1949 (P.L.1633, No.493), known as the "Housing and Redevelopment Assistance Law," and, notwithstanding any provisions of the "Housing and Redevelopment Assistance Law," the Department of Community and Economic Development is hereby authorized to make capital grants directly to the authority in furtherance of this subdivision.

(2399.14 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.15. Award of Contracts.--(a) All construction, reconstruction, repairs or work of any nature made by the authority where the entire cost, value or amount of the construction, reconstruction, repairs or work, including labor and materials, shall exceed ten thousand dollars (\$10,000), except construction, reconstruction, repairs or work done by employes of the authority or by labor supplied under agreement with any Federal agency, State public body or political subdivision, with supplies and materials purchased as hereinafter provided, shall be done only under contract or contracts to be entered into by the authority with the lowest responsible bidder upon proper terms after due public notice has been given asking for competitive bids as hereinafter provided, but the authority shall have the right to reject any or all bids or select a single item from any bid. No contract shall be entered into for construction or improvement or repair of any project or portion thereof unless the contractor shall provide sufficient surety or sureties approved by the authority and in an amount fixed by the authority for the performance of the contract. All contracts shall provide among other things that the person or corporation entering into the contract with the authority will pay for all materials furnished and services rendered for the performance of the contract and that a person or corporation furnishing materials or rendering services may maintain an action to recover for the same against the obligor in the undertaking as though the person or corporation was named therein provided the action is brought within one year after the time the cause of action accrued. Nothing in this section shall be construed to limit the power of the authority to construct, repair or improve a project or portion thereof or any addition, betterment or extension thereto directly by the officers and employes of the authority. The authority shall award the construction of a convention center according to the provisions

of the act of May 1, 1913 (P.L.155, No.104), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings," and shall be subject to 62 Pa.C.S. Pt. I (relating to Commonwealth procurement code). Nothing in this section or any other law of this Commonwealth shall require the authority to competitively bid architectural design, engineering or other professional services required by the authority.

(b) All supplies and materials costing ten thousand dollars (\$10,000) or more to be acquired directly by the authority shall be purchased only after due advertisement as hereinafter provided. The authority shall accept the lowest bid or bids from a responsible bidder, kind, quality and material being equal, but the authority shall have the right to reject any or all bids or select a single item from a bid. The provisions as to bidding shall not apply to the purchase of unique supplies and materials or supplies and materials which cannot be obtained in the open market.

(c) Nothing in this section or in any other law of this Commonwealth shall preclude the board with the approval of five members from negotiating contracts for management, operation, concession services, licensing or leasing of a convention center, or any part thereof. The authority shall not award a contract to a manager, operator, concessionaire, licensee, lessee or lessor that exceeds three years in duration unless five members of the board approve the awarding of a contract for a greater period of time.

(d) The authority, its contractors, subcontractors, assignees, lessees, agents, vendors and suppliers shall not be subject to county or county seat laws, ordinances, rules or regulations relating to limits or preferences with regard to employment, contracting or procurement in the construction and operation of the convention center.

(e) The authority shall be subject to the act of August 15, 1961 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage Act," the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act," and 62 Pa.C.S. Ch. 37 Subch. B (relating to motor vehicles).

(f) As used in this section, the terms "advertisement" or "public notice" mean a notice published at least ten days before the award of a contract in a newspaper of general circulation published in the county, provided that the notice may be waived where the authority determines an emergency exists and supplies and materials must be immediately purchased by the authority.

(2399.15 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.16. Interests of Public Officers, Public Employes and Party Officers.--(a) (1) No party officer, public

officer, public official or public employe shall be employed as a management-level authority employe.

(2) No person convicted of an infamous crime shall be employed as a management-level employe by the authority.

(b) The provisions of the act of July 19, 1957 (P.L.1017, No.451), known as the "State Adverse Interest Act," and 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure) are hereby made specifically applicable to board members, officers and employes of the authority. For the purposes of application of these acts, employes of the authority shall be regarded as public employes of the Commonwealth, and officers or board members of the authority shall be regarded as public officials of the Commonwealth, whether or not they receive compensation. The authority shall also be subject to the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, and 65 Pa.C.S. Ch. 7 (relating to open meetings).

(c) Notwithstanding the provisions of subsection (b), the following prohibitions shall apply to the authority created by this subdivision:

(1) No management-level employe or other employe of the authority shall use his position with the authority or confidential information received through his position with the authority to obtain financial gain other than compensation provided by law for himself, a member of his immediate family or a business with which he is associated.

(2) No person shall offer or give to a management-level employe or other employe of the board or a member of his immediate family or a business with which he is associated, and no management-level employe or other employe of the board shall solicit or accept, anything of value, including a gift, loan, political contribution, reward or promise of future employment, based on an understanding that the vote, official action or judgment of the management-level employe or other employe of the board would be influenced thereby.

(3) No management-level employe or other employe of the board or a member of his immediate family or a business in which the person or a member of the person's immediate family is a director, officer, owner or holder of stock exceeding five per centum of the equity at fair market value of the business shall enter into a contract valued at five hundred dollars (\$500) or more to provide goods or services to the authority unless the contract has been awarded to the lowest responsible bidder through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded.

(4) No former management-level employe or other former

employe of the board shall represent a person, with or without compensation, on any matter before the authority with which he has been associated for one year after he leaves the authority.

(5) An individual who is a State, county seat or county public officer or public official or a party officer, a member of the immediate family of such an individual or a business with which such an individual or immediate family member is associated shall not have a financial interest in a contract valued at five hundred dollars (\$500) or more to provide goods or services to the authority either during the time the person holds the office or for two years after the person terminates the office unless the contract is executed pursuant to the provisions of clause (3). For purposes of this clause, the term "financial interest" shall not include employment by, association with or ownership of a business association unless the public officer, public official, party officer or immediate family member owns shares of stock in the corporation in an amount in excess of five per centum of the total issue of the stock of the corporation or has an ownership interest in a noncorporate business association in an amount in excess of five per centum of the total ownership of the noncorporate business association.

(6) No management-level employe or other employe of the board nor an advisor or consultant to the county seat, the county or the State, having recommended to the authority which he serves either the making of a contract relating to a convention center authority or a course of action of which the making of such a contract is an express or implied part, shall, at any time thereafter, have an adverse interest in the contract.

(7) No management-level employe or other employe of the authority, the county seat, the county or the State shall influence or attempt to influence the making of or supervise or in any manner deal with a contract with the authority in which he has an adverse interest.

(8) No management-level employe or other employe shall have an adverse interest in a contract with the authority.

(9) No person having an adverse interest in a contract with the authority shall become a management-level employe or other employe of the authority until the adverse interest shall have been wholly divested.

(10) No management-level employe or other employe of the authority, the county seat, the county or the State, except in the performance of his duties as an employe, shall for remuneration, directly or indirectly, represent a person upon a matter pending before the authority.

(d) (1) A person who violates this section shall have his

employment by the authority immediately terminated by the appropriate person having the power to terminate and shall be liable to the authority to reimburse the authority for all compensation received by him from the authority while employed in violation of subsection (a).

(2) A person who violates subsection (c)(1) or (2) commits a felony and shall be sentenced to pay a fine of not more than ten thousand dollars (\$10,000) or to imprisonment for not more than five years, or both.

(3) A person who violates subsection (c)(3) through (10) commits a misdemeanor and shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000) or to imprisonment for not more than one year, or both.

(4) A person who obtains financial gain from violating subsection (c), in addition to any other penalty provided by law, shall pay into the accounts of the authority a sum of money equal to three times the financial gain resulting from the violation.

(5) A person who violates subsection (c) shall be barred for a period of five years from engaging in any business or contract with the authority, the county seat, the county, the State and all political subdivisions.

(6) An employe of the county seat, county, State or any political subdivision or a public officer or public official who violates subsection (c) shall automatically forfeit the office or employment he may then hold.

(7) The penalties and sanctions provided by this section shall supersede any similar penalties and sanctions provided by the act of October 4, 1978 (P.L.883, No.170), known as the "Public Official and Employee Ethics Law," and the "State Adverse Interest Act."

(e) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Business" shall mean a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint-stock company, receivership, trust or any legal entity organized for profit or as a not-for-profit corporation or organization.

"Business with which he is associated" shall mean a business in which the person or a member of the person's immediate family is a director, officer, owner, employe or holder of stock.

"Immediate family" shall mean a parent, spouse, child, brother, sister or like relative-in-law.

"Infamous crime" shall mean a violation and conviction for an offense which would disqualify an individual from holding public office pursuant to section 6 of Article II of the Constitution of Pennsylvania or a conviction for a violation of this section,

18 Pa.C.S. § 4113 (relating to misapplication of entrusted property and property of government or financial institutions) or Ch. 47 (relating to bribery and corrupt influence), 49 (relating to falsification and intimidation), 51 (relating to obstructing governmental operations) or 53 (relating to abuse of office) or any other violation of the laws of this Commonwealth for which an individual has been convicted within the preceding ten years and which is classified as a felony, and similar violations of the laws of another state or the Federal Government.

"Management-level authority employe" shall mean the chairman and members of the board of the authority, counsel employed by the authority, the executive director of the authority and any authority employe with discretionary powers which may affect the outcome of the authority's decision in relation to a private corporation or business or any employe who by virtue of his job function could influence the outcome of the decision.

"Party officer" shall mean the following members or officers of a political party:

- (1) a member of a national committee;
- (2) a chairman, vice chairman, secretary, treasurer or counsel of a State committee or member of the executive committee of a State committee;
- (3) a city chairman or vice chairman or counsel, secretary or treasurer of a city committee; or
- (4) a county chairman or vice chairman or counsel, secretary or treasurer of a county committee.

"Person" shall mean a business, individual, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.

"Public employe" shall mean an individual employed by the Commonwealth or a political subdivision who is responsible for taking or recommending official action of a nonministerial nature with regard to:

- (1) contracting or procurement;
- (2) administering or monitoring grants or subsidies;
- (3) planning or zoning;
- (4) inspecting, licensing, regulating or auditing any person; or
- (5) any other activity where the official action has an economic impact of greater than a de minimis nature on the interest of any person.

A public employe shall not include individuals who are employed by the State or a political subdivision in teaching, as distinguished from administrative duties.

"Public officer" shall mean a person elected to any public office of the Commonwealth or a political subdivision.

"Public official" shall mean an elected or appointed official in the executive, legislative or judicial branch of the State or a political subdivision, provided that it shall not include members of advisory boards that have no authority to expend public funds other than reimbursement for personal expense or to otherwise exercise the power of the State or a political subdivision. The term shall not include an appointed official who receives no compensation other than reimbursement for actual expenses.

(2399.16 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.17. Acquisition of Lands.--The authority shall have the power to acquire by purchase either the fee or such right, title, interest or easement or any combination thereof in such lands within the county or county seat as the authority may deem necessary for the purpose mentioned in this subdivision, except that a convention center constructed pursuant to the terms of this subdivision must be located in a redevelopment assistance eligible area.

(2399.17 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.18. Use and Operation of Convention Center.--The use and operation of the convention center, and all parts thereof, and the operation of the business of the authority shall be subject to the rules and regulations from time to time adopted by the authority, provided, however, that the authority shall not be authorized to do anything which will impair the security of the obligees of the authority or violate any agreements with them or for their benefit or violate any contracts, leases or other agreements awarded, made or entered into by the authority.

(2399.18 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.19. Limitation of Powers.--(a) The Commonwealth does hereby pledge to and agree with any person, the county, county seat, political subdivision or Federal agency subscribing to or acquiring the bonds to be issued by the authority for the construction or improvement of a convention center, or parts thereof, that the Commonwealth will not limit or alter the rights hereby vested in the authority in any manner inconsistent with the obligations to the bondholders until all bonds at any time issued, together with the interest, are fully paid and discharged. The Commonwealth does further pledge to and agree with any Federal agency that in the event that the Federal agency shall construct or contribute funds for the construction or improvement of a convention center, or parts thereof, that the Commonwealth will not alter or limit the rights and powers of the authority in any manner which would be inconsistent with the due performance of any agreements between the authority and the Federal agency.

(b) The Commonwealth does hereby pledge to and agree with any person who as owner leases or subleases a convention center, or parts thereof, to or from an authority created pursuant to this subdivision that the Commonwealth will not limit or alter the rights and powers hereby vested in the authority or otherwise created by this subdivision in any manner which impairs the obligations of the authority until all obligations of the authority under the lease or sublease are fully met and discharged.

(2399.19 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.20. Exemption from Taxation.--The effectuation of the authorized purposes of authorities created under this subdivision shall and will be in all respects for the benefit of the people of this Commonwealth, for the increase of their commerce and prosperity and for the improvement of their health and living conditions; and since authorities, as public instrumentalities of the Commonwealth, will be performing essential governmental functions in effectuating these purposes, the authorities shall not be required to pay any taxes or assessments upon a convention center, or parts thereof, or property acquired or used or permitted to be used by them for these purposes; and the bonds issued by any authority, their transfer and the income from the bonds, including any profits made on the sale of the bonds, shall at all times be free from State and local taxation within this Commonwealth. This exemption shall not extend to gift, estate, succession or inheritance taxes or any other taxes not levied directly on the bonds, their transfer or the income from or the realization of profits on the sale of the bonds.

(2399.20 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.21. Lease by Authorities.--A convention center, or part thereof, established under this subdivision may be leased or subleased by the authority to and from the county or county seat, and the county or county seat is hereby empowered to enter into leases, subleases, or both, for this purpose. A lease or sublease may be made for a specified or unlimited time and on any terms and conditions which may be approved by the county or county seat and which may be agreed to by the authority in conformity with its contracts with the holders of any bonds.

(2399.21 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.22. Cooperation.--(a) For the purpose of aiding and cooperating with the authority and in the planning, acquisition, clearance, relocation, development, design, construction, rehabilitation, leasing, subleasing, alteration, expansion, financing, improvement, management or operation of a convention center, or parts thereof, any State public body or

political subdivision or the county or county seat may, upon such terms, with or without consideration, as it may determine:

(1) Dedicate, sell, convey, lease or otherwise transfer property or any interest therein, real, personal or mixed, tangible or intangible, to the authority.

(2) Cause parking, recreational or community facilities or any other works, which it is otherwise empowered to undertake, to be furnished in or adjacent to any area selected for a convention center, or parts thereof.

(3) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered so to do.

(4) Enter into agreements, extending over any period, with the authority or with the Federal Government respecting action to be taken by a State public body pursuant to the powers granted by this section.

(5) Do any and all things necessary or convenient to aid and cooperate in the development, acquisition, design, construction, improvement, maintenance, management, operation, furnishing, fixturing, equipping, repairing, financing, owning, leasing and subleasing of a convention center, or parts thereof.

(6) In connection with public improvements made by a State public body, political subdivision, county or the county seat, in exercising the powers herein granted, a State public body or political subdivision or the county or county seat may incur the entire expense.

(7) The Secretary of General Services is authorized, with the approval of the Governor and Attorney General, to execute and deliver, on behalf of the Commonwealth, conveyances, deeds and leases authorized under this subdivision.

(b) In connection with a convention center, or parts thereof, the county or county seat may contract with the authority or the Federal Government with respect to sums which the authority or the Federal Government may agree to pay during any year or period of years to the county or county seat for the improvements, services and facilities to be provided by it for the benefit of the authority, convention center, or parts thereof, or the persons occupying the area. However, the absence of a contract for these payments shall in no way relieve the county or county seat from the duty to furnish for the benefit of the authority, convention center, or parts thereof, or the persons occupying the area, customary improvements and such services and facilities as the county or county seat usually furnishes without a service fee.

(c) The county, county seat or State may by written agreement designate the authority as its agent within the authority's field of operation to perform any specified activity

or to administer any specified program which the State, county or county seat is authorized by law to do. However, any such activities or programs shall be in furtherance of the public purposes specified in this subdivision. These activities may include, without being limited to, development, acquisition, design, construction, improvement, maintenance, leasing, management or operation of a convention center, or parts thereof.

(d) The powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law.

(2399.22 added Nov. 3, 1999, P.L.461, No.42)

Section 2399.23. Hotel Room Rental Tax.--(a) The county in which the convention center is located is hereby authorized to impose an excise tax on the consideration received by each operator of a hotel within the market area from each transaction of renting a room or rooms to accommodate transients. The tax shall be collected by the operator from the patron of the room and paid over to the county pursuant to subsection (e) and shall be known as the Hotel Room Rental Tax.

(b) The rate of tax imposed under this section by the county in which the convention center is located shall not exceed five per centum.

(c) Eighty per centum of revenues to be received from taxes imposed pursuant to this section shall be annually deposited in the special fund required under subsection (d) for the use of the authority for convention center purposes. Twenty per centum of the revenues to be received from taxes imposed pursuant to this section shall be deposited within thirty days of collection in the tourist promotion agency fund required under subsection (d) until disbursed as provided below.

(d) The treasurer of each county electing to impose the tax authorized under this section is hereby directed to collect the tax and:

(1) to deposit eighty per centum of the revenues received from the tax in special funds established for purposes set forth in this section; and

(2) to deposit twenty per centum of the revenues received by the tax in the tourist promotion agency fund until disbursed pursuant to subsection (g).

Interest on moneys deposited in the funds shall accrue proportionately to the respective funds as provided in this section. The treasurer is hereby authorized to establish rules and regulations concerning the collection of the tax, which collection shall occur not more often than monthly nor less often than quarterly.

(e) Expenditures from the fund established pursuant to

subsection (d) for the authority shall be used by the authority for the following purposes:

(1) Projected annual debt service or lease payments of the convention center authority.

(2) Costs associated with financing, constructing, improving, maintaining, furnishing, fixturing and equipping the convention center.

(3) Costs associated with the development of the convention center, including, but not limited to, design, engineering and feasibility costs.

(4) Costs associated with the operation and management of the convention center.

(5) Costs associated with promoting, marketing and otherwise encouraging use of the convention center.

(6) General purposes of the convention center.

(f) If and to the extent that the authority pledges its share of the proceeds of the tax authorized by this section as security for the payment of bonds issued by the authority for convention center purposes, the Commonwealth does hereby pledge to and agree with any person, firm or corporation subscribing to or acquiring bonds to be issued by the authority for convention center purposes that the Commonwealth itself will not, nor will it authorize a county to, reduce the rate of tax imposed for convention center purposes until all bonds so secured by the pledge of the authority, together with interest, are fully met and discharged.

(g) Provided that no event of default has occurred and is continuing with respect to any bonds, notes or other indebtedness of an authority incurred to finance the construction of a convention center, revenues received from the tax deposited to the tourist promotion agency fund required under subsection (d) shall be disbursed by each county to the tourist promotion agency within ten days of receipt thereof, provided that the county shall have no obligation to invest any funds deposited to the tourist promotion agency fund.

(h) Each tax year for any tax imposed hereunder shall run concurrently with the county's fiscal year.

(h.1) An audited report on the income and expenditures incurred by a tourist promotion agency receiving any revenues from the tax authorized under this section shall be submitted annually by the tourist promotion agency to the county commissioners. ((h.1) added July 5, 2005, P.L.38, No.12)

(i) The tax levied under this section shall expire when all bonds issued by a county under this subdivision have been fully met and discharged.

(j) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Consideration" shall mean receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature or other payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for a temporary period.

"Convention center" shall mean any land, improvement, structure, building, or part thereof, or property interest therein, whether owned by or leased by or to or otherwise acquired by an existing authority, appropriate for any of the following: large public assemblies, the holding of conventions, conferences, trade exhibitions and other business, social, cultural, scientific and public interest events, and all facilities, furniture, fixtures and equipment necessary or incident thereto, including meeting rooms, dining rooms, kitchens, ballrooms, reception areas, registration and prefunction areas, truck loading areas, including access thereto, accessways, common areas, lobbies, offices and areas appurtenant to any of the preceding, together referred to as the main convention area, and also including other buildings, structures or facilities for use in conjunction with the foregoing, including, but not limited to, provision for off-street parking, retail areas and other improvements related to the center owned by or leased by or to an existing authority for the purpose of producing revenues to assist in defraying the costs or expenses of the convention center.

"Hotel" shall mean a hotel, motel, inn, guesthouse or other building located within the market area which holds itself out by any means, including advertising, license, registration with an innkeeper's group, convention listing association, travel publication or similar association or with a government agency, as being available to provide overnight lodging or use of facility space for consideration to persons seeking temporary accommodation. The term includes a place which advertises to the public at large or a segment of the public that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large. The term also includes a place recognized as a hostelry, provided that portions of a facility which are devoted to persons who have established permanent residence shall not be included in this definition. The term does not include a bed and breakfast homestead or inn as defined in the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law.

"Market area" shall mean:

(1) With respect to a county in which there is more than one city of the third class, the entire county.

(2) With respect to a county in which there is only one city of the third class, one of the following:

(i) That city and the area within the county which is not more than fifteen miles from the site of the convention center.

(ii) That city and the area within the county which, as determined by the board of commissioners of the county imposing the tax, derives a material benefit from the existence of the convention center within the county. The owner of a hotel affected by a determination by the board under this subclause may challenge the determination by filing a petition in the court of common pleas in the judicial district where the determination was made.

"Occupancy" shall mean the use or possession or the right to the use or possession by a person other than a permanent resident of a room in a hotel for any purpose or the right to the use or possession of the furnishings or to the services accompanying the use and possession of the room.

"Operator" shall mean any individual, partnership, nonprofit or profit-making association or corporation or other person or group of persons who maintain, operate, manage, own, have custody of or otherwise possess the right to rent or lease overnight accommodations in a hotel to the public for consideration.

"Patron" shall mean any person who pays the consideration for the occupancy of a room or rooms in a hotel.

"Permanent resident" shall mean any person who has occupied or has the right to occupy a room or rooms in a hotel as a patron or otherwise for a period exceeding thirty consecutive days.

"Room" shall mean a space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodations provided therein.

"Temporary" shall mean a period of time not exceeding thirty consecutive days.

"Tourist promotion agency" shall mean the agency designated by the governing body of a county or county seat in which the convention center is located to be eligible for grants from the Department of Community and Economic Development pursuant to the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law."

"Transaction" shall mean the activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration emanates to the operator under an express or an implied contract.

"Transient" shall mean an individual who obtains an accommodation in any hotel for himself by means of registering at the facility for the temporary occupancy of a room for the personal use of that individual by paying to the operator of the facility a fee in consideration therefor.

(2399.23 added Nov. 3, 1999, P.L.461, No.42)

(o) Third Class County Convention Center Authorities
(Alternative Provision)

((o) added October 18, 2000, P.L.541, No.73)

Section 2399.51. Short Title.--This subdivision shall be known and may be cited as the "Third Class County Convention Center Authority Act (Alternative Provision)."

(2399.51 added October 18, 2000, P.L.541, No.73)

Section 2399.52. Findings, Declaration of Policy and Scope.--(a) It is hereby determined and declared as a matter of legislative finding:

(1) That the health, safety and general welfare of the people of this Commonwealth are directly dependent upon the continual encouragement, development, growth and expansion of business, industry, commerce and tourism within this Commonwealth.

(2) That unemployment, the spread of indigence and the heavy burden of public assistance and unemployment compensation can be avoided by the promotion, attraction, stimulation, development and expansion of business, industry, commerce and tourism in this Commonwealth.

(3) That development of convention centers is appropriate within a third class county and that the attraction of business to this Commonwealth as a result of such development is an important factor in the continual encouragement, promotion, attraction, stimulation, development, growth and expansion of business, industry, commerce and tourism within the county seat, the surrounding counties and this Commonwealth as a whole.

(4) That the purpose of a convention center should be the promotion, attraction, stimulation, development and expansion of business, industry, commerce and tourism in the county seat, the surrounding counties and this Commonwealth as a whole.

(5) That the development of a convention center will provide benefits to the hotel industry throughout the entire area of the county where the center is developed.

(6) That the development of a convention center will also provide benefits to the restaurant and entertainment industries throughout the entire county where the center is located, to all other businesses and individuals benefited by the attraction of major conventions and tourists, to other individual businesses whose livelihood is dependent on major conventions and tourists and to the general public.

(7) That the need for and promotion of the type of facility which will provide significant benefits to the general public will require the expenditure of public money and that it is therefore appropriate to authorize a county to impose and collect a tax applicable within the entire territorial limits of

the county to facilitate the development of a convention facility and the promotion of tourism within the county.

(8) That, to promote the development of convention centers within this Commonwealth, it is necessary to provide additional and flexible means of developing, constructing, designing, managing, financing and operating convention centers.

(9) That an important aspect of the development of convention centers should be the removal and redevelopment of blighted areas.

(b) It is hereby declared to be the policy of the Commonwealth to promote the health, safety, employment, business opportunities and general welfare of the people of this Commonwealth by providing for the creation of third class county convention center authorities which shall exist and operate as public instrumentalities of the Commonwealth for the public purpose of promoting, attracting, stimulating, developing and expanding business, industry, commerce and tourism in this Commonwealth. This purpose is hereby declared to be a public purpose supporting the enactment of all provisions of this subdivision for which public money may be spent and taxes may be imposed.

(c) (1) This subdivision shall apply to counties of the third class.

(2) This subdivision shall not apply to:

(i) a county which has created (either individually or jointly with its county seat) a third class county convention center authority pursuant to the provisions of subdivision (n) of this act or the act of December 27, 1994 (P.L.1375, No.162), known as the "Third Class County Convention Center Authority Act," prior to January 1, 2000.

(ii) A county which is served, together with one or more other counties, by a joint planning commission.

(d) (1) A county which has created (either individually or jointly with its county seat) a third class county convention center authority pursuant to subdivision (n) of this act after January 1, 2000, may opt to have such authority treated as having been organized under the provisions of this subdivision. Such option shall be exercised by the adoption of a resolution by the governing body of the county to that effect. The exercise of such option may not be revoked.

(2) If an authority is treated as having been organized under this subdivision pursuant to the provisions of clause (1), the following transitional provisions shall apply to the authority, the county, the county seat (if applicable), State public bodies and political subdivisions and the acts thereof:

(i) the authority shall be treated for all purposes as having been organized under the authority of this subdivision;

(ii) all acts of the authority shall be treated for all purposes as having been taken pursuant to the authority granted under this subdivision, regardless of whether such acts shall have been taken prior to or after the enactment of this subdivision;

(iii) all acts of the county and (if applicable) the county seat in organizing the authority shall be treated for all purposes as having been taken pursuant to the authority granted under this subdivision regardless of whether such acts shall have been taken prior to or after the enactment of this subdivision;

(iv) all acts of the county taken or purported to be taken under the authority of subdivision (n) of this act, including, but not limited to, the enactment of a hotel room rental tax, shall be treated as having been taken pursuant to the authority granted under this subdivision, regardless of whether such acts shall have been taken prior to or after the enactment of this subdivision; and

(v) all acts of any State public body or any political subdivision taken or purported to be taken with respect to the authority under the authority of subdivision (n) of this act, including, but not limited to, the transfer of existing convention center facilities to the authority and the funding of a convention center project as a redevelopment assistance project by the Commonwealth, shall be treated as having been taken pursuant to the authority granted under this subdivision, regardless of whether such acts shall have been taken prior to or after the enactment of this subdivision.

(3) If an authority is treated as having been organized under this subdivision pursuant to the provisions of clause (1), all acts taken or purported to be taken by the county, the county seat, the authority and State public body or any political subdivision under the authority of subdivision (n) of this act are hereby ratified and affirmed in their entirety, regardless of whether such acts shall have been taken prior to or after the enactment of this subdivision.

(4) If an authority is treated as having been organized under this subdivision pursuant to the provisions of clause (1), the members of the board of the authority shall continue in office and shall be treated as if they had been appointed under this subdivision.

(2399.52 added October 18, 2000, P.L.541, No.73)

Section 2399.53. Definitions.--The following words and phrases when used in this subdivision shall have the meanings given to them in this section unless the context clearly indicates otherwise or unless there is a specific definition in another section:

"Authority" or "Third Class County Convention Center Authority" shall mean an agency and public instrumentality of the Commonwealth and a body politic and corporate created pursuant to this subdivision.

"Board" shall mean the governing body of an authority.

"Bonds" shall mean notes, bonds, refunding notes and bonds, interim certificates, debentures and other evidence of indebtedness or obligations which the authority is authorized to issue.

"Construct," "to construct" or "construction" shall mean the acquisition, design, erection, extension, renovation, rehabilitation, conversion, furnishing, fixturing, equipping, enlargement or substantial repair of a convention center, or part thereof, and activities substantially related to the acquisition, design, erection, extension, renovation, rehabilitation, conversion, furnishing, fixturing, equipping, enlargement or substantial repair of a convention center, or part thereof.

"Convention center" or "convention center facility" shall mean any land, improvement, structure, building, or part thereof, or property interest therein, whether owned by or leased by or to or otherwise acquired by an authority, appropriate for any of the following: large public assemblies, the holding of conventions, conferences, trade exhibitions and other business, social, cultural, scientific, sports, recreational, artistic and public interest events, performances and exhibitions, and all facilities, furniture, fixtures and equipment necessary or incident thereto, including hotels, meeting rooms, dining rooms, kitchens, ballrooms, reception areas, registration and prefunction areas, locker rooms, practice areas and equipment, training areas and equipment, truck loading areas, including access thereto, accessways, including, but not limited to, tunnels, overhead walkways, escalators, elevators and other connections to nearby or adjoining buildings or facilities, regardless of whether such buildings or facilities constitute convention center facilities or are owned or controlled by the authority, common areas, lobbies, offices and areas appurtenant to any of the preceding, and also including other land, buildings, structures or facilities for use or planned for use in conjunction with the foregoing, including, but not limited to, landscaping, buffer areas, off-street parking, retail areas and other improvements related to a convention center facility owned by or leased by or to an authority, regardless of whether such improvements are for the purpose of producing revenues to assist in defraying the costs or expenses of such convention center facility. (Def. amended Nov. 29, 2004, P.L.1275, No.155)

"Cost of a project" shall mean all or any part of the cost of construction, acquisition, alteration, enlargement, furnishing, fixturing and equipping, reconstruction and rehabilitation of a convention center project, including, without limitation, the cost of all lands, structures, real or personal property, rights, rights-of-way, roads, franchises, easements and interests acquired or used for or in connection with a project, the cost of demolishing or removing buildings or structures on land so acquired, including the cost of acquiring lands to which the buildings or structures may be moved or located, the cost of all utility lines, structures or equipment, the charges, interest prior to, during and after completion of construction and acquisition, provisions for reserves for principal and interest and for extensions, enlargements, additions and improvements, cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and revenues, expenses necessary or incident to determining the feasibility or practicability of constructing the project and such other capital cost or expense as may be necessary or incident to the construction, development and acquisition of the project, the financing of construction, development and acquisition and the placing of the project in operation, including, without limitation, a proper allowance for contingencies and the provision of reasonable initial working capital for operating the project.

"County" shall mean a county of the third class.

"Federal agency" or "Federal Government" shall mean the United States, the President of the United States and any department or corporation, agency or instrumentality heretofore or hereafter created, designated or established by the United States.

"Obligee of the authority" or "obligee" shall mean a bondholder or a trustee for a bondholder when a party to a contract with the authority.

"Political subdivision" shall mean any governmental body other than a State public body or a Federal agency. The term includes, but is not limited to, any county, city, borough, township, school district, municipal authority, transit authority, parking authority or other authority of any type.

"Project" shall mean a site, building, structure, equipment, furnishing and other facilities or undertaking in respect of a convention center facility which the authority is authorized to acquire, construct, improve, install, maintain or operate under the provisions of this subdivision.

"State public body" shall mean the Commonwealth and its executive, administrative and independent agencies, departments, officers, boards, authorities, commissions and

instrumentalities.

"Substantial completion" shall mean construction that is sufficiently completed in accordance with contract documents and certified by the convention center authority's architect or engineer, as modified by change orders so that any project being constructed by the convention center authority can be used, occupied or operated for its intended use. In no event shall a project be certified as substantially complete until at least ninety per centum of the work on the project area is completed.

(2399.53 added October 18, 2000, P.L.541, No.73)

Section 2399.54. Authority Creation.--(a) The governing bodies of a third class county and the political subdivision constituting the county seat or the county acting alone may create a body corporate and politic to be named the County Convention Center Authority to be created as a public authority and government instrumentality to have continuing succession until its existence shall be terminated by law. If any part of the convention center facilities constructed by an authority created under this subdivision shall be located within the jurisdictional limits of the county seat of the county, the authority shall be a joint authority of the county and the county seat. If the convention center facilities of an authority shall be located entirely outside the jurisdictional limits of the county seat of the county, the authority may be created solely by the county. The exercise by the authority of the powers conferred by this subdivision is hereby declared to be and shall for all purposes be deemed and held to be the performance of an essential public function.

(b) An authority shall be created by an ordinance (or equivalent enactment) adopted by the county or, in the case of a joint authority, ordinances (or equivalent enactments) adopted by the county and the county seat providing that an authority is thereby created under this subdivision and specifying the articles of incorporation of the authority. The articles of incorporation shall be filed by the county with the Secretary of the Commonwealth, who shall issue a certificate of incorporation to the authority. The authority shall be deemed to come into existence on the later of the following dates:

(1) the date on which the ordinance is enacted (or, in the case of a joint authority, on the date that the second ordinance is enacted); or

(2) such later date as may be specified in the articles of incorporation.

(c) Articles of incorporation of an authority may only be amended in the manner specified above for the adoption of articles of incorporation and may not:

(1) impair the rights or security of any creditors of the

authority or any party contracting with the authority; or
(2) be inconsistent with the provisions of this subdivision.
(2399.54 added October 18, 2000, P.L.541, No.73)

Section 2399.55. Purposes and Powers Generally.--(a) An authority created under this subdivision shall be a public body, corporate and politic, exercising public powers of the Commonwealth as an agency and instrumentality and shall be for the purpose, without limitation, by itself or by agreement in cooperation with others, of acquiring, holding, developing, designing, constructing, improving, maintaining, managing, operating, financing, furnishing, fixturing, equipping, repairing, leasing or subleasing, either in the capacity of lessor or lessee or sublessor or sublessee, and owning convention center facilities, or parts thereof. Such convention center facilities need not comprise a single, integrated complex but may be located at one or more locations within the county and may function independently of one another.

(b) The authority is granted all powers necessary or convenient for the carrying out of the purposes in subsection (a), including, without limiting the generality of the foregoing, the following rights and powers:

(1) To have continuing succession.

(2) To sue and be sued, implead and be impleaded, complain and defend in all courts.

(3) To adopt, use and alter at will a corporate seal.

(4) To acquire by gift or otherwise, purchase, hold, receive, lease, sublease and use a license, franchise or property, real, personal or mixed, tangible or intangible, or any interest therein, including convention center facilities, or parts thereof, and to assume any obligations associated therewith, including leases, concession agreements, indebtedness and other contractual obligations which the authority deems necessary to accomplish the purpose of this subdivision.

(5) To sell, transfer or dispose of property or an interest therein with adequate and fair consideration.

(6) To acquire, hold, develop, design, construct, improve, maintain, manage, operate, furnish, fixture, equip, repair, own, lease or sublease convention center facilities, or parts thereof, and to make, enter into and award contracts with any person, association, partnership or corporation for the development, design, financing, construction, improvement, maintenance, operation, management, furnishing, fixturing, equipping and repair of convention center facilities, or parts thereof.

(7) To make bylaws for the management and regulation of its affairs and issue rules, regulations and policies in connection with the performance of its functions and duties.

(8) To appoint officers, agents, employes and servants, to prescribe their duties and to fix their compensation.

(9) To fix, alter, charge and collect rentals, admissions, license fees and other charges.

(10) To borrow money for the purpose of paying the costs of a project and to evidence the same; make and issue negotiable bonds of the authority; secure payment of the bonds, or any part thereof, by pledge or deed of trust of all or any of its revenues (including any hotel room rental tax), rentals, receipts and contract rights; make such agreements with the purchasers or holders of the bonds or with other obligees of the authority in connection with the bonds, whether issued or to be issued, as the authority shall deem advisable, which agreements shall constitute contracts with the holders or purchasers; obtain such credit enhancement or liquidity facilities in connection with the bonds as the authority shall determine to be advantageous; and, in general, provide for the security of the bonds and the rights of the bondholders.

(11) To make, enter into and award contracts of every name and nature and to execute all instruments necessary or convenient for the carrying out of its business.

(12) To borrow money and accept grants and to enter into contracts, leases, subleases, licenses or other transactions with any Federal agency, State public body, political subdivision, person, association, partnership or corporation.

(13) To pledge, hypothecate or otherwise encumber its property, real, personal or mixed, tangible or intangible, and its revenues or receipts, including, but not limited to, any interest the authority may have in a lease or sublease of convention center facilities, or parts thereof.

(14) To procure such insurance containing such coverages, including, without limitation, insurance covering the timely payment in full of principal of and interest on bonds of the authority, in such amounts, from such insurers, as the authority may determine to be necessary or desirable for its purposes.

(15) To invest its money.

(16) To cooperate with any Federal agency, State public body or political subdivision.

(17) To invest funds held in reserve or sinking funds or funds not required for immediate disbursements as authorized by section 2399.63(d).

(18) To appoint all officers, agents and employes required for the performance of its duties and compensation and retain or employ other agents or consultants, including, but not limited to, architects, auditors, engineers, private legal counsel and private consultants, on a contract basis or otherwise for rendering professional or technical services and advice.

(19) To enroll its employes in an existing retirement system of the State, county, city or other governmental entity.

(20) To appoint and fix the compensation of chief counsel and such assistant counsel to provide it with legal assistance, and the authority through its counsel shall defend actions brought against the authority and its officers and employes when acting within the scope of their official duties.

(21) To maintain an office in the county seat.

(22) To appoint an executive director who shall be the chief executive officer of the authority, who shall devote his full time during business hours to the duties of his office and who shall receive compensation as the board shall determine.

(23) To make grants to the county in accordance with the provisions of subsection (e).

(24) To do all acts and things necessary or convenient for the promotion of its purposes and the general welfare of the authority and to carry out the powers granted to it by this subdivision or any other act.

(c) (1) The authority shall have no power to pledge the credit or taxing powers of a State public body, a political subdivision or the county, nor shall its obligations be deemed obligations of any State public body, a political subdivision or the county, nor shall any State public body, a political subdivision or the county be liable for the payment of principal or interest on such obligations.

(2) The authority shall have no power of eminent domain.

(d) The authority shall develop and implement an affirmative action plan to assure that all persons are accorded equality of opportunity in employment and contracting by the authority, its contractors, subcontractors, assignees, lessees, agents, vendors and suppliers.

(e) (1) The authority shall have the power to make grants to the county for the financial support of regional assets located within the county. Any such grants shall be included in the capital budget adopted by the authority pursuant to section 2399.56(a) and may only be made if the authority finds, by resolution adopted by a majority vote of its members, that the making of such grants shall not adversely affect the short-term or long-term capital, operational and/or financial needs of the authority, or otherwise impair the ability of the authority to meet any contractual or legal obligations of the authority, including obligations owed to holders of bonds issued by the authority. Grants made under the authority of this clause:

(i) shall not obligate funds of the authority beyond a single fiscal year of the authority;

(ii) shall be payable to the county in a single lump sum or in installments during the fiscal year in question, as

determined by the authority in its discretion; and

(iii) may be rescinded or reduced by the authority if the authority, prior to payment of the grant, determines in its discretion that the then current and/or projected financial needs of the authority require reduction or rescission of the grant.

(2) Grants received by the county from the authority under the provisions of clause (1) shall be deposited in a segregated account identified as the regional asset fund. The regional asset fund shall be used by the county solely for the purpose of making grants of financial support to regional assets located within the county in accordance with and subject to the limitations of this subsection. Funds deposited in the regional asset fund shall be invested only in those types of investments in which a county of the third class may invest general funds of the county under applicable law. Earnings on such investments shall become a part of the regional asset fund and may not be used for purposes other than those permitted under this subsection. The county shall not be required to disburse all of the funds in the regional asset fund during a particular fiscal year but may instead accumulate funds within the regional asset fund if the county, in its discretion, determines that the accumulation of such funds, in whole or in part, is appropriate for the effective and efficient long-term funding of regional assets.

(3) The county shall have the authority to make grants of financial support for regional assets from the regional asset fund established under clause (2). Grants made by the county from the regional asset fund shall be subject to all of the following terms, conditions and limitations:

(i) grants may only be made to:

(A) political subdivisions located within the county; and

(B) organizations which have been determined by the Internal Revenue Service to be organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.) or any successor provision of law;

(ii) grants may only be made for the purpose of supporting a specific regional asset located within the county and which is owned by the grantee or for which the grantee has operational and financial responsibility;

(iii) grants may only be made pursuant to written grant agreements and executed by authorized officers of the county and the grantee, specifying the terms and conditions of the grant;

(iv) the grant agreement shall describe with specificity the purpose for which the grant is being made;

(v) the grant agreement shall set forth such other terms and conditions as the county, in its discretion, may prescribe,

including requirements with respect to matching funds, continued financial support of the grantee for the regional asset with respect to which the grant is being made, and so forth; and

(vi) no grant may obligate funds from the regional asset fund beyond a single twelve-month period.

(4) For purposes of this subsection, the term "regional asset" means a civic, recreational, sports or cultural facility (including, but not limited to, zoos, museums and performing arts facilities), function or activity which is owned or provided by a political subdivision or section 501(c)(3) of the Internal Revenue Code of 1986 organization, or with respect to which a political subdivision or section 501(c)(3) of the Internal Revenue Code of 1986 organization has operational and financial responsibility. Notwithstanding the foregoing, the following shall not be considered regional assets:

(i) any health care facility;

(ii) any institution which predominantly provides elementary, secondary or higher education or other training;

(iii) any Federal or State parks;

(iv) any airports or public transportation systems or facilities;

(v) any libraries;

(vi) any paid or volunteer public safety organizations and facilities;

(vii) any authority created under this subdivision, and any facilities owned or operated by such an authority; or

(viii) any asset which fails to serve a significant number of persons who are not residents of the city, borough or township within which the asset is located.

(5) The county shall have the authority to prescribe reasonable rules, regulations and procedures for:

(i) the administration of the regional asset fund and the segregated account in which the regional asset fund is deposited;

(ii) the making of grants from the regional asset fund; and

(iii) the administration of grants made from the regional asset funds.

(f) Net revenues received from the sale of rights for the naming or designation of any convention center facility, or portion thereof, shall be allocated in the following manner:

(1) Fifty per centum of such revenues shall be distributed to the county for deposit in a segregated account identified as the regional asset fund, to be utilized as provided in subsection (e)(3).

(2) Fifty per centum of such revenues shall be retained by the convention center authority established under this subdivision.

(g) Subsection (f) shall not apply to a sale of rights occurring prior to the enactment of this subdivision. Revenues from the sale of naming rights for items of a de minimis nature, including, but not limited to, the sale of plaques, individualized bricks or furniture, shall not be subject to allocation under this section.

(2399.55 added October 18, 2000, P.L.541, No.73)

Section 2399.56. Capital and Operating Budgets.--(a) At least ninety days before the commencing of the ensuing fiscal year of the authority, the board shall cause to be prepared and submitted to it a recommended capital budget. The capital budget shall show in detail the capital expenditures to be made or incurred in the next fiscal year which are to be financed from funds subject to control or appropriation by the board. For each separate purpose, project, facility or other property, there shall be shown the amount and the source of the money that has been spent, encumbered or is intended to be spent or encumbered during the fiscal year. No later than the date of the adoption of the annual operating budget, the board shall by a majority vote of its members adopt a capital budget.

(b) At least ninety days before the commencing of the ensuing fiscal year of the authority, the board shall cause to be prepared and submitted to it a recommended operating budget. The operating budget shall be prepared with the aid of the governing bodies of the county and county seat. In the event that the operating budget is not in form and detail satisfactory to the governing body, they may require that the operating budget be redrafted and resubmitted, and the governing body shall not be considered to be in receipt of the operating budget or any amendments unless the form and detail is to the governing body's satisfaction. The operating budget should set forth the estimated receipts and revenues of the authority during the next fiscal year. The board shall, at least thirty days before the end of the fiscal year, adopt by a majority vote of its members an operating budget for the next fiscal year.

(2399.56 added October 18, 2000, P.L.541, No.73)

Section 2399.57. Purposes and Powers; Bonds.--(a) The bonds of an authority created under this subdivision and authorized to be issued shall be authorized by resolution of the board of the authority and shall be of such series, bear such date or dates, mature at such time or times not exceeding forty years from their respective dates, bear interest at such rate or rates as shall be determined by the board as necessary to issue and sell the authorized bonds, be in such denominations, be in such form, either coupon or fully registered without coupons, carry such registration, exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or

places, be subject to such terms of redemption and be entitled to such priorities in the revenues or receipts of the authority as the resolution or resolutions may provide. The bonds shall be signed by or shall bear the facsimile signatures of such officers as the authority shall determine, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the authority, and all bonds shall be authenticated by an authenticating agent, fiscal agent or trustee, all as may be prescribed in such resolution or resolutions. The bonds may be issued and delivered notwithstanding that one or more of the officers signing the bonds or the treasurer whose facsimile signature shall be upon the coupon shall have ceased to be such officer or officers at the time when the bonds shall actually be delivered.

(b) The bonds may be sold at public sale or private negotiated sale for such price or prices and at such rate of interest as the authority shall determine. Pending the preparation of the definitive bonds, interim receipts may be issued to the purchaser or purchasers of the bonds and may contain such terms and conditions as the authority may determine.

(c) The bonds shall have the qualities of negotiable instruments under 13 Pa.C.S. (relating to commercial code).

(d) The net proceeds of the issue of bonds or notes may be used to pay the costs of a project or to reimburse costs initially paid by a State public body, the county, another political subdivision, an agency, an organization or a person.

(e) (1) Subject to the provisions of the outstanding bonds, notes or other obligations and subject to the provisions of this subdivision, the authority shall have the right and power to refund outstanding debt, in whole or in part, at any time and shall have the right and power to refund outstanding notes with bonds or bonds with notes.

(2) As used in this subsection, the term "refund" and its variations means the issuance and sale of obligations the proceeds of which are used or are to be used for the payment or redemption of outstanding obligations upon or prior to maturity.

(2399.57 added October 18, 2000, P.L.541, No.73)

Section 2399.58. Provisions of Bonds, Trusts, Indentures and Mortgages.--In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds and obligations, the authority, in addition to its other powers, shall have the power to:

(1) Pledge all or part of its gross or net revenues to which its right then exists or may thereafter come into existence.

(2) Mortgage all or part of its real or personal property then owned or thereafter acquired.

(3) Covenant against pledging all or part of its revenues or against mortgaging all or part of its real or personal property to which its right or title exists or may thereafter come into existence or against permitting or suffering a lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of its real property; and to covenant as to what other or additional debts or obligations may be incurred by it.

(4) Covenant as to the bonds to be issued and as to the issuance of the bonds, in escrow or otherwise, and as to the use and disposition of the proceeds; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest; and to redeem the bonds and to covenant for and provide the terms and conditions for their redemption.

(5) Covenant as to the amount and the use and disposition of revenues to be raised each year or other period of time by the authority; to create or to authorize the creation of special funds for debt service or other purposes; and to covenant as to the use and disposition of the moneys held in such funds.

(6) Prescribe the procedure, if any, by which the terms of a contract with bondholders may be amended or abrogated, the amount of bonds, the holders of which must consent thereto and the manner in which consent may be given.

(7) Covenant as to the use of its real or personal property; to warrant its title; and to covenant as to the maintenance and replacement of its real and personal property, the insurance to be carried on the property and the use and disposition of insurance moneys.

(8) Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation; and to covenant and prescribe in the event of default as to terms and conditions upon which its bonds or obligations shall become or may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be waived.

(9) Vest in a trustee or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in a trustee the right in the event of a default by the authority to take possession and use, operate and manage any real property and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the authority with the trustee; to provide for the powers and duties of a trustee and to limit the trustee's liabilities; and to provide the terms and conditions upon which the trustee or the holders of bonds or any proportion of them may enforce covenants

or rights securing or relating to the bonds.

(10) Obtain letters of credit and bond insurance.

(11) Exercise all or any part or combination of the powers granted in this section; to make covenants other than and in addition to the covenants expressly authorized in this section and to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds or, in the absolute discretion of the authority, as will tend to accomplish the purposes of this subdivision by making the bonds more marketable notwithstanding that such covenants, acts or things may not be specifically enumerated in this section.

(2399.58 added October 18, 2000, P.L.541, No.73)

Section 2399.59. Remedies of Obligee of Authority.--An obligee of the authority shall have the right, in addition to all other rights which may be conferred on the obligee, subject only to any contractual restrictions binding upon the obligee:

(1) By mandamus, suit, action or proceeding at law or in equity, to compel the authority and its members, officers, agents or employes to perform each and every term, provision and covenant contained in any bond or contract of the authority with or for the benefit of the obligee and to require the carrying out of any or all such covenants and agreements of the authority and the fulfillment of all duties imposed upon the authority by this subdivision.

(2) By proceeding in equity, to obtain an injunction against any acts or things which may be unlawful or the violation of any of the rights of the obligee.

(2399.59 added October 18, 2000, P.L.541, No.73)

Section 2399.60. Additional Remedies Conferrable by Authority.--(a) The authority shall have power by its resolution, trust, indenture or mortgage to confer upon any obligees holding or representing a specified percentage of bonds the right, in addition to all rights that may otherwise be conferred, upon the happening of an event of default as defined in the resolution or instrument, by suit, action or proceeding in a court of competent jurisdiction:

(1) to obtain the appointment of a receiver of any real property or leasehold interest of the authority and of the rents and profits therefrom. If a receiver be appointed, he may enter and take possession of the real property or any leasehold interest, operate the same and collect and receive all revenues or other income thereafter arising therefrom and shall keep the money in a separate account and apply the same in accordance with the obligations of the authority as the court shall direct; or

(2) to require the authority and its members to account as

if it and they were the trustees of an express trust.

(b) Nothing in this subdivision shall authorize a receiver appointed pursuant to this subdivision for the purpose of operating and maintaining any facilities of the authority to sell, assign, mortgage or otherwise dispose of any of the assets of whatever kind or character belonging to the authority. It is the intention of this subdivision to limit the powers of the receiver to the operation and maintenance of the facilities of the authority as the court shall direct, and no holder or holders of bonds of the authority nor any trustee or other obligee shall ever have the right in any suit, action or proceeding, at law or in equity, to compel a receiver, nor shall any receiver ever be authorized or court be empowered to direct the receiver, to sell, assign, mortgage or otherwise dispose of any assets of whatever kind or character belonging to the authority.

(2399.60 added October 18, 2000, P.L.541, No.73)

Section 2399.61. Governing Board.--(a) The power of the authority shall be exercised by a governing board composed of nine members:

(1) The mayor or, if there is no mayor, the elected chief executive officer, of the county seat in which the convention center facilities are located shall appoint, with the advice and consent of the city council or equivalent body, three members. The term of office of these members shall be four years. The terms of the first three members appointed shall be allocated among them for a two-year, three-year and four-year term, respectively. In all cases, the beginning of the term shall be deemed January 1 of the year of appointment, subject to subsection (b).

(2) The county executive or other elected chief executive officer of the county or, if there is no county executive or elected chief executive officer of the county, the governing body of the county in which the convention center facilities are located shall appoint four members. Appointments by a county executive or other elected chief executive officer shall be with the advice and consent of the county council or equivalent body. The term of office of these members shall be four years. The terms of the first four members appointed shall be allocated among them for a one-year, two-year, three-year and four-year term, respectively. In all cases, the beginning of the term shall be deemed January 1 of the year of appointment, subject to subsection (b).

(3) Two members shall be appointed by the Governor with the advice and consent of a majority of the members of the Senate.

(4) If the authority created pursuant to section 2399.54 is created by the county acting alone, seven members shall be

appointed under clause (2). The term of office of these members shall be four years. The terms of the first members appointed shall be allocated among them as follows: a one-year term, two two-year terms, two three-year terms and two four-year terms.

(b) Except as otherwise provided, members shall serve a four-year term from the date of their appointment and until their successors have been appointed and qualified. If a vacancy shall occur by means of the death, disqualification, resignation or removal of a member, subject to the provisions of subsection (a), the appointing authority shall appoint a successor to fill the unexpired term.

(c) The members of the board shall not be compensated for their service on the board or for any other position in which they may serve the authority. The authority may reimburse members for reasonable and necessary out-of-pocket expenses incurred by members in carrying out the business of the authority.

(d) (1) The members of the board shall select from among themselves a chairman and such other officers as the board may determine. Except as otherwise provided, all actions of the board shall be taken by a vote of at least five members of the board, which shall constitute a majority of the board, unless the bylaws of the authority shall provide for a majority vote by a present quorum of not less than five members in the absence of a full board. The board shall have full authority to manage the properties and business of the authority and to prescribe, amend and repeal bylaws, rules and regulations governing the manner in which the business of the authority may be conducted and the powers granted to it may be exercised and embodied.

Notwithstanding any other law, court decision, precedent or practice to the contrary, no actions by or on behalf of the board shall be taken by an officer of the board or the authority except upon the approval or prior authorization of the board. As used in this subsection, the term "actions by or on behalf of the board" means any action whatsoever of the board, including, but not limited to, the hiring, appointment, removal, transfer, promotion or demotion of any officers and employes, the retention, use or remuneration of advisors, counsel, auditors, architects, engineers or consultants, the initiation of legal action, the making of contracts, leases, agreements, bonds, notes or covenants, the approval of requisitions, purchase orders, investments and reinvestments, and the adoption, amendment, revision or rescission of rules and regulations, orders or other directives.

(2) The board shall appoint an executive director, who shall act as the chief executive officer of the authority. The executive director shall not be a member of the board.

Notwithstanding the provisions of clause (1), the board may, by bylaw or by resolution, delegate to the executive director the authority and power to carry out the day-to-day operations of the authority and to exercise those powers which are normal, customary and necessary to perform the duties of a chief executive officer.

(3) The board may appoint such assistant and other officers, including assistant secretaries and assistant treasurers, as the board determines to be appropriate to carry out the business of the authority. Assistant secretaries and assistant treasurers may be members of the board.

(4) The board may appoint one or more deputy executive directors who, to the extent authorized by the board, may exercise the duties and powers of the executive director in the executive director's absence or incapacity or in the event of a vacancy in the office of executive director.

(e) Members of the board shall not be liable personally on the bonds or other obligations of the authority, and the rights of creditors shall be solely against the authority. The authority, itself or by contract, shall defend board members, and the authority shall indemnify and hold harmless board members, whether or not currently serving as a member of the authority, against and from any and all personal liabilities, actions, causes of action and claims made against them for whatever actions they perform within the scope of their duties as board members.

(2399.61 added October 18, 2000, P.L.541, No.73)

Section 2399.62. Sovereign Immunity.--It is hereby declared to be the intent of the General Assembly that an authority created pursuant to this subdivision and its officers, officials and employes shall enjoy sovereign and official immunity, as provided in 1 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed; specific waiver) and remain immune from suit except as provided by and subject to the provisions of 42 Pa.C.S. §§ 8501 (relating to definitions) through 8528 (relating to limitations on damages). Notwithstanding the provisions of 42 Pa.C.S. § 8525 (relating to legal assistance), the authority through its counsel shall defend actions brought against the authority and its officers and employes when acting within the scope of their official duties.

(2399.62 added October 18, 2000, P.L.541, No.73)

Section 2399.63. Moneys of Authority.--(a) All moneys of the authority, from whatever source derived, shall be paid to the treasurer of the authority or such other officer or officers of the authority as the authority may designate.

(b) The board shall invest authority funds consistent with sound business practice.

(c) The board shall provide for an investment program subject to restrictions contained in this subdivision, in any other applicable statute and in rules and regulations adopted by the board.

(d) Authorized types of investments for authority funds shall be:

(1) Direct obligations of or obligations guaranteed by the United States.

(2) A bond, debenture, note, participation certificate or other similar obligation issued by any one or combination of the following agencies: Government National Mortgage Corporation, Federal Land Banks, Federal Home Loan Banks, Federal Intermediate Credit Banks, Banks for Cooperatives, Tennessee Valley Authority, United States Postal Service, Farmers Home Administration, Student Loan Marketing Association and Export-Import Bank of the United States.

(3) A bond, debenture, note, participation certificate or other similar obligation issued by the Federal National Mortgage Corporation to the extent such obligations are guaranteed by the Government National Mortgage Corporation or issued by another Federal agency and backed by the full faith and credit of the United States.

(4) Deposits in interest-bearing time or demand deposits or certificates of deposit fully insured by the Federal Deposit Insurance Corporation or its successors or the Federal Savings and Loan Insurance Corporation or its successors or fully secured by any of the obligations described above to the extent not so insured.

(5) Repurchase agreements relating to, or investment agreements secured by or providing for the acquisition of and, if applicable, resale of, obligations described in clauses (1) through (4) or obligations of the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association with:

(i) banks or trust companies, which may include a banking entity or depository;

(ii) brokers or broker-dealers registered under the Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C. §§ 78a-78jj) acceptable to the authority; or

(iii) insurance companies rated A+ or better by Best's and having a net capital and surplus of at least twenty-five million dollars (\$25,000,000) or certificates of deposit with banks or trust companies fully secured as to principal and accrued interest by obligations described in clauses (1) through (4) deposited with or subject to the control of the authority.

(6) Money market deposit accounts of banks or trust companies having a net capital and surplus of at least twenty-five million dollars (\$25,000,000), which may include a banking

entity or depository.

(7) The description of authorized investments as set forth in clauses (5) and (6) shall be met only if the agreements referenced therein provide for the repayment of the principal amount invested at an amount not less than that so invested. Whenever security is required as set forth in clauses (4) through (6), the security shall be deposited with the treasurer of the authority or be held by a trustee or agent satisfactory to the authority. Moneys of the authority shall be paid out on the warrant or other order of the chairman of the authority or of such other person or persons as the authority may authorize to execute warrants or orders.

(e) (1) An authority created under this subdivision shall file an annual report with the Department of Community and Economic Development and with the county and political subdivision constituting the county seat, which shall make provisions for the accounting of revenues and expenses. The authority shall have its books, accounts and records audited annually in accordance with generally accepted auditing standards by an independent auditor who shall be a certified public accountant, and a copy of his audit report shall be attached to and be made a part of the annual report. A concise financial statement shall be published annually in a newspaper of general circulation in the county where the authority is located.

(2) An authority created under this subdivision shall, upon request by the county or the political subdivision constituting the county seat, file a report with the requesting entity listing the names of authority employes and the amount of compensation received by each employe, the names of authority independent contractors and the amount of remuneration received by such individuals and the names of any providers of professional services and the value of such contracts for professional services.

(f) The Attorney General, Auditor General, Secretary of the Budget and the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and the minority chairman of the Appropriations Committee of the House of Representatives shall have the right to examine the books, accounts and records of the authority.

(2399.63 added October 18, 2000, P.L.541, No.73)

Section 2399.64. Transfer of Existing Facilities or Funds; Making of Annual Grants and Lease Payments to Authority.--(a) A State public body or political subdivision may and is hereby authorized to sell, lease or sublease from or to, lend, grant, convey or otherwise transfer or pay over to the authority, with or without consideration, convention center facilities, or parts

thereof, or an interest in property, real, personal or mixed, tangible or intangible, or any funds available, needed or obligated for development, acquisition, design, maintenance, management, operation, financing, leasing or subleasing, construction or improvement purposes, including the proceeds of bonds previously or hereafter issued for construction or improvement of a convention center, or parts thereof. Property, funds or convention center facilities, or parts thereof, received by the authority may be used for any lawful purpose of the authority. Nothing in this subdivision nor in any other law shall be deemed to make an authority or person a State-supported or State-aided institution under any law of this Commonwealth.

(b) The governing bodies of the county and county seat may and are hereby authorized to make grants from current revenues to the authority and to assist in defraying the costs of management, operation, maintenance, financing and debt service of convention center facilities, or parts thereof, and to enter into long-term agreements providing for the payment of the same and to enter into long-term leases or subleases as lessee or sublessee of all or part of convention center facilities, provided that obligations of the county and county seat to make grants, lease or sublease payments to an authority shall not, even if based on debt obligations of an authority, constitute debts of the county and county seat within the meaning of any constitutional or statutory provision and shall be payable only to the extent that current revenues of the county and county seat are available. The county and county seat may issue general obligation bonds for the purpose of obtaining funds for local contributions pertaining to convention center facilities, or parts thereof.

(c) The Commonwealth may contribute to the capital costs of constructing a convention center facility by the issuance of Commonwealth bonds and notes pursuant to Chapter 3 of the act of February 9, 1999 (P.L.1, No.1), known as the "Capital Facilities Debt Enabling Act." A convention center project undertaken by the authority is hereby deemed to be a redevelopment assistance project for which capital funds of the Commonwealth may be expended pursuant to the provisions of the act of May 20, 1949 (P.L.1633, No.493), known as the "Housing and Redevelopment Assistance Law," and, notwithstanding any provisions of the "Housing and Redevelopment Assistance Law," the Department of Community and Economic Development is hereby authorized to make capital grants directly to the authority in furtherance of this subdivision.

(2399.64 added October 18, 2000, P.L.541, No.73)

Section 2399.65. Award of Contracts.--(a) All construction, reconstruction, repairs or work of any nature made by the

authority where the entire cost, value or amount of the construction, reconstruction, repairs or work, including labor and materials, shall exceed ten thousand dollars (\$10,000), except construction, reconstruction, repairs or work done by employes of the authority or by labor supplied under agreement with any Federal agency, State public body or political subdivision, with supplies and materials purchased as hereinafter provided, shall be done only under contract or contracts to be entered into by the authority with the lowest responsible bidder upon proper terms after due public notice has been given asking for competitive bids as hereinafter provided, but the authority shall have the right to reject any or all bids or select a single item from any bid. No contract shall be entered into for construction or improvement or repair of any project or portion thereof unless the contractor shall provide sufficient surety or sureties approved by the authority and in an amount fixed by the authority for the performance of the contract. All contracts shall provide among other things that the person or corporation entering into the contract with the authority will pay for all materials furnished and services rendered for the performance of the contract and that a person or corporation furnishing materials or rendering services may maintain an action to recover for the same against the obligor in the undertaking as though the person or corporation was named therein provided the action is brought within one year after the time the cause of action accrued. Nothing in this section shall be construed to limit the power of the authority to construct, repair or improve a project or portion thereof or any addition, betterment or extension thereto directly by the officers and employes of the authority. The authority shall award the construction of a convention center according to the provisions of the act of May 1, 1913 (P.L.155, No.104), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings," and shall be subject to 62 Pa.C.S. Pt. I (relating to Commonwealth procurement code). Nothing in this section or any other law of this Commonwealth shall require the authority to competitively bid architectural design, engineering or other professional services required by the authority.

(b) All supplies and materials costing ten thousand dollars (\$10,000) or more to be acquired directly by the authority shall be purchased only after due advertisement as hereinafter provided. The authority shall accept the lowest bid or bids from a responsible bidder, kind, quality and material being equal, but the authority shall have the right to reject any or all bids or select a single item from a bid. The provisions as to bidding shall not apply to the purchase of unique supplies and materials

or supplies and materials which cannot be obtained in the open market.

(c) Nothing in this section or in any other law of this Commonwealth shall preclude the board, with the approval of six members, from negotiating contracts for management, operation, concession services, licensing or leasing of convention center facilities, or any part thereof. The authority shall not award a contract to a manager, operator, concessionaire, licensee, lessee or lessor that exceeds three years in duration unless six members of the board approve the awarding of a contract for a greater period of time.

(d) The authority, its contractors, subcontractors, assignees, lessees, agents, vendors and suppliers shall not be subject to county or county seat laws, ordinances, rules or regulations relating to limits or preferences with regard to employment, contracting or procurement in the construction and operation of convention center facilities.

(e) The authority shall be subject to the act of August 15, 1961 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage Act," the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act," and 62 Pa.C.S. Ch. 37 Subch. B (relating to motor vehicles).

(f) As used in this section, the terms "advertisement" or "public notice" mean a notice published at least ten days before the award of a contract in a newspaper of general circulation published in the county, provided that the notice may be waived where the authority determines an emergency exists and supplies and materials must be immediately purchased by the authority.

(2399.65 added October 18, 2000, P.L.541, No.73)

Section 2399.66. Interests of Public Officers, Public Employes and Party Officers.--(a) (1) No party officer, public officer, public official or public employe shall be employed as a management-level authority employe.

(2) No person convicted of an infamous crime shall be employed as a management-level employe by the authority.

(b) The provisions of the act of July 19, 1957 (P.L.1017, No.451), known as the "State Adverse Interest Act," and 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure) are hereby made specifically applicable to board members, officers and employes of the authority. For the purposes of application of these acts, employes of the authority shall be regarded as public employes of the Commonwealth, and officers or board members of the authority shall be regarded as public officials of the Commonwealth, whether or not they receive compensation. The authority shall also be subject to the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, and to 65 Pa.C.S. Ch. 7 (relating to open

meetings).

(c) Notwithstanding the provisions of subsection (b), the following prohibitions shall apply to the authority created by this subdivision:

(1) No management-level employe or other employe of the authority shall use his position with the authority or confidential information received through his position with the authority to obtain financial gain other than compensation provided by law for himself, a member of his immediate family or a business with which he is associated.

(2) No person shall offer or give to a management-level employe or other employe of the board or a member of his immediate family or a business with which he is associated, and no management-level employe or other employe of the board shall solicit or accept, anything of value, including a gift, loan, political contribution, reward or promise of future employment, based on an understanding that the vote, official action or judgment of the management-level employe or other employe of the board would be influenced thereby.

(3) No management-level employe or other employe of the board or a member of his immediate family or a business in which the person or a member of the person's immediate family is a director, officer, owner or holder of stock exceeding five per centum of the equity at fair market value of the business shall enter into a contract valued at five hundred dollars (\$500) or more to provide goods or services to the authority unless the contract has been awarded to the lowest responsible bidder through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded.

(4) No former management-level employe or other former employe of the board shall represent a person, with or without compensation, on any matter before the authority with which he has been associated for one year after he leaves the authority.

(5) An individual who is a State, county seat or public officer or public official or party officer, a member of the immediate family of such an individual or a business with which such an individual or immediate family member is associated shall not have a financial interest in a contract valued at five hundred dollars (\$500) or more to provide goods or services to the authority either during the time the person holds the office or for two years after the person terminates the office unless the contract is executed pursuant to the provisions of clause (3). For purposes of this clause, the term "financial interest" shall not include employment by, association with or ownership of a business association unless the public officer, public official, party officer or immediate family member owns shares

of stock in the corporation or has an ownership interest in a noncorporate business association in an amount in excess of five per centum of the total ownership of the noncorporate business association.

(6) No management-level employe or other employe of the board nor an advisor or consultant to the county seat, the county or the State, having recommended to the authority which he serves either the making of a contract relating to a convention center authority or a course of action of which the making of such a contract is an express or implied part, shall, at any time thereafter, have an adverse interest in the contract.

(7) No management-level employe or other employe of the authority, the county seat, the county or the State shall influence or attempt to influence the making of or supervise or in any manner deal with a contract with the authority in which he has an adverse interest.

(8) No management-level employe or other employe shall have an adverse interest in a contract with an authority.

(9) No person having an adverse interest in a contract with the authority shall become a management-level employe or other employe of the authority until the adverse interest shall have been wholly divested.

(10) No management-level employe or other employe of the authority, the county seat, the county or the State, except in the performance of his duties as an employe, shall for remuneration, directly or indirectly, represent a person upon a matter pending before the authority.

(d) (1) A person who violates this section shall have his employment by the authority immediately terminated by the appropriate person having the power to terminate and shall be liable to the authority to reimburse the authority for all compensation received by him from the authority while employed in violation of subsection (a).

(2) A person who violates subsection (c)(1) or (2) commits a felony and shall be sentenced to pay a fine of not more than ten thousand dollars (\$10,000) or to imprisonment for not more than five years, or both.

(3) A person who violates subsection (c)(3) through (10) commits a misdemeanor and shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000) or to imprisonment for not more than one year, or both.

(4) A person who obtains financial gain from violating subsection (c), in addition to any other penalty provided by law, shall pay into the accounts of the authority a sum of money equal to three times the financial gain resulting from the violation.

(5) A person who violates subsection (c) shall be barred for a period of five years from engaging in any business or contract with the authority, the county seat, the county, the State and all political subdivisions.

(6) An employe of the county seat, county, State or any political subdivision or a public officer or public official who violates subsection (c) shall automatically forfeit the office or employment he may then hold.

(7) The penalties and sanctions provided by this section shall supersede any similar penalties and sanctions provided by 65 Pa.C.S. Ch. 11 and the "State Adverse Interest Act."

(e) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Business" shall mean a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint-stock company, receivership, trust or any legal entity organized for profit or as a not-for-profit corporation or organization.

"Business with which he is associated" shall mean a business in which the person or a member of the person's immediate family is a director, officer, owner, employe or holder of stock.

"Immediate family" shall mean a parent, spouse, child, brother, sister or like relative-in-law.

"Infamous crime" shall mean a violation and conviction for an offense which would disqualify an individual from holding public office pursuant to section 6 of Article II of the Constitution of Pennsylvania or a conviction for a violation of this section, 18 Pa.C.S. § 4113 (relating to misapplication of entrusted property and property of government or financial institutions) or Ch. 47 (relating to bribery and corrupt influence), 49 (relating to falsification and intimidation), 51 (relating to obstructing governmental operations) or 53 (relating to abuse of office) or any other violation of the laws of this Commonwealth for which an individual has been convicted within the preceding ten years and which is classified as a felony, and similar violations of the laws of another state or the Federal Government.

"Management-level authority employe" shall mean the chairman and members of the board of the authority, counsel employed by the authority, the executive director of the authority and any authority employe with discretionary powers which may affect the outcome of the authority's decision in relation to a private corporation or business or any employe who by virtue of his job function could influence the outcome of the decision.

"Party officer" shall mean the following members or officers of a political party:

- (1) a member of a national committee;

(2) a chairman, vice chairman, secretary, treasurer or counsel of a State committee or member of the executive committee of a State committee;

(3) a city chairman or vice chairman or counsel, secretary or treasurer of a city committee; or

(4) a county chairman or vice chairman or counsel, secretary or treasurer of a county committee.

"Person" shall mean a business, individual, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.

"Public employe" shall mean an individual employed by the Commonwealth or a political subdivision who is responsible for taking or recommending official action of a nonministerial nature with regard to:

(1) contracting or procurement;

(2) administering or monitoring grants or subsidies;

(3) planning or zoning;

(4) inspecting, licensing, regulating or auditing any person; or

(5) any other activity where the official action has an economic impact of greater than a de minimis nature on the interest of any person.

A public employe shall not include individuals who are independent contractors or persons who are employed by the State or a political subdivision in teaching, as distinguished from administrative duties.

"Public officer" shall mean a person elected to any public office of the Commonwealth or a political subdivision.

"Public official" shall mean an elected or appointed official in the executive, legislative or judicial branch of the State or a political subdivision, provided that it shall not include members of advisory boards that have no authority to expend public funds other than reimbursement for personal expense or to otherwise exercise the power of the State or a political subdivision. The term shall not include an appointed official who receives no compensation other than reimbursement for actual expenses.

(2399.66 added October 18, 2000, P.L.541, No.73)

Section 2399.67. Use and Operation of Convention Center Facilities.--The use and operation of convention center facilities, and all parts thereof, and the operation of the business of the authority shall be subject to the rules and regulations from time to time adopted by the authority, provided, however, that the authority shall not be authorized to do anything which will impair the security of the obligees of the authority or violate any agreements with them or for their benefit or violate any contracts, leases or other agreements

awarded, made or entered into by the authority.

(2399.67 added October 18, 2000, P.L.541, No.73)

Section 2399.68. Limitation of Powers.--(a) The Commonwealth does hereby pledge to and agree with any person, the county, county seat, political subdivision or Federal agency subscribing to or acquiring the bonds to be issued by the authority for the construction or improvement of a convention center facility, or parts thereof, that the Commonwealth will not limit or alter the rights hereby vested in the authority in any manner inconsistent with the obligations to the bondholders until all bonds at any time issued, together with the interest, are fully paid and discharged. The Commonwealth does further pledge to and agree with any Federal agency that in the event that the Federal agency shall construct or contribute funds for the construction or improvement of a convention center facility, or parts thereof, that the Commonwealth will not alter or limit the rights and powers of the authority in any manner which would be inconsistent with the due performance of any agreements between the authority and the Federal agency.

(b) The Commonwealth does hereby pledge to and agree with any person who as owner leases or subleases a convention center facility, or parts thereof, to or from an authority created pursuant to this subdivision that the Commonwealth will not limit or alter the rights and powers hereby vested in the authority or otherwise created by this subdivision in any manner which impairs the obligations of the authority until all obligations of the authority under the lease or sublease are fully met and discharged.

(2399.68 added October 18, 2000, P.L.541, No.73)

Section 2399.69. Exemption from Taxation.--The effectuation of the authorized purposes of authorities created under this subdivision shall and will be in all respects for the benefit of the people of this Commonwealth, for the increase of their commerce and prosperity and for the improvement of their health and living conditions; and since authorities, as public instrumentalities of the Commonwealth, will be performing essential governmental functions in effectuating these purposes, the authorities shall not be required to pay any taxes or assessments upon a convention center facility, or parts thereof, or property acquired or used or permitted to be used by them for these purposes; and the bonds issued by any authority, their transfer and the income from the bonds, including any profits made on the sale of the bonds, shall at all times be free from State and local taxation within this Commonwealth. This exemption shall not extend to gift, estate, succession or inheritance taxes or any other taxes not levied directly on the bonds, their transfer or the income from or the realization of

profits on the sale of the bonds.

(2399.69 added October 18, 2000, P.L.541, No.73)

Section 2399.70. Lease by Authorities.--A convention center facility, or part thereof, may be leased or subleased by the authority to and from the county or county seat, and the county or county seat is hereby empowered to enter into leases, subleases, or both, for this purpose. A lease or sublease may be made for a specified or unlimited time and on any terms and conditions which may be approved by the county or county seat and which may be agreed to by the authority in conformity with its contracts with the holders of any bonds.

(2399.70 added October 18, 2000, P.L.541, No.73)

Section 2399.71. Cooperation.--(a) For the purpose of aiding and cooperating with the authority and in the planning, acquisition, clearance, relocation, development, design, construction, rehabilitation, leasing, subleasing, alteration, expansion, financing, improvement, management or operation of a convention center facility, or parts thereof, any State public body or political subdivision or the county or county seat may, upon such terms, with or without consideration, as it may determine:

(1) Dedicate, sell, convey, lease or otherwise transfer property or any interest therein, real, personal or mixed, tangible or intangible, to the authority.

(2) Cause parking, recreational or community facilities or any other works, which it is otherwise empowered to undertake, to be furnished in or adjacent to any area selected for a convention center facility, or parts thereof.

(3) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered so to do.

(4) Enter into agreements, extending over any period, with the authority or with the Federal Government respecting action to be taken by a State public body pursuant to the powers granted by this section.

(5) Do any and all things necessary or convenient to aid and cooperate in the development, acquisition, design, construction, improvement, maintenance, management, operation, furnishing, fixturing, equipping, repairing, financing, owning, leasing and subleasing of a convention center facility, or parts thereof.

(6) In connection with public improvements made by a State public body, political subdivision, county or the county seat, in exercising the powers herein granted, a State public body or political subdivision or the county or county seat may incur the entire expense.

(7) The Secretary of General Services is authorized, with the approval of the Governor and Attorney General, to execute

and deliver, on behalf of the Commonwealth, conveyances, deeds and leases authorized under this subdivision.

(b) In connection with a convention center facility, or parts thereof, the county or county seat may contract with the authority or the Federal Government with respect to sums which the authority or the Federal Government may agree to pay during any year or period of years to the county or county seat for the improvements, services and facilities to be provided by it for the benefit of the authority, convention center facility, or parts thereof, or the persons occupying the area. However, the absence of a contract for these payments shall in no way relieve the county or county seat from the duty to furnish for the benefit of the authority, convention center facility, or parts thereof, or the persons occupying the area, customary improvements and such services and facilities as the county or county seat usually furnishes without a service fee.

(c) The county, county seat or State may by written agreement designate the authority as its agent within the authority's field of operation to perform any specified activity or to administer any specified program which the State, county or county seat is authorized by law to do. However, any such activities or programs shall be in furtherance of the public purposes specified in this subdivision. These activities may include, without being limited to, development, acquisition, design, construction, improvement, maintenance, leasing, management or operation of a convention center facility, or parts thereof.

(d) The powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law.

(2399.71 added October 18, 2000, P.L.541, No.73)

Section 2399.72. Hotel Room Rental Tax.--(a) The county in which the authority's convention center facilities are located or are to be located is hereby authorized to impose an excise tax on the consideration received by each operator of a hotel within the market area from each transaction of renting a room or rooms to accommodate transients. The tax shall be collected by the operator from the patron of the room and paid over to the county and shall be known as the Hotel Room Rental Tax.

(b) The rate of tax imposed under this section by the county in which the authority's convention center facilities are located shall not exceed five per centum.

(c) Subject to the deduction of the administrative fee authorized by subsection (i), eighty per centum of revenues received from taxes imposed pursuant to this section shall be deposited within two working days in the special fund required under subsection (d) for the use of the authority for authority

purposes. Twenty per centum of the revenues received from taxes imposed pursuant to this section shall be deposited within two working days in the tourist promotion agency fund required under subsection (d) until disbursed as provided in subsection (g).

(d) The treasurer of each county electing to impose the tax authorized under this section is hereby directed to collect the tax and subject to the deduction of the administrative fee authorized by subsection (i):

(1) to deposit eighty per centum of the revenues received from the tax in a special fund established for the purposes set forth in this section; and

(2) to deposit twenty per centum of the revenues received from the tax in the tourist promotion agency fund until disbursed pursuant to subsection (g).

Interest on moneys deposited in the funds shall accrue proportionately to the respective funds as provided in this section. The treasurer is hereby authorized to establish rules and regulations concerning the collection of the tax, which collection shall occur not more often than monthly nor less often than quarterly.

(e) The authority shall have the right to draw upon the special fund established pursuant to subsection (d) for the authority. Expenditures from the special fund shall be used by the authority for the following purposes:

(1) Projected annual debt service or lease payments of the convention center authority.

(2) Costs associated with financing, constructing, expanding, improving, maintaining, furnishing, fixturing and equipping convention center facilities.

(3) Costs associated with the development of convention center facilities, including, but not limited to, design, engineering and feasibility costs.

(4) Costs associated with the operation and management of convention center facilities.

(5) Costs associated with promoting, marketing and otherwise encouraging use of the convention center facilities.

(6) General purposes of the authority.

(7) Grants authorized under section 2399.55(e).

(f) If and to the extent that the authority pledges its share of the proceeds of the tax authorized by this section as security for the payment of bonds issued by the authority for convention center purposes:

(1) the Commonwealth does hereby pledge to and agree with any person, firm or corporation subscribing to or acquiring bonds to be issued by the authority for convention center purposes that the Commonwealth itself will not, nor will it authorize a county to, reduce the rate of tax imposed for

convention center purposes until all bonds so secured by the pledge of the authority, together with interest, are fully met and discharged; and

(2) the county may not reduce the rate of tax imposed for convention center purposes until all bonds so secured by the pledge of the authority, together with interest, are fully met and discharged.

(g) Revenues received from the tax deposited into the tourist promotion agency fund required under subsection (d) shall be disbursed by each county to the tourist promotion agency within ten days of receipt thereof.

(h) Each tax year for any tax imposed hereunder shall run concurrently with the county's fiscal year.

(h.1) An audited report on the income and expenditures incurred by a tourist promotion agency receiving any revenues from the tax authorized under this section shall be submitted annually by the tourist promotion agency to the county commissioners. ((h.1) added July 5, 2005, P.L.38, No.12)

(h.2) Notwithstanding any provision of law to the contrary, in counties of the third class having a population under the 1990 Federal Decennial Census in excess of 415,000 residents but less than 500,000 residents, a penalty of one and one-half per centum per month shall be imposed for failure to timely remit the tax authorized by this section. In addition to other remedies available for collection of debts, the county may also file a lien upon the hotel in the name of and for the use of the county as provided by law for municipal claims. ((h.2) added July 5, 2005, P.L.38, No.12)

(i) For purposes of defraying the costs of collecting the tax imposed hereunder and otherwise performing its obligations under this subdivision, the county is hereby authorized to deduct and retain an administrative fee from the taxes collected hereunder. Such administrative fee shall be established by the county but shall not exceed in any tax year the lesser of:

(1) two per centum of all taxes collected hereunder; or

(2) forty thousand dollars (\$40,000), which amount shall be adjusted biannually, beginning two years after the date of enactment, by the percentage growth in the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor.

(j) The county shall have the authority to prescribe such rules and regulations as the county determines are appropriate to administer the provisions of this subsection.

(k) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Consideration" shall mean receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature or other

payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for a temporary period.

"Convention center" or "convention center facility" shall mean any land, improvement, structure, building, or part thereof, or property interest therein, whether owned by or leased by or to or otherwise acquired by an authority, appropriate for any of the following: large public assemblies, the holding of conventions, conferences, trade exhibitions and other business, social, cultural, scientific, sports, recreational, artistic and public interest events, performances and exhibitions, and all facilities, furniture, fixtures and equipment necessary or incident thereto, including hotels, meeting rooms, dining rooms, kitchens, ballrooms, reception areas, registration and prefunction areas, locker rooms, practice areas and equipment, training areas and equipment, truck loading areas, including access thereto, accessways, including, but not limited to, tunnels, overhead walkways, escalators, elevators and other connections to nearby or adjoining buildings or facilities, regardless of whether such buildings or facilities constitute convention center facilities or are owned or controlled by the authority, common areas, lobbies, offices and areas appurtenant to any of the preceding, and also including other land, buildings, structures or facilities for use or planned for use in conjunction with the foregoing, including, but not limited to, landscaping, buffer areas, off-street parking, retail areas and other improvements related to a convention center facility owned by or leased by or to an authority, regardless of whether such improvements are for the purpose of producing revenues to assist in defraying the costs or expenses of such convention center facility. (Def. amended Nov. 29, 2004, P.L.1275, No.155)

"Hotel" shall mean a hotel, motel, inn, guesthouse or other building or complex of buildings located within the market area which holds itself out by any means, including advertising, license, registration with an innkeeper's group, convention listing association, travel publication or similar association or with a government agency, as being available to provide overnight lodging or use of facility space for consideration to persons seeking temporary accommodation. The term includes a place which advertises to the public at large or a segment of the public that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large. The term also includes a place recognized as a hostelry, provided that portions of a facility which are devoted to persons who have established permanent residence shall not be included in this definition. The term does not include a bed and

breakfast homestead or inn as defined in the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law.

"Market area" shall mean:

(1) With respect to a county in which there is more than one city of the third class, the entire county.

(2) With respect to a county in which there is only one city of the third class, one of the following, as selected by the governing body of the county:

(i) That city and the area within the county which is not more than fifteen miles from the city limits of the county seat.

(ii) That city and the area within the county which, as determined by the governing body of the county imposing the tax, derives a material benefit from the existence of the convention center within the county. The owner of a hotel affected by a determination by the governing body under this subparagraph may challenge the determination by filing a petition in the court of common pleas in the judicial district where the determination was made.

"Occupancy" shall mean the use or possession or the right to the use or possession by a person other than a permanent resident of a room in a hotel for any purpose or the right to the use or possession of the furnishings or to the services accompanying the use and possession of the room.

"Operator" shall mean any individual, partnership, nonprofit or profit-making association or corporation or other person or group of persons who maintain, operate, manage, own, have custody of or otherwise possess the right to rent or lease overnight accommodations in a hotel to the public for consideration.

"Patron" shall mean any person who pays the consideration for the occupancy of a room or rooms in a hotel.

"Permanent resident" shall mean any person who has occupied or has the right to occupy a room or rooms in a hotel as a patron or otherwise for a period exceeding thirty consecutive days.

"Room" shall mean a space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodations provided therein.

"Temporary" shall mean a period of time not exceeding thirty consecutive days.

"Tourist promotion agency" shall mean the agency designated by the governing body of a county or county seat in which the convention center facilities are located to be eligible for grants from the Department of Community and Economic Development pursuant to the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law."

"Transaction" shall mean the activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration emanates to the operator under an express or an implied contract.

"Transient" shall mean an individual who obtains an accommodation in any hotel for himself by means of registering at the facility for the temporary occupancy of a room for the personal use of that individual by paying to the operator of the facility a fee in consideration therefor.

"Treasurer" shall mean the elected treasurer of the county or, if there is no elected treasurer of the county, such other official or agent of the county as may be designated by the county to collect and account for the tax authorized by this section.

(2399.72 added October 18, 2000, P.L.541, No.73)

Section 2399.73. Construction.--Nothing in this subdivision shall be construed to limit any action taken under subdivision (n).

(2399.73 added October 18, 2000, P.L.541, No.73)

ARTICLE XXIV

EMINENT DOMAIN AND INJURY TO PROPERTY

Section 2401. Eminent Domain; County May Enter Upon Land; Etc.--In all cases where the power of eminent domain is conferred upon the county by law, the county may enter upon, appropriate, take, injure or destroy private lands, property or material.

Section 2402. Certain Property Not to be Taken by Eminent Domain.--The power conferred by this article shall not be exercised to enter upon, appropriate, take, injure or destroy any church property, graveyard or cemetery, and the right-of-way of a railroad company shall not be acquired or occupied without the consent of the company owning or operating or in possession of said railroad.

Section 2403. Right to Entry to Make Preliminary Surveys.--For the purpose of making all necessary preliminary surveys in order to prepare plans and estimates, the board of commissioners and the persons by them employed for such purposes may enter upon private or public property and designate, by proper marks upon the ground, the line of any improvement proposed to be made and constructed under and for the purposes herein authorized.

Section 2404. Right of Damages.--The right to damages against counties is hereby given to all owners or tenants of lands, property or material appropriated, injured or destroyed by the county in cases where the right of eminent domain has been exercised, and to all owners or tenants of lands, property or material abutting on or through which pass roads or highways

injured by the laying out, opening, widening, vacating, extending or grading of such roads or highways or the changing of the grades or lines thereof, the construction and the vacation of bridges, piers and abutments and approaches therefor, and the construction of sewers over, upon or through such lands or property.

Section 2405. Agreement of Damages.--The county commissioners may agree with the owner as to the amount of damages occasioned to any person for property taken, injured or destroyed. Such damages shall be payable by the county out of the general county fund or other funds provided for that purpose.

Section 2406. County to Furnish Bond When Immediate Possession Is Desired; Notice.--(a) Whenever the board of commissioners or the board of commissioners in conjunction and acting with the corporate authorities of any city, borough, town or township have selected any land, property or material to be appropriated, injured or destroyed by the right of eminent domain and desire immediate possession thereof, and are unable to agree with the owner or owners upon the amount of damages due them for such appropriation, injury or destruction, or by reason of the absence or legal incapacity of such owner or owners no such agreement can be made, they shall tender a bond to the said owner or owners, or to the attorney or agent of any absent owner, or to the guardian or committee of any one under legal incapacity, in sufficient sum to secure him or them for damages. Upon acceptance of said bond by the owner or owners of said land, property or material, the county shall have the right to immediate possession thereof.

(b) In case there is no acceptance of said bond by the owner or owners, the board of commissioners, after written notice thereof has first been given to said owner or owners, his or their agent, attorney, guardian or committee, shall file the same in the court of common pleas or with any judge thereof, and upon approval thereof by said court or judge, the county shall have the right to immediate possession of said land, property and material.

Section 2407. Writ of Habere Facias Possessionem to Issue.--If the owner, lessee or occupier shall refuse to remove his personal property therefrom or give up possession thereof, the petitioner in the proceedings may serve written notice upon such owner, lessee or his agent or the occupier to remove his personal property therefrom and give up possession of said lands, property or materials within thirty days from the date of the service of said notice.

If the owner, lessee or occupier of said lands, property or material shall refuse or neglect to remove his personal property

therefrom and give possession thereof, upon proof of the service of such notice being filed in the office of the prothonotary for the county in which said lands, buildings or other property is located, a writ of habere facias possessionem shall forthwith issue, directing the sheriff to give to the party entitled thereto possession, as is provided by existing laws.

Section 2408. Appointment of Viewers.--(a) In case the board of commissioners or a majority of them and the parties interested in the land, property or material appropriated, injured or destroyed by the county fail to agree upon the compensation to be made for the land, property or material so taken, injured or destroyed, upon petition of such commissioners or a majority of them or any person or parties interested and whose land, property or material is affected thereby to the court of common pleas of said county, the said court shall appoint three viewers from the county board of viewers, and appoint a time, not less than twenty nor more than thirty days thereafter, when said viewers shall meet and view the land, property or material to be so appropriated, injured or destroyed.

(b) The said viewers shall give at least ten days' notice, by publication in one newspaper of general circulation in the county once and in accord with the provisions of section one hundred ten of this act, of the time and place of their first meeting, and shall also give notice thereof by handbills posted in conspicuous places in the vicinity of the said proposed public improvement.

(c) All the viewers shall act unless prevented by sickness or other unavoidable cause, but a majority of the viewers may hear, determine, pass upon and report all matters relating to the view for which they were appointed.

Section 2409. Time of Appointment of Viewers; Cost.--(a) The viewers provided for in the preceding section may be appointed either before or at any time within six years after the entry upon, taking, appropriating or injuring of said land, property or material.

(b) The cost of said viewers and all court costs incurred, including all advertising and notices in connection therewith, shall be paid by the county, except that when the right of eminent domain has been exercised by the county acting with the corporate authorities of any city, borough, town or township, then all costs shall be borne equally by the county and city, borough, town or township.

Section 2410. Petition for Appointment of Viewers to Specify Liens on Property.--In all proceedings hereafter instituted for the condemnation and appropriation of land and property by eminent domain, the petition for the appointment of viewers

shall contain allegations specifying any judgments, mortgages or other claims (hereinafter designated "liens") which are liens upon the land and property sought to be appropriated or condemned as aforesaid.

Section 2411. Testimony and Evidence Concerning Liens.-- Testimony shall be taken in said proceedings to ascertain the amounts of said liens and the dates of the entry of the same, and the amounts of said liens and the dates of entry thereof shall be found as facts by the viewers in said proceedings. Certified lists of liens from the courts of the Commonwealth and the United States shall be prima facie evidence of the existence, dates, amounts, dates of entry and places of record of said liens, and unless modified or overcome by oral or documentary evidence, shall be conclusive upon the parties thereto.

Section 2412. Procedure; Rights and Liabilities Where Liens Exist.--When it appears that liens exist which are liens upon property sought to be condemned and appropriated, a report of the facts found shall be made to the court. Such report shall be subject to exceptions in manner to be regulated by the Supreme Court by general rule. When the court has finally determined the findings in relation to the liens, the court shall make an order directing the payment and distribution of the amount found to be payable as compensation to the parties entitled thereto, first to the owners of said liens, then to the owners of the property appropriated as aforesaid. The parties interested shall have the right of appeal from said order of distribution to the Superior and Supreme Courts. Payment in accordance with the order of distribution, evidenced by a receipt of record in the proceedings, shall absolutely discharge the party making the payment from all liens by any person, copartnership, association or corporation as against said property. In such receipt and on the record thereof, any claimant may reserve the right to proceed against any other property or assets of the owner of the property condemned for any balance due upon his lien.

Section 2413. Proceedings by and Before Viewers.--The said viewers, having been duly sworn or affirmed faithfully, justly and impartially to decide and true report to make concerning all matters and things to be submitted to them and in relation to which they are authorized to inquire and having viewed the premises and examined the land, property or material to be appropriated, injured or destroyed, shall hear all parties interested and their witnesses, and, having a due regard to and making just allowance for the advantages which may have resulted or which may seem likely to result to the owner or owners of said lands or materials in consequence of the proposed improvement, shall estimate, determine and assess the damages

for the land, property or material taken, injured or destroyed, and to whom the same is payable, and the benefits, if any, in connection therewith. Having so estimated, determined and assessed the damages and benefits, they shall prepare a schedule thereof, and give notice to all parties to whom damages are allowed or against whom benefits are assessed of a time, not less than ten days thereafter, and of a place, where said viewers shall meet and exhibit said schedule and hear all exceptions thereto and evidence.

Section 2414. Notice of Meeting.--Notice of the time and place of said meeting shall be given in the manner provided by law for the service of summons in a personal action upon all parties allowed damages and against whom benefits have been assessed, as shown by said schedule, if the said parties can be found in the county, or upon an adult person, if any, residing upon the property affected in case the owner or reputed owner cannot be found, and to all others by publication in the newspaper or newspapers in which the first notices of said view were published. When no service is made upon the owner, reputed owner or upon an adult person residing upon the property affected, said notice, where publication thereof has also been made, shall be deemed to have been properly served if tacked or conspicuously posted on the premises. The court may provide by whom the notice provided by this act shall be posted, given and served, and fix the compensation for said service.

Section 2415. Plans of Properties Condemned to be Furnished to Viewers.--In all proceedings to assess damages for the taking, injury or destruction of private property for public use, the county taking, injuring or destroying property for said purpose shall furnish the board of viewers with a correct plan of all properties affected, showing all buildings or other structures thereon, their width, length, elevation and cubical contents, names of all owners, tenants or occupiers thereof, the topography of the land and the grades and widths of all highways running through or abutting on said properties, and all other data necessary for a proper determination of the amount of damages caused by the taking, injury or destruction of said private property.

Said plans shall be prepared and ready for the use of the viewers at their first meeting, and copies thereof shall be furnished to all owners, tenants and occupiers of the property and all other parties affected thereby without charge.

Section 2416. Report to Court.--After making whatever changes are deemed necessary, the said viewers shall make report to the court showing all the damages allowed and benefits assessed in each case, and file therewith a plan showing the improvement and the land, properties and materials taken,

injured or destroyed. When said report is filed, notice thereof shall be given by publication once in the newspaper or newspapers in which first notices of said view were published. Said notice shall state the date of filing of the report and shall contain a schedule of the damages and benefits shown therein, and shall further state that, unless exceptions thereto are filed within thirty days from the date of filing, the said report will be confirmed absolutely.

Section 2417. Certain Testimony Authorized.--In all proceedings arising from the exercise of the right of eminent domain, it shall be competent for all witnesses called, when duly qualified.

(1) To state in detail and costs all the elements of the property before the exercise of the right of eminent domain and as unaffected by it and its market value immediately after the exercise of the right of eminent domain and as affected thereby.

(2) To state in detail and costs all the elements of benefit or damage which they have taken into consideration in arriving at their opinion.

(3) In arriving at their opinion as to the market value immediately after the exercise of the right of eminent domain, to add to their opinion of the market value before such exercise the cost or value of all the elements of benefit or advantage and to deduct therefrom all disadvantages or damage in order to arrive at the market value after such exercise of the right of eminent domain and as affected thereby.

(4) In all proceedings to assess damages or benefits for the opening of any road or highway, to take into consideration as one of the elements of advantage or disadvantage the cost of highway improvements.

Section 2418. Value of Property.--In all claims for damages against a county arising from the exercise of the right of eminent domain, it shall be competent for the party or parties claiming damages to offer in evidence the value of the property affected as assessed for the purpose of taxation.

Section 2419. Unlawful Assessments.--In all cases of appropriation of land for public use, other than for roads or highways, it shall be unlawful to assess any portion of the damage done to or value of the land so appropriated against the other property adjoining or in the vicinity of the land so appropriated.

Section 2420. Vacation of Road When No Property is Taken.--Whenever viewers are appointed to vacate any road or highway and the vacation of the same takes no land from the owner abutting thereon, if, in the opinion of the viewers, such vacation damages the property of the abutting owner, they may award damages to such owner as though land has been actually taken.

Section 2421. Procedure When Building is on Line of Proposed Road.--Whenever in locating, relocating, opening, widening, straightening or extending any road or highway or parts thereof the same shall be found to pass through, take or injure buildings, barns or other valuable improvements thereon, the said viewers or a majority of them shall have the right to recommend that such buildings and improvements, situate in part or in whole on the road or highway so to be improved, opened, widened, straightened or extended, shall be permitted to remain thereon for such time as shall be deemed wise and proper, and if the court shall approve the finding and report of said viewers or a majority of them, the owner or owners of such buildings or improvements may continue to use and enjoy the same during the time so fixed and determined. In case of the destruction, vacation or abandonment of any such building within the time they are so authorized to remain, such owners or owner shall not have the right to re-erect and reconstruct or retake such buildings or improvements within the line of such road or highway.

Section 2422. Time Limit for Report of Viewers.--Viewers appointed to assess the damages and benefits due to the appropriation, injury or destruction of land, property and materials shall make their reports within a time which the court shall fix when so appointing them. If the viewers so appointed shall, for any reason appearing sufficient to the court, be unable to file their report within the period so fixed, the court may, either before or after the expiration of the time fixed, extend the time for the filing of such report.

Section 2423. Exceptions to Report.--(2423 repealed Jun. 3, 1971, P.L.118, No.6)

Section 2424. Demand for Jury Trial.--(2424 repealed Jun. 3, 1971, P.L.118, No.6)

Section 2425. Payment of Damages and Costs; Interest on Awards.--All damages agreed upon or awarded and all costs and expenses incurred shall be paid by the county, except in cases where an appeal is taken by any party in interest from the award of the viewers and the appellant does not recover any greater amount than the viewers award, in which case the appellant shall pay all costs of such appeal.

The amount of damages allowed in a report of viewers for the taking, injury or destruction of property by the exercise of the right of eminent domain shall, as finally confirmed, bear interest at the rate of six per cent per annum from the date of the final decree.

Section 2426. Collection of Awards.--Upon the final confirmation of the report of the viewers, the party or parties to whom an award has been made shall have the right to take such

further appropriate legal proceedings as may be necessary and proper to enforce payment of said confirmed award, either in nature of a writ of mandamus, execution or otherwise.

Section 2427. Title to Vest upon Payment of Award.--(a) Upon payment of the compensation for land or property in accordance with the order of distribution, title to such land or property shall vest in the county in accordance with provisions of the law under which the appropriation is made, and all claims for compensation shall be deemed paid and satisfied.

(b) In counties of the third and fourth classes upon payment of the compensation for land or property in accordance with the order of distribution or upon the filing of a bond by such county of the third or fourth class in an amount which shall be fixed by the court having jurisdiction, which amount shall not be less than the amount fixed by the viewers as the value of the land or property, title to such land or property shall vest in the respective third or fourth class county in accordance with provisions of the law under which the appropriation is made, and all claims for compensation shall be deemed paid and satisfied, except where title vests by virtue of a bond having been filed, seventy-five per centum of the amount of damages as fixed by the viewers as the value of the land or property shall be paid to the owner within six months after the date of the filing of the bond and the balance due shall be determined by judicial proceedings and promptly paid thereafter.

(2427 amended Jul. 25, 1961, P.L.844, No.363)

Section 2428. Money to be Paid Into Court in Case of Adverse Claims.--(a) If any person or persons shall claim adversely to each other any estate or interest in the land, property or materials selected by the board of commissioners to be appropriated, injured or destroyed for the purposes mentioned in this act, and the viewers shall not be able to determine who are the owner or owners of said land, property or materials, or the value of their estates and interests therein, they shall so report, valuing the land, property or materials as a whole, and upon the confirmation by the court of the report of said viewers, if no appeal shall be taken therefrom, the commissioners of the county shall pay into the court the whole of the said valuation money; thereupon, the title of the land, property or material and the estates and interests of all the owners thereof shall become vested in fee in the county acquiring and taking said land, property or materials.

(b) The court of common pleas shall, by rule, process or motion, require all said claimants to appear therein and may, by an issue framed between them to be tried by a jury or by a reference to a master or by such orders and decisions as shall appear to be just under all the circumstances of the case,

determine the estates and interest of said claimants in said valuation money. Upon the final determination of such proceeding, the court shall direct said valuation money to be paid to the person or persons ascertained to be entitled thereto.

Section 2429. Appeals by Adverse Claimants.--(a) In case any of said claimants shall appeal from the award of said viewers, the county commissioners, upon filing in the court and having approved thereby a bond in double amount of said award to the said owners and claimants for the benefit of the persons owning said land, property or materials, with at least two sufficient sureties conditioned for the payment by the county of such an amount as the owner or owners shall be entitled to receive for said ground when the same shall have been finally ascertained by due course of law, may lawfully enter upon and take possession of said land, property or materials.

(b) The said court shall thereupon proceed to determine the estates and interest of said claimants in said land, property or material, as is hereinbefore provided when the valuation money is paid into court. Said proceeding shall be finally determined before the issue framed upon the said appeal shall be tried, and if it be determined that the party appellant has no estate or interest in said land, property or materials, his appeal shall be disallowed.

Section 2430. Payment into Court When Award is Refused or When Parties Cannot be Found.--Any amount of money awarded, as herein provided, if refused by the person or persons entitled thereto, or if the person or persons entitled thereto cannot be found, shall be paid into court, and thereafter all such persons shall look to said fund for all damages accruing by reason of the appropriation, injury or destruction of such land, property or material.

Section 2431. Notice to Vacate; Ejectment.--In case any land or property selected by the board of commissioners or by the board of commissioners in conjunction and acting with the corporate authorities of any city, borough, town or township to be appropriated, injured or destroyed, and said land or property has improvements thereon in the actual occupancy of any person or persons, and such person has had his, her or their damages assessed and paid, thirty days' notice to vacate the same shall be given to the party or parties so in actual possession. In case of refusal or neglect on the part of any one to obey said notice, the board of commissioners may, at the expiration of said thirty days, be entitled to a writ of habere facias possessionem or may enter upon and eject or cause to be ejected any of the parties so refusing or neglecting to vacate, and use force enough by themselves, agents or employes to accomplish the

same.

Section 2432. Appropriations of Right of Way or Easement.-- In any action brought to ascertain or recover damages caused to any owner of lands by reason of the appropriation of a right of way or easement in such lands by any county, where such owner of lands and such county cannot agree upon the amount of damages payable to such owner, the parties may by agreement waive the right to have such damages assessed by viewers. Such owner may thereupon file his statement and claim in the court of common pleas and rule the defendant to plead thereto within twenty days from notice of such rule duly served upon said county, and the said suit shall be proceeded with the same as if an award of viewers had been filed and an appeal had been taken therefrom.

Either party to such action shall have the right during the trial to demand and have the jury which may be selected to try said cause visit and view the premises over or through which the right of way or easement extends before rendering a verdict in such case.

Section 2433. Discontinuance of Proceedings by County.--In case the county shall discontinue any proceedings taken providing for the appropriation, injury or destruction of any land, property or materials prior to the entry upon, taking or appropriation thereof and before judgment therein, the said county shall not thereafter be liable to pay any damages which have been or might have been allowed, but all costs upon any such proceedings had thereon shall be paid by the county, together with any actual damages, loss or injury sustained by reason of such proceeding, and the amount of the same may be determined and fixed by the court in which such proceeding was pending.

ARTICLE XXV RECREATION PLACES

Section 2501. Acquisition of Land and Buildings for Recreation Places.--(a) The county commissioners may in any county designate and set apart for use as public parks, parkways, bridle paths, foot paths, playgrounds, playfields, gymnasiums, public baths, swimming pools, agricultural fairgrounds, or other indoor or outdoor recreation centers, all of which shall hereinafter be referred to as recreation places, any lands or buildings owned by such county and not dedicated or devoted to other public use. They may also designate and set apart any such land or buildings for the enlarging or extending of any such recreation places.

(b) The county commissioners may also acquire for use as any such recreation place, or the extension or enlargement thereof, lands or buildings, by gift, purchase or the power of eminent

domain. They may also lease lands or buildings within the county for use for any such purpose. ((b) amended Oct. 2, 1974, P.L.667, No.221)

(c) The exercise of the power of eminent domain shall be in accordance with the provisions of this act. The power to acquire lands or buildings, by gift or purchase, shall not extend beyond the limits of the particular county, except upon the consent of the adjoining county and municipality or township which would be affected thereby.

Section 2502. Construction, Equipment and Maintenance; General Powers.--The county commissioners of any county may build, alter, extend, enlarge, manage, supervise, equip, ornament, operate and maintain recreation places, and may vest their authority to do so in any existing body or board, or in a park board, recreation board or fair board, any of which may be established by the county commissioners of any county, except a county of the second class, for any or all of the aforesaid purposes, functions and places as the county commissioners may determine. For the purpose of carrying out the provisions of this article, the county commissioners, or any body or board vested with their authority, may employ play leaders, recreation directors, supervisors, superintendents or any other officers or employes, as they deem proper. The number and salary thereof to the extent that such salary is paid from the funds of the county shall be determined by the salary board. All such recreation places shall be kept in good order and repair.

Section 2503. Fair, Park and Recreation Boards.--If the county commissioners of any county shall determine that the power to supervise any or all recreation places shall be exercised by a park board or recreation board or fair board, they may establish in said county such fair board, park board or recreation board, which shall possess all the powers and be subject to all the responsibilities of the respective county commissioners in the management, supervision, operation and maintenance of such recreation places. Any such boards, when established, shall consist of a minimum of five persons and a maximum of nine persons. The members of such boards shall be appointed by the commissioners of the county and shall be appointed for a term to extend no longer than five years and the terms of the members shall be staggered in such a manner that at least one expires annually. Members of such board shall serve without pay. Vacancies in such board occurring otherwise than by expiration of term shall be for the unexpired term and shall be filled in the same manner as original appointments.

If, on the effective date of this amendment, there is a recreation board established in any county that is not comprised of nine members, additional persons may be appointed but if

there are more than nine members, vacancies shall not be filled until the membership is less than nine.

(2503 amended Dec. 22, 1965, P.L.1213, No.489)

Section 2504. Officers of Board.--The members of a fair board, park board or recreation board, established pursuant to this article, shall elect their own chairman and secretary and select all other necessary officers, to serve for a period of one year, and may, with the consent and approval of the county commissioners, employ such persons as may be needed, as provided by this article. Such boards shall have power to adopt rules and regulations for the conduct of all business within their jurisdiction.

Section 2505. Joint Action.--Any county authorized by this article to acquire property for and operate and maintain any recreation places may acquire property in the manner provided in this article for such purposes, and operate and maintain the same jointly with any other county or any city, borough, township or school district.

Section 2506. Indebtedness.--The county commissioners may issue bonds, in accordance with the Municipal Borrowing Law, for the purpose of acquiring lands or buildings for recreation places and for the construction, extension, enlargement, alteration or equipment thereof.

Section 2507. Payment of Expenses; Taxation; Annual Fairs; State Contributions.--All expenses incurred in the operation of such recreation places, established as herein provided, shall be payable from the treasury of such county. The county commissioners may annually appropriate and cause to be raised by taxation such tax for any or all of the purposes authorized in this article, including debt service upon bond issues authorized herein.

The county commissioners or the fair board, if there be one, may provide for and hold an annual fair or agricultural exhibition on the fairgrounds acquired or maintained as aforesaid, and may accept aid or contributions from the Commonwealth under any act of Assembly for the payment of premiums at any such fair or exhibition.

(2507 amended Jun. 11, 1965, P.L.125, No.86)

Section 2508. Park Buildings.--The commissioners of any county shall have exclusive power to lease all houses, cottages and buildings within the park limits which may be let without prejudice to the interest and purposes of the park, and to collect the rents and other considerations, including license fees provided therefor.

Section 2509. Use of Receipts.--All rents, license charges and fees, all fines, proceeds of sales, and profits of whatsoever kind, to be collected, received, or realized from

said recreation places and buildings in any county, shall be paid into the county treasury. Moneys or property given or bequeathed to the county commissioners upon specified trusts shall be received and receipted for by the county treasurer and held and applied according to the trusts specified.

Section 2510. Damages; Forefeiture of Leases.--Any person violating any rules and regulations adopted for such recreation places shall be further liable to the full extent of any damage by him or her committed, in trespass or other action, and any tenant or licensed party who shall violate any rules and regulations or any of them, or consent to or permit the same to be violated on his or her or their premises, shall forfeit his or her or their lease or license and shall be liable to be forthwith removed by a vote of the county commissioners. Every lease and license shall contain a clause making it cause of forfeiture for the lessee or party licensed to violate or permit or suffer any violation of any such rules and regulations.

Section 2511. Employes; Police.--(a) For the purpose of performing all necessary duties relating to the establishing, making, enlarging, extending and maintaining public parks, buildings and other county-owned properties and for enforcing the rules and regulations ordained or resolved by the county commissioners or by any body or board of control where no penalty or fine is involved, the county commissioners of the county are hereby authorized to employ or appoint and equip proper persons to do all necessary and proper work connected therewith, including police or guard duty.

(b) The board of commissioners of any county of the third class that is contiguous to a county of the second class may, by ordinance, create or disband a county park police force within the county. When such a county park police force is created in accordance herewith, the county commissioners shall have power to employ the number of officers as may be fixed by the salary board of the county. The compensation of the county park police officers shall be paid by the county.

(2511 amended Nov. 29, 2004, P.L.1275, No.155)

Section 2512. Duty of Police.--(a) It shall be the duty of the police, county park police or guards appointed to duty in any recreation places, buildings and other county-owned properties, without warrant, forthwith to arrest any offender against the rules and regulations, ordained or resolved by the county commissioners, that they may detect in the commission of such offense, and to take the person so arrested forthwith before a magistrate, alderman or justice of the peace having competent jurisdiction.

(b) In the ordinance creating a county park police force, the county commissioners shall designate a primary

jurisdictional area upon which the county park police officers shall have jurisdiction and which shall include only property owned, leased or controlled by the county, by a county municipal authority, county redevelopment authority, county industrial development authority or agency, or county airport authority, or by a community college of which the county is a local sponsor, whether such property is within or outside the territorial limits of the county. A county road, street or highway shall not be designated or considered as a primary jurisdictional area unless it is located within the boundaries of a geographical area otherwise designated by ordinance as a primary jurisdictional area pursuant to this section.

(c) County park police shall have the power and their duty shall be:

(1) to enforce good order and protect the grounds and buildings within a primary jurisdictional area;

(2) to exclude all disorderly persons from the grounds and buildings within a primary jurisdictional area;

(3) to exercise the same powers as are now or may hereafter be exercised under authority of law or ordinance by the police of the municipalities wherein the primary jurisdictional area is located, including, but not limited to, those powers conferred pursuant to 42 Pa.C.S. Ch. 89 Subch. D (relating to municipal police jurisdiction);

(4) to prevent crime, investigate criminal acts, apprehend, arrest and charge criminal offenders and issue summary citations for acts committed on the grounds and in the buildings of the primary jurisdictional area and carry the offender before the proper authority and prefer charges against the offender under the laws of this Commonwealth. Except when acting pursuant to 42 Pa.C.S. Ch. 89 Subch. D, county park police shall exercise these powers and perform these duties only on the grounds of the primary jurisdictional area;

(5) to order off the grounds and out of the buildings within the primary jurisdictional area all vagrants, loafers, trespassers and persons under the influence of liquor and, if necessary, remove them by force and, in case of resistance, carry such offenders before the proper authority; and

(6) to arrest any person who damages, mutilates or destroys the trees, plants, shrubbery, turf, grass plots, benches, buildings and structures or commits any other offense on the grounds and in the buildings within the primary jurisdictional area and carry the offender before the proper authority and prefer charges against the offender under the laws of this Commonwealth.

(d) The county commissioners shall designate, from the county park police officers, the chief and such other ranks or

classifications of officers as desired by the county commissioners.

(2512 amended Nov. 29, 2004, P.L.1275, No.155)

Section 2513. Commissioners May Hold Property in Trust.-- Where the owner or owners of any real property, with or without improvements thereon, adapted to the use or purpose of public agriculture fairs or exhibits are willing to convey or devise said real property to the county wherein located, to be held in trust for the citizens and inhabitants of the county, the county commissioners may take title thereto and hold such real property in trust for the benefit of the citizens and inhabitants of the county.

Section 2514. Contributions for Additional Improvements.-- The county commissioners of any county may receive and accept contributions in buildings or materials for additional improvements on the real property conveyed or devised and held in trust as hereinbefore provided.

Section 2515. Leases for Agricultural Fairs.--The county commissioners may lease real property so conveyed or devised to any incorporated agriculture association willing and financially able to manage said premises, on condition that said premises will be used annually for agriculture fairs and exhibitions without any liability on the part of the county and with no expense to the county. Upon failure of any lessee to comply with terms of any lease, the county shall retake possession of the leased property.

Section 2516. Power of Sale.--If for a period of five years no public use of said real property as contemplated by the grant or gift to the county is made, the county commissioners may sell real estate on petition to the court of common pleas as provided by this act for the sale of county real property.

Section 2517. Appropriations to Political Subdivisions for Recreation Places.--The board of commissioners may appropriate moneys from the county treasury to aid cities of the third class, boroughs, incorporated towns and townships in the purchase, construction, operation and maintenance of lands and buildings for public parks, parkways, bridle paths, foot paths, playfields, gymnasiums, public baths, swimming pools, golf courses, tennis courts, agricultural fair grounds, or other indoor or outdoor recreation centers and facilities.

(2517 added Jun. 23, 1965, P.L.138, No.94)

ARTICLE XXVI

BRIDGES, VIADUCTS AND CULVERTS

(a) General Authority and Procedures for Providing Bridges

Section 2601. Authority to Provide Bridges, Viaducts and

Culverts; Definitions; Application of Article.--(a) The county commissioners of any county may locate, lay out, open, construct, reconstruct, widen, straighten, extend, otherwise alter, replace, remove and in all other respects provide for bridges and viaducts over streams and other topographical impediments to public traffic, as parts or adjuncts of the roads within the county for vehicles and pedestrians or for pedestrians only, and culverts within the county or partly within and partly without the county, in accordance with the procedures and requirements established by the provisions of this article. The provisions of this section and of this article shall apply equally to all necessary approaches, abutments, slopes, walls, embankments, fills, piers and other things pertaining to bridges, viaducts and culverts as to the bridges, viaducts and culverts themselves.

(b) As used in this article "streams" include streams, rivers, creeks, ponds, lakes and all other such natural waters; "road" includes roads, streets, highways, lanes, alleys and all other such public thoroughfares; and "bridge" shall for the purpose of convenience include the bridges, provided for in this article, and also the viaducts and culverts and all things pertaining to such bridges, viaducts and culverts wherever such meanings may reasonably be intended.

(c) The provisions of this article shall not apply to any matters relating to such county bridges, viaducts or culverts as are covered and to the extent they are covered by the provisions of the State Highway Law, or of any other law vesting in the Secretary or Department of Transportation and the various counties of the Commonwealth, rights, powers and duties. The terms of the foregoing limitation shall apply as well in the case of the Public Utility Law and the Public Utility Commission.

(d) No county shall, in the exercise of any authority or duty conferred in this article, enter upon any road or property of any city or borough of, or adjacent to the county, or act in derogation of the lawful authority of any such political subdivision, except with the proper consent of such political subdivision.

(e) No bridge provided for by this article shall obstruct any canal or railroad, and nothing in this article shall be deemed to release any railroad or other public utility from the requirements of existing law.

(2601 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2602. Maintenance and Repairs.--Every county bridge provided for by this article shall be maintained and kept in repair by the county or counties involved, except as may be otherwise provided by agreements between or among such county or

counties and other political subdivisions or other persons as to the costs of such maintenance and repairs.

Section 2603. Acquisition of Real Property.--In the exercise of the authority hereinbefore granted by this article, the county commissioners may purchase in accordance with the provisions of this act, take by gift, or acquire by the power of eminent domain, real property of all kinds whether devoted to a private or a public use in the manner provided by law.

Section 2604. Plans and Surveys for Bridges and Viaducts.--Whenever the commissioners of any county resolve to provide a bridge or viaduct, pursuant to this article, they shall cause to be prepared plans and surveys showing the location of the proposed structure, its approaches and the property or rights of property affected thereby, together with any roads in any city, borough, incorporated town or township proposed to be used in connection therewith.

(2604 amended May 1, 1981, P.L.25, No.11)

Section 2605. Hearing and Decree.--(2605 repealed May 1, 1981, P.L.25, No.11)

Section 2606. Designs and Specifications; Approval.--(2606 repealed May 1, 1981, P.L.25, No.11)

Section 2607. Approval of State or Federal Agencies; Change in Location.--(a) Where a proposed bridge crosses any navigable stream or other public water or the property or right of way of any railroad or other public utility, and by reason thereof the approval of any State or Federal officer, board or body is required as to the location and construction of such bridge or its approaches, the county shall have authority to construct the bridge in the other location and in such other manner as may be necessary to comply with the conditions prescribed by the officer, board or body in granting such approval, if the county commissioners are of the opinion, and so decide, that the bridge as thus changed is necessary for the convenience of the traveling public and will accommodate substantially the same traveling public as the bridge would have done if it had been constructed at the location and in the manner originally provided.

(b) ((b) repealed May 1, 1981, P.L.25, No.11)

(c) ((c) repealed May 1, 1981, P.L.25, No.11)

Section 2608. Materials Taken From Adjoining Lands.--(2608 deleted by amendment Dec. 22, 2000, P.L.1019, No.142)

Section 2609. Inspection and Approval.--(2609 repealed May 1, 1981, P.L.25, No.11)

Section 2610. Payment Upon Approval; Disapprovals.--(2610 repealed May 1, 1981, P.L.25, No.11)

Section 2611. Authorization to Contract with Municipality for Sharing of Certain Costs.--When any bridge is proposed to be

located in any municipality, the county may enter into an agreement with such municipality providing that the municipality shall bear a portion of the cost of the location, laying out, opening, construction and maintenance of such bridge or that the municipality shall provide or maintain the approach thereto within the municipality or bear the costs of property damages of said approach. Every such agreement shall be entered into in writing and at least one executed copy thereof shall be furnished to each party thereto. Every such bridge shall be a county bridge and the duty of maintaining the same, except as otherwise herein provided, shall devolve upon the county. The expense thereof shall be provided out of any county funds authorized for use in the maintenance of county bridges.

(2611 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2612. Bridges on Boundary Between Two Counties.--

(a) Whenever any bridge provided for by this article is on the boundary line between two counties or within one-fourth of a mile therefrom and necessary for the accommodation of the inhabitants of both counties, the commissioners of such counties shall act jointly in the exercise of all powers conferred upon them and in the performance of all duties imposed upon them. Whenever a petition of residents or taxpayers is required, such petition shall be made by the required number of petitioners in each county to the county commissioners of their county. Whenever any other petitions are required, such petitions shall be made to the county commissioners in each of such counties. Each of the boards of county commissioners shall act on such petitions and shall communicate its approval or disapproval to the other board.

(b) ((b) deleted May 1, 1981, P.L.25, No.11)

(c) Whenever publication of notice is required, such publication shall be made in each county. The approval of both boards of commissioners shall be necessary in order to authorize any action requiring such approval.

(d) Whenever the procedure provided in Article XXIV of this act is to be followed, such procedure shall be carried out only in and by the county in which the lands, other property or materials entered upon, taken or damaged are located and the damages shall be paid by such county only.

(e) Any such bridge shall be a joint county bridge. All costs and expenses pertaining to such bridge and the maintenance thereof shall be borne by the two counties, jointly, in such proportions as shall be agreed upon, from time to time, by the commissioners thereof.

(2612 amended May 1, 1981, P.L.25, No.11)

Section 2613. Joint County Bridges on Line of Highway.--(a)

((a) repealed May 1, 1981, P.L.25, No.11)

(b) ((b) repealed May 1, 1981, P.L.25, No.11)

(c) Any such bridge when authorized shall be erected, constructed, maintained and kept in repair in the manner hereinbefore provided for bridges erected on the line of adjoining counties.

Section 2614. County Commissioners May Purchase Bridges Already Erected.--Whenever, in accordance with the provisions of this article, a county is authorized to erect a bridge and instead of building a new bridge the county commissioners can purchase any bridge already erected at a reasonable cost, they may make such purchase.

(2614 amended May 1, 1981, P.L.25, No.11)

Section 2615. Rebuilding Privately Owned Bridge.--The commissioners of any county may take charge of or rebuild any bridge suitable for public traffic within the county and abandoned by the owners thereof.

(2615 amended May 1, 1981, P.L.25, No.11)

Section 2616. Acceptance of Bridge Donated to County.--(a) The commissioners of any county may accept, take charge of and enter upon the records as a county bridge, any bridge within the county which has been built at the expense of private persons or by public subscriptions, and has been opened to free public travel, used by the public and become necessary and convenient for the use of the public, upon notice in writing of the persons who built it or of the subscribers to the original subscription on which the money was raised to build the same, or the heirs or assigns of such persons or subscribers, or of a duly authorized board of trustees representing such persons or subscribers, that they desire to give the bridge to the county in which it is located.

(b) ((b) deleted May 1, 1981, P.L.25, No.11)

(c) All costs shall be paid out of the treasury of the county. The county commissioners may require the owner of said bridge to file, together with their notice, a bond sufficient to secure payment of the costs.

(2616 amended May 1, 1981, P.L.25, No.11)

(b) Special Authorities and Procedures

Section 2630. Widening, Straightening, Altering or Changing Course of Unnavigable Streams for Protection of County Bridges and Highways.--Whenever in the construction, repair or maintenance of any county bridge or highway, it becomes necessary for the safety of said bridge or highway or economically advisable to widen, straighten, alter, protect or change the course of any unnavigable stream, it shall be lawful for the county to enter upon abutting or adjacent land, and to widen, straighten, alter, protect or change the course of such stream for such purposes, and, in connection with such entry, to

take, injure and destroy any necessary land or property in the manner and subject to the restrictions and procedure provided by law.

Section 2631. Providing and Maintaining Dykes, Banks, Causeways and Sluiceways for Protection of Bridges and Highways.--Any county, for the purpose of protecting any county bridge, the abutments thereof and approaches thereto, and any public highway adjacent to the same from the incursions of the tide floods or waters of any stream, and to prolong the life of any structure, may provide and maintain dykes, banks, causeways and sluiceways over or across any unnavigable stream, and may secure a right of way for the proper ingress thereto and egress therefrom. In connection with the exercise of such authority, the county may take, injure and destroy any necessary land or property in the manner and subject to the restrictions and procedure provided by law. No change in an existing stream channel under the provisions of this subdivision shall be undertaken until it has been approved by the Department of Environmental Protection.

(2631 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2632. Lighting of County Bridges.--Whenever considered necessary for the safety and convenience of the traveling public, the county commissioners may provide any county bridge with lights of any kind and character that they shall deem suitable, and may contract with any individual or with any municipal or private corporation for the purpose of supplying the necessary light.

Section 2633. Temporary Substitutes for Bridges.--When any county bridge is destroyed or rendered impassable, the county commissioners may provide at the expense of the county, ferries or other temporary ways as a substitute for such destroyed or impassable bridge, until such bridge has been rebuilt or rendered fit for public travel. Where such bridge shall have been maintained at the joint expense of two adjoining counties, the establishment and maintenance of such ferry or temporary way shall be by joint discretionary action of the boards of commissioners of both counties, and the expense thereof shall be borne by said counties in the same proportions as the maintenance of such bridge was borne before it was destroyed or rendered impassable.

Section 2634. Closing, Vacating, Abandoning and Removing County Bridges.--Whenever it appears to the county commissioners that any county bridge including but not limiting to any destroyed or partially destroyed bridge has, from any cause, become burdensome and is no longer necessary for the accommodation of public travel, they may close, vacate, abandon and remove such bridge.

(2634 amended May 1, 1981, P.L.25, No.11)

Section 2635. Contracts for Special Use of Bridge.--The commissioners of any county may enter into a contract or lease with any street railway, telegraph or telephone company or other public utility, their successors or assigns, desiring to use a county bridge and its approaches for other than ordinary public foot or vehicular traffic for the concurrent use of such portion of said public bridge and approaches as will not substantially impair or restrict the public use and enjoyment thereof, upon such terms and conditions as shall be agreed upon, and may charge tolls or rentals for such special use. No such contract or lease shall be entered into for a longer period than twenty years nor shall any such contract or lease be entered into unless approved by the Public Utility Commission or become effective except in accordance with the provisions of the Public Utility Law.

Section 2636. Contracts with Railroad Companies for Use, Purchase, Removal, Replacing or Exchange of County Bridge.--Any railroad company whose tracks or other facilities are located upon any county bridge may contract and agree with the commissioners of the county for the use, purchase, removal, replacing or exchange of such bridge, or for the compensation to be paid to the county by said company for the use and occupancy of the bridge or such parts thereof as may be used and occupied by said company. For such purpose the commissioners may contract with said company, and may do all acts necessary and proper to carry out such contract effectually.

All moneys due and all obligations incurred by said companies under any such contract may be collected and enforced in the same manner as debts of like amount are recovered and similar obligations enforced in the Commonwealth.

Section 2637. Repair of Bridges, Viaducts and Subways When Liability for Such Repairs is in Doubt.--(2637 deleted by amendment Dec. 22, 2000, P.L.1019, No.142)

Section 2638. Contributions Towards Work.--(2638 deleted by amendment Dec. 22, 2000, P.L.1019, No.142)

Section 2639. Collection of Costs of Repairs; Return of Contributions.--(2639 deleted by amendment Dec. 22, 2000, P.L.1019, No.142)

(c) Taking Over or Assisting with Township
or Municipal Bridges

Section 2650. Procedure for Taking Over Bridge by County; Aid to Political Subdivisions in Construction and Maintenance of Bridge.--(a) Whenever the construction of any new bridge, or of any bridge to replace any existing bridge, over a stream, or over or under a railroad, and forming part of any road in any city, borough, town or township, or between any two or more such

political subdivisions is necessary, and requires more expense than it is reasonable that such political subdivision, or any two of them jointly, should bear, and if it shall appear to the commissioners of the county that such bridge is necessary, and would be too expensive for such political subdivision or adjoining political subdivisions to bear, it may, at the discretion of the county commissioners, be entered on record as a county bridge. Such bridge shall thereupon be erected, maintained and kept in repair in the same manner as other county bridges constructed under the provisions of subdivision (a) of this article.

(b) If the county commissioners refuse to have such bridge entered on record as a county bridge, the county may pay the entire cost or any part of the cost of constructing such bridge including damages. Such bridge shall thereupon be a municipal or township bridge to be maintained and kept in repair by such political subdivision. The county commissioners may, at their discretion, furnish such political subdivision the whole or any part of the money necessary to maintain such municipal or township bridge.

(c) Where the cost to the county will not exceed ten thousand dollars (\$10,000), the county commissioners may furnish such aid in the construction of such bridge without following the procedure herein stipulated.

(2650 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2651. Change in Location of Bridge and Roads.--When such bridge is to take the place of an existing bridge, the viewers may change the location thereof so that it may be located and built in the most suitable place, or at the least expense, or in the best manner, and, in the case of the change of location of such bridge, they shall also report what change in the course or bed of the road to be connected therewith will be necessary, and shall also report the vacation of the old or existing bridge, and the vacation of such portion of the road connecting therewith as they may deem proper.

(2651 amended May 1, 1981, P.L.25, No.11)

Section 2652. Construction of Embankments and Causeways as County Improvements.--Where a stream over which it may be necessary to build a bridge crosses a public road, and the building of such bridge requires the construction of an embankment or causeway leading to either end of such bridge, the erection of which embankment or causeway requires more expense than it is reasonable that one or more adjoining townships should bear, and if it shall appear that for the use and enjoyment of said bridge by the public it is necessary to construct an embankment or causeway the construction of which would be too expensive for such township or townships to bear,

it may, in the discretion of the county commissioners, be entered on record as a county improvement and constructed as county bridges are constructed.

(2652 amended May 1, 1981, P.L.25, No.11)

Section 2653. Contract for Parts of Municipal Bridges Where County Might Have Built Bridge.--(a) Where a city of the third class, a borough or a township is authorized to construct a bridge or viaduct over a stream or other place over which the county is authorized to build bridges and such political subdivision is authorized to contract with the county and with railroads, street railways and other companies or parties interested for the building and maintenance of such bridge or viaduct and for the payment of any damages caused by the location or building thereof, the county commissioners may contract with such city, borough or township for that part or portion of the bridge which crosses any of the places hereinbefore mentioned, including the abutments and piers thereof. Such part shall thereafter be maintained as a county bridge.

(b) In lieu of the contract above provided for, the county commissioners may contract for any part or portion of the whole structure equal to or greater than the part or portion which the county might have built.

(c) The contracts provided for in this section may stipulate that the county shall pay a certain portion of the whole contract price or cost of the work, including damages, or may stipulate that the county shall construct or pay for the construction of a certain part of the work, and may otherwise provide for the payment of the damages. The amount to be paid by the county shall be paid directly to the contractor as may be provided by the contract.

(2653 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2654. Joining With Municipality in Another County in Building or Rebuilding Bridge.--When any bridge or proposed bridge is on the dividing line between two counties which is also the dividing line between one county and a municipality in the other county and such municipality has authority to build or rebuild such bridge or to join with any county therein, said county may join with said municipality in the other county in building or rebuilding such bridge. The cost of such bridge shall be paid in such proportions as shall be agreed upon by the county and municipality so joining.

(2654 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2655. Aiding Municipality in Constructing Bridge Over Ravine or Valley.--Whenever different parts of any municipality or any two municipalities are separated by an intervening valley or ravine, and the commissioners of the

county in which such municipality or municipalities are located shall decide it necessary that a public bridge, to connect the territories thus separated, be constructed, such county may contract with such municipality or municipalities for the laying out and construction of such bridge by such municipality or municipalities, and may pay to the municipality or municipalities such portion of the cost thereof as the county commissioners shall deem reasonable.

(2655 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2656. Entry of Municipal Bridge on Record as County Bridge.--Whenever a public bridge has been built or maintained by any municipality, or by any two municipalities, and it shall afterwards appear to the commissioners that the care, maintenance and responsibility of said bridge is greater than it is reasonable that the said political subdivisions should bear, the commissioners may enter such bridge upon record as a county bridge, and it shall thereafter be a county bridge in the same manner as if it had originally been so entered on record, if the proper local authorities having the maintenance, supervision and control of such bridge shall tender the same to the said county commissioners free and without charge.

(2656 amended Dec. 22, 2000, P.L.1019, No.142)

Section 2657. Acquisition of Toll Bridges by Purchase or Condemnation.--(2657 deleted by amendment Dec. 22, 2000, P.L.1019, No.142)

Section 2658. Contracts with Municipalities for Purchase or Condemnation of Toll Bridges.--(2658 deleted by amendment Dec. 22, 2000, P.L.1019, No.142)

Section 2659. Leasing of Toll Bridges or of Right to Use Same.--(2659 deleted by amendment Dec. 22, 2000, P.L.1019, No.142)

Section 2660. Operation of Joint County Toll Bridges by Counties.--(2660 deleted by amendment Dec. 22, 2000, P.L.1019, No.142)

Section 2661. Management, Maintenance and Policing of Joint County Toll Bridges; Turning Over to Department of Highways.--(2661 deleted by amendment Dec. 22, 2000, P.L.1019, No.142)

(d) Provisions Relating to Contracts

Section 2670. Building or Repair of Bridges.--In addition to the provisions of Articles XVIII and XXIII of this act relating to contracting for services and personal property, whenever the county commissioners propose to build or repair a bridge at a cost in excess of ten thousand dollars (\$10,000) upon the line between two adjoining counties, the advertising shall be done in each of said counties, and a copy of the plans and specifications shall be kept in the commissioners' office of each county.

(2670 amended Dec. 22, 2000, P.L.1019, No.142)

(e) Taxation and Borrowing

Section 2675. Appropriations and Tax Levy.--Any county in the exercise of any of the powers, authorities and duties, provided in this article, may appropriate and pay out of the general county funds all moneys necessary for said purposes, and may levy, assess and collect taxes for the purposes aforesaid on all real and personal property within the county, and taxable for county purposes, in addition to all other taxes.

Section 2676. Incurring of Indebtedness; Taxation for Debt Service.--Any county constructing a bridge or making any other capital improvement or major repairs, in relation to the matters provided for in this article, may, pursuant to a resolution adopted for that purpose by the county commissioners of such county, incur indebtedness and borrow money therefor. Any such county may levy and collect on all taxable property in such county, in addition to all other taxes, for the purposes of servicing such indebtedness.

(2676 amended Dec. 22, 2000, P.L.1019, No.142)

ARTICLE XXVII

ROADS

(a) Authorization, Construction and Maintenance

1. County Roads, Establishment and Maintenance.

Section 2701. Definitions.--The words defined in section two thousand six hundred one of this act shall be construed to have like meanings when used in this article.

Section 2702. Establishing County Roads.--For the purpose of providing public roads, specially constructed, improved and maintained, the county commissioners may, upon approval by the court of quarter sessions, originally lay out and open any road, and take possession of and exercise control over any existing township road or part thereof, and build and maintain roads as county roads within their respective limits. They may, at any time, straighten, widen, extend and alter any such road or part thereof, and vacate so much thereof as may become unnecessary and useless. Any road so taken over or improved shall thereupon become a county road and be subject to the control and supervision of the county commissioners. It shall be the duty of the county to keep and maintain county roads established under this act and all other county roads in repair, the expense thereof to be paid by the county in the manner hereinafter provided.

Section 2703. Acquisition of Rights of Way of Abandoned Railroads.--The commissioners of any county may take over any abandoned rights of way or bridge of a railroad company or any

part thereof for the purpose of relocating any existing or locating a new county road, and they may purchase such abandoned right of way or bridge or such part thereof, as may be necessary for the relocating or locating of said county road, from the owner thereof, at a fair price, to be approved by the court of quarter sessions of the county.

Whenever any such abandoned right of way or bridge of a railroad company or any part thereof is purchased under the provisions of this section, a county road shall be laid out and located thereon and shall thereafter be constructed, improved and maintained in accordance with law. Any such bridge so taken over shall become a county bridge and shall be maintained, rebuilt and repaired accordingly.

Section 2704. Joint Action by Counties.--The provisions of this article may also be exercised jointly by adjoining counties as to roads extending along and adjacent to county lines and from one adjoining county into another.

The procedure and jurisdiction in each county in such cases shall be the same as to any portion of such road lying within its limits, except that the petition, plans and surveys of such road shall describe and exhibit every portion of such road within the limits of such county and every portion thereof extending along the line of or into an adjoining county. The several portions thereof lying within limits of each county shall be treated in all proceedings as one continuous road.

Section 2705. To Be County Road as Soon as so Decreed.--All roads and parts thereof heretofore and hereafter decreed by the court, under this or any former acts of Assembly, to be a county road shall be subject to the control and supervision of the county commissioners. Upon the decree or order making an existing township road or part thereof a county road, the same shall immediately be kept in repair, made, constructed and maintained by the county and the township relieved of any duty thereto as a township road.

Section 2706. Maintenance and Repair of County Roads.--The commissioners shall have prepared plans and estimates, as often as required, for the repair and maintenance of all roads which the county is required by law to maintain and repair. They may invite proposals for maintaining and repairing such roads or parts thereof in accordance with such plans and estimates and award the contract therefor in like manner as contracts for new improvements, or they may make the necessary repairs themselves. For the purpose of making such repairs, the commissioners may employ or appoint the proper persons and buy the necessary materials and buy or rent the necessary machinery. Any county may also lease any of its machinery to any political subdivision within the county, upon such terms and conditions as may be

agreed upon.

Section 2707. Annual Tax.--The commissioners may levy, assess and collect an annual tax, of not more than two mills upon the dollar, upon all real and personal property within said county taxable for county purposes for the purpose of acquiring and securing a fund from which to pay all costs, damages and expenses required in the locating, opening, building, improving, widening, straightening, extending, maintaining, repairing or vacating of roads or parts thereof covered by the provisions of subdivision (a) 1 of this article, and for the taking and use of such land as may be necessary in constructing and maintaining proper slopes, embankments, fills and culverts. The moneys so raised shall not be expended for any other purposes than those named in this section, except for the maintenance, repair, construction and reconstruction of any county bridge or bridges whether or not located on a county road or roads. All checks for the payment of any portion of the money raised for the purposes aforesaid shall be issued, in the manner provided by this act, upon estimates which shall be made from time to time by the persons charged with such duty. The amount and time within which the same shall be paid shall be fixed and determined in the contract made for the public work.

Section 2708. Borrowing Money; Bond Issue and Tax Levy.--The county commissioners may borrow money and secure any indebtedness created by them for the purposes authorized under subdivision (a) 1 of this article, by issuing bonds in accordance with the provisions of the Municipal Borrowing Law.

Section 2709. Changing Part of Road Without View.--Whenever the board of commissioners deem it advisable to construct or alter any part of any road under their supervision and can agree with the property owners affected by such change as to damages, they may, upon payment of the damages agreed upon, construct or alter such part of such public road as contemplated in such agreement without the formality of a view. This authority shall not extend to any construction or alteration, the cost and expenses of which to such county, including damages, shall exceed one thousand dollars (\$1000). A petition setting forth the facts, accompanied by a map or draft of such proposed change, shall be presented to the court of quarter sessions for approval before such actual change is made, whereupon the new location, thus approved by the court, shall be the public road to all intents and purposes and the old location shall be vacated.

Section 2710. Assessment of Benefits.--Whenever, in any county, any road or highway shall be originally located, laid out or constructed or relocated, opened, straightened, widened, extended or altered, or any part thereof vacated, the viewers

appointed to assess damages for taking, injuring or destroying property, after having determined the amount of damages sustained, shall assess the whole or such part of such damages as may be represented by benefits upon the properties abutting on and benefited by such improvements. The remaining part of such damages, if any, not so assessed against the abutting properties, shall be paid by the county. The total assessments for benefits shall in no case exceed the total damages awarded and agreed upon.

The viewers shall in such cases file their report showing the balance struck between the damages awarded and the benefits assessed.

Section 2711. Interest on Benefits Assessed.--All assessments for benefits shall bear interest at the expiration of thirty days after they have been finally determined and fixed and shall be payable to the treasurer of the county.

Section 2712. Liens for Benefits Assessed.--All liens for the assessment of benefits pursuant to the provisions of the two preceding sections shall be filed, revived and collected in accordance with law.

No appeal taken shall prevent the filing of liens by any county for any assessment made by virtue of the viewers' report, but upon the final determination of the issue the court may make such order as to any lien filed that shall appear right and proper.

Section 2713. Sidewalks Along County Roads.--Whenever considered necessary for the safety and accommodation of the public, the county commissioners may locate, construct and maintain sidewalks along county roads. The cost of the construction and maintenance of said sidewalks shall be paid by the county.

Section 2714. Lights Along County Roads.--Whenever considered necessary for the safety and convenience of the traveling public, the county commissioners may supply and equip any county road or parts thereof with lights of such kind as they shall deem necessary. The commissioners may for this purpose contract with any individual or with any municipal or private corporation. The cost of the construction may and the cost of maintenance of the said lights shall be paid by the county.

2. System of Main Thoroughfares Adopted, Laid Out and Constructed by County and Becoming Borough and Township Roads.

Section 2720. Adoption of System of Main Thoroughfares.--The county commissioners may, in the manner provided by this subdivision (a) 2, cause to be laid out, surveyed and adopted a system of main thoroughfares which said board shall adjudge the

proper roads to be established and specially constructed and improved. In adopting such system, the commissioners shall consider the population and needs of all parts of the county and make an equitable distribution of the roads to be specially constructed, located and improved by the said county. They shall cause a plan or plans to be made showing the system of proposed roads, the relation of the proposed roads to existing public roads which connect therewith or are to be supplied thereby, the names of abutting property owners, and also roads which already have been improved by the county. Upon approval of the plan or plans by the commissioners, they shall cause the approval to be engrossed upon the plans and certified by at least two commissioners. The plans shall be filed for public inspection in the office of the commissioners and recorded in the office of the recorder of deeds in a book to be provided for the purpose.

No part of the proposed roads of said system shall be an easement upon private property or in any manner interfere with the use thereof until established as a public road by the action of the court of quarter sessions.

Section 2721. Improvement of Borough and Township Roads.-- Whenever such system of main thoroughfares had been adopted or when the adoption thereof is contemplated within two years after the commencement of such improvement, the commissioners may, upon approval by the court of quarter sessions as hereinafter provided, take exclusive control of and improve any road or section thereof located either wholly or in part, in any borough or township, whether existing by their authority or laid out in whole or in part by virtue of this act or otherwise. For that purpose, they may originally locate, lay out, establish in whole or in part relocate, straighten, widen, extend, alter and open roads, and construct and improve the same, and vacate so much of any roads as may be thereby rendered unnecessary and useless. Any road as established or altered, constructed and improved, under the provisions of this section, shall, by ordinance enacted by each borough or by resolution adopted by the commissioners or supervisors of each township through which such road shall pass, become borough or township roads, and the duty of maintaining and keeping the same in repair shall devolve upon each respective township or borough through or into which the same extends.

Section 2722. Plan of System to Be Followed; Variations.-- After such plans have been adopted and recorded pursuant to law, all applications under the preceding section to the court of quarter sessions shall be restricted and shall relate only to the establishing, opening, construction and improvement of the proposed roads of said system or parts thereof and the vacation of roads supplied by the portion opened and improved. The

commissioners, upon approval by the court of quarter sessions as hereinafter provided, may relocate, straighten, widen, extend, alter and open, construct and improve, the proposed roads as laid out, surveyed, marked and shown upon the plans of said system, or to originally locate, lay out and establish, construct and improve roads which substantially supply said system or parts thereof which, although not parts of said system, are deemed by the court to be main thoroughfares of sufficient importance to be improved by the county and to be added to said plan, and in such case to vacate so much of the roads of the system and of roads already established as may be rendered unnecessary by the changes or by an entirely new location.

Section 2723. Improvement of Roads Not Part of System on Contribution From Parties Interested.--The commissioners may also originally locate, lay out and establish in whole or in part, relocate, straighten, widen, extend, alter and open, construct and improve roads not parts of said system nor deemed main thoroughfares, upon parties interested therein paying or securing to be paid, in a manner to be approved by the court of quarter sessions, such proportion of the cost of the original construction and improvement as the commissioners may deem just, which shall not be less than one-fourth of the cost in any case.

Section 2724. Annual Tax.--The commissioners may levy, assess and collect an annual tax, of not more than two mills upon the dollar, upon all real and personal property within the county taxable for county purposes, for the purpose of acquiring and securing a fund from which to pay all costs, damages and expenses required in locating, opening, widening, straightening, extending, building, improving, maintaining, repairing or vacating of the roads or parts thereof improved under the provisions of subdivision (a) 2 of this article, and for the taking and using of such land as may be made necessary in constructing and maintaining proper slopes, embankments, fills and culverts. The moneys so raised shall not be expended for any other purposes than those named in this section. All checks for the payment of any portion of the money raised for the purposes aforesaid shall be issued, in the manner provided by this act, upon estimates which shall be made from time to time by the person charged with such duty, and the amount and time within which the same shall be paid shall be fixed and determined in the contract made for the public work herein authorized.

Section 2725. Borrowing Money and Bond Issue.--Any county may borrow money and secure such indebtedness by issuing bonds in accordance with the provisions of the Municipal Borrowing Law for the purpose of building and improving the roads or any part thereof constructed under the provisions of subdivision (a) 2 of

this article.

3. Roads, Tunnels, Subways and Underground Roads.

Section 2730. Purchase, Location, Construction, Operation and Maintenance Authorized.--Whenever the county commissioners shall deem it expedient so to do and upon the approval thereof by the court of quarter sessions as hereinafter provided, they may cause to be purchased, located, constructed, operated and maintained roads, tunnels, subways or underground roads anywhere within the county, either wholly or partly within the boundaries of any city, borough, town or township. Any road, tunnel, subway or underground road, purchased or constructed under the provisions of subdivision (a) 3 of this article, shall forever thereafter be a county road, tunnel, subway or underground road, and the duty of maintaining and keeping the same in repair shall devolve upon the county. The expense thereof shall be paid by the county as hereinafter provided.

Section 2731. Contracts or Lease for Special Use of Improvements.--The commissioners, subject to the approval of the court of quarter sessions, may make a contract or lease with any street railway or transportation company, its successors and assigns, for the concurrent use of such a portion of said road, tunnel or subway or underground road, as shall not substantially impair or restrict the public use and enjoyment thereof, upon such terms and conditions as shall be agreed upon. No such contract or lease for the concurrent use of a portion of such improvement shall be for a longer term or period than twenty years. Any such contract or lease shall be made in accordance with applicable provisions of the Public Utility Law.

Section 2732. Taking Street or Other Property of City or Borough.--Should the commissioners of any county deem it necessary or advisable to enter upon or appropriate any road or property of any city or borough in the county, or take any other action affecting the property rights or authority of such city or borough, for the purpose of constructing or maintaining a road, tunnel, subway or underground road, or in connection with the improvement of any of them, which has been or is about to be purchased by the county or otherwise, the consent thereto of such city or borough by ordinance shall be obtained before the actual entering in or upon or the appropriation of such road or property. After such entry and appropriation, the county shall be liable and charged with the supervision, control and maintenance of said roads and properties, or so much thereof as is taken and used for the purpose of constructing and maintaining such road, tunnel, subway or underground road, or in connection with the improvement of any of them, purchased or to be purchased as aforesaid.

Section 2733. Annual Tax Levy.--The commissioners may levy,

assess and collect an annual tax, of not more than two mills on the dollar, on all real and personal property within the county taxable for county purposes for the purpose of acquiring and securing a fund from which to pay all costs, damages and expenses required in the purchasing, improving, locating, opening, constructing, maintaining and repairing roads, tunnels, subways and underground roads, purchased or constructed under the provisions of subdivision (a) 3 of this article, and the taking and using of such land as may be made necessary in constructing the same and in maintaining proper slopes, embankments approaches and termini for said roads, tunnels, subways and underground roads. The money so raised shall not be used or expended for any other purposes than those herein named. All checks for the payment of any portion of the money raised for the purposes aforesaid shall be issued, in the manner provided by this act, upon estimates which shall be made from time to time by the person charged with such duty. The amount and time within which the same shall be paid shall be fixed and determined in the contract made for the public work herein authorized.

Section 2734. Borrowing Money and Bond Issue.--Any county may borrow money and incur indebtedness in accordance with the provisions of the Municipal Borrowing Law, to an amount not exceeding the constitutional limitations, for the purchase and improvement or construction of such roads, tunnels, subways and underground roads.

4. General Provisions.

Section 2740. Procedure to Obtain Approval of Quarter Sessions.--(a) When the county commissioners resolve to exercise any of the powers conferred in subdivision (a) of this article, they shall cause to be prepared surveys and plans of such road or tunnel, subway or underground road showing the improvement proposed to be made, together with any proposed changes in existing roads, and they shall present such surveys and plans, together with their petition, on behalf of such county, to the court of quarter sessions, praying for approval of such proposed exercise of powers. Such petition shall briefly describe the proposed improvement and the estimated cost thereof and, if the method of construction has not been fully determined, the estimated cost thereof according to each of the several methods in which the improvement may practically be made.

(b) On the filing of such petition, the court shall fix a time for a hearing thereon. Notice of said hearing shall be given, by an advertisement published at least ten days prior to the hearing in two newspapers of general circulation in the county, which notice shall briefly describe the location of the

improvement proposed to be made and the time, place and purpose of said hearing. Upon the hearing thereof, the court may, for proper cause shown, disapprove the petition; otherwise, it shall approve the same and order that the improvement be made and constructed in accordance with the plans and surveys accompanying the petition. Thereupon, any original location, relocation, opening, widening, straightening, extension, alteration or vacation of any road as set forth in the proceedings and the right to proceed with such improvement shall become absolute.

(c) The words "improved" or "improvement" as herein used mean each and every power conferred upon counties under the terms of any of the preceding sections of this article.

Section 2741. Right of Eminent Domain.--For the purposes described in subdivision (a) of this article, the county commissioners may enter upon private or public property and may take, injure and destroy the same in the manner and subject to the restrictions and procedure prescribed by Article XXIV of this act.

Section 2742. Contracts for Improvements.--After said surveys and plans and the petition to the court of quarter sessions have been approved by the court, and the road, tunnel, subway or underground road, ordered to be made and constructed in accordance therewith, the commissioners shall invite proposals and let contracts for the making and constructing of the same or such parts of the same as the commissioners shall deem proper, in accordance with the provisions of Article XVIII of this act and of sections two thousand three hundred eighteen and two thousand three hundred nineteen and such provisions of Article XXVI of this act as establish additional requirements for advertising for bids, for inspection of plans and specifications by bidders, and for the dating and marking of bids filed.

Section 2743. Procedure Where Property is Left Without Outlet by Reason of Vacating of Part of Old Road.--Whenever, by reason of the relocating, opening, widening, straightening or extending of any road or any part thereof, any part of the road involved becomes useless and is vacated, and the property of one owner shall intervene between the new road and the lands of another owner, having no outlet by reason of said relocation, opening, extending, straightening and widening, it shall be the duty of the said county commissioners to obtain from the owner of said intervening property and the owner of the formerly contiguous or adjoining land an agreement satisfactory to such parties for providing an outlet for the said land. If the parties shall not agree to the transfer of the properties so intervening upon the new road, and any such lot or piece of

land, in the opinion of the said county commissioners, be insufficient for building purposes, it shall be taken and used as part of said road or highway.

Section 2744. Parties Making Application for New Road to Notify Local Road Authorities.--In all cases wherein any proceedings are about to be had before the county commissioners or court for the laying out, opening and construction of new roads for public use, it shall be the duty of the parties making application to the commissioners or to the court for the appointment of viewers, reviewers or re-reviewers to lay out, open or construct such road, to give written notice of such application to the supervisors or commissioners of the territory through which the proposed road is designated to be laid out and constructed, of the time and place of such application, and the time and place of the meeting of viewers, reviewers and re-reviewers. A copy of said written notice, properly attested, shall be filed among the records of the court having cognizance of the matter. Failure to comply with the provisions of this section as to such notice shall be sufficient grounds for an application to set aside whatever proceedings may have been taken of which said supervisors or commissioners had no written notice.

Section 2745. Unlawful to Raise Road Above Ordinary Grade Over Drain or Culvert.--In the construction or repair of any road, it shall be unlawful for the person or persons in charge of such construction or repair to raise such road or permit the same to be raised or elevated above the ordinary grade thereof, when a drain or culvert shall be constructed under such road or when such road shall be constructed or repaired over such drain or culvert.

(b) Vacation as County Roads

Section 2750. Vacation as County Roads.--Upon petition of the county commissioners, the court of quarter sessions may vacate as a county road any portions of any abandoned or condemned turnpike road, or any portions of any turnpike road purchased by the county, or of any road, the permanent location or improvement whereof has been ordered or made under this or former acts relating to county roads. All portions of such roads so vacated shall become and be township roads. Written notice of the contents of said petition and the time when the same will be presented to the court shall be given by the county commissioners to the supervisors or commissioners of the township or townships through which said road passes, at least ten days before the date of presenting the same. At the time said petition is presented, the court may fix a time for hearing in open court, or may refer the matter to an examiner to take testimony and report his findings to the court at such time as

the court shall direct. At any hearing in open court or before an examiner appointed by the court, all parties in interest may appear and be heard. After such hearing, the court, if it shall find that the conditions prescribed by this act have been complied with, may grant the prayer of the petitioners and make a decree accordingly or make such order in the premises as it deems right and just. No order of vacation shall be made until the township affected shall have consented thereto by an ordinance or resolution certified to the court.

(c) Continuous Highways from One County to Another

Section 2753. Laying Out; Altering; Vacating.--Roads forming or intended to form a continuous highway from one county to another, which cross a river, creek or rivulet forming a boundary line between said counties, may be laid out or altered or vacated in the manner provided in the case of other roads, except that the court of quarter sessions of each county shall appoint three viewers and that a report as aforesaid shall be made to each court respectively, and that each court shall otherwise have and exercise concurrent jurisdiction therein.

(d) County Aid to Municipalities and Townships

Section 2756. Municipal Streets Connecting Two Ends of County Road.--When a city or borough intervenes between two ends of a county road, and the municipality has failed to properly improve the municipal streets constituting the shortest and most reasonable route through said municipality which will connect the two ends of such county road, the board of commissioners may contract with the corporate authorities of the municipality that the shortest and most reasonable route through said municipality connecting two ends of such highway be improved.

Section 2757. Municipal Streets as Terminus of County Road.--When a county road terminates at the corporate limits of a city or borough in the same or in another county and connects with a municipal street which the municipality has failed to properly improve, and the commissioners of the county in which the municipality is located deem the improvement of such municipal street necessary in order to make such county road easily accessible to the residents of the municipality or to the traveling public, the county commissioners may contract with the corporate officials of the municipality that such municipal street or any part thereof be improved, and also that there be improved, when necessary, any parts of the streets connected therewith which connect said county road with the business districts of said municipality or with a system of improved streets therein or which connect the said road with another county road terminating at the limits of said municipality. If several municipalities are contiguous to each other and at the corporate limits of any one of them a county road terminates and

one or more of such municipalities have failed to properly improve any municipal street therein, and the county commissioners deem the improvement of such street necessary in order to make such county road easily accessible to the residents of the municipality or to the traveling public, the board of commissioners may enter into a similar contract with the corporate authorities of such municipality or municipalities.

Section 2758. Improvements.--The board of commissioners may widen, repave or otherwise improve said municipal streets whenever the same is necessary to accomplish any of the purposes of sections two thousand seven hundred fifty-six and two thousand seven hundred fifty-seven of this act. Whenever such improvement is made to a municipal street, the county may pay the total cost of such improvement, or the cost may be divided between or among the municipality or municipalities and the county. The contract for any such improvement may be taken by the county upon the stipulation by any municipality to pay its proportionate share of the cost, if any, upon the completion of the work, or it may be taken by any municipality upon a like stipulation of the county, or the improvement may be made by joint contract.

Section 2759. Maintenance.--Before any municipal street is so improved, the board of commissioners and the council of such municipality shall agree upon the maintenance of such street. Such agreement may provide that such street shall be kept and maintained in good repair by the municipality, in which case, upon the completion of said improvement, all further liability and responsibility of the county shall cease and determine, or it may provide that it shall be kept and maintained in good repair by the county and the share of the municipality shall be paid annually to the county.

Section 2760. Contracts With Borough, Township or Incorporated Town.--The board of commissioners may contract with the authorities of any borough or township or any incorporated town, separately or jointly, providing that the commissioners shall construct an improved road in a similar manner as a county road. The expense or cost of said construction shall be borne jointly by the borough, township or incorporated town and the county in such ratio or proportions as may be agreed on in said contract or contracts, irrespective of whether the municipality intervenes between two ends of the county road or not, or whether or not the municipality is the terminus of a county road, State highway or township road.

Section 2761. Payment.--Payment for the construction of said road or roads shall be made by the county, which shall be reimbursed by the borough, township or incorporated town in such

sums as agreed upon in said contract or contracts, upon presentation to them, from time to time, of estimates and bills for work already performed and paid for.

Section 2762. Repair and Maintenance.--Any such road, constructed jointly, shall be repaired and maintained at the expense of the county, but nothing shall prevent the authorities of a borough, township or incorporated town from entering into a contract or contracts with the county for the maintenance of said improved road under such terms and conditions as may be mutually satisfactory.

Section 2763. Where Center Line of Highway is Boundary Between City or Borough and Township.--Whenever the center line of any road constitutes the dividing line between any city or borough and a township located in the same county, the board of county commissioners and the commissioners or supervisors of such township may enter into a contract with the city or borough providing for the grading, curbing and macadamizing or paving of the roadway of said road. The cost thereof shall be borne one-half by the city or borough and one-half by the county township, in equal portions.

Section 2764. Alteration or Improvement.--The said alteration or improvement shall be constructed and subsequent repairs shall be made under the supervision of the proper authorities of the city or borough, in compliance with laws governing the construction of such alterations or improvements in said city or borough, and in further compliance with plans and specifications to be agreed upon in writing between the said city or borough and the board of commissioners of the county and commissioners or supervisors of the township. The cost of repairs shall be borne one-half by the city or borough and one-half by the township, or by the county and township in equal portions or such other proportion as may be agreed upon by the county and township.

Section 2765. Where Center Line of Road is Boundary Between City or Borough and Township in Adjoining County.--Whenever the center line of any road constitutes a dividing line between a township and a city or borough located in an adjacent county, the board of commissioners of the county and the commissioners or supervisors of such township may enter into a contract with the city or borough providing for the grading, curbing, macadamizing or paving of the roadway of said road. The cost thereof shall be borne one-half by the city or borough and one-half by the township and the county in which such township shall be situated, in equal portions.

Section 2766. Alteration, Improvement and Repairs.--Said alteration or improvement shall be constructed and subsequent repairs shall be made under the supervision of the authorities

of the city or borough, in compliance with laws governing such construction or improvement by such city or borough, and in further compliance with plans and specifications to be agreed upon in writing between such municipality and board of commissioners of the county and the commissioners or supervisors of the township. The cost of repairs shall be borne one-half by the municipality and one-half by the township, or by the county and township in equal portions or such other proportion as may be agreed upon by the county and township.

Section 2767. Improvement on Order of Common Pleas.--(a) In all cases in which it shall be found impossible to enter into such contracts or agreements, or where either the city or borough and the township or the county in which such township is situated shall refuse to enter into such contract or agreement, either the municipality or the county or township may present its petition to the court of common pleas of either county setting forth the facts and circumstances, including the condition of the road from which the necessity and desirability for the grading, curbing, macadamizing or paving of the roadway appears, and the estimated cost thereof, and that the terms of such contract cannot be agreed upon by the municipality and county or township, or either or any of them, or that either such municipality or the county or township or any of them refuses to enter into such contract.

(b) The petition may pray that the court, after hearing all the parties concerned, make its order or decree defining the nature and character of the improvement reasonably necessary or desirable to be made to the roadway, and requiring the parties hereinabove specified to enter into a contract or contracts for the making and constructing of the same as herein provided for. A copy of said petition, duly certified, shall be served upon the municipality or county and township concerned, other than the petitioner, with notice of the day fixed by the court for the hearing. Thereupon, any of the parties served with such notice shall be entitled, on or before such date, to file in the court its answer to said petition setting forth its version of the facts or such other matters in relation thereto as may be deemed necessary or proper by it.

(c) The court, upon the date fixed or at such other time as it may appoint, shall hear the evidence of the parties, or it may refer the matter to a master who shall hear the testimony of the parties and report his findings, in the same manner and under the same procedure as provided by the rules in equity in similar cases, to the court, which may reject, confirm or modify the same, and may make its decree or order directing the making of such alterations or improvements to the roadway as may be deemed reasonably necessary or desirable, and providing for the

sharing of the cost of such improvements, one-half by the municipality and one-half by the county and township, in equal portions.

(d) Said order or decree may further provide that the repairs to such alterations and improvements subsequently required shall be borne one-half by the municipality, whether borough or city, and one-half by the county or township in equal portions, or such other proportions, as between the county and the township, as such court may find to be legal and proper. Thereupon, the grading, curbing, macadamizing or paving of the roadway of such road shall proceed in accordance with the decree or order of the said court in the same manner as if the contract or agreement had been entered into and duly executed.

Section 2768. Guards or Barriers Along Township Roads.--When a township road runs along the edge of a precipice along which it may be necessary to erect guards or barriers for the proper protection of the traveling public, and the erecting of such guards or barriers requires more expense than it is reasonable the township should bear, the court of quarter sessions having jurisdiction shall, on the representation of the supervisors or on the petition of any of the inhabitants of such township, order a view. If, on the report of the viewers, it shall appear to the court and to the commissioners of the county that such guards and barriers are necessary and would be too expensive for such township, the same shall be erected and maintained by the county as county improvements. The county and the township may contract to share the cost thereof jointly. The provisions of this section shall apply to roads already opened as well as those hereafter opened.

Section 2769. Improvements of Roads Connecting With State Highway.--The county may, singly, or jointly with any city or borough, appropriate and expend moneys for the improvement of any road, not more than one mile in length in distance, outside of the limits of such city or borough, for the purpose of connecting improved streets in such cities or boroughs with a State highway.

Section 2770. Purchase of Road Machinery; Renting of Road Machinery to Townships.--The county commissioners of any county may purchase such machinery for the preparation of road material and the construction and maintenance of roads as they deem necessary and pay for the same out of the general funds of the county. Such machinery may be rented by the county commissioners to any of the townships within such county applying for same, under such regulations and at such rentals as the county commissioners shall prescribe and fix. All machinery, purchased under the provisions of this section, shall be operated only by persons employed for that purpose by and under the direct

supervision of the county commissioners.

(e) Detours

Section 2775. Laying Out Detours When County Road is Closed.--(a) Except in the case of emergency wherein the safety of the public would be endangered, no county road shall be closed to vehicular traffic except upon order of the county commissioners, nor for a longer period than is necessary for the purpose for which such order is issued. Except for temporary emergency police measures wherein the safety of the public would be endangered if it were not temporarily closed, no county road shall be closed to vehicular traffic when the same has been designated as a detour by the Department of Highways of the Commonwealth unless the written consent of the Department of Highways has first been obtained, or unless the county commissioners having jurisdiction over said road shall, by resolution, declare such closing necessary for the protection of the public safety.

(b) Whenever any county road shall be closed to vehicular travel, the board of commissioners shall immediately designate or lay out a detour, on which they shall cause to be erected and maintained, while such detour is in use, legible signs at each public road intersection throughout its entire length indicating the direction to the main highway. During the period when such detour is in use, the county commissioners shall maintain such detour in safe and passable condition. They shall also immediately remove all detour signs when the highway originally closed is again opened for traffic.

(c) The county commissioners shall, as soon as possible, repair the road designated as a detour and place it in a condition at least equal to its condition when designated as a detour.

(d) "Highways" as used in this act includes all public thoroughfares and ways equally with the word "road", for convenience of expression.

Section 2776. Detour Over Private Lands.--Whenever necessary in the creation of a detour as aforesaid, the county commissioners responsible for laying out the detour may enter into an agreement with the owners of private lands covering the acquisition of right of way privileges over private property for the period when the main highway shall be closed to traffic. In the exercise of the rights conferred by this section, the county commissioners responsible are hereby empowered to pay for the necessary maintenance, subsequent repair and land rental out of such funds as are available for the construction and maintenance of the roads in their charge.

Section 2777. Fines and Damages.--(a) Any person who shall wilfully remove, deface, destroy or disregard any barricade,

light, danger sign, detour sign or warning of any character whatsoever, erected or placed under authority of section two thousand seven hundred seventy-five of this act, or who shall drive on, over or across any road which had been closed by proper authority, shall, upon conviction thereof in a summary proceeding before a magistrate, alderman or justice of the peace, be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), and the cost of prosecution, and in default of the payment thereof, shall be imprisoned one day for each dollar of fine and costs unpaid: Provided, however, That persons who have no outlet due to the closing of a road may drive on, over or across such road, with the consent in writing of and subject to such conditions as may be prescribed by the county commissioners responsible for the closing, or their agents or contractors, without being subject to the fines imposed by this section.

(b) In addition to the fines herein provided, the county commissioners responsible for the maintenance of a road which has been closed to vehicular traffic, or their agents or contractors, may, in an action at law, recover damages from any person or persons who have damaged a road when it is closed to vehicular traffic.

(c) All fines collected under the provision of this section shall be paid by the officer receiving the same to the treasurer of the boroughs, towns or townships in which the offenses shall have been committed.

(f) Protection of Roads

Section 2781. County Road Caretakers.--The persons appointed by the board of commissioners to inspect and repair roads improved and maintained as county roads shall be designated county road caretakers. The caretakers shall have all the power and authority now vested by law in the constables of the several cities, boroughs and townships of this Commonwealth to keep the peace in and along the county roads of such county, and to enforce all laws regulating the speed of automobiles and other vehicles thereon, and to enforce all rules or regulations governing the use of such roads, and to make arrests therefor.

Section 2782. Caretakers Not Entitled to Fines or Penalties.--No such caretaker shall be entitled to any portion of any fine or penalty imposed upon any person or persons for any violation of any act of Assembly or rule relating thereto, but all such fines and penalties, when the proceeding is initiated by such caretaker, shall belong to and be paid into the county treasury for the benefit of the county.

Section 2783. Badge of Caretaker.--The board of commissioners shall furnish each of said caretakers, as an evidence of his authority, a badge having impressed thereon the

words "Police County Road Caretaker".

Section 2784. Rules for Protection of Road; Penalty for Violation.--(a) For the purpose of preventing unreasonable wear and destruction of public roads improved and maintained by the county, the board of commissioners may adopt and prescribe reasonable rules, regulating and restricting the use of said roads within the county by any means of locomotion and prescribe pecuniary penalties for the enforcement thereof. All such rules adopted by the board of commissioners shall, before becoming operative, be published once a week for three weeks in two newspapers of general circulation in the county to which the rules apply, and be recorded in the office of the recorder of deeds of said county.

(b) Any resident of the county within which the violation of any rule so adopted shall occur may institute and prosecute to judgment and execution an action of assumpsit, in any court having jurisdiction of such actions and the amounts involved, for the recovery of any penalty for the violation of any rule prescribed by the board of commissioners, of which penalty the plaintiff shall be entitled to one-half and the county shall be entitled to the other half, payable to the county treasurer, who shall add the same to the fund for the improvement of said county roads.

(c) Any person violating any rule so adopted shall, upon summary conviction, be sentenced to pay a fine of not less than five dollars (\$5) or more than one hundred dollars (\$100), payable to the county treasurer, who shall add the same to the fund for the improvement of said county roads. From any judgment obtained for said penalty and from said summary conviction an appeal shall lie as provided by law.

Section 2785. Penalty for Destroying, Et Cetera, Index Boards.--(a) It shall be unlawful for any person to wilfully destroy, remove, injure or deface any sign or index board erected upon or near any public street, road or bridge by the authorities of any county, or erected, with the consent of such authorities, by any club, association or other organized body, for the direction, guidance or safety of travelers. Any and all such signs of wood, metal or other substance, affixed to trees or posts in or upon any roads, properly erected in such manner that they do not interfere with travel, or upon fences, telegraph, telephone, trolley or other poles, with the permission of the owners thereof, or upon private grounds, where consent has been obtained from the owners and tenants thereof, and which are close to roads, shall be within the provisions of this section.

(b) Any person violating the provisions of this section

shall, upon summary conviction, be sentenced to pay a fine of not less than ten dollars (\$10) nor more than twenty-five dollars (\$25) with all costs of prosecution, together with the value of such sign so destroyed, removed or defaced. In default of payment of said fine, costs and expenses, such person shall undergo an imprisonment for a period of not less than five nor more than sixty days.

Section 2786. Snow Fences.--(a) Any county which is responsible for the maintenance of any road may enter upon private property adjacent to such road and place thereon snow fences, at any point as may be deemed necessary to within a limit of one hundred feet from the right-of-way line of such road, in order to eliminate snow drifting on the traveled portion thereof.

(b) No snow fence, authorized under this section, shall be placed prior to November first nor shall the same remain in place after April first of the succeeding year, unless the written consent of the owner of the adjacent property is obtained, agreeing to an extension of time for the removal of said snow fence.

(c) If the county responsible for the maintenance of the road shall not be able to enter into an agreement with the owner of adjacent property occupied by such snow fence as to the amount of damages sustained as a result of said fence being placed and removed, the owner may petition the court of the proper county for the appointment of viewers to ascertain the amount of damages incurred in such case. The appointment of viewers and the procedure thereafter shall be governed and be in accordance with this act, as provided for eminent domain proceedings. Such damages, if any, when ascertained, shall be paid by the county responsible for the maintenance of the road, and any funds available to the county for the construction and maintenance of roads under their supervision shall be available for the payment of such damages.

Section 2787. Elimination of Dangerous Curves and Widening of Narrow Roads.--Any county may acquire, by purchase or by the right of eminent domain, such property and lands situate along or adjacent to any county road as, in the opinion of the commissioners of such county, may be necessary to eliminate dangerous curves and widen narrow roads, for the better protection and safety to the traveling public.

Upon any such purchase or condemnation, the county commissioners having had such property and lands condemned may, from time to time, cause to be abated or removed any such dangerous curve or curves or widen such narrow road to the extent of the property and land so acquired.

Proceedings for the condemnation of such property and lands

shall be as provided in Article XXIV of this act.

ARTICLE XXVIII
ACTIONS BY AND AGAINST COUNTIES

Section 2801. Commissioners to Bring and Defend Suits.--
(2801 repealed Apr. 28, 1978, P.L.202, No.53)

Section 2802. Form of Action to Recover Claims; Jurisdiction of Justices of the Peace.--(2802 repealed Apr. 28, 1978, P.L.202, No.53)

Section 2803. Competency of Witnesses and Jurors.--(2803 repealed Apr. 28, 1978, P.L.202, No.53)

Section 2804. Execution Against County.--(2804 repealed Apr. 28, 1978, P.L.202, No.53)

Section 2805. Appeals in Behalf of County by Taxpayers.--
(2805 repealed Apr. 28, 1978, P.L.202, No.53)

Section 2806. Certain Procedure in Equity Not to Apply When County is Libellant, Et Cetera.--(2806 repealed Apr. 28, 1978, P.L.202, No.53)

Section 2807. Submission of Disputes to Arbitration.--(2807 repealed Apr. 28, 1978, P.L.202, No.53)

ARTICLE XXX
SOUTHWESTERN PENNSYLVANIA REGIONAL
RENAISSANCE INITIATIVE

(Art. XXX added June 18, 1997, P.L.179, No.18)

Compiler's Note: As a result of the defeat of the referenda authorized in Article XXX relating to the Southwestern Pennsylvania Regional Renaissance Initiative, many provisions in this Article are of no force and effect. Provisions which remain operative include those authorizing the levy of an additional hotel room rental tax in Allegheny County for the support of the David Lawrence Convention Center.

(a) Preliminary Provisions

Section 3011. Short Title.--This article shall be known and may be cited as the "Southwestern Pennsylvania Regional Renaissance Initiative Act."

(3011 added June 18, 1997, P.L.179, No.18)

Section 3012. Findings and Declaration of Policy.--(a) The General Assembly finds the following:

(1) The health, safety and general welfare of the people of the southwestern region of this Commonwealth are directly dependent upon the continual encouragement, development, growth and expansion of business, industry, commerce and tourism within that region.

(2) Unemployment, the spread of indigence and the heavy

burden of public assistance and unemployment compensation in southwestern Pennsylvania can be avoided by the promotion, attraction, stimulation, development and expansion of business, industry, commerce and tourism in that region.

(3) Supplemental sources of revenue are needed by municipalities in southwestern Pennsylvania to invest in facilities that will promote economic development and tourism and improve the quality of life of their residents.

(4) Supplemental sources of public and private revenue are required to improve and develop the region's existing economy and to develop new civic, convention, sports, cultural, industrial, transportation and other facilities.

(5) Local governments in southwestern Pennsylvania lack adequate resources to maintain, improve and modernize the region's civic, convention, sports, cultural, industrial, transportation and other facilities, the continued availability of which is vital to the economic growth and development of southwestern Pennsylvania, to the ability of the region to compete globally for visitors, residents and investment in quality jobs at living wages and to the health, welfare, education and quality of life of the citizens of the region.

(b) It is hereby declared to be the public policy of the Commonwealth to promote the health, welfare and quality of life of the citizens of southwestern Pennsylvania and to enhance economic development and employment in that region by supporting the construction of regional destination facilities and other regional growth projects for the public purpose of promoting, attracting, stimulating, developing and expanding business, industry, commerce and tourism. That purpose is declared to be a public purpose supporting the enactment of all of the provisions of this article and for which public money may be spent, taxes may be imposed and private property may be acquired by the exercise of the power of eminent domain.

(3012 added June 18, 1997, P.L.179, No.18)

Section 3013. Definitions.--As used in this article,

"Auditorium authority" shall mean the authority created to operate the convention center under the act of July 29, 1953 (P.L.1034, No.270), known as the "Public Auditorium Authorities Law."

"Authority" shall mean the Regional Renaissance Authority established under this article.

"Authority employe" shall mean the chairman and members of the board of the authority, counsel retained by the authority either as an employe or otherwise, the chief administrative officer of the authority and any employe with discretionary powers who may affect the outcome of a decision by the authority in relation to a private corporation or business or any employe

who by virtue of the employe's job function could influence the outcome of such a decision.

"Baseball park" shall mean a baseball park to be constructed in the central city, designed for the purpose of playing major league baseball games.

"Board" shall mean the governing body of the Regional Renaissance Authority.

"Bonds" shall mean notes, bonds, refunding notes and bonds, interim certificates, debentures and other evidences of indebtedness or obligations that the authority is authorized to issue under this article. Bonds may be either tax-exempt bonds, the interest on which is excludable from gross income for Federal income tax purposes, or taxable bonds, the interest on which is includable in gross income for Federal income tax purposes.

"Central city" shall mean a city of the second class located in a county of the second class.

"Central county" shall mean a county of the second class.

"Construction" or "construct" shall include site acquisition, demolition and other preparation for and the design, renovation, improvement, expansion, erection, furnishing, fixturing and equipping of the facility or building involved.

"Contiguous county" shall mean a county, other than a county of the second class, that:

(1) has a boundary that touches, even at a single point, a county of the second class;

(2) is a county of the fourth, fifth or sixth class and shares common boundaries at more than a single point with two counties described in clause (1); or

(3) is a county of the sixth class and is located to the south and west of a county described in clause (2).

"Convention and visitors bureau" shall mean the tourist promotion agency located in the central city that receives funds from the hotel tax imposed by section 1970.2 of the act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code."

"Convention center" shall mean the real property described in section 3081(a), together with the structures, facilities, buildings, fixtures and improvements located thereon, and known as the David L. Lawrence Convention Center.

"County account" shall mean a special account established within the Regional Growth Fund as provided in section 3021(c).

"County growth board" shall mean a new or existing entity designated under section 3022(c)(2)(ii) for the purpose of developing a county growth plan.

"County growth plan" shall mean a plan for the use of moneys in a county account that is developed and submitted to the

authority in accordance with section 3022(c).

"Cultural district" shall mean a geographic area within a city of the second class adjacent to the convention center that is not more than one-half square mile in size and that has located within it at least three theaters for the performing arts.

"Department" shall mean the Department of Revenue of the Commonwealth.

"Design commission" shall mean the Southwestern Pennsylvania Convention Center Design Commission established under this article.

"Football stadium" shall mean a football stadium to be constructed in the central city, designed for the purpose of playing National Football League games.

"Governing body" shall mean the board of county commissioners or the county executive or other person exercising the functions of the county executive in a county without a board of county commissioners.

"Immediate family" shall mean a parent, spouse, child, brother, sister, the spouse of a child, brother or sister or the parent of a spouse.

"Participating county" shall mean a county in which the referendum provided for in section 3054 has been approved by the voters.

"Party officer" shall mean the following members or officers of any political party:

(1) A member of a national committee.

(2) A chairman, vice-chairman, secretary, treasurer or counsel of a State committee or members of the executive committee of a State committee.

(3) A county chairman, vice-chairman, counsel, secretary or treasurer of a county committee.

(4) A city chairman, vice-chairman, counsel, secretary or treasurer of a city committee.

"Public employe" shall mean any individual employed by the Commonwealth or a political subdivision within the Commonwealth.

"Public officer" shall mean any person elected to any public office of Commonwealth government or any political subdivision within the Commonwealth.

"Public official" shall mean any elected or appointed official in the executive, legislative or judicial branch of Commonwealth government or any political subdivision within the Commonwealth. The term does not include members of advisory boards who do not have authority to expend public funds other than reimbursement for personal expenses or to otherwise exercise the power of the Commonwealth or any political subdivision within the Commonwealth. The term also does not

include any appointed official who does not receive compensation other than reimbursement for actual expenses.

"Regional Destination Facilities Fund" shall mean the Regional Destination Facilities Fund established under sections 3071 and 3072.

"Regional destination facility" shall mean any of the following:

- (1) The convention center.
- (2) The baseball park.
- (3) The football stadium.
- (4) Parks, parking facilities and at least two theaters to be constructed in the cultural district.

"Regional Growth Fund" shall mean the Regional Growth Fund established under sections 3021 and 3022.

(3013 added June 18, 1997, P.L.179, No.18)

(b) Regional Growth Fund

Section 3021. Establishment of Regional Growth Fund.--(a) There is hereby established the Regional Growth Fund. The treasurer of the authority shall be custodian of the Regional Growth Fund which shall be subject to the provisions of law applicable to funds listed in section 302 of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code."

(b) Taxes imposed under sections 3051 through 3057 shall be received by the department and paid to the treasurer of the authority and, along with interest and penalties less any collection costs allowed under such sections and any refunds and credits paid, shall be credited in the manner provided in section 3052(f) to the Regional Growth Fund not less frequently than every two weeks. There shall also be credited to the Regional Growth Fund any amounts appropriated to it by the General Assembly and any contributions received from any other source.

(c) A special account shall be established within the Regional Growth Fund for each participating county. All of the taxes, interest and penalties that are collected under section 3052 from a particular county and deposited in the Regional Growth Fund in accordance with section 3052(f) shall be credited to the special account for that county. All of the moneys in a county account must be spent on projects located in whole or in part within that county unless the governing body of that county authorizes by resolution the use of a portion of the moneys in its county account for a regional project located outside of the county.

(d) The authority may also establish other special accounts within the Regional Growth Fund to which shall be credited any amounts appropriated to the Regional Growth Fund by the General Assembly and any contributions received from any other source.

Moneys in such special accounts shall be used for eligible projects in a participating county as determined by the board, subject to any limitations imposed by the source of the moneys.

(e) All moneys in the Regional Growth Fund, including, but not limited to, moneys credited to it under this section, prior year encumbrances and the interest earned thereon, shall not lapse or be transferred to any other fund but shall remain in the Regional Growth Fund and must be used exclusively as provided in this article.

(f) Pending their disbursement, moneys received on behalf of or deposited into the Regional Growth Fund shall be invested or reinvested in the same manner as are moneys in the custody of the State Treasurer. All earnings received from the investment or reinvestment of the moneys shall be credited to the Regional Growth Fund and shall be allocated on a proportional basis to each special account within the Regional Growth Fund.

(3021 added June 18, 1997, P.L.179, No.18)

Section 3022. Use of Regional Growth Fund.--(a) Subject to the limitations in subsections (b) and (c), moneys in the Regional Growth Fund shall be used by the authority to fund the capital costs of new or improved economic development projects of the following types:

(1) Industrial site development, including, but not limited to, site acquisition, preparation and clearance, construction of necessary infrastructure such as water and sewer facilities, and construction of buildings for use by businesses.

(2) Cultural, recreational, historical and entertainment facilities, including, without limitation, African-American cultural facilities, regional destination facilities and projects in heritage areas.

(3) Transportation facilities that will assist in the attraction and retention of jobs in the region, including construction of highways, bridges, transit facilities, airports, ports, rail lines and related facilities.

(4) Revolving loan funds to assist in the establishment, location and expansion of businesses, including, without limitation, small or minority-owned businesses, in the region.

(5) New or improved water or sewer facilities serving residential customers.

(b) Expenditures from the Regional Growth Fund for an eligible project shall be subject to the following limitations:

(1) The funding provided from the Regional Growth Fund for an eligible project shall not exceed fifty per centum of the total cost of the project.

(2) No funds may be expended from the Regional Growth Fund for operating costs of any project or facility.

(3) No more than twenty per centum of the funds in a county

account may be used for the purpose described in subsection (a)(4).

(4) No more than forty per centum of the funds in a county account may be used for the purpose described in subsection (a)(5).

(c) (1) Not later than March 31, 1998, each participating county shall initially notify the board whether it intends to develop and submit a county growth plan and which of the optional methods described in clause (2) will be used. As part of its notification, the county shall also indicate what portion of the moneys in its county account shall be reserved for implementation of the plan. In establishing the long-term budget and capital budget under sections 3035 and 3036, the board shall reserve funds in each county account in accordance with the notification and shall not approve projects using reserved funds unless they are contained in the county growth plan.

(2) If it chooses to develop and submit a county growth plan to the authority, the governing body of a participating county shall select one of the following three methods for developing the plan:

(i) The redevelopment authority of the county created under the act of May 24, 1945 (P.L.991, No.385), known as the "Urban Redevelopment Law," may adopt a county growth plan by resolution and submit it to the authority. The redevelopment authority must hold at least one public hearing regarding the plan or any revision to the plan prior to adopting the plan or revision and submitting it to the authority.

(ii) The governing body may create a county growth board or designate an existing public or nonprofit agency to serve as the county growth board. The county growth board must hold at least one public hearing regarding the plan or any revision to the plan prior to adopting the plan or revision and submitting it to the authority.

(iii) The governing body may directly adopt a county growth plan by resolution and submit it to the authority. The governing body must hold at least one public hearing regarding the plan or any revision to the plan prior to adopting the plan or revision and submitting it to the authority.

(3) The governing body of a participating county that has not previously submitted a county growth plan may elect to submit one at any time by giving the authority notice to that effect. The governing body of a participating county that has submitted a county growth plan may at any time change the method of developing its county growth plan by giving the authority notice to that effect.

(4) All expenditures from the Regional Growth Fund for projects contained in a county growth plan must meet the

criteria and limitations contained in subsections (a) and (b). The total expenditures that the county growth plan requests from the county account shall not exceed the total funds projected to be deposited in that account.

(d) The authority shall automatically approve funding from a county account for any project in the participating county that meets the eligibility criteria of this section and that is contained in a county growth plan, up to the amount of moneys available in the county account.

(3022 added June 18, 1997, P.L.179, No.18)

(c) Regional Renaissance Authority

Section 3031. Authority Established.--(a) A body corporate and politic to be known as the Regional Renaissance Authority is established as a special purpose areawide unit of local government pursuant to section 7 of Article IX of the Constitution of Pennsylvania, exercising powers as a unit of local government under this article and having territorial limits that encompass the geographic areas of the participating counties. The exercise by the authority of the powers conferred by this article is hereby declared to be and shall for all purposes be deemed and held to be the performance of an essential public function.

(b) The authority shall be deemed to be established at the time set forth in section 3054(e).

(c) Once established, the authority shall continue in existence perpetually.

(d) It is declared to be the intent of the General Assembly that the authority and its board members, officers and employes shall enjoy sovereign and official immunity as provided in 1 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed; specific waiver) and shall remain immune from suit except as provided by and subject to the provisions of 42 Pa.C.S. Ch. 85 Subchs. A (relating to general provisions) and B (relating to actions against Commonwealth parties). Notwithstanding the provisions of 42 Pa.C.S. § 8525 (relating to legal assistance), the authority, through its legal counsel, shall defend actions brought against the authority or its board members, officers and employes when acting within the scope of their official duties.

(e) Members of the board shall not be liable personally on the bonds or other obligations of the authority, and the rights of creditors shall be solely against the authority.

(3031 added June 18, 1997, P.L.179, No.18)

Section 3032. Board of Authority.--(a) The powers of the authority shall be exercised by a governing body having full authority to manage the properties and business of the authority and to prescribe, amend and repeal bylaws, rules and regulations governing the manner in which the business of the authority may

be conducted and the powers given to it may be exercised. All bylaws, rules and regulations and amendments thereto shall be filed with the secretary of the authority.

(b) The members of the board of the authority shall be appointed as follows:

(1) The governing body of the central county shall appoint a member to represent that county.

(2) The governing body of each other participating county shall appoint a member to represent that county.

(3) The mayor of the central city shall appoint a member to represent that city.

(4) The President pro tempore of the Senate shall appoint a member.

(5) The Minority Leader of the Senate shall appoint a member.

(6) The Speaker of the House of Representatives shall appoint a member.

(7) The Minority Leader of the House of Representatives shall appoint a member.

(8) The Governor shall appoint three members, not all of whom are members of the same political party and at least one of whom has experience and expertise in convention and tourism promotion programs.

(c) (1) The number of members of the board appointed under each of subsection (b)(4) through (7) shall be increased to two if the number of participating counties is greater than five.

(2) The persons appointing members of the board under subsection (b)(4) through (8) shall consult with each other about those appointments so that:

(i) if there is more than one participating county, not more than a majority of the members of the board appointed under subsection (b)(4) through (8) are residents of any one participating county.

(ii) The board is reflective, to the extent feasible, of the cultural, racial, ethnic and gender demographic proportions of the participating counties.

(d) The governing body of each participating county shall only appoint individuals from lists of three or more names submitted by the members of the General Assembly who represent any portion of that county. In developing such lists, the members of the General Assembly shall solicit nominations from public and private economic development agencies within the county and may solicit nominations from other sources as well. The individuals appointed must have the unanimous approval of all of the members of the governing body in office at the time.

(e) (1) The term of office of a member of the board appointed:

(i) under subsection (b)(1) through (3) shall be four years; and

(ii) under subsection (b)(4) through (8) shall be five years.

(2) The term of office of a member shall begin on the date of appointment. Members may hold office until their successors have been appointed and qualified or until their earlier death or resignation.

(3) A person may not serve more than two consecutive full terms on the board.

(4) A person appointed to the board when a vacancy occurs during the term of office of a member of the board shall serve for the remainder of the term. A vacancy in the office of a member appointed under subsection (b)(4) through (7) shall be filled for the balance of the term by appointment made by the person who at the time is the ranking member in the same chamber of the General Assembly and of the same political party as the person who appointed the vacating member.

(f) The Governor shall select one of the initial members of the board as the interim chair of the authority and shall, within ten days after the effective date of the establishment of the authority, set a date, time and place for the initial organizational meeting of the board. The members shall elect from among themselves a chair, vice-chair, secretary, treasurer and other officers as they may determine. A member may not hold more than one office of the board at any time. Members may serve successive terms as officers of the board.

(g) The board shall meet as frequently as it deems appropriate, but at least once a month during the first year that the authority is in existence and thereafter at least once during each quarter of its fiscal year. In addition, a meeting of the board shall be called by the chair if a request for a meeting is submitted to the chair by at least two members of the board. A majority of the members of the board in office shall constitute a quorum for the purpose of conducting the business of the board and for all other purposes. The acts of a majority of the members of the board taken at a meeting of the board at which a quorum is present shall be the acts of the board, except that, for the purposes of making decisions regarding personnel matters, contracts and capital and operating budgets, the affirmative vote of at least six members of the board shall be required.

(h) There shall be nonvoting advisory members of the board with the right to attend and be heard at every meeting of the board who are appointed as follows:

(1) An advisory member shall be appointed by each of the following:

(i) The convention and visitors bureau.
(ii) The principal tenant of the baseball park.
(iii) The principal tenant of the football stadium.
(iv) The private nonprofit corporation with the largest membership supporting the development of the entire cultural district.

(v) The private nonprofit corporation with the largest membership supporting the development, preservation and expansion of African-American culture and history in southwestern Pennsylvania.

(vi) The labor organization representing the largest number of members of the building trades.

(2) In addition to the six advisory members provided for in clause (1), the authority may also appoint one or more other advisory members.

(3032 added June 18, 1997, P.L.179, No.18)

Section 3033. Purposes and Powers.--(a) (1) The purposes of the authority shall be to accomplish the following:

(i) Supporting and financing the construction of regional destination facilities.

(ii) Assuring the efficient and effective operation and development of regional destination facilities.

(iii) Supporting and financing the construction of other economic development projects.

(2) The enumeration of purposes in clause (1) shall not be construed to limit the powers granted to the authority under this article.

(b) Subject to the limitations in subsection (d), the authority is granted all powers necessary or convenient for the carrying out of its purposes, including the following:

(1) To have continuing succession.

(2) To sue and be sued, implead and be impleaded, complain and defend in all courts.

(3) To adopt, use and alter at will a corporate seal.

(4) To acquire by gift or otherwise, purchase, hold, receive, lease, sublease and use any license, franchise or property, real, personal or mixed, tangible or intangible, or any interest therein, including a regional destination facility or parts thereof.

(5) To sell, transfer or dispose of any property or interest therein for adequate and fair consideration.

(6) To acquire, hold, develop, construct, maintain, manage, operate, repair, own, lease or sublease a regional destination facility or parts thereof and projects funded from the Regional Growth Fund.

(7) To make, enter into and award contracts with any person for the development, financing, construction, maintenance,

operation and repair of regional destination facilities or parts thereof and projects funded from the Regional Growth Fund.

(8) To conduct financial and performance reviews and audits of regional destination facilities and projects funded from the Regional Growth Fund.

(9) To conduct long-term planning necessary for the efficient and effective operation and development of regional destination facilities and projects funded from the Regional Growth Fund.

(10) To make bylaws for the regulation of its affairs and to promulgate rules, regulations and policies in connection with the performance of its functions and duties.

(11) (i) To borrow money for the purpose of paying the costs of any project and to evidence such borrowing in any customary and appropriate fashion.

(ii) To make and issue taxable or tax-exempt negotiable bonds of the authority and secure the payment of the bonds or any part of the bonds by pledge or deed of trust of all or any of its revenues, rentals, receipts and contract rights.

(iii) To make agreements with the purchasers or holders of the bonds or with other obligees of the authority in connection with any bonds, whether issued or to be issued, as the authority shall deem advisable, which agreements shall constitute contracts with the holders or purchasers.

(iv) To obtain credit enhancement or liquidity facilities in connection with any bonds as the authority shall determine to be advantageous.

(v) To provide, in general, for the security for the bonds and for the rights of the holders of the bonds.

(12) To make, enter into and award contracts of every name and nature and to execute all instruments necessary or convenient for the carrying out of its business.

(13) To borrow money and accept grants and to enter into contracts, leases, subleases, licenses or other transactions with any Federal agency, State public body, political subdivision or person.

(14) To mortgage, pledge, hypothecate or otherwise encumber any of its property, real, personal or mixed, tangible or intangible, and its revenues or receipts, including, but not limited to, any tax revenues or interest the authority may have in any lease or sublease of regional destination facilities or parts of regional destination facilities.

(15) To procure insurance containing coverage, including, without limitation, insurance covering the timely payment in full of principal and interest on bonds of the authority, in the amounts and from the insurers the authority may determine to be necessary or desirable for its purposes.

(16) To invest its money.

(17) To cooperate with any Federal agency, State public body or political subdivision.

(18) To invest any funds not required for immediate disbursement in reserve or sinking funds.

(19) To appoint all officers, agents and employes required for the performance of its duties and fix and determine their qualifications, duties and compensation and to retain or employ other agents or consultants.

(20) To enroll its employes in a retirement system, including an existing retirement system of a participating county or any other governmental entity located within a participating county.

(21) To appoint and fix the compensation of chief counsel and assistant counsel, who shall not be required to be employes of the authority, to provide it with legal assistance.

Notwithstanding the provisions of 42 Pa.C.S. § 8525 (relating to legal assistance), the authority through its counsel shall defend actions brought against the authority and its officers and employes when acting within the scope of their official duties.

(22) To do all acts and things necessary or convenient for the promotion of its purposes and the general welfare of the authority and to carry out the powers granted to it by this article or any other acts.

(c) The authority, upon making a finding that it is necessary or convenient to acquire any real or personal property in the central city for its immediate or future use for purposes related to the construction of regional destination facilities or related developments, may acquire property by the exercise of the power of eminent domain pursuant to the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code," and for those purposes shall have the power of eminent domain. The authority may use its eminent domain power to acquire property already devoted to a public use, except that the power may not be used to acquire property owned or used by the Commonwealth. The board shall not exercise the authority's eminent domain power without the approval of the mayor of the central city and the members of the board appointed pursuant to section 3032(b)(1) and (3).

(d) Notwithstanding any purpose of the authority or a general or specific power granted by this article or any other act, whether express or implied, the following limitations and conditions shall apply to the operations of the authority:

(1) The authority shall have no power to pledge the credit or taxing powers of the Commonwealth or any other government agency, except the credit of the authority, nor shall any of the

bonds of the authority be deemed a debt or liability of the Commonwealth or of any other government agency, except as otherwise agreed by the Commonwealth or a government agency.

(2) Neither the Commonwealth nor any government agency except the authority shall be liable for payment of the principal or maturity value of or interest or premium on any of the bonds of the authority, except as otherwise agreed by the Commonwealth or a government agency.

(3) Notwithstanding any provision of this article or any other act to the contrary or of any implication that may be drawn from this article or any other act, the Commonwealth and all other government agencies, except the authority, shall have no legal or moral obligation for the payment of any expenses or obligations of the authority, including, but not limited to, bond principal and interest, the funding or refunding of any reserve and any administrative or operating expenses whatsoever, except as otherwise agreed to by the Commonwealth or another government agency.

(4) Bonds of the authority shall contain a prominent statement of the limitations set forth in this subsection and a further statement to the effect that obligees of the authority shall have no recourse, either legal or moral, to the Commonwealth or to any other government agency for payment of the bonds, except as otherwise agreed to by the Commonwealth or another government agency.

(5) The authority shall not assume the responsibility of employing personnel directly engaged in the operation of regional destination facilities described in clauses (1) and (4) of the definition of "regional destination facility" but may enter into contracts for the operation, maintenance and ongoing improvement of those facilities with public and private organizations that have expertise in operating the type of facility involved.

(6) The authority shall not operate, maintain or, after the completion of initial construction, design or perform subsequent improvements to the baseball park or football stadium but shall contract for the performance of those functions with the principal tenant of each of those facilities.

(3033 added June 18, 1997, P.L.179, No.18)

Section 3034. Fiscal Matters.--(a) The fiscal year of the authority shall commence on July 1 of each year and end on June 30 of the next year, except as otherwise provided by the board.

(b) The board of the authority shall, no later than the start of each fiscal year, prepare a comprehensive annual report of its activities and operations for the previous year, make the report publicly available and conduct public meetings and hearings to receive public comments and recommendations

regarding the activities and operations of the board. The board shall forward a copy of the annual report each year to the Governor and to the General Assembly.

(c) The board shall provide for an annual audit of the authority by an independent certified public accounting firm.

(3034 added June 18, 1997, P.L.179, No.18)

Section 3035. Initial Financial Plan.--(a) Immediately upon the creation of the authority, the board shall commence the negotiation, with such public or private entities as it considers appropriate, of agreements relating to the construction of regional destination facilities. Agreements regarding the construction of the baseball park and the football stadium shall provide that those facilities shall not be owned by the teams that will be their principal tenants but that the authority shall either own or enter into long-term leases with the owner of the land, building and fixtures for each of those facilities regardless of what public or private entities are responsible for the construction of those facilities. Each agreement regarding a regional destination facility shall provide for:

(1) The development of long-term plans for the financing, development and operation of the facility.

(2) Performance and financial goals, objectives and standards for the operation of the facility.

(3) Assurances that adequate measures will be undertaken to maintain and improve the facility.

(4) Assurances that the operating and capital budgeting for the facility will occur in a financially responsible manner.

(b) Prior to the start of the first full fiscal year of the authority, the board shall adopt, in addition to the operating and capital budgets required under sections 3036 and 3037, long-term budgets for the Regional Destination Facilities Fund and the Regional Growth Fund. The long-term budget for the Regional Destination Facilities Fund shall estimate the total revenues required to complete the construction of all of the projects included in the definition of "regional destination facility" and the amount of revenues to be received by the authority during the first seven calendar years of its existence. At least ninety days before commencement of the second and third full fiscal years of the authority, the board shall update and revise the operating and capital budgets as required under the long-term budget.

(3035 added June 18, 1997, P.L.179, No.18)

Section 3036. Capital Budgets.--(a) At least ninety days before commencement of the ensuing fiscal year of the authority, the board shall cause to be prepared and submitted to it recommended capital budgets relating to the Regional Destination

Facilities Fund and the Regional Growth Fund. The capital budgets shall show in detail the capital expenditures to be made or incurred in the next fiscal year which are to be financed from each fund. The capital budgets shall be adopted by the board no later than the date of the adoption of its annual operating budget as required under section 3037.

(b) Except for projects contained in a county growth plan, a majority of the members of the board who are residents of a particular participating county must vote in favor of the inclusion in a capital budget for the Regional Growth Fund of any expenditure relating to a project within that county. Projects contained in a county growth plan shall be approved in accordance with the provisions of sections 3021 and 3022.

(c) The board shall conduct an annual public hearing regarding the proposed annual capital budget for the Regional Growth Fund.

(3036 added June 18, 1997, P.L.179, No.18)

Section 3037. Operating Budget.--(a) At least ninety days before commencement of the ensuing fiscal year of the authority, the board shall cause to be prepared and submitted to it a recommended operating budget. The operating budget shall set forth the estimated receipts and revenues of the authority during the next fiscal year. The operating budget for the next fiscal year shall be adopted by the board at least thirty days before the end of the current fiscal year.

(b) The money necessary to pay the administrative expenses of the authority during each fiscal year may be drawn from the Regional Destination Facilities Fund and the Regional Growth Fund. Any moneys so drawn shall be drawn from the funds in proportion to the amount of time and expense involved in administering each fund. The authority shall not use more than one per centum of the total revenues from the taxes imposed pursuant to sections 3051 through 3057 to pay the administrative expenses of the authority.

(c) The board shall conduct public hearings and meetings regarding its operating budget.

(3037 added June 18, 1997, P.L.179, No.18)

Section 3038. Restrictions Upon Activities of Board Members and Employes.--A member of the board or an employe of the authority shall not, concurrent with the service of the member or employe with the authority, be a party officer, public officer, public official, public employe or a member of the immediate family of a party officer, public officer or public official. This section shall not apply to members of the board appointed pursuant to section 3032(b)(4) through (8).

(b) The provisions of the act of October 4, 1978 (P.L.883, No.170), referred to as the Public Official and Employee Ethics

Law, and the act of July 19, 1957 (P.L.1017, No.451), known as the "State Adverse Interest Act," are hereby made specifically applicable to board members, officers and employes of the authority. For the purposes of application of such acts, employes of the authority shall be regarded as public employes of the Commonwealth, and officers or board members of the authority shall be regarded as public officials of the Commonwealth, whether or not they receive compensation. The authority shall also be subject to the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act," relating to open meetings, and the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, relating to the inspection and copying of public records.

(3038 added June 18, 1997, P.L.179, No.18)

Section 3039. Exemption from Taxation.--The effectuation of the authorized purpose of the authority shall and will be in all respects for the benefit of the people of this Commonwealth, for the increase of their commerce and prosperity and for the improvement of their health and living conditions; and, since as a public instrumentality it will be performing essential governmental functions in effectuating such purposes, the authority shall not be required to pay any taxes or assessments upon any property acquired or used by it for such purposes, and the bonds issued by the authority and the interest and income therefrom shall at all times be free from State and local taxation.

(3039 added June 18, 1997, P.L.179, No.18)

(d) Bonds and Funds of Authority

Section 3041. Bonds.--The authority may authorize issues of bonds, sell bonds, use net proceeds of bond sales, refund bonds, adopt pledges, mortgages, covenants, indentures and trusts, exercise remedies and confer additional remedies upon persons holding bonds in the same manner as provided by sections 7 through 10 of the act of June 27, 1986 (P.L.267, No.70), known as the "Pennsylvania Convention Center Authority Act," as in effect on June 18, 1997.

(3041 added June 18, 1997, P.L.179, No.18)

Section 3042. Governmental Immunity.--It is hereby declared to be the intent of the General Assembly that the authority and its officers, officials and employes shall enjoy governmental immunity except as provided by and subject to the provisions of 42 Pa.C.S. Ch. 85 Subchs. A (relating to general provisions) and C (relating to actions against local parties).

(3042 added June 18, 1997, P.L.179, No.18)

Section 3043. Funds of Authority.--All moneys of the authority from whatever source derived shall be paid to the treasurer of the authority and invested in the same manner as is

provided for in section 13(a) through (d) of the act of June 27, 1986 (P.L.267, No.70), known as the "Pennsylvania Convention Center Authority Act," as in effect on June 18, 1997.

(3043 added June 18, 1997, P.L.179, No.18)

Section 3044. Transfer of Funds.--(a) (1) The central city, the central county or any contiguous county, regardless of whether any such county is a participating county, and any special-purpose areawide unit of local government located or operating in whole or in part in any such county may and are hereby authorized to make grants from current and future revenues to the authority and to assist in defraying the costs of managing, operating, maintaining, financing and servicing the debt of regional destination facilities or parts of regional destination facilities, to enter into long-term agreements providing for payment of the costs and to enter into long-term leases or subleases as lessee or sublessee of all or part of a regional destination facility.

(2) Such a city or county may issue general obligation bonds for the purpose of obtaining funds for the acquisition or improvement of regional destination facilities or parts of regional destination facilities.

(b) The Commonwealth may contribute to the capital costs of constructing regional destination facilities by the issuance of Commonwealth bonds and notes under Article XVI-B of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code." A project undertaken by the authority is hereby deemed to be a redevelopment assistance project under which capital funds of the Commonwealth may be expended under the provisions of the act of May 20, 1949 (P.L.1633, No.493), known as the "Housing and Redevelopment Assistance Law," and, notwithstanding any provisions of the "Housing and Redevelopment Assistance Law," the Department of Community and Economic Development is hereby authorized to make capital grants directly to the authority.

(3044 added June 18, 1997, P.L.179, No.18)

(e) Additional Sales and Use Taxes

Section 3051. Construction of Sections 3051 through 3057.-- The tax imposed under sections 3051 through 3057 shall be in addition to any tax imposed by the Commonwealth under Article II of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971." Except for the differing situs provisions in section 3053, the provisions of Article II of the "Tax Reform Code of 1971" shall apply to the tax.

(3051 added June 18, 1997, P.L.179, No.18)

Section 3052. Imposition of Additional Sales and Use Taxes.--(a) If the electorate in a particular county approves the referendum provided for in section 3054 levying the taxes authorized in this section, there shall be levied, assessed and

collected upon each separate sale at retail of tangible personal property or services, as defined in Article II of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," within the boundaries of the participating county a tax on the purchase price. The tax shall be collected by the vendor from the purchaser and shall be paid over to the Commonwealth for deposit in the Regional Destination Facilities Fund and the Regional Growth Fund as provided in subsection (f).

(b) In each participating county in which the electorate approves the referendum levying the tax authorized in subsection (a), there shall be levied, assessed and collected upon the use within the county of tangible personal property purchased at retail and on services purchased at retail as defined in Article II of the "Tax Reform Code of 1971" a tax on the purchase price. The tax shall be paid over to the Commonwealth by the person who makes the use for deposit in the Regional Destination Facilities Fund and the Regional Growth Fund as provided in subsection (f). The use tax imposed under this subsection shall not be paid over to the Commonwealth by any person who has paid the tax imposed by subsection (a) or who has paid the tax imposed by this subsection to the vendor with respect to the use.

(c) The taxes authorized by subsections (a) and (b) shall be imposed at the rate of one-half per centum and shall be uniform, upon the same class of subjects, within the territorial limits of the participating counties.

(d) The taxes imposed by subsections (a) and (b) shall be collected only on sales or uses occurring during the seven-year period from July 1, 1998, through June 30, 2005.

(e) The taxes imposed under subsections (a) and (b) shall be computed in the manner set forth in section 503(e) of the act of June 5, 1991 (P.L.9, No.6), known as the "Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class."

(f) The taxes imposed under subsections (a) and (b) and any interest and penalties thereon shall be received by the department and paid by the State Treasurer as follows:

(1) Seventy-five per centum of the taxes, interest and penalties collected in the central county shall be paid to the Regional Destination Facilities Fund and twenty-five per centum to the Regional Growth Fund.

(2) Twenty-five per centum of the taxes, interest and penalties collected in each contiguous county that is a participating county shall be paid to the Regional Destination Facilities Fund and seventy-five per centum to the Regional Growth Fund.

(g) The governing body of a county in which the electorate has approved a referendum levying the taxes provided for in

sections 3051 through 3057 shall not be required to adopt an ordinance levying the tax. Instead, upon approval of the referendum as provided in section 3054, those taxes will be deemed to have been levied by the governing board pursuant to the requirements of sections 3051 through 3057.

(3052 added June 18, 1997, P.L.179, No.18)

Section 3053. Situs.--The situs of sales at retail or uses, including leases, of motor vehicles, aircraft, motorcraft and utility services shall be determined in the manner specified by section 504 of the act of June 5, 1991 (P.L.9, No.6), known as the "Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class."

(3053 added June 18, 1997, P.L.179, No.18)

Section 3054. Referenda Levying Additional Taxes.--(a) The county board of elections of the central county and each contiguous county shall cause to be printed on the official ballot and ballot labels at the municipal election in November 1997 a referendum to determine the will of the electorate within the county with respect to levying the additional sales and use taxes provided for in sections 3051 through 3057.

(b) The question as printed on the official ballot and ballot labels in the central county shall be in the following form:

REGIONAL RENAISSANCE INITIATIVE

Do you favor supporting job creation projects in this county by temporarily increasing the sales tax by 0.5% for seven years, with 75% of the revenues used to fund not more than 1/2 the cost of expanding the Lawrence Convention Center, and constructing facilities in the cultural district, a baseball park and a football stadium; and with the remaining 25% of the revenues used for other economic development projects in Allegheny County?

(c) The question as printed on the official ballot and ballot labels in the contiguous counties shall be in the following form:

REGIONAL RENAISSANCE INITIATIVE

Do you favor supporting job creation projects in this county by temporarily increasing the sales tax by 0.5% for seven years, with 75% of the revenues used for economic development, transportation and tourism projects in (name) County; and with 25% of the revenues used to fund not more than 1/2 the cost of expanding the Lawrence Convention Center and constructing facilities in the cultural district, a baseball park and a football stadium in Pittsburgh?

(d) The referenda required under this section shall be

advertised and conducted in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

(e) Except as provided in subsections (f), (g) and (h), upon certification that the referendum provided for in subsection (a) has been approved in any county, the authority shall be established as provided in section 3031.

(f) If the referendum provided for in this section is not approved by the voters in the central county but is approved by the voters in at least one contiguous county:

(1) The Regional Destination Facilities Fund shall not be established and all taxes collected by participating counties under section 3052 shall be deposited in the Regional Growth Fund.

(2) Members of the board shall not be appointed pursuant to section 3032(b)(1) and (3).

(g) If the referendum provided for in this section is approved by the voters in at least one county but is not approved by the voters in a particular contiguous county, the defeat of the referendum in that contiguous county shall not affect the establishment of the authority or the operation of the provisions of this article, except that the additional taxes provided for in section 3052 shall not be collected in the contiguous county and the contiguous county shall not be a participating county.

(h) If the referenda provided for in this section are defeated in the central county and all of the contiguous counties, sections 3021 through 3057, 3071 through 3081 and 3903 shall be of no further force and effect.

(i) If the referendum provided for in this section is approved by the voters in the central county, the increase in the hotel tax in the central county provided for in section 3061 shall be reduced to one and one-half per centum during the period that the taxes imposed by section 3052 are collected in the central county.

(3054 added June 18, 1997, P.L.179, No.18)

Section 3055. Licenses.--A license for the collection of the taxes imposed by sections 3051 through 3057 shall be issued in the same manner as is provided for in section 505 of the act of June 5, 1991 (P.L.9, No.6), known as the "Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class."

(3055 added June 18, 1997, P.L.179, No.18)

Section 3056. Rules and Regulations.--Rules and regulations shall be applicable to the taxes imposed under sections 3051 through 3057 in the same manner as is provided for in section 506(1) and (2) of the act of June 5, 1991 (P.L.9, No.6), known

as the "Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class."

(3056 added June 18, 1997, P.L.179, No.18)

Section 3057. Collection Costs.--(a) The department, to cover its costs of administration, shall be entitled to retain a sum equal to the reasonable and necessary costs of collection and shall inform the authority in writing monthly of the sum retained and the costs of collection reimbursed. To provide a timely forecast and assure consideration of the sum retained, the department shall estimate its costs of collection for the next succeeding fiscal year and provide the estimate, with all supporting detail, to the authority. When the annual operating budget for the department is submitted to the General Assembly, the department shall also submit to the chairman and minority chairman of the Appropriations Committee of the Senate and to the chairman and minority chairman of the Appropriations Committee of the House of Representatives the actual sums retained for costs of collection in the preceding fiscal year, together with all supporting details.

(b) As used in this section, the term "costs of collection" shall not include any charge for overhead or capital costs.

(3057 added June 18, 1997, P.L.179, No.18)

(f) Increase in Hotel Tax

Section 3061. Increase in Rate of Hotel Tax in Central County.--(a) The rate at which the tax imposed by section 1970.2 of the act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code," is collected is hereby increased by two per centum to a rate of seven per centum, subject to adjustment as provided in section 3054(i), for the period provided in subsection (c). Following the end of the period provided in subsection (c), that tax shall be collected at the rate in effect immediately prior to the effective date of this article.

(b) Words used in this section that are not otherwise defined in this act but are defined in section 1970.2 of the "Second Class County Code" shall have the meanings ascribed to them in that section of that act.

(c) The increased tax rate required by this section shall apply to and be collected only on rentals of a room or rooms to accommodate transients that occur during the period from September 1, 1997, through the earliest of:

(1) February 28, 1999, if the auditorium authority has not, in the period between June 18, 1997, and February 28, 1999, issued any bonds that are secured by the increased tax revenues to be collected pursuant to sections 3061 through 3064 and are for the purpose of financing the costs of any of the activities described in subsection (d);

(2) the date on which all bonds issued by the auditorium authority that are secured by the increased tax revenues to be collected pursuant to sections 3061 through 3064 and are for the purpose of financing construction of the convention center have been retired in full; or

(3) August 31, 2027.

(d) The incremental additional revenues received from the tax increase provided for in this section shall be distributed as follows:

(1) One-third of the incremental additional tax revenues collected by hotels located within a municipality other than the central city that at the time receives revenues under section 1970.2(b.1)(2) of the "Second Class County Code" shall be returned to that municipality and otherwise handled in the same fashion as if the incremental additional revenues returned to the municipality under this clause were part of the base revenues disbursed to it under that section.

(2) All other incremental additional revenues shall be deposited by the treasurer of the central county with the treasurer of the auditorium authority, who shall deposit them in a special fund to be used solely for the following purposes:

(i) For project design and property acquisition in connection with construction of the convention center until the cost of those phases has been completely paid or full funding for those phases from whatever source has been committed.

(ii) Following completion of the purpose described in subclause (i), for the costs of constructing the convention center.

(e) No moneys may be disbursed under subsection (d)(2)(i) for project design purposes without the approval of the design commission established under section 3062.

(3061 added June 18, 1997, P.L.179, No.18)

Section 3062. Southwestern Pennsylvania Convention Center Design Commission.--(a) A body corporate and politic to be known as the Southwestern Pennsylvania Convention Center Design Commission is hereby established as a special-purpose government instrumentality exercising the powers conferred by this article. The exercise by the design commission of the powers conferred by this article is hereby declared to be and shall for all purposes be deemed and held to be the performance of an essential public function.

(b) The design commission shall be deemed to be established on June 18, 1997. Once established, the design commission shall continue in existence until the renovations, improvements and expansion of the convention center have been completed.

(c) It is hereby declared to be the intent of the General Assembly that the members, employes and staff of the design

commission shall enjoy sovereign and official immunity as provided in 1 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed; specific waiver) and shall remain immune from suit except as provided by and subject to the provisions of 42 Pa.C.S. Ch. 85 Subchs. A (relating to general provisions) and B (relating to actions against Commonwealth parties).

Notwithstanding the provisions of 42 Pa.C.S. § 8525 (relating to legal assistance), the design commission through its legal counsel shall defend actions brought against the design commission or its board members, officers and employes when acting within the scope of their official duties.

(d) The design commission shall be composed of the following fifteen members:

(1) One member appointed by the mayor of the central city.

(2) One member appointed by the city council of the central city.

(3) Two members appointed by the governing body of the central county.

(4) One member appointed by the Governor.

(5) One member appointed by the regional planning commission established under the act of May 29, 1956 (1955 P.L.1845, No.611), known as the "Regional Planning Law," of which the central county is a member.

(6) Two members appointed by the Governor who have been nominated by the governing board of the largest private trade or industry association formed to represent the owners of hotels located in the central county only.

(7) Two members appointed by the Governor who have been nominated by the governing board of the largest private trade or industry association formed to represent the owners of restaurants located in the central county only.

(8) Four members appointed by the governing board of the convention and visitors bureau.

(9) The chair of the auditorium authority.

(e) The term of office of the members of the design commission shall be coincident with the term of existence of the design commission.

(f) The members appointed pursuant to subsection (d)(8) shall have the following qualifications:

(1) One member shall have experience and expertise in planning and marketing national meetings and conventions.

(2) One member shall have experience and expertise in planning and marketing consumer shows.

(3) One member shall have experience and expertise in marketing convention centers.

(4) One member shall have experience and expertise in providing support services for conventions and shows.

(g) The members of the design commission shall elect from among themselves a chair, secretary and such other officers as they may determine. Each officer shall serve for a term of two years and until a successor is elected and qualified or until an earlier death or resignation. A member may not hold more than one office of the design commission at any time. Members may serve successive terms as officers of the design commission.

(h) The design commission shall meet as frequently as it deems appropriate, but at least once a month during the first year that it is in existence and thereafter at least once during each calendar quarter. In addition, a meeting of the design commission shall be called by the chair if a request for a meeting is submitted to the chair by at least two members of the design commission. A majority of the members of the design commission in office shall constitute a quorum for the purpose of conducting the business of the design commission and for all other purposes. The acts of a majority of the members of the design commission taken at a meeting at which a quorum is present shall be the acts of the design commission.

(i) The design commission is granted all powers necessary or convenient for the carrying out of its purposes under this article.

(j) The members of the design commission shall serve without compensation but shall be entitled to reimbursement of any reasonable expenses incurred while participating in the business of the design commission. Such expense reimbursements, as well as all costs associated with conducting the business of the design commission, shall be paid by the auditorium authority out of the special fund established under section 3061(d).

(3062 added June 18, 1997, P.L.179, No.18)

Section 3063. Restrictions upon Activities of Design Commission Members and Employes.--(a) A member or employe of the design commission shall not, concurrent with the service of the member or employe with the design commission, be a party officer, public officer, public official, public employe or a member of the immediate family of a party officer, public officer or public official.

(b) The provisions of the act of October 4, 1978 (P.L.883, No.170), referred to as the Public Official and Employee Ethics Law, and the act of July 19, 1957 (P.L.1017, No.451), known as the "State Adverse Interest Act," are hereby made specifically applicable to members and employes of the design commission. For the purposes of application of such acts, employes of the design commission shall be regarded as public employes of the Commonwealth, and members of the design commission shall be regarded as public officials of the Commonwealth, whether or not they receive compensation. The design commission shall also be

subject to the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act," and the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

(3063 added June 18, 1997, P.L.179, No.18)

Section 3064. Design of Convention Center.--(a) Contracts for the design and planning of the renovations, improvements and expansion of the convention center that are to be funded in whole or in part under this article shall not be let without the approval of the design commission. The power of the design commission to approve contracts under this subsection shall include all aspects of the contracts, including, without limitation, the identity of the architects, engineers, surveyors and other persons who are parties to the contracts and the terms of the contracts.

(b) No capital project for construction of the convention center may be undertaken unless and until the schematic design and the preliminary design development documents have been approved by the design commission. The design and construction of the convention center may be divided into stages or phases for which schematic design and preliminary design development documents may be approved separately by the design commission and which may be undertaken as if each stage or phase were a separate capital project. Further design approval shall not be required if the construction documents are consistent with the design set forth in the schematic and preliminary design development documents.

(3064 added June 18, 1997, P.L.179, No.18)

(g) Regional Destination Facilities Fund

Section 3071. Establishment of Regional Destination Facilities Fund.--(a) Subject to section 3054(f)(1), there is established the Regional Destination Facilities Fund. The treasurer of the authority shall be custodian of the Regional Destination Facilities Fund, which shall be subject to the provisions of law applicable to funds listed in section 302 of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code."

(b) Taxes imposed under sections 3051 through 3057 shall be received by the department and paid to the treasurer of the authority and, along with interest and penalties less any collection costs allowed under those sections and any refunds and credits paid, shall be credited in the manner provided in section 3052(f) to the Regional Destination Facilities Fund not less frequently than every two weeks. There shall also be credited to the Regional Destination Facilities Fund any amounts appropriated to it by the General Assembly and any contributions received from any other source.

(c) All moneys in the Regional Destination Facilities Fund,

including, but not limited to, moneys credited to it under this section, prior year encumbrances and the interest earned thereon, shall not lapse or be transferred to any other fund, except as provided in section 3072(c), but shall remain in the Regional Destination Facilities Fund and must be used exclusively as provided in this article.

(d) Pending their disbursement, moneys received on behalf of or deposited into the Regional Destination Facilities Fund shall be invested or reinvested in the same manner as are moneys in the custody of the State Treasurer. All earnings received from the investment or reinvestment of the moneys shall be credited to the Regional Destination Facilities Fund.

(3071 added June 18, 1997, P.L.179, No.18)

Section 3072. Use of Regional Destination Facilities Fund.--

(a) Each long-term budget required by section 3035(b) shall be prepared in such a manner that the total expenditure of moneys in the Regional Destination Facilities Fund that have already been made plus the expenditures provided for in that budget are allocated such that the total amount ultimately expected to be deposited in the fund is allocated as follows:

(1) Except for that portion of the Regional Destination Facilities Fund used to defray the operating expenses of the authority as provided in section 3037(b), all of the moneys in the fund shall be used to fund the construction of regional destination facilities and related developments. Not less than eighty-five per centum shall be used for the construction of regional destination facilities themselves, with the remaining fifteen per centum available for the construction of related developments, such as parking facilities for the baseball park and football stadium.

(2) Subject to clauses (3) through (7), the total amount of the fund shall be allocated in the manner most likely, in the judgment of the authority, to permit the completion of the construction of all of the regional destination facilities.

(3) Not less than thirty per centum nor more than forty per centum shall be spent on construction of the convention center, but in no event shall the moneys provided from the fund represent more than fifty per centum of the cost of that project.

(4) Not less than twenty-eight per centum nor more than thirty-two per centum shall be spent on construction of the baseball park, but in no event shall the moneys provided from the fund represent more than fifty per centum of the cost of that project.

(5) Not less than twenty-eight per centum nor more than thirty-two per centum shall be spent on construction of the football stadium, but in no event shall the moneys provided from

the fund represent more than fifty per centum of the cost of that project.

(6) Not less than five per centum nor more than ten per centum shall be spent on construction of the projects described in clause (4) of the definition of "regional destination facility," but in no event shall the moneys provided from the fund represent more than fifty per centum of the individual cost of any of those projects.

(b) The authority shall ensure that a portion of the cost of constructing the baseball park and the football stadium shall be paid for from private funding sources. The cost of retiring the bonds issued by the authority organized under the act of July 29, 1953 (P.L.1034, No.270), known as the "Public Auditorium Authorities Law," and known as the Stadium Authority of The City of Pittsburgh that are outstanding at the time that the stadium now owned by that authority is used neither for professional baseball games nor for professional football games and the cost of demolishing the stadium may be treated as eligible for funding from the Regional Destination Facilities Fund, but none of those costs may be funded under subsection (a)(3) or (6).

(c) Any moneys in the Regional Destination Facilities Fund that cannot be disbursed because any of the limitations in subsection (a) have not been satisfied shall be transferred on July 1, 2005, to the Regional Growth Fund.

(3072 added June 18, 1997, P.L.179, No.18)

(h) Conveyance of David L. Lawrence Convention Center
Section 3081. Conveyance of Convention Center.--(a) The Department of General Services, with the approval of the Governor, is authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to the authority, for a consideration of one dollar (\$1), as soon as practicable after the approval in the central county of the referendum required by section 3054, the tract of land, with the structures, facilities, buildings, fixtures and improvements erected thereon, situate in the City of Pittsburgh, Allegheny County, Pennsylvania, and known as the David L. Lawrence Convention Center. The conveyance shall include any property adjacent to the convention center that is acquired by the Commonwealth prior to the date of the conveyance and any options to acquire such adjacent property held by the Commonwealth on the date of the conveyance.

(b) The conveyance of the convention center shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether

or not appearing of record, for any portion of the land or improvements erected thereon. The authority shall be bound by the terms of any labor contracts relating to the convention center that are in effect at the time of its conveyance to the authority.

(c) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth.

(d) Costs and fees incidental to the conveyance of the convention center shall be borne by the grantee.

(e) The conveyance of the convention center pursuant to this section shall not affect the availability of the revenues from the hotel tax authorized in section 1970.2 of the act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code," to fund the operational and maintenance expenditures of the convention center.

(3081 added June 18, 1997, P.L.179, No.18)

ARTICLE XXXIX

ACTS OF ASSEMBLY REPEALED

(Art. hdg. renumbered June 18, 1997, P.L.179, No.18)

Section 3901. Repeal.--The following acts and parts of acts and all amendments thereof are hereby repealed to the extent hereinafter specified.

Section seventy-eight of the act, approved April fifteen, one thousand eight hundred thirty-four (Pamphlet Laws 537), entitled "An act relating to counties and townships and county and township officers", as to counties of the third to the eighth class.

The act, approved April one, one thousand eight hundred thirty-five (Pamphlet Laws 101), entitled "An act relative to the bonds of County Treasurers in the Auditor General's office", as to counties of the third to the eighth class.

Sections three and ten of the act, approved May twenty-seven, one thousand eight hundred forty-one (Pamphlet Laws 400), entitled "An act relating to the Election of County Treasurers and for other purposes", as to counties of the third to the eighth class.

Sections one, three and seven of the act, approved May three, one thousand eight hundred fifty (Pamphlet Laws 654), entitled "An act providing for the election of district attorneys", as to counties of the third to the eighth class.

Sections seventeen and eighteen of the act, approved March thirty-one, one thousand eight hundred sixty (Pamphlet Laws 382), entitled "An act to Consolidate, Revise and Amend the Penal Laws of this Commonwealth", as to counties of the third to the eighth class.

The act, approved March twelve, one thousand eight hundred

sixty-six (Pamphlet Laws 85), entitled "A further supplement to an act, entitled 'An Act to consolidate, revise and amend the penal laws of this Commonwealth', so far as relates to the duties of district attorneys", as to counties of the third to the eighth class.

The act, approved April seventeen, one thousand eight hundred sixty-nine (Pamphlet Laws 66), entitled "An act relating to the payment of county auditors", as to counties of the third to the eighth class.

Sections one, two, three, four, five, six, seven, eight, nine, ten, fifteen and sixteen of the act, approved March thirty-one, one thousand eight hundred seventy-six (Pamphlet Laws 13), entitled "An act to carry into effect section five, of article fourteen, of the constitution, relative to the salaries of county officers and the payment of fees received by them into the state or county treasury, in counties containing over one hundred and fifty thousand inhabitants", as to counties of the third and fourth class.

The act, approved April twenty-two, one thousand eight hundred seventy-nine (Pamphlet Laws 30), entitled "An act extending the powers and authority of county auditors, authorizing them to settle, audit and adjust the accounts of the directors of the poor of the several counties of the commonwealth", as to counties of the third to the eighth class.

The act, approved June eight, one thousand eight hundred eighty-one (Pamphlet Laws 81), entitled "An act to authorize the courts of common pleas of this commonwealth, on sale of real estate by surety for the sheriff or coroner, on application by petition, to release the lien of recognizance on said real estate", as to counties of the third to the eighth class.

The act, approved June twenty-seven, one thousand eight hundred eighty-three (Pamphlet Laws 163), entitled "An act providing for the satisfaction and discharge of sheriff's recognizance", as to counties of the third to the eighth class.

The act, approved April nineteen, one thousand eight hundred eighty nine (Pamphlet Laws 38), entitled "An act providing for the appointment of librarians for law libraries connected with the courts of this Commonwealth", as to counties of the third to the eighth class.

The act, approved May thirteen, one thousand eight hundred eighty-nine (Pamphlet Laws 200), entitled "An act regulating the payment of traveling expenses of directors of the poor and county commissioners within this Commonwealth", as to counties of the third to the eighth class.

The act, approved June twelve, one thousand eight hundred ninety-three (Pamphlet Laws 457), entitled "An act to provide for the erection, maintenance and regulation of public morgues

in the several counties of this Commonwealth, for the care and disposal of bodies removed thereto, and providing for the payment of certain expenses of the same by the proper county or district or by the estate of the deceased person, and providing for the disposal of the personal effects of unclaimed dead", as to counties of the third to the eighth class.

The act, approved June eighteen, one thousand eight hundred ninety-five (Pamphlet Laws 209), entitled "An act regulating the printing and publication of notices and advertisements authorized by the county commissioners of the counties of this Commonwealth containing a population of five hundred thousand and not exceeding one million, as shown by the last United States census, providing how newspapers shall be designated in which such publications shall be made, and repealing an act, entitled 'An act authorizing the county commissioners of Allegheny county to select four morning newspapers for official county advertising', approved the second day of April, Anno Domini one thousand eight hundred and seventy-three, and also repealing the tenth section of an act, entitled 'A supplement to an act approved the first day of May, Anno Domini one thousand eight hundred and sixty-one, entitled 'An act relating to Allegheny county', approved the eighth day of April, Anno Domini one thousand eight hundred and sixty-two", as to counties of the third class.

The act, approved April fourteen, one thousand eight hundred ninety-seven (Pamphlet Laws 22), entitled "An act making it the duty of the various county officials to furnish, on demand therefor, information from their respective offices to the head of any department of the State government, and providing a compensation therefor", as to counties of the third to the eighth class.

The act, approved July fifteen, one thousand eight hundred ninety-seven (Pamphlet Laws 285), entitled "An act authorizing the commissioners of the counties of the Commonwealth to transfer and cover into the general fund of the several counties, any money now placed to the credit of any city, borough or township, upon any duplicate for taxes where the same has remained uncalled for during a period of ten years: Provided, The right to the same is not in litigation or a matter of dispute", as to counties of the third to the eighth class.

The act, approved April eighteen, one thousand eight hundred ninety-nine (Pamphlet Laws 56), entitled "An act authorizing the county commissioners of the several counties in this Commonwealth to appoint a clerk, fix his compensation, and prescribe the term and duties of the clerk, except in counties where the clerk to the county commissioners is elected by the people", as to counties of the third to the eighth class.

The act, approved May eleven, one thousand nine hundred one (Pamphlet Laws 165), entitled "An act relative to the purchase of a law library in counties of this Commonwealth having a population of less than one hundred and fifty thousand inhabitants, and authorizing one-half of the fines and forfeitures, to which said counties would under existing laws be entitled, to be expended for the purchase and support of said library", as to counties of the third to the eighth class.

The act, approved May twenty-one, one thousand nine hundred one (Pamphlet Laws 271), entitled "An act to provide for the election of recorders of deeds and registers of wills in counties having a population of over one hundred and fifty thousand", as to counties of the third and the fourth class.

The act, approved April eleven, one thousand nine hundred three (Pamphlet Laws 164), entitled "An act to provide for the construction of bridges over or under existing railroads, at the expense of the county, where a public highway or a road, about to be opened, intersects or will intersect an existing railroad or railroads, and the township within which the bridges may be necessary is reasonably unable to bear the expense of the same", as to counties of the third to the eighth class.

The act, approved February fourteen, one thousand nine hundred seven (Pamphlet Laws 3), entitled "An act enlarging the powers of county commissioners to erect county bridges; empowering them to erect and construct new bridges whenever the existing bridge or bridges are not sufficient, for any cause, to accommodate the public travel", absolutely.

Section one of the act, approved April sixteen, one thousand nine hundred seven (Pamphlet Laws 92), entitled as amended "An act defining the duty of coroners, where death is sudden or violent, or is of a suspicious nature and character, and of police, and health authorities in this Commonwealth, in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner, but where it appears the cause of death is not surrounded by suspicious circumstances", as reenacted and amended by the act, approved July twelve, one thousand nine hundred thirty-five (Pamphlet Laws 710), insofar as it is inconsistent with the provisions of this act, in counties of the third to the eighth class.

The act, approved April twenty-two, one thousand nine hundred nine (Pamphlet Laws 104), entitled "An act providing for the support and maintenance of law libraries in the counties of this Commonwealth", as to counties of the third to the eighth class.

The act, approved April twenty-seven, one thousand nine hundred nine (Pamphlet Laws 242), entitled "An act providing for the payment to the treasurer of any County Soldiers' Memorial Association, within the commonwealth of Pennsylvania,

incorporated under the laws of the said Commonwealth, of any moneys unexpended, which were appropriated by the county commissioners of any county in the Commonwealth, under the act of April third, one thousand nine hundred and three, to be used solely and exclusively for the erection or completion of any monument or memorial to the memory of the soldiers and sailors of American wars", as to counties of the third to the eighth class.

The act, approved June eight, one thousand nine hundred eleven (Pamphlet Laws 717), entitled "An act relating to coroners and the holding of post-mortems in the several counties of the Commonwealth", as to counties of the third to the eighth class.

The act, approved March twenty-seven, one thousand nine hundred thirteen (Pamphlet Laws 11), entitled "An act fixing the salary of controllers, in counties having over one hundred thousand inhabitants, where no provision for such salary has heretofore been made", as to counties of the third to the fifth class.

The act, approved May fourteen, one thousand nine hundred thirteen (Pamphlet Laws 204), entitled "An act authorizing the board of county commissioners of the several counties of the State to appropriate money for cooperative agricultural extension work, for the purpose of improving and developing the agricultural resources of the proper counties", as to counties of the third to the eighth class.

The act, approved June twenty-five, one thousand nine hundred thirteen (Pamphlet Laws 559), entitled "An act providing for and regulating appeals, when county auditors have surcharged a county officer, and such surcharge has not been allowed by the court", absolutely.

The act, approved May seventeen, one thousand nine hundred seventeen (Pamphlet Laws 237), entitled "An act regulating the practice and procedure of the sheriff or deputy sheriff, under writs of inquisition, condemnation, inquiry of damages, lunacy or habitual drunkard proceedings, partition proceedings, or by virtue of any other writ or process, issued by the courts of this Commonwealth, wherein the existing laws require the sheriff to be present in person", as to counties of the third to the eighth class.

The act, approved May twenty-four, one thousand nine hundred seventeen (Pamphlet Laws 297), entitled "An act authorizing the establishment of contagious disease hospitals in the several counties of the Commonwealth, to be constructed and maintained out of county funds", as to counties of the third to the eighth class.

The act, approved July eighteen, one thousand nine hundred

seventeen (Pamphlet Laws 1042), entitled "An act authorizing county controllers, in counties having a population of more than one hundred thousand and less than one hundred and fifty thousand inhabitants, to appoint a solicitor; prescribing the duties of said solicitor, and fixing his salary", absolutely.

The act, approved May eight, one thousand nine hundred nineteen (Pamphlet Laws 163), entitled "An act authorizing county commissioners to appoint county engineers, and to fix their compensation, and prescribing the duties of such engineers", as to counties of the third to the eighth class.

The act, approved April thirteen, one thousand nine hundred twenty-one (Pamphlet Laws 132), entitled "An act authorizing county commissioners to appropriate moneys for the maintenance of duly incorporated organizations for the prevention of cruelty to animals", as to counties of the third to the eighth class.

The act, approved May twenty, one thousand nine hundred twenty-one (Pamphlet Laws 1006), entitled "An act relating to certain county officers in counties of the fifth class; providing for their salaries, and the compensation of deputies and clerks in the respective county offices; establishing a salary board, and defining its powers and duties; placing certain duties on the county commissioners, county controllers, and county auditors; requiring the payment into the respective county treasury of the fees of such county officers; and providing penalties for violation of this act", absolutely.

The act, approved April twelve, one thousand nine hundred twenty-three (Pamphlet Laws 62), entitled "An act relating to treasurers in counties of the fifth class; providing for their salaries, bonds, offices and supplies, and the compensation of deputies and clerks", absolutely.

The act, approved April twenty-seven, one thousand nine hundred twenty-three (Pamphlet Laws 112), entitled "An act fixing the compensation of jury commissioners in counties of the seventh class", absolutely.

The act, approved May nineteen, one thousand nine hundred twenty-three (Pamphlet Laws 275), entitled "An act fixing the salary of sheriffs in counties of the eighth class; providing for the payment for the care and maintenance of prisoners, where the sheriff is the keeper or warden of the jail; requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county; and prescribing penalties", absolutely.

The act, approved May nineteen, one thousand nine hundred twenty-three (Pamphlet Laws 283), entitled "An act providing a means whereby the individual justice of the peace may better inform himself as to the law, changes in the law, and decisions of the courts on the law, of this Commonwealth", as to counties

of the third to the eighth class.

The act, approved June twenty-eight, one thousand nine hundred twenty-three (Pamphlet Laws 875), entitled "An act relating to county bridges, authorizing counties to issue and sell bonds for the erection thereof, and for the acquisition of toll bridges, and providing for the division of the cost of construction and erection or acquisition of joint county bridges or toll bridges and the collection of tolls thereon", as to counties of the third to the eighth class.

The act, approved June twenty-nine, one thousand nine hundred twenty-three (Pamphlet Laws 944), entitled "An act relating to salaries, compensation, bonds, offices, and supplies of certain county officers, their deputies and clerks, in counties of the sixth class", absolutely.

The act, approved June twenty-nine, one thousand nine hundred twenty-three (Pamphlet Laws 973), entitled "An act providing for the payment by counties of expenses incurred by the district attorney, and making such expenses a part of the costs of the case where the defendant is convicted", as to counties of the third to the eighth class.

The act, approved July eleven, one thousand nine hundred twenty-three (Pamphlet Laws 1054), entitled "An act relating to certain county officers in counties of the fifth class; providing for their salaries, and the compensation of deputies and clerks in the respective county offices; establishing a salary board, and defining its powers and duties; placing certain duties on the county commissioners, county controllers, and county auditors; requiring the payment into the respective county treasury of the fees of such county officers; and providing penalties for violation of this act", absolutely.

The act, approved April nine, one thousand nine hundred twenty-five (Pamphlet Laws 222), entitled "An act providing for the payment by counties and poor districts of the salaries of officers where pending the settlement of a dispute the salary paid to such officer was less than the amount to which he was legally entitled", absolutely.

The act, approved May eleven, one thousand nine hundred twenty-five (Pamphlet Laws 559), entitled "An act fixing the salary of sheriffs in counties of the sixth class; providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail; requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county; providing for the appointment and compensation of deputies and clerks; and prescribing penalties", absolutely.

The act, approved May twelve, one thousand nine hundred twenty-five (Pamphlet Laws 596), entitled "An act providing for

the alteration of the boundaries of counties in certain cases for the adjustment of the indebtedness thereof; providing the effect thereof", as to counties of the third to the eighth class.

The act, approved May thirteen, one thousand nine hundred twenty-five (Pamphlet Laws 676), entitled, as amended, "An act providing for the burial of certain persons who are, have been, or shall be soldiers, sailors, marines or members of the enlisted nurse corps designated as 'deceased service men' defining the term 'deceased service men' authorizing county commissioners to provide markers and burial plots for such deceased service men at the expense of such county in which they shall die or have a legal residence at the time of their death and providing for the burial of widows of soldiers, sailors or marines", as to counties of the third to the eighth class.

The act, approved May thirteen, one thousand nine hundred twenty-seven (Pamphlet Laws 1020), entitled "An act authorizing and empowering the cities of the third class to acquire by lease, purchase or condemnation proceedings any land within or without the limits of said cities, but within the limits of the counties in which such cities are located, for the purpose of establishing and maintaining municipal airdromes or aviation landing fields; providing for the procedure in cases of condemnation and the extent of title acquired; authorizing the lease by the cities of portions thereof to individuals or corporations upon such terms as may be fixed, and the lease thereof to the Government of the United States upon nominal rental; and empowering said cities to operate and maintain said fields jointly with any county within said city is situate where the county is empowered to operate and maintain an airdrome or aviation landing field", as to counties of the third to eighth class.

The act, approved March twenty-one, one thousand nine hundred twenty-nine (Pamphlet Laws 38), entitled "An act authorizing and regulating the establishment and operation, by counties, of hospitals for the treatment of women afflicted with nervous diseases; providing for the acquisition of property for such hospitals by the power of eminent domain, the incurring of indebtedness, and the levying of taxes", authorizing counties to pay for patients cared for in hospitals of other counties; and authorizing counties to receive gifts or trust funds for the erection and maintenance of such hospitals", as to counties of the third to the eighth class.

The act, approved May two, one thousand nine hundred twenty-nine (Pamphlet Laws 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws

relating thereto", as to counties of the third to the eighth class.

The act, approved May fifteen, one thousand nine hundred twenty-nine (Pamphlet Laws 1767), entitled "An act validating the action of the salary board of any county of this Commonwealth in providing additional assistants to the district attorneys in the respective counties, when such appointments became necessary, or on account of sickness of assistant district attorneys, or on account of increased business or unusual conditions or circumstances, provided the salary for such appointees did not exceed the minimum salary provided for assistant district attorneys in the respective counties", as to counties of the third to the eighth class.

The act, approved May sixteen, one thousand nine hundred twenty-nine (Pamphlet Laws 1794), entitled "An act permitting the district attorney or any assistant district attorney to be present during the presentation of all matters to the grand juries in their sessions in the several third class counties of this Commonwealth, lay before them matters upon which they are to pass, and to aid them in their examination of witnesses", absolutely.

The act, approved June twenty-three, one thousand nine hundred thirty-one (Pamphlet Laws 929), entitled "An act fixing the qualifications of deputy sheriffs in this Commonwealth", as to counties of the third to the eighth class.

The act, approved March seventeen, one thousand nine hundred thirty-three (Pamphlet Laws 14), entitled "An act fixing the salary of sheriffs in counties of the seventh class; providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail; providing for deputies and their compensation; requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county; and prescribing penalties", absolutely.

Section two of the act, approved May twenty-three, one thousand nine hundred thirty-three (Pamphlet Laws 948), entitled "An act to amend section one hundred thirty-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight), entitled 'An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto', changing the procedure to create the office of county controller, including procedures where decrees have heretofore been entered", as to counties of the third to the eighth class.

The act, approved July ten, one thousand nine hundred thirty-five (Pamphlet Laws 641), entitled "An act providing for the

eradication of mosquitoes; authorizing the establishment of county mosquito extermination commission, after popular referendum, and the appointment of their members by the county commissioners; prescribing the powers and duties of such commissions", as to counties of the third to the eighth class.

The act, approved June four, one thousand nine hundred thirty-seven (Pamphlet Laws 1595), entitled "An act relating to peace officers; providing for the qualifications and appointments of deputy sheriffs; regulating the manner of their selection and compensation; regulating the source of compensation for other peace officers; declaring void certain contracts inconsistent with the provisions hereof; providing penalties; and repealing inconsistent acts", as to counties of the third to the eighth class.

The act, approved July one, one thousand nine hundred thirty-seven (Pamphlet Laws 2612), entitled "An act authorizing county commissioners of any county to hold in trust for the inhabitants and citizens of the county, any real estate and property appropriate for agriculture fairs or exhibits; and to lease the same, without expense or liability to the county, to any incorporated agriculture association to operate and conduct an annual fair within the county", as to counties of the third to the eighth class.

The act, approved June fifteen, one thousand nine hundred thirty-nine (Pamphlet Laws 359), entitled "An act relating to recognizances and official bonds of present and future sheriffs and coroners and to their sureties thereon; imposing the expense of corporate suretyships on such obligations upon the several counties and various duties upon the courts of common pleas and county officers thereof; authorizing the substitution of approved surety companies for individual or corporate sureties upon such obligations and the release of any surety upon any such recognizance by such court upon certain conditions; dispensing with sureties on such recognizances but providing for the acknowledgment, recording and indexing of same as liens on certain real estate; regulating such liens and releases therefrom; providing for refunds to sheriffs and coroners of certain premiums paid to sureties on their official bonds and recognizances; and repealing inconsistent laws, except as to existing claims or pending suits thereunder, subject to certain limitations", as to counties of the third to the eighth class.

The act, approved June twenty-one, one thousand nine hundred thirty-nine (Pamphlet Laws 649), entitled "An act authorizing counties to convey or lease property, needed or convenient as a site for a county courthouse, to the General State Authority; to acquire additional property for such purposes; and to contract with and lease property from said Authority", as to counties of

the third to the eighth class.

The act, approved May sixteen, one thousand nine hundred fifty-one (Pamphlet Laws 300), entitled "An act authorizing counties of the second and fourth classes to establish fire training schools for the paid and volunteer firemen of municipalities within the county", as to counties of the fourth class.

(3901 renumbered June 18, 1997, P.L.179, No.18)

Section 3902. General Repeal.--All other acts and parts of acts general, local and special are repealed in so far as they are inconsistent herewith. (3902 renumbered June 18, 1997, P.L.179, No.18)

Section 3903. Repeals Related to Article XXX.--(a) Article XXXI-B of the act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code," is repealed insofar as it would restrict or interfere with the making of grants to the Regional Renaissance Authority as authorized by section 3044(a)(4).

(b) The definition of "redevelopment assistance capital project" in sections 1602-B and 1616.1-B(b) of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code," are repealed insofar as they would restrict or interfere with the provision of funding by the Commonwealth for the construction of regional destination facilities, as defined in section 3013, as redevelopment assistance capital projects.

(c) The following acts and parts of acts are repealed insofar as they are inconsistent with Article XXX:

Section 8(6) of the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act."

The third sentence of section 1003(g) and the second sentence of section 1110(b) of the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

(d) All other acts and parts of acts are repealed insofar as they are inconsistent with Article XXX.

(3903 added June 18, 1997, P.L.179, No.18)